

**National Council on Federal Labor-Management Relations  
Ninth Public Meeting, 01/19/2011**

On January 19, 2011, the National Council on Federal Labor-Management Relations held its ninth meeting at the American Institute of Architects building at 1725 New York Avenue, NW., in Washington, D.C. Mr. John Berry (Director, Office of Personnel Management (OPM)) and Mr. Jeffrey Zients (Deputy Director for Management and Chief Performance Officer, Office of Management and Budget (OMB)) co-chaired the meeting.

The following Council members also attended:

Member Name	Member Title
Ms. Carol Bonosaro	President, Senior Executives Association
Mr. William Dougan	President, National Federation of Federal Employees
Mr. Michael Filler	Director of Public Services, International Brotherhood of Teamsters
Mr. John Gage	National President, American Federation of Government Employees
Mr. W. Scott Gould	Deputy Secretary, Department of Veterans Affairs
Mr. Seth David Harris	Deputy Secretary, Department of Labor
Mr. Gregory Junemann	President, International Federation of Professional and Technical Engineers
Ms. Colleen M. Kelley	National President, National Treasury Employees Union
Ms. Jane Holl Lute	Deputy Secretary, Department of Homeland Security
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

Ms. Gina Lightfoot-Walker (Federal Division Director for the National Association of Government Employees (NAGE)) sat in for Mr. David Holway (National President, NAGE).

Ms. Lynn Simpson, Principal Deputy Under Secretary of Defense for Personnel and Readiness, sat in for Mr. William J. Lynn, Deputy Secretary of Defense.

Mr. Dan Tangherlini, Assistant Secretary for Management and Chief Financial Officer, sat in for Mr. Neal Wolin, Deputy Secretary, Department of the Treasury.

More than 50 members of the public also attended the meeting, including 6 representatives from the media.

**Agenda Item I: Welcome and Approval of Minutes from November 3 Meeting**

At 10:06 a.m., Mr. Berry said, “Happy New Year” and welcomed everyone to the first Council meeting of 2011. The Council unanimously approved the minutes from its previous meeting on November 3, 2010 (Council Document 11-01-01), and Mr. Berry turned to the next agenda item.

## **Agenda Item II: Opening Comments of Co-Chairs**

Mr. Berry said he had good news to share, that 619 forums were now up and running and another 612 were well on their way. He said this meant that 1,231 partnerships were increasing the Government's productivity. He said the progress to date served as "a testament to everyone here that this is getting established." He said, "This is a good place to start 2011, and we're in a good place to move the ball forward as far as performance."

Mr. Zients agreed with Mr. Berry's assessment of the Council's progress, and he added that 2010 had been a good year in terms of setting up a partnership process, and that the Council had achieved its goals in 2010. He said the progress in 2010 with respect to setting up forums meant "better involvement, which sets us up for what should be a good 2011." He added, "Today's agenda reflects that," and turned the floor over to Mr. Berry, who turned to the next agenda item.

## **Agenda Item III: Letter to Agencies Regarding Predecisional Involvement**

Mr. Berry reminded everyone that in the previous Council meeting (November 3, 2010) the members had agreed that the Council should send a letter to agencies providing guidance on the establishment of labor-management forums and predecisional involvement. He said that in recent weeks he and Mr. Zients had circulated a draft letter (Council Document 11-01-02). He thanked the Council members for the seriousness with which they had approached the task of contributing to the draft, and he said he thought everyone was now fairly comfortable with it.

Mr. Berry clarified that the guidance in the letter augments, rather than replaces, Executive Order 13522 (the EO). He said everyone should keep in mind that the EO is still the "real guidance," and he added that what also does not change is that ultimately each forum must find its own way to partnership.

In closing his discussion of the draft letter, Mr. Berry said he and Mr. Zients would sign it later in the day, send it to all forums, and post it on the Council Web site. Then he turned to the next agenda item.

## **Agenda Item IV: Results of Implementation Plan Follow-Up Survey of Agency Efforts**

Mr. Tim Curry, OPM Deputy Associate Director for Partnership and Labor Relations, reported to the Council the results of a November 2010 survey of 51 agencies. In making his presentation he used slides with a cover page reading "Survey of Agency Forum Status: Results of a November 2010 Survey of 51 Agencies." (Council Document 11-01-03.)

Mr. Curry said the survey work was done by members of the Implementation Plans Working Group. He said the survey was intended to provide a snapshot of where the forums are across Government, and that it asked one required question and two optional questions.

