

**National Council on Federal Labor-Management Relations  
31st Public Meeting  
July 23, 2014**

The National Council on Federal Labor-Management Relations held its 31st meeting at the Office of Personnel Management (OPM) on July 23, 2014. Chairing the meeting was Ms. Beth Cobert, Deputy Director for Management, Office of Management and Budget (OMB). The following Council members also attended the meeting:

Council Member	Title
Mr. William Dougan	President, National Federation of Federal Employees
Mr. Michael Filler	Director of Public Services, International Brotherhood of Teamsters
Mr. Gregory Junemann	President, International Federation of Professional and Technical Engineers
Ms. Colleen M. Kelley	National President, National Treasury Employees Union
Mr. H.T. Nguyen	Executive Director, Federal Education Association
Ms. Patricia Niehaus	National President, Federal Managers Association
Ms. Carol Waller Pope	Chair, Federal Labor Relations Authority

The following individuals sat in for absent Council members:

- Ms. Stephanie Barna, Acting Assistant Secretary of Defense (Readiness and Force Management), Department of Defense, for Mr. Robert O. Work, Deputy Secretary of Defense;
- Mr. Brian DeWyngaert, Chief of Staff, American Federation of Government Employees, for Mr. J. David Cox, President, American Federation of Government Employees;
- Ms. Catherine Emerson, Chief Human Capital Officer (CHCO), Department of Homeland Security, for Mr. Alejandro Nicholas Mayorkas, Deputy Secretary of Homeland Security;
- Ms. Robin Heard, Deputy Assistant Secretary for Administration, Department of Agriculture, for Ms. Krysta L. Harden, Deputy Secretary of Agriculture;
- Mr. T. Michael Kerr, Assistant Secretary for Administration and Management, Department of Labor, for Mr. Christopher P. Lu, Deputy Secretary of Labor;
- Ms. Jenny Mattingley, Director of Legislative Affairs, Shaw Bransford & Roth, P.C., for Ms. Carol Bonosaro, President, Senior Executives Association;
- Ms. Kimberly D. Moseley, Deputy Assistant Secretary for the Office of Labor-Management Relations, Department of Veterans Affairs, for Mr. Sloan D. Gibson, Deputy Secretary of Veterans Affairs;

- Ms. Sarah Suszczyk, Federal Director, National Association of Government Employees, for Mr. David Holway, National President, National Association of Government Employees.

The Designated Federal Officer, Mr. Tim Curry, OPM Deputy Associate Director, Partnership and Labor Relations, was present, as were 3 media representatives and 50 other members of the public.

### **Agenda Item I: Welcome**

At 10:04 a.m., Mr. Curry began the meeting with, “Good morning. Thank you for your attendance today. Welcome to the third National Council meeting for 2014. Before we begin today’s Council meeting, I 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 the Council and 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 address the Council regarding any topics presented today or any other matter, we request that you wait until the appropriate time on the agenda when we ask if any member of the public wishes to make any brief statements to the Council. Before we move on to today’s agenda, we have some Council business to address. We previously shared the draft minutes of the March 2014 meeting with you via email. We’ve adopted all edits and corrections that were submitted. We recommend the Council approve the minutes for the March 2014 meeting. Do I have a motion to adopt the March 2014 meeting minutes?” It was moved and seconded that the minutes be approved as submitted. The Council unanimously approved the minutes without further revision, and proceeded with the meeting agenda. Mr. Curry continued, “Before we hear from the employee engagement workgroup, I am going to turn it over to Ms. Cobert to make a few remarks.”

Ms. Beth Cobert addressed the Council by saying good morning and that she would be brief. Ms. Cobert noted that Director Archuleta sends her regrets; she is in Los Angeles and in view of vacation schedules and other considerations, they thought it would be best to go ahead with today’s meeting. Ms. Cobert said, “I am happy to chair this meeting on her behalf.” Ms. Cobert said the meeting would begin with the Employee Engagement Workgroup, noting that the topic of employee engagement is complementary to the management agenda. She expected that the workgroup would cover in its presentation “how do we do employee engagement well,” and “the mechanisms” for doing so. She then turned the meeting over to Tim Curry.

### **Agenda Item 2: Employee Engagement Work Group**

Mr. Curry stated, “As you may recall, the Council is partnering with the Chief Human Capital Officers Council on the issue of employee engagement. The engagement workgroup has broken up into three, with co-chairs from labor and CHCO community. We’ve asked the teams to provide a brief update on their work. Council Member Michael Filler will introduce today’s presentation. Michael, I turn it over to you.”

Mr. Filler introduced Ms. Kelley Carameli, who is a Health Science Specialist, VHA National Center for Organization Development, and also holds a PhD., and who co-chairs the measures and incentives team.

Ms. Carameli thanked the Council for the time today and said she wanted to begin by getting everyone on the same page regarding what employee engagement is. Referring to slide 1 of her PowerPoint presentation, she noted that employee engagement is a complex concept and has many levels, such as cognitive, physical, and emotional, that concern how an employee thinks, feels, and acts. Ms. Carameli said that the bottom line is that employee engagement is separate from job satisfaction, but doesn't exist in a vacuum; it is related to other concepts. An engaged employee in your workforce has passion and commitment, and cares about the organization's mission. Referring to slide 2 of her PowerPoint presentation, she noted that it dealt with how to measure employee engagement, the left side reflecting the Federal Employee Viewpoint Survey (FEVS) Employee Engagement Index. She said this is what the Federal Employee Viewpoint Survey measures, and noted that the latest results are due out this fall. Ms. Cobert noted that those results are expected in August. Ms. Carameli acknowledged that comment and explained that the items on the right hand side of the slide are what they are looking at in her agency, the Department of Veterans Affairs. She also noted that the National Science Foundation is looking at employee engagement. She said that some items on the slide are starred, and others are not. The starred items are "key drivers" of the concepts they represent. For example, one item that is not starred is, "I have trust and confidence in my supervisor;" that is not an actionable item. Those items that are starred, are actionable. This is one way to drill down. For example, "Does my supervisor listen to me?" is actionable. Moving to slide 3 in her PowerPoint presentation, Ms. Carameli highlighted, "what models predict engagement and measure its outcomes?" She then mentioned predictive and regression models, and explained that the items captured in the red box are "predictors, modifiers, or mediators;" the items in the blue box will drive the concepts of engagement; and on the right hand side, in the orange box, are the outcomes one would expect to see if there is good employee engagement. While the first two items in that box are from the Federal Employee Viewpoint Survey, at the bottom of the box are some other indicators. She said that Veterans Affairs is looking at this, and she would encourage any other organization that is looking at employee engagement to do the same. That is, attempt to match up the Federal Employee Viewpoint survey results on certain items with other indicators at facilities, such as sick leave usage. When the working group has more information on these issues, it will report them back to the Council so the Council will know the key drivers that they may want to work on in their agencies when they receive the Federal Employee Viewpoint Survey results. She encouraged the Council to look at the employee viewpoint results more broadly. Ms. Carameli said that while it is important to look at the percent positive, that is not the ending step. Negative and neutral results are also useful to look at. Specifically, when comparing organizations it can be useful to look at these results. Turning then to the final slide in her presentation, Ms. Carameli said they would be starting at the bottom of the slide and working up. She said that while she has provided a little information about where to look to assess engagement, her team, along with Mr. Filler, would be looking at incentives as well as engagement. She then turned the presentation over to Ms. Heard for an update on what team 2 is doing.

