

National Council on Federal Labor-Management Relations
36th Public Meeting
July 15, 2015

The National Council on Federal Labor-Management Relations held its 36th meeting at the U.S. Office of Personnel Management, 1900 E Street, N.W., Washington, D.C., on July 15, 2015. Co-chairing the meeting were Office of Personnel Management (OPM) Acting Director Ms. Beth 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
Ms. Carol Bonosaro	President, Senior Executives Association (SEA)
Mr. J. David Cox	National President, American Federation of Government Employees (AFGE)
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. David Holway	National President, National Association of Government Employees (NAGE)
Mr. Gregory Junemann	President, International Federation of Professional and Technical Engineers (IFPTE)
Ms. Colleen M. Kelley	President, National Treasury Employees Union (NTEU)
Mr. H.T. Nguyen	Executive Director, Federal Education Association (FEA)
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. Stephanie Barna, Principal Deputy Assistant Secretary of Defense for Readiness and Force Management, for Mr. Robert O. Work, Deputy Secretary of Defense;
- Mr. Chip Fulghum, Deputy Under Secretary for Management and Chief Financial Officer, Department of Homeland Security, for Mr. Alejandro Nicholas Mayorkas, Deputy Secretary of Homeland Security;
- 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;

The Designated Federal Officer, Mr. Tim Curry, OPM Deputy Associate Director, Partnership and Labor Relations, was present, as were 55 members of the public and two media representatives.

Agenda Item I: Welcome

Shortly after 10 a.m., Mr. Curry opened the meeting. Mr. Curry began by welcoming everyone to the National Council's¹ third meeting for 2015. He continued by saying that, before beginning today's Council meeting, he would like to make one administrative announcement. "This Council operates as a committee under the Federal Advisory Committee Act or FACA. To facilitate opportunities for those of you who are not members of this Council, or any other members of the public, to address the Council directly, we have set aside time on the agenda for you to make brief statements to the Council. If you wish to make any statements to the Council, we request that you wait until the appropriate time on the agenda when we ask if any member of the public wishes to make a brief statement to the Council." Mr. Curry continued, "Before we move on to today's agenda, we have some Council business to address. We previously shared the draft minutes of the May 2015 meeting with you via e-mail. We've adopted all edits and corrections that were submitted. We recommend the Council approve the minutes for the May 2015 meeting. So, do I have a motion to adopt the May 2015 meeting minutes?"

It was moved and seconded by members of the Council that the May 2015 meeting minutes be adopted.

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

Ms. Cobert began by saying that the Council has a lot to talk about today, but before getting started, it is important to take a few minutes and recognize our colleague and friend, Ms. Colleen Kelley. Ms. Kelley announced back in March that she will be retiring to Pittsburgh and will not be seeking re-election to the fifth term as the National Treasury Employees Union (NTEU) national president. She will be working until NTEU's national convention next month.

Ms. Cobert said that it is appropriate that today's meeting is being held in the Theodore Roosevelt Federal Building. Throughout his life, Theodore Roosevelt fought to make strides for a merit-based civil service system. He worked to insure a hiring system for America's government workers based on fairness and equal access and protection for all – making him the undisputed father of today's Federal service.

¹ At times during the meeting, the National Council on Federal Labor-Management Relations was referred to as the "National Council" or "Council."

Ms. Kelley began her career as a Federal civil service employee as an Internal Revenue Service (IRS) Revenue Agent. She worked for the IRS for 14 years and served in various NTEU chapter leadership positions. Ms. Kelley was elected NTEU National President in 1999 and was overwhelmingly re-elected to a four-year term in 2011.

Throughout her time with NTEU, but particularly as NTEU national president, Ms. Kelley has been a fierce advocate for the civil service employees she represents throughout the government. Her advocacy for her membership has benefitted the entire Federal workforce, not just those represented by NTEU. Ms. Kelley has been a valued member of this Council and a trusted partner on issues impacting the Federal workforce, and Ms. Cobert said she could attest to that both in her new role, and in her former role at OMB.

In light of Ms. Kelley's positive impact on civil service and her advocacy for the civil service, Ms. Cobert said she would like to present Ms. Kelley with OPM's highest honor, the Theodore Roosevelt Award.

[Applause and standing ovation from the audience.]

Ms. Kelley thanked Ms. Cobert and said the award was a surprise. Ms. Kelley said she was trying to go out quietly. "It's not easy. Thank you so, so much." Ms. Kelley continued, "I've been thinking about a lot of things that I do that I will miss, and a lot of people have asked me what I would miss about NTEU and Federal employees, and being national president, and I have said, 'I have a list in my head of things I will miss, and things I won't.' And, for the most part I will let you use your imagination on what is on those lists."

Ms. Kelley continued by saying that working with all of you on the National Labor-Management forum has been both rewarding and challenging. She said that what she will miss most about this Council is the opportunities that it has to positively impact collaboration in the Federal workplace, and to give Federal employees a voice. She said she was glad that they do this work together. Ms. Kelley continued:

It will be no surprise for you to hear me to say I wish we could do it a little faster, we could get this collaboration thing going a little bit faster, make a little bit more progress. But, baby steps are important, and I think us having this Council, and being members of this Council matters. For those of you who have known me for a long time, you have heard me say this a million times before; I think front line employees have a lot of really good ideas about how to do the work of the Federal government smarter and better. And I think collectively in this Council we have an obligation to help do that, and I think that is really important work we've seen, and must continue to do. So, the other thing I would say is, one of the things I am determined to do, when I retire, in four weeks and two days, if

you count, is to un-remember, take out of my memory, every acronym that I've ever learned [laughter] except one, and those of you here on this Council with me know the one that I will not forget, and that is PDI.² That will be with me forever because I think it needs to be with all of us to the point where it becomes a way agencies and unions do business. That it is not something the unions demand, and it is not something we discuss with management or for us as an agenda item; it is just something that we do. So, I will be erasing every other acronym except that one. And in retirement I intend to read about all the continuing work of this Council, knowing that you are going to continue to make a difference and make sure that the tough issues get aired, and get some air time, and get acknowledged. And that you will all continue to pull together to make a difference for Federal employees which is what each and every one of you does every day. So I say it has been a pleasure to work with you, with all of you, and I wish you all the best.

[Applause].

Ms. Cobert said "thank you" to Ms. Kelly. Ms. Cobert then introduced Mr. Dave Mader, who is serving as the Acting Deputy Director for Management at OMB. Ms. Cobert asked Mr. Mader if he would like to make any remarks.

Mr. Mader thanked Ms. Cobert and said that, as a former IRS employee to another former IRS employee, he had the opportunity to work with Ms. Kelley for probably more than ten years on lots of issues at the IRS. He said that while they may not necessarily have agreed on everything, or an approach to solving problems, at the end of the day they managed to find a solution that was for the good of not only the IRS employees, but for the mission of the IRS. He thanked Ms. Kelley for what she did.

Ms. Cobert then made some additional remarks.³

Ok. I wanted to get started but with a few remarks about where we are today. I've had the opportunity, as you know, to be in many labor management council meetings since joining the Administration, and today I'm here in a different seat.

I find these meetings to be a very valuable forum and an important part on how we build an ongoing dialogue and facilitate problem solving on issues important to the Federal labor force and, most importantly, the mission that drives all of us – delivering services for the American people. In my previous role at OMB we had a close partnership with OPM and I worked with OPM very closely. It gave me, firsthand - the opportunity to see the great work OPM does in support of the

² Pre-decisional involvement.

³ From this point forward, Ms. Cobert's opening remarks are provided as a complete transcript, in response to a Council member's request made later in the meeting.

Federal workforce and the Federal government. Agencies across the government rely on OPM's expertise – from recruitment, to hiring, to training and development, to retirement services, to pay and leave, benefits, suitability and security determinations, employee engagement, labor-management relations and so much more.

At OMB, we and I collaborated closely with OPM on the people and culture pillar of the President's Management Agenda – on topics like employee engagement and recruiting a talented and diverse workforce for the 21st century.

I also know that the recent cybersecurity incidents have led to especially difficult times for our Federal family. I want you to know that I understand the frustrations and the uncertainty that you, your members, and employees are experiencing. All of us have those feelings as well. Just like many of you, my personal data was stolen in the breach and I'm trying to work through what that means for me.

It's absolutely essential that we maintain a strong and collaborative relationship amongst everyone here to restore the trust and confidence of our current and former public servants. This holds for the cybersecurity challenges we're facing now and the other important issues in which we have shared interests and which we will face together in the future.

