

**NATIONAL COUNCIL ON FEDERAL  
LABOR-MANAGEMENT RELATIONS**

**REPORT TO THE PRESIDENT ON NEGOTIATION OVER  
PERMISSIVE SUBJECTS OF BARGAINING:  
PILOT PROJECTS**

**MAY 2012**

May 1, 2012

Dear Mr. President,

As we enter the third year of your Executive Order (E.O.) 13522, "Creating Labor-Management Forums to Improve the Delivery of Government Services," we are very pleased to present the National Council on Federal Labor-Management Relations' *2012 Report to the President on Negotiation over Permissive Subjects of Bargaining: Pilot Projects*.

For over two years, the Council has supported Federal employees, union representatives, and management in agencies by promoting satisfactory labor-management relations and finding ways to improve the productivity and effectiveness of the Federal Government. As part of this effort, the Council developed recommendations for establishing pilot projects to evaluate the impact of collective bargaining over permissive subjects set forth in 5 U.S.C. § 7106(b)(1) as called for in Section 4 of your E.O. 13522. Twelve pilot projects covering approximately 14,000 bargaining unit employees were established in nine agencies across the Federal Government. These pilot projects submitted periodic updates on their progress to the Council over a period of 17 months and submitted final reports with available results on March 31, 2012.

This report presents the Council's evaluation of the pilot projects on the basis, among other things, of their impacts on organizational performance, employee satisfaction, and labor management relations. The Council has determined that challenges remain with regard to evaluating bargaining over permissive subjects set forth in § 7106(b)(1) and plans on extending the duration and scope of the pilot projects established pursuant to Section 4 of your E.O. 13522. This extension of the pilot projects will provide the Council the necessary time to more fully assess and evaluate the results of bargaining over permissive subjects.

We are pleased, however, to report that despite the need for more time to assess the pilot projects, many of the pilot projects had success in working collaboratively on issues involving permissive subjects and other topics. Increased communication, collaboration, and satisfactory labor-management relations are key goals of your E.O. 13522.

With your continued support, the Council looks forward to further evaluating the results of bargaining over permissive subjects as well as the impact of labor-management forums on Federal Government operations.

  
John Berry, Co-Chair  
Office of Personnel Management

  
Danny Werfel, Co-Chair  
Office of Management and Budget

*National Council on Federal Labor-Management Relations*

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## EXECUTIVE SUMMARY

Federal sector labor-management relations today is governed by the Federal Service Labor-Management Relations Statute (FSLMRS), which is codified at 5 U.S.C. Chapter 71. Section 7106 of the FSLMRS, the management rights provisions, remains central to federal labor-management relations.<sup>1</sup> Although management and labor are prohibited from bargaining over the management decisions found in § 7106(a), management and labor are permitted, at the election of the agency, to negotiate over subjects listed in § 7106(b)(1). Elections to bargain over (b)(1) matters have historically been limited throughout the Federal Government. To evaluate the impact of collective bargaining over permissive subjects set forth in § 7106(b)(1) as called for in Section 4 of Executive Order 13522, the National Council on Federal Labor-Management Relations was charged with establishing pilot projects.

The Council developed general guidelines and recommendations for establishing pilot projects in June 2010. The Council solicited agency management and union teams to establish pilot projects with all pilots officially commencing by November 1, 2010. Twelve pilot projects were established covering approximately 14,000 bargaining unit employees. These pilots were asked to establish metrics to allow the Council to assess the impact of (b)(1) bargaining on: (1) organizational performance; (2) employee satisfaction; and (3) labor-management relations.

The pilot projects submitted periodic updates on their progress to the Council over a period of 17 months and submitted final reports with available results on March 31, 2012. The Council concludes that sufficient information and evidence are not available at this time upon which to base its evaluation and recommendations, as specified in the E.O.

The twelve pilots are at various stages in the implementation of their projects. Many pilots struggled with developing adequate metrics. Many pilot participants did not have

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<sup>1</sup> The full text of 5 U.S.C. § 7106 can be found in its entirety in Appendix A.

sufficient experience collectively bargaining on (b)(1) subjects. Despite these challenges, pilots generally reported faster and better resolution of issues through greater use of pre-decisional involvement, open dialogue on work place matters, and collaborative problem solving. This progress may also be evident in other labor-management forums, however, this report does not examine those efforts.

In order to obtain sufficient information and evidence to develop any recommendations on (b)(1) bargaining, the Council recommends: (1) a continuation of the existing pilot projects for two additional years; (2) soliciting additional pilot projects in order to gather additional data; (3) ensuring appropriate training and support are provided to all pilot projects; (4) encouraging all pilots to select (b)(1) issues based upon their agencies' strategic or operational plans to better assess impact on mission accomplishment and cost-benefit; and (5) more robust oversight and assistance by the Council on all pilot projects. Additional information on Findings and Recommendations may be found in Section V. of this report.

## I. DEFINITION AND BACKGROUND OF (b)(1) BARGAINING

### **History of Federal Employee Labor-Management Relations Executive Orders Addressing (b)(1) Bargaining**

In 1962, President Kennedy issued Executive Order 10988, which granted Federal employees their initial rights to engage in collective bargaining through labor organizations of their choice. Over the past five decades, the federal labor-management relations program has continued to evolve. In 1978, President Carter signed into law the Federal Service Labor-Management Relations Statute (FSLMRS or Statute) that still protects the rights of Federal employees to organize, bargain collectively, and participate through labor organizations of their own choosing in decisions that affect their working lives. According to the Office of Personnel Management (OPM) Enterprise Human Resources Integration Statistical Data Mart (EHRI-SDM), as of January 2012, approximately 1.2 million of the Federal Government's 2.1 million appropriated fund full and part-time workers are represented in bargaining units.

Section 7106 of the FSLMRS, the management rights provisions in the Statute, remains central to federal labor-management relations today. Section 7106(a) prohibits the parties from negotiating certain management rights, including: the right to determine the mission, budget, organization, number of employees, and internal security practices of the agency; the right to hire, assign, direct, lay off, and retain employees in the agency, or to suspend, remove, reduce in grade or pay, or take other disciplinary action against such employees; the right to assign work, to make determinations with respect to contracting out, and to determine the personnel by which agency operations shall be conducted; with respect to filling positions, the right to make selections for appointments from among properly ranked and certified candidates for promotion or any other appropriate source; and the right to take whatever actions may be necessary to carry out the agency mission during emergencies. Examples of statutorily determined

nonnegotiable issues include the right to assign work to particular employees or positions, the decision on whether to contract out specific work, proposals concerning performance standards and levels, or matters of classification.

Although management and labor organizations are prohibited from bargaining over subjects found in § 7106(a), management and labor organizations are permitted, at the election of the agency, to negotiate over subjects listed in § 7106(b)(1). The “permissive subjects of bargaining” under § 7106 (b)(1) are “the numbers, types, and grades of employees or positions assigned to any organizational subdivision, work project, or tour of duty, or on the technology, methods, and means of performing work.” Examples of permissive bargaining issues under § 7106 (b)(1) include the requirement that an agency provide a certain number of employees to perform a specific task, or a certain number of employees on duty during a particular shift, specific shift hours, or the use of a particular technology, such as an electronic system.

In 1991, the General Accounting Office (GAO) released a report entitled *Federal Labor Relations: A Program in Need of Reform*, which concluded that the federal labor-management relations program was too legally cumbersome, too adversarial, and too weighed down by litigation over procedural issues and minutiae. The GAO report emphasized the need to develop a labor-management system that encourages management and unions to cultivate productive relationships to improve public service, make collective bargaining meaningful, improve the dispute resolution process, and comply with innovative human resource management practices that emphasized employee engagement, teamwork, and labor-management partnership.

#### Executive Order 12871 (October 1, 1993)

The Clinton Administration endeavored to transform the Federal Government’s traditional labor-management relationship to a program characterized by collaboration and partnership. In 1993, the National Performance Review (NPR) issued a report entitled, *From Red Tape to Results: Creating a Government That Works Better and*

*Costs Less*, that stated, “traditional, adversarial union-employer relations are not well-suited to handle a culture change that asks workers and managers to think first about the customer and to work hand-in-hand to improve quality. We can only transform government if we transform the adversarial relationship that dominates federal union-management interaction into a partnership for reinvention and change.”

In response to the NPR report, President Clinton issued Executive Order 12871, “Labor-Management Partnerships”, on October 1, 1993.<sup>2</sup> The E.O. stated:

The involvement of Federal Government Employees is essential to achieving the National Performance Review’s Government reform objectives. Only by changing the nature of Federal labor-management relations so that managers, employees, and employees’ elected union representatives serve as partners will it be possible to design and implement comprehensive changes necessary to reform Government. Labor-management partnerships will champion change in Federal Government agencies to transform them into organizations capable of delivering the highest quality service to the American people.

The E.O. established the National Partnership Council (NPC), an advisory body comprised of labor, management, and neutrals, to promote the creation of labor-management partnerships throughout the Executive branch and to report on the activity and performance of partnerships. The E.O. also directed agency heads to:

- Create labor-management partnerships by forming labor-management committees or councils at appropriate levels to help reform Government;
- Involve employees and their union representatives as full partners to identify problems and craft solutions to better serve the agency’s customers and mission;
- Provide training for line managers, first line supervisors, and union representatives who are Federal employees, and other appropriate employees in

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<sup>2</sup> The full text of E.O. 12871 can be found in its entirety in Appendix B.

consensual methods of dispute resolution, such as alternative dispute resolution and interest-based bargaining approaches;

- Evaluate progress and improvements in organizational performance resulting from labor-management partnerships; and
- Negotiate over the subjects in § 7106(b)(1), and instruct subordinate officials to do the same.

With respect to bargaining over the subjects set forth in § 7106(b)(1) of the FSLMRS, the Federal Labor Relations Authority (FLRA or Authority) found in *U.S. Dep't of Commerce, Patent & Trademark Office*, 54 F.L.R.A. 360 (1998), *pet. for review denied sub nom. Nat'l Ass'n of Gov't Emps. v. FLRA*, 179 F.3d 946 (D.C. Cir. 1999), that the command set forth in section 2(d) of E.O. 12871 -- that agencies "shall" negotiate over such subjects -- was a direction to agency officials to make a statutory election to bargain over such subjects. The Authority held, however, that the E.O. *was not itself an election* under the FSLMRS to bargain over such subjects. As a result, the Authority concluded that -- consistent with the direction in the E.O. -- agencies could elect to bargain over § 7106(b)(1) subjects under the FSLMRS, but that the E.O. was not itself a statutory election reviewable and enforceable under the FSLMRS. Practically, this meant that while the E.O. directed agencies to bargain over § 7106(b)(1) subjects, there was no mechanism to enforce this direction, absent an agency's independent election -- contractually, for example -- to bargain over such subjects.

#### Executive Order 13203 (February 17, 2001)

On February 17, 2001, President Bush issued Executive Order 13203, revoking President Clinton's E.O. 12871, President Clinton's Presidential Memorandum of October 28, 1999, and all other orders, rules, regulations, guidelines, or policies related to E.O. 12871 or the Memorandum.<sup>3</sup> While President Clinton's E.O. was formally

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<sup>3</sup> The full text of E.O. 13203 can be found in its entirety in Appendix B.

revoked, some agencies continued their collaborative relationships voluntarily, and continued to negotiate over permissive topics of bargaining.

#### Executive Order 13522 (December 9, 2009)

On December 9, 2009, President Obama renewed the commitment to labor-management partnership by issuing E.O. 13522.<sup>4</sup> E.O. 13522 states, “the purpose of this order is to establish a cooperative and productive form of labor-management relations throughout the executive branch.” The E.O. promotes an atmosphere of labor-management partnership and collaboration and allows for increased pre-decisional involvement. The E.O. also establishes the National Council on Federal Labor-Management Relations.

#### **Summary of Executive Order 13522, specifically (b)(1) requirements**

E.O. 13522, “Creating Labor-Management Forums to Improve Delivery of Government Services”, re-inaugurated President Clinton’s partnership-focused policy for the federal labor-management program. The initiatives set forth in the E.O. were designed to improve labor-management relations which would, as a result, also improve Federal Government productivity and efficiency. E.O. 13522 provided a vision for labor-management relations that entailed collaboration between management and unions to discuss work place challenges together in an environment in which both labor and management provide insight and share ideas. The vision articulated a forum for encouraging joint problem solving and cooperative partnership.

In order to improve the delivery of government services, E.O. 13522 established the National Council on Federal Labor-Management Relations (Council). The E.O. established the following Council members, as appointed or designated by the President:

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<sup>4</sup> The full text of E.O. 13522 can be found in its entirety in Appendix B.

- the Director of the Office of Personnel Management (OPM) and Deputy Director for Management of the Office of Management and Budget (OMB), who shall serve as Co-Chairs of the Council;
- the Chair of the Federal Labor Relations Authority (FLRA);
- a Deputy Secretary or other officer with department- or agency wide authority from each of five executive departments or agencies not otherwise represented on the Council, who shall serve for terms of 2 years;
- the President of the American Federation of Government Employees (AFGE), AFL-CIO;
- the President of the National Federation of Federal Employees (NFFE);
- the President of the National Treasury Employees Union (NTEU);
- the President of the International Federation of Professional and Technical Engineers (IFPTE), AFL-CIO;
- the heads of three other labor unions that represent Federal employees and are not otherwise represented on the Council, who shall serve for terms of 2 years;
- the President of the Senior Executives Association (SEA); and
- the President of the Federal Managers Association (FMA).

Pursuant to the E.O., the Council was tasked with many responsibilities such as supporting the creation of department- or agency-level labor-management forums; developing metrics to evaluate the effectiveness of the Council and department or agency labor-management forums; and developing recommendations for innovative ways to improve delivery of services and products to the public while cutting costs and advancing employee interests.

Most significantly in regard to the purpose of this Report, Section 4(a) of the E.O. provided that the Council must evaluate the impact of bargaining over permissive subjects. Specifically, the E.O. stated "...some executive departments or agencies elect to bargain over some or all of the subjects set forth in § 7106(b)(1) and waive any objection to participating in impasse procedures set forth in 5 U.S.C. § 7119 that is

based on the subjects being permissive.”<sup>5</sup> Section 4(c) of the E.O. stated that, “no later than 18 months after implementation of the pilot projects, the Council shall submit a report to the President evaluating the results of the pilots and recommending appropriate next steps with respect to agency bargaining over the subjects set forth in § 7106(b)(1).”

In accordance with E.O. 13522, this Report constitutes the Council’s recommendations to the President, including an evaluation of the (b)(1) pilot program with an outline of appropriate next steps regarding bargaining § 7106(b)(1) subjects.

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<sup>5</sup> <http://edocket.access.gpo.gov/2009/pdf/E9-29781.pdf>

## II. PILOT PROJECTS UNDERTAKEN

### **Council solicitation of pilot projects**

At the initial meeting of the Council on February 26, 2010, members decided to consider options for (b)(1) bargaining pilot (“pilot”) proposals and submit those for the Council’s consideration. During its May 5, 2010 meeting, the Council assembled a (b)(1) Bargaining Pilot Working Group to determine how best to proceed with bargaining pilots. This group consisted of members from the Department of Veterans Affairs (VA), Department of Labor (DOL), Department of Homeland Security (DHS), Department of Defense (DOD), Department of Treasury (Treasury), Office of Personnel Management (OPM), Office of Management and Budget (OMB), National Association of Government Employees (NAGE), American Federation of Government Employees (AFGE), International Federation of Professional and Technical Engineers (IFPTE), National Treasury Employees Union (NTEU), Federal Education Association (FEA), Senior Executives Association (SEA) and the Federal Labor Relations Authority (FLRA).

The (b)(1) Bargaining Pilot Working Group met on May 25, 2010, to develop general guidelines and recommendations for establishing pilot projects on bargaining matters covered by § 7106 (b)(1).

### Criteria for pilots

At the June 7, 2010 Council meeting, the (b)(1) Bargaining Pilot Working Group presented its proposed guidelines for establishing pilots, which the Council later approved after discussion. The specific agreed upon criteria for the pilots were:

- The pilot(s) will cover no fewer than 500 bargaining unit employees or involve a significant agency process (could impact less than 500 bargaining unit employees). The 500 minimum threshold may be achieved with one or more individual bargaining units.

- Pilot(s) can involve agencies or labor organizations not specifically represented on the National Council (e.g. National Credit Union Administration).
- The pilot(s) will cover any combination of subjects covered by § 7106(b)(1): Numbers, types, and grades of employees or positions assigned to any organizational subdivision, work project, or tour of duty; or, technology, methods, and means of performing work.
- The portfolio of pilots must include at least one “number, type and grade” category and one “technology, methods and means” category and one with both categories. The portfolio may include a term agreement covering all or part of (b)(1). For example, a pilot could be limited to types of employees assigned to a tour of duty; or technology used in performing work; or any combination of subjects covered by § 7106(b)(1).

#### Process to establish criteria and subsequently manage the pilots

The Council also agreed with the (b)(1) Bargaining Pilot Working Group’s proposed process for establishing criteria and managing the pilots, and concluded that the individual labor-management forums would work out pilot details, subject to the criteria and timeline approved by the Council. Also, everyone involved in (b)(1) subjects negotiations would be required to receive joint (b)(1) training (managers and supervisors, union representatives and members of forums). The FLRA agreed to make itself available to provide such (b)(1) training to all pilot participants. The Council encouraged the use of a variety of approaches, such as Alternative Dispute Resolution (ADR), to help negotiating teams reach agreement. The (b)(1) Bargaining Pilot Working Group also suggested an ongoing link with the Metrics Working Group to measure changes in: organizational performance, employee satisfaction and labor-management relations.

### Timeline for pilots

The National Credit Union Administration (NCUA) submitted the first pilot proposal as part of their agency's Executive Order Implementation Plan on March 5, 2010. During the Council's June 2010 meeting, the (b)(1) Bargaining Pilot Working Group announced seven additional pilot proposals: DHS, DOD, VA, DOL, Treasury, OPM, and Social Security Administration (SSA). SSA's pilot proposal was subject to review and certification of the agency's implementation plan.

The Council instructed agency management and union teams to develop their proposed plans and report to the Council within 45 days. All proposed pilot plans were due by July 22, 2010. Pilot personnel were to be trained before the start of the pilots. The Council decided that the pilots should begin no later than November 2010. The Council also decided all pilots were to be conducted through March 31, 2012, and once completed, each pilot would prepare a report for presentation to the Council.

By the September 20, 2010 meeting, six agencies had reached a labor-management agreement regarding a total of seven (b)(1) bargaining pilots (Department of Agriculture (USDA), DOD- two pilots, DHS, VA, NCUA and OPM). Shortly after this meeting, five additional pilots were announced (Treasury, DOL- two pilots, Department of Commerce (Commerce), and one additional DHS pilot), bringing the total number of pilots to twelve.

