

Dear Mr. Berry:

After consulting with the various Unions at the Department of State, we are pleased to submit to the Council the Department's response to E.O. 13522 and its call for plans to engage Union Labor-Management committees or councils. The Department understands that the Council with assistance from your agency and the Federal Labor Relations Authority (FLRA) will soon be issuing guidance, guiding principles and/or training opportunities for managers, employees and the Unions to assist in this very worthwhile endeavor. The Department looks forward to participation in that training and to that guidance.

To be clear, the Department has remained in a partnership mode with its Unions since the inception of President Clinton's call for Labor-Management Partnership in October 1993. We understood then from the General Counsel of the FLRA, who spearheaded this charge from start to finish, that partnership allowed for an alternative form of bargaining, opening the exchange of information and ideas without the traditional practice of strictly adhering to the legal scope of bargaining. Once the Department experienced this opportunity, it has remained fixed in an open

The Honorable

John Berry,

Director, Office of Personnel Management
and Co-Chair, the National Council on
Federal Labor-Management Relations,
1900 E Street, NW,
Washington, D.C. 20415.

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and transparent relationship with its Unions. We have devoted significant resources to improving our collaborative relationship with the Unions at the Department and we intend to maintain our commitment. We look forward to understanding from the Council how we can do more.

Sincerely,

Patrick F. Kennedy

Assessment of the Department of State's
Labor-Management Cooperative Arrangements

The American Foreign Service Association (AFSA)

AFSA represents approximately 16,000 Department of State Foreign Service personnel worldwide. In January 1994 AFSA and the Department entered into a partnership agreement, which involved open sharing of information and ideas at the earliest pre-decisional stage possible, allowing for the greatest participation of AFSA representatives in problem solving to enhance DOS objectives and operations domestically and overseas. The formal relationship originally consisted of monthly meetings with the Under Secretary for Management but the parties mutually determined that it was more effective to meet every two weeks at the Principal Deputy Assistant Secretary (PDAS), Bureau of Human Resources (DGHR) level.

This approach of meeting bi-weekly with the PDAS continues to this day. After consulting with AFSA about E.O. 13522, AFSA concurs with our continuing this partnership collaboration effort. The bi-weekly meeting with the PDAS leaves nothing off the table. Many of the meetings require that both parties realize that certain matters that are discussed are so pre-decisional that they cannot be publicized outside that discussion. Because of the nature of the Foreign Service, it is much more difficult to define working conditions and/or conditions of employment under the traditional scope of bargaining than exists for the Civil Service. Consequently, everything that impacts the AFSA bargaining unit remains open for discussion, comment, negotiation or joint implementation. Traditionally, the Department negotiates with AFSA over the two most important issues impacting its unit: promotion and assignments. The Procedural Precepts on the deliberations of promotion panels and the Assignment Bidding Instructions are re-opened every year for continued discussion and enhancement. The Core Precepts, which outline the skills and qualities that employees are measured against in their official evaluations, are negotiated at least every three years. Over the years AFSA has been instrumental in assisting the Department develop its policies and procedures on a myriad of issues. For example:

- Incentive packages for service to Iraq, Afghanistan and Pakistan.
- Increase in allowance payments to spouses/dependents left behind when employee deploys for an unaccompanied post.
- Benefits for same-sex partners.
- Opportunities for family member employment domestically and abroad.
- Implementation of the Career Development program.
- Development of Security regulations.

The list goes on but the idea is that the traditional scope of bargaining is set aside, information is shared openly, and all comments are welcome to ensure that the Department understands AFSA's position on behalf of its constituency and both parties come to a consensus on the proper way to move forward. Neither AFSA nor the Department has ever had to utilize the services of the Foreign Service Labor Relations Board (the FS Act equivalent of the FLRA) or the Foreign Service Impasses Panel.

Further collaborations have been developed over the years to allow AFSA the opportunity to continue discussions with Bureaus and Offices that greatly impact its constituency. Currently AFSA has a quarterly collaboration meeting with the Bureau of Diplomatic Security and the Office of Medical Services. Other collaborations are arranged as needed.

AFSA also has deliberations with the Under Secretary for Management at either the U/S's request or AFSA's. Some of those discussions include but are not limited to: increased staffing requirements, OMB budget submissions, and, strategies for implementing overseas locality pay.

The fact is that DOS and AFSA have a bargaining style and history that is unique in the Federal Government. These collaborations and continued discussions allow for the mutual adoption of a policy that is usually codified in our regulatory Foreign Affairs Manual. Otherwise, Memorandums of Agreement/Understanding are often produced.

The Department and AFSA believe that this partnership is strong and intend to continue working collaboratively to enhance the delivery of government services and the satisfaction of the Department's employees and managers.