I know you haven't been shy about offering feedback about the handling of the recent cybersecurity incidents. But, let me assure you, I not only appreciate your input, but we are working to assure that we take that valuable input into account as we continue to refine our planning for future notifications and for the services we provide to current federal workers, former Federal workers, and others whose data has been stolen. We are committed to making sure that those affected receive the highest quality service possible. Communication with all of you is essential if we are to achieve that shared objective. My door is open. You know where to find me.

So let me talk through a couple things. I want to talk about the personnel records incident. I want to talk about the background investigations incident. And to put some things in context and then we'll provide—and Tony Scott's going to talk a little about our overall Federal government cybersecurity efforts—and then we'll open up the floor for questions and we will take as much time as we need to cover this topic on the agenda today.

So starting with the personnel records incident—as you know, and as we've tried to stress, it's important to note that all individuals whose data was stolen in the personnel records incident were automatically enrolled in identity restoration

services and identity theft insurance. No one needed to take any action to be covered. If an individual wanted to take advantage of the additional services, such as credit monitoring, they can do so by contacting CSID⁴—the notifications services contractor for the personnel records incident. Thanks in part to the feedback we’ve received from all of you and others; OPM has been working diligently with CSID to improve the level of customer service being provided to those affected by the incident. Where we started was not acceptable and we needed to correct it. CSID has significantly increased its call center staffing and has implemented an automated “call-back” feature which has led to reduced wait times. These wait times are continuing to improve and I am monitoring them daily. Over the past week, wait times have averaged about 6 minutes, somewhat higher early in the morning; more rapid speed of answer in the afternoon.

We also wanted to let you know that twenty percent of those affected by the incident have enrolled in CSID’s credit monitoring services. By way of contrast, we want you to also know that this is significantly higher than the industry average for other cybersecurity incidents—which is typically between 2 and 4 percent of those affected. Just to give you one example, in South Carolina, there was a breach of government data that affected about 6.5 million people—many of whom were government workers—the enrollment percentage there in credit monitoring services was 3.4 percent. We believe that the positive outreach that we’ve made and that you’ve helped us with has enabled people to access the services that we’ve made available and the CSID site is still there to help people enroll.

We’ve made many notification attempts, but we know that some fraction might still not have been successful. We’re working diligently to track those people down. We also know that there are still people who have questions in their mind about whether they have been affected. And I want to encourage them and have you encourage them to call CSID directly at their toll-free number: 844-777-2743. This reminder was also provided in an agency postmaster that we distributed yesterday and we sent a copy of this postmaster to all the organizations here.

The CSID representatives on the phone can let an individual know whether or not they were affected by the personnel records incident and assist them with enrollment. They are automatically enrolled, as I said earlier, in the identity restoration and identity theft insurance, whether or not they sign up for credit monitoring. CSID will not be able to help them, and we tried to make this clear in the postmaster as well, with information on the background investigation incident. So we’re treating those two separately.

⁴ CSIdentity

With that, I want to turn to background investigations. Last week, when we announced the number of individuals affected, we also announced the creation of a new online cybersecurity resource center to help individuals get their questions answered and understand what actions they can take now. The site is located at www.opm.gov/cybersecurity.

We focused this site on the needs of individuals, and explicitly organized it to help individuals answer questions they may have, for example:

- I am a spouse of someone who filled out a background investigation, might I be affected?
- I am a current or former Federal contractor.
- I am the spouse of a Federal employee.
- I was a job candidate and I filled out a background investigation, but I didn't come to work for the Federal government, might I be affected?

I hope you will share this address with as many people as possible. We have included links on the site to materials, training, frequently asked questions and useful tips on best cyber practices. It's got a whole set of materials. There is an example of it up on the screen.⁵ We've also included a feature that allows people to pose questions that aren't answered on the site, for example:

- What should I do if my address might have changed?
- What do I do if I think I was listed on someone's form?

And we are going to continue to incorporate those and post answers to those questions on the site.

We are continually updating it and encourage you to direct your members to it and to use it as a resource. One of the things I've directed the team to start doing this week is to go out and have some focus groups with employees and others who have been affected to make sure we are communicating in a way that they found clear. I'd love to take the opportunity to work with your web teams and get their input on what and how we can make this more effective in making sure we are speaking in a way that individuals can understand. We are looking to create a widget that you can put on your sites and direct affected individuals to this, if that's going to be helpful to you. So we want to continue to work with you and get feedback on how we can communicate in a way that is most helpful.

⁵ Slide 2 of a handout titled, "OMB CIO Presentation," was displayed at this point in the meeting. Slide 2 displayed a screenshot from the following web address: <https://www.opm.gov/cybersecurity>.

We've additionally established an automated call center that can operate in English, Spanish, accessible in TTY to provide information on the incidents for those who do not want to go to the website. The toll free number for that is (866) 740-7153. In the coming weeks, we will open a staffed call center as well, to respond to inquiries.

We've also been tracking traffic on the website and one of the things we saw over the weekend was that for the individuals who went to it, they spent about five minutes on the site. That's actually a long time for somebody to spend on a site where you're not doing transactions. To us, that means people are actually going through it, reading it, and using the links there. And we're going to continue to track that because that will help us figure out if we're getting to people in a way that speaks to them.

I also know, we all know, that people are concerned about when will they find out whether they were affected by the background investigation incidents. We put out guidance that says if you filled out a background investigation form after 2000, there is a high likelihood that you were affected, but we know that people want specific notification.

We are building on the lessons learned and the feedback from you and others on the notification process for the personnel records incidents to ensure that as we move forward with the background investigation incident, we have a comprehensive and transparent plan to notify and provide resources for affected individuals. OPM and the Department of Defense (DOD) are working together to identify a private-sector firm that specializes in the services that we need to provide and can get those to an individual in a high quality way. We don't yet have the timeline to share with you on that, but we are working as fast as we can and want to make sure we move forward with a high quality process, and I commit to giving you updates on that process as we go forward.

In the coming months, beyond this, one of the things on our plate is to work together with Federal employee representatives and other stakeholders to also examine and develop a proposal for the types of credit—and identity theft—and identity services that should be provided to all Federal employees in the future—regardless of whether they were affected by either of these two incidents. We want to make sure that people have confidence that their personal information is protected.

We've received the suggestions from many of you about these and we're going to reach out to you as we start working on that longer-term plan.

In summary, I am committed, everyone here is committed, and convinced that we need to address the serious issues around cybersecurity and how seriously we take the concerns that those intrusions have created for our Federal workforce and the Federal family. The team here at OPM—working side by side with experts from across the Federal government—is moving to ensure the security of our systems and support those who have been affected. This is my number one priority in taking on this role and together I know we can address this challenge.

Given how important cybersecurity issues are across the government—in the agencies where your members and all of us work every day—I also wanted to use this time to provide an opportunity on our government-wide effort to improve security of our systems and other cybersecurity efforts. With that, I'd like to turn it over to Tony Scott, who is the U.S. Chief Information Officer (US CIO). And then, as I said earlier, we'd be happy to take your questions and comments. Thank you very much.

Mr. Scott began by thanking Ms. Cobert. He said that he would share just a little of his experience in cyber in the private sector to put some perspective on this issue, then talk about the efforts that they have underway, and then to set some expectations, in terms of what you could expect coming up. Mr. Scott stated that in the private sector, he was Chief Information Office (CIO) at companies you might know like VMWare, Microsoft, and the Walt Disney Company. And, in those roles he had the opportunity to host or participate in gatherings of CIOs from large companies across the world. And the one thing that he noticed, over the last couple of years, was that the cyber agenda was taking more and more and more of every CIO's time, and for good reason. And that is because of the rising flood, really, of cyber issues—not only in the private sector, but in the public sector. And he would meet with people from across both. And among CIOs there was an understanding that there were two kinds of CIOs—those who knew they had been hacked and those who didn't know that they had been hacked. But it was pretty much a certainty that in any sizeable organization—you have been hacked, and the question was whether you knew it or not. And the journey that most CIOs have gone on is that through the implementation of better tools, modernization of their infrastructure and applications—you would discover things that you previously didn't understand were going on. And no one is immune from this. You have seen examples with banks, retail, and other government institutions. He thinks the cases are well understood. Mr. Scott explained that he mentioned all of that not to serve as an excuse or to deflect anything that's gone on either here at OPM or anywhere else in the Federal Government—but only to highlight the fact that this is a super important issue affecting the U.S., our economy, our Federal government, state and local government. Everyone has to be, he thinks, highly concerned about this worrisome trend. Mr. Scott said that if he looks at the amount of money and the amount of resources that any IT organization is spending now; it is increasingly more and more and more on cyber issues and that will be true of the Federal government as well.