### **Description of confirmed pilots**

Of the twelve pilots, three were to impact less than 500 employees; four were to impact between 500-1,000 employees; and five were to impact more than 1,000 employees.

Eight pilots planned to negotiate topics dealing with methods, means, and technology. One pilot planned to negotiate topics dealing with numbers and types. Two pilots planned to negotiate topics dealing with a combination of the (b)(1) subjects and one pilot planned to negotiate the full scope of (b)(1) subjects.

Agency	Union	Description	Number of Employees	Scope of (b)(1) Issue(s) <sup>6</sup>
USDA OGC	AFGE	Establishment of centralized OGC-wide case tracking system and electronic document database	254	Technology, methods and means
Commerce NOAA	NWSEO	Reducing the cost of Government travel by using common carrier	3,882	Methods and means
DOD USMC Camp Pendleton	NFFE	Current and future reorganization projects	920	Number and types
DOD USMC Maintenance Center Albany	AFGE	Current and future reorganization projects	1,200	Number, types, technology, methods and means

<sup>6</sup> 5 USC § 7106 (b)(1)- "...numbers, types, and grades of employees or positions assigned to any organizational subdivision, work project, or tour of duty, or on the technology, methods, and means of performing work."

<b>DHS</b> FEMA	AFGE	1-1-1 initiative: provide every employee with a laptop, BlackBerry, and a secure thumb drive	1,140	Technology and means
<b>DHS</b> ICE	AFGE	Installation of hard wired internet access in Immigration Court rooms for use by ICE Attorneys	650	Technology
<b>DOL</b> OSHA	AFGE	Development of Safety and Health Management System Manual	1,500	Methods and means
<b>DOL</b> OLMS	NULI	Development of operations manual for investigations	137	Methods and means
<b>NCUA</b>	NTEU	Use of hardware and off-the-shelf software that supports it	1,000	Technology

<b>OPM</b>	AFGE	General negotiations	2,000	Full scope
<b>Treasury</b> FMS	NTEU	New organization project	45	Numbers, grades (in one of the new organizations) and technology
<b>VA</b> VBA	AFGE and NFFE	Development of Skill Certification Test for Vocational Rehabilitation Counselors	782	Methods, means and technology

### III. ASSESSMENT OF PILOT PROJECTS

The Council was directed by Executive Order 13522 to develop recommendations for evaluating pilot projects on the basis, among other things, of their impacts on: (1) organizational performance; (2) employee satisfaction; and (3) labor relations of the affected departments or agencies. The E.O. further required the Council to develop recommended methods for evaluating the effectiveness of dispute resolution procedures adopted and followed in the course of the pilot projects.

At its first public meeting on February 26, 2010, the Council initiated discussion of what metrics would be utilized to measure the success of its efforts. After thorough discussion and some revision of a draft presented at the meeting, the Council adopted the following basic goals and metrics:

- Improve the agency's ability to deliver high quality products and services to the public
  - Higher productivity
  - Improved customer satisfaction
  - Better service delivery
  - Cost savings
- Improve the quality of employee worklife
  - Higher employee morale
  - Greater job satisfaction
  - Lower attrition rates
- Improve the labor-management relations climate
  - Fewer grievances, bargaining disputes and unfair labor practices
  - Greater union and employee engagement in workplace decisions
  - Expedited collective bargaining process
  - Cost savings and/or cost avoidance

At a subsequent meeting on May 5, 2010, the Council turned again to the subject, with Co-Chair John Berry, Director of the Office of Personnel Management, stating that the Council would need to maintain “a laser focus on mission linkage” and must ultimately show that the main goal of the Council’s efforts is to serve the American people better. The Council established the Metrics Working Group to develop specific measures, building on the basic goals and metrics it had adopted in the February 2010 meeting, for both forums and (b)(1) pilot projects. Agencies and departments represented were: DOD, FLRA, DHS, OPM, OMB, Treasury, and VA. Unions represented were: International Brotherhood of Teamsters, IFPTE, NAGE and NTEU, along with a representative of SEA.

By the July 7, 2010 meeting, the Metrics Working Group had formed three subgroups, (one to address each of the goals) and was gathering information regarding models inside and outside government and considering how those models might be useful in the Council’s work. The Metrics Working Group presented draft metrics guidance for both forums and (b)(1) pilot projects to the Council at its September 20, 2010 meeting. Council Member Carol Bonosaro reported on the efforts of the Metrics Working Group, stressing that it recognized the tension between the Council’s need for information and the reporting burden on agencies, but that the group’s goal was to collect solid data for the Council. Council Member Michael Filler provided a detailed briefing on the draft guidance. The Council’s ensuing discussion of the draft reflected its emphasis on the value and importance of metrics.

Dr. Shelley Metzenbaum, Associate Director for Performance and Personnel Management, OMB, provided a presentation on metrics to the Council at its next meeting on October 6, 2010, noting that the Metrics Working Group had adopted NTEU’s suggestion of forums and pilot projects first identifying an issue and selecting relevant metrics appropriate to that issue. The question to ask up front, she said, is “What are you trying to fix or improve?” The Metrics Working Group also worked on streamlining templates, providing guidance in a separate document, and enabling, for

forums, the selection of one metric from standard options within each category. The Council unanimously approved the guidance for both Labor-Management Forum Metrics and § 7106 (b)(1) Pilot Metrics at its meeting on November 3, 2010.

Metrics were required to be collected by each pilot to properly evaluate the impact of its bargaining over permissive matters. With the exception of Employee Satisfaction -- which measures data from the employee population to whom any collective bargaining agreement negotiated over § 7106(b)(1) matters applies -- the measurements set forth below were to be gathered from among the pilot participants. While pilots were not required to conduct a baseline assessment in each case, baseline data were to be included in describing outcomes in each of the metric areas. For pilots engaging in on-going negotiations over permissive subjects, each topic, issue or subject of their negotiations was to be recorded separately.

The guidance required the following data and provided a template for measuring and reporting (b)(1) pilots:<sup>7</sup>

Background data:

- Composition of Pilot Members
- Scope of § 7106(b)(1) matters agreed to be bargained
- Specify the topic or issue that was the subject of the bargaining
- Length of negotiations, starting from date of notification to agreement
- Number of hours spent on negotiations
- Describe the desired outcome of the bargaining/agreement
- Describe the nature and impact of the ultimate agreement
- Describe generally the costs and benefits of the terms of the agreement

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<sup>7</sup> The guidance for (b)(1) Pilot Metrics can be found in its entirety in Appendix D.

## Organizational Performance:

Pilots were to select measures from at least four of the following nine categories:

1. General Outcomes
2. Process / Cycle time
3. Error Rate / Quality
4. Public Responsiveness / Problem Resolution / Customer Satisfaction
5. Internal Resource Management
6. Cost Savings / ROI
7. Revenue Collected
8. Agility
9. Other

## Employee Satisfaction:

Information regarding job satisfaction -- derived from the OPM Employee Viewpoint Survey -- was to be surveyed among pilot participants and, where appropriate, the employees and managers affected or impacted by the terms and conditions of any matters negotiated by the pilot. However, in addition to including the general questions that OPM determined best indicate the level of employee satisfaction,<sup>8</sup> employees were to be asked questions specifically designed to measure the impact of the change resulting from the implementation of the (b)(1) agreement.

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<sup>8</sup> These questions include:

- The workforce has the job-relevant knowledge and skills necessary to accomplish organizational goals.
- My agency is successful at accomplishing its mission.
- Managers promote communication among different work units (for example, about projects, goals, needed resources).
- How satisfied are you with the information you receive from management on what's going on in your organization?

Labor-Management Relations:

Improvements in Labor-Management Relations:

- Training received and nature of training
- Any change in the ability to resolve issues, including the number of issues addressed and resolved
- Any change in the general length of negotiations to reach agreement
- Subjective survey of pilot participants that focuses on their perceptions of the labor-management environment

Dispute Resolution:

- Number and types of disputes
- Nature of dispute resolution procedures used -- i.e. mediation, arbitration
- Number and types of disputes resolved, and description of outcomes
- Number and types of disputes that were not resolved, and basis for failure to reach resolution

Finally, the pilots were provided the following schedule:

- December 31, 2010 – All pilots will have identified issues, goals and metrics internally 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 six-month report due to Council on their performance against their identified metrics
- March 31, 2012 – Pilots have full year report due to Council on their forums' performance against their identified metrics

#### **IV. ANALYSIS OF PILOT PROJECTS**

At the November 16, 2011 meeting, the Council established a working group to develop a report to the President regarding § 7106(b)(1) pilot projects as required under E.O. 13522. The (b)(1) Report Working Group participants included:

Bill Dougan, Chairman (National Federation of Federal Employees)

Carol Bonosaro (Senior Executives Association)

H.T. Nguyen (Federal Education Association)

Steve Keller (National Treasury Employees Union)

John Barkhamer (Office of Management and Budget)

Emily Kornegay (Office of Management and Budget)

Gina Lightfoot Walker (National Association of Government Employees)

Leslie Wiggins (Department of Veterans Affairs)

Denise Biaggi-Ayer (Department of Veterans Affairs)

Darryl Roberts (Department of Defense)

Teresa Briley (Department of Defense)

Jessica Klement (Federal Managers Association)

Daniel Vavasour (Department of Treasury)

Jade Mariano (Department of Treasury)

Sarah Whittle Spooner (Federal Labor Relations Authority)

Terry Rosen (American Federation of Government Employees)

Tim Curry (Office of Personnel Management)

Tom Wachter (Office of Personnel Management)

Amanda Jones (Office of Personnel Management)

Temple Wilson (Office of Personnel Management)

To supplement the reports submitted by the pilot participants, the (b)(1) Report Working Group held in-person and telephone interviews with both labor and management representatives from the twelve pilots during January and February 2012. Data collected during the interviews included (1) whether the pilots engaged in negotiating (b)(1) topics, (2) types of (b)(1) topics negotiated, (3) types of bargaining, (4) outcome of the pilots, (5) benefits to the government, (6) the parties' prior history of (b)(1) bargaining, (7) history of labor-management relations, (8) number of bargaining unit employees impacted, and (9) whether there was training on (b)(1) bargaining. Below is an analysis of the data collected from the interviews and reports submitted.

### **Information gathered from pilot reports and interviews**

#### Explanation of the operations of the pilots

##### *(b)(1) topics*

Based on the twelve interviews conducted and reports received from the pilots, the (b)(1) Report Working Group concluded that ten pilots engaged in (b)(1) bargaining.

Those pilots were:

1. USDA- Office of General Counsel (OGC) and AFGE
2. DOD- United States Marine Corps (USMC) Maintenance Center Albany and AFGE
3. DHS- Federal Emergency Management Agency (FEMA) and AFGE
4. DHS- Immigration and Customs Enforcement (ICE) and AFGE
5. DOL- Occupational Safety and Health Administration (OSHA) and AFGE
6. DOL- Office of Labor-Management Standards (OLMS) and National Union of Labor Investigators (NULI)
7. NCUA and NTEU
8. OPM and AFGE
9. Treasury- Financial Management Service (FMS) and NTEU
10. VA- Veterans Benefits Administration (VBA) and AFGE/NFFE.

Of the ten pilots that bargained over (b)(1) issues, only one pilot (OPM and AFGE) stated that it had negotiated all (b)(1) topics including numbers, types, grades, methods, means, and technology.

One pilot (Treasury- FMS and NTEU) negotiated technology, numbers, and grades.

Three pilots (USDA- OGC and AFGE; DOL- OSHA and AFGE; VA- VBA and AFGE/NFFE) negotiated methods, means, and technology.

One pilot (DOD- USMC Maintenance Center Albany and AFGE) negotiated numbers, types, technology, methods, and means.

Two pilots (DHS- ICE and AFGE; NCUA and NTEU) negotiated technology.

One pilot (DHS- FEMA and AFGE) negotiated technology and means.

And one pilot (DOL- OLMS and NULI) negotiated methods and means.

It was unclear from the reports submitted and the interviews conducted whether one of the pilots (Commerce- National Oceanic and Atmospheric Administration (NOAA) and National Weather Service Employees Organization (NWSEO)) engaged in negotiations on subjects within the scope of (b)(1).

One pilot (DOD- Camp Pendleton and NFFE) reported that it intended to negotiate numbers and types, but had not yet had the opportunity to bargain because the topic selected for negotiation (reorganization) had not yet begun.

### *Training*

Although Council guidance to the twelve pilots required joint training on (b)(1) bargaining, only five of the twelve pilots indicated that they had received training specific to (b)(1) bargaining:

- DHS- FEMA and AFGE
- NCUA and NTEU

- OPM and AFGE
- Treasury- FMS and NTEU
- VA- VBA and AFGE/ NFFE.

Five of the twelve pilots received training on E.O. 13522, but received no specific training on (b)(1):

- DOD- Camp Pendleton and NFFE
- DOD- USMC Maintenance Center Albany and AFGE
- DHS- ICE and AFGE
- DOL- OSHA and AFGE
- DOL- OLMS and NULI.

Two of the twelve pilots received no training on either E.O. 13522 or (b)(1):

- USDA- OGC and AFGE
- Commerce- NOAA and NWWSEO.

### *Type of bargaining*

The types of bargaining used by pilot participants were varied. None of the pilots used traditional bargaining.

Six of the twelve pilots stated they used interest-based bargaining:

- USDA- OGC and AFGE
- Commerce- NOAA and NWSEO
- DOD- USMC Maintenance Center Albany and AFGE
- DHS- ICE and AFGE
- Treasury- FMS and NTEU
- VA- VBA and AFGE/NFFE.

Five of the twelve pilots reached agreement through collaborative discussion, problem solving or other processes:

- DHS- FEMA and AFGE
- DOL- OSHA and AFGE
- DOL- OLMS and NULI
- NCUA and NTEU
- OPM and AFGE.

One pilot has yet to engage in (b)(1) bargaining because the subject chosen for negotiations (reorganization) has yet to occur. However, the participants stated that they intend to engage in interest-based bargaining once negotiations begin:

- DOD- Camp Pendleton and NFFE.

#### *Length of bargaining/projects*

Based on the information the twelve pilots provided to the (b)(1) Report Working Group, the working group was only able to determine the length of bargaining for ten of the pilots:

- USDA- OGC and AFGE
- DOD- USMC Maintenance Center Albany and AFGE
- DHS- ICE and AFGE
- DHS- FEMA and AFGE
- DOL- OSHA and AFGE
- DOL- OLMS and NULI
- OPM and AFGE
- NCUA and NTEU
- Treasury- FMS and NTEU
- VA- VBA and AFGE/NFFE.

The length of bargaining reported varied from twenty hours to four months. In some cases where pilots did not provide specifics on the length of bargaining, pilots alluded to

tangible benefits in this area in terms of costs saved by reduced hours spent in bargaining as compared to the norm.

#### *Other descriptors*

None of the pilot participants reported the use of dispute resolution methods or procedures. None of the pilots bargained to impasse. An overwhelming majority of the pilots reported a prior positive labor-management relationship which may have contributed to the fact that none of the parties negotiated to impasse. Several pilots reported that senior level management support and interest helped the pilots succeed. One pilot noted that senior leadership involvement helped improve negotiations and resulted in reduced bargaining time.

Another pilot noted that while the agency's normal process involved negotiating (b)(1) topics, formalized bargaining on such topics was strengthened due to management support.

#### Changes observed from initial proposals

Based on information the pilots provided, the (b)(1) Report Working Group found that some pilots addressed issues other than those they initially set forth in their plans to the Council. Others completed their bargaining over the issues initially reported and continued on to address other (b)(1) issues.

One pilot began its process by negotiating appropriate arrangements and procedures related to the use of software selected by management. While piloting its use, labor and management decided the software was not appropriate for the functions needed, and subsequently agreed to modify the software.

## Explanation of reported outcomes

### *Type of agreement reached*

Varied forms of agreements were reached by the pilots.

Six pilots produced a Memorandum of Understanding (MOU):

- DHS- ICE and AFGE
- DOL- OSHA and AFGE
- NCUA and NTEU
- OPM and AFGE
- Treasury- FMS and NTEU
- VA- VBA and AFGE/NFFE.

A variety of other agreements took the form of policies, notes, minutes, etc.

### *Type of outcome produced*

Two of the pilots resulted in the issuance of an agency policy:

- Commerce- NOAA and NWSEO - (travel policy and Scientific Integrity Policy)
- DHS- FEMA and AFGE - (developed a policy to facilitate telework).

The outcome for one pilot resulted in the development of a manual:

- DOL- OSHA and AFGE.

The outcome for one pilot was an MOU, agreeing to replace one type of cell phone with another:

- NCUA and NTEU.

One pilot negotiated a changed policy and included it in its operations manual:

- DOL- OLMS and NULI.

One pilot's negotiations resulted in the development of a variety of communication tools (i.e. website for employees, town hall meetings, and fact sheets):

- DOD- USMC Maintenance Center Albany and AFGE.

The outcome of negotiations in one pilot resulted in a skills certification program to improve delivery of services to Veterans and the public:

- VA- VBA and AFGE/NFFE.

One pilot resulted in the hard-wiring of a courtroom to allow attorneys reliable internet access:

- DHS- ICE and AFGE.

One pilot's negotiation did not result in any type of written agreement, but labor and management did agree to modify a particular piece of software that had already been selected and purchased by management:

- USDA- OGC and AFGE.

One pilot has yet to produce the outcome of its negotiations:

- DOD- Camp Pendleton and NFFE - (A reorganization is pending and the participants will produce the outcome of their negotiations once they complete (b)(1) negotiations on the reorganization).

## **Metrics data**

Some pilots collected and reported data and some did not. Negotiations are still underway for some pilots and data is not yet available.

## Mission and service delivery, including cost savings

The following are examples reported from pilots that deal with cost savings or mission and service delivery.

Metrics data for one pilot included the increase of telework applications by 51.9 percent, and an increase of 51.4 percent in the number of VPN network hits during an inclement weather declaration

- DHS- FEMA and AFGE.

One pilot stated that it would take years to determine the success of the jointly negotiated manual in terms of a reduction in job injuries. In the meantime, they are tracking such things as the number of employees trained on the manual and the number of days to implement the manual in each region:

- DOL- OSHA and AFGE.