Ms. Heard said that her team is the barriers and enablers group, and they are looking to identify workplaces that have high and low employee engagement. They are interested in using some

focus groups and doing interviews to learn why does employee engagement work in certain situations, and why doesn't it work in others. They are also planning to use the OPM Innovation Lab to try and find out why engagement happens in some places.

Ms. Carameli referred back to slide 4 of her PowerPoint presentation, and said it will begin from the bottom up with metrics. The metrics, which will include some of the barriers and enablers, will help them to understand why different outcomes are reached. Then, the last group will build a tool kit with some effective strategies for how to roll this out in your organizations. Ms. Carameli then asked Mr. Filler if he had any comments.

Mr. Filler said he thought that was a good appetizer. Ms. Carameli then asked if the Council members had any questions.

Ms. Cobert first thanked the presenters and the workgroup, and said she is really glad they are taking this issue on within the Labor-Management Council. She said that this focus on employee engagement and focusing on data, and using the data to drive action, is one of the pieces of the President's management agenda. She said that they are poised at this point in time when the 2013 results are coming shortly. OPM has stepped up and committed to getting those results out a month earlier than in the past, which she understands involved cutting one third off their normal delivery time. OPM has built some new tools to try and help them do that. Ms. Cobert said the presenters did not need to answer this now, but she was very interested in the barriers and enablers, and the promising practices, and what can the rest of us do to assist with the timing of getting some output back from that? It doesn't have to be the whole thing, but a partial output would be timely because people are going to get their results soon. Ms. Cobert asked that the group identify for the members of the Council "What can we do to accelerate getting the data back, and what can we do to get the learnings of this group imbedded in other agencies?" She also asked the subgroup what help they needed from the Council to move the ball forward at a quick pace. Ms. Cobert would love to know if there is something they can do to help with that.

Ms. Carameli thanked the Council for the time to present.

### **Agenda Item 3: Bureau of Prisons and American Federation of Government Employees Labor-Management Forum Success Story**

Mr. Curry said, "We think it is beneficial for all labor-management forums, particularly those that may be struggling, to hear the experiences of other labor-management groups and how they addressed their challenges. We will hear from two groups today. First, we will begin with the Bureau of Prisons and the American Federation of Government Employees, Council of Prison Locals, C-33. Thank you to J. David Cox for recommending that we hear from this group. Here today are Mr. Eric Young, National President for AFGE, Council of Prison Locals, C-33, and Mr. Thomas Kane, Deputy Director, Bureau of Prisons. Eric and Thomas, we look forward to hearing your presentation."

Mr. Kane began by thanking the Council for the opportunity to present. He started off by referring to Slide 2 in this group's PowerPoint presentation, and explaining the mission of the Bureau of Prisons.

The mission of the BOP is to incarcerate offenders in the controlled environments of prisons and community-based facilities that are safe, humane, cost-efficient, and appropriately secure, and that provide work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens.

Mr. Young then referred to slide 3 of their PowerPoint presentation, and explained “How We Do It.” He said they call their staff the most important part of the Bureau of Prisons (BOP). He then noted that there are 38,000 employees in the BOP, with 81% in the bargaining unit, and provided a break-down of the different positions those employees fall into. He explained that “Unicor,” which is listed on the slide, is part of the Federal BOP industries. He said that all of BOP’s employees are correctional workers first, and a great majority of BOP’s employees receive law enforcement pay. He explained that there are 216,000 federal inmates currently under their control, and this number has increased 116% in 20 years. These inmates are housed in around 120 Federal prisons, throughout the country, which include high, medium, low, minimum, and administrative security levels. He noted that there is a “supermax” facility in Florence, Colorado, and there are medical, mental health, and pretrial detention centers. Mr. Young noted that this slide says that BOP’s \$6.8 billion budget comprises more than one quarter of the entire Department of Justice (DOJ) budget, but he read something recently that says it is more like one third of DOJ’s overall operating budget. Mr. Young then continued to discuss slide 4, titled “Management Structure.” He said this consists of their Director and the Deputy Director, Tom Kane, who is here today, and they lead the agency. He then explained the rest of the management structure, as indicated on the slide, and noted that the agency is “policy driven” as there are more than 300 policies that guide employees in their day-to-day activities.

Mr. Kane then discussed slide 5 in the PowerPoint presentation, titled, “Our Union Partners.” The slide provided an overview of the union structure at BOP, and he singled out Eric Young as the National Council of Prison Locals (CPL) President, adding that the 100 union locals are primarily at prisons. He then moved to slide 6, titled, “Our Story.” Mr. Kane said the relationship between the Federal Bureau of Prisons and the CPL is governed by a collective bargaining agreement known as the “Master Agreement.” Mr. Young noted that for 20 years, labor-management relations in the Federal Bureau of Prisons was contentious, and that he was involved for much of that time. Mr. Kane said that in times closer to the present, in 2011, the agency held the first national discussion of partnership through a videoconference with all agency leaders involved, including all wardens and union presidents, the agency’s Executive Staff and the union’s E-Board members. Mr. Young said that was during the time when their current director, Charles Samuels, was coming on board. One of the things Mr. Samuels wanted to take on, when Mr. Young became the president, was their “unpleasant” record of labor-management relations. Mr. Young said that the Federal Labor Relations Authority had identified the Bureau of Prisons as having some of the worst unfair labor practices of all the Federal agencies, to date. Also, they had a significant backlog of arbitrations, and also EEO findings of retaliatory practices against employees who participated in protected activity. Mr. Kane said the agency, at the time, was also being criticized by the Department of Justice, Office of the Inspector General (OIG), for not publishing timely policy to implement recommendations, and this failure was the direct result of management and the union being unable to collaborate as provided in the collective bargaining agreement. Mr. Young said that a perfect example of what

an unpleasant record that they had was that it took them 13 years of continuous negotiations to attain a collective bargaining agreement. A collective bargaining agreement had not been signed in 16 years prior to that.

Mr. Kane said they would now switch gears a bit and talk about “Agents of Change,” which is slide 7 in their presentation. He said they wanted to highlight some of the key players involved in the partnership today. The key players are their Director, Charles Samuels Jr., who Mr. Kane has the honor of representing here today, and the National President of the Council of Prison Locals (CPL), Eric O. Young, who is here today. Mr. Kane continued by saying that the Bureau of Prisons’s labor-management relationship began to change in December 2011, when Charles Samuels was appointed Director. Director Samuels recognized that the only way to make significant progress in labor-management relations was to collaborate and to interact with the labor union. He began collaboration at the national level with the Bureaus’ executive staff and the CPL executive board. One thing that Director Samuels has regularly done, with Mr. Young, is to communicate with all of the staff. One of Mr. Samuels’s messages to staff in early 2012 was the following:

All 38,000 plus staff working for the Bureau of Prisons comprise the BOP team. A true teamwork culture and collaboration is very important to all levels of our agency. No single individual can accomplish the mission of the Bureau of Prisons without the support of our entire team. It takes collaboration and teamwork to accomplish our goals and meet our mission.

Mr. Kane noted that since Director Samuels was appointed, there have been a number of changes in the leadership team. He, Mr. Kane, was appointed Deputy Director by Director Samuels. There was large turnover in their executive team with many appointments being made.