He said the one required question was, "How many forums have been established in your department/agency?" He said that all 51 agencies had responded, and that it was from those responses that Mr. Berry earlier had reported that 619 forums were established and 612 more

were being established. On pages 4 and 5 of his slides he provided the number of forums in each of the 51 agencies, and he pointed out the vast majority of forums were in the Departments of Defense and Homeland Security.

Mr. Curry said 19 agencies had responded to the first optional question, “What have been the early successes of these forums? He said no response was common to more than three or four agencies. He said that typical responses included—

- Development of joint baseline assessment and agency metrics guidance,
- Improved labor-management communication,
- Reduction in the number of formal negotiations,
- Reduction in the time to bargain a term agreement and in the time spent in negotiations, and
- Progress toward or resolution of issues related to
  - Agency performance management system,
  - Space issues and reorganization generally,
  - Telework and remote connectivity,
  - Work life program, and
  - Employee orientation.

Mr. Curry said 11 agencies responded to the second optional question, “What have been the major barriers to success of these forums?” He said the most common responses were—

- Lack of time and resources available,
- History of relationship/trust, and
- Difficulty in scheduling meetings.

He said training would help with problems related to the “history of relationship/trust,” and that some difficulty in scheduling meetings was understandable, since getting everyone in a room together at the same time is often a challenge.

When Mr. Curry concluded his presentation and asked if the Council had questions, Mr. Dougan asked if data were available showing what percentage of bargaining units are in forums, both for those fully established and those in progress. He added that while over 1,200 forums sounds like a large number, more detailed data might well indicate the number is not as large across the

entire Government as it may sound. Mr. Curry said that data were still coming in, but that more detailed data were not yet available.

Mr. Dougan said that responses identifying “time and resources” and “difficulty in scheduling meetings” as major barriers to establishing forums might indicate a lack of compliance as far as making the forums a priority. He asked how the Council could hold people accountable.

Mr. Berry said that establishing the forums is a priority for the Administration and a shared responsibility for all, one that begins with “two folks at the table.” Mr. Berry said that if, for example, one of Mr. Dougan’s members perceived that someone was impeding progress in establishing a forum, the member could inform Mr. Dougan, who could then bring the problem to the Council’s attention. He pointed out that the Council had agency representatives who could remedy such problems if necessary. He said Council resolution of such problems could begin with informal communication with the agency representative, e.g. a union representative on the Council with a problem involving the Department of Veterans Affairs (VA) could informally report the situation to Mr. Gould, who could take appropriate action. Mr. Berry said that such an approach would probably work 80-90 percent of the time, but that in some cases the Council might have to take other measures.

Mr. Dougan expressed concern that the Council had been a year at its work, and there were apparently still a significant number of agencies where the EO is not being implemented. He asked how the Council could collectively take action to address that problem.

Mr. Zients asked Mr. Curry how difficult it would be to answer Mr. Dougan’s question about how many of the Government’s bargaining units are on forums. Mr. Curry replied that while it would be a fairly labor intensive exercise, the task could be undertaken. He reiterated that the survey data were still coming in and that the numbers might increase and show further progress. He also pointed out that the letter to agencies covered under Agenda Item III reminded agencies of the need to get started with the forums.

Ms. Kelley said the Council had very carefully crafted the letter, and that the Council was counting on the letter helping in getting the forums up and running. She agreed with Mr. Dougan’s point about the Council not really knowing the extent of progress without knowing what the universe is. She said that the Council also needs to do as much as possible to ensure agencies take action in a timely manner to effect real predecisional involvement, and she stressed the importance of getting the forums up and running across Government.

Regarding the point about knowing the universe, Mr. Gould said the VA had asked the question, “The numerator looks good, but what’s the denominator?” He said the denominator at VA turned out to be 275. He said that in studying the question he had discovered that one issue had been that some field locations had no union counterparts.

Ms. Kelley asked Mr. Gould whether the unions agreed that the denominator at VA was 275. Mr. Gould said that in an upcoming meeting in New Orleans, he planned to make sure the unions agreed with the number.

Ms. Kelley said that the informal process Mr. Berry had recommended earlier for removing impediments to forums is fine, but she asked what would be next when that fails. Mr. Berry said that informal resolution of the problem as he had earlier described would be best, but that the next step would be alerting the Co-Chairs. He said the Co-Chairs could then attempt to engage with the agency, working with both management and labor to resolve the issue.

