

**National Council on Federal Labor-Management Relations
37th Public Meeting
September 16, 2015**

The National Council on Federal Labor-Management Relations held its 37th meeting at the U.S. Office of Personnel Management, 1900 E Street, N.W., Washington, D.C., on September 16, 2015. Co-chairing the meeting were Office of Personnel Management (OPM) Acting Director Ms. Beth F. Cobert, and Mr. David Mader, Acting Deputy Director for Management, Office of Management and Budget (OMB). The following Council members also attended the meeting:

Council Member	Title
Mr. William R. Dougan	National President, National Federation of Federal Employees (NFFE)
Mr. Michael Filler	Director of Public Services, International Brotherhood of Teamsters (IBT)
Mr. Gregory Junemann	President, International Federation of Professional and Technical Engineers (IFPTE)
Ms. Patricia Niehaus	National President, Federal Managers Association (FMA)
Ms. Carol Waller Pope	Chairman, Federal Labor Relations Authority (FLRA)

The following individuals sat in for absent Council Members:

- Ms. Candace C. Archer, Ph.D., Labor Management Relations Specialist, American Federation of Government Employees (AFGE), for Mr. J. David Cox, National President, AFGE;
- Ms. Stephanie Barna, Principal Deputy Assistant Secretary of Defense for Readiness and Force Management, for Mr. Robert O. Work, Deputy Secretary of Defense;
- Mr. Jason Briefel, Senior Executives Association (SEA) Legislative Director, for Ms. Carol Bonosaro, President, SEA;
- Mr. Russell C. Deyo, Under Secretary for Management at the U.S. Department of Homeland Security, for Mr. Alejandro Nicholas Mayorkas, Deputy Secretary of Homeland Security;
- Mr. Steve Keller, Senior Counsel, National Treasury Employees Union (NTEU), for National President, NTEU;
- Mr. William P. Milton, Jr., Director, Office of Human Resources Management, Departmental Management and Chief Human Capital Officer, for Ms. Krysta L. Harden, Deputy Secretary of Agriculture;
- Ms. Kimberly D. Moseley, Deputy Assistant Secretary for Labor-Management Relations, for Mr. Sloan D. Gibson, Deputy Secretary, Department of Veterans Affairs;

- Ms. Sarah Suszczyk, Federal Director, National Association of Government Employees (NAGE), for Mr. David Holway, National President, NAGE; and
- Mr. Richard Tarr, Associate General Counsel, Federal Education Association (FEA), for Mr. H.T. Nguyen, FEA Executive Director.

The Designated Federal Officer, Mr. Tim Curry, OPM Deputy Associate Director, Partnership and Labor Relations, was present, as were 33 members of the public and one media representative.

Agenda Item I: Welcome

At 10:02 a.m., Mr. Curry opened the meeting. Mr. Curry began the meeting by thanking participants for their attendance, and welcoming them to the fourth National Council meeting for 2015.

Mr. Curry noted that he had an administrative announcement to make prior to opening the meeting agenda, noting that the National Council operated as an advisory committee under the Federal Advisory Committee Act, or FACA. He noted that to facilitate comment on the meeting by persons who were not members of the Council, or who were members of the public, time had been set aside on the agenda for comments. He requested that comments be made at the appropriate time on the agenda when he would ask if any members of the public wished to make statements to the Council.

Mr. Curry also noted that before moving to the agenda, there was some Council business to address concerning the minutes of the previous meeting of July 2015, which had been shared in advance with members of the National Council by e-mail. He noted that all edits or corrections had been adopted by OPM, and made a recommendation that the National Council approve the minutes of the prior meeting. It was then moved and seconded by members of the National Council, without objection, that the minutes of the July 2015 meeting be approved, and Mr. Curry noted that for the record.

Mr. Curry then turned to Ms. Cobert for a few remarks, before the Council addressed the first agenda topic.

Ms. Cobert welcomed everyone to the meeting and thanked them for their attendance. She noted that before starting on the business of the day, it was important to take a few moments to honor the sacrifices of our fellow citizens who had been killed or injured at the Navy Yard by violence, two years prior to the meeting. She noted that 12 had been killed, and 8 injured and that her thoughts and the thoughts of those present at the meeting were with the loved ones and colleagues of these public servants. Ms. Cobert recalled that she had taken the train to D.C. on the date the violence occurred, and that she had come out of Union Station and saw a scene that made no sense. It took her a while to realize what was going on. She noted that the events of September 16, 2013 served as a reminder to us that we live in a very dangerous world, and that

we must be vigilant as we go about our daily business. Ms. Cobert noted that the anniversary had special significance to OPM by reinforcing the incredible dedication of Federal investigative services team employees. She then referenced the President's 120 day review of suitability and security clearance procedures that was initiated following the Navy Yard incident, and that it had been one of her first assignments at OMB as Deputy Director for Management. She noted that what we can do better next time should always be in our thoughts.