Mr. Young then discussed slide 8 in the presentation, “Agents of Change.” He noted that he and several other new executive board members within the union were elected in September 2013. He said at that time, he knew there was an opportunity to establish some things with the new Director Samuels, who had reached out to him prior to his election. He said they had a press conference, where a father stood in front of him and said how his son was murdered by an inmate at a high security penitentiary. His son was stabbed 129 times. Mr. Young said he knew, as a Council of Prison Locals leader, that while the labor-management relationship was contentious, at the institutional level they had staff whose very lives were on the line. He knew he needed to change the dynamics of their relationship. He established a vision for their council. That vision is:

Words have power, presence, prophetic implications and no geographical limitations. When you change your internal dialogue, you change your destiny.”  
(This quote is attributed to Dr. Cindy Trimm, slide 8 of the PowerPoint presentation.)

Mr. Young explained that this is the way that he operates the supervisory and fiduciary control over the Council of Prison Locals. He then moved to slide 9, “Winds of Change.” He said that he and Director Samuels were heavily influenced in their desire for collaboration by the tragic

deaths of two staff members who were murdered in February 2013. One was Eric Williams, who he mentioned earlier, and the next day a second staff member (Osvaldo Albarati is identified on this slide) who was a supervisor on his way home from work when he was gunned down as the result of his work at the prison. These were catalysts for change in the relationship. He said they take it seriously that lives hang in the balance in relation to what they do. It is important to have safety initiatives that ensure employees get to go home at the end of the work day. These two employees did not know that they wouldn't make it home from work that day. Mr. Young continued by saying it is in their best interest, and has been in their best interest, to make sure that they do everything they need to do, nationally, to make sure that those staff members at the local level are able to go home.

Mr. Kane then moved to slide 10, "A new approach," and described their new approach to partnership. He said that in May 2013, the agency's executive staff and the union's executive board agreed to participate in Relationships by Objective (RBO) training hosted by the Federal Mediation and Conciliation Service (FMCS). He thanked AFGE President J. David Cox for suggesting that they undertake that training. That training afforded the first opportunity to address their previous lack of communication. In the training, management and union representatives spent a week together, day and night, interacting both professionally and socially. Many barriers were broken down, and an open and honest exchange of ideas began. In that week, they built a solid foundation for a new relationship.

Mr. Young made remarks related to slide 11, "Visit with the Attorney General." Mr. Young explained that labor and management didn't trust each other. In order to be able to heal the relationship, Director Samuels wanted Mr. Young to know that he trusted him. To do that, Director Samuels invited Mr. Young to meet his boss, the Attorney General of the United States. Mr. Young expressed interest in having the entire Council of Prison Locals executive board meet with the Attorney General, and they did that in October 2013. They then invited the Attorney General to speak at their presidents' training a couple months later, to speak to all of the local presidents, and he did. That was the turning point in their relationship, because prior to that time staff didn't feel part of the agency, and felt like they were the black sheep. However, since the Attorney General spoke to over 100 local presidents, that was a turning point, and they have been working well together ever since. Mr. Young then moved to slide 12, "Partnership on Display." In January 2014, he and Director Samuels hosted a video conference in which all agency leaders and all local union presidents within the Bureau of Prisons, nationwide, participated. Director Samuels and Mr. Young asked all the leaders to embrace a true partnership, to leave their personal feelings, egos, and differences at the door, and to adopt and abide by the following key principles:

- Follow all initiatives in the Master Agreement
- Establish an open-door policy between labor and management
- Negotiate ground rules for labor-management relations to address matters at the lowest appropriate level
- Establish "core objectives" for local partnership. This was intended to create local forums.

Mr. Young noted that he saw the third bullet as a key to better relationships, with locals carrying the relationship forward and addressing matters at the lower appropriate level. If the things shown on the slide are done, then he and the Director would go the extra mile. Mr. Young has

visited, including with Director Samuels, local groups who have trouble getting labor and management in the same room together, and he has also conducted training on the national collective bargaining agreement.

Mr. Kane then walked through and discussed slide 13, "Partnership." He emphasized, from the slide, some of the actions these parties have taken to improve their labor-management partnership: 1) regular meetings of the Executive Staff and the E-Board, 2) establishment of Relationship by Objective (RBO) Committees to work through issues, 3) Enhanced Policy Development through policy negotiations and joint policy writing committees, 4) labor-management quarterly meetings, 5) communication with the staff about the partnership activities and their accomplishments, with joint communications issued by the Director and the National President. Mr. Kane saw the two items listed under "Communication with Staff," as keys to the future relationship. He noted, for example, the nine Joint Policy Writing Committees. Mr. Young then described slide 14, "Joint Policy Writing Committees." He said this was a way for them to get the collective bargaining unit staff involved at all levels, and for management to get input from the bargaining unit employees, through the union. There are six participants on each Committee from each side. These groups afford an opportunity for collaboration in a non-adversarial forum, and they afford an opportunity to address concerns raised by the OIG regarding timely development and publishing of policies. Mr. Kane then discussed the parties' new master collective bargaining agreement (slide 15). This agreement was signed on May 29, 2014 and went into effect just this week, on July 21, 2014. It remains in effect through 2017.

Mr. Young then discussed slide 16, "Other Significant Accomplishments Realized Through Partnership." With regard to the first bullet, which describes the possibility of local parties developing rosters that provide for a second officer in high security housing units on certain shifts, this was in direct response to the officer, Eric Williams, who was killed on duty, as described earlier in the presentation. Mr. Williams was alone with 130 inmates in a very high security setting when he was killed. Mr. Young also explained that the Millimeter Wave machine initiative, which is also described on the slide, is intended to limit the contraband coming into prisons. He explained that the Millimeter Wave machines are also used as part of airport security. The agreement on stab resistant vests was in response to a second employee, Jose Rivera, who was stabbed over 20 times while at work. Mr. Kane then continued with slide 17, "Other Significant Accomplishments." He said the Office of the Inspector General criticism, which he mentioned earlier, concerned their slow progress on developing policy. After the FMCS training, they published 37 new policies, which represent more than 10 percent of all policies. There are many more policies that are currently under development as part of the Joint Policy Writing Committees, or in negotiation.

Mr. Young then moved to slide 18, "Sustaining Partnership," and said, "We've got to be realists." Mr. Kane said that continued success depends on continued commitment and work by both parties. Mr. Young said that partnership is a sustained effort, and he again emphasized that the parties must leave their egos behind. Mr. Kane said they must continue to communicate with staff to reinforce the many successes and accomplishments, but also to acknowledge failures that undoubtedly will occur. Mr. Young said it is necessary to continue the Relationship by Objective (RBO) process and the partnership forums. Mr. Kane then concluded the presentation by reading from Article 36 of their master agreement, which describes the parties' philosophy. This

selection is found on slide 19, “Article 36.” Mr. Kane read the first paragraph, and Mr. Young read the second paragraph. Mr. Young then said that this has been in their master agreement for years, but they lost their way. He believes that they can put people first, and it will put them back on the right track. The presenters then asked the Council members if they have any questions.