Mr. Scott continued by saying that a little more than 30 days ago we announced the launch of a thirty-day “cyber sprint,” and some have interpreted this as a one-time sort of thing. Mr. Scott said he can assure you that was not the intent. The intent of the thirty-day sprint was to put a special focus on making a lot more progress than had been made previously. But, anyone who thinks it’s a one-time exercise is wrong. They should consider it a warm-up exercise for what we are about to do and what needs to be done. In a few days, they will announce some of the results of the cyber sprint. Mr. Scott said he thinks the results will show a very positive trend in terms of the work that the agencies have done. Mr. Scott explained that they had focused on a number of important things, the most important of which was to put two-factor authentication in for privileged users. The “non–techie” explanation of this is that there are people in every organization who have pretty much unrestricted access to the systems, the networks, the technology that an organization runs on. These are typically system administrators or network administrators. And one of the most effective cyber hygiene things that can be done is to move away from just username and password, and require two-factor authentications with a PIV⁶ card or some other form of second factor authentication. We are insisting that 100% of privileged users use two-factor authentication when it comes to Federal government systems, and that’s the standard to which we are going to hold every agency. He said that when they announce the results of the sprint, the results will show that many agencies will have gotten to 100% for privileged users. They have a 75% goal for unprivileged users. That is, everybody else who uses systems. And those are two important factors. Some of the other things they have focused on in the sprint are patching critical vulnerabilities in systems, and also reducing the number of privileged users to the bare minimum, or whatever is minimally required. And these are just good practices that are widely recognized across government and industry in terms of cyber hygiene. There are a number of other things that they have asked agencies to do. They have asked agencies to scan their public-facing web sites and networks for indicators of compromise for all of the known kinds of breaches, and a number of other things too lengthy to go into detail here. In addition, with each agency, they are increasing their focus on cyber. We have cyber-stat reviews that they are increasing the frequency of with each agency and they will have updated goals and metrics for cyber that they expect every single agency to adhere to. At the beginning of the thirty-day sprint, they launched seven work streams for work which include process, policy, resource recommendations, and a number of other things that they will be reporting out in the next few weeks.

Mr. Scott said that, lastly, he wanted to set expectations for what will come. It’s reasonable to assume that as agencies put in tighter controls and better tools for detecting cyber issues it is highly likely that they will find additional issues across the Federal government. This should not come as a surprise to anyone, and it would be consistent the experience that everyone else who has gone on this journey has had. They will take every incident seriously and they will learn, and

⁶ Federal Personal Identify Verification (PIV)

share that learning across the Federal agencies, and try to do better with each occurrence. That is their commitment. Mr. Scott said he would stop there he would be happy to take questions.

Ms. Cobert thanked Mr. Scott. She noted that she wanted to make sure folks had that context because the Federal workforce cares deeply, as she does, about what happened to them. She also knows that Federal employees come to work every day and care about the constituents they serve. And they would want to make sure those individuals: the veterans who come into the Veterans Administration (VA); somebody getting help from Social Security (SSA); somebody applying for a student loan—they care about the people they serve every day and they want to make sure that that information is safe, too. She thought it was important for everybody to have that context as well. With that, Ms. Cobert opened the discussion to questions and comments from the Council.

Mr. Dougan said that he knows that with the initial breach, there was an announcement of certain things that people that were potentially affected by that breach were going to be given in terms of credit checks and other things. With the latest breach, there was a different set of protections being offered to people that were potentially impacted. Mr. Dougan asked if Ms. Cobert could address why there were differences between what was being offered in relation to the two breaches. From his standpoint, and the standpoint of the folks he represents, if your information is compromised, it's compromised. There certainly could be different types of information between the two breaches, but a more consistent approach, rather than having two separate approaches, would make a lot more sense to him.

Ms. Cobert thanked Mr. Dougan for his question. She said she would answer in two parts. First, of the individuals affected in the personnel records incident, 3.6 million of the group were also affected in the background investigation incident, so they would receive those additional services because they were affected in both. The nature of the information, as they worked with the privacy experts from across the government in the second incident, led them to do some different things around services as a richer set of information about you and your family that wasn't compromised in the first. So, they wanted to include things like credit monitoring services for minor children. As they do the study that she talked about earlier, in terms of longer term benefits for Federal employees, they want to use that forum to address this question for the folks who were affected by personnel records, but not the background investigation incident. So, they want to come back and address that question as they think about the overall suite of services they want to provide. So, that is how they are going to get to that issue.

Mr. Dougan said he would offer a counter point to that. He thinks there was a difference in terms of the length of credit monitoring offered between the first and second breach. He does not see why there is a distinction between the two. A social security number is a social security number. And, whether that was potentially taken during the first breach or the second breach, should not

make a difference in terms of the length of time, for example, that an employee would have an opportunity to have credit monitoring.

Ms. Cobert said that is why they are going to continue to look at that in the context of this. They are explicitly going to take that issue up.

Mr. Cox said that is also a concern of his; that there is sort of a dual standard, and many employees obviously suffered in each one of the breaches. He said they clearly are on record that they are asking her to look at that. He said he is hearing Ms. Cobert to say that she is definitely going to take a look at that. Going to the future, they deal with disasters in this country all the time. There are hurricanes, there are floods, tornadoes, things of that nature. He views this as sort of a disaster. Is the administration going forward to Congress and asking for some type of emergency funding to do all the necessary things to bring the government systems up where they meet all the standards that are necessary? Mr. Cox said he is the first one to acknowledge, in a cyber-security world, there will always be somebody who can figure out how to do something to it. But, he also knows that “we live to the whims of Congress.” And, just as there are disasters in this country that affect citizens, this is a disaster that has affected 21 million citizens that work and are connected with the Federal government. Mr. Cox concluded by saying, “We need funding to have the latest and up-to-date cybersecurity for all Federal employees.”

Ms. Cobert responded by saying that she would like to make a couple comments and to then turn it over to Mr. Scott, because he has got the best perspective on the resources across the Federal government. Ms. Cobert explained that they are trying to respond to this, and they brought resources from across the government to work on the issue here at OPM. They had terrific support from Department of Homeland Security (DHS) in understanding the systems. They had the experts doing the remediation and doing the testing, and doing things here at OPM. So, from that perspective, she thinks they have had a government response. As they look forward, part of the work Mr. Scott will describe is an understanding of what they still need. Some of the actions that were taken in the sprint that really do make a difference were things that did not involve money. But those are the first step. And they are going to understand that through Mr. Scott’s process. Ms. Cobert then said she would let Mr. Scott respond.

Mr. Scott said he would provide the short version of this, since they could obviously be talking about this for a long period of time. He said there is a fundamental issue that even a ton of money would not solve in the short run. And the fundamental issue is that is that the vast majority of systems in use in the Federal government today, and, indeed, in the private sector, use technology that was designed, developed, and implemented in a time and in an era when they did not face the kinds of threats that they are facing now. And so, what they are left with is effectively trying to bubble wrap and band aid technology that was never designed to defend itself against the kinds of threats it faces today. Mr. Scott said he has likened it to trying to put airbags into a ‘65 Mustang. It is not going to be pretty, and nobody is going to want the product. This does not mean that there are not things they can do to improve cybersecurity. He said they

will do everything, given the current architecture, to do that. Mr. Scott said he thought it would be a mistake for anyone to believe that using the older technologies, the legacy technologies, that they could ever create a world where they could completely and one hundred percent of the time defend and deflect against the current or even future threats. What they can do is invest in newer technologies that allow them to detect cyber incidents more quickly, isolate and contain them, and recover from them more quickly. And much of “the spend” that has gone on, both in the private sector and in the public sector, has been to prevent bad things from happening and they will continue to spend money on that. But, they also need to invest in the “detect quickly, isolate, contain, and then recover quickly” area. So, the task for them in the thirty-day sprint will be making some recommendations in that space. But the longer term play has to be to reinvest in newer technology that has security built in by default, and is the building blocks of a more secure set of infrastructure and applications that will do a better job than the legacy stuff. They are also looking at resource issues across the Federal government. And one of the areas that they know is going to be a challenge is cyber resources, recruiting talented people, training them, and getting them in place at every agency and in DHS. It is the hardest recruiting that there is on the planet today, for people with those kinds of skills. And so, as a country and as an organization they are going to have to take extraordinary moves to try to develop a broader set of talent and skill base in that area. So, they will be making recommendations in that space as well. Mr. Scott said he does not want to leave the Council with a grim picture. This is just hard work. They need all kinds of support across the board: from Congress, from everyone in the administration, from the public, and certainly from the folks in this room. Mr. Scott concluded by saying, “We all need to line up and make sure that we take serious and appropriate action in this space.”

