

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

March 9, 2010

MEMORANDUM FOR THE CO-CHAIRS OF THE NATIONAL COUNCIL ON LABOR-
MANAGEMENT RELATIONS

FROM: THOMAS R. HERLIHY
EXECUTIVE DIRECTOR,
FEDERAL ENERGY REGULATORY COMMISSION

Subject: Agency Plan to Implement Executive Order 13522

Executive Order 13522 requires executive agencies to develop a formal plan to establish Labor-Management forums in an effort to improve the working relationship between employees and employers and support changes needed to enable agencies to deliver the highest quality services and products to the public.

Background and History

The Commission's bargaining unit exclusive representative, American Federation of Government Employees (AFGE) Local 421 was certified on October, 13, 1978. In the implementation of Executive Order 12871 (October 1, 1991), which directed agencies to create labor-management committees or councils at appropriate level, the Commission and AFGE Local 421 worked together and achieved levels of "moderate success" to "substantially fulfilling" the directives of the Order, according to a December 2000 report to the President on labor-management partnerships. The Commission's labor-management partnership also made substantial improvements to the quality of work-life.

Additionally, the December 2000 report cited that the Commission's labor-management partnership had attained moderate success in establishing a labor-management partnership council and providing systemic training of appropriate Commission employees (including line managers, first line supervisors, and union representatives who are Federal employees) in consensual methods of dispute resolution, such as alternative dispute resolution techniques and interest-based bargaining approaches. The Commission's labor management partnership substantially fulfilled directive in providing the Union early and meaningful pre-decisional involvement with management representatives to identify problems and craft solutions to better service the Commissions customers and mission. The most significant progress, however, was made on quality of work-life initiatives where Commission and AFGE Local 421 focused on collaborative problem-solving and consensus decision-making, jointly developing an agency-wide flexi-place program involving over 200 employees. The program was created by a joint task force of labor and management representatives formed by the partnership council. The task force established an evaluation process to assess the impact of telecommuting on communication, productivity, work/family issues, morale, and information technology.

The Federal Energy Regulatory Commission Implementation Plan for Executive Order 13522

In the implementation of Executive Order 13522, the Commission and AFGE Local 421 will establish a labor-management committee which will work together in improving and expanding many of the same areas covered under Executive Order 12871 with considerable focus on developing specific metrics to establish a baseline and monitor progress and performance trends in labor-management perceptions, satisfaction, productivity gains and/or cost savings, and process-improvement.

The Commission has recently consulted with AFGE Local 421 to establish a labor-management committee. The proposed FERC Labor-Management Committee should consist of four (4) members: the President of AFGE Local 421 or designee, an AFGE Local 421 Officer, the Branch Chief of Labor and Employee Relations, and a GS-15 or higher management official. When established, the FERC Labor-Management Committee will be committed to meet on an as needed basis, but at least a quarterly, to develop and discuss strategies to: 1) improve the working relationship between employees and management, 2) promote the delivery of the highest quality services and products to the public, and 3) improve processes and/or create initiatives that increase productivity gains and cost savings.

To establish a baseline metric, the FERC Labor-Management Committee will collaborate in the development and administration of surveys to employees and managers in the following areas:

- Employee Satisfaction,
- Managerial Satisfaction,
- Union-Management Working Relationship,
- Equal Employment Opportunity Concerns,
- Alternative Dispute Resolution,
- Quality of Life Programs,
- Performance Management,
- Workflow and Distribution,
- Process Improvement, and
- Any other areas the Committee deems appropriate, practical, and/or constructive.

Once the baseline has been established, the data will be used to discuss strategies, develop initiatives and monitor progress in these areas.

In its regular meetings, the Labor-Management Committee will:

- Openly discuss the perspectives of both management and employees in the terms of the business needs of the Commission and employee productivity, morale, and satisfaction. The goal of these meetings is to understand each stakeholder's perspective and reach for a consensus on what is best for the Commission as a whole.

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- Discuss, define and develop metrics that captures measurable productivity gains and cost savings.
- Discuss topics jointly determined as appropriate for Union pre-decisional involvement and pool resources to develop processes that will expedite Commission initiatives and subsequent changes in the working conditions of bargaining unit employees. Examples of the topics readily available for discussion are expanding telework, hot desking, improving processes within the FERC performance management system, alternative dispute resolution, energy conservation; and procedures for expediting offices moves, reorganizations, and other major organizational and logistical projects.
- Discuss and promote joint training initiatives for labor relations officials, management officials, and union representatives to foster a cooperative and productive labor-management environment.
- Discuss Commission management and AFGE Local 421 interests and expectations, along with the feasibility of bargaining over specific subjects permissive under 5 USC 7106(B)(1).