Mr. Junemann said he believed he understood what Ms. Kelley was saying. He said he had been hearing from locals that at times management and perhaps labor as well were merely paying lip service to partnership. He asked what could be done when at some agency in Denver, for example, partnership is just not working and no one seems to care. He asked, "Is there is a stick involved, when we have already done the carrot?" He asked whether the Council could say at some point that it would no longer recognize a noncompliant agency as a player in the National Partnership. He said the Council could not just talk partnership into working. He said he wanted the Council to be able to help that hypothetical agency in Denver resolve its problems.

Mr. Berry said, "I hear that we might need to get to the two by four; the question is what it would be." He said he would need to check with lawyers to find out what enforcement authorities the Co-Chairs would have should preferred methods prove ineffective in some cases. He stressed that the reason the Council exists is to break through the barriers to partnership. He encouraged the members to apply pressure as necessary in the interest of partnership throughout the Government and to try the measures previously discussed, which he thought would be very helpful. He said he would check on the two by four.

Mr. Nguyen said he believed it was a good start to have over 1,200 forums in progress. He asked if there were any plans with respect to metrics. He said he was interested to see how well the forums are working.

Mr. Curry said that Mr. Nguyen's comments provided a great segue into Mr. Filler's presentation, which was coming up next. Mr. Berry said, "Well, Michael, I guess now you have been introduced." Mr. Filler said this is where the term "organized labor" comes from. He then began his presentation of Agenda Item V.

#### **Agenda Item V: Review of Metrics Status/Reporting Deadlines/Next Steps**

Mr. Filler reported to the Council on the status of the development of metrics to measure the success of forums, in terms of key suspense dates under the EO. In making his presentation he used slides with a cover page reading "Metrics for Labor-Management Forums: Status and Reporting Deadlines." (Council Document 11-01-04.)

Mr. Filler wished everyone a Happy New Year and said the beginning of the year is a good time for the Council members to make sure their calendars are in synch. He reviewed suspense dates for progress on metrics and (b)(1) bargaining pilots.

Mr. Filler reminded the Council of the following suspense dates for forums:

- December 31, 2010: All forums will have identified issues, goals and metrics for reporting on a baseline;

- March 31, 2011: Agencies will report to the Council on what their forums have chosen to measure as a baseline;
- September 30, 2011: Forums have a 6-month report due to agencies on their performance against the identified metrics; and
- December 31, 2011: Agencies will report to the Council on their forum's performance against the identified metrics using September forum reports and available updates.

Mr. Filler reminded the Council of the following suspense dates for (b)(1) pilots:

- December 31, 2010: All pilots will have identified issues, goals, and metrics for reporting on a baseline;
- March 31, 2011: Pilots will report to the Council on what their forums have chosen to measure as a baseline;
- September 30, 2011: Pilots have a 6-month report due to the Council on their performance against the identified metrics; and
- March 31, 2012: Pilots have a 1-year report due to the Council on their forums' performance against their identified metrics.

Mr. Filler said it would be important for the Metrics Working Group to work with forums to identify any problems and then figure out how to track progress in solving them. He said that while 2010 had been a year of setting up processes for partnership, 2011 would be the year for breathing life into the EO. He said it was fitting that the Council was beginning the year's work in the American Institute of Architects building, since the Council members are the architects of what they can do in 2011.

Mr. Berry said that Mr. Filler and other Council members had stressed the need for the Council to focus on performance with respect to making partnership a reality. Mr. Berry said that 2011 would be a critical year. He said 2010 had been a year for clarifying the rules of the road, establishing some uniformity in partnership processes, and solving administrative problems. He said 2011 would be more about how to move the needle on performance and bring some real benefit to the taxpayer. He asked what the working group would think about expanding its work to say how the Council can move the needle on performance and measure progress in that regard.

Mr. Filler said the working group would start thinking about Mr. Berry's idea. He said that as a start the working group could consider what progress has been made so far and share success stories with the Council, and then the working group could consider how to move the ball forward. Mr. Zients said he thought that would be great.

Mr. Berry said he thought 2011 would be the year the Council would put the meat on the bone. He said that if the working group could come up with ideas for improving service and results, that would be very helpful. He then turned to the next item on the agenda.

### **Agenda Item VI: Forum Training**

Mr. Curry and Mr. George Cohen (Director, Federal Mediation and Conciliation Service (FMCS)) briefed the Council on ideas they had discussed for the future of training for forums.