For the next question, Ms. Cobert recognized Mr. Junemann. Mr. Junemann said he was glad Mr. Scott ended his remarks where he did. Mr. Junemann said he thinks that they need to invest in the country’s own employees. He thinks that, rather than to see who would be the best organization to contract the security out to, it is necessary to do this in-house in every way possible. He said if they cannot do it now, they need to invest in the training and development of the employees to do that. Mr. Junemann said he knows a young man who is in the Air Force. DOD is paying for his training to do this type of work, and Mr. Junemann knows what is in the back of his mind, “When my Air Force career is done, I’m going into the private sector and make triple what they’re going to pay me.” Mr. Junemann continued by saying that it is necessary to pay these people properly, but the flip side of that is that there is a bit of patriotism that he thinks can be played on. Employees in this situation could be told that if you do this for the government, then you are doing it for the United States; you are not just doing it to make somebody else rich.

Mr. Junemann continued by saying that he wanted to jump upon what Mr. Cox said, to counter what Mr. Scott said about there only being so much money to be put into this. He has been reading in the newspaper that the Republicans in Congress are looking at another shutdown. He continued, “They did a shutdown in the ‘90s, and the Gingrich crowd paid for it dearly in their next election. But they did a shutdown, the Republicans in Congress did a shutdown in 2013, and

then they won [in] a big way in 2014. They saw this was a pretty good idea for them. And they are looking at doing it again.” Mr. Junemann said that as they look at what needs to be done in terms of future cybersecurity –alerts, and monitoring, and doing everything possible to make sure that the holes in our pockets are tightly sewn, it will be important to understand that “they are going to play games with this thing again.” Mr. Junemann then concluded his remarks with the following statement:

I think part of our argument in going to Congress and saying we need emergency funding for this, and we need permanent funding, and don’t mess with it on idiotic games like sequestration and partial furloughs and shutdowns; because that’s going to affect the security of this nation. Because, if it affects the employees that work on everything that holds this nation together, it affects this nation’s security. So, I think that’s got to be part of the argument, part of the things we continue to look at.

Mr. Holway spoke next and said he wanted to applaud the administration’s efforts to make sure that something like this doesn’t happen again across government. He noted that, at the same time, there is a situation where there are 21 million people at risk. And whether they are at risk because of the fact that OPM didn’t ask for the money to build in new safeguards, or the Republican Congress who wants to micromanage these agencies, didn’t see this as a priority; we’ve got 21 million people at risk. And, they are going to be at risk for the rest of their lives. So, to say that eighteen months of credit check, or three years of credit check-- just doesn’t do it. Federal employees have the back of the people in this country. Who’s got their back? We are saying to them we are going to cover you for eighteen months, or three years, but this problem is going to go on for a long, long time. Mr. Holway said he would strongly urge the decision makers to come up with a program that would show the people that have been affected by this, the 21 million of them, that they have got their backs forever.

Ms. Cobert thanked Mr. Holway. She said she appreciates those comments and that is why, as announced this last week, they have made this commitment to come back with a thoughtful proposal. She knows, in thinking about this issue, that they also all know this is a space that is changing rapidly. So, they want to make sure, as they build a structure, they are doing it in a way that actually provides meaningful things that will last a long time. And that is why they want to take some time, not a long time, to sort of work through and make sure they have got something in place so that will actually get to the goal they are talking about. These services change over time. So, we want to make sure to structure this in a way that can do that. That’s explicitly why we made this commitment to putting this task force together and engaging with all of you on it.

Next, Ms. Kelley thanked Ms. Cobert for saying “yes” when she was asked to step in as acting director of OPM. Ms. Kelley said she thinks it is really important as they try to get their arms around this, and advocate for the employees who have been impacted by this breach, that there is

leadership and not a gap. She said “thank you very much.” Ms. Cobert responded by saying she just said yes; you have to do these kinds of things--it matters.

Ms. Kelley thanked her for that. Ms. Kelley said that she heard Ms. Cobert say that no time line has been set for the company that will do the notifications for the background investigation. “But, as you can imagine, employees are scared, and the uncertainty adds to the fear. I know that you know that.” Ms. Kelley asked if Ms. Cobert could give them a sense as to whether it is going to be weeks or months. She said she is not looking for dates, just something general.

Ms. Cobert said that she would love to defer that answer for a little bit. She just got here. And, with her other hat, contracting was not part of the bailiwick. Ms. Cobert said she knows that the team from OPM and DOD and from across government has been working really hard on this. She knows they were at it all day yesterday. And so, they will be able to provide an update in a little bit. Ms. Cobert said she understands why they need it, and when they have a sense of that timing, she will let them know. Ms. Cobert asked that Ms. Kelley give them a little bit of time as to work it through. Ms. Cobert said she would prefer to come back with a good answer as opposed to a quick answer.

Ms. Kelley responded by saying that she appreciated the response, and that when Ms. Cobert has some sense of the timeline, even if it is not a date certain, it would be much appreciated.

Mr. Nguyen said this is another example and he hoped the public will realize the kind of sacrifice that Federal employees and their families have been making. They put their personal information at risk. He said it is necessary to sit back and reflect on the kind of huge sacrifices that Federal employees and their families have been making. A second issue is one that previous speakers have already spoken about, our Congress. The Congress would need to invest in our cyber infrastructure. He said that for too long they have been ignoring and they have not been spending the kind of investment needed to protect the information of our Federal employees and their families. This is a matter of national security. We certainly do not want foreign governments to be able to use the information that they have been able to obtain to do bad things, to blackmail our officials. Mr. Nguyen continued by saying that he would hope that Congress, learning from this example, would take a hard look at not going to the bank again for another government shutdown and not appropriating the kind of money that would be needed to protect our national security. Thank you.

Ms. Bonosaro requested a copy of the remarks Ms. Cobert made earlier, in an unfiltered format. Ms. Bonosaro indicated she would like to distribute the remarks to her membership. Ms. Cobert said her team would work on it.

Mr. Nguyen said he had one more technical question. When people go through the background check, it's not just the employee, and it's not just their immediate family members; extended

family members have to provide PII⁷ as well – you know, brothers and sisters, and so on and so forth. He asked if anything is being done with regard to extended family members, not just immediate family members.

Ms. Cobert said that as they have gone through the database to understand who was affected; they did a scrub, for example, for finding social security numbers. The form does not, in fact, require social security numbers for family members. It turns out, including the folks who are on the working group, there were a number of people who said, “But wait, I thought I wrote it down there.” They have reviewed the database, and if that data exists in any form or field, they have looked for it, and tried to track that down. One of the things that you can also find, and they are going to put more of on the website, is tools that people can use to talk to family members. The resources from the FTC⁸ about actions people can take and other services are there so that people can give counsel to their families and give them a sense about how they think they should be acting. Ms. Cobert said they also have explicitly included coverage for any minor children because of the particular issues around child identity theft, whether your kids were on your form or not.

Ms. Cobert asked if there were any other questions; there were none. Ms. Cobert then said she wanted to close this part of the conversation for today with a couple of thoughts. One, they will find more opportunities to talk about this. They would love to continue to get the Council’s feedback; especially feedback about the questions they are hearing from people, and ideas about what they can do to help answer them. They are going to be reaching out to Council members to see if they can get some advice from your teams who do a lot of communicating with their folks and see what they can learn about that. She said the goal is to make sure that they are communicating in ways that people can understand. Ms. Cobert said that, as someone who has sort of gotten immersed in this, after a while, she wants to make sure they can communicate to someone who is not living it 24/7, in a way that helps address their concerns. Secondly, Ms. Cobert provided a “thank you” to all the folks across the government, including many of the Council organizations’ members, who are working really hard on this issue. These are not just at OPM, but across the government on the efforts that Ms. Scott has described. This effort to change and improve cybersecurity practice across government is not just a function of IT departments, it’s a function of everybody. It is people being vigilant when they get e-mails, people thinking about their interactions. And so, it is an all hands on deck effort. Ms. Cobert said she would particularly like to call out the colleagues and friends from DHS, the team from US Cert,⁹ has been on the ground from day one working incredibly hard to be responsive. Ms. Cobert said she would also like to particularly call out their friends from DOD who have been incredible partners in providing resources and talent and expertise to help address both the near-term concerns and to help think about how to move forward on background investigations’

⁷ Personally identifiable information

⁸ Federal Trade Commission

⁹ United States Computer Readiness Team

efforts. And it is literally every part of DOD, which as all of you know, is a large and complex entity. Ms. Cobert said she would like to thank everybody for all their efforts. It is that kind of efforts that will get us back to where we need to be. She looks forward to continuing to work with you, all of you, on this important issue and making sure that we move forward in a way that respects the Federal workforce the way they deserve, and that shows to them the level of commitment that we all have to making this right.