Six pilots indicated that their negotiations resulted in cost savings to the government:

- Commerce- NOAA and NWSEO (realized a cost savings of \$286,000 over a twelve month period by allowing employees greater flexibility in purchasing non-contract plane tickets)
- DOD- USMC Maintenance Center Albany and AFGE (realized a manpower savings of \$1.07 million by identifying excess billets and offering Voluntary Early Retirement Authority (VERA)/Voluntary Separation Incentive Pay (VSIP) and the pilot is working on making procedures and policies compatible across the Depots)
- DHS- FEMA and AFGE (decreased lines of service by 48.4 percent resulting in an estimated \$10 million in savings)
- DHS- ICE and AFGE (negotiated technology enabled attorneys to review and research cases in real-time eliminating the need for continuances; project cost less than \$20,000 and saved an estimated one hour per employee per day)
- OPM and AFGE (savings of \$1.5 to \$2 million is anticipated annually as a result of fully implementing VoIP)
- Treasury- FMS and NTEU (retrained workforce resulted in new skill-set and significant changes in responsibilities which resulted in an increase in debt collection; in addition, avoidance of a reduction in force).

In addition to cost savings, one pilot indicated that negotiations resulted in workforce flexibility and continuity of operations:

- DHS- FEMA and AFGE.

Six of the pilots described benefits achieved from (b)(1) bargaining as having increased efficiency and decreased length of time in negotiations. For example, one pilot estimated it saved 120 days of bargaining, which resulted in significant cost savings on travel and per diem. Another pilot noted reduced time spent in negotiating due to bargaining (b)(1):

- DHS- ICE and AFGE
- DOL- OSHA and AFGE
- NCUA and NTEU
- OPM and AFGE
- Treasury- FMS and NTEU
- VA- VBA and AFGE/NFFE.

One pilot described better security of information as a benefit:

- DHS- ICE and AFGE.

One pilot listed improved policy and more efficient mission accomplishment as benefits to the government:

- DOL- OLMS and NULI.

The (b)(1) Report Working Group noted the benefit to the agency of one pilot's cost avoidance resulting from not implementing a system that failed to meet the agency's needs:

- USDA- OGC and AFGE.

### Employee satisfaction

Many of the pilots used the results of the Employee Viewpoint Survey (EVS) as a baseline metric to measure employee satisfaction. Future EVS questions will be used to track employee satisfaction resulting from the pilot outcomes. The following are examples reported by the pilots where outcomes indicated an increase in employee satisfaction:

- DHS- ICE and AFGE (the pilot participants surveyed employees on the hardwiring of the courtroom and 100% of the respondents felt that the results of the pilot had an overall positive effect and improved their efficiency)
- DHS- FEMA and AFGE (in connection with expanded telework participation, employees were surveyed on their level of satisfaction with the technology equipment needed to do their jobs)
- Treasury- FMS and NTEU (pilot team members developed a survey to gauge employee satisfaction with potential for career growth and changes in technology; the survey was administered twice (approximately 6 months apart); the employee satisfaction rate was higher in the most recent survey)
- OPM and AFGE (75.9% of telework eligible employees were satisfied with telework program vs. 38.2% government-wide).

### Labor-management relations

Improved labor-management relations was reported as a positive outcome by all of the pilots. However, overall improvements in labor-management relations also may have been impacted by activities of the local labor-management forums working separately from activities of the pilots.

The DOL- OLMS and NULI pilot, for example, reported considerable evidence demonstrating that, as a result of the pilot, their labor-management relationship improved. In this connection, the pilot reported a significant increase in the pilot

participants' assessment of how well management and the union work together, as well as their joint commitment to improving the work environment.

*History of labor-management relations between the pilot participants*

Review and analysis of the pilots revealed that most pilots generally enjoyed a prior positive history of labor-management relations. A few indicated that participating in the pilots helped to improve relations.

At least two of the agencies participating in the pilots have had a labor-management partnership council since E.O. 12871:

- DHS- FEMA and AFGE (has had a partnership council since 1993 and had been engaging in pre-decisional involvement since 1999)
- VA and 5 unions (AFGE, NFFE, NAGE, Service Employees International Union (SEIU) and National Nurses United (NNU)).

One pilot indicated that the relationship had been adversarial, but improved because of the pilot:

- DHS- ICE and AFGE (participants reported that their relationship traditionally had trust issues and there was significant resistance to union input).

In one pilot, participants stated that labor and management had worked hard to improve their relationship and communications with employees:

- NCUA and NTEU.

Participants of one pilot indicated that the relationship was positive but had trust issues:

- OPM and AFGE.

Participants of one pilot stated that the relationship was cooperative and seemed to be improving:

- Treasury- FMS and NTEU.

Participants of another pilot indicated that the prior labor-management relationship was less than positive:

- VA- VBA and AFGE.

*History of prior (b)(1) bargaining*

Only two pilots indicated they had a previous history of (b)(1) bargaining:

- Commerce- NOAA and NWSEO (negotiated duties and grades previously)
- OPM and AFGE (parties have been bargaining (b)(1) topics since 1999).

Ten pilots indicated they had never engaged in negotiations over (b)(1) topics:

- USDA- OGC and AFGE
- DOD- Camp Pendleton and NFFE
- DOD- USMC Maintenance Center Albany and AFGE
- DHS- FEMA and AFGE (the parties have never formally bargained (b)(1) topics even though (b)(1) is contained in the collective bargaining agreements. They said that they discuss and resolve (b)(1) issues in their Partnership Council.)
- DHS- ICE and AFGE
- DOL- OSHA and AFGE
- DOL- OLMS and NULI
- NCUA and NTEU
- Treasury- FMS and NTEU
- VA- VBA and AFGE/NFFE.

## **Barriers and challenges faced by pilots and how they were addressed**

### Description of challenges experienced and related outcomes

Four pilots noted that the failure to have the appropriate subject matter expert involved in the negotiations resulted in the failure to anticipate some barriers and challenges (i.e. created misinformation/trust issues and lengthened the negotiations):

- DHS- ICE and AFGE
- OPM and AFGE
- USDA- OGC and AFGE
- NCUA and NTEU (participants expressly noted the advantage of having a subject matter expert involved in the negotiations).

Two pilots noted that having people from the field/ground level makes the process easier, even for those who are resistant:

- NCUA and NTEU
- VA- VBA and AFGE/NFFE.

One pilot noted that there is still a struggle between the parties with the concept of pre-decisional involvement. The parties explained that, on occasion, circumstances did not allow time for them to engage pre-decisionally and at other times the trust issue caused the parties to rely upon the formal bargaining process. The participants stated that they are working on it:

- OPM and AFGE.

### Challenges in Focusing on (b)(1) topics

A number of pilots encountered challenges in focusing on (b)(1) bargaining. Many pilots initially did not have a clear understanding of (b)(1) topics. In some cases, they did not clearly separate their bargaining efforts on (b)(1) issues from their consideration of matters outside the mandatory scope of bargaining through pre-decisional involvement,

pursuant to the E.O. At the outset, several of the pilots that believed they were engaging in (b)(1) bargaining, were in fact, engaging in pre-decisional involvement on non-negotiable subjects outside the scope of (b)(1), or in procedures and appropriate arrangements bargaining on such subjects. Some of the initial lack of focus on (b)(1) topics may have been due to lack of training or familiarity with (b)(1) bargaining, while in other cases it appeared that parties were combining their (b)(1) bargaining and pre-decisional involvement efforts at the forum level.

## V. FINDINGS AND RECOMMENDATIONS

### Findings

As set forth in Executive Order 13522, the Council must evaluate the results of the pilots and, based on those results, make recommendations as to appropriate next steps with respect to agency bargaining over § 7106(b)(1) subjects. Therefore, it is critical that sufficient information and evidence be available concerning the three areas -- organizational performance, employee satisfaction, and labor-management relations -- upon which the Council must base its evaluation and recommendations, as specified in the E.O. Unfortunately, the lack of complete data from all of the pilots makes it difficult to fully assess and evaluate the results of bargaining over § 7106(b)(1) subjects at this time.

As discussed more fully in previous sections of this report, the twelve pilots are at various stages in the implementation of their plans -- while some have completed their bargaining; others have not. As a result, some pilots have no measurable outcomes to date. And of those with reported outcomes, there was little data collected or reported concerning the impact on or the benefit to the government. There is also little outcome data set forth in terms of dollar amounts or costs. This is attributable, in part, to the fact that many pilots have yet to complete all of their work. It is also attributable to the fact that many pilots struggled with developing adequate metrics.

While some metrics reported appeared to be tied to or linked to mission accomplishments, many of the pilots did not bargain over matters that had a significant and immediate impact on an agency's mission. Further, the reported metrics were largely anecdotal, with little objective statistical data. To some extent, this may have been the result of participants limiting their metrics options to those identified as potential metrics in the "Metrics Guidance" issued by the Council. It also may be a result of the participants' lack of experience measuring the outcome of their bargaining

experiences. The pilots would have benefited from more expansive metrics focusing on larger mission-related matters.

Among the pilots, there were common factors that appeared to inhibit the success or operation of the pilots. As an initial matter, it is clear that the pilots' proposals should have been more vigorously screened when initially submitted. Given more robust feedback on their plans, a number of pilots could have better focused their efforts and developed stronger metrics. The pilots would also have benefited with more on-going oversight and monitoring from the Council. As the pilots faced challenges with the actual execution of their plans, it would have been helpful to have continuous feedback and support for their efforts. Feedback from the Council might also have ensured that all the pilots were provided necessary assistance to engage on their original proposal or advise the Council of any changes. In addition, it may have ensured that the pilots had the necessary tools to address their topics and/or metrics.

It is clear that the pilots' bargaining environment and the unfamiliarity of participants with § 7106 (b)(1) matters also presented challenges for the pilots. In this regard, as described above, bargaining over § 7106(b)(1) matters has historically been extremely limited throughout the Federal Government -- many labor and management representatives have little or no experience discussing or bargaining § 7106(b)(1) subjects. The challenge resulting from the lack of experience with bargaining over § 7106(b)(1) was compounded by the participants' varying knowledge of the legal principles and standards that apply to § 7106(b)(1) subjects. Despite the availability of training -- both in-person and on-line -- devised specifically for the (b)(1) pilots, a number of the pilots did not take the training and adequately educate themselves on bargaining over (b)(1) matters. As a result, some of the pilots' bargaining was not sufficiently focused.

Despite the challenges, many of the pilots had success in working collaboratively on issues involving § 7106(b)(1) subjects, and that collaboration went beyond bargaining

(b)(1) subjects. When addressing and bargaining over any workplace challenge, negotiators typically handle a variety of subjects under the FSLMRS that are necessarily implicated -- such as other management rights under § 7106 -- as well as matters involving the procedures and appropriate arrangements for the implementation of a management right. Consistent with this reality, the pilot participants generally bargained more than just § 7106(b)(1) subjects. The expansive nature of the bargaining subjects resulted in many pilots' data being somewhat less focused on § 7106(b)(1) bargaining alone.

In addition, the pilots were operating in a more collaborative environment with labor and management following the direction of the E.O., allowing employees and their representatives to have pre-decisional involvement in all workplace matters to the fullest extent practicable without regard to whether the matters are negotiable subjects of bargaining. Many participants appeared to confuse, or at least combine, their pre-decisional involvement efforts -- and/or procedures and appropriate arrangements bargaining -- with bargaining over (b)(1) subjects, describing as a pilot outcome agreements involving non-(b)(1) subjects. The combination of efforts is somewhat understandable, however, as several agencies and unions used their labor-management forums as the vehicle for both pre-decisional involvement and (b)(1) bargaining under the pilots.

Although the information and evidence reported by the pilots is limited in many respects, the experiences of the pilots demonstrate certain commonalities and support some definite conclusions. Most significant is that no pilots reported any negative experiences or "bad outcomes" in establishing and implementing their pilot. The experience among the pilots was uniform that over the course of the pilots, communication increased and labor-management relationships improved. This finding is important, because increased communication, collaboration, and satisfactory labor relations are key goals of the E.O. Also, the pilots generally reported that based on the

success they had achieved so far, they were open to bargaining more § 7106(b)(1) subjects in the future.

The experience of the pilots also provides insight into what factors contribute to the effectiveness of bargaining over § 7106(b)(1) subjects. It is noted that not only are these factors strong indicators of the environment necessary to lead to successful bargaining over (b)(1) subjects, the factors also indicate the environment generally that will promote satisfactory labor relations and improve productivity and effectiveness of the Federal Government.

The first factor was that agency and union leadership committed to engage in bargaining over 7106(b)(1) subjects. The pilots also generally had a prior history of good labor-management relations. As noted above, generally, the relationship developed and strengthened as a result of the pilots. In addition, the pilots had the support and attention of agency management and union officials as well as the leadership of both. The expectation that the pilots would be productive and successful appeared to lead to such outcomes.

Despite obvious challenges with respect to metrics, the requirement to collaboratively plan, identify metrics or success indicators, and measure the outcomes also appears to have contributed to the pilots' effectiveness. Finally, many of the pilots chose less complex workplace issues to address in their initial bargaining -- few chose large, difficult issues as part of their proposals.

Of great significance was an experience reported by a number of pilots that when labor and management were engaged in an open dialogue about work place matters and were not focused on the legality of the subjects being discussed and whether or not they fell within the meaning of § 7106(b)(1), they were able to develop *better solutions faster*.

## Summary of Findings

- Positive outcomes:
  - Participants generally reported faster resolution of issues being addressed.
  - Participants uniformly reported an improvement in the labor-management relationship.
  - Positive prior relationships, as well as agency and union leadership commitment, likely contributed to positive outcomes from the pilots.
  - The requirement to collaboratively plan, identify metrics, or success indicators, and measure the outcomes also appears to have contributed to the pilots' effective bargaining.
  - No negative outcomes reported.
- A lack of experience, and general unfamiliarity, with (b)(1) bargaining contributed to a lack of focus on (b)(1) subjects in some pilots.
  - In some pilots, there was confusion between substantive bargaining on (b)(1) subjects and pre-decisional involvement on § 7106(a) matters, or with procedures and appropriate arrangements bargaining.
  - Some pilots discussed (b)(1) matters in their labor-management forums, and in such cases often did not distinguish between pre-decisional discussions on § 7106(a) matters and interest-based negotiations on (b)(1) subjects.
- The lack of complete data from all of the pilots makes it difficult to fully assess and evaluate the results of bargaining over § 7106(b)(1) subjects at this time.
  - The twelve pilots are at various stages in the implementation of their plans: while some are in progress, some have completed their bargaining and one has yet to begin bargaining.
  - Many pilots struggled with developing adequate metrics.

- Many of the pilots bargained over matters that lacked immediate impact on an agency's mission.
  - Many of the pilots chose less complex workplace issues to address in their initial bargaining -- few chose large, difficult issues as part of their implementation plan.
  - Because none of the pilots have bargained to impasse, no data was collected with respect to impasse resolution on (b)(1) subjects.
- The pilots would have benefited from more rigorous screening of their initial plans, and from better feedback and oversight from the Council.

## **Recommendations**

1. The Council concludes that the data obtained from the current (b)(1) pilot projects do not provide a sufficient basis to evaluate the impact of bargaining over permissive subjects and make a recommendation as to appropriate next steps with respect to agency bargaining over the subjects set forth in § 7106(b)(1) at this time. Thus, the Council recommends extending the duration and scope of the pilot projects established pursuant to Section 4 of E.O. 13522.
2. As a result of the Council's conclusion in this regard, and pursuant to the authority set forth in E.O. 13522, the Council will continue to evaluate the effectiveness of negotiation over permissive subjects of bargaining by continuing the (b)(1) pilot projects for a period of two additional years. In order to do so:
  - a) The Council will invite the twelve current pilot project participants to continue, both with regard to the current scope of their pilot projects as appropriate and to the extent they have additional opportunities to bargain (b)(1) subjects;
  - b) The Council will also solicit new pilots from additional agencies and departments, with the goal of expanding the number of agencies and

- departments participating and increasing the number of government employees and American citizens affected by the subjects bargained by the pilots;
- c) The Council will encourage pilots to select issues that are based upon their agencies' strategic or operational plans, in order for the negotiations undertaken by the pilot projects to have a greater potential to have a meaningful impact on mission accomplishment;
  - d) The Council will take steps to ensure that all pilot projects meet the revised criteria to be developed by the Council for pilot participation and will exercise sufficient oversight over the pilot projects to ensure they have adequate support and are able to develop objective data for assessment;
    - In particular, the Council will strive to ensure that the pilots adopt performance measures and are able to produce measurable outcomes related to agency mission, including cost-benefit data. To meet this goal, the Council will also refer pilots to the Performance Improvement Council and/or their agencies' Performance Improvement Officers (or equivalent) to assist in maximizing their ability to produce useful data.
  - e) While pilots are able to bargain one, some, or all of the (b)(1) subjects, the Council will endeavor to ensure a sufficient representation of pilots bargaining the full scope of (b)(1) subjects;
  - f) The Council will take steps to ensure that all pilot projects meet its requirement that participants take (b)(1) training and metrics training;
  - g) For those pilot projects which conclude bargaining prior to the end of the two year period, the Council will continue to collect data and evaluate outcomes over a longer timeframe.
3. The Council urges all agencies and their labor organizations to establish labor-management forums at appropriate levels and to have pre-decisional discussions of

(b)(1) subjects in accordance with Section 3(a)(ii) of E.O. 13522. Agencies are reminded that they may elect to bargain over (b)(1) subjects pursuant to Section 5(b) of the E.O. Agencies and their unions are encouraged to participate in pilot projects pursuant to Section 4 of the E.O. and 2(b) of the Council's recommendations.

**APPENDIX A**  
**5 U.S.C. § 7106**

**§ 7106. Management rights**

**(a)** Subject to subsection (b) of this section, nothing in this chapter shall affect the authority of any management official of any agency—

**(1)** to determine the mission, budget, organization, number of employees, and internal security practices of the agency; and

**(2)** in accordance with applicable laws—

**(A)** to hire, assign, direct, layoff, and retain employees in the agency, or to suspend, remove, reduce in grade or pay, or take other disciplinary action against such employees;

**(B)** to assign work, to make determinations with respect to contracting out, and to determine the personnel by which agency operations shall be conducted;

**(C)** with respect to filling positions, to make selections for appointments from—

**(i)** among properly ranked and certified candidates for promotion; or

**(ii)** any other appropriate source; and

**(D)** to take whatever actions may be necessary to carry out the agency mission during emergencies.

**(b)** Nothing in this section shall preclude any agency and any labor organization from negotiating—

**(1)** at the election of the agency, on the numbers, types, and grades of employees or positions assigned to any organizational subdivision, work project, or tour of duty, or on the technology, methods, and means of performing work;

**(2)** procedures which management officials of the agency will observe in exercising any authority under this section; or

**(3)** appropriate arrangements for employees adversely affected by the exercise of any authority under this section by such management officials.

**APPENDIX B**  
**EXECUTIVE ORDERS**

**President Clinton**

**“Labor-Management Partnerships”**

Executive Order No. 12,871, 58 Fed. Reg. 192 (Oct. 1, 1993).

