

**United States Department of Transportation  
Implementation Plan for  
Executive Order 13522:  
Creating Labor-Management Forums to Improve Delivery of Government Services**

**March 9, 2010**

On December 9, 2009, the President issued Executive Order (E.O.) 13522, Creating Labor-Management Forums to Improve Delivery of Government Services. On January 29, 2010, follow-up instructions were issued regarding implementation of the E.O. The Department is pleased to provide a comprehensive plan implementing the E.O. that demonstrates our commitment to collaborative labor relations that will significantly improve the labor-management climate and improve agency performance. This plan was developed in consultation with a working group comprised of Operating Administration labor relations personnel and shared with union officials.

## **Background**

The Department has approximately 39,000 employees in 56 bargaining units that are presented by 10 unions. The largest union in the Department is the National Air Traffic Controllers Association representing approximately 19,000 employees; the smallest union is the Maritime Administration Seafarers International Union of North America representing 36 employees. There are 12 Operating Administrations, nine of which unions have exclusive recognition: The Federal Aviation Administration, the Federal Railroad Administration, the Maritime Administration, the Research, Innovation and Technology Administration - VOLPE National Transportation Systems Center, the Saint Lawrence Seaway Development Corporation, the National Traffic Safety Administration, the Federal Motor Carrier Safety Administration, the Federal Transit Administration and the Office of the Secretary.

## **Creating a Labor-Management Forum at the Department**

The Department has a history of successful labor-management partnerships going back to the Clinton Administration. It is our intention to propose the formation of a Department level forum with the largest unions that represent bargaining unit employees in the Department. We will ask the heads of the unions to meet with us in April 2010 to discuss this possibility and will propose at the meeting that the Departmental forum focus initially on the following:

- Providing guidance and oversight on the formation and/or strengthening of labor-management forums in the Operating Administrations;
- Providing guidance on pre-decisional involvement;
- Developing mission-linked or process improvement goals that will cascade to the Operating Administrations;

- Developing a labor relations climate survey instrument, administered by the Department; and
- Developing Departmental comprehensive metrics to monitor the impact of forums on labor management relationships and agency performance.

The Department will also propose that the parties adopt an existing labor relations climate survey instrument appropriately modified that will provide comparative baseline data between 2003, when the survey was last administered, and now.

### **Creating Labor-Management Forums in the Operating Administrations**

At the Operating Administration level, labor-management forums or committees are being planned or already exist as a result of collective bargaining agreements. Moreover, each Operating Administration will devote sufficient resources to establish labor-management forums and meet logistical and other necessary costs consistent with available funding and collective bargaining agreements.

The Department will also encourage certain Operating Administrations to negotiate either their first collective bargaining agreement or their first collective bargaining agreement in twenty-five years using interest-based bargaining techniques, which we believe will strengthen their nascent labor-management relationships. We expect them to establish formal labor-management forums after completing contract negotiations.

As agreed to last year, the Department will sponsor quarterly meetings between American Federation of Government Employees (AFGE) Local 3313 and the headquarters bargaining units of the National Highway Safety Administration, the Federal Transit Administration, the Federal Motor Carrier Safety Administration, and the Office of the Secretary. These meetings will serve as an informal forum and a place to discuss labor relations issues and topics. Last year, in an effort to strengthen and develop lasting relationships between the Local and these Operating Administrations, the Department sponsored a 3-day joint labor-management training course. The course addressed labor relations law, relationship-building, and preparing for negotiations. During the joint meeting, the parties agreed that quarterly meetings would be useful to reinforce the learning that took place and to develop a collaborate approach to labor relations.

**The Federal Aviation Administration (FAA):** The FAA anticipated the issuance of the E.O and began planning efforts in mid-2009 to assess the labor relations climate. On December 18, 2009, FAA issued a corporate labor relations strategy. The strategy transitions FAA from a compliance-based labor relations strategy to a collaborative, engagement-based approach to labor relations where the parties jointly develop solutions to workplace issues. The strategy calls for the development of a labor-management engagement plan, the establishment of labor-management forums, providing training in support of collaborative relationships, promoting communication and pre-decisional involvement, and recording and measuring collaboration efforts.