Ms. Cobert then said that she wanted to highlight where OPM was with regard to the cyber incident involving background investigations and to keep continuing the conversations that OPM has been having with meeting attendees. She noted that a contract had been awarded to ID Experts, a national firm, with a track record of customer satisfaction in identity protection and credit monitoring. The contract provided for a comprehensive suite of credit monitoring and identity theft protection for the individuals impacted by the major cyber intrusion. She noted that with the contract in place, all affected individuals were automatically covered by identity theft and identity restoration services. She reinforced that individuals did not need to take action, and that they were automatically enrolled in identity theft and identity restoration services. She noted that affected individuals would get personal notice about how to sign up for additional credit monitoring services beyond those automatically provided. The individual notices would be going out with the cooperation of the Department of Defense and the General Services Administration (GSA), and that they would begin at the end of September, and continue on a rolling basis. She observed that it would take some time for those notices to reach everyone. She hoped that people would take advantage of the additional services. She stated that this effort was a priority of OPM and that OPM remained committed to the safety and security of the information of federal employees and contractors. Ms. Cobert noted that in partnership with experts across the government from DHS and DOD and OMB, as examples, OPM had taken a number of significant steps to both secure its IT systems and to guard against future intrusions. She noted that she had a request for everyone on the Council, labor and management, which was related to the point in time in late September when OPM gets closer to the notification process. Member assistance in communicating with their constituents was going to be really important. She promised to get back to members about how the specifics of notification would roll out, what to tell members to expect, and how to set their members expectations about things like timing. In addition, she noted DHS efforts, in connection with National Cyber Security Awareness month, about how employees could protect their identities. Ms. Cobert reinforced to those present that it was going to take some time for notification letters to reach everyone. She noted that people would not be able to enroll in additional credit monitoring services until they received a letter and a pin. She urged patience. Ms. Cobert referred to OPM's Cyber Security website with respects to resources and actions that people could take as of the meeting – common sense actions that everyone could take to protect their identities. Observing that there were large numbers of people involved in the background investigations breach, OPM wanted to make sure that the notifications process was done well, especially in light of national security implications. Also, Ms. Cobert promised to get the group back together with regard to what to expect as OPM got closer to the notifications being sent out. Also, she noted OPM wanted input with respect to how the website was structured so that it talked to people in a way that they understood, and that OPM wanted to continue its dialogue with attendees. She noted that in the coming months the Administration was going to work with Federal employee representatives and other stakeholders to develop a proposal for identity theft and credit monitoring services that

should be provided to all Federal employees in the future, regardless of whether they had been affected by the two recent incident, to help insure that their personal information is always protected. OPM will be reaching out to attendees so that they could have a chance to provide OPM input. Ms. Cobert acknowledged letters from members and she noted that OPM appreciated the input and wanted to keep the dialogue going. She then opened it up for questions on the cyber security topic before proceeding with the agenda. She encouraged input from those present at the meeting.

Mr. Junemann asked when National Cyber Security Awareness month was. Ms. Cobert turned to the DHS representative, Mr. Deyo, for an answer, and he noted it was October.

Mr. Junemann then said that he appreciated Mr. Curry's information and FAQs and the information on the Director's blog, noting that he sent that information along to his local unions. He noted that the communication was better if it was an outreach, and that OPM should keep information coming.

Ms. Cobert noted that one of the things that OPM had done was to provide members the opportunity to register, and to receive updates by e-mail, and as notification of affected individuals got closer, OPM would use that channel of communication.

Ms. Cobert asked the OMB representative, Mr. Mader, if he had any comments. He noted that he wanted to underscore what Ms. Cobert had said with regard to cooperation across the various organizations present. He noted that the cross government cooperation displayed, whether by DOD or DHS or OPM or OMB, was remarkable and that nobody was holding back. He then thanked everyone present for working together for the benefit of employees.

Ms. Cobert then turned the meeting over to Tim Curry who noted that the Council was going to hear three presentations today from the Problem Resolution Subcommittee on topics involving pre-decisional involvement (PDI) incentives, contract language, and space management PDI. Tim Curry noted that the procedure would be for the first group to present, and then to take questions from the Council.

Agenda Item II: Report of the Problem Resolution Subcommittee

Mr. Curry noted that the first presenter, on PDI incentives, was Mr. Phil Roberts of the Federal Labor Relations Authority (FLRA).

Mr. Roberts then began his presentation noting that it was a brief update on the work of his PDI Incentives subgroup of the Problem Resolution Subcommittee. He reminded the Council that there was already a lot of information on the National Council website¹ describing pre-decisional involvement (PDI) and how to use PDI. What this particular workgroup was about was incentives to get people to use PDI. He noted the four specific projects the subgroup had been working on. The first project is the Lessons Learned Narratives which is based upon the many success stories that the National Council has heard about labor-management cooperation and PDI. The subgroup wants to tap into that experience by going to the parties to find out how they

¹ www.lmrcouncil.gov

succeeded with regard to PDI, in particular. They intend to put together the information which is gathered and to post it on the National Council website as a series of Lessons Learned that can be used by other parties. The subgroup has put together a series of questions to pose to those parties who have presented success stories to the National Council. To make it easy for parties to answer questions, with the assistance of Mr. Michael Wolf of the FLRA, a form is available online on Survey Monkey. Mr. Roberts noted that a slide showed a screen shot of the form. Once the answers are in, then the subgroup hoped to compile and edit them and to put them into usable format. Because the limited number of success story presentations, approximately 22, it will also allow the subgroup to follow up and to get additional details from the parties about some of the information. So, Mr. Roberts noted that unless there was any feedback or objection from the Council, the subgroup would like to go forward with sending out the link so that they could begin gathering information.

Mr. Roberts then turned to the subgroup's second project which is on measuring and reporting PDI outcomes. He noted that people will be more likely to use PDI, if they see the benefits of PDI. He pointed out, however, that sometimes it is difficult to track and to see the measurement of the outcome. He noted that the group contacted the Performance Improvement Council for ideas and input. The subgroup had a very good meeting with these folks. The representatives of the Performance Improvement Council recommended that the subgroup contact the White House Social and Behavioral Science team, which they did, but it does not appear they will be a good fit with the subgroup since that team deals with very large data sets, 40-50 thousand. The subgroup simply does not have data sets that large. The subgroup has shifted focus to various agencies and unions and gathering examples of PDI measurement tools. From those in use, the subgroup is hoping to come up with some samples or ideas that the subgroup can post on the website for other organizations to use them.