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The involvement of Federal Government employees and their union representatives is essential to achieving the National Performance Review's Government reform objectives. Only by changing the nature of Federal labor-management relations so that managers, employees, and employees' elected union representatives serve as partners will it be possible to design and implement comprehensive changes necessary to reform Government. Labor-management partnerships will champion change in Federal Government agencies to transform them into organizations capable of delivering the highest quality services to the American people.

By the authority vested in me as President by the Constitution and the laws of the United States, including section 301 of title 3, United States Code, and in order to establish a new form of labor-management relations throughout the Executive Branch to promote the principles and recommendations adopted as a result of the National Performance Review, it is hereby ordered:

**Section 1.** *The National Partnership Council*

(a) *Establishment and Membership.* There is established the National Partnership Council ("Council"). The Council shall comprise the following members appointed by the President:

- (1) Director of the Office of Personnel Management ("OPM");
- (2) Deputy Secretary of Labor;
- (3) Deputy Director for Management, Office of Management and Budget;
- (4) Chair, Federal Labor relations Authority;
- (5) Federal Mediation and Conciliation Director;

*National Council on Federal Labor-Management Relations*

- (6) President, American Federation of Government Employees, AFL- CIO;
- (7) President, National Federation of Federal Employees;
- (8) President, National Treasury Employees Union;
- (9) Secretary-Treasurer of the Public Employees Department, AFL- CIO;
- and
- (10) A deputy Secretary or other officer with department- or agency-wide authority from two executive departments or agencies (hereafter collectively "agency"), not otherwise represented on the Council.

Members shall have 2-year terms on the Council, which may be extended by the President.

(b) *Responsibilities and Functions.* The Council shall advise the President on matters involving labor-management relations in the executive branch. Its activities shall include:

- (1) supporting the creation of labor-management partnerships and promoting partnership efforts in the executive branch, to the extent permitted by law;
- (2) proposing to the President by January 1994 statutory changes necessary to achieve the objectives of this order, including legislation consistent with the National Performance Review's recommendations for the creation of a flexible and responsive hiring system and the reform of the General Schedule classification system;
- (3) collecting and disseminating information about, and providing guidance on, partnership efforts in the executive branch, including results achieved, to the extent permitted by law;
- (4) utilizing the expertise of individuals both within and outside the Federal Government to foster partnership arrangements; and
- (5) working with the President's Management Council toward reform consistent with the National Performance Review's recommendations throughout the executive branch.

(c) *Administration.*

- (1) The President shall designate a member of the Council who is a full-time Federal employee to serve as the Chairperson. The responsibilities of the Chairperson shall include scheduling meetings of the Council.
  - (2) The Council shall seek input from nonmember Federal agencies, particularly smaller agencies. It also may, from time to time, invite experts from the private and public sectors to submit information. The Council shall also seek input from companies, nonprofit organizations, State and local governments, Federal Government employees, and customers of Federal Government services, as needed.
  - (3) To the extent permitted by law and subject to the availability of appropriations, OPM shall provide such facilities, support, and administrative services to the Council as the Director of OPM deems appropriate.
  - (4) Members of the Council shall serve without compensation for their work on the Council, but shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law, for persons serving intermittently in Government service.
  - (5) All agencies shall, to the extent permitted by law, provide to the Council such assistance, information, and advice as the Council may request.
- (d) *General.*
- (1) I have determined that the Council shall be established in compliance with the Federal advisory Committee Act, as amended (5 U.S.C. App. 2).
  - (2) Notwithstanding any other executive order, the functions of the President under the Federal Advisory Committee Act, as amended, except that of reporting to the Congress, that are applicable to the Council, shall be performed by the Director of OPM, in accordance with guidelines and procedures issued by the Administrator of General Services.
  - (3) The Council shall exist for a period of 2 years from the date of this order, unless extended.

- (4) Members of the Council who are not otherwise officers or employees of the Federal Government shall serve in a representative capacity and shall not be considered special Government employees for any purpose.

**Sec. 2. *Implementation of Labor-Management Partnerships Throughout the Executive Branch.*** The head of each agency subject to the provisions of chapter 71 of title 5, United States Code shall:

- (a) create labor-management partnerships by forming labor-management committees or councils at appropriate levels, or adapting existing councils or committees if such groups exist, to help reform Government;
- (b) involve employees and their union representatives as full partners with management representatives to identify problems and craft solutions to better serve the agency's customers and mission;
- (c) provide systemic training of appropriate agency 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;
- (d) negotiate over the subjects set forth in 5 U.S.C. 7106(b) (1), and instruct subordinate officials to do the same; and
- (e) evaluate progress and improvements in organizational performance resulting from the labor-management partnerships.

**Sec. 3. *No Administrative or Judicial Review.*** This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right to administrative or judicial review, or any other right, substantive or procedural, enforceable by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

**President Bush**

**“Revocation of Executive Order and Presidential Memorandum Concerning  
Labor-Management Partnerships”**

Executive Order No. 13,203, 66 Fed. Reg. 36 (Feb. 17, 2001).

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By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered that:

**Section 1.** Executive Order 12871 of October 1, 1993, as amended by Executive Orders 12983 and 13156, which established the National Partnership Council and requires Federal agencies to form labor-management partnerships for management purposes, is revoked. Among other things, therefore, the National Partnership Council is immediately dissolved.

**Sec. 2.** The Presidential Memorandum of October 28, 1999, entitled “Reaffirmation of Executive Order 12871—Labor-Management Partnerships” (the “Memorandum”), which reaffirms and expands upon the requirements of Executive Order 12871 of October 1, 1993, is also revoked.

**Sec. 3.** The Director of the Office of Personnel Management and heads of executive agencies shall promptly move to rescind any orders, rules, regulations, guidelines, or policies implementing or enforcing Executive Order 12871 of October 1, 1993, or the Memorandum, to the extent consistent with law.

**Sec. 4.** Nothing in this order shall abrogate any collective bargaining agreements in effect on the date of this order.

**President Obama**  
**“Creating Labor-Management Forums to Improve Delivery of  
Government Services”**

Executive Order No. 13,522, 74 Fed. Reg. 238 (Dec. 9, 2009).

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By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to establish a cooperative and productive form of labor-management relations throughout the executive branch, it is hereby ordered as follows:

**Section 1. *Policy.*** Federal employees and their union representatives are an essential source of front-line ideas and information about the realities of delivering Government services to the American people. A nonadversarial forum for managers, employees, and employees’ union representatives to discuss Government operations will promote satisfactory labor relations and improve the productivity and effectiveness of the Federal Government. Labor-management forums, as complements to the existing collective bargaining process, will allow managers and employees to collaborate in continuing to deliver the highest quality services to the American people. Management should discuss workplace challenges and problems with labor and endeavor to develop solutions jointly, rather than advise union representatives of predetermined solutions to problems and then engage in bargaining over the impact and implementation of the predetermined solutions.

The purpose of this order is to establish a cooperative and productive form of labor-management relations throughout the executive branch.

**Sec. 2. *The National Council on Federal Labor-Management Relations.*** There is established the National Council on Federal Labor-Management Relations (Council).

(a) **Membership.** The Council shall be composed of the following members appointed or designated by the President:

- (i) the Director of the Office of Personnel Management (OPM) and Deputy Director for Management of the Office of Management and Budget (OMB), who shall serve as Co-Chairs of the Council;
- (ii) the Chair of the Federal Labor Relations Authority;
- (iii) a Deputy Secretary or other officer with department- or agency-wide authority from each of five executive departments or agencies not otherwise represented on the Council, who shall serve for terms of 2 years;

- (iv) the President of the American Federation of Government Employees, AFL-CIO;
- (v) the President of the National Federation of Federal Employees;
- (vi) the President of the National Treasury Employees Union;
- (vii) the President of the International Federation of Professional and Technical Engineers, AFL-CIO;
- (viii) the heads of three other labor unions that represent Federal employees and are not otherwise represented on the Council, who shall serve for terms of 2 years;
- (ix) the President of the Senior Executives Association; and
- (x) the President of the Federal Managers Association.

**(b) Responsibilities and Functions.** The Council shall advise the President on matters involving labor-management relations in the executive branch. Its activities shall include, to the extent permitted by law:

- (i) supporting the creation of department- or agency-level labor-management forums and promoting partnership efforts between labor and management in the executive branch;
- (ii) developing suggested measurements and metrics for the evaluation of the effectiveness of the Council and department or agency labor-management forums in order to promote consistent, appropriate, and administratively efficient measurement and evaluation processes across departments and agencies;
- (iii) collecting and disseminating information about, and providing guidance on, labor-management relations improvement efforts in the executive branch, including results achieved;
- (iv) utilizing the expertise of individuals both within and outside the Federal Government to foster successful labor-management relations, including through training of department and agency personnel in methods of dispute resolution and cooperative methods of labor-management relations;
- (v) developing recommendations for innovative ways to improve delivery of services and products to the public while cutting costs and advancing employee interests;
- (vi) serving as a venue for addressing systemic failures of department-or agency-level forums established pursuant to section 3 of this order; and
- (vii) providing recommendations to the President for the implementation of several pilot programs within the executive branch, described in section 4 of this order, for bargaining over subjects set forth in 5 U.S.C. 7106(b)(1).

**(c) Administration.**

- (i) The Co-Chairs shall convene and preside at meetings of the Council, determine its agenda, and direct its work.
- (ii) The Council shall seek input from nonmember executive departments and agencies, particularly smaller agencies. It also may, from time to time, invite persons from the private and public sectors to submit information. The Council shall also seek input from Federal manager and professional associations, companies, nonprofit organizations, State and local governments, Federal employees, and customers of Federal services, as needed.
- (iii) To the extent permitted by law and subject to the availability of appropriations, OPM shall provide such facilities, support, and administrative services to the Council as the Director of OPM deems appropriate.
- (iv) Members of the Council shall serve without compensation for their work on the Council, but may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in Government service (5 U.S.C. 5701– 5707), consistent with the availability of funds.
- (v) The heads of executive departments and agencies shall, to the extent permitted by law, provide to the Council such assistance, information, and advice as the Council may require for purposes of carrying out its functions.
- (vi) Insofar as the Federal Advisory Committee Act, as amended (5 U.S.C. App.), may apply to the Council, any functions of the President under that Act, except that of reporting to the Congress, shall be performed by the Director of OPM in accordance with the guidelines that have been issued by the Administrator of General Services.

**(d) Termination.** The Council shall terminate 2 years after the date of this order unless extended by the President.

**Sec. 3. *Implementation of Labor-Management Forums Throughout the Executive Branch.***

- (a) The head of each executive department or agency that is subject to the provisions of the Federal Service Labor-Management Relations Act (5 U.S.C. 7101 *et seq.*), or any other authority permitting employees of such department or agency to select an exclusive representative shall, to the extent permitted by law:
  - (i) establish department- or agency-level labor-management forums by creating labor-management committees or councils at the levels of recognition and other appropriate levels agreed to by labor and management, or adapting existing councils or committees if such groups exist, to help identify problems and propose solutions to better serve the public and agency missions;

(ii) allow employees and their union representatives to have pre-decisional involvement in all workplace matters to the fullest extent practicable, without regard to whether those matters are negotiable subjects of bargaining under 5 U.S.C. 7106; provide adequate information on such matters expeditiously to union representatives where not prohibited by law; and make a good-faith attempt to resolve issues concerning proposed changes in conditions of employment, including those involving the subjects set forth in 5 U.S.C. 7106(b)(1), through discussions in its labor-management forums; and

(iii) evaluate and document, in consultation with union representatives and consistent with the purposes of this order and any further guidance provided by the Council, changes in employee satisfaction, manager satisfaction, and organizational performance resulting from the labor-management forums.

(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.

(c) The Council shall review each executive department or agency implementation plan within 30 days of receipt and provide a recommendation to the Co-Chairs as to whether to certify that the plan satisfies all requirements of this order. Plans that are determined by the Co-Chairs to be insufficient will be returned to the department or agency with guidance for improvement and resubmission within 30 days. Each department or agency covered by subsection (b) of this section must have a certified implementation plan in place no later than 150 days after the date of this order, unless the Co-Chairs of the Council authorize an extension of the deadline.

**Sec. 4. Negotiation over Permissive Subjects of Bargaining.**

(a) In order to evaluate the impact of bargaining over permissive subjects, several pilot projects of specified duration shall be established in which some executive departments or agencies elect to bargain over some or all of the subjects set forth in 5 U.S.C.

7106(b)(1) and waive any objection to participating in impasse procedures set forth in 5 U.S.C. 7119 that is based on the subjects being permissive. The Council shall develop recommendations for establishing the pilot projects, including (i) recommendations for evaluating such pilot projects on the basis, among other things, of their impacts on organizational performance, employee satisfaction, and labor relations of the affected departments or agencies; (ii) recommended methods for evaluating the effectiveness of dispute resolution procedures adopted and followed in the course of the pilot projects; and (iii) a recommended timeline for expeditious implementation of the pilot programs.

(b) The Council shall present its recommendations to the President within 150 days after the date of this order.

(c) No later than 18 months after implementation of the pilot projects, the Council shall submit a report to the President evaluating the results of the pilots and recommending appropriate next steps with respect to agency bargaining over the subjects set forth in 5 U.S.C. 7106(b)(1).

**Sec. 5. General Provisions.**

(a) Nothing in this order shall abrogate any collective bargaining agreements in effect on the date of this order.

(b) Nothing in this order shall be construed to limit, preclude, or prohibit any head of an executive department or agency from electing to negotiate over any or all of the subjects set forth in 5 U.S.C. 7106(b)(1) in any negotiation.

(c) Nothing in this order shall be construed to impair or otherwise affect:

(i) authority granted by law to an executive department, agency, or the head thereof;

or

(ii) functions of the Director of OMB relating to budgetary, administrative, or legislative proposals.

(d) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(e) This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right to administrative or judicial

review, or any other right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

**APPENDIX C**  
**GLOSSARY OF ACRONYMS**

<b>Name</b>	<b>Acronym</b>
Alternative Dispute Resolution	ADR
American Federation of Government Employees	AFGE
American Federation of Labor - Congress of Industrial Organizations	AFL-CIO
Department of Homeland Security	DHS
Department of Commerce	Commerce
Department of Defense	DOD
Department of Labor	DOL
Enterprise Human Resources Integration Statistical Data Mart	EHRI-SDM
Executive Order	E.O.
Federal Education Association	FEA
Federal Emergency Management Agency	FEMA
Federal Labor Relations Authority	FLRA or Authority
Federal Managers Association	FMA
Financial Management Services	FMS
Federal Service Labor-Management Relations Statute	FSLMRS or Statute
General Accounting Office	GAO
International Brotherhood of Teamsters	IBT
Immigration and Customs Enforcement	ICE

International Federation of Professional and Technical Engineers	IFPTE
Memorandum of Agreement	MOA
Memorandum of Understanding	MOU
National Association of Government Employees	NAGE
National Credit Union Administration	NCUA
National Federation of Federal Employees	NFFE
National Nurses United	NNU
National Oceanic Atmospheric Administration	NOAA
National Partnership Council	NPC
National Performance Review	NPR
National Treasury Employees Union	NTEU
National Union of Labor Investigators	NULI
National Weather Service	NWS
National Weather Service Employees Organization	NWSEO
Office of General Counsel	OGC
Office of Labor-Management Standards	OLMS
Office of Management and Budget	OMB
Office of Personnel Management	OPM
Occupational Safety and Health Administration	OSHA
Pre-decisional Involvement	PDI
Senior Executives Association	SEA
Service Employees International Union	SEIU

Social Security Administration	SSA
Department of Treasury	Treasury
United States Code	U.S.C.
U.S. Department of Agriculture	USDA
United States Marine Corps	USMC
Department of Veterans Affairs	VA
Veterans Benefits Administration	VBA
Voice Over Internet Protocol	VoIP
Virtual Private Network	VPN
Voluntary Early Retirement Authority	VERA
Voluntary Separation Incentive Pay	VSIP

**APPENDIX D**  
**GUIDANCE FOR LABOR-MANAGEMENT**  
**5 U.S.C. § 7106 (b)(1) PILOT METRICS**

**Scope of Guidance for 5 U.S.C. § 7106(b)(1) “(b)(1) pilots”**

The guidance in this document was drafted on behalf of the National Council on Federal Labor-Management Relations (Council). Each (b)(1) pilot should use the following guidance to inform its metrics development and reporting process.

Executive Order 13522 requires the establishment of pilot projects of specified duration in order to evaluate the impact of bargaining over permissive subjects set forth in 5 U.S.C. § 7106(b)(1). The Council is directed under the Executive Order to develop recommendations for evaluating pilot projects on the basis, among other things, of their impacts on: (1) organizational performance; (2) employee satisfaction; and (3) labor relations of the affected departments or agencies. The Executive Order further requires the Council to develop recommended methods for evaluating the effectiveness of dispute resolution procedures adopted and followed in the course of the pilot projects.

This guidance applies only to (b)(1) pilot participants and, where agencies provide additional organizational data such as budget, performance, and organizational data, the information may be useful for (b)(1) evaluation metrics.

**Permissive Bargaining:**

The following sets forth the metrics that should be collected by each pilot to properly evaluate the impact of their bargaining over permissive matters. With the exception of Employee Satisfaction -- which measures data from the employee population to whom any collective bargaining agreement negotiated over § 7106(b)(1) matters applies -- the measurements set forth below are to be gathered from among the pilot participants. While pilots are not required to conduct a baseline assessment in each case, baseline data should be included in describing outcomes in each of the metric areas. For

example, in describing the outcome of bargaining over the use of new technology, such as laptops, it is critical to include data and information setting forth the prior technology and any costs, limitations, issues that were addressed by adopting the new technology. In addition, when describing labor-management relations, it is critical to include information setting forth the nature of the bargaining relationship prior to implementing the pilot, including the general length of negotiations, success or not in resolving issues, and general perceptions regarding the relationship and its effectiveness. Note that for pilots engaging in on-going negotiations over permissive subjects, each topic, issue or subject of their negotiations should be recorded separately.

**Schedule for Tracking and Reporting:**

- December 31, 2010 – All pilots will have identified issues, goals and metrics internally 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 six-month report due to Council on their performance against their identified metrics
- March 31, 2012 – Pilots have full year report due to Council on their forums' performance against their identified metrics

**A. Background data:**

Composition of Pilot Members:

Scope of § 7106(b)(1) matters agreed to be bargained:

Specify the topic or issue that was the subject of the bargaining:

Length of negotiations, starting from date of notification to agreement:

Number of hours spent on negotiations:

Describe the desired outcome of the bargaining/agreement:

Describe the nature and impact of the ultimate agreement:

Describe generally the costs and benefits of the terms of the agreement:

**B. Organizational Performance:**

The information gathered should include both raw data as well as anecdotal evidence where the particular pilot participants agree that it is instructive. Examples of the categories set forth below can be found the section of this guidance regarding Mission and Service Delivery metrics.