With that, Ms. Cobert turned back to the normal labor-management relations agenda. She said she thinks this was a great conversation because it is about the problem solving and things they do together. She said it is also emblematic of the work they like to do together, per Ms. Kelley's comments at the start of the meeting. Mr. Curry said "Thank you," to Ms. Cobert and said he would be making an adjustment to the agenda. He noted that there were some out-of-town guests who were last on the agenda. To make sure they are given an opportunity to be heard and, if we have time, after the GSA presentation, we will shift back to the Problem Resolution Subcommittee and see if we can hear from them. If not, what we cannot hear from the Problem Resolution Subcommittee, we will shift to the next Council meeting. Mr. Curry noted that the Council members have the read ahead materials and if they want to engage in any questions after the meeting, he would be happy to respond.

Mr. Curry announced that the Council will hear another example of how labor and management have worked together at GSA on addressing space management issues. He introduced the presenters, Cassandra Loggins-Mitchell of GSA; Mary Behrendt of NFFE; and Tajuana Maddox of AFGE.

Agenda Item III¹⁰: General Services Administration (GSA) Labor-Management Success Story

The first slide of a Power Point presentation entitled "General Services Administration, REGION 5 SPACE COUNCIL, July 15, 2015, National Council Meeting" was displayed. Ms. Loggins-Mitchell began by saying, "Good morning," and thanking the Council for the opportunity to share their experiences. Displaying Slide 3, "Why a Space Council?", she explained that before the presenters would start talking about their experiences with a Space Council in Region 5, they wanted to describe why they ended up developing a Space Council. It's their practical solution to a problem that was going on; they were finding out about office moves at the last minute. They were not able to really engage the way they wanted to. As they brainstormed, they thought that if they could establish a body that could manage the moves and get the word out to people, and meet on a regular basis; it would help the process. That is why they developed this Space Council, as a little bit of background. Displaying Slide 4 of the presentation, Ms. Loggins-Mitchess said the concept came up in 2013. () In the latter part of the year, they started talking about it and thought it could be a forum to facilitate notice at the pre-decisional involvement

¹⁰ Due to a scheduling adjustment, this agenda item preceded Agenda Item II (Report of the Problem Resolution Subcommittee).

stage. They started having formal meetings early in 2014. Soon after they started having meetings, actually a few months later, GSA's internal space policy was implemented. In that policy, GSA, as an agency, committed to PDI on all space moves. This supported their efforts. They intended to develop a formal charter; but as they began to meet, and the process worked, they ended up not doing that. She said she thinks that really speaks to their relationship and the level of trust that they had with each other. They had the systems developed so that they found that a formal charter was not necessary.

Ms. Maddox spoke while referring to Slide 5. She explained that the Space Council consisted of a joint body for collaboration. Ms. Maddox referred to Ms. Kelley's remarks, earlier in the meeting, concerning PDI and how important it is. Ms. Maddox said to Ms. Kelley, "You are so correct." Ms. Maddox explained that while Ms. Loggins-Mitchell was unlikely to take credit for their efforts, it was Ms. Mitchell who came to the union and said, "We need to form some type of council. I'm going to get with management and I'm going to find out if they are willing to set up a Council." Thus, Ms. Maddox said Ms. Loggins-Mitchell should be given the credit for establishing the Space Council. Notices to the union would occur early and often, to let them know when a move was about to happen. Some of this was long range pre-planning. Ms. Loggins-Mitchell would share information with the union; and she would facilitate PDI and union input. Ms. Maddox noted that, as a result, all of the participants established relationships and trust, in the end. Ms. Maddox said that Ms. Loggins-Mitchell established the record with NFFE, AFGE, and management; she encouraged having a voice for the workforce; she managed change action; and this Space Council actually reduced formal bargaining. Ms. Maddox said that the participants "collaborated," which was the buzzword throughout the process. With Slide 6 displayed, Ms. Maddox stated that the Space Council was established to develop long range space alterations and to identify space priorities. The term "Renovations" on this slide refers to the renovation of office space. While "Relocation" could consist of moving from one floor to another floor, from one room to another room, or from one building to another building.

The next presenter, Ms. Behrendt, explained that she would be speaking to Slide 7, "Core Members." She said that the core members included AFGE, NFFE, and representatives from Region 5 GSA, including the Public Building Service, the Federal Acquisition Service, labor relations, human resources (HR), legal, and Office of Administrative Services. With Slide 8 displayed, Ms. Behrendt explained that, in addition, there were other participants. Project sponsors, whenever they were needed, subject matter experts, including the people who created the floor plans. On the NFFE side, one is an architect, and I am familiar with space design, so we had a good idea of what we were looking at. They had the ability to call in other subject matter experts to speak to the group about safety issues, design issues, and other issues. In addition, all the stakeholders, whoever is involved in these moves—the individuals, the employees themselves, the management types such as Service Center Directors, management officials, and union representatives from NFFE and AFGE—also participate. Plus observers, people who want to look

in and see what the Space Council is doing and see how things are progressing with particular projects.

Displaying Slide 9, Ms. Behrendt said she would give an example of one of the projects that they did. The first major project was done in Minnesota, which the Space Council called the “Minnesota Space Project.” The project involved GSA space within three facilities. The three facilities were: the Burger Federal Building in St. Paul, Minnesota; the Minneapolis Court House; and the Whipple Federal Building in Fort Snelling, Minnesota. The project was initiated because people had originally been moved to swing space in a place called Norman Point. This is a very nice leased facility, a private facility, that people got used to being in. The project was the result of moving them back. It was also an opportunity for GSA to move people out of leased space and into Federal space. The project involved bargaining unit employees from both AFGE and GSA. The Space Council met monthly. A list of bargaining unit employees was given to each of the union representatives so that they could contact anybody who was affected by these moves so that they could give us concerns about what was going to happen to them in the moves. Management provided drawings which were reviewed in the Space Council all together. If they saw any problems, or had any suggestions, those were taken back and initiated into the drawings and brought back to the Space Council to review again. They did not stop at any one point if there was an issue. Management and the union worked together to create floor plans, especially when working out safety issues, etc. so that they had something they could all agree on. All before any negotiation or bargaining ever took place. This was pre-decisional. At any point in time they could have initiated negotiations if they had not agreed. That did not happen.

Ms. Behrendt continued by explaining that parking was an issue in this project. People in places where parking was available were not going to be particularly happy if they lost it. Some of the places people were coming from had plenty of parking, Norman Point and Whipple, especially. Whereas, the Federal building in St. Paul, Minnesota really had none. They surveyed bargaining unit employees about the parking issue to find out what their opinion was. Management did their very best to accommodate anybody who wanted parking. Where they could not accommodate parking, management surveyed the public transportation systems so they could tell employees how they could access their workplaces. This issue was very important to employees, in part because they had also initiated teleworking and having parking is a good thing when employees may not know when they will need to come into the office. In addition, some of the employees were building managers, who may be traveling to different building sites, and parking is a very good thing for these employees. So, working together, the union and management were able to resolve this project, and no bargaining was initiated. Because of this buy-in, the Space Council has been a very successful collaboration between management and labor.

With Slide 9 continuing to be displayed, Ms. Loggins-Mitchell said she would describe some of the benefits of the Space Council experience. These included sharing information early and often, which allowed them to reduce the need for formal bargaining. They were able to establish a consistent, known, participatory process, which is really important since the team knows the

process and can support managers coming in for the first time or sponsoring a project that involves engaging with the unions for the first time. It facilitates an ongoing relationship and encourages PDI even outside of the space issues. This is because of the relationships that have been built. PDI clicks to people now when they have a change coming up. It has done a lot to advertise the process of PDI. The process afforded an opportunity to both unions. The three party team worked for the unions and provided a platform to hash out issues and ideas, to solve problems, and incorporate change management in these moves. It has served to streamline the process. It has helped to avoid last minute notices.