Mr. Roberts turned his attention to the subgroup's third project which is on awards and recognition. The subgroup has been gathering information about how persons involved in PDI are recognized for their work. The work is on hold right now for resource issues because there are insufficient people to work on the project, and, in particular, the subgroup needs more union representation. The subgroup would welcome greater union participation. Some examples of the work of the subgroup have been posted on the OMB MAX website.

Mr. Roberts turned to the fourth project of the subgroup which is on barriers and accountability. This group is trying to identify the exact barriers to PDI. The subgroup has brainstormed barriers and ways of making parties accountable in the PDI process. They have developed a list, and they are going to refine it at their next meeting. Ultimately, this is a tool that will be posted on the National Council website. Mr. Roberts and Mr. Curry then asked if there were any questions or comments.

Ms. Cobert commented that there was a lot of good work going on how to take lessons learned and institutionalize it. She noted that the success stories are really, really powerful. She had one question of Mr. Roberts which was centered on how the subgroup thinks of priorities, and was there a project that the National Council could push over the line, even if it meant resource tradeoffs.

Mr. Roberts responded that the “Lessons Learned” project was close to fruition, and that they hoped to have specific Lessons Learned to post on the National Council website by its next meeting. He also noted that project number four was also far underway. They were hoping to have something, if not a full deliverable, by the November meeting.

Ms. Cobert stated that by bringing some of the projects to completion that it creates momentum. She likened it to taking things off your checklist. Finally, with respect to resources, she asked if there was anything specific that the National Council could do.

Mr. Roberts responded that there were two things. They could use additional union volunteers especially on the awards and recognition project, and he appealed to any agencies to come forward with any tools that they currently use to measure progress with PDI.

Mr. William Dougan commented that the two projects close to completion are probably the two that need to happen first – i.e. PDI Lessons Learned and PDI barriers, and that the other two projects could wait.

Ms. Cobert turned the meeting back over to Mr. Curry who introduced the next presentation from the Contract Language Working group which was working to find contract language commonly found in collective bargaining agreements. The working group was trying to identify common contract language and make it available to agencies and unions in contract negotiations. The presentation was led by Ms. Candace Archer, AFGE, and Mr. John Claya, OPM.

Ms. Archer began with a brief overview of where the work of the subgroup was. She noted to the Council that there was a handout which addressed some of the work of the subgroup. She mentioned two goals of the group. The first was to research and to find contract language that could serve as a general template for agencies and labor unions in order to reduce time and resources spent by parties in the negotiation process. The long term goal was to look at a general template for ground rules language. Again, the idea is to reduce time and resources spent by the parties to get things into place. She noted that the subgroup has been having some robust discussions on its goals, but plans to have more of those in the meetings that are ahead. She noted that at the July meeting of the National Council the subgroup had presented samples of three contract articles, and that it was presenting three additional samples to the National Council. The subgroup is trying to identify contract articles from labor agreements where the contract language is very, very similar. She mentioned that there are certain contract articles where it will be difficult to find similarities in. She noted that the subgroup started with eleven contract articles. She referred to both the slide and the handout which identified the articles reported on to the National Council, and the five that remained. The group is researching available labor contracts to see if the group can identify language that is quite similar. She referred the National Council to the three articles being reported on: rights of management, rights of employees, and equal employment opportunity (EEO). She noted that as a result of discussions within the subgroup, a disclaimer had been developed and she pointed it out on the slide and on the handout. The disclaimer is to the effect that the language being presented is in the nature of a sample or template, and that it is not intended to be binding on parties, and that they are free not to use the language, to add to it, or to subtract from it. The language represents places the parties can begin when they start negotiating on the subject matter. The subgroup was

not suggesting that the articles are “best” language, or that it is particularly good for either labor or management. The language represents compromise language that many contracts have ended up with as a result of negotiations.

Ms. Archer turned to Mr. Claya to ask if she had missed anything of importance, and he responded that she hadn't. He did thank all of the participants, and welcomed new members from IFPTE and the Department of Veterans Affairs.

Ms. Archer then asked if there were any questions or discussions.

Mr. Michael Filler of the Teamsters noted that he had a comment and a question for Ms. Carol Waller Pope, who was seated to his right. His question was how the FLRA, the Federal Mediation and Conciliation Service (FMCS), and the Federal Service Impasses Panel (FSIP) might view any of the templates because he would not want to see this information used in a way that would force either party to agree to something or as the basis for a ruling on them even if it is in mediation or arbitration. He asked if Carol Waller Pope had the ability to comment publicly on the issue which he had raised.

Ms. Pope said that it was important to hear from the workgroup what was intended, and how its work would be used.

Mr. Claya responded that the articles were samples or templates and he referred to his experience in teaching labor relations representatives from agencies and the fact that he was often asked by trainees for sample contract language. He explained that the language was a starting point for parties, but that it would save a lot of time and effort in negotiations.

Ms. Archer also referred to the EEO language and that in many contracts it may be several pages long. However, she noted that the subgroup had only presented a paragraph on the subject and that it was really just a starting place.

Mr. Filler wanted to make absolutely certain that the outcome of the work group and that whatever was produced was guidance, and merely that, and that it could not be used in any proceeding before any third party to argue one point or another. Mr. Steve Keller of NTEU echoed the concern that the language might be used in a third party proceeding to argue that this is what the language should be. He noted that NTEU language may go beyond the templates and that they would not want to lose any of the protections of that negotiated language.

Mr. Dougan noted that when the work products are completed, they are going to end up on the National Council's website along with all the other resources and tools listed there, and that they would hold the same weight of law as any other piece of guidance posted there. You are free to do with it, or not do with it, as you wish. He expressed that he couldn't see this work product being treated any differently, legally, if it ended up as guidance, or as a tool made available to folks who are free to use it or not.