FAA has hired a consultant who is facilitating meetings with representatives from all FAA labor unions and FAA management agency-wide to obtain their perspective on the current LR climate and the requirements of the E.O. In November 2009, FAA re-convened the Labor Relations Council, now renamed the "LR Executive Steering Committee." The Steering Committee is presently meeting regularly to discuss the requirements of the E.O. and its impact on FAA. In mid-April, the Steering Committee intends to host a joint labor-management meeting where labor and management will brainstorm options for labor relations forums at FAA and discuss how to proceed with the requirements under the E.O. Additionally, FAA has assigned a position specifically responsible for the successful implementation of the E.O.

**The Federal Railroad Administration (FRA):** FRA will continue its established Partnership Council with AFGE Local 2814. Implemented on October 14, 1994, the Partnership Council has been maintained and continued through successive Memorandums of Agreement through the present time.

FRA's Partnership Council is contractually required to meet two times per year (February and September) with an optional third meeting in May based upon mutual agreement. FRA also has eight Regional Partnership Committees and a Headquarters Partnership Committee. The Council is the FRA management/labor group which discusses and develops policy and negotiates all working conditions which affect the FRA workforce. The Regional and Headquarters Committees deal with the "local" issues not of national scope. Topics range across the spectrum of working conditions and personnel matters/issues. In addition to the Partnership Council and Committees, FRA has a permanent Employee Safety and Health Committee, comprised of equal numbers of management and union representatives. Ad-hoc management and union groups are formed on an as needed basis and usually handle one time projects, policies or programs.

The common characteristics of FRA's successful partnership involve: respect and trust; open and candid sharing of information, pre-decisional involvement; and joint decision making and agreement reached through consensus. As a reflection of the success of the Partnership Council, FRA averages approximately 2-3 formal grievances per year and has had only three Arbitrations go to hearing. Also, since 1994, AFGE Local 2814 has filed only eight Unfair Labor Practice complaints with all but one withdrawn by the Union following internal discussions and negotiations. All of FRA policies involving working conditions were done in full collaboration with AFGE Local 2814 and only two articles of the current contract required formal clarification since it was negotiated in 2000.

FRA remains fully committed to the Partnership Council and its continued success. Most recently an ad-hoc management/labor work group developed the Office of Railroad Safety Shared Space/Hoteling pilot. The six month pilot was signed into policy on December 11, 2009 and launched on January 3, 2010. Two years ago, an FRA/AFGE workgroup composed of representatives from all of the FRA Offices revised the FRA Telework Policy as well as office implementation policies. The resulting FRA policy, issued on April 14, 2008, significantly expanded telework to FRA Headquarters employees.

Another characteristic of the Partnership has been its leadership stability on both sides. The Deputy Associate Administrator for Safety Compliance, the Regional Administrator for Region

1, and the FRA Labor Relations Officer have been with the Partnership Council since its beginnings. On the Union side, the current AFGE Local 2814 Union President has been on the Council since its beginning and has been Union President since 1998. The other Union Officers have served in various union capacities for many years.

The model of partnership for FRA has proved to be quite successful, and the Department expects the FRA Partnership Council to continue well into the future.

**The Research, Innovation and Technology Administration - VOLPE National**

**Transportation Systems Center (VOLPE):** VOLPE will adapt its current labor-management weekly meetings to meet the requirements of the E.O. Currently, the VOLPE Center Director, National Association of Government Employees (NAGE) Local R1-195 President and the LR Officer meet on a weekly basis in accordance with their collective bargaining agreement. In the future, the Volpe Director may designate one of his newly hired Deputy Associate Administrators to represent him in these meetings.

