

Problem Resolution Subcommittee

Presentation to the
National Council on Federal Labor-Management Relations
July 23, 2014

Metrics Reports Working Group

Metrics Working Group

Working Group Members

- OPM, USDA, VA
- NFFE, Seafarers Int'l Union
- FLRA

Metrics Working Group

Working Group Meetings

- May 9, 2014
- May 30, 2014
- June 20, 2014
- July 2, 2014

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Reports

- 52 Reports Submitted for 2013
- No Outstanding Reports

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Common Themes

- Heavy Emphasis on Federal Employee Viewpoint Survey Results
 - Labor-Management Relations
 - Employee Satisfaction
- Little Emphasis on Agency Mission Accomplishment
 - Some Identification of Specific Issues
 - Little Emphasis on Measurement
- Little Connection Made Between Issues and Results

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Common Barriers

- Lack of Understanding
 - Distinction between Forums, PDI, Bargaining
 - How to measure, what to measure, when to measure
- Relationship Issues
 - Some Agencies Reporting Out that Still Have No Forums or No Functioning Forums
 - ✓ Lack of Interest
 - ✓ Irreconcilable Differences
 - ✓ No need for change
 - ✓ Communication
- Dealing with Other Issues
 - Downsizing, restructuring, sequestration, shutdown

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Best Practices

- DOC-PTO and POPA and NTEU Chapters 243 and 245
 - Mission Accomplishment - Increased telework, reduced space required to house employees, reduced energy usage
 - Resulted in cost savings of more than \$5 million

- USDA and AFGE, Local 3354
 - Labor-Management Relationship – Increased total bargaining unit employees covered by a forum by more than 6% (92.4% in 2012, 98.5% in 2013)
 - Mission Accomplishment – Developed strategies to reduce call hold times within Rural Development Centralized Servicing Center. Improved Average Speed of Answer (“ASA”) by 46% as compared to FY 2012

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Quick Start Recommendation

December will be here soon!

- Before the next Council Meeting - Follow-Up Email to Agencies Reminding them of Available Metrics Training Resources
 - NCFLMR Metrics Guidance
 - NCFLMR Metrics Quick Tips Training Webinars
 - Problem Resolution Subcommittee
 - FMCS/FLRA Assistance

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Long-term Recommendations

- *Develop Additional Online Training in Basic Areas*
 - Relationships/Distinctions between LM Forums, PDI, Bargaining
 - How Can LMFs Help You? (Labor/Management)

- *Revise Metrics Guidance/Process*
 - Emphasize Focus on Mission Accomplishment
 - Emphasize/Require Union Participation in Report

- *Create New Opportunities to Submit Information*
 - Expand LMF Reporting Tool to encourage individual forum participants (agency and union) to report on metrics related to mission accomplishment
 - In addition to Current Process

Pre-decisional Involvement & Collective Bargaining Working Group

PDI & Collective Bargaining

Web-based Modules addressing aspects of PDI & Collective Bargaining

- Frequently Asked Questions
 - ✓ Posted on Council website (presented at March 19 meeting)
- Checklists
 - ✓ Ready to post
- PDI Outcomes
 - ✓ Ready to post
- PDI Models & Success Stories
 - work in progress

PDI & Collective Bargaining

Module 1: Frequently Asked Questions

A. General

1. What is Pre-decisional Involvement (PDI) and where did it come from?

Pre-decisional involvement, or PDI, is a key component of the President's Executive Order (E.O.) 13522, "Creating Labor-Management Forums to Improve Delivery of Government Services." The E.O. envisions employees and their union representatives as stakeholders whose viewpoints and input should be obtained in a collaborative labor-management engagement process before agency leaders make decisions.

2. What does Executive Order 13522 say about PDI?

E.O. 13522 sets forth a policy that federal employees and their union representatives are a source of "essential ideas and information" regarding the functioning of government and the objective of delivering quality government services to the

PDI & Collective Bargaining

Module 2: Checklists

- Adapted from checklists used by experienced LM Forums, including:
 - Pre-PDI checklists (Management and Union)
 - PDI Invitation checklist
 - Response to PDI Invitation checklist
 - PDI Expectations checklist

PDI & Collective Bargaining

Module 2: Checklists

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* Please note this checklist is just an example. Labor and Agency representatives are encouraged to change and adapt this list in a way that suits your needs.

Pre-Decisional Involvement Expectations Agreement Checklist

When engaging in Pre Decisional Involvement (PDI), there are critical pieces to remember:

- By participating in PDI, the parties do not waive their statutory rights.
- It is important to check the applicable collective bargaining agreement and any other agreements or established practices for information about the PDI process and/or about the subject to be discussed in PDI.
- Even if bargaining unit employees are included in the PDI process, the union remains the exclusive representative for the bargaining unit.

For the PDI process to be successful the parties should identify and clarify the expectations up front before discussions begin. The designated representatives for both parties should discuss and capture in writing what the expectations will be for this PDI engagement BEFORE the PDI discussions begin. It is strongly suggested that the first meeting be used to determine, at a minimum, the following items:

PDI & Collective Bargaining

Module 3: Outcomes

- When parties have completed the PDI process, they often don't know what happens next.
 - Put the agreement in writing?
 - How should the agreement be structured?
 - Is there still a duty to bargain?
- This interactive module helps answer these questions.

PDI & Collective Bargaining



**Pre-Decisional Involvement (PDI):
How to address the outcome of a
PDI process**



CONTINUE

PDI & Collective Bargaining



So you finished the PDI process, now what?

- **Did you reach a full consensus on all issues relating to the topic?**
- **Did you reach a consensus on *some* issues but not others?**
- **Did the PDI process not result in a consensus?**

Consensus
on all issues

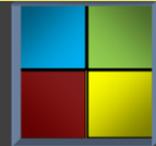
Consensus
on some issues

No Consensus

PDI & Collective Bargaining

Module 3: Outcomes

PDI Outcome: Full Consensus



Do the PDI participants have the authority to enter into a binding agreement?



Labor-Management Forum
(LMF) Reporting Tool
Working Group

LMF Reporting Tool

- As reported in January 2014, results from the Reporting Tool prompted questions about the possibility of different ***perceptions*** between labor and management on the topic of pre-decisional involvement (PDI);
- Follow-up interviews with select pairs of respondents were conducted to learn more.

LMF Reporting Tool

The interviews found that in some cases, labor and management do have different perceptions about:

- What is PDI?
- How should it work?
- Are there shared expectations for PDI outcomes?

LMF Reporting Tool (Conclusions)

Likely reasons for divergent answers about the frequency of PDI include:

- Lack of trust, will, or interest
- Lack of training on LMF/PDI process
- Lack of discussion/agreement on a common definition of PDI and PDI process for that forum
- Failure to memorialize any agreed-upon definition or process for PDI
- Confusion about the interface between PDI and existing agreements related to “partnerships”
- Confusion about relationship between PDI and collective bargaining

LMF Reporting Tool (Conclusions)

Despite the obstacles, some parties reported working through issues successfully using PDI.

Contributing factors seem to include:

- Trust in their relationship
- Shared belief that PDI can have benefits:
 - Early identification/resolution of issues can shorten any bargaining
 - Input from employees, through their union representatives, can streamline work processes, save money, and make employees happier

LMF Reporting Tool (Updated Version)

Based on input from this Council in March 2014, we have updated the LMF Reporting Tool by:

- Including questions that focus on PDI experiences and perceptions, and
- Improving the design to facilitate identification of LMFs
- To avoid the potential for confusion between this tool and agency metrics reports, we recommend distribution in ***early 2015***.