Ms. Pope underscored that the jurisdiction of the FLRA stays the same, unaffected by the product developed by work groups. She noted that tools are just that, and they do not rise to the weight of law. The work of the subgroups do not become a rule of law.

Ms. Cobert then asked if there were any other comments, and she noted that there had been a very helpful discussion about a tool. She agreed that it was a starting point and that there are people who do need training. But, she does not take the work of the subgroup as the ending point. She encouraged the subgroup to continue its work and that the discussion was very important. She added a thanks noting that the subgroup was doing hard and detailed work.

Mr. Junemann, agreeing with previous comments, noted that when the subgroup reported back, it should note that its work was guidance. He also noted that when he did contract negotiations, he did like baseline language.

Ms. Archer reassured members present that the subgroup had been having similar discussions trying to make sure that the work the subgroup is doing is consistent with what the partners at the table want.

Mr. Curry then introduced the final presentation of the Problem Resolution Subcommittee from the Space Management and PDI working group which he noted would provide an update on their activities since the last National Council meeting, as well as their future activities. He introduced Mr. Ken Schelbert, GSA, Kurt Rumsfeld, FLRA, and Heather Brown, FMCS.

Ms. Scheider, GSA, one of the co-chairs of the working group, speaking first, noted that she wanted to give a preview of what the group would present to the National Council in November which would include short term deliverables and that she hoped the deliverables would be fully vetted by then.

Mr. Rumsfeld, FLRA, spoke following Ms. Scheider. He noted that three agencies, FLRA, FMCS, and GSA joined together collaboratively to present a two day pilot training program presented live to approximately 80 participants, labor and management, about the labor relations aspects of space management and the potential use of PDI in office moves and space allocation. He referred to a slide and handout which was the agenda for the two day training. The program began with an FLRA primer on the duty to bargain aspects of space management, including the scope of bargaining, together with examples of proposals found to be negotiable and not negotiable. Impasse proceedings were also covered in the training.

Ms. Brown, FMCS, noted that FMCS had discussed the statutory role of FMCS at the training and that parties must exhaust voluntary settlement efforts, including the use of mediation. She noted that the training went into the effective use of mediation as a tool.

Mr. Schelbert stated that GSA is a landlord and the broker of space for Federal agencies. The challenge is to make sure that PDI is used early in the space management process. Because GSA has a vested interest, all issues associated with space management, including PDI, should be worked through early on. He said that challenges to be considered early on concern freezing and reducing the agency footprint. How individuals are communicating modernly is forcing a

rethinking of how agencies use space. Individual offices and cubicles are quickly being supplanted by new approaches such as open work spaces and mobile work technology. The challenge is to match mission with agency space and the needs of the workforce. GSA is emphasizing that working with unions regarding space management occur early prior to getting into the procurement process for the space to avoid costs in terms of time, money, and aggravation.

Mr. Rumsfeld explained that day one of the training was very intensive for participants and it included providing lots of information to the participants. Part of day one involved a primer on collaborative problem solving presented by the FMCS and FLRA, including an introduction to all aspects of PDI. There were also presentations on day one of the training about success stories associated with office moves. GSA was one of the two success stories.

Mr. Schelbert noted that GSA had significant space management challenges including the consolidation of four different locations into one. GSA quickly realized that there would be insufficient space for individual offices. One of the challenges included accomplishing agency work using mobile technology both on the job and while teleworking. The training included a building tour of how GSA handled its space issues. He gave an example of GSA assisting the Nuclear Regulatory Commission in using a smaller amount of space. Using technology has enabled GSA to increase employee productivity. They are assisting agencies to make higher quality space even if it involves a lesser quantity of space.

Mr. Rumsfeld then noted that day two involved the participants in collaborative hands-on exercises which involved role plays and discussions moderated by the FLRA. There was Q & A on day one involving the use of index cards enabling the FLRA to choose the best questions for which to provide answers. These will ultimately be collated into a FAQ format because the pilot program will lead to additional training opportunities.

Ms. Brown said that end of course surveys were used to gather feedback from participants. She noted that just over half returned surveys and she shared some data points with the National Council. Referring to a slide, she noted that feedback was overwhelmingly positive from the participants and that the training addressed their needs. Ninety percent were satisfied or very satisfied with the overall course. She noted that overall the training was a good use of everyone's time and effort.

Mr. Rumsfeld then turned to next steps following this pilot program. The plan is to repeat the two day program at four regional locations conducive to on site tours of space because it helps people to understand what office space allocations look like. He also noted that FLRA was doing an October webinar on the labor relations aspects associated with the OMB space management policy mandate which has the March 2016 deadline. Mr. Rumsfeld asked if there were any questions.

Mr. Mader then noted that he had the responsibility for the OMB mandate. He noted that they are in the process of reviewing agency five year real property plans and that these plans will enable management of agency real property needs in a more effective and efficient manner. When "freeze the footprint" was started in 2013 because of head counts going down without a

reduction in the amount of space, until the present, there has been a net reduction 21 million square feet by simply saying don't acquire anymore. That result triggered asking agencies to consciously look at their real property holdings. Every dollar that goes to space that really isn't needed doesn't go to citizen facing programs. By March 2016, departments will be required to come up with space standards, an old concept that had been drifted away from. OMB is asking agencies to look at the uniqueness of their services and mission. Thus it won't be one size fits all or mandated. He asked the subgroup if they could accelerate the roll out to all of the regions. Once the space plans are presented, in conjunction with GSA, they are going to look at more space consolidations. He believes that what will really make the roll out successful is if every agency embraces the technique. He ended by applauding the work of the group and noting that it was fantastic.

