

The Honorable John Berry
Director
Co-Chair of the National Council
On Labor Management Relations
Office of Personnel Management
1900 E Street, NW
Washington, D. C. 20415

Dear Mr. Berry:

Pursuant to Section 3. (b) of Executive Order 13522, Creating Labor-Management Forums to Improve Delivery of Government Services, dated December 9, 2009 this is the Nuclear Regulatory Commission (NRC) implementation plan for the Order. This plan was discussed with the National Treasury Employees Union (NTEU), which holds the exclusive recognition for the bargaining unit at NRC, and the union's concerns are captured in this letter.

Executive Order 13522 Section 3. (b) provides:

(b) Each head of an executive department or agency in which there exists one or more exclusive representatives shall, in consultation with union representatives, prepare and submit for approval, within 90 days of the date of this order, a written implementation plan to the Council. The plan shall:

- (i) describe how the department or agency will conduct a baseline assessment of the current state of labor relations within the department or agency;
- (ii) report the extent to which the department or agency has established labor-management forums, as set forth in subsection (a)(i) of this section, or may participate in the pilot projects described in section 4 of this order;
- (iii) address how the department or agency will work with the exclusive representatives of its employees through its labor-management forums to develop department-, agency-, or bargaining unit-specific metrics to monitor improvements in areas such as labor-management satisfaction, productivity gains, cost savings, and other areas as identified by the relevant labor-management forum's participants; and
- (iv) explain the department's or agency's plan for devoting sufficient resources to the implementation of the plan.

NRC Plan Section 3. (b) (i): NRC and NTEU plan to use multiple tools to establish a baseline assessment of the current state of labor relations in the agency. The parties will gather data on current levels of grievances and unfair labor practices; time required to negotiate changes in personnel policies and practices and other matters affecting working conditions; and union pre-decisional involvement. Interviews will be conducted with union representatives, agency labor

relations personnel, managers and employees. Available survey data, such as the 2008 Federal Human Capital Survey and the 2010 Employee Viewpoint Survey will be analyzed. We believe that this approach will provide us with a well-rounded assessment of the current labor relations environment. The agency may consider using a contractor to survey employees and managers similar to the periodic Safety Culture and Climate Survey which has been conducted on a regular basis in the past.

NRC Plan Section 3. (b) (ii): The parties have had partnership committees at the agency and sub-agency levels since the 1990's. About five years ago, the parties stopped meeting at the agency level. However, most sub-agency level partnerships at the office and regional levels have continued to successfully operate. Last summer, in the course of negotiating a new term labor agreement that went in to effect on November 1, 2009, NRC and NTEU agreed to revitalize the agency level partnership and are currently working on a revision to the agency level partnership charter to include the provisions of the Obama Executive Order 13522. The agency level partnership will resume meeting in the near future. The sub-agency level partnerships will also continue to operate.

The NRC through the agency labor-management partnership committee and at all office and regional partnerships will provide pre-decisional involvement to NTEU representatives on workplace matters without regard to negotiability. As detailed below, the parties continue to discuss the details of how pre-decisional involvement will take place and how it will be tracked. The parties will also continue to address how baseline data, such as staffing information, will be provided to the union. All of these issues will be addressed in the revised labor-management forum charter.

NRC Employees and managers participating on the partnership committees will receive training on Interested Based Bargaining as provided by the Federal Mediation and Conciliation Service (FMCS) and any training directed by the National Council on Federal Labor-Management Relations under Section 2(b)(iv) of the Executive Order.

NRC Plan Section 3. (b) (iii): Establishing metrics in areas such as those suggested by this subsection will be a priority of the agency-level council. Establishing a strong baseline under Section 3. (b) (i) will be a key step in developing effective metrics. Another key step will be developing a process for isolating the impact of improved agency labor relations on such areas as mission accomplishment and productivity gains. We will assess the value of obtaining outside assistance to help in establishing metrics in these areas. Of course, we also look forward to guidance from the National Council in these areas such that NRC measurements may be accurately compared to other agencies in the federal government.

NRC Plan Section 3. (b) (iv): NRC currently has several individuals available on the labor relations staff with considerable experience working with a number of different labor-management cooperation models. We will utilize these existing resources as well as filling vacancies with similarly experienced individuals. We will also solicit interest for temporary assignments from other agency employees who express an interest in participating in this process and who can bring fresh perspectives to balance out the experienced viewpoints.

While we believe that the information provided above thoroughly addresses the scope of the plan to be submitted to the Council as envisioned by the Executive Order, NTEU Chapter 208 also requested that specific detailed information relating to the agency Partnership Council and

partnership discussions be included in the plan. While we were unable to reach agreement with the Chapter 208 President within the relevant time frames, we have attached the union's draft document to our submission for information purposes only. As noted in the plan above, the agency labor-management partnership committees will provide pre-decisional involvement to NTEU representatives on workplace matters without regard to negotiability. The parties will continue to discuss the details of how pre-decisional involvement will take place and how it will be tracked. The parties will also continue to address how baseline data, such as staffing information, will be provided to the union. All of these issues will be addressed in the revised labor-management forum charter. It is the agency's intention to continue discussing the Agency Partnership Charter with NTEU Chapter 208. We anticipate and look forward to reaching agreement with NTEU Chapter 208 in the near future.

I have asked Angela Bolduc, Chief, Employee/Labor Relations and Worklife Branch to be the agency point of contact to the Council. Ms. Bolduc can be reached at 301-492-2230 or at Angela.Bolduc@nrc.gov.

We are excited to be moving forward with implementation of the Executive Order and look forward to your certification of our proposed plan.

Sincerely,

/s/

R. W. Borchardt
Executive Director
for Operations

Enclosure:
As stated