Mr. DeWynngaert then thanked the presenters for a terrific presentation, and thanked Director Samuels for his leadership, as well as the entire leadership team of the Council of Prison Locals and the entire management leadership team, including the Attorney General, as well as AFGE’s national leadership team. He said it took the full commitment of both leadership teams, on both sides, to invest themselves into the effort. He said he cannot overstate how dangerous the work is, how many officers are assaulted every day, and murders on the job. He said he also cannot overstate in any way how underpaid these workers are. (laughter). Ms. Cobert asked why he was looking at her. (laughter). Mr. DeWynngaert said there is no doubt about it and that these jobs are dangerous and require courage. He would invite any policymaker to visit a prison and go inside a room, and stand inside that room all alone with 150 very dangerous people; no weapons; you’re there by yourself, locked in. That is a very incredibly dangerous work environment and he deeply appreciates the work that is done by everybody. Mr. DeWynngaert said he also wanted to discuss the RBO process in a little more detail. He wanted to thank the former FMCS Director, George Cohen, who originally took this on. The relationship had been very contentious and the union had been picketing outside the Department of Justice many times, called for resignations of the top leaders of the agency; it was a very bad environment. Safe staffing is an issue, and budgeting for safe staffing is an issue that is important. But, when they asked FMCS to take it on, they said they would. President Cox and the Director of the Agency asked if FMCS would be involved in this process, which is really kind of a secret and it shouldn’t be: RBOs. It is a breakthrough process. In this process, the top leaders on both sides sit down for a week and they go through intensive vetting and mediation of all sorts of different issues. They discuss how they got to this point, and identify benchmarks to help find their way out to a better place. This is a very worthwhile process and it should be utilized more throughout the government. To say that AFGE President Cox is very proud of the turnaround in BOP is an understatement. You can see the policies that have already been mentioned are being jointly developed, not being developed and then shoved across the table. It’s getting done the right way. It will be hard to keep it going, they have already expressed that. It’s a culture that is throughout the organization and still needs to be dealt with because there are many people in this big organization who have not gone through an RBO and aren’t aware that it’s a new day. He concluded by thanking the presenters.

Ms. Cobert asked if there were any other questions or comments. Hearing none, she added her thanks and said it is very clear that the presenters have a deep personal commitment to this. She also thanked President Cox for suggesting that the Council hear from this group. She said she very much appreciates how they conveyed this in a way that included the tactical details, and loved the comment about having six people from each side in the room because that was enough people to have stakeholders represented but also small enough to get work done in the course of a live conversation. It is a highly inspirational story about what can be done in a very difficult environment, both in terms of the work that is done every day and in terms of the relationship. Ms. Cobert then told Mr. Curry that she would appreciate if individuals who want more information about the RBO process could reach out to him so he could connect folks to that additional information. Ms. Cobert then said that she was sure that if Director Archuleta were

here, she would say the same thing, “Thank you for sharing this experience with us, for the example you are setting for everyone, and for the commitment you have to keep the work going.”

Allison Beck, Deputy Director of the FMCS, then made some remarks about the RBO process. She began by thanking the presenters and Mr. DeWynngaert for the comments. Ms. Beck also said she wanted to thank them for having the insight to have FMCS continue working to sustain momentum. They have teams working all over the country, working with the Bureau of Prisons and AFGE-Council of Prison Locals’ teams. This is consistent with the FMCS mission and they would offer this service to anyone.

#### **Agenda Item 4: Forest Service and National Federation of Federal Employees Labor-Management Forum Success Story**

Mr. Curry said that the next success story is with the Forest Service and the National Federation of Federal Employees (NFFE), Forest Service Council. He thanked Council Member Bill Dougan for helping to arrange for today’s presentation. Mr. Curry introduced Ms. Melissa Baumann, Secretary-Treasurer of the NFFE Forest Service Council, and Mr. Tom Harbour, Director, Fire and Aviation Management, Forest Service. Mr. Curry thanked both presenters for coming, and said, “We look forward to hearing your presentation.”

Ms. Baumann began the presentation by introducing herself and noting that they are “twenty plus years” into a collaborative, partnership relationship. Mr. Harbour introduced himself and explained that he was glad to be at the meeting. He also stated that he and Ms. Baumann would be going back and forth as they cover the slides in their accompanying PowerPoint presentation (titled, “Forest Service-NFFE Collaboration in Fire and Aviation”). Ms. Baumann then referred to slide 2 in that presentation to introduce their bargaining unit (this slide is titled “Intro to the FS Bargaining Unit). She noted that, similar to the Bureau of Prisons’ structure, they have a master agreement and a council union structure. They have about 80 union locals, nationwide, located at different forests and regional offices, research stations, at about 28 Civilian Conservation Centers, a law enforcement organization, which has its own local, and several administrative offices. The total bargaining unit includes just under 16,000 employees in the winter, and over 21,000 in the summer. Many of the employees are firefighters, in both temporary and permanent seasonal positions. Total employment in the agency fluctuates between 30,000 and 40,000 employees in the summer. Employees performing fire-related duties are in almost every single local union. They are not isolated to a single local or a small number of locals, and this is a reason that the parties deal with fire-related issues at the national level. Other unions in the Forest Service include several AFGE locals and one NAGE local.

Mr. Harbour then referred to slide 3 (titled “Intro to Firefighting in the FS”) and said that the Forest Service fire program is part of an interagency effort to fight fires in the United States. The Forest Service itself has about 10,000 fire fighters, with about 10,000 additional folks who can pitch in when needed—they call them the “militia.” The Forest Service fights thousands of fires every year, with responsibilities in about 40 States, covering about 200,000,000 acres. Sadly, Forest Service firefighters also suffer fatalities. In 1994 and last year, they had 34 firefighters die in the line of duty. Mr. Harbour transitioned to slide 4 (titled “Collaboration between FAM and

NFFE”), and said their labor-management relationship has matured over the years. He pointed out Mr. Dougan and the work he used to do when he was with the Forest Service, and said because of him, they have been able to build a better relationship. Mr. Dougan has experience fighting fires and understands what they do, so they have been able to build on their relationship over the past several years. Approximately 85 percent of their firefighters are in a bargaining unit. They have a variety of issues that would historically come to a partnership council.

Ms. Baumann transitioned to slide 5 (titled “Changes . . . 2010-2014”), dealing with changes from 2010 to 2014, and said that more recently, with changes in the agency and changes resulting from the executive order, some things have made it harder for the partnership council. She doesn’t think they have been as effective in the partnership council lately as they had been in the past. One reason is the recent centralization which has created organizational and physical separation of line and staff. They have lost some synergy now that certain organizations no longer share one building, and that has affected their level of success. There are also many changes coming from OPM and USDA, which causes them to spend a lot of time. There are so many changes that it is difficult to handle everything in the partnership council; there is too much volume. They have also struggled a little bit with pre-decisional involvement (PDI) and measuring what they are doing, instead of just getting out there and doing it. Ms. Baumann noted that she serves on the national partnership council, and they are planning to meet again next week, in Denver. Ms. Baumann then transitioned to slide 6 in the presentation (titled “Forest Service PDI Process”), and described the process they have been using for PDI. She noted that the partnership council meets once per quarter, but there is a lot going on outside of that. Specifically, outside of the partnership council, the parties have a process where the agency notifies the union when they have an issue they would like the union to engage in pre-decisionally. In that letter, the agency designates who its point of contact is for the PDI, identifies when the union needs to respond, requests that the union designate its representatives for the PDI. When PDI ends, the parties understand that different things may happen. The union may indicate to management that all issues are resolved on the topic; if it is an issue that the parties have done a lot of work on, they may sign an MOU (memorandum of understanding); or if they haven’t resolved part or all of the issues, they may enter into formal negotiations. Ms. Baumann then referred to slide 7 (titled “Confusion over PDI”) and said that she wanted to point out an example of where they do struggle. She then read a quote, shown on the slide, from an email she received from a manager. She noted, “What is pre about that?” Ms. Baumann said that this shows there can be confusion about what “pre” means and that they struggle with when PDI should occur. Moving to slide 8 (“In contrast . . .”), Ms. Baumann transitioned the presentation to Mr. Harbour for discussion of contrasting experiences.