Ms. Cobert asked if there were any additional questions or comments. She added that this is great stuff and that OPM was happy to help, including the webinar effort and putting stuff on OPM's YouTube channel. Having figured out ways to have good conversations with PDI coupled with the fact that you know about space in advance because of a five year plan, you now can think about how to work your way through such as what are the issues and the context. This is a great opportunity. We know that everyone, labor and management, care about their space. It is something everyone has an interest in and an opinion about. She noted that in working through we have some great techniques to build on. If there is anything the National Council can do to help get the information out there, do let us know that and we would be happy to support that. She thought the training sounded like a really great mix of learning the principles and then apply them, and that it will really help people get going and she then added "thanks."

Mr. Curry said that he wanted to flag something for the National Council that was in their handouts. There had been a request to provide the National Council with the most common topics that were being seen in the 2014 metrics reports and so OPM provided the National Council with the top ten most frequently discussed topics such as employee satisfaction, performance evaluation, telework, telecommuting, training, decreased number of grievances, labor management relationships, ULPs, awards, enhanced collective bargaining, bargaining health care benefits, etc., are the types of issues that OPM is seeing the metrics reports. While there is no report from the Metrics working group, he wanted to make the National Council aware that the information had been compiled. He noted that OPM would be going out with a reminder of the metrics reports for 2015 because they will be due by the end of the calendar year.

Agenda Item III: Environmental Protection Agency and National Treasury Employees Union Labor-Management Forum Success Story

Mr. Curry then noted that the next agenda item concerned a labor-management success story about how NTEU and the EPA have worked together on addressing unique issues and he turned it over to Mr. John Reeder, the Deputy Chief of Staff at the EPA, to introduce his entire team.

Mr. Reeder introduced Ms. Noha Gaber, Director, Office of Internal Communications, EPA, Ms. Sandra Pearlman, Acting Director, Labor and Employee Relations, EPA, and Mr. Amar Al-Mudallal, Co-Chair, EPA National Partnership Council.

Mr. Reeder noted that EPA had all EPA's labor unions involved in the project. He noted that they are very proud of the Skills Marketplace at EPA, which was the first large scale use of PDI for an initiative at the agency. He acknowledged that he had been unfamiliar with PDI until three or four years ago. Now, they are PDI devotees. He hoped that their experience would yield some lessons for other agencies for whatever projects that might be applicable.

Referring to a Slide 2, he noted that the Skills Marketplace is an EPA program that gives employees the opportunity to work up to 20% of the time anywhere else in the agency without leaving their home office. EPA has communicated that employees should be allowed to work on these projects. The idea was to end up with a more dynamic and nimble workforce so that people could move about the agency without having to go on detail, without having to set up a new desk, and without having to do travel. These are usually virtual projects, and people are able to join from wherever they are in the country. It is continuously available throughout the year and starts with a manager posting a project, outlining the work to be done, the types of skills that he wants, and that is put on a portal and employees can see what opportunities exist. They created their own portal which is very user friendly with respect to searches by skill or by office. You are able to have updates sent to you. EPA would be happy to share the portal with other agencies to use as a model or an example.

Referring to Slide 3, Mr. Reeder noted that Skills Marketplace journey started before he had heard of PDI, in August 2011. There was a period of over one year where they were talking amongst management, presenting at a national Senior Executive Service (SES) meeting which they hold, to their executive management committee, through the HRC, etc. to get feedback. They approached the unions and began the PDI process. It takes time and a sustained effort to communicate for management to change its culture. After the roadshow, they began planning a Skills Marketplace pilot.

They conducted the pilot at headquarters and regional offices, and several organizations, and conducted an evaluation before launch in August 2014. They were a few glitches and tweaks during the trial process, but they sat down with the unions to iron them out before launch.

Turning to Slide 4, Mr. Reeder noted that some of the principles for conducting PDI, such as having diverse representation on the team, having representatives from all five of their unions, having all parts of the country represented, and having management representation from different offices around the country, were there. They charged the group with developing a draft operational framework for the Skills Marketplace program. You can imagine there are a lot of issues involved in a Skills Marketplace program, such as how are they evaluated, and how much time are they allowed to work on the project. They are all issues they had to work through and in which the unions had some significant interest.

Turning to Slide 5, he noted that they had a lot of access to subject matter experts from the agency to help the team. The team worked to reach consensus on the goals of the Skills Marketplace program, and they developed guidelines and policies. One of the principles that they really emphasized was making it simple, making it easy, avoiding bureaucracy, making it a matter of only a few individuals that needed to be involved in posting projects, and making it a

matter between the manager and employees. They have set up a simple and user friendly program.

Mr. Reeder, referring to Slide 6, involving lessons learned from the PDI process, said that high level management support is critical. Pre-planning is critical. PDI team composition is critical to success so that union participation made them feel that they really had a voice in the process and in rolling out the program. Another lesson learned was that team members really had to invest time and to participate. This was really a work group and they had to form a sense of team and a sense of commitment to one another to make the process work. Another success was resources and support to help keep the process focused. Setting up a coordination structure to provide continuous updates to management was important. They did that through a group of champions which they set up at the agency and which came from senior management. And the PDI team would periodically check in and give updates.

Turning to Slide 6, he noted there had been 340 total projects posted, 528 applications, and 326 employees selected after one year of operation. He felt it was still accelerating. Managers are beginning to think of the Skills Marketplace as a way to get work done. Employees are beginning to think of it as a way to expand their experience. They are optimistic this is going to be a permanent part of the EPA environment.

