

Department of Labor Plan to Implement Executive Order 13522
Creating Labor Management Forums to Improve Delivery of Government Services

I. INTRODUCTION

In accordance with the requirements of Executive Order 13522, Creating Labor Management Forums to Improve the Delivery of Government Services, the Department is committed to working with the NCFLL and expanding on our cooperative labor-management relationship and work together as partners in furthering the mission of the Department. Through collaborative problem solving and decision making, the parties reaffirm their mutual objective to transform the Department into an Agency that works more effectively and efficiently and better serves our customers and employees.

II. PRINCIPLES

The Department submits that if the plan is to be successful, certain principles need to be followed. These include, but are not limited to, the following:

- a. Working cooperatively to achieve mutual interests and, to the extent feasible, each other's interests.
- b. Arriving at consensus when all participants take part in the decision, either agrees to it or can live with it, and will publicly support the position, and will help implement it.

Disagreement or inability to reach consensus over a particular issue does not equate to opposition to partnership. While management retains the right to make decisions and the Union retains the right to bargain over impact, both parties are committed to keeping such actions at a minimum and solving problems together.

- c. Involving employees, exclusively through their Union representatives, through pre-decisional involvement, at the earliest stage practicable, to identify problems and craft solutions that will better serve the Department's customers and mission.
- d. Striving for balance of viewpoints of both parties to strengthen the effectiveness of partnership efforts with professionalism and respect.

III. PLAN REQUIREMENTS

The following is the Department's plan, through consultations and in coordination with the NCFLL, to implement Executive Order 13522:

- a. Baseline Assessment of the current state of labor-management relations within the Department.

In concert with the metrics developed below, the Department and the NCFLL agree to establish a baseline assessment by way of the current state of activity in regards to:

- Number of grievances, arbitrations, ULPs, and all other third party proceedings
- Number of cases identified appropriate for mediation as agreed to by both parties
- Number of initiatives identified for consultations as identified in subsection b below and any additional items mutually agreed to by the LMR committee
- Labor management committee agenda items identified for discussions

In conjunction with the goals of the Executive Order, the parties agree to endeavor in developing other measures which clearly establish productivity gains, cost savings, and general labor-management satisfaction as identified in subsection c below.

Upon approval of this plan, this will be considered the baseline assessment of the Department's current state of labor-management relations.

- b. Establishment of labor-management forums/committees.

Article 3 of the parties current Collective Bargaining Agreement (CBA) provides for National and Regional level labor-management committees (attached). These committees provide an adequate venue for the dissemination and discussion of Departmental and Agency level programs, policies, and practices. They also provide an avenue for Agency specific initiatives to be shared and discussed, as well as Departmental initiatives. These committees will continue to serve as a forum for Union initiatives and concerns to be raised and discussed as appropriate. The parties agree that this existing structure will serve as the forum to implement this E.O.

Management will, utilize these committees to share potential changes to existing programs, policies, and practices in order to provide the NCFLL the opportunity to engage in pre-decisional discussions and in crafting solutions to potential barriers for implementation. Likewise, the NCFLL will utilize this

venue to raise potential issues of concern and impediments to the successful implementation of management programs and any adverse impact of such on employees. Furthermore, the NCFLL will utilize this venue to raise potential matters for discussion by the LMR committees.

While the parties agree to the utilization of the existing labor-management committee structure, as identified in Article 3 of the parties' CBA, the parties recognize there may be a need to expand upon these committees on an ad-hoc basis. To that end, the Assistant Secretary for Administration and Management (ASAM) and the President of the NCFLL, or their designees, may raise the matter with the other party. If the parties mutually agree, additional requirements may be established to address the impending matter.

It is understood that there may exist current informal "partnerships" within the Department at the Agency and Regional levels, and while this is encouraged by both parties, these "partnerships" are not formally recognized under this plan. Should the parties wish to formalize these "partnerships" it must be done so by mutual agreement of the Department and the NCFLL.

The LMR committees will be responsible, initially, in addressing the following issues of concern to management and the Union in order to accomplish the Department's mission:

- Training/Obligations relative to partnership/cooperation
- Space moves/shared space
- Performance Management System
- Changes to work processes/procedures/manuals
- Official time for union representation
- Regional Safety and Health training and management/employee obligations
- Utilization of flexiplace
- Information sharing/requests

It should be noted that many of the items listed above are covered in some manner in the parties' formal CBA and nothing in this plan may abrogate the rights of either party as it relates to that Agreement. However, the intent of these committees is to resolve as many of the aforementioned issues as practicable without the need to enter into formal proceedings, i.e., negotiations and/or third party litigation.

In consideration of budgetary restraints and to minimize fiscal impact, the parties agree to utilize all available technology to the greatest extent possible to accomplish the requirements of the E.O. Regardless, The Department is committed to providing the resources necessary to accomplish the goals set forth by the Labor Management committees.

Upon ratification of this plan, the parties agree to develop an internal document that reflects the principles and commitments outlined herein.

- c. Metrics to monitor improvements in labor-management satisfaction, productivity gains, cost savings, and other areas as identified.

Upon determination of the baseline assessment as described above, the Department will assess improvements in labor-management satisfaction, productivity gains, and cost savings via the following mechanisms on a Fiscal Year basis. The assessment will be completed by mutual agreement of the parties:

- (1) Resolution of grievances/arbitrations/ULPs/other third party proceedings through informal dialogue between the parties. Quantitative calculations will allow for assessment of savings in time and money.
- (2) Resolution of disputes through mediations without third party litigation. Quantitative calculations will allow for assessment of savings in time and money.
- (3) Percentage of initiatives, raised by either party, shared and resolved through pre-decisional involvement through labor-management committees, i.e., without negotiations or third party intervention.
- (4) Percentage of LMR Agenda items resolved within a time period to be specified at a later date, by the agreement of the parties.

As a direct result of the improvements measured in items 1-4 above, we believe that Labor-management satisfaction will be enhanced by:

- ❖ Improving the Agency's ability to accomplish the mission.
- ❖ Increasing employee productivity and morale.
- ❖ Expediting adoption of streamlined business practices.
- ❖ Resulting in greater employee job satisfaction.
- ❖ Resulting in greater employee, through their exclusive union representatives, engagement in workplace matters.

The parties reserve the right to amend the metrics as needed to assess initiatives that may be raised at a future date by the LMR committee.

IV. TERM

This plan will become effective upon ratification by the National Partnership Council and its duration will coincide with the term of the Executive Order.

Any agreements or provisions established as a result of this partnership remain in effect only as long as this plan remains in effect, unless mutually agreed to extension by both parties. At its conclusion, agreements in this plan may not be relied upon as extensions of the negotiated CBA unless formal agreements have been signed by the parties.