Mr. Harbour continued by discussing slide 9 (titled “Fire and Aviation Collaboration”), noting that consistent with what the Council heard from the Bureau of Prisons’ presentation, the Forest Service employees engage in hazardous, decentralized, and critical work, which requires a unique set of qualifications, skills and training. It’s obvious in the Forest Service and the fire program that people are their most important asset. Much of what they do could be categorized as science, but much of what they do in the fire program is art. They want to retain their folks. In working through the pre-decisional involvement process, they have found that many good ideas have from their folks. Ms. Baumann then spoke about slide 10 (titled “FAM-NFFE Collaboration”), saying that what had really worked and had been a shining example for them

was the Fire and Aviation Management (FAM) collaboration. It worked particularly because Mr. Harbour and his team were willing to involve the union early. As an example of collaboration, Ms. Baumann noted the relationship between the FAM management team and Joe Duran, the NFFE-Forest Service Council Fire Committee Chairperson. There are regular e-mails and a monthly conference call to stay abreast of issues. This is important because management can identify issues for Mr. Duran even if they are uncertain of the potential impact on bargaining unit employees. Mr. Duran can then request more information if he feels it is necessary. This helps the union to know whether it needs to get involved early in the process. Ms. Baumann noted that, as for the Bureau of Prisons, policies are very important for this group, and they have provided the union with early involvement on new and modified policy directives. She also said that they recognize that formal negotiations will sometimes be needed. In contrast, Ms. Baumann concluded discussion of slide 10 by saying that the union works with legislative staff because they recognize the need for legislation, and there are some issues where management recognizes that the union can take things forward that will benefit the agency. One bill is currently navigating its way through Congress.

Moving to slide 11 (titled “Example: IFPM and FS-FPM”), Mr. Harbour said he had a few examples to share. He also shared that he is known in the agency as the acronym king. The first of these involved the Interagency Fire Program Management (IFPM) Qualifications Standards and Guide. Mr. Harbour explained that following the South Canyon Fire in 1994 in which 14 firefighters were killed on Storm King Mountain in Colorado, an interagency team, including the Department of Interior, States, and local areas, was formed to establish fire management qualifications standards to improve firefighter safety and increase professionalism in fire management programs. They found that doctrinal aspirations were tough to fit into real life. Moving to slide 12 (titled “Example: IFPM and FS-FPM, cont’d”), Mr. Harbour said they found themselves in disagreement not about the objectives, but about how to accomplish them. With the involvement of Bill Dougan and Mark Davis, they finally decided in October 2011 to put everyone in room – lock the doors, give them food and water. (laughter). They got the union representatives and all their technical specialists together and had a wonderful three-day meeting where they hashed things out and found a much better perspective and focus for how to move forward. Ms. Baumann noted that this was pretty significant pre-decisional involvement because they ended up changing the series that positions were classified in, and they needed to involve OPM to do that. This was not a small issue—it was essentially changing who could be qualified for these jobs by changing from a professional series to an administrative series. That became very important as they were losing talent.

Ms. Baumann then moved to the next example, shown on slide 13 (titled “Example: Fire and safety boots”), which involves fire and safety boots. She said the issue was who pays for the boots that firefighters have to wear, noting that the boots are expensive and cost between \$300 and \$500. Recently, the union met with Fire and Aviation management and hammered out an agreement. However, it turned out that the Fire and Aviation manager did not have the authority to negotiate the agreement. The parties continued working through the issue and reached a national-level agreement that provides not only for fire and safety boots for firefighters, but boots for all their field-going employees. This issue was small but it was very important to employees. Ms. Baumann then turned to the next example, shown on slide 14 (titled “Example: WFAP for all fire hires”), and said it is an ongoing issue. The issue concerns the joint NFFE-

Forest Service apprenticeship program, located in California, called the Wildland Fire Apprentice Program Academy (WFAP). The chief had said that all firefighters would have to go through this apprenticeship program academy. The union had concerns about that, first because it is located in California, which raised questions about how employees located in places such as Atlanta, Georgia, would pay to attend. Additionally, because of the large number of temporary employees the Forest Service hires each year, those temporary employees have gotten the training and skills that they need to be able to move into a GS-5 or GS-6 firefighter position. She asked why they would be sent back to a GS-4 apprentice program, instead of being hired directly. This is an ongoing issue where the union is working with Fire and Aviation Management. Ms. Baumann said she believes the union may share some of the interests of the field managers on this issue.

Mr. Harbour then moved to slide 15 (titled “Example: Smokejumper Program”) and discussed the next example, which is the Smokejumper Program. This program is almost 75 years old. Change doesn’t come quickly to this program, because safety is so important. For all these years of jumping, the jumpers have been using what in 1943 was a state-of-the-art parachute, which is round in shape. Currently, in sport jumping and in the armed forces, things have changed and Mr. Harbour said they are discussing whether to move to a different type of parachute. He said that the discussion about round and square parachutes in the smokejumper community is tantamount to the discussion that the Hatfields and McCoys would have; there are no folks in the middle on this. Mr. Harbour then moved on to another example, shown on slide 16 (titled “Fire Careers and Family”), and noted that Ms. Robin Heard was sitting at the Council table. He said that the fire program has difficulty retaining women in the fire program. It is very difficult to balance this career with family. Firefighters often get a call at one or two o’clock in the morning, grab their bag, and are gone for 14 to 21 days. They may get home for a day or two before being shipped back out on the road for another 14 to 21 days. This is a difficulty that they’ve had. Management has recently engaged NFFE on the topic of how to have the attributes of a good fire career, and family also. They are seeking to accomplish these objectives, while maintaining an effective fire program.

Ms. Baumann then spoke about slide 17 (titled “Other FAM-NFFE collaboration”), which lists what she described as a “catch-all” of issues that Fire Aviation Management and NFFE are collaborating on. They are looking at medical qualifications again. She described physical fitness standards as a huge issue, particularly with regard to how the testing is done. Ms. Baumann said that when she has looked at fatalities of firefighters, most of them occur during the physical fitness testing; particularly heart attacks that occur during the testing. She noted that the parties jointly review the Interagency Qualifications Handbook every year. They are in the process of implementing random drug testing for every single one of their firefighters. The union has had input into the Rappel Operations guide, and the guide on Aerial Supervision. Ms. Baumann said there are many policies where the union makes sure it has union members who are knowledgeable on the specific material, and also on the impacts for the rest of the bargaining unit. Next Ms. Baumann mentioned the bargaining unit status of fire supervisors, and said they had a good outcome there. She noted that firefighters and nurses are the only types of employees who will be included in a bargaining unit if they supervise less than a preponderance of the time. There had been a lot of confusion over that, and now they have a standard, nationwide agreement that has really simplified the issue. Ms. Baumann then moved to slide 18 (titled “Challenges”)

and discussed some of the challenges the parties encountered. One challenge has been ensuring that all of the program areas within the Fire and Aviation Management structure are familiar with working with NFFE. Another challenge has been that much of the fire activity happens at the region or local level, while policy is made at the national level. They have identified the need for a clear delegation of authority for certain issues. Finally, the interagency nature of fire suppression provides an additional challenge. Specifically, the National Wildfire Coordinating Group (NWCG) promulgates quite a lot of policy in the area of firefighting, but NFFE does not sit on that group. As a result, NFFE and Forest Service must coordinate before implementing directives issued by that group.