Displaying Slide 10, Ms. Maddox asked if the Council members had any questions.

Mr. Mader stated that his OMB management portfolio includes the responsibility for real property management, and so he said “thank you” for this presentation. One of the topics that has come up repeatedly at the Real Property Council, which is the representatives of all the CFO Act agencies that handle real property, is how do they actually manage through the significant change when they are doing consolidations of facilities. Mr. Mader said he thinks this is a perfect example, and he would like to be in touch with the presenters offline to have them join one of the Real Property Council meetings, remotely, to brief the entire Real Property Council on this success. Mr. Mader mentioned that part of the Administration’s initiatives is to reduce the Federal footprint. He said that, “Quite candidly, we have too many buildings, too many facilities and too much space.” Every dollar that they can save can go back to another purpose, such as hiring cyber experts or supporting the front line mission. As they look forward for the next five years, being able to manage and get through change with the union and with employees will contribute significantly to success. He concluded by thanking the presenters.

Ms. Cobert then offered her thanks as well. She said that, with regard to this issue, she thinks one of the things we have is a real opportunity, as the agencies put together their five-year plans, it has actually forced them to be more forward looking. That is the kind of thing where agencies can then think about, collectively, what is coming, where do we do the PDI, what is the timing in getting things like this set up. Ms. Cobert said that she thinks the combination of the experience that folks here have had and that the Council has heard about in some of these other sessions, is a forward-looking footprint about planning. When you can get folks together on this issue, you can do problem solving, you can avoid a lot of issues, and you end up with a better answer for everyone. Ms. Cobert concluded by saying that when we put these things together, I think that we have a real opportunity, and it will also serve as a model of how we can tackle other issues, as well. This is really helpful.

Ms. Kelley also thanked the presenters for their presentation. She said that she found it interesting that they said space is important because it is GSA. In her experience, space moves are one of them most emotional, upending issues for employees, and not just Federal employees. The topic of space is personal, it’s very personal. The more that can be done to involve the impacted employees and their unions, sooner rather than later—Ms. Kelley said that, in her

experience, in most agencies, unions are constantly chasing this information. There is not the sharing, the up-front approach. It is when the union finds out about it and when the union starts asking questions that is when either the walls go up, or half the information gets shared. Anything that can be done on this issue across government is helpful. She said that they know that this is the second largest cost in the agencies where she represents employees, and that there is a move to identify savings, and they want to help. Ms. Kelley concluded by saying, “We want to help you save money so that it can be put to frontline or cybersecurity. And we want to work with you on all of that. Trying to make this real, across government, would be, I think, a big plus for the agencies, as well for the employees.”

Ms. Cobert then recognized Ms. Pope. Ms. Pope said that she wanted to thank the group as well for the presentation, and that it is very timely because there is a workgroup, PDI and Space that spawned from this Committee and their work in assisting with PDI across government. She said they are partnering with OGC, the Office of the General Counsel of the FLRA, the entire FLRA, the Federal Mediation and Conciliation Service (FMCS), and GSA. Next week they have a two-day PDI in Space training session to get it across government, to give people the tools before they are confronted with a move. Obviously, with your success, you put all the tools together and were successful. We want to underscore that it is really under Julie Clark’s, our General Counsel’s leadership, that we recognize the exact point that Ms. Kelley made. Space is important to everybody; managers, union, everybody has the same interest. And, everybody can use it as an opportunity to practice PDI. So, we are accommodating 80 people. GSA is hosting it. Because of the space restrictions, over 250 people wanted to register. They are going to look at the success of it, and how they can populate the information through this body, and across what the FLRA’s General Counsel does for training.

Ms. Cobert said that is great. She suggested that, maybe when the Council gets back together, they can get the feedback from Ms. Pope and others who were involved with the training. It would be beneficial to receive some thoughts about how we can expand this because it is a big opportunity for us to do this at scale. Ms. Cobert noted that she sees real enthusiasm on both sides, and she also likes it because it is really tangible. It is a place where everybody knows you have to engage in a conversation or it gets messy, and it does not need to. So, this is a great one for us to work on together.

Ms. Cobert asked if there were any other comments or questions. Hearing none, she turned to Mr. Curry to introduce the next agenda item.

Mr. Curry remarked that the Council would have time for the Problem Resolution Subcommittee’s presentation. This will include three short presentations on topics involving PDI and Contract Language, Space Management PDI, and Labor-Management Forum Metrics. The first presentation would be on contract language, after which time would be allowed for any questions and discussion, and then they will move on to the next presentation. First up is the

Contract Language working group. Mr. Curry introduced Mr. John Claya, of OPM, who would provide the Council a brief update.

Agenda Item II: Report of the Problem Resolution Subcommittee

Mr. Claya thanked Mr. Curry for the introduction. The first slide of a presentation entitled "Problem Resolution Subcommittee" was display initially, and then transitioned to Slide 3 of that presentation. Mr. Claya explained that the idea for this working group emanated from this Council. The working group took the idea and ran with it because it they thought it was a terrific time-saving tool for both labor unions and agencies when negotiating contracts. They have begun to look at common articles or provisions in collective bargaining agreements. Rather than having negotiators reinvent wheels, and spend an awful lot of time, and, indeed, money reinventing the wheel, the working group is looking, and they have some examples today, of what they have found to be common articles or provisions in labor agreements across the Federal government. Long term, they would like the Council's support in identifying common contract ground rules' language to save time during negotiations. Their experience is that ground rules can control the time of negotiations and outcomes. Right now they are meeting bi-weekly. They would love to have additional representation from labor organizations and agencies, and Mr. Claya thanked the labor organizations and the agencies who have been actively participating in this work. The working group initially identified a list of 11 articles and began their research. Mr. Claya explained that he would next turn to some draft common contract language. Mr. Claya transitioned to Slide 4 of the presentation.

Mr. Claya explained that the working group found in their research that the "preambles" of many labor agreements are very similar. They took their research, boiled it down to core common contract language, and here (on Slide 4), they have an example of a preamble. Mr. Claya said the working group is seeking the Council's support for posting these examples on the Council's website, to make them available to all negotiators for labor organizations and agencies.

Transitioning to Slide 5 in the presentation, Mr. Claya continued by saying that the working group also found that the "Recognition" or coverage articles were nearly identical in many cases. They boiled this language down, and here (on Slide 5) is an example of common, core contract language, recognizing the labor organization as the exclusive representative and recognizing the agency.

Mr. Claya transitioned to Slide 6 of the presentation. Dues withholding was another area that this working group looked at. They found that it is common in many, many labor contracts. This working group believes this example (on Slide 6) would suit negotiators. It is a fine example of language they could work from, if they have a dues withholding article to negotiate.

Mr. Claya transitioned to Slide 7 of the presentation. He stated that the working group thinks there are a lot of time saving here, as the Council initiated this. And, eventually, that is going to result in monetary savings. Mr. Claya then invited questions from the Council.

Mr. Cox stated that he realized that the working group has just a couple articles here where they found commonality. He stated that he believes the working group is continuing to work through other articles or other things.

Mr. Claya said that is correct. The examples provided are three of the eleven. What the working group hopes to do is drill down to the common core contract language in the other eight articles and bring that back. There is going to be some variation with regard to the language, but the working group believes it can drill down and find common core contract language in the other eight areas. They plan to continue on beyond the eleven.

Mr. Cox explained that a part of this that has been an interest he has had, because his union has several Councils, bargaining with agencies, some of them have now been bargaining between two and three years, and they still have not even signed one article. And he keeps asking "what creativity are you arguing about on Recognition and Coverage? You either are certified to represent those people or you're not." It is not clear to him why that would keep just going around in a circle, but they have not been able to get an agreement over those types of things. Mr. Cox continued by addressing Ms. Cobert and saying that he thinks there has to be somewhere within the Federal government where if the union lays down this reasonable language, they are not going to spend two years arguing about it. The agencies and unions are going to say "yes". This language does not constitute something that is just detrimental that would prevent an agency from running. Mr. Cox said that he struggles with people being at the table for forever and a day. He said he means that if there is a tough issue, they certainly have the processes to go to with the impasses panel and all, but many of the easier issues they should be able to resolve and move forward.