Turning to Slide 7, Mr. Reeder said it contained a couple of testimonials, though they had dozens. One of their biggest fears is that managers would be reluctant to let their staff go. Their finding was that managers who have had staff participate in the program have been very supportive because their staff is energized, bring new skills back, and provides an opportunity for staff career growth without them leaving permanently or going on full time detail. They have been pushing entrepreneurial managers to post projects.

Turning to Slide 8, he noted that he was proud of the picture displayed on the slide. They had done a video launch of the Skills Marketplace, which included a photo of Karen Kellen, President of AFGE Council 238, and the EPA Administrator, Gina McCarthy. He then asked if there were any questions.

Ms. Cobert asked if there were any questions or comments from folks present, and then noted that she had one. She premised the question noting that she had been hearing about Skills Marketplace since she started and that it was a great example of how to get work done and satisfy employees', at all levels, desire to have impact. At OPM the work on Skills Marketplace was a big piece of the ongoing GovConnect initiative. The question was what were the hard parts to get over in the process? Were there differing expectations of PDI?

Mr. Reeder said that, from EPA's perspective, the problems were on the management side, to get management buy in. This took persuasion and time and strong message from the top. In approaching unions, he thought there was early support for the concept. He didn't feel any pushback from them.

Mr. Al-Mudallal noted that in the PDI group there was a variety of experience and that they reached consensus from an early stage that this was a win-win situation. For managers, Skills

Marketplace would provide them with the extra needed resources and expertise needed for their projects. For employees it provided an opportunity to expand their professional development. The union knew it was in the interest of their employees. He noted that managers were reluctant, at the beginning, to give away employees for 20% of their time in light of a decreasing budget and increasing workload, but, it worked out. This program is one of the highlights of their PDI efforts.

Mr. Reeder asked if there were more questions. There was one from Mr. William P. Milton Jr. Mr. Milton asked if EPA could share with the National Council how the approximately 200 not selected were handled.

Mr. Reeder responded that the project manager did the selections. He likened it to detail opportunities where some people are selected and some are not. There was no formal structure around non-selection.

Ms. Gaber noted that the number selected is probably higher. But, they did provide tools for managers in reviewing the applications to help them make sure that they were making the decision in a transparent, equitable way. Employees who were not selected may request feedback from managers and ask how they can improve their application in the future. They haven't heard any problems with that approach.

Mr. Milton asked if there were any grievances or EEO complaints filed, and Mr. Reeder responded "No."

Mr. Dougan asked what tools EPA was going to use, outside the Federal Employee Viewpoint Survey (FEVS), to measure the success of the program.

Mr. Reeder responded that EPA was conducting an evaluation based on a survey of participants and non-participants. There had been 600 respondents to date from employees. Part of their plan is to do an analysis of that data. EPA noted that he hoped that the program would be reflected on positively, in the EVS. They are not doing this for short term results, but think of it as long term.

Ms. Archer thanked EPA for their presentation on PDI. She reiterated that unions and management realize that the earlier you get employees involved in the process, the more that you are going to be able to create something that is satisfactory to both sides. She is glad that PDI worked and that EPA got the unions involved almost immediately.

Mr. Reeder noted that they did involve the unions early on, and didn't even have a specific charge when they began to meet. The charge evolved out of the PDI process. Unions helped shape the operational framework – i.e. what is the product that we need to make this concept a reality?

Ms. Cobert: Other questions or comments?

Ms. Pope: What are the plans for communicating the success of the program and the feedback of the program? She noted the FLRA had learned is that it is important to communicate success throughout the organization to ingrain PDI as a cultural value.

Mr. Reeder: I think I will let Sandra Pearlman talk about PDI at EPA and future plans for that at EPA. He noted that Ms. Pearlman is with Labor and Employee Relations.

Ms. Pearlman: We just used the Skills Marketplace PDI model on the Phased Retirement program that they will be rolling out. What Mr. Reeder said about support from upper level management and, also, a subject matter expert who can resolve differences between the parties with facts or good information, I think that makes the process go a lot more easily. And the third thing is that it takes a lot of time. This is a process that you can't rush to reach consensus in a large, diverse group of people who are talking about contentious issues. You have to give it the time that it needs. It has its own life cycle. In terms of the communication, because of the success of this PDI, EPA was able to go into the phased retirement piece. Mark Coryell, President of AFGE Local 3907, is the agency's PDI expert, and they asked him to be at the today's meeting, but he was busy with his agency work and couldn't come. We start every single PDI with a little bit of training on the PDI process so that everybody is familiar with it. Then, we talk about our interests and that's the first discussion we have. What are management and union interests at the end of the process? Going forward, EPA will use the same process. We have done it twice for the Skills Marketplace. Ms. Gaber was our subject matter expert. She helped us resolve whatever minor disputes we had. With the Phased Retirement PDI, we had benefits and policy subject matter experts to help interpret the regulations.

Mr. Reeder confirmed that he had answered Ms. Pope's question, and asked if there were any other questions.

Mr. Russell Deyo said he wanted to congratulate Mr. Reeder and his team. He noted that the Skills Marketplace program makes a lot of sense for agencies like DHS which has expanded everywhere and is trying to increase collaboration. He ended by saying "This is very impressive," and "Congratulations."

Mr. Reeder noted to Mr. Deyo that EPA would be very happy to sit down and meet with his senior team.

Mr. Deyo replied that "You'll be hearing from us."

Ms. Cobert: So, let me add to the thanks. I think there are great lessons here on many fronts. The comments about what it takes to make effective PDI are really good ones. I know the work that has been done on Skills Marketplace. With respect to the President's Management Agenda, and EPA coming to the GovConnect fair that we had, I think there is a lot here to build on: the lessons about how to engage folks in a dialogue about a set of shared objectives – important work to be done, and people who want to improve their development, and add new skills. So, there is a win-win in this. Thanks to the whole team who's worked on this. It is really exciting, and I look forward to hearing what you learned from the feedback, from the survey, and about how you can continue to build on this success.