Pilots should select measures from at least four of the following nine categories:

10. General Outcomes
11. Process / Cycle time
12. Error Rate / Quality
13. Public Responsiveness / Problem resolution / Customer Satisfaction
14. Internal Resource Management
15. Cost Savings / ROI
16. Revenue Collected
17. Agility
18. Other

**C. Employee Satisfaction:**

The following information regarding job satisfaction -- which is derived from the OPM employee satisfaction survey -- should be surveyed among pilot participants and, where appropriate, the employees and managers that are affected or impacted by the terms and conditions of any matters negotiated by the pilot -- i.e., for a work location where the number of employees assigned to a shift were negotiated; to a work unit where the types of new computers and phones were negotiated. Where the impact of the agreement is on a large number of employees, the survey will be conducted of a smaller random population within that group.

In addition to including the general questions OPM has determined indicate the level of employee satisfaction,<sup>9</sup> employees should be asked questions specifically designed to measure the impact of the change that resulting from the implementation of the “(b)(1) agreement.” These questions must include information about how the change impacted employees’ ability to do their work; whether and how the “(b)(1) agreement” increased the employees’ job satisfaction. Accordingly, there must be specific survey questions focused on any change brought about by any “(b)(1) agreement.”

#### **D. Labor-Management Relations:**

The following information is intended to demonstrate whether or not bargaining over § 7106(b)(1) matters improved labor-management relations. Consistent with the information gathered generally with respect to forums, the pilots should gather information in the following areas:

- Training received and nature of training
- Any change in the ability to resolve issues, including the number of issues addressed and resolved
- Any change in the general length of negotiations to reach agreement
- Subjective survey of pilot participants that focuses on their perceptions of the labor-management environment. The survey should measure issues such as whether labor and management feel they have: engaged in collaborative strategic planning on issues critical to agency success; or have developed a desired future state or vision for the agency. (Suggested questions TBD.) *It is recommended that with respect to the subjective survey, a baseline assessment*

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<sup>9</sup> These questions include:

- The workforce has the job-relevant knowledge and skills necessary to accomplish organizational goals.
- My agency is successful at accomplishing its mission.
- Managers promote communication among different work units (for example, about projects, goals, needed resources).
- How satisfied are you with the information you receive from management on what's going on in your organization?

*be conducted among the pilot participants to more accurately assess any changes in perceptions as a result of the pilots.*

**Dispute Resolution:**

With respect to evaluating the effectiveness of dispute resolution procedures adopted and followed in the course of the pilot projects, the Council recommends that pilots provide the following data:

- Number and types of disputes
- Nature of dispute resolution procedures used -- i.e. mediation, arbitration
- Number and types of disputes resolved, and description of outcomes
- Number and types of disputes that were not resolved, and basis for failure to reach resolution.

*Appendix A*

*Template for Measuring and Reporting (b)(1) Pilots*

<b>Date of Report</b>	
<b>Agency</b>	
<b>Bureau/Division Name (if applicable)</b>	
<b>Address</b>	
<b>City</b>	
<b>State</b>	
<b>Zip Code</b>	
<b>Union</b>	
<b>Name(s) of lead agency representative (and contact info)</b>	
<b>Name(s) of lead union representative (and contact info)</b>	
<b>Scope of 7106(b)(1) matters agreed to be bargained</b>	
<b>Comments</b>	

**A. Issue Identification, Negotiations, Agreement**

In the box below, specify the topic or issue that was the subject of bargaining.
Length of negotiations, from date of notification to agreement:
Number of hours spent on negotiations:
In the box below, describe the desired outcome of the bargaining/agreement:
In the box below, describe the nature and impact of the ultimate agreement:
In the box below, describe generally the costs and benefits of the terms of the agreement:

**B. Mission and Service Delivery Metrics, Related to Issue(s) Identified Above**

**Category Selected** (*four required*)      **Metrics** (*at least one per category*)

- |    |   |
|----|---|
| 1. | • |
| 2. | • |
| 3. | • |
| 4. | • |

**C. Employee Satisfaction Metrics, Related to Issue(s) Identified Above**

**OPM survey questions re: employee satisfaction:**

The workforce has the job-relevant knowledge and skills necessary to accomplish organizational goals.

My agency is successful at accomplishing its mission.

Managers promote communication among different work units (for example, about projects, goals, needed resources).

How satisfied are you with the information you receive from management on what's going on in your organization?

**Specific questions to measure impact of change resulting from implementation of the (b)(1) agreement -- these questions should be modified depending on the nature of the subject of the (b)(1) agreement and any resulting change. In addition,**

Did the change affect you and your ability to do your work, and if so, describe with specificity how.

Is your work unit impacted in any way by the change resulting from the (b)(1) agreement? If it is, then please describe how.

**D. Labor-Management Relations Metrics, Related to Issue(s) Identified Above**

**D1. Improvements in Labor-Management Relations**

In the box below, please describe the training received by pilot participants and nature of the training:

In the box below, please describe any change in the ability to resolve issues, including the number of issues addressed and resolved:

In the box below, describe any change in the general length of negotiations required to reach agreement:

Please attach results of survey of pilot participants that focuses on their perceptions of the labor-management environment. *Note: Baseline survey should be conducted to more accurately assess any changes in perceptions.*

**D2. Dispute Resolution**

**Topics**

1. Number and types of disputes •
2. Nature of dispute resolution •  
procedures used, e.g.,  
mediation, arbitration
3. Number and types of disputes •  
resolved and description of  
outcomes
4. Number and types of disputes •  
not resolved and basis for  
failure to reach resolution

**APPENDIX E**  
**(b)(1) PILOT PROJECTS' METRICS REPORTS**

U.S. Department of Agriculture  
Office of General Counsel (OGC)

and

American Federation of Government Employees (AFGE)

(b)(1) Pilot Project Report

Appendix A

Template for Measuring and Reporting (b) (1) Pilots

<b>Date of Report</b>	March 31,2012
<b>Agency</b>	United States Department of Agriculture
<b>Bureau/Division Name</b>	Office of the General Counsel
<b>Address</b>	Room 107W, Whitten Building 1400 Independence Ave, SW. Washington, D.C. 20250-1400
<b>Union</b>	AFGE (Local 1106)
<b>Name(s) of lead Agency representative (and contact info)</b>	Ralph Linden Associate General Counsel International Affairs, Commodity Programs and Food Assistance Programs USDA, Office of the General Counsel 1400 Independence Avenue, S.W. Room 2018 - South Building Washington, D.C. 20250-1403 Phone: (202) 720-6883
<b>Name(s) of lead Union representative (and contact info)</b>	Jocelyn Somers Robert Duncan Plaza, Room 457 333 SW First Ave. Portland, OR 97204-3440 Phone: (503) 808-5970
<b>Scope of 7106(b)(1) matters agreed to be bargained</b>	Technology, methods and means of performing work, establishment of centralized OGC-wide case tracking system and electronic document database, move toward an electronic office
<b>Comments</b>	From March 30, 2011, the pilot program focused on providing input to computer programmers who were configuring SharePoint to function as the OGC electronic database. This process was delayed for several weeks due to the migration of all of USDA to a cloud environment for emails. As a result, OGC was forced to delay deployment of the software to be used in the pilot and that deployment occurred in September of 2011. Pilot office participants – who comprise approximately 15 percent of the total staff of OGC – began evaluation of this software at that time and participant feedback was provided to the pilot team committee beginning in mid-October, 2011. Such feedback is currently being used by the IT staff to develop a new and improved OGC electronic database.

**A. Issue Identification, Negotiations, Agreement**

In the box below, specify the topic or issue that was the subject of bargaining.
Technology, methods and means of performing work , establishment of centralized OGC-wide case tracking system and electronic document database, move toward an electronic office
Length of negotiations, from date of notification to agreement: Initial session took place on March 17, 2011
Number of hours spent on negotiations: 100 hours (as of March 31, 2012)
In the box below, describe the desired outcome of the bargaining/agreement:
<ul style="list-style-type: none"> <li>▪ The desired outcome is increased collaboration between the Agency and the Union with an emphasis on pre-decisional involvement.</li> <li>▪ Increased organizational performance by implementing an electronic office that will allow the Agency to more efficiently track work and manage files electronically. An electronic office will also promote collaboration between Agency offices, increase workplace flexibility, assist in sharing and retaining institutional knowledge and assist in providing consistent legal advice across all of OGC.</li> <li>▪ Increased employee satisfaction by affording the employees an opportunity to shape the features of an electronic office. Additionally, an electronic office will increase workplace flexibility, which may also contribute to an increase in employee satisfaction.</li> </ul>
In the box below, describe the nature and impact of the ultimate agreement:
An agreement that incorporates the input of the Agency and the Union, so that all parties have a vested interest in the success of this project. Such an agreement would have a positive impact on the Agency, in that an electronic office would allow the Agency to more efficiently track work and manage files electronically. An electronic office would also promote collaboration between geographically dispersed Agency offices and increase workplace flexibility.
In the box below, describe generally the costs and benefits of the terms of the agreement:
<p>The initial and primary medium to move OGC to an electronic office is SharePoint and the other associated Microsoft Office applications (Word, Power Point, Access, Excel, etc.). In order for the benefits of an electronic office to be achieved, everyone must use the system and this could be a difficult proposition. People have become accustomed to doing their jobs a certain way and an electronic office would require that they change their methods, which can be a difficult endeavor. As with any new system, SharePoint may initially have some issues that need to be resolved and everyone needs to be committed to seeing SharePoint succeed. Thus, the primary cost of this agreement is a short term decrease in employee satisfaction and possibly a decrease in organizational performance while SharePoint is initially implemented.</p> <p>The benefits of this agreement would be the ability to efficiently track work and manage files electronically in a single system. Also, Agency offices across the nation would be able to readily share information, which would increase organizational performance and promote collaboration. Moreover, the ability to manage files electronically would increase workplace flexibility. Under this agreement, SharePoint would be implemented with very little customization and thus would result in a significant monetary savings over the prior SharePoint implementation proposal.</p>

**B. Mission and Service Delivery Metrics, Related to Issue(s) Identified Above**

**Category Selected** *(four required)*

1. Internal Resource Management

**Metrics** *(at least one per category)*

- Survey of all OGC personnel to assess

2. Cost Savings/ROI

3. Agility

4. Other

whether implementation of the electronic office initiative has improved internal Agency resource management and will facilitate achieving the objective of an electronic office

- Compare the cost of implementing an out-of-the box software package versus a highly customized version of SharePoint which was attempted before
- Amount of cost savings to the Agency
- Survey of all OGC personnel to assess whether implementation of the electronic office initiative has increased the level of workplace flexibility, shared knowledge, document portability, etc.
- Survey of all OGC personnel to assess whether the electronic office enhancements sufficiently provide timely case and project activity information
- Survey of all OGC personnel to assess whether the electronic office initiative achieved its stated goals (efficiently track work, manage case files electronically, increase collaboration, increase workplace flexibility)
- Level of increased office morale and general acceptance of an electronic office environment.

**C. Employee Satisfaction Metrics, Related to Issue(s) Identified Above**

**OPM survey questions regarding employee satisfaction:**

The workforce has the job-relevant knowledge and skills necessary to accomplish organizational goals.

My Agency is successful at accomplishing its mission.

Managers promote communication among different work units (for example, about projects, goals, needed resources).

How satisfied are you with the information you receive from management on what's going on in your organization?

**Specific questions to measure impact of change resulting from implementation of the (b)(1) agreement – these questions should be modified depending on nature of the subject of the (b)(1) agreement and any resulting change. In addition:**

Did the change affect you and your ability to do your work, and if so, describe with specificity how.

Is your work unit impacted in any way by the change resulting from the (b)(1) agreement? If it is, then please describe how.

**D. Labor-Management Relations Metrics, Related to Issue(s) Identified Above**

**1. Improvements in Labor-Management Relations**

In the box below, please describe the training received by pilot participants and nature of the training:
Two members of the negotiating team (one from the Agency and one from the Union) received training with respect to pre-decisional involvement. Additionally, two members of the negotiating team (one from the Agency and one from the Union) received training on (b)(1) pilot projects.
In the box below, please describe any change in the ability to resolve issues, including the number of issues addressed and resolved:
Information will be provided at the completion of the project.
In the box below, describe any change in the general length of negotiations required to reach agreement:
Information will be provided at the completion of the project.

Please attach results of survey of pilot participants that focuses on their perceptions of the labor-management environment. *Note: Baseline survey should be conducted to more accurately assess any changes in perceptions.*

The parties intended to circulate a pre-pilot and a post-pilot survey on their perceptions of the labor management environment. However, based on feedback gathered through this pilot project, the Agency is currently re-designing the system to address the issues raised by the pilot users. Due to this, the participants anticipate a significant revision to the final post-pilot survey which will be conducted prior to May 1.

**2. Dispute Resolution**

**Topics**

1. Number and types of disputes  
0 (as of March 31, 2012)
2. Nature of dispute resolution procedures used, e.g., mediation, arbitration  
0 (as of March 31, 2012)
3. Number and types of disputes resolved and description of outcomes  
0 (as of March 31, 2012)
4. Number and types of disputes not resolved and basis for failure to reach resolution  
0 (as of March 31, 2012)

Department of Commerce

National Oceanic and Atmospheric Administration (NOAA)

and

National Weather Service Employees Organization (NWSEO)

(b)(1) Pilot Project Report

Department of Commerce Yearly Report on B1 Pilot Project  
Cost Savings on Travel

**I. Travel Pilot Project**

<b>Date of Report</b>	March 23, 2011
<b>Agency</b>	U.S Department of Commerce
<b>Bureau/Division Name (if applicable)</b>	National Oceanic and Atmospheric Administration (NOAA), National Weather Service
<b>Address</b>	Department of Commerce, 1401 Constitution Avenue, NW,
<b>City</b>	Washington
<b>State</b>	DC
<b>Zip Code</b>	20230
<b>Union</b>	National Weather Service Employees Organization (NWSEO)
<b>Name of lead agency representative (and contact info)</b>	Andy Winer Director of Strategic Initiatives and Partnerships, NOAA, Department of Commerce, 202-482-4640; <a href="mailto:awiner@doc.gov">awiner@doc.gov</a>
<b>Name(s) of lead union representatives (and contact info)</b>	Dan Sobien National President National Weather Service Employees Organization (NWSEO), 2525 14 <sup>th</sup> Avenue, SE, Ruskin, FL 33570, 813-645-2323 <a href="mailto:dansobien@verizon.net">dansobien@verizon.net</a>
<b>Scope of 7106(b)(1) matters agreed to be bargained</b>	Technology, methods, and means of performing work
<b>Comments</b>	none

**A. Issue Identification, Negotiations, Agreement**

Specify the topic or issue that was the subject of bargaining: To examine and determine what cost savings were possible if employees had greater flexibility to purchase non-contract (non-GSA) plane tickets rather than book all flights using the GSA paired-city contract carriers.

Length of negotiations, from date of notification to agreement: Approximately eight (8) weeks.

Describe the nature and impact of the ultimate agreement: The resulting agreement (a Travel Bulletin issued Department-wide by management) permits Department of Commerce (Department) employees to have greater flexibility in scheduling their travel. Employees who meet established criteria for the use of a non-contract ticket can purchase a ticket from such places as Orbitz, Travelocity, Priceline, etc. This gives the employee greater choice in departure and arrival times, flying non-stop and flying closer to the destination point. Especially important is the ability of the employee to catch a later flight and use less total travel time.

Costs and benefits of the terms of the agreement: The parties developed new policy within the framework of the General Services Administration's Federal Travel Regulations (FTR). The goal was to determine if, given certain criteria, the Department could reduce costs by purchasing non-contract tickets. The project has been in operation for over approximately 18 months however, we are only reporting data for the past 12 months of operation. We have been

## Department of Commerce Yearly Report on B1 Pilot Project Cost Savings on Travel

evaluating the cost savings for this period on a recurring monthly basis. We have observed an increase in savings. In the first month (March 2011), the non-contract ticket costs were lower than contract tickets, resulting in a savings of approximately \$19,222.75. The most recent month (February 2012) reported a general cost savings of \$18,569.64. The total cost savings for the past 12 months were \$285,859.49.

### **B. Mission and Service Delivery Metrics Related to Issues Identified Above**

Category Selected	Metrics
1. Cost Savings	The cost savings, if any, of purchasing airline tickets from carriers not under GSA contract. Only tickets purchased in those cities served by GSA contract fare carrier were part of the cost comparison.
2. General Outcomes	Overall shorter end-to-end travel and flight times (including time spent on layovers and other factors), reduced airfare costs, and ability of non-contract carriers to better suit the particular flight needs of the employees.
3. Agility	The required criteria to purchase non-contract tickets represent a substantial time savings versus the cumbersome process of purchasing contract carrier tickets. Old system was cumbersome and time consuming for the employee, prevented easy search of cheapest ticket with most convenient flight path, and represented much longer end to end travel time. Specific metrics associated with this agility will be verified in the 2012 Employee Satisfaction survey.
4. Public Responsiveness/ Problem Resolution/ Customer Satisfaction	It appears non-contract tickets provide for faster total flight and end to end travel times, fewer/shorter layovers, and more direct flights resulting in cost savings as well as increased employee satisfaction with travel process.

### **C. Employee Satisfaction Metrics Related to Issue(s) Identified Above**

Questions measuring employee satisfaction metrics for the issues above are under development and scheduled for measurement at the same time employees are surveyed for the 2012 Federal Employee Viewpoint Survey (FEVS). This will provide employees the ability to comment more specifically on the new travel program.

### **D. Labor-Management Relations Metrics, Related to Issues Identified Above**

#### **D1. Improvements in Labor-Management Relations.**

## Department of Commerce Yearly Report on B1 Pilot Project Cost Savings on Travel

Describe the training received by the pilot participants and nature of the training. The parties did not receive any formal training in bargaining B1 subject matters.

Describe any change in the ability to resolve issues, including the number of issues addressed and resolved. The parties operated under an interest based bargaining approach on this matter. From the beginning it was understood that interest based bargaining was the best method to achieve a successful agreement. Both parties had a desire to lower travel costs as well as increase employee convenience and since the proposal was originated by the labor union, both parties were committed to success.

Describe any change in the general length of negotiation required to reach agreement. The time spent on negotiations was shorter than usual as a result of the common goal to arrive at a consensus early and increase savings.

Results of survey of pilot participants that focus on their perception of the labor-management environment. No survey has been conducted because the pilot is still evolving, as refinement of the data leads to modifications in the pilot.

### **D2. Dispute Resolution**

No disputes or impasses occurred during the negotiations of this pilot.