Mr. Harbour then referred to slide 19, “Keys to Success.” He said he wished he knew “how to bottle up a potion of trust,” but he doesn’t know how to do that. He tells people there are three certainties in the Forest Service, “death, taxes, and me.” He has been through changes in leadership on the union side. They have been lucky to build a trusting relationship. He tends to know if the union leaders are upset about something, and he will ask them about it. If management screwed up, they will go back and do something different. They have built a mutual respect in the fire program; a mutual trust. They put on a good face with their public-facing programs and when the door closes, they are pretty honest. Mr. Harbour then turned to slide 20 and said that it is important to always remember what happened on July 6, 1994, when 14 firefighters died. Additional firefighters died last year. It’s these kind of events that have made them realize that they simply can’t afford not to work together. Ms. Baumann noted that the link to the NIFC (National Interagency Fire Center) website is in the presentation. She said she does not work in fire, but if you want to see what is going on in fire, this website is incredible as it shows the magnitude of what the federal government does in fire.

Ms. Cobert asked if any Council members had comments.

Mr. Filler said he would like to thank the Bureau of Prisons and the Forest Service for their dedication to the American public for their missions and the outstanding service they provide. He said both presentations were very illuminating to him, as he hadn’t known that much about either organization. Mr. Filler also said that these presentations and other presentations that the Council has seen highlight success. He said they have a couple of common attributes that he would like to share. One is leadership; it is clearly important to have joint ownership over things that are important to people who work for those organizations. The second attribute is openness, as this allows for the types of success that we’ve heard about today. He said thank you for what you’ve done and for what you’ll continue to do. Mr. Filler then said that he would like to backtrack, and not take a lot of time, but he would be curious to know about the challenges they have encountered in trying to measure their success. The Executive Order talks about trying to measure the results of what labor and management are working on, and that is something that is different and didn’t exist with the Clinton order. Many labor-management forums have struggled with that, so he would like to know what difficulties this group has faced and if the issue is just with quantifying the progress.

Ms. Baumann responded by saying that she sits on the USDA labor-management forum as well. She said the USDA forum uses the Federal Employee Viewpoint Survey results, results from a labor-management survey that USDA developed, and they also look at the impact on the agency.

However, it is hard when your impact is, for example, fewer injuries. How do you know that is because of something that your forum did? One issue is figuring out what to measure, especially with regard to mission accomplishment. The other thing that they struggle with is at the Partnership Council, do they want to spend their precious two days together talking about what they're going to report, or do they want to talk about issues. Mr. Harbour added that from his perspective, overseeing a program that costs over \$3 billion, "metrics drive me nuts." Still, it is important for them to look at all of the issues they are attempting to address, face-to-face, and look at what they have gotten done and what they have not gotten done. It's not necessarily a metric, but it is important.

Mr. Dougan then thanked Ms. Baumann and Mr. Harbour for their presentation. He said he wanted to address a question that followed the presentation. He said this relationship has been a long-standing relationship. The key to having this relationship being sustained for such a long period of time is the value in working together. If there is no value, there is no reason to continue. That's why you saw that when the administration changed to President Bush, a lot of labor-management groups established under President Clinton went away. Part of why that happened was that the incoming administration let people off the hook. The other part was that those groups who let partnership go away, saw little value in the partnership efforts. The executive order did not say that you couldn't continue with partnership efforts. Mr. Dougan said that in his opinion, the Forest Service is a shining example, and partnership has become part of the cultural norm for the agency. He said this is where we want to be, throughout the government. There are lessons to be learned from this agency and from other agencies, where they made that transition from just a way of doing business to making this part of their culture.

Ms. Cobert shared her thanks for the very inspiring conversation. She said one common theme that she noticed, and this goes to Mr. Dougan's point, is that it is about the work, the people, and delivering value to the mission. There is a lot of opportunity to take those meaty issues, find the people who have the expertise, bring them together, and use that method to solve real problems. Processes like this work when you tackle real issues and work together to solve them. Ms. Cobert thanked the presenters again, and then asked Mr. Curry to continue with the agenda.

#### **Agenda Item 5: Report of the Problem Resolution Subcommittee**

Mr. Curry said that for the final presentation, we will hear from the Problem Resolution Subcommittee. This group has been hard at work since this Council last met and has a lot to share with us today. The subcommittee has several topics to cover today, with multiple presenters. First up will be Temple Wilson with the FLRA. She will provide an update from the Metrics Working Group. Mr. Curry noted that Council Member Greg Junemann will introduce the metrics presentation.

Mr. Junemann said he will be very quick, in the interest of time. He began by thanking either Carol Pope or Julie Clark, either of whom must have given Ms. Wilson a heads-up, because she understands his humor even by email. This group had the task of taking a lot of the reports that had been submitted by every department and agency that reported in, and kind of dissecting those reports to see what's working well, what's not working well, and why or why not. Mr. Junemann thanked Ms. Wilson for all of her work in driving them on this; she gave a lot of

assignments and a lot of homework, and was hard on herself, pushing us while also being patient. “We were well led and well served.” With that, Mr. Junemann turned it over to Ms. Wilson.

The Problem Resolution Subcommittee’s PowerPoint presentation is titled, “Problem Resolution Subcommittee.” Referring to slide 3, entitled “Working Group Members,” Ms. Wilson noted that she had a lot of help on the working group, noting there were participants from OPM, a lot of participants from USDA, VA, NFFE, and the Seafarers International Union was also very helpful. Referring to slide 4 (“Working Group Meetings”), she noted that the working group had four meetings. Ms. Wilson also noted that the group reviewed the reports submitted for 2013. Moving to slide 5 (“Reports”), she said the group reviewed 52 reports and that all of the reports required were submitted, so they were able to review them all. Displaying slide 6 (“Common Themes”), Ms. Wilson discussed the common themes her group identified. They noticed a heavy emphasis on the results of the Federal Employee Viewpoint Survey results, which was fantastic for those groups measuring outcomes related to their labor-management relationship and employee satisfaction. Also, those results are readily available. However, there was little emphasis on agency mission accomplishment. Ms. Wilson said that the group discussed that the ideas related to agency mission accomplishment were there, and that came across in the reports, but in terms of that measurement and how do we measure it and how do we show it; it appeared that there was a bit of a struggle there. The reports included identification of specific issues that forums were working on, but there was little emphasis on how they were measuring progress on those issues. That is something the group believes we need to focus on, finding the connection between issues being addressed and results. Moving to slide 7 (“Common Barriers”), Ms. Wilson discussed some of the common barriers the group identified. First, there seemed to be a lack of understanding between what labor-management forums do, what pre-decisional involvement is, and what collective bargaining is. The group found some reports that said, “we bargained this and we bargained that,” but that would be the end of the report. Other common difficulties included what do we measure, how do we measure it, and when do we measure it. Some relationship issues also stood out. Unfortunately, some agencies are still reporting out that they have no forums functioning at all. A few forums are reporting out that they have a forum, but they haven’t done anything in the past year or two years. Some reasons given were lack of interest, by one party of the other; some irreconcilable differences, contentious relationships; some groups said they were working fine and didn’t see a need for change; other issues that came up were communication types of issues. Other issues discovered were sequestration and furloughs, and some reports indicated that those issues took precedence over really working with their forums and measuring what they were doing. Ms. Wilson noted that those issues could have provided opportunities for forums to jump in and do some work, but unfortunately it was difficult for them to do.