Mr. Reeder said, "Thank you for having us."

Agenda Item IV: New Business

Mr. Curry announced that the next Council meeting is scheduled for Wednesday, November 18, 2015, from 10 a.m. to 12 noon right here in this room at OPM. He then asked if anyone on the Council wished to raise new business.

Ms. Archer addressed Ms. Cobert and said she would like to extend President Cox's apologies for not being able to attend today. He asked Ms. Archer to read a statement on his behalf. Ms. Archer then read the following statement:

[On August 27th, the labor partners of the Department of Defense Roundtable received a ninety plus page report that outlined reforms to the civilian workforce. This report was entitled "The Force of the Future." I wish to make a few comments on the dangerous content of these proposals. Although the proposals are entitled "The Force of the Future," it is a return to the Bush administration's anti-employee, anti-union National Security Personnel Systems, NSPS. The data from NSPS clearly showed it to be a system that was discriminatory. Congress repealed it after less than three years, and it remains DOD's most spectacular failure in the area of personnel management. In addition to discriminating against women and minorities in pay, NSPS drastically lowered morale. It was widely hated by employees, and it killed employee engagement. The worst part of this "Force of the Future" outline is the plan to move the DOD civilian workforce from Title 5 to Title 10, which primarily covers military, not civilian personnel. It is clear that any move to Title 10 would give any Secretary of Defense a blank check to craft personnel systems that would undermine and violate the fundamental principles of the merit-based Civil Service system. A merit-based Civil Service system is central to an apolitical Civil Service. We believe all employees should remain under Title 5, and should be afforded the rights protected therein. The proposals are not only offensive to anyone who values the merit-based apolitical Civil Service, they also violate the promise of pre-decisional involvement from employees. The process by which we received this report flies in the face of the spirit and the principles of the Obama Administration's Executive Order 13522, which this body is designed to promote. Labor, united in solidarity, had fought to end the discriminatory policies of NSPS, and we object to them being repackaged to be sold under the new label of "Force of the Future." Thank you.

Mr. Junemann then stated that the statement by AFGE was shared with a lot of unions, and he certainly applauds it. He echoes the sentiment of it. Without getting into grandstanding, his Union has responded in a letter on its own, which he was angry enough to write himself. They also view this as nothing less as nothing less than NSPS volume two. They expected this from an administration led by, maybe, Scott Walker, being a Milwaukee boy, but never expected it under this Administration. And, like they did under NSPS one, they will do everything they can,

working with leaders of both parties in both houses to stop this effort. Again, as was said, they regard this as an utter dismissal of the Executive Order on partnership and a slap in the face against all of the work that's been done by this Committee over the last six years.

Mr. Dougan then read the following statement:

The Department of Defense Roundtable met on August 27th, and during that meeting, the labor members of the Roundtable were presented with a ninety page document, which encompassed proposals developed under the title "Force of the Future." The proposals were developed with no participation or input from the labor organizations, which represent the DOD workforce who will ultimately be impacted by the proposals contained within this document. There was no one present at the Roundtable meeting who was prepared to brief Roundtable members on the proposals, and we were told that we had until September 11th to provide any comments back to the Department as part of the pre-decisional input being offered by DOD on this matter. The timeframes for Labor to respond to this "Force of the Future" initiative is analogous to providing the proposal under the guise of an expedited national consultation rights' time frame for response. The purpose of a Roundtable and, indeed, all labor-management forums is to provide opportunities for PDI and dialogue versus just giving NCR notice to the organizations present at the meeting. The short time frame for response leads me to believe that DOD is not even interested in receiving meaningful input from labor on these proposals and is already invested in the decision to implement these proposals with few, if any, changes. The proposals, themselves, make clear that the hard fought rights workers in DOD have gained in collective bargaining are under attack. Proposals dealing with moving the workforce from Title 5 to Title 10, proposals instituting pay flexibilities, proposals that would limit due process to expedite removal of poor performers, and proposals to extend the probationary periods, call to mind proposals previously offered under NSPS. Other proposals, such as those dealing with hiring flexibilities and performance management, appear to sideline the good work being done being collaboratively by labor and management in DOD through the New Beginnings effort, in favor of fast tracking pieces of that collaborative effort by implementing this "Force of the Future" initiative. Implementing "Force of the Future" proposals that appear similar to, or contradictory to, proposals contained within New Beginnings is problematic. The way this has been handled is disrespectful and not in keeping with the principles embodied in Executive Order 13522. DOD has failed to utilize the very principles that it seemingly supports as a member of this National Council on Federal Labor-Management Relations. For all of these reasons, my organization will not support "Force of the Future."

Ms. Sarah Suszczyk stated that NAGE echoes the comments of its labor partners. They also submitted their own letter to DOD opposing the proposals, and feel that how this occurred is a complete failure of the PDI process, not to mention their NCR rights. This is an attack on labor and on employee rights. Some of the specifics have already been gone into here. What they are seeing is a real failure or lack of buy-in by management in the PDI process. As it was presented today, it is the actual commitment of senior management that makes PDI work and the voice of

labor. Month after month, at each of these National Council meetings, the Council members on the management side fail to appear again and again. Ms. Suszczyk continued by stating that she fears that the only real commitment to PDI is from the labor side of this table. Furthermore, there have been statements in the press that management of DOD has fully engaged labor in preparation of these proposals, and that's patently false. So, she seconds all of the comments made by the labor partners, and NAGE also opposes these proposals.