Department of Defense  
Department of Navy, U.S. Marine Corps,  
Marine Corps Base Camp Pendleton  
and  
National Federation of Federal Employees (NFFE)  
(b)(1) Pilot Project Report

## Template for Measuring and Reporting (b)(1) Pilots

Date of Report	March 27, 2012
Agency	Department of the Navy, U.S. Marine Corps
Bureau/Division Name (if applicable)	Marine Corps Base Camp Pendleton
Address	Civilian Human Resources Office Building 2265
City	Camp Pendleton
State	CA
Zip Code	92055
Union	National Federation of Federal Employees (NFFE)
Name(s) of lead agency representative (and contact info)	Terry Hoeft (760) 725-3729
Name(s) of lead union representative (and contact info)	Tony Reyes (760) 725-4294
Scope of 7106(b)(1) matters agreed to be bargained	Number & types (excluding grades) of employees or positions assigned to any organizational subdivision, work project or tour of duty - <i>especially in regard to current and future reorganization projects</i>
Comments	Because of recently rescinded Hiring Freeze in USMC there have been no reorganizations or other organizational changes requiring (b)(1) bargaining within the scope of our MOU. Now will be able to bargain as below.

## Template for Measuring and Reporting (b)(1) Pilots

In the box below, specify the topic or issue that was the subject of bargaining.

**Numbers and types in the individual maintenance shops as a result of the Facilities Maintenance Department (FMD) reorganization.**

Length of negotiations, from date of notification to agreement: **One day**

Number of hours spent on negotiations: **Two**

In the box below, describe the desired outcome of the bargaining/agreement:

- **Management and the Union to agree on numbers and types of employees assigned to the individual maintenance shops (Carpentry, Plumbing, Electrical, HVAC, etc.) in the newly re-organized Facilities Maintenance Division (FMD).**
- **Address Union concerns about perceived inappropriate balance of numbers assigned to certain shops, as well as types of Maintenance Mechanics and Helpers assigned to certain shops. Union concerned about safety issues as well as detrimental impact on employee morale and motivation.**
- **Address management concerns about the need to determine the numbers and types in each shop to insure that the needs of the Camp Pendleton customers are satisfied.**

In the box below, describe the nature and impact of the ultimate agreement:

**Management explained that the only thing they did with their Table of Organization (T/O) changes was to get the department organized under the nomenclature that is correct for the post A-76 department organization, as their T/O currently reflects their old structure. These changes (that they Union responded to) have not yet been approved. Therefore there may be additional adjustments made to the structure of the maintenance shops, because the organization has been set up in such a way that billets may be shifted from one shop to another to meet current needs. In addition, billets may be added to the current submitted changes.**

**As a result, management agreed to notify the Union after the structure has received official approval and engage the Union in discussions over the specific assignments to the various maintenance shops. The Union expressed specific concerns over the large number of positions in the HVAC shop, while the Carpentry shop appears to be very low in the number of positions assigned. Management heard and noted the Unions concerns, and agreed to discuss specifics and get Union feedback before final assignment of billets is completed.**

In the box below, describe generally the costs and benefits of the terms of the agreement:

**Measurement will need to be postponed until after the final assignment of positions. The Union will be able to provide feedback as to the final numbers and types assigned to the shops, which should result in greater**

## Template for Measuring and Reporting (b)(1) Pilots

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employee satisfaction and better response to labor relations questions on the follow-up to the Baseline Survey. Management should achieve greater agility in setting up the shops, and reduce costs through proper number and type assignments to the shops, with the help of the Union feedback.

### *OUR METRICS*

#### 1. Mission and Service Delivery Metrics, Related to Issue(s) Identified Above

<b>Category Selected</b> <i>(four required)</i>	<b>Metrics</b> <i>(at least one per category)</i>
1. Service Level Management	Survey our customers, their needs, and their requirements to determine where possible improvements may be implemented more quickly and will facilitate achieving the objective of the change or reorganization.
2. Cost Savings/ROI	<ul style="list-style-type: none"> <li>• Compare the cost/savings of implementing change or reorganization versus the current organizational structure.</li> <li>• Amount of cost savings to the Command in labor dollars, cost of facilities, equipment, etc.</li> </ul>
3. Improved customer satisfaction (The general public and our employees)	<ul style="list-style-type: none"> <li>• Response times per incident</li> <li>• Reliability - compared to expectations</li> <li>• Maintainability - compared to expectations</li> </ul>
4. Agility	Number of days from agreement to implementation

#### 2. Employee Satisfaction Metrics, Related to Issue(s) Identified Above

Survey questions re: Employee Satisfaction, as utilized in our Baseline survey to all CPEN employees in March, 2011:

The workforce has the job-relevant knowledge and skills necessary to accomplish organizational goals.

My agency is successful at accomplishing its mission.

Managers promote communication among different work units (for example, about projects, goals, needed resources).

## Template for Measuring and Reporting (b)(1) Pilots

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How satisfied are you with the information you receive from management on what's going on in your organization?

### **3. Labor-Management Relations Metrics, Related to Issue(s) Identified Above**

**Survey questions re: The Labor-Management Relationship, as utilized in our Baseline survey to all CPEN employees in March, 2011:**

Together, Labor and management address issues relevant to the organization's business and mission.

Management keeps Union representatives aware of potential changes to employee's working conditions.

Management and Union representatives regularly engage in "good faith" discussions.

Please attach results of survey of pilot participants that focuses on their perceptions of the labor-management environment. *Note: Baseline survey should be conducted to more accurately assess any changes in perceptions.*

**See attached Baseline survey results from survey conducted with all Camp Pendleton employees in March, 2011.**

**Survey will be conducted again in the July/August timeframe of 2012, to determine whether desired results have been achieved from following (b)(1) bargaining.**

Department of Defense

Department of Navy, U.S. Marine Corps,

Marine Corps Logistics Command,

Maintenance Center Albany

and

American Federation of Government Employees (AFGE)

(b)(1) Pilot Project Report

*USMC- Maintenance Center Albany*

<b>Date of Report</b>	2 April 2012
<b>Agency</b>	Marine Corps Logistics Command
<b>Bureau/Division Name (if applicable)</b>	Maintenance Center Albany  Now: Marine Depot Maintenance Command  Plant Albany/Plant Barstow
<b>Address</b>	C/O: Civilian Human Resources Office Southeast  814 Radford Boulevard, Suite 20319
<b>City</b>	Albany
<b>State</b>	Georgia
<b>Zip Code</b>	31704-0319
<b>Union</b>	AFGE Local 2317      AFGE Local 1482
<b>Name(s) of lead agency representative (and contact info)</b>	Al Dervan  (229) 639-5240 DSN: 567-5240  Email: carl.dervan@usmc.mil
<b>Name(s) of lead union representative (and contact info)</b>	John Distefano      Clarence Sanchez  (229) 639-5526      (760) 256-1482  (229) 435-3800
<b>Scope of 7106(b)(1) matters agreed to be bargained</b>	Numbers and types of employees or positions assigned to any organizational subdivision, work project, or tour of duty (excluding grades), and the technology, methods, and means of performing work.
<b>Comments</b>	Have not yet discussed or bargained over technology, methods, and means of performing work.

**A. Issue Identification, Negotiations, Agreement**

In the box below, specify the topic or issue that was the subject of bargaining.

On 26 July 2010, Maintenance Center Albany and AFGE Local 2317 entered into a Memorandum of Agreement to negotiate on the numbers and types of employees or positions assigned to any organizational subdivision, work project, or tour of duty (excluding grades), and the technology, methods, and means of performing work. AFGE Council 240 and HQMC-MPC 40 approved the MOA on 25 August 2010 and the project was scheduled to begin in October 2010. In February 2011, MajGen Kessler directed that a Logistics Command Depot Maintenance Consolidation Integrated Product Team (IPT) be established with the goal of consolidating Maintenance Center Albany and Maintenance Center Barstow into a single Maintenance Command.

The IPT consisted of management, subject matter experts and representatives of AFGE Local 2317 and AFGE Local 1482. As a result of the Pilot, agreement was reached on a reorganization effort aimed at consolidating the two Logistics Command Maintenance Centers into Marine Depot Maintenance Command (MDMC), Marine Corps Logistics Command. This effort was completed through pre-decisional discussions and consensus with the AFGE Local 2317 and AFGE Local 1482, saving time and resources. The new organization was detailed in MC Bulletin 5400 and MDMC was stood-up in February 2012.

During consolidation discussions, management and the union discussed and reached consensus on the need to reduce support staff by a total of 129 billets. VERA/VSIP authority for 30 billets was granted and 15 employees accepted, resulting in a labor cost savings of approximately \$ 1,067,000 effective 31 December 2011.

Management and the union discussed and reached consensus on the location of the MDMC HQ location, to be located in Building 2200 at the Marine Corps Logistics Base Albany. This decision is expected to result in cost avoidance, increased efficiency opportunities and best use of space.

Management and the union discussed and reached consensus on a Competitive Policy and Procedures for Stand UP of MDMC dated 2 February 2012. That policy addressed the hiring and staffing flexibilities to be used to transition into the new organization, to include realignments, reassignments, merit promotion, and Internal Priority Placement Lists (IPP).

Management and the union, through the joint efforts of the IPT, reached consensus on items such as the organizational structure of the MDMC, the numbers and types of employees, including the positions assigned to the various locations. Together, they have mapped out the department structures, skill sets, numbers, and grades of employees needed for the new Program Management Department, Quality Assurance Department, and Business Operations Department (Financial functions/sub-functions first).

Management and the union, via the IPT, reached consensus on the naming of the new Command (MDMC) on adoption of a logo and on the establishment of a sharepoint site, where employees can submit questions pertaining to the consolidation for the joint Management/Labor team to answer. Management and the union also work together and reach consensus on the answers provided to the concerned employees.

Labor and Management also comprised an IPT (Integrated Process Team) and developed a

Labor and Management also worked together on the CONOPs document. The "heart" of the document was designed to introduce the new organization and the associated roles, responsibilities, skill sets required and the relationships with other organizations. High level process maps have also been completed and imported into the CONOPs document.

Labor and management are now working on an IPT focused on standardization of business and production processes to reduce depot maintenance overhead costs by 9 to 13 percent, equating to an anticipated five-year cost savings of \$40 to \$60 million. We are also currently working to compile and update all MOUs/MOAs related to HR, to include LER and all Union related agreements, to reflect the MDMC single command structure.

Maintenance Center Albany and Maintenance Center Barstow are now officially joined as one Command, the Marine Depot Maintenance Command (MDMC) and Maintenance Center Albany no longer officially exists. The original Pilot program has now evolved to impact Plant Albany and Plant Barstow, with two AFGE Locals, 1482 and 2317. Therefore, any policy or change effecting the two locations will now have to be elevated to the HQMC, MPC-40 and AFGE Council 240 level, greatly impacting our ability to continue operating the pilot program or bargaining at the local level.

Length of negotiations, from date of notification to agreement: Feb 2011 to Present

Number of hours spent on negotiations: met daily – hours not monitored

In the box below, describe the desired outcome of the bargaining/agreement:

Consolidation of Maintenance Center Albany and Maintenance Center Barstow into Marine Depot Maintenance Command. Reduction of 129 personnel.

In the box below, describe the nature and impact of the ultimate agreement:

Goal is to reduce depot maintenance overhead costs by 9 to 13 percent, equating to an anticipated five-year cost savings of \$50 to \$70 million.

In the box below, describe generally the costs and benefits of the terms of the agreement:

As of 31 December 2011, MDMC has achieved a Labor cost savings of approximately \$ 1,067,000 as a result of the joint efforts of management and the union.

**B. Mission and Service Delivery Metrics, Related to Issue(s) Identified Above**

**Category Selected** *(four required)*

**Metrics** *(at least one per category)*

**1. Internal Resource Management**

- Organizational Performance
- Management/Labor Relations
- 

**2. Costs Savings**

- Organizational Performance
- 

**3. Agility**

- Organizational Performance
- 

**4. Process/Cycle Time**

- Organizational Performance
- Management/Labor Relations

**C. Employee Satisfaction Metrics, Related to Issue(s) Identified Above**

**OPM survey questions re: employee satisfaction:**

The workforce has the job-relevant knowledge and skills necessary to accomplish organizational goals.  
My agency is successful at accomplishing its mission.  
Managers promote communication among different work units (for example, about projects, goals, needed resources).

How satisfied are you with the information you receive from management on what's going on in your organization?

**Specific questions to measure impact of change resulting from implementation of the (b)(1) agreement -- these questions should be modified depending on the nature of the subject of the (b)(1) agreement and any resulting change. In addition,**

Did the change affect you and your ability to do your work, and if so, describe with specificity how.

Is your work unit impacted in any way by the change resulting from the (b)(1) agreement? If it is, then please describe how.

**D. Labor-Management Relations Metrics, Related to Issue(s) Identified Above**

**D1. Improvements in Labor-Management Relations**

In the box below, please describe the training received by pilot participants and nature of the training:

Joint EO training

In the box below, please describe any change in the ability to resolve issues, including the number of issues addressed and resolved:

There have been no impediments to ability to resolve issues. Management and the union have been able to resolve all issues through pre-decisional involvement with consensus as the goal.

In the box below, describe any change in the general length of negotiations required to reach agreement:

Negotiations are handled in pre-decisional forums with consensus as goal. Formal negotiations have not been necessary at this time.

Please attach results of survey of pilot participants that focuses on their perceptions of the labor-management environment. *Note: Baseline survey should be conducted to more accurately assess any changes in perceptions.*

**D2. Dispute Resolution**

## Topics

1. Number and types of disputes • N/A
2. Nature of dispute resolution procedures used, e.g., mediation, arbitration • N/A
3. Number and types of disputes resolved and description of outcomes • N/A
4. Number and types of disputes not resolved and basis for failure to reach resolution • N/A

Department of Homeland Security  
Immigration and Customs Enforcement (ICE)  
and  
American Federation of Government Employees (AFGE)  
(b)(1) Pilot Project Report

# Guidance for Labor-Management 5 U.S.C. § 7106(b)(1) Pilot Metrics

## *Appendix A*

### *Template for Measuring and Reporting (b)(1) Pilots*

<b>Date of Report</b>	March 28, 2012
<b>Agency</b>	Department of Homeland Security
<b>Bureau/Division Name (if applicable)</b>	Immigration and Customs Enforcement (ICE)
<b>Address</b>	800 K Street NW
<b>City</b>	Washington
<b>State</b>	DC
<b>Zip Code</b>	20001
<b>Union</b>	American Federation of Government Employees, Local 511
<b>Name(s) of lead agency representative (and contact info)</b>	Michael Havrilesko : (202) 732-1135; <a href="mailto:Michael.Havrilesko@ice.dhs.gov">Michael.Havrilesko@ice.dhs.gov</a>
<b>Name(s) of lead union representative (and contact info)</b>	Fanny Behar-Ostrow: (305) 400-6160 Ext. 6525 <a href="mailto:Fanny.Behar-Ostrow@ice.dhs.gov">Fanny.Behar-Ostrow@ice.dhs.gov</a>
<b>Scope of 7106(b)(1) matters agreed to be bargained</b>	Technology
<b>Comments</b>	Pilot Project; Memorandum of Understanding signed February 10, 2011

#### **A. Issue Identification, Negotiations, Agreement**

In the box below, specify the topic or issue that was the subject of bargaining.

Installation of hardwired internet access for ICE attorneys at the Oakdale Executive Office of Immigration Review

(EOIR) Court in Oakdale, Louisiana
Length of negotiations, from date of notification to agreement: 3-4 weeks
Number of hours spent on negotiations: 20 hours
In the box below, describe the desired outcome of the bargaining/agreement:
The desired outcome of this agreement between ICE and AFGE, Local 511 was to increase employee satisfaction as well as increase efficiencies in the use of technology in the Oakdale Courtroom.
In the box below, describe the nature and impact of the ultimate agreement:
ICE installed hardwired internet access ports for use by six (6) Agency employees including members of the bargaining unit in order to securely access the internet at Oakdale EOIR court.
In the box below, describe generally the costs and benefits of the terms of the agreement:
Installation of hardwired internet access cost ICE less than \$20,000 and increased time savings for employees. An estimated one hour per employee per day is saved by having this new technology available to employees.

**B. Mission and Service Delivery Metrics, Related to Issue(s) Identified Above**

**Category Selected** *(four required)*

**Metrics** *(at least one per category)*

**1. Process / Cycle Time**

- Provide more timely responses for information during legal proceedings
  - 100% fully agree that reliable access to both internet and intranet (hardwire access to network) at the Oakdale Court has lead to increased efficiencies in either moving the docket or completion of assigned tasks.

**2. Problem Resolution**

- Provide secure, reliable internet connection to ICE employees
  - ICE ensured the security of the internet connection in the courtroom and proper configuration of employee laptop ports to support this effort. The pilot replaced an often unreliable VPN token / air card system access process with an internet connection that is faster and more consistently available. All pilot participants agreed that the use of hardwired internet access is more efficient than the previous methods used (i.e. VPN Token / Air Card).

**3. Cost Savings / ROI**

- Increase efficiency of work hours
  - An average of one hour per employee per day is saved with use of this new hardwired solution.

**4. General Outcomes**

- Overall positive impact on completion of job duties
  - All pilot participants indicated that the use of hardwired access to the network had an overall positive impact on their ability to complete their job.

**C. Employee Satisfaction Metrics, Related to Issue(s) Identified Above**

**OPM survey questions re: employee satisfaction:**

The workforce has the job-relevant knowledge and skills necessary to accomplish organizational goals.  
My agency is successful at accomplishing its mission.  
Managers promote communication among different work units (for example, about projects, goals, needed resources).

How satisfied are you with the information you receive from management on what's going on in your organization?

**1: Do you believe the use of hardwire access to the network had an overall positive impact on your ability to complete your job?**

**(Respondents could only choose a single response)**

Response	Chart	Frequency	Count
Yes		100.0%	5
No		0.0%	0
		Valid Responses	5

**Specific questions to measure impact of change resulting from implementation of the (b)(1) agreement -- these questions should be modified depending on the nature of the subject of the (b)(1) agreement and any resulting change. In addition,**

Did the change affect you and your ability to do your work, and if so, describe with specificity how.

**Yes, 100% of participants indicated that they believe the use of hardwire access to the network had an overall positive impact on their ability to complete their job. The majority or all participants agree that:**

- reliable access to both internet and intranet (hardwire access to network) at the Oakdale Court has lead to increased efficiencies in either moving the docket or completion of assigned tasks
- hardwire internet reduced loss of time to prepare for a case
- hardwire internet reduced the number of longer work days
- hardwire internet reduced the need for additional research back at the office

**Please see attached post pilot survey results for additional information.**

Is your work unit impacted in any way by the change resulting from the (b)(1) agreement? If it is, then please describe

how.