Mr. Curry began the presentation, which was accompanied by slides with a cover page reading "Labor Management Forum Training: Train the Trainer." (Council Document 11-01-05.) He said that he and Mr. Cohen had been discussing the future of training for forums, and he said they believe much more can be done. He said training teams could be established consisting of higher level agency officials and representatives of the National unions. The training teams could be very helpful by providing instruction on the various soft skills needed to make forums successful in their work, including—

- Collaboration on predecisional involvement,
- Interest-based problem solving techniques,
- Listening skills, and
- Consensus-building skills.

Mr. Curry said the trainers for the proposed training teams would need to be instructed on training others on the soft skills, i.e. a "train the trainer" approach, and he said he and Mr. Cohen had been discussing the need to set up a process to train trainers. He explained the "why and how" of the process.

Mr. Curry explained why training the trainer was a good idea. He said training the trainer would expand the pools of trainers and facilitators available to help local forums. He added that joint training teams consisting of one trainer from the agency and one trainer from the union would demonstrate to local participants that higher level representatives from the agency and union are working together and would also indicate agency/union top-level support (talk the talk and walk the walk).

Mr. Curry explained how training for the forums could transition from being solely a FMCS/Federal Labor Relations Authority (FLRA) function to being done in part by the new training teams he proposed. He said the new training teams would be available primarily to provide the more routine training and facilitation at the local level, while FMCS and FLRA would continue to provide support for the National-level forums, which deal with more complex National issues and (b)(1) pilots. He said that training the trainer would be voluntary but highly encouraged, since it would be a way to make the most of limited resources and to advance partnership as a result of labor-management collaboration in the proposed training teams. He invited Mr. Cohen to speak to the Council.

Mr. Cohen greeted the Council. He said his claim to fame is that he doesn't do PowerPoint presentations. He said that as of today, there had been 100 requests for the initial training his organization had provided in conjunction with the FLRA since the training began last year. He said that in response FMCS and FLRA had provided training sessions for all 100 requests, and that from a pool of 175 mediators (most with experience under the Clinton Partnership), 50 mediators had been deployed to assist in the Council's efforts. He said the FLRA/FMCS joint training had been well received, as had the assistance from the mediators. He said that now, however, is the "time to move on to the nitty gritty." He said it would be unrealistic to expect all training and mediation resources the nitty-gritty work ahead would require could be done without creating additional trainers.

Mr. Cohen said that under the proposed transition to the new training/mediation model, FMCS would respond to joint labor-management requests for a mediator. FMCS and FLRA would continue to provide support as Mr. Curry had earlier indicated, whenever such support is needed at the National level in furtherance of interest-based discussions or predecisional involvement. He said he was optimistic about the future of partnership in the Government, and that his optimism is based on the belief that working men and women have the capacity to help management make decisions. He thanked the Council for its time and attention.

Mr. Berry thanked Mr. Cohen, and said he wanted to commend him. He said Mr. Cohen had conducted a training session at OPM, and that he had kept everyone on point and made the meeting more productive.

Mr. Junemann reminded the Council that Mr. Curry had earlier presented survey results indicating that barriers to the success of forums included "history of relationship/trust." He said that now the Council was hearing a success story with regard to the training, which made him think that training might be what can improve those troubled relationships. He said that training overall had been a real success, and that the only real problem with training so far had been when Mr. Filler was locked out of a session in Florida. He said that maybe training is the two by four the Council needs. He said, "Training is a tool and a weapon we can't ignore."

Mr. Dougan said that with respect to training, there would be a clear need for it going forward. He asked for clarification on the role of FMCS and FLRA with respect to mediation and the initial training.

Mr. Cohen said that his hope was that FLRA and FMCS would come in and help wherever there were serious problems, particularly in cases involving a history of a bad relationship. Ms. Julia Clark, FLRA General Counsel, said requests for the initial training were still coming in at a very high rate, but that "the dynamics are changing, and we're now doing more agency-specific than cross-agency training." Mr. Curry said the new trainers would supplement, not replace, the FLRA/FMCS training.

Mr. Cohen said that FLRA and FMCS had 25 trainings to do in the next 60 days in response to agency requests. Mr. Berry commended FLRA and FMCS. He said, "So far, so good. We've been able to meet the demand."

Mr. Gould said that the training is definitely working. He said that VA is extracting trainers and can deploy 130 of them. He commended FLRA, FMCS, and OPM staff on a great job.