Ms. Stephanie Barna responded by stating, "Thank you all, and I do appreciate the opportunity to address some of your comments, and I do appreciate your comments." She continued by saying that, certainly DOD has had a number of communications with each of you about your response to the "Force of the Future." She stated that no decisions at all have been made with regard to "Force of the Future." The proposals that you saw are simply that. They are proposals. I know that in many of the communications you've made with the Department you've noted that they are not fully fleshed out, that they are very fluid, and that, in some cases, you did not feel there was adequate information on which you could comment in a meaningful or informed way. She said that she thinks all of that is very true, and deliberately so. They do value your comments. They do value the PDI process. They did take a slightly different tack in this case in that Mr. Brad Carsen who is currently serving as the Acting Undersecretary of Defense for Personnel and Readiness pulled together a very small group of drafters and innovative thinkers to generate these proposals. And he wanted, rather than to have the brainstorming be done in a large context, to do that brainstorming in a smaller context, and to give us something to look at and to ponder on. Again, no decisions went to the Secretary of Defense. Understanding that the time for your response and your comments on the proposals has been cut short, Ms. Barna said that Mr. Carsen has asked her to convey he's very willing to consider any comments you might care to offer through the end of September this year. So, we plan, probably in the first week of October, to submit proposals, and proposals only, to the Secretary of Defense for his consideration. And, we are happy to take any further comments, any further insights you care to offer, before that date. Mr. Carsen has also indicated a willingness to engage in one on one dialogue with the unions, to sit down and go line by line through any comments you might care to offer and discuss how you might propose to modify. Again, these are proposals, proposals only, that comprise the "Force of the Future" document. So that offer certainly stands open, and he is very willing and looks forward to engaging with you in that regard. Ms. Barna said she did want to say that we in Department of Defense, the Services, and also in what they call the principle staff assistants across the Secretary of Defense, received this iteration of the proposals at the same time that you did. And we were initially given the same period of time in which to comment. Mr. Carsen has already begun the coordination and the discussion process with the Services going line by line through the comments that they have proffered. Again, about these very fluid, nascent proposals, although we chose to adopt a slightly different methodology in this case, our mind remains very open. She reinforced that no decisions have been made. Each proposal that is in the Force of Future package is a separate proposal, so they're certainly segregable, and the Secretary of Defense, when these proposals are forwarded to him, will simply be making judgments about which of the proposals he would like to explore further. So even after submission of these proposals to him, we would envision many opportunities for engagement with the unions, engagement with Congress, and, certainly, engagement across the agencies. Many of the proposals, in fact, most of them, are not proposals that DOD currently has the authority to implement itself. So, we are going to need to collaborate extensively with OMB, extensively

with OPM, on anything that the Secretary of Defense accepts for further exploration. And we definitely want the unions, we welcome the unions' participation in that process. Ms. Barna concluded by saying she would be happy to address any other specific questions that you may have at this time.

Ms. Archer said that one of the things the labor partners are interested in, and specifically AFGE, is a list of the people who put this together. Their concern, of course, is that this was put together by contractors, and people who were involved in building NSPS. So, if Ms. Barna could provide a list of the names of the people who were on that team, that would be great. Ms. Archer said that the second thing is that, although the proposals may, indeed, stand alone; the first proposal, moving people to Title 10, and away from Title 5 authority, underlies most of the rest of them. In fact, the footnotes of many of the rest of the proposals say the Title 10 authority is necessary for the proposal to move forward. It seems as though, even if they may be segregable, the first proposal of movement to Title 10 is one that they have some of the deepest concerns about, and one that seems to underlie the rest of the edifice.

Mr. Junemann said he had a question about the one-on-one meetings Mr. Carsen is proposing. Would Mr. Carsen be willing to meet with Mr. Junemann and him, for instance? How would that work since there are thirty-six unions within DOD?

Ms. Barna replied by saying that he has indicated a willingness to meet with whomever wants to meet with him. She said she thinks he would like to meet with someone who is authorized to represent, obviously that would include someone at Mr. Junemann's level. Ms. Barna said they would like Mr. Junemann to make that request.

Mr. Junemann asked her to consider the request made.

Ms. Cobert then asked if there were any other questions or comments. There were none. She thanked everyone for those comments, and thanked Ms. Barna for her response Ms. Cobert said this is clearly an important issue, a place where we need an ongoing dialogue, to make sure we have that input. Ms. Cobert said she knows it is important to everybody at this table.

Agenda Item V: Acknowledgement/Receipt of Public Submissions

Mr. Curry then transitioned to the next agenda item. He stated that, as a FACA Committee, the Council offers opportunities for members of the public to make brief statements to the Council. He asked if any member of the public wishes to make any brief statement to the Council. There were no public comments.

Ms. Cobert then thanked everyone for a very productive meeting. She said they can come away from this meeting with a couple things. Some great examples of work that's being done, and places where we can see the benefit of continued dialogue on multiple topics and joint problem solving between management and labor, and some interesting ideas about how we can take those principles and apply them to multiple situations. There are real lessons there in what works. Ms. Cobert said she would also like to echo what she said at the beginning. They will be back in touch over the next couple weeks as they work through the notifications process for those

individuals whose data was taken in the cyber security breaches. They really appreciate the support from everybody, management and labor, at this table in getting the word out to the people who have concerns, helping those concerns get answered, helping people the services that they need, as well as the support we've received from everyone in helping to continue efforts to make our systems safe and secure. Ms. Cobert said they look forward to receiving more feedback, and also look forward to seeing everybody in November.

Agenda Item VI: Adjournment

The meeting adjourned at 11:44 a.m.