**Feedback from pilot participants indicates that the pilot resulted in an increase in effectiveness, an increase in mission accomplishment, more effective advocacy on behalf of the United States and a safer and more secure community free from the presence of criminal aliens.**

**D. Labor-Management Relations Metrics, Related to Issue(s) Identified Above**

**D1. Improvements in Labor-Management Relations**

In the box below, please describe the training received by pilot participants and nature of the training:

AFGE, Local 511 and management representative received classroom training called “Labor Forum Training” conducted by FLRA/FMCS.

In the box below, please describe any change in the ability to resolve issues, including the number of issues addressed and resolved:

ICE and AFGE, Local 511 agreed to attempt a pilot that was relatively easy to agree upon for both parties. Ultimately the Union was able to feel comfortable with the prospects that ICE did indeed have an superseding operational/Mission interest it was advancing in good faith to see if funding and effort required for hardwiring courtrooms would have a reasonable payback. The Agency objectives most likely met the charter goals of supporting improved labor/management relations, crafting solutions to better serve the ICE mission, and increased work for satisfaction.

In the box below, describe any change in the general length of negotiations required to reach agreement:

Usually, a negotiation for a traditional change bargain takes about 2-3 months to come to an agreement. The timeframe for this pilot was 21 days.

The Union Official involved were very satisfied that the b(1) pilot negotiations were efficient and collaborative. The Union VP’s comments were, **“Mission accomplished-job well done.”**

Please attach results of survey of pilot participants that focuses on their perceptions of the labor-management environment. *Note: Baseline survey should be conducted to more accurately assess any changes in perceptions.*

**Topics**

- 1. Number and types of disputes • N/A
- 2. Nature of dispute resolution procedures used, e.g., mediation, arbitration • N/A

- 3. Number and types of disputes resolved and description of outcomes • N/A
- 4. Number and types of disputes not resolved and basis for failure to reach resolution • N/A

**D2. Dispute Resolution**

# Labor Relations OPLA Oakdale Survey

Date: 3/28/2012

Total number of responses collected: 6

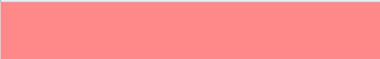
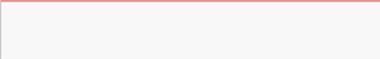
**1:** Do you believe the use of hardwire access to the network had an overall positive impact on your ability to complete your job?

(Respondents could only choose a **single** response)

Response	Chart	Frequency	Count
Yes		100.0%	5
No		0.0%	0
		Valid Responses	5
		Total Responses	5

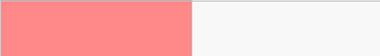
**2:** Do you believe the use of hardwire internet access is more efficient than the previous methods used (i.e. VPN Token / Air Card)?

(Respondents could only choose a **single** response)

Response	Chart	Frequency	Count
Yes		100.0%	5
No		0.0%	0
		Valid Responses	5
		Total Responses	5

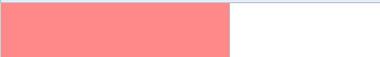
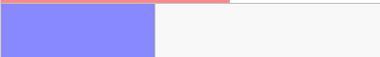
**3: Are you satisfied with your involvement in decisions that affect your work?**

(Respondents could only choose a **single** response)

Response	Chart	Frequency	Count
<b>Yes</b>		<b>50.0%</b>	<b>2</b>
<b>No</b>		<b>50.0%</b>	<b>2</b>
Not Answered			1
		<b>Valid Responses</b>	<b>4</b>
		<b>Total Responses</b>	<b>5</b>

**4: Do you feel encouraged to come up with new and better ways of doing things?**

(Respondents could only choose a **single** response)

Response	Chart	Frequency	Count
<b>Yes</b>		<b>60.0%</b>	<b>3</b>
No		40.0%	2
		<b>Valid Responses</b>	<b>5</b>
		<b>Total Responses</b>	<b>5</b>

**5. On a scale of 1 to 5 (1 being I fully agree, 5 being I don't agree at all): Do you believe that hardwire access has improved the time spent researching court precedent or finishing other assigned tasks?**

(Respondents could only choose a **single** response)

Response	Chart	Frequency	Count
<b>1 (fully agree)</b>		<b>80.0%</b>	<b>4</b>
2		0.0%	0
3		20.0%	1
4		0.0%	0

5 (don't agree at all)		0.0%	0
		<b>Valid Responses</b>	<b>5</b>
		<b>Total Responses</b>	<b>5</b>

**6. On a scale of 1 to 5 (1 being I fully agree, 5 being I don't agree at all):** Do you believe that reliable access to both internet and intranet (hardwire access to network) at the Oakdale Court has lead to increased efficiencies in either moving the docket or completion of assigned tasks?

(Respondents could only choose a **single** response)

Response	Chart	Frequency	Count
<b>1 (fully agree)</b>		<b>100.0%</b>	<b>5</b>
2		0.0%	0
3		0.0%	0
4		0.0%	0
5 (don't agree at all)		0.0%	0
		<b>Valid Responses</b>	<b>5</b>
		<b>Total Responses</b>	<b>5</b>

**7:** In your opinion has hardwire internet reduced delays in getting information from either the internet or intranet?

(Respondents could only choose a **single** response)

Response	Chart	Frequency	Count
<b>Yes</b>		<b>100.0%</b>	<b>5</b>
No		0.0%	0
		<b>Valid Responses</b>	<b>5</b>
		<b>Total Responses</b>	<b>5</b>

**8:** In your opinion has hardwire internet reduced loss of time to prepare for a case?

(Respondents could only choose a **single** response)

Response	Chart	Frequency	Count
<b>Yes</b>		<b>100.0%</b>	<b>5</b>
No		0.0%	0

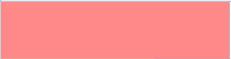
	<b>Valid Responses</b>	<b>5</b>
	<b>Total Responses</b>	<b>5</b>

**9:** In your opinion has hardwire internet reduced the number of longer work days?  
 (Respondents could only choose a **single** response)

Response	Chart	Frequency	Count
<b>Yes</b>		<b>75.0%</b>	<b>3</b>
No		25.0%	1
Not Answered			1
		<b>Valid Responses</b>	<b>4</b>
		<b>Total Responses</b>	<b>5</b>

**10:** In your opinion has hardwire internet reduced the need for additional research back at the office?

(Respondents could only choose a **single** response)

Response	Chart	Frequency	Count
<b>Yes</b>		<b>60.0%</b>	<b>3</b>
No		40.0%	2
		<b>Valid Responses</b>	<b>5</b>
		<b>Total Responses</b>	<b>5</b>

**11:** In your opinion has hardwire internet reduced the number of outcomes that may be adverse to the Government?

(Respondents could only choose a **single** response)

Response	Chart	Frequency	Count
<b>Yes</b>		<b>60.0%</b>	<b>3</b>
No		40.0%	2
		<b>Valid Responses</b>	<b>5</b>
		<b>Total Responses</b>	<b>5</b>

**12:** Do you believe access to any additional equipment/technology available in the court room would improve the process or lead to increased efficiencies in the completion of your assigned tasks? If so, please describe or explain.

<b>Response</b>
If we could have the ERO printer added to our computer printer options so that we could send documents to the printer rather than running to make copies. Also, if we could have printers in Jena and Adams County (the facilities that we hold televideo deportation hearings from the Oakdale court) added to our computer printer options so that documents that respondents need can be printed right then (in the case that they were not previously sent, or were lost in transmission, etc). Also sometimes, in court a trial attorney may find a document in the Afile that should be submitted to the court but copies have not been made in advance, if we had a scanner in the court room we could quickly scan the document and print it out on the ERO printer and also have it printed in Jena or Adams County for the respondent, rather than having to seek a continuance in order to get copies and submit them later.
printer and fax machine
Attached scanners to read GEMS bar codes to input GEMS phrases in event notes.
<b>Total Responses:</b> 3
<b>Displaying 1-3 of 3</b>

Department of Homeland Security  
Federal Emergency Management Agency (FEMA)  
and  
American Federation of Government Employees (AFGE)  
(b)(1) Pilot Project Report

**FEMA**

**Template for metrics submission from LMPC Forum**

<b>Date of Report</b>	March 30, 2012
<b>Agency</b>	Department of Homeland Security (DHS)
<b>Bureau/Division Name (if applicable)</b>	Federal Emergency Management Agency (FEMA)
<b>Address</b>	500 C Street, SW
<b>City</b>	Washington
<b>State</b>	DC
<b>Zip Code</b>	20472
<b>Union</b>	AFGE (9 locals): Local 4060; Local 1754; Local 1983; Local 2203; Local 304; Local 3836; Local 603; Local 4059; Local 1202
<b>Forum Recognition Level (local, regional, other)</b>	Agency
<b>Name(s) of lead agency representative (and contact info)</b>	Ron Face, Chair, FEMA Labor Management Partnership Council (LMPC), <a href="mailto:ron.face@dhs.gov">ron.face@dhs.gov</a> .



<p>Reduce Agency Funding for Equipment (technology).</p>	<p>Eliminate excess equipment/inventory</p>	<p>Cost Savings/ROI</p>	<ul style="list-style-type: none"> <li>• Funding spent on technology equipment (FY 2011)</li> <li>• Track Labor-Management pre-decisional input with respect to types of equipment selected</li> <li>• Survey Employees. Q. How satisfied are you with the resources/supplies needed to do your job (technology equipment)?</li> </ul>	<ul style="list-style-type: none"> <li>• Decrease spending by 30%- <b>Metric Target Met</b></li> <li>• <b>Metric Target Met</b></li> <li>• Score 70% positive response- <b>Metric Target Not Met</b></li> </ul>	<ul style="list-style-type: none"> <li>• Original lines of services 49,826 now decreased to 24,151. This is a 48.4% decrease in lines of service. Savings of over \$10 million dollars. Project is still ongoing and exact number will not be known until project is complete</li> <li>• LMPC workgroup identified to work with IT on the 1-1-1 project, and the group has made a collaborative partnership to decide on types and specifications of equipment to be used for the 1-1-1 Program.</li> <li>• 1,094 PFTs and CORE employees took this survey. The survey showed 42.7% satisfied/positive response with their technology equipment and 49.2% not satisfied and 8.1% N/A. This is 27% less than the targeted result. We believe that our short survey deadline of 5 days didn't allow enough time for all employees to take the survey or understand the survey. We will put the same question out once the 1-1-1 initiative is complete.</li> </ul>
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Develop Employee Accommodations for Daily Transporting of Equipment	Issuance of agency guidelines for carrying cases or other accommodations for transporting equipment (as a result of 1-1-1 project)	Agility	<ul style="list-style-type: none"> <li>• Number of days it takes to decide on guidance/policy</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Metric Target Met</b></li> </ul>	<ul style="list-style-type: none"> <li>• Labor Representatives have actively worked with the CIO and Human Capital office on a Work group to decide accommodations to transport equipment. It was decided in collaboration with the Labor representatives on the workgroup that each transporting device would be on a case by case basis. Employees could notify their supervisor that they need a special transport device such as a rolling bag and it would be accommodated. 10 business days is now given to review all policies.</li> </ul>
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Length of negotiations, from date of notification to agreement: Policy is jointly developed by the union and management. Management and the Union develop policy jointly for 10 business days, two work weeks.

Number of hours spent on negotiations: Policy is jointly developed for 80 hours.

In the box below, describe the desired outcome of the bargaining/agreement:

The LMPC desired outcome is to jointly frame policy to speed up the process of getting policy implemented and improve employee morale within the agency.

In the box below, describe the nature and impact of the ultimate agreement:

The nature of the agreement is to have the unions and management work together to form policy together which allows a faster transition in implementing policy. Jointly crafting policies allows the agency to implement policy with the limited need to negotiate formal outcomes based on pre-decisional involvement. This increases ownership of policies by both Labor and Management.

In the box below, describe generally the costs and benefits of the terms of the agreement:

The costs associated with LMPC involve additional manpower, and agency travel related costs. Benefits outweigh costs, based on reduced third party involvement; time in getting policies implemented is faster, less grievances and arbitrations, and ULP's. Better employee involvement in having a stake of ownership in the agency. As a stake holder the unions are involved in policy development. Morale is increased as the employees feel involved in collaboration in developing work place conditions.

**F. Mission and Service Delivery Metrics, Related to Issue(s) Identified Above**

<b>Category Selected</b> <i>(four required)</i>	<b>Metrics</b> <i>(at least one per category)</i>
<b>1. Telework</b>	Results reported above
<b>2. Equipment innovation satisfaction</b>	• Results reported above
<b>3. Employee Accommodations for Equipment</b>	• Results reported above
<b>4. Cost Containment on equipment</b>	• Results reported above

**G. Employee Satisfaction Metrics, Related to Issue(s) Identified Above**

**OPM survey questions re: employee satisfaction:**

The workforce has the job-relevant knowledge and skills necessary to accomplish organizational goals.  
My agency is successful at accomplishing its mission. Not measured during this reporting period.  
Managers promote communication among different work units (for example, about projects, goals, needed resources).

Increased communication with unions is evident with open dialogue, and monthly communication on issues.

How satisfied are you with the information you receive from management on what's going on in your organization?

Not measured during this reporting period.

**Specific questions to measure impact of change resulting from implementation of the (b)(1) agreement -- these questions should be modified depending on the nature of the subject of the (b)(1) agreement and any resulting change. In addition,**

Did the change affect you and your ability to do your work, and if so, describe with specificity how.

The, clarification of policy issues before challenges develop on negotiability and or impasse speed up the policy delivery.

Is your work unit impacted in any way by the change resulting from the (b)(1) agreement? If it is, then please describe how. Yes, policy work groups assist in faster delivery of information and policy development.

**H. Labor-Management Relations Metrics, Related to Issue(s) Identified Above**

**D1. Improvements in Labor-Management Relations**

In the box below, please describe the training received by pilot participants and nature of the training:

**LMPC meets monthly telephonically and quarterly in person. Subject matter experts provide training and or information as needed.**

In the box below, please describe any change in the ability to resolve issues, including the number of issues addressed and resolved: Monthly issues are solved to include policy questions.

In the box below, describe any change in the general length of negotiations required to reach agreement:

No t measured during this period.

Please attach results of survey of pilot participants that focuses on their perceptions of the labor-management environment. *Note: Baseline survey should be conducted to more accurately assess any changes in perceptions.*

## **D2. Dispute Resolution**

<b>Topics</b>	No disputes, no baseline to provide.
5. Number and types of disputes	•
6. Nature of dispute resolution procedures used, e.g., mediation, arbitration	•
7. Number and types of disputes resolved and description of outcomes	•
8. Number and types of disputes not resolved and basis for failure to reach resolution	•

Department of Labor  
Occupational Safety and Health Administration (OSHA)  
and  
American Federation of Government Employees (AFGE)  
(b)(1) Pilot Project Report

*Metrics Report from DOL (b)(1) Pilot Project  
To  
National Council for Federal Labor-Management Relations*

**I. Issue Identification, Negotiations, Agreement**

<b>Date of Report</b>	March 22, 2012
<b>Agency</b>	Department of Labor
<b>Bureau/Division Name (if applicable)</b>	Occupational Safety and Health Administration (OSHA)
<b>Address</b>	200 Constitution Avenue, NW
<b>City</b>	Washington
<b>State</b>	DC
<b>Zip Code</b>	20210
<b>Union</b>	National Council of Field Labor Locals (NCFLL) AFGE, AFL-CIO
<b>Name(s) of lead agency representative (and contact info)</b>	Dean Ikeda, 206-757-6681, <a href="mailto:Ikeda.dean@dol.gov">Ikeda.dean@dol.gov</a> Gail Hudspeth, 415-625-2521, <a href="mailto:Hudspeth.gail@dol.gov">Hudspeth.gail@dol.gov</a> Robert Kulick, 212-337-2378, <a href="mailto:Kulick.Robert@dol.gov">Kulick.Robert@dol.gov</a>
<b>Name(s) of lead union representative (and contact info)</b>	Mike England, 303-844-7021, <a href="mailto:England.Michael@dol.gov">England.Michael@dol.gov</a> Nancy Nolan, 315-448-0624, <a href="mailto:Nolan.Nancy@dol.gov">Nolan.Nancy@dol.gov</a> Carol Bates, 978-837-4459, <a href="mailto:Bates.Carol@dol.gov">Bates.Carol@dol.gov</a>
<b>Scope of 7106(b)(1) matters agreed to be bargained</b>	Development of an OSHA Safety and Health Management System (SHMS) Manual
<b>Comments</b>	None

In the box below, specify the topic or issue that was the subject of bargaining.
The parties agreed to mutually discuss all aspects of the development of the National SHMS Manual – the tenets of which are “Management Commitment, Leadership, Employee Participation, Worksite Analysis, Hazard Prevention and Control and Safety and Health Training.”
Length of negotiations, from date of notification to agreement: The parties formal discussions commenced on 9/10 November 2010 and went on until May 2011. The parties signed a Memorandum of Understanding on May 25, 2011.
Number of hours spent on negotiations: The parties have spent a total of 41 hours.
In the box below, describe the desired outcome of the bargaining/agreement:
The parties had built upon their mutual trust and concern for OSHA employees, who are enforcing occupational safety and health standards throughout America by implementing the SHMS Manual within OSHA.
In the box below, describe the nature and impact of the ultimate agreement:
Upon implementation, the SHMS Manual will promote a safer and more productive work environment for OSHA employees through consistent application and coordination of various OSHA safety and health programs.
In the box below, describe generally the costs and benefits of the terms of the agreement:
Some costs of implementing the SHMS Manual include: time to create the content, necessary training for

OSHA employees, and time for compliance. Some benefits of implementing the SHMS Manual include: credibility in application of OSHA standards to OSHA employees, increased awareness of safety standards in the OSHA workplace, and a decrease of OSHA workplace injuries.

**J. Mission and Service Delivery Metrics, Related to Issue(s) Identified Above**

<b>Category Selected</b> <i>(four required)</i>	<b>Metrics</b> <i>(at least one per category)</i>	<b>Results</b>
1. Specific Outcome	Number of OSHA employees trained on the SHMS Manual	Training is in progress. Four out of ten Regions have trained all of their employees. The remaining are in progress and are on target to have all employees fully trained by September 30, 2012.
2. Agility	Number of days from SHMS formal agreement to implementation for each OSHA region.	All regions are actively implementing the SHMS program resulting from the SHMS formal agreement.
3. Cost Savings / ROI	Decrease in number of job injuries reported in OSHA	The data is not available at this time.
4. Internal Resource Management	Number of contributions to OSHA internal Wiki on SHMS Manual	There has been a modification to this metric. It was decided that OSHA would not create a WIKI. Instead, OSHA created a "mailbox" in the SHMS webpage, where employees can post their questions. The webpage went live in January 2012. To date, no questions have been received.