Ms. Wilson noted that it was not all bad news. She then transitioned to slide 8 (“Best Practices”) and discussed some of the best practices that the group identified. Ms. Wilson noted that these examples are only two of several the group identified. The first is one the Council has seen before, which is the Department of Commerce, Patent and Trademark Office with POPA (Patent Office Professional Association) and NTEU Chapters 243 and 245. This report showed a real cost savings in relation to the forum’s work to expand telework. Next Ms. Wilson discussed the example of USDA and AFGE Local 3354, who put together some really great metrics. Their

report discussed their labor-management relationship, with the number of bargaining unit employees covered by a forum increasing by more than six percent from 2012 to 2013. In terms of mission accomplishment, just one example highlighted in the report was that they developed strategies to reduce call hold times within the Rural Development Centralized Servicing Center and improved the average speed of answer by 46 percent as compared to fiscal year 2012. Ms. Wilson noted that the Rural Development Centralized Servicing Center deals with home loans for low income people in rural areas. Ms. Wilson then moved to slide 9 (“Quick Start Recommendations”) and discussed the group’s “Quick Start Recommendations.” Noting that December will be here soon, and that the 2014 metrics reports will be here before we know it, the group would like the Council’s permission to send agencies an email to remind them of the tools that are out there, in particular the Metrics Quick Tip webinars. Ms. Wilson noted these were recently added to the Council website and they have about 500 hits so far. The group would like people to look at these tools now, and not in December when they are preparing their reports. The group would also like to include reminders of the existing Council guidance, and that forums may contact the Problem Resolution Subcommittee, the FMCS and the FLRA for assistance.

Ms. Wilson then moved to slide 10 (“Long Term Recommendations”), and provided the group’s long term recommendations to the Council. These included developing additional training to emphasize some basic concepts, such as the relationships and distinctions between labor-management forums, PDI, and bargaining. The group also discussed putting something together to highlight, for management and labor, how a labor-management forum can add value to what they’re doing. The second long-term recommendation is to revise the Council’s own metrics guidance, to emphasize the importance of mission accomplishment. In addition, most reports received said that the union helped the agency put the report together. The group is interested in reminding agencies that they should have union participation in putting the report together. Finally, noting that most of the reports come in from the agency-head level, there may be opportunities to get information from additional sources, and it might be possible to use the labor-management forum reporting tool to capture additional examples of forums reporting metrics related to agency mission accomplishment.

Mr. Curry then asked if the Council accepted the working group’s recommendations, or if there were any objections. There were no objections. Mr. Curry told Ms. Wilson that she has her marching orders to move forward. Ms. Wilson then asked the Council if there were any questions. Ms. Suszczyk asked if there had been any follow-up with the agencies that reported no forums or no functioning forums. Ms. Wilson said that the labor-management forum reporting tool may have some information on that. In addition, her group has been discussing this and is putting a list together with the agencies and unions involved. This is something they are looking at and they are preparing to provide this information to OPM. Mr. Junemann noted that for the reports that he reviewed, there were a number where the responding agency provided contact information for someone who could answer questions. Mr. Junemann contacted a number of these officials, because some of the reports didn’t make sense, because they didn’t address mission accomplishment. In other cases, he knew some of the players involved and contacted them to ask what they thought of the report. Mr. Junemann noted that he was not the only one on the working group who followed up. Ms. Suszczyk said she is particularly interested where the response was that there is no need for change or a lack of interest; that is a problem. Mr.

Junemann said the working group concluded that they should report their initial findings to the Council, and perhaps another group would be tasked with getting more information about the groups reporting that they have no forum. Mr. Curry suggested that maybe the Problem Resolution Subcommittee can start digging into that and see how best to address those issues. Ms. Cobert then thanked everyone on the task force for all the hard work, and that she particularly appreciates the quick things we can get started on before December.

Mr. Curry then introduced Phil Roberts of the FLRA and Heather Butler of the FMCS as the presenters for the Tool Kit Working Group. He noted that the meeting was running short on time and asked that they be mindful of that.

Mr. Roberts said that the PDI and Collective Bargaining Working Group has been working on materials to assist with understanding the relationship between these two concepts. Referring to slide 12 (“PDI & Collective Bargaining—Web-based Modules. . .”), he noted that the Frequently Asked Questions module was discussed at the previous Council meeting and is now posted on the webpage. Mr. Roberts announced that the group has two new modules that it would like to release. These are checklists for PDI, and PDI Outcomes. The last module listed on slide 12, PDI Models and Success Stories, is in progress and is something the group would like the Council’s approval to continue.

Turning to checklists and referring to slide 14 (“Module 2: Checklists”), Mr. Roberts noted that the checklists may look familiar, because they are derived from tools that actual parties, such as the Forest Service, have used. He noted that much of the material is from Sheila Kopczynski, who was with the Forest Service and who is now with USDA. He explained that checklists begin with pre-PDI activities: management deciding whether PDI is appropriate and whether it wants to issue an invitation to engage in PDI. There is a parallel checklist for use by the union. The union gets an invitation to engage in PDI, and considers whether it will accept the invitation. The third checklist is directly related to the PDI invitation sent by management. The fourth checklist is related to the response to the PDI invitation, presumably by the union. Finally, a very important checklist addresses the expectations the parties have for their PDI. A screenshot of this checklist is provided on slide 15 (“Module 2: Checklists”). Moving to slide 16 (Module 3: Outcomes”), Mr. Roberts explained that the next module concerns PDI Outcomes, and what parties will do when they complete their PDI process. This covers whether to put the agreement in writing and, if so, how to structure it with regard to any negotiated agreement and whether there is still a duty to bargain. The group, thanks to the work of Heather Butler, developed an interactive module to help answer these questions.

Ms. Butler said that first she would like to point out that the checklists contain a caveat at the top of them, which encourages parties to change them, and to fit them to their needs. They are not prescriptive or something that parties must do; rather they contain examples. Turning to the interactive module on PDI Outcomes, Ms. Butler explained they would not demonstrate the tool today because of time constraints. They created a handout that describes the decision-tree format of the interactive module. This handout makes the process look very complicated, but that is why the interactive module is so useful; it makes the process simple by taking it step-by-step. Ms. Butler displayed slide 17 (“Module 3: Outcomes”), which is the opening view of the interactive module. She then showed slide 18 (“Module 3: Outcomes”), which shows how part of the

decision tree is addressed by the interactive module. Ms. Butler transitioned to slide 19 (“Module 3: Outcomes”), which is another screenshot from the module, and explained how this was another consideration to be taken into account in the decision tree, whether the PDI participants have authority to enter into a binding agreement.