The American Federation of Government Employees (AFGE) Local 1534

The Department of State chapter of AFGE Local 1534 was established in 1995. Since 1995, Local 1534, with the Department's encouragement, has been recognized as the exclusive representative of five distinct bargaining units: (1) the non-professional bargaining unit in the Washington D.C. metropolitan area consisting of approximately 2500 bargaining unit employees, (2) the professional unit in D.C. consisting of about 1500 bargaining unit employees, (3) the language and cultural instructors at the Foreign Service Institute (the Department's primary language, leadership, and skills training center) consisting of about 200 bargaining unit employees, (4) the Global Printing Service unit consisting of about 40 bargaining unit employees and (5) the Charleston Financial Service Center unit located in Charleston, S.C. consisting of about 200 bargaining unit employees.

Like AFSA, AFGE and the Department took to partnership when the opportunity arose, but AFGE waited until 1998 to really focus on this concept. AFGE remained mired in contract negotiations since its inception in 1995, and those negotiations did not conclude until September 1999. Once given the opportunity, AFGE took full advantage of the partnership initiative. AFGE continues to have a monthly collaboration meeting with the Deputy Assistant Secretary, DGHR, responsible for all Civil Service issues. These sessions are meant to discuss and resolve issues and also identify issues where committees can be formed to work cooperatively in a pre-decisional context to provide recommendations back to DGHR and AFGE.

AFGE also enjoys regular collaboration meetings with the Department's Office of Civil Rights, and understands that it enjoys access to other Bureau and Office officials as the issues presented require such deliberation.

AFGE was instrumental in working with the Department to develop an OPM-approved Civil Service performance appraisal form and assisted in the development of training for the form. AFGE recently brought to the attention of management the perception of conflict in the workplace assisting us in developing a non-EEO related Alternative Dispute Resolutions program. AFGE also is a member on focus groups that evaluate results of employee satisfaction surveys that help develop programs and policies to address concerns that are raised.

AFGE Local 1534 has informed us that it wants us to advise the Council that although it feels we already have a well-established and strong collaborative partnership, AFGE will use its opportunity under the new E.O. to discuss with the DAS DGHR the evolution of more focused collaborations within its other bargaining units at FSI and in Charleston. The Department looks forward to its future collaborations with AFGE on labor-management issues,

The National Federation of Federal Employees (NFFE) Local 1998

NFFE represents over 1400 bargaining unit employees in Passport offices throughout the USA, including Hawaii. NFFE does not enjoy national consultation rights and its access remains only with the Bureau of Consular Affairs, Passport Services Directorate (CA/PPT). NFFE has elected officials consisting of the President, Vice President, Recording Secretary, and Treasurer, as well as a non-elected national position of Chief Steward. Those Union officials deal directly with CA/PPT headquarters on a myriad of issues, including the development of the passport application and the passport form. NFFE also has a Senior steward and other Union stewards at each Passport Office, currently at 22 and growing. The number of Union stewards is directly dependent on the number of bargaining unit employees serving at a Passport Office.

Besides this great access for NFFE through its Union leadership and appointed stewards, NFFE also recently completed a collective bargaining agreement with CA/PPT that contains an Article on Union-Management Cooperation.¹ That Article is enclosed for your reference but clearly indicates CA/PPT and NFFE intent to engage in partnership nationally as well as within each of its local offices. CA/PPT management recently completed a three-day intensive Union-Management Cooperation (UMC) meeting with NFFE in Seattle that went over issues ranging from the development of performance standards to ergonomics to awards, to access to anti-fraud resources and tools etc. There were over 40 topics to discuss in this UMC meeting, resulting a fruitful and productive session.

NFFE has informed us that it intends to explore with CA/PPT other possibilities to expand this Union-Management cooperation and we look forward to their suggestions and ideas.

¹ The contract was completed August 20, 2009.

Baseline Assessment and Management/Employee Satisfaction

We look forward to the guidance and training that the Council has indicated it will provide/suggest in this regard. It is important to note that the Department already does several things to measure employee and managerial satisfaction and we will certainly revisit our current efforts to incorporate the new guidance provided by the Council. Currently we have focus groups assessing our need to improve on results indicated in the 2008 OPM Federal Human Capital survey results.² We also are developing an Improving Employee Satisfaction Action Plan, continuing to issue a bi-annual Quality of Worklife Survey, and intend on continuing to respond to the annual OPM Employee Viewpoint Survey, the 2010 version currently in circulation as of last week. Enclosed are a couple of examples of those surveys and their results.

The Department understands that the measurement of grievances and/or Unfair Labor Practices as a baseline of Union-Management relations was not well received by members of the National Council in its inaugural meeting. We are uncertain what exactly the Council requires or is considering in this regard and look forward to that guidance.

² We are proud to report that the Department has been rated one of the best places in the Federal Government to work in both 2007 and 2009 and results on this survey were comparatively outstanding against other Federal agencies.