**K. Employee Satisfaction Metrics, Related to Issue(s) Identified Above**

<b>OPM Employee Viewpoint Survey questions re: employee satisfaction:</b>	<b>2011 Results</b>
Q#29: The workforce has the job-relevant knowledge and skills necessary to accomplish organizational goals.	73.0% positive 14.8% neutral 12.2% negative
Q#35: Employees are protected from health and safety hazards on the job.	82.6% positive 10.8% neutral 6.6% negative
Q#39: My agency is successful at accomplishing its mission.	78.1% positive 14.6% neutral 7.3% negative
Q#58: Managers promote communication among different work units (for example, about projects, goals, and needed resources).	52.0% positive 21.4% neutral 26.6% negative
Q#64: How satisfied are you with the information you receive from management on what's going on in your organization?	51.1% positive 23.7% neutral 25.3% negative

**L. Labor-Management Relations Metrics, Related to Issue(s) Identified Above**

### D1. Improvements in Labor-Management Relations

In the box below, please describe the training received by pilot participants and nature of the training:	Results
The majority of the participants received training from the Federal Labor Relations Authority (FLRA) pursuant to Executive Order 13522 and all are experienced managers and union officials well versed in mid-term bargaining.	N/A
In the box below, please describe any change in the ability to resolve issues, including the number of issues addressed and resolved:	
In lieu of traditional bargaining over impact and implementation, Union and Management approached this permissive bargaining cooperatively with a focus on expediting the development and implementation of the SHMS Manual. As a result of this permissive bargaining the parties were able to resolve more than forty-five (45) issues of contention.	The cooperative process set in the initial forum has allowed a continued expansion and improvement in the original document in an expedited manner.
In the box below, describe any change in the general length of negotiations required to reach agreement:	
Final agreement is pending on the SHMS Manual, but historical traditional bargaining has required about five workdays for each of the twenty-six (26) programs included in the SHMS Manual for a total of one hundred and thirty (130) workdays of bargaining. The parties project a saving of approximately one hundred and twenty (120) days of negotiations if the individual components of the SHMS Manual were bargained under normal impact and implementation bargaining under the parties' collective bargaining agreement. Because the parties are geographically dispersed throughout America, this permissive bargaining pilot also saved significant costs from travel per diem.	Although the parties have been engaged on this issue for many years, bargaining was held in two cities over a period of approximately 5 days. Ultimately, this approach saved the Department 125 days of bargaining.
Please attach results of survey of pilot participants that focuses on their perceptions of the labor-management environment. The parties are developing a joint baseline survey to be sent to all union and management officials in DOL with a focus on measuring perceptions of the labor-management environment. This survey will also be sent separately to all of the pilot participants for reporting of their results separately for this permissive bargaining pilot. A copy of this survey is available if needed.	Survey still in development.

### D2. Dispute Resolution

Topics	
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9. Number and types of disputes	As mentioned in section D1 above, there were more than forty-five 45 contentious issues over the language of the SHMS Manual.
10. Nature of dispute resolution procedures used, e.g., mediation, arbitration	All disputes were resolved through a consensus of opinions.
11. Number and types of disputes resolved and description of outcomes	As mentioned above, all 45 issues were resolved through a consensus and the outcome has been very favorable.
12. Number and types of disputes not resolved and basis for failure to reach resolution	No disputes remain unresolved at this juncture.

Department of Labor  
Office of Labor-Management Standards (OLMS)  
and  
National Union of Labor Investigators (NULI)  
(b)(1) Pilot Project Report

**Metrics Report from DOL/OLMS (b)(1) Pilot Project  
National Council for Federal Labor-Management Relations**

**A. Issue Identification, Negotiations, Agreement**

<b>Date of Report</b>	March 31, 2012
<b>Agency</b>	Department of Labor
<b>Bureau/Division Name (if applicable)</b>	Office of Labor-Management Standards (OLMS)
<b>Address</b>	200 Constitution Avenue, NW
<b>City</b>	Washington
<b>State</b>	DC
<b>Zip Code</b>	20210
<b>Union</b>	National Union of Labor Investigators (NULI)
<b>Name(s) of lead agency representative (and contact info)</b>	Stephen Willertz (202) 693-1182 <a href="mailto:Willertz.Stephen@dol.gov">Willertz.Stephen@dol.gov</a>
<b>Name(s) of lead union representative (and contact info)</b>	Shamus McGee Chicago District Office Room: 774, Federal Office Building 230 South Dearborn Street Chicago, IL 60604 <a href="mailto:McGee.Shamus@dol.gov">McGee.Shamus@dol.gov</a> 312-596-7264
<b>Scope of 7106(b)(1) matters agreed to be bargained</b>	Jointly revised operating policies and procedures and operations manual for investigators and developed training for implementation.
<b>Comments</b>	None

In the box below, specify the topic or issue that was the subject of bargaining.
Recent changes in Federal court rules for preserving electronic evidence required OLMS management to review its internal policies and procedures for document retention in investigations. After notifying NULI of its intent to revise internal policies and procedures, it was decided to launch a (b)(1) pilot project by adding NULI members to the working-group membership.
Length of negotiations, from date of notification to agreement: The parties were able to jointly revise the operating policies and procedures in less than 12 months.
Number of hours spent on negotiations: The parties have spent approximately 20 hours working together on this project, to date.
In the box below, describe the desired outcome of the bargaining/agreement:
The parties desired to expedite the rewrite of the operating policies and procedures and the operations manual for its implementation in a way that meets the requirements of the Federal court rules while minimizing the impact to the investigators and productivity.
In the box below, describe the nature and impact of the ultimate agreement:
Upon implementation, the revised operating policies and procedures and operations manual met the standards for adversarial discovery imposed upon investigators and prosecutors. By instituting a swift operational change, OLMS and NULI increased the quality and evidentiary foundation of their investigations referred by DOL to the Department of Justice for prosecution and civil court action.
In the box below, describe generally the costs and benefits of the terms of the agreement:
Some costs of implementing the revised operating policies and procedures and operations manual include: time to rewrite the content, necessary training for OLMS employees, and time to save and store electronic files. Some benefits of implementing the revised operations manual include: compliance with Federal discovery rules and stronger, better-documented cases referred by DOL to DOJ for prosecution and civil court action.

**B. Mission and Service Delivery Metrics, Related to Issue(s) Identified Above**

<b>Category Selected</b> ( <i>four required</i> )	<b>Metrics</b> ( <i>at least one per category</i> )	<b>Baseline</b>	<b>Results</b>
		04/01/2010 to 03/30/2011	04/01/2011 to 03/30/2012
1. Specific Outcome	Percent of cases for which an electronic case file is properly maintained on the agency network share drive.	< 5%	68.43%
2. Error Rate / Quality	Percent of reviewed district offices rated unsatisfactory (red or yellow) in the area of case file maintenance in district office inspections.	45%	25%
3. Internal Resource Management	Percent of employees that are satisfied or very satisfied with the training received in the implementation of the revised operating policies and procedures.	N/A	85%
4. Other	Percentage of cases returned to OLMS from Solicitor's Office (SOL) or Department of Justice (DOJ) due to failure to comply with new discovery procedures.	N/A	0

**C. Employee Satisfaction Metrics, Related to Issue(s) Identified Above**

<b>OPM Employee Viewpoint Survey questions re: employee satisfaction:</b>	<b>Baseline<sup>1</sup></b>	<b>Results</b>
Increase in OLMS results for OPM Employee Viewpoint Survey (EVS) Q#29: The workforce has the job-relevant knowledge and skills necessary to accomplish organizational goals.	70% positive 17% negative	72% positive 14% negative
Increase in OLMS results for EVS Q#39: My agency is successful at accomplishing its mission.	78% positive 4% negative	86% positive 5% negative
Increase in OLMS results for EVS Q#58: Managers promote communication among different work units (for example, about projects, goals, and needed resources).	51% positive 28% negative	61% positive 19% negative
Increase in OLMS results for EVS Q#64: How satisfied are you with the information you receive from management on what's going on in your organization?	35% positive 54% negative	48% positive 28% negative

<sup>1</sup> The baseline uses the EVS 2010 data. The results reflect the 2011 EVS data.

**D. Labor-Management Relations Metrics, Related to Issue(s) Identified Above**

**D1. Improvements in Labor-Management Relations**

In the box below, please describe the training received by pilot participants and nature of the training:	Baseline	Results
None of the participants received training on Executive Order 13522, but all are experienced managers and NULI investigators/representatives well versed in labor management relations.	No training	On September 15, 2011, NULI and OLMS have agreed that, should the parties engage in another EO 13522 project, that all parties will undertake training.
In the box below, please describe any change in the ability to resolve issues, including the number of issues addressed and resolved:		
In lieu of traditional bargaining over impact and implementation, Union and Management approached this permissive bargaining cooperatively with a focus on expediting the revision of operating policies and procedures and of the operations manual and the implementation. As a result of this permissive bargaining, the parties were able to resolve several issues of contention.	N/A	OLMS and NULI resolved all areas of contention.
In the box below, describe any change in the general length of negotiations required to reach agreement:		
Traditional I&I bargaining would last approximately 40 hours. Under this item, negotiations lasted approximately 25 hours.	40	25
Please attach results of survey of pilot participants that focuses on their perceptions of the labor-management environment.		
The parties are developing a joint baseline survey to be sent to all union and management officials in OLMS with a focus on measuring their perceptions of the labor-management environment. This survey will also be sent separately to all of the pilot participants for reporting of their results separately for this permissive bargaining pilot. A copy of this survey is available if needed.	N/A	Results are attached.

**D2. Dispute Resolution**

Topics	
13. Number and types of disputes	There were no disputes among the parties requiring anything more than continued negotiation and discussion.

14. Nature of dispute resolution procedures used, e.g., mediation, arbitration	N/A
15. Number and types of disputes resolved and description of outcomes	N/A
16. Number and types of disputes not resolved and basis for failure to reach resolution	N/A

Survey results  
Office of Labor-Management Standards and National Union of Labor Investigators  
(b)(1) Pilot Project: Document Retention Policy

Introduction: An anonymous, on-line survey was administered March 28, 2012, to all OLMS managers, NULI stewards and officers and participants in the (b)(1) pilot programs a total of 66 possible participants. Sixty individuals responded, 32 from the union and 28 from management, a response rate of 91%. The survey first elicited categorical responses to two questions regarding the document retention project, one concerning the process utilized and the second concerning the outcome; participants were asked to select from one of the following six choices: strongly disagree, disagree, neither disagree nor agree, agree, strongly agree or don't know. An open-ended question then sought comment on any specific recommendations or comments regarding improvements in the process used or the outcome arrived at.

The second part of the survey used five labor relations climate survey measures which were also used in an OLMS-wide employee engagement survey in early fall 2009. These measures utilized the same response scale as the first two described above and an open-ended question asking for additional comment on labor relations climate between NULI and OLMS management. The data is presented in absolute (actual numbers) and relative (proportions).

This report first presents the data on the first two categorical responses in the aggregate. Next, the results of the five labor relations climate survey are presented, first in the aggregate by union-management status, and then as compared with the 2009 survey results for each of the five identical questions.

While proportional responses on questions to individual questions differ between union and management respondents, overall a majority of respondents believe the process used by the document retention team was appropriate to the task and are satisfied with the outcome. With regards to the labor relations climate measures, overall, there is considerable evidence of a positive shift in labor relations climate, although perceptions differ somewhat between union and management respondents.

**Figure 1: Aggregate responses to first two questions, actual and relative**

Response	Q1: Process was appropriate Actual	Q2: Satisfaction with outcome Actual	Q1 %	Q2 %
Strongly Disagree	3	2	5.0%	3.3%
Disagree	4	10	6.7%	16.7%
Neither Agree nor Disagree	9	12	15.0%	20.0%
Agree	21	17	35.0%	28.3%
Strongly Agree	12	17	20.0%	28.3%
Don't know	11	2	18.3%	3.3%
Total	60	60	100.0%	100.0%

While responses differ in proportional terms between union and management respondents, taken together, a clear majority (55%) agreed or strongly agreed that the process used by the document retention project team was appropriate, with 11.7% expressing disagreement or strong disagreement. Concerning satisfaction with the

outcome, a similar majority agreed or strongly agreed with a slightly larger percentage (20%) expressing disagreement or strong disagreement.

**Figure 2: Aggregate responses to Q4 by union-management status**

<b>The union and management work well Together</b>	<b>SD</b>	<b>D</b>	<b>N</b>	<b>A</b>	<b>SA</b>
Union Actual	2	13	9	7	1
Mgt Actual	0	3	4	14	7
Union Pct	6.3%	40.6%	28.1%	21.9%	3.1%
Mgt Pct	0.0%	10.7%	14.3%	50.0%	25.0%
Total percent	3.3%	26.7%	21.7%	35.0%	13.3%

**Figure 3: Aggregate responses to Q5 by union-management status**

<b>The union and management are opposed to each other</b>	<b>SD</b>	<b>D</b>	<b>N</b>	<b>A</b>	<b>SA</b>
Union Actual	2	8	9	11	2
Mgt Actual	4	12	9	3	0
Union Pct	6.3%	25.0%	28.1%	34.4%	6.3%
Mgt Pct	14.3%	42.9%	32.1%	10.7%	0.0%
Total percent	10.0%	33.3%	30.0%	23.3%	3.3%

**Figure 4: Aggregate responses to Q6 by union-management status**

<b>The way union and management deal With each other needs to be greatly Improved</b>	<b>SD</b>	<b>D</b>	<b>N</b>	<b>A</b>	<b>SA</b>
Union Actual	2	6	7	8	9
Mgt Actual	1	15	8	4	0
Union Pct	6.3%	18.8%	21.9%	25.0%	28.1%
Mgt Pct	3.6%	53.6%	28.6%	14.3%	0.0%
Total percent	5.0%	35.0%	25.0%	20.0%	15.0%

**Figure 5: Aggregate responses to Q7 by union-management status**

<b>The union and management try to reach the same goals</b>	<b>SD</b>	<b>D</b>	<b>N</b>	<b>A</b>	<b>SA</b>
Union Actual	4	13	8	7	0
Mgt Actual	0	3	6	14	5
Union Pct	12.5%	40.6%	25.0%	21.9%	0.0%
Mgt Pct	0.0%	10.7%	21.4%	50.0%	17.9%
Total percent	6.7%	26.7%	23.3%	35.0%	8.3%

**Figure 6: Aggregate responses to Q8 by union-management status**

<b>Both the union and management people try to make this a better place to work</b>	<b>SD</b>	<b>D</b>	<b>N</b>	<b>A</b>	<b>SA</b>
Union Actual	4	8	6	10	4
Mgt Actual	0	2	1	16	9
Union Pct	12.5%	25.0%	18.8%	31.3%	12.5%
Mgt Pct	0.0%	7.1%	3.6%	57.1%	32.1%
Total percent	6.7%	16.7%	11.7%	43.3%	21.7%

While union and management respondents differed somewhat on their proportional responses to the five labor relations climate questions, in the aggregate, slightly less than half agreed or strongly agreed (48.3%) that the union and management work well together; a slightly smaller percent (43.3%) agreed or strongly agreed that the union and management try to reach the same goals. However, nearly two-thirds (65%) agreed or strongly agreed that both the union and management people try to make this a better place to work. Finally, while 35% agree or strongly agree that the parties need to greatly improve the way they deal with each other, 40% disagree or strongly disagree. By the same token, 43.3% disagree or strongly disagree with the statement that the union and management are opposed to each other while 26.6% agree or strongly disagree.

**Figure 7: Comparison of 2012 versus 2009 responses to Q4**

<b>The union and management work well Together</b>	<b>SD</b>	<b>D</b>	<b>N</b>	<b>A</b>	<b>SA</b>	<b>Total</b>
2009 actual	16	23	46	41	7	133
2012 actual	2	16	13	21	8	60
2009 percent	12.0%	17.3%	34.6%	30.8%	5.3%	
2012 percent	3.3%	26.7%	21.7%	35.0%	13.3%	

**Figure 8: Comparison of 2012 versus 2009 responses to Q5**

<b>The union and management are opposed to each other</b>	<b>SD</b>	<b>D</b>	<b>N</b>	<b>A</b>	<b>SA</b>
2009 actual	11	29	61	23	8
2012 actual	6	20	18	14	2
2009 percent	8.3%	22.0%	46.2%	17.4%	6.1%
2012 percent	10.0%	33.3%	30.0%	23.3%	3.3%

**Figure 9: Comparison of 2012 versus 2009 responses to Q6**

<b>The way union and management deal With each other needs to be greatly Improved</b>	<b>SD</b>	<b>D</b>	<b>N</b>	<b>A</b>	<b>SA</b>
2009 actual	7	23	46	35	22
2012 actual	3	21	15	12	9
2009 percent	5.3%	17.3%	34.6%	26.3%	16.5%
2012 percent	5.0%	35.0%	25.0%	20.0%	15.0%

**Figure 10: Comparison of 2012 versus 2009 responses to Q7**

<b>The union and management try to reach the same goals</b>	<b>SD</b>	<b>D</b>	<b>N</b>	<b>A</b>	<b>SA</b>
2009 actual	15	29	53	34	2
2012 actual	4	16	14	21	5
2009 percent	11.3%	21.8%	39.8%	25.6%	1.5%
2012 percent	6.7%	26.7%	23.3%	35.0%	8.3%

**Figure 12: Comparison of 2012 versus 2009 responses to Q8**

<b>Both the union and management people try to make this a better place to work</b>	<b>SD</b>	<b>D</b>	<b>N</b>	<b>A</b>	<b>SA</b>
2009 actual	13	20	35	51	14
2012 actual	4	10	7	26	13
2009 percent	9.8%	15.0%	26.3%	38.3%	10.5%
2012 percent	6.7%	16.7%	11.7%	43.3%	21.7%

When we compare aggregate responses for 2009 versus 2012 on the same questions for the managers and supervisors (on one hand) and NULI representatives (the 2009 survey looked at all NULI bargaining unit members), we find considerable evidence of a shift towards a more positive labor-management relationship. On the question of the union and management working well together, there has been a nearly doubling of the “strongly agree” proportion from 2009 to 2012 and a very dramatic reduction in the “strongly disagree” category. The shift has been similar but more dramatic for the question of the union and management trying to reach the same goals (significant increases in agreement and strong agreement offset by reductions in strong disagreement and neither agreement nor disagreement). Likewise, on the question of a joint commitment to make this a better place to work, there was a strong shift towards even more strong agreement, a slight increase in the “agree” category offset but a significant reduction in the “neither” category.

With regard to the parties’ opposition to each other, there was a sharp increase in the “disagree” category offset but a reduction in the “neither” category; this also occurred, to a more dramatic extent in the “need to improve” the way in which the parties deal with each other. All in all, there is strong evidence of a positive shift in the OLMS labor-management relationship, as measured before and after the document retention partnership project.

National