

# **Department of Defense Implementation Plan for Executive Order 13522 – Creating Labor- Management Forums to Improve Delivery of Government Services**

## **BACKGROUND:**

The Department of Defense (DoD) has approximately 1,600 local bargaining units worldwide affiliated with 45 unions representing about 450,000 bargaining unit employees. More than 700,000 civilian employees work for DoD with bargaining unit employees comprising 60% of the Department's workforce. The Department recognizes that our civilian employees are key in supporting the Department's mission to protect the American people and labor organizations give voice to workers in our Department on critical personnel and workplace matters.

This implementation plan for Executive Order (E.O.) 13522, Creating Labor-Management Forums to Improve Delivery of Government Services, outlines steps the Department of Defense is taking to implement the requirements of the E.O. and the Office of Personnel Management memorandum dated January 29, 2010.

The Department worked with unions holding DoD national consultation rights (NCR) to develop this implementation plan.<sup>1</sup> These NCR unions are:

- 1) National Federation of Federal Employees (NFFE);
- 2) National Association of Government Employees (NAGE);
- 3) Metal Trades Department (MTD);
- 4) International Association of Machinists and Aerospace Workers (IAMAW);
- 5) Federal Education Association (FEA);
- 6) International Federation of Professional and Technical Engineers (IPFTE);
- 7) Association of Civilian Technicians (ACT);
- 8) Laborers' International Union of North America (LIUNA); and
- 9) National Association of Independent Labor (NAIL).
- 10) American Federation of Government Employees (AFGE).<sup>2</sup>

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<sup>1</sup> The Department finalized details on this plan with 9 of the 10 NCR unions.

<sup>2</sup> After initially participating in discussions with the other NCR unions, AFGE has engaged in separate discussions with DoD on the scope of AFGE participation on a DoD level forum.

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**E.O. IMPLEMENTATION PLAN REQUIREMENTS:**

**(i) Describe how the executive department or agency will conduct a baseline assessment of the current state of labor relations within the department or agency.**

The Department of Defense (DoD) and union representatives are jointly developing a survey to expeditiously assess the current state of labor-management relations within the Department, no later than the end of FY 2010. The Department and union representatives will be assisted by the appropriate subject matter experts in the technical aspects of our work.

The Department and labor representatives will seek to develop a statistically valid approach to accomplish the survey's objective. The approach will be designed to be both methodologically sound and affordable.

All locations in the Military Departments and various Defense agencies having recognized appropriated and non-appropriated fund bargaining units will be surveyed. The assessment will target those individuals operating at the bargaining unit level such as labor relations practitioners, managers, supervisors, bargaining unit employees, and labor officials.

Participation in the baseline assessment will be strongly encouraged through a coordinated, broad-based communication plan by both parties to their constituencies in order to capture an accurate reflection of labor-management relations across DoD. It is in our interests to assess the current state of labor management relations within DoD and provide information, which both the union and management can use to make the Department a better place to work and enhance support of mission accomplishment. Participation in the study will be voluntary. No attempt will be made to identify individual survey respondents.

The results of the baseline assessment will be shared across the department and will be used to identify best practices and target areas for improvement.

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**(ii) Report the extent to which the department or agency has established labor management forums, as set forth in subsection (a)(i) of [section 3 of the E.O.], or may participate in the pilot projects described in section 4 of this order.**

The Department currently has functioning labor management forums at various levels. The Department will inventory to determine where current labor management forums exist, in accordance with subsection (a)(i).

The Department has engaged leaders from the national labor unions holding national consultation rights to establish a labor-management forum at the Department level, bargaining unit level, and other appropriate levels, as agreed upon by labor and management. The Department level forum (DoD forum) is expected to consist of senior-level Department officials and union representatives of labor organizations that hold national consultation rights with the Department.

The DoD forum will discuss the extent of the Department's participation in any 5 U.S.C. 7106(b)(1) pilot projects consistent with guidance provided by the National Council on Federal Labor-Management Relations. The Department is committed to conducting pilots requiring bargaining over 5 U.S.C. 7106 (b)(1) matters pursuant to the executive order and is currently soliciting proposals.

**(iii) Address how the Department or agency will work with the exclusive representatives of its employees through its labor-management forums to develop Department-, agency-, or bargaining unit-specific metrics to monitor improvements in areas such as labor-management satisfaction, productivity gains, cost savings, and other areas as identified by the relevant labor-management forum's participants.**

The DoD forum will use metrics established by the National Council on Federal Labor-Management Relations and will jointly develop metrics to monitor and assess progress toward meeting the goals set forth in the Executive Order, and mutually selected goals and objectives. These metrics will be used by forums established across the Department, as appropriate.

As mandated by the Executive Order, the DoD forum will develop enterprise-wide metrics to monitor improvements in areas such as, but not limited to, effectiveness of labor and management in communicating and working together, productivity

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gains, and cost savings. Members of the DoD forum will identify goals, collect information, and evaluate results. Baseline comparisons, evaluations across organizational lines, standardized assessment approaches, and existing data collection systems will be utilized (addressing both tangible and intangible outcomes). Additional metrics may be developed by labor-management forums at other levels in DoD.

To gather the data necessary to evaluate the effectiveness of labor-management forums within the Department and their contributions to mission accomplishment, the DoD forum will annually survey parties participating in established forums, as well as locations where labor-management forums could exist, specifically locations having recognized bargaining units. Participation in the survey will be voluntary. No attempt will be made to identify individual survey respondents.

**(iv) Explain the Department’s or agency’s plan for devoting sufficient resources to the implementation of the plan.**

The Department is currently assessing existing resources to determine how much, if any, additional resources are needed to provide critical support to ensure that the Executive Order’s requirements are met. While support of labor-management forums at appropriate levels of the Department is an integral part of managers’ and labor relations practitioners’ normal duties, the Department will establish ad-hoc working groups, to include union representatives, as necessary to ensure that provisions of the Executive Order are executed.

**(v) Additional details on implementing labor management forums**

The DoD forum will formulate guiding principles, including defining the meaning of pre-decisional involvement, adequate information, and a good-faith attempt to resolve issues. These principles and definitions will be applicable to all forums within DoD to the extent practicable.

The Department is currently socializing within the Department whether multi-union, Component level forums will be established where unions hold national consultation rights under 5 U.S.C. § 7113 with the Component.

The Department will have labor management forums established at the levels of exclusive recognition. Where unions and the Agency agree, councils involving more than one union may be established.

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When establishing a labor-management forum at the bargaining unit-level, or determining how a labor-management forum will operate, labor and management have the right to bargain under 5 U.S.C. chapter 71.

The DoD forum will embed a labor management cooperation support function that seeks to monitor and promote sound labor-management relations, expeditiously address emergency situations adversely impacting local-labor management relations and recommend resolutions at all Department levels.

**CLOSING:**

Characterized by openness, trust, and cooperation, labor management forums will pave the way for improving the way the Department does business.

The Department is committed to partnering with labor because:

- DoD’s civilian employees provide critical support to the ongoing war effort and the larger mission of the Department;
- Collective bargaining rights are the key to ensuring a healthy and engaged civilian workforce; and
- Working with labor representatives in a collaborative manner is the best way to improve the operations of the Department of Defense.

The Department will continue working with its unions to establish labor management forums across the Department. We anticipate the first meeting of a DoD forum to occur sometime during the summer of 2010.