Mr. Junemann said that his comment is "yep." Talking to his union's locals, it does take forever. He keeps hearing this theme coming back. He will hear, "We have this new HR team. They don't know what past practice is." These things can go on forever. Mr. Junemann continued, "This is the line we constantly get--that there are new people on the other side and the union people need to teach them how to do their jobs, and then go back to their side of the table and argue against them." He said he would hope, while he does not see them as part of this working group, that the FLRA and FMCS would incorporate some of this into the joint training they do in negotiations. This is not just moment to moment problem solving. Mr. Junemann noted that this union represents employees in the Federal sector, but also at the state and local level and in the private sector. In the Federal sector, it seems to take a long time to get agreement on basic concepts. Mr. Junemann said he applauds this, though he has not yet read enough of it to agree to it. He also needs to confer with this locals since his union is a membership-driven organization.

Mr. Claya said the working group would love to have their participation, once Mr. Junemann has gone back to the locals.

Ms. Allison Beck, Acting Director of the FMCS, made a comment about willingness to partner with respect to training. She noted that FMCS and FLRA do a lot of training on rights and responsibilities and in relation to negotiations. She said that if there were consensus as to language that came out of this committee, FMCS would make sure that its mediators who work on Federal sector bargaining have that language. She would like to do anything they can to help.

Ms. Bonosaro asked Mr. Claya if he could mention some of the other topics the working group is looking at in this regard.

Mr. Claya responded that they would be looking at just about any other contract provision. Ms. Bonosaro asked if the group was looking at a total of eleven topics. Mr. Curry said they could send out a list of the topics to the Council, after the meeting.

Ms. Bonosaro asked if the Council would need to take any action in order to post this on the Council webpage.

Mr. Curry noted that today's presentation materials would be posted on the webpage because they were presented at the meeting. Going forward, if the Council is comfortable with materials developed by the working group, they will present it on the website.

Ms. Kelley said she would offer a cautionary tone as to where NTEU will view this in the future. On these basic kinds of articles, there may be standard language that would seem to be reasonable across the board. But, less basic contract articles, every other contract article will be different by agency and different by union, different by facility, different by job title, and different by grade. Ms. Kelley expressed discomfort with the idea that the Council would put language on its website and then an FMCS mediator could say, "This is language the national Labor Council has supported." Ms. Kelley said she does not think the Council will have NTEU support for that, in articles across the board. Ms. Kelley said that if it has taken two years to get agreement on a standard concept, like the coverage article, then, "Someone needs to reach in and smack somebody for sure because it happens. We all have horror stories. And I don't support years and years of bargaining. The employees are caught in the middle, and it is not good for anybody." Ms. Kelley said she recommends that the working group be cautious as they move past basic articles. She noted that she shared Ms. Bonosaro's interest in seeing the other eight articles.

Mr. Dougan explained that he views this draft language as a template that an individual agency or union can use. For him, this really is a time saving, and his experience has been very similar to Mr. Cox's. These rather simple articles, while it might appear that it would be very easy for labor and management to agree, on a Preamble and articles on partnership, articles on dues deduction; he has found in his experience over a number of years that these are often the ones where we really butt heads the longest and hardest. This effort would provide an opportunity for labor and management to potentially get out of that mode, and to instead spend their time together where

they really have differences of opinion with respect to contract language that is more substantive and probably more important to the constituents that they both represent.

Ms. Cobert thanked the Council members for their comments. She said she found this to be a really good discussion. Her takeaway from this is that there is more work to be done both in terms of other places this is relevant, and how do we draw the line between basic contract articles and more complicated ones. She said that her sense from the Council is that the working group should keep going and they will know more about where those lines are as they start to see more work. She expressed her thanks to everybody who has been working on this and said the Council will look forward to continued updates.

Mr. Curry then introduced the next presentation, and said the Council will hear from Ms. Temple Wilson of GSA. Earlier this year, the Council formed a Space Management PDI working group. Temple is going to provide an update from that group.

Ms. Wilson (GSA) began by stating that her comments would build upon what Chairman Pope said earlier, concerning the work of the Space Management and PDI working group. After the FLRA's suggestion just a few months ago, the idea for this training took off very quickly. Ms. Wilson referred to Slide 8 in the PowerPoint presentation titled, "Problem Resolution Subcommittee." She explained that the working group includes "a great number of people" representing the organizations identified on the slide. Ms. Wilson noted that, in addition, the Federal Managers Association, the State Department, and the American Foreign Service Association (AFSA) are also part of the working group. She said people continue showing interest in joining this working group. Ms. Wilson transitioned to Slide 9 of the presentation entitled "Space Management and PDI," concerning short-term deliverables. She noted that putting the training together required a quick turnaround. The working group has great hopes for it. They put out an announcement, related to the training, on Friday, June 19. They distributed the announcement to well over 2,000 individuals. This list included labor relations practitioners, managers, union representatives, and also property managers. The intended audience for the training is labor and management teams who have a space project coming up in the short term, in the next 2-3 years. Within the first 24 hours after announcing the training, they had already received approximately 80 responses. Ms. Wilson said she would estimate that the registration number is probably close to 300 people. They are trying to accommodate as many participants as they can, within the space limitations.

Referring to Slide 10, Ms. Wilson estimated that the participant count is about 82 to 84 because they are anticipating that some folks may drop out, though they are hoping that is not the case. They had folks from all over the country register for this, and the working group tried to include people who were not in the Metro D.C. area, since they do not typically have an opportunity to attend training like this. They gave emphasis to folks outside the D.C. area, although they also have a number within the D.C. area, who will be attending. In selecting registrants to attend, the working group gave emphasis to those partners who were willing to come together. In fact, the

entire participant list is really made up of partners – property managers, unions, labor relations folks. Ms. Wilson transitioned to slide 11 of the presentation, which identifies the training objectives for the program. She noted that the FLRA has done the yeoman’s work on this, and we have to give major credit to them. At the planned training event, FLRA representatives will be talking about labor obligations, in particular PDI, with regard to all of these space management issues. GSA folks are going to talk about the "freeze the footprint" initiative. They are working with their OMB counterparts in putting together the material. They are going to talk about reduce the footprint efforts, and what it means to agencies, in order to get that information out there. This should facilitate the agencies, LR folks, and the unions having conversations about what does this mean for them. The training will encourage them to start having those conversations early. GSA representatives will also talk about the basics in the leasing process; what happens in that process. They will address the questions of "What are the differences when we’re talking about moving into leased space or Federal-owned space? What are some of the things that happen in the procurement process?" They will discuss a confidentiality piece that might come into play, and how labor and management may navigate that.

Ms. Wilson continued her description of the agenda for the planned training, by saying that FMCS is going to spend an entire day to have these labor-management groups participate in some practical application exercises. They will make this very interactive. The working group, through FMCS and FLRA, has been able to pull some real life sort of situations together. The trainers will, hopefully, be able to walk the participants through the simulations, with the assistance of all of the SMEs¹¹ there.

Ms. Wilson noted that the working group has received a number of questions about whether the training will be offered again, and whether it could be provided through the Council's website. The working group is viewing the planned training as a pilot. They plan to ask for feedback from the participants. They will report that out to the Council in the future. Ms. Wilson then invited questions from the Council.

Mr. Filler offered a comment. He said, "This is a great working group, but I would like to suggest that we not be lost in space. And so, per Mr. Mader’s memo¹² from a few months ago, I think it would be good if there was a way to follow these groups that attend this training to find out what the end result is." Mr. Filler then posed a series of questions that could potentially be answered through follow-up efforts. "Will they, in the future, have successful negotiations? Will it result in some demonstrable impact that we can measure over time? So, if the negotiation is successful, or people are moving into better space, how does that affect the employee morale? Are we reducing the size of the footprint? What is the outcome of the training that is occurring?" Mr. Filler said he had another point to make, which is that a good cross section of the Federal

¹¹ Subject matter experts

¹² This references a document that was handed out at the Council's May 2015 meeting. The document is Management Procedures Memorandum No. 2015-01, with the subject, "Implementation of OMB Memorandum M-12-12 Section 3: Reduce the Footprint."

government is right here in this room. I would hope that all the labor unions could share this information with their locals because it is very useful, and that the Council could tap into other groups such as Federal Managers Association (FMA), Senior Executives Association (SEA), and Chief Human Capital Officers (CHCO) Council to make sure it is out there and used and put into practice.