Mr. Roberts thanked all the people who worked on the products, specifically naming Deborah Kleinberg of the Seafarers International Union. He also thanked two people who contributed significantly prior to their recent retirements: Terry Rosen, formerly of AFGE, and Matthew Jarvinen, formerly the Regional Director of the FLRA’s Denver Region, who is now embarking on a career as an arbitrator and trainer.

Mr. Curry asked Mr. Roberts if both modules are ready to be posted, live, on the Council webpage. Mr. Roberts said yes, but with minor revisions to remove links to materials that are not quite ready yet. Mr. Curry said once the materials are ready, OPM will send the links to the Council members, making them aware of their availability and asking them to widely disseminate news of these new resources. Ms. Cobert thanked the presenters, and said she noticed that they had used very plain language in putting the materials together and she really appreciates that.

Mr. Filler said he was aware that the meeting is short on time, but he would like to have a placeholder for the next meeting to talk about what happens when we use these great tools but still hit a brick wall in PDI. This is voluntary stuff, it’s not like collective bargaining under the Statute. People put a lot of work into the process, and there should be an outcome. Ms. Cobert said that is a great topic.

Mr. Curry then introduced the next presenters, John Claya of OPM and Mr. Roberts.

Mr. Roberts referred to slide 21 (“LMF Reporting Tool”) and reminded the Council that the labor-management forum (LMF) reporting tool, as discussed at a previous meeting, showed a difference in the responses about PDI. It seemed like the people from management reported a greater use of PDI than the union people. The Council asked for more information about why this was and, specifically, whether it was a matter of different perceptions. The approach taken was twofold. On a micro level, the group went out and conducted interviews with select respondents. On a macro level, they want to revise the LMF reporting tool to focus on this issue. Now, they have gone out and spoken to people to try and learn more about what was the basis for the results.

Mr. Claya thanked Mr. Roberts and thanked all the volunteers who went out and did the interviews, specifically, Michael Filler, Deborah Kleinberg, and all of the others who worked hard and put in a lot of time and effort. Referring to slide 22 (“LMF Reporting Tool”), Mr. Claya noted what the group found in the interviews was different perceptions about PDI. Specifically, they found differences with regard to what PDI is, how PDI should work, and what the expectations are for PDI. Mr. Claya explained that this was gleaned from the eight follow-up interviews that were actually done. Moving to slide 23 (“LMF Reporting Tool (Conclusions)”), Mr. Claya explained that this slide includes information found from looking through the results of all of those interviews. Likely reasons for divergent answers about the frequency of PDI

include: lack of trust, lack of training on PDI, lack of discussion and agreement on a common definition of PDI, failure to memorialize any agreed-upon definition or process for PDI, confusion about the interface between PDI and existing agreements related to currently existing partnership provisions in collective bargaining agreements, and confusion about PDI and its relationship to collective bargaining itself. Mr. Roberts said that while he didn't conduct any interviews, in going through the results, there were instances where all hope was not lost, even if there were problems. Specifically, he noticed that the lack of interest was probably found because people didn't understand why it was in their interest to engage in PDI. That could be remedied, at least in part, by sharing success stories. Mr. Roberts said that the lack of training seemed to occur even in organizations where they had received training, because of turnover. He indicated there was not sufficient succession planning to ensure that participants would still be trained, even if there was turnover. Mr. Roberts also explained that other challenges identified could be potentially overcome through some of the training materials the other group is working on. For example, one group that was interviewed consisted of local level representatives with a national level bargaining relationship. They thought that they could not do PDI because most initiatives came to them from the national level; they believed they could only engage in I&I bargaining.<sup>1</sup> This barrier could potentially be overcome by providing information and training about the types of issues such groups may find appropriate for PDI.

Mr. Claya then moved to slide 24 ("LMF Reporting Tool (Conclusions)"), and described where the parties reported successes even though they also reported obstacles to PDI. Contributing factors included trust and a shared belief that PDI could have benefits. Oftentimes, they identified an issue early on, and found that engaging in PDI could shorten any bargaining that did have to occur. Also, they realized that input from employees, through their union representatives, could streamline work processes, save money, and make employees happier on the job.

Mr. Roberts then moved to slide 25 ("LMF Reporting Tool (Updated Version)"), and said that while these interviews were the micro level approach to information gathering, the recommendation for the macro level is to do another LMF reporting tool. The group recommends doing this in early 2015, to avoid any confusion with the metrics reports. The changes the group recommends to the reporting tool include adding quantitative questions, such as, "How often do you do PDI?" with possible answers of "never, one time in the past year, twice, three to five times, six to ten." Then, pair such questions with qualitative questions, "Do you feel this was enough? Too much? Not enough?" Mr. Roberts explained that the group has developed approximately eight questions addressing the frequency of PDI, the subjects covered in PDI, and the outcomes of PDI. They recommend putting these into a new reporting tool for release in early 2015.

Mr. Curry apologized for rushing the presenters. Ms. Kelley asked if the Council Members could receive a copy of the eight questions so they may discuss them at the next Council meeting. Mr. Curry said yes. Ms. Cobert suggested reserving time at the next meeting for discussion of those eight new questions, since they were not discussed today.

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<sup>1</sup> "I&I bargaining" or "impact and implementation bargaining" generally refers to negotiations over the impact and implementation of management-initiated changes. This term is well known to all the Council members.

### **Agenda Item 6: New Business**

Mr. Curry announced that the next Council meeting is scheduled for Wednesday, September 17, 2014, at OPM from 10 a.m. to 12 noon. He then asked if anyone on the Council wished to raise any new business.

Ms. Pope asked to share some good news. She said they just received news that the Senate confirmed their General Counsel, Ms. Julie Clark, by voice vote. (applause). Ms. Pope continued by noting that it is Ms. Clark's work that has contributed to so much of the work that has been reported to the Council over the past months. She said they are very happy to have the stability of having Julie with the FLRA for another five years.

### **Agenda Item 7: Acknowledgement/Receipt of Public Submissions**

Mr. Curry said that as a FACA committee, the Council offers opportunities for members of the public to make brief statements to the Council. He asked if any member of the public wished to make any brief statement to the Council.

Mr. Stan Painter introduced himself as the AFGE National Joint Council of Food Inspection Locals' Chairman. He said he has been with the union for 22 years. He said when Executive Order 12871 was struck down by President Bush, the USDA Food Safety and Inspection Service did not want to continue partnership activities with the union, and that holds true today. He said they are at the bottom of PDI. Mr. Painter said it takes a lot of work to be at the bottom and it takes a lot of work to be angry. Mr. Painter asked the Council if there is any way to implement the Executive Order with the Food Safety and Inspection Service. He said they do not have metrics, and they do not have a charter. The administrator struck down the charter when it was almost completed, and that individual has since gone underground; he rarely sees her. Mr. Painter said that if there is anyone who can help them, he would certainly appreciate it.

Mr. Curry asked if there were any other public comments. There were none.

### **Agenda Item 8: Adjournment**

Mr. Curry adjourned the meeting at 12:05 p.m.