Mr. Dougan asked how the Council could get the word out about training the trainer. He said that maybe the news could be posted on the FMCS and Council Web sites. Mr. Berry said this was a great idea. Mr. Cohen agreed. Mr. Berry said OPM would work closely with Mr. Cohen to make it happen, and then he turned to the next item on the agenda.

### **Agenda Item VII: Telework Working Group Report**

Mr. Berry said the good news about telework was that since the last Council meeting the President had signed into law the Telework Enhancement Act of 2010. He said that passage of the law “poses both a unique opportunity and a challenge,” the challenge being how to implement the law so that it is helpful to both agencies and the public. He said that maybe the telework group could help figure out how to take advantage of this historic opportunity and implement the law well. He asked Ms. Niehaus to begin her presentation.

Ms. Niehaus’ presentation was accompanied by slides labeled “Mobile Workforce Work Group” (Council Document 11-01-06.)

Ms. Niehaus displayed a list of working group members, working group meetings since the previous Council meeting, and recent working group efforts. She said the working group had been gathering information, which included collection and review of agency policies and collective bargaining agreements on telework and review of OPM publications on telework. She said that discussion of a “checklist of criteria” used to assess agency policies had led to working group discussion of barriers to telework, and that the group kept returning to that topic.

Ms. Niehaus said that recent developments outside the working group had influenced its activities and progress, including--

- Passage of the Telework Enhancement Act (P.L. 111-292),
- OPM Guidance to agencies on new law, and
- Washington, D.C. area dismissal guide, including “unscheduled telework,” issued by OPM.

She said the working group members had different perspectives on what role the group should play now, given passage of the Act and the subsequent release of OPM guidance. Should the working group disband? Should it somehow try to help agencies and unions implement the new law, and would it be possible to do so at this point, given time constraints and deadlines? She said that given all the recent developments, it seems that if the working group continued it would have a new charter, since the mobile workday the Council had talked about had already become reality. So, what would be next?

Mr. Berry asked what the Council thought the working group should do. He said he believed it was the wrong time for the group to disband and the right time for it to ask, “How do we do this well?” He said he believed having this Council and the working group involved with telework could be very powerful. He proposed that the working group keep going and figure out how to do telework well.

Mr. Junemann said he definitely believed the working group should keep going. He said one thing the working group could do would be to report to the Council on “how well unscheduled telework worked and what the efficiencies were.” Mr. Junemann reminded the Council that Mr. Berry had said that the President wanted the Government’s telework capability to increase substantially, and Mr. Junemann said that challenge did not go away with passage of the Act. He said what to do concerning telework outside of snow days or emergencies is another major issue the working group could consider. He said that the need for guidance for management and workers is another good reason the working group should stay active.

As an example of a situation where guidance could be important, Mr. Junemann asked the Council to consider the worker who teleworks 1-2 days a week, which is 20-40 percent of the time. Would the time spent working at home be reflected accurately in the employee’s performance appraisal, and how would that happen? Mr. Junemann said managers and workers need to understand what work should be done during a telework day. He said that if an employee is teleworking during a day, it would not just be up to management to make sure the work was credited; the employee would need to make sure the supervisor understands what was accomplished that day.

Mr. Junemann said that he had a lot of experience in his union with telework, and that some say it works well and others say that there are problems with it. He said he believed telework could work well in the Government if it is done right. He suggested that maybe the working group could lay the groundwork for general implementation procedures, and then memoranda of understanding (MOUs) could be done at the local level.

Mr. Dougan said while the working group might have a “potential role” to play in implementation of telework, his reading of the legislation is that the responsibility for implementation is with the agencies. He said that while telework in the Government involves “a lot of commonalities,” it also involves many agency-specific issues, and the forums are in the best position to work on agency-specific telework issues.

Mr. Berry said he believed there were two ways the Council can help with telework:

- Provide guidance when people are “stuck” (such guidance might be based on what has worked elsewhere in comparable situations), and
- Gather up existing materials on telework and synthesize the information so agencies can use it as a resource, e.g. to share lessons learned at other agencies and best practices that have been identified over the years.

Mr. Berry said another idea is that agencies could set up training on telework, and the working group could have input on what should be included in the training.

Mr. Harris said he agreed there could be a valuable role in telework for the working group. He said that one forum at the Department of Labor is involved in telework, and that a great deal of potentially valuable information was coming from the experience. He said that such information across agencies and forums could be pulled together and become a valuable source of information for agencies trying to implement telework.