Mr. Mader also offered a comment. He said that, building on what Ms. Wilson had said, he thinks it would be worthwhile to have the Federal Real Property Council working more closely with this working group, because while we do have a lot of space here in Washington, D.C., a lot of activity is really going on in the regions. Working with GSA, when you think about those regional activities, there's a lot of consolidations that impact a myriad of agencies. Maybe what we can do is, working together, come up with a way of sort of sponsoring, region by region, bringing those regional entities together, to have these kinds of seminars. We'll be back in touch.

Ms. Wilson thanked Mr. Mader for this comment.

Ms. Cobert said that she also loves the idea of thinking about follow ups. She said that we know GSA does a tenant satisfaction survey which could be a mechanism of understanding, whether the folks who are involved in this were more satisfied as they came out the other end. Ms. Cobert asked how that data could be linked to this group's activities. She noted that, "We can slice and dice the Federal Employee Viewpoint Survey (EVS) in many, many ways." Ms. Cobert continued by saying that she thinks this idea of both tracking, as well as thinking about, after they get through the pilot, "how do we take this on the road." There are ways to do webinars. She understands that OPM has facilities that can host them. Different agencies have different capabilities with regard to webinars, but the group can figure out how to do this. Ms. Cobert said it would be beneficial for this working group to bring their learnings back to the Council, after the pilot, along with their plans for scaling the training to reach a larger audience. Ms. Cobert said she thinks that would be a great place to get feedback and continue the momentum as we go forward.

Ms. Pope also offered comments. She stated, "Space is not the last frontier. It was a place to start." She continued by saying that it was Julia Akins Clark, General Counsel, FLRA, and the attorneys across the Regions at the FLRA who looked for real practical opportunities to teach pre-decisional involvement. So, it was the last group who said "we started with space, and now we're moving on to other areas involving working conditions because we had the success with PDI." Ms. Pope said that, for the FLRA, success means there is a real time definition and tools for pre-decisional involvement across the board, and not just in relation to space.

Ms. Cobert said that the thing that is great about space is that while every agency's mission is different; at some level, the question is how people feel about their work environment. What they are doing is actually a very common element across agencies. And so, it is a place where we can start to build the PDI muscle in multiple agencies. Because some of the other elements are

more tailored and custom, but you can start that, and find that this stuff really works. Participants may find "We ended up in a better place. We got there faster. People are more satisfied with the outcome. Let's try that for issue number two." Ms. Cobert said that, for these reasons, she thinks it is a big opportunity to make some real progress.

Mr. Curry then introduced the final presentation of the Problem Resolution Subcommittee, in which Ms. Wilson would provide an update on metrics reporting.

Ms. Wilson transitioned from the Space Management PDI update by noting that GSA has briefed the Federal Real Property Council and the working group is working with the tenant satisfaction folks. She said she thinks the Council has made great suggestions and the working group will move forward with them. She said that one piece of this is the metrics piece. Ms. Wilson said they would like to kind of feed this metrics piece into that Space Management and PDI as well and say this is something you could measure. They plan to talk about how participants can measure their efforts, and get that follow up there.

Ms. Wilson transitioned to Slide 13 of the Problem Resolution Subcommittee presentation. She noted that she was reporting out on the 2014 metrics reports. She said she was happy to announce that, as of July, we now have all of the 2014 metrics reports. They are reviewing those reports as they come in. They are doing some follow up efforts. She said she thought they had talked about this at the last meeting. There were about eight agencies that indicated they had no forum, or were not engaging with their unions in any practical way in the PDI aspect. The subcommittee sent out some communication to all eight of those agencies. They have received some responses. They are not in a place yet where they can really report out the data that they have so far, because it's not complete. Ms. Wilson said she is hoping that by the next meeting, the working group will be able to provide some information to the Council about what the responses have been from those eight agencies. Ms. Wilson transitioned to Slide 14.

Ms. Wilson said that, as she has mentioned previously, they did see that there are definitely some areas for improvement; at least in the reporting process. They are not getting a lot of quantitative data, or data that they can easily share to say, this is a result of what happened here; and it was great, or it was terrible. As a result, the working group is putting together a list right now of folks who looked like they had some interesting successful results that they reported out in the reports. But, just didn't go that extra step that we kind of wanted them to go, to really tell us exactly what it was and what those numbers those numbers might be, and what their experience was. The working group is putting together a really short list of folks to whom they are going to reach out as a working group. That is, the four or five members working on the issue. And they are putting together a consistent set of questions for this purpose. Their goal with the follow up efforts is to get a consistent set of data and come back to you and report on it.

Referring to Slide 15, Ms. Wilson said that the working group is also focusing on guidance for the 2015 reports. The working group is trying to come up with some new things, consistent with

feedback they received from the Council previously, that could be some short, easy things the working group can do to assist people. The working group tried to get creative, and one of the things they thought about was holding a question and answer session. This could potentially be in early fall. That is when they start sending out communications to agencies to remind them that their reports are due December 31st. Around that same time, the working group could get on the telephone with these folks, and say, "we're going to be here at this time for an hour, two hours, whatever it might take, and we're here to answer your questions if you need help filling out your reports, or if you need help trying to quantify the things you are doing." Ms. Wilson said she might not be able to tell them how to quantify it, because she is not a mathematician. However, the working group could tell callers who the folks are, hopefully, within their own agencies, that might be able to assist them. This was something the working group thought might be really helpful. They were contemplating holding one session in the early fall when we send out the initial reminder letter. And then also holding a session a little bit later, closer to December, to just see if there are any follow up questions. If it is OK with this Council, the working group would like to do that, and look at how to do that, logistically. Ms. Wilson then asked the Council if there were any questions.

Mr. Nguyen asked if Ms. Wilson had any data on what kind of issues are being PDI-ed? He said that his understanding is that, at some agencies, PDI is happening, but not on important issues. He asked Ms. Wilson if she could elaborate on that.

Ms. Wilson said that she could not provide a list "off the top of my head." However, they are pulling that data together so that the working group will be able to provide it. Ms. Wilson then offered that she had read all the reports, in fact for the last two years, and anecdotally she has seen lot of activities focused on telework, and those kinds of issues. She said they see a lot of reports where it looks like the PDI is being conducted around issues that could be measured by looking at the EVS scores; telework happens to be one of those. This enables groups to look at, maybe, employee satisfaction, in relation to some questions about telework. Ms. Wilson said her suspicion is that it is difficult to measure some things. The EVS is an easy way to do that. It is almost like there has been a focus on the EVS. But, Ms. Wilson said she thinks that, actually, what they can tell from these reports is that there is a lot of PDI going on. She does not think some of the issues they are working on are being put in the reports. As a result, she does not think we are getting the full picture. There are some groups, maybe the VA, the DOD, and United States Department of Agriculture (USDA) talking about call centers and things like that trying to improve call time, reduce call wait time, and things like that. Those are kinds of good things that are easily measured. It really kind of runs the gamut and she does not think we are getting a really good picture of how much PDI is actually going on. And so, that's what we want to try to improve, and reach out to folks and say "can you really give us that information?"

Mr. Nguyen said he would hope that the working group would look into not just the number of PDIs, but actually whether or not those PDIs are on important issues, not just day to day operations.

Ms. Wilson said, "Absolutely. Yes, thank you."

Agenda Item IV: New Business

Mr. Curry thanked Ms. Wilson and then moved on to the next agenda item, new business. He said the next Council meeting is scheduled for Wednesday, September 16, 2015 from ten a.m. until twelve noon, here at OPM. Mr. Curry then asked if any Council member wished to raise new business.

Mr. Nguyen said that he would like to publicly thank Mr. Curry for the help he has provided to their members during the aftermath of the cybersecurity attack. "He has been extremely helpful, and he's always there for us when we bring up issues that would need to be resolved immediately. So, thank you Tim." Mr. Curry responded by saying, "You are welcome. It is the least I could do, trust me."

Agenda Item V: Acknowledgment/Receipt of Public Submissions

Mr. Curry announced that, as a FACA Committee, the Council offers opportunities for members of the public to make brief statements to the Council. "Does any member of the public wish to make any brief statement to the Council?" There was no response. Mr. Curry then indicated the co-chairs would make closing remarks.

Agenda Item VI: Adjournment

Ms. Cobert said she would like to start where she began. "Thank you. I look forward to seeing you here in September, but I also know that I will be speaking with you between now and then. Please keep your comments coming. We are all in this together, and we will get through it together. So, again, keep the comments coming. We're here to help, we're here to respond, and we're here to try and get things right. Thanks very much."

Mr. Mader said he would look forward to working with the Council over the next couple months. "Thank you."

Mr. Curry adjourned the meeting at approximately 11:55 a.m.