Under the VOLPE/NAGE collective bargaining agreement, the parties have agreed to meet weekly to discuss “personnel policies and practices and matters affecting working conditions” with the purpose of sharing information at the earliest pre-decision stage to enable the parties to collaborate fully in identifying problems and crafting solutions to better serve their customers, carry out the national mission, and meet employees' needs. In reaching a collective bargaining agreement, one goal the parties agreed on was to explore “all potential avenues for labor-management collaboration to further our shared objectives.”

In addition to the weekly labor-management meetings, Volpe has a permanent Safety and Health Committee which assesses the safety of working conditions and has provided input in a number of areas, i.e., training, emergency evacuation plans, and safety checklists. The Space Committee reviews guidelines for allocations and utilization of office space. Both committees are comprised of equal numbers of management and union representatives. Ad-hoc management and union groups are also formed on an as needed basis and usually handle one time projects, policies or programs.

**The Saint Lawrence Seaway Development Corporation (SLSDC):** SLSDC will continue its labor-management meetings with AFGE Local 1968. These labor-management meetings (called “E-Board” meetings) provide the parties with an opportunity to discuss an array of issues concerning workplace matters.

Under the SLSDC/AFGE collective bargaining agreement, SLSDC management officials and the Union’s Executive Board meet upon the request of either party no more than once a month. The E-Board discusses working conditions such as special projects planned for the navigation season, planned winter work projects, and the closing of the navigation season. Other topics of interest are included at the request of either party.

SLSDC also has a Safety and Health Committee, comprised of Management and Union representatives. Topics discussed during the monthly meetings include the results of safety

inspections, reports of safety / health deficiencies, revisions to safety directives, and review of safety-related policies and programs affecting the workforce.

**The Maritime Administration - US Merchant Marine Academy (USMMA):** The USMMA will create an Academy-level labor-management forum, and has initiated discussions with its two unions, AFGE Locals 3732 and 2116. Over the past several months, the Academy has been meeting on a monthly basis with its unions to discuss matters of interest to each party. More recently, the Academy has met with both unions together to discuss common issues. Both management and the unions have agreed to revitalize the Faculty Partnership Council which was established contractually in the Academy's Faculty Handbook. This month, the Academy will designate its management representatives and during April and May 2010, the Faculty Partnership Council will establish the objectives of the Council and the issues it will address. The establishment of the Faculty Partnership Council will not negate the contractual arrangement the Academy has with AFGE Local 2116. In its 2005 collective bargaining agreement, the USMMA and AFGE Local 2116 acknowledged that continuation of its labor-management committee was in the interests of the parties because its purpose is to "promote a cooperative relationship between the parties with the expressed goals of improving efficiency of the government service, encouraging productive innovation, and providing a better working environment for employees."

**The Federal Motor Carrier Safety Administration (FMCSA):** The FMCSA headquarters and Arizona Division will negotiate their first collective bargaining agreements this year. FMCA will establish formal forums upon completion of negotiation.

**The National Highway Traffic Safety Administration (NHTSA):** The NHTSA and AFGE Local 3313 have been in contract negotiations using interest-based bargaining techniques since October 2008, and are nearing completion. NHTSA and AFGE will establish a formal forum upon completion of negotiation.

**The Federal Transit Administration (FTA):** FTA and AFGE local 3313 will be renegotiating its collective bargaining agreement this year after a hiatus of 25 years. FTA and AFGE will establish a formal forum upon completion of negotiation.

**The Office of the Secretary (OST):** There are no current plans between the parties to renegotiate its 1974 collective bargaining agreement. As a result, a formal forum is not planned.

At DOT, we support the objectives of the E.O and the concept of collaborative, non-adversarial labor relations. We will work diligently to ensure successful implementation of the E.O. Please contact Stephen Gomez, Associate Director for HR Policy and Oversight, at 202-366-9455, should you have any questions about the Department's implementation of the E.O.