Referring to page 4 of the slide presentation, which covers information the working group had gathered so far, Mr. Harris said the working group could synthesize some of the information referred to in the bullets. He said this would be of great benefit to him, and that he can use all the help he can get. He said that while he can find the second and third bulleted items on his own, he could use some help with these three:

- Collection and review of agency policies and collective bargaining agreements on telework,
- Review of OPM *Guide to Telework in the Federal Government*, and
- Review of “Checklist of Criteria” used to assess federal agency telework policies.

He said the working group could also include other information as well. He said he agreed with Mr. Dougan that telework looks very different across different agencies, and he said he could see a great deal of value in the working group providing an iterative document with “lots and lots of examples.” Ms. Niehaus said that she would share currently available materials with Mr. Harris by email.

Ms. Kelley said there would be a learning curve for telework, and she agreed with Mr. Berry that the working group could have valuable input for telework training. She said telework could be very different for one agency than for another, depending on the mission and jobs. She said that while good work had been done so far, she would like to see telework expanded so that all employees have the opportunity to telework, and so that those who telework now can do so more than one or two days a week. She said that ideally telework planning for agencies would be handled in the forums and then memorialized in MOUs, but where that does not work it would be negotiated at different levels, resulting in MOUs.

Ms. Bonosaro asked Mr. Berry if he would like the group to provide input on policy issues, and she said that developing policy is very different from implementing the law. Mr. Berry responded that the two were really not diametrically opposed. He said that implementing the law does need to be handled at the agency level, since clearly there is no “one size fits all” approach that will work across all agencies. He said that, on the other hand, the law does require some consistency. He said it would greatly help the Council to “see what’s out there,” and that sometimes people run into trouble when they rush off to implement a law without first carefully examining the current state of affairs.

Ms. Bonosaro asked if the Council's role in telework would be in weighing in on policy issues, or if its involvement in telework would be a by-product of its work with forums. Mr. Berry said he could see both kinds of involvement for the Council; e.g., if a reporting mechanism is required by law, how can duplication be avoided? He said that implementation challenges in agencies can be discussed by forums and then brought to the Council.

Ms. Bonosaro asked if Mr. Berry saw the agencies working directly with OPM and OMB, or did he expect that agencies would work through the Council. Mr. Berry said the Council should see how things go.

Mr. Berry said a good example of how the working group could help make telework more successful was in the way the dismissal policy for a recent snow day had worked out. He said he thought that the working group had made OPM better informed and that OPM had issued a better, stronger product because of it. He said he had an OPM employee stop him and tell him how well the policy had worked for her during a recent snow day. He said it was clear that telework has a new attention and focus.

Mr. Nguyen said he agreed the role of the working group should be to provide input before guidance is issued or instructions are supplemented.

Mr. Berry said the working group should continue for a while, though it need not be permanent. He told Ms. Niehaus that he thought the working group had provided very helpful information. She responded that the working group would continue to rely on expertise and guidance on telework from OPM and OMB.

Mr. Berry turned to the next item on the agenda.

#### **Agenda Item VIII: New Business**

Mr. Berry asked whether anyone wanted to raise new business.

Ms. Bonosaro said she would like a status report on (b)(1) pilots soon. Mr. Berry agreed that would be a good idea. Shortly afterwards, Ms. Bonosaro suggested that the status report be put on the agenda for the April 2011 Council meeting, since the (b)(1) pilots are to report to the Council by March 31, 2011 on what their forums have chosen to measure as a baseline. Mr. Berry agreed.

Ms. Kelley proposed that the Council skip the February meeting and use the time before the March meeting to move forward on forums and (b)(1) pilots. Mr. Berry asked the Council if it agreed this would be best, and the Council agreed. Mr. Berry then turned to the next item on the agenda.

#### **Agenda Item IX: Acknowledgment/Receipt of Public Submissions**

Mr. Berry opened the floor for public comment.

Mr. Frank Millman from the Department of Commerce said that a (b)(1) pilot project from his agency was to be taken up in the December Council meeting, which was cancelled. Mr. Berry confirmed that the project had been approved.

**Agenda Item X: Adjournment**

Mr. Berry adjourned the meeting at 11:28 a.m.

**CERTIFIED**

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John Berry  
Co-Chair

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Jeffrey Zients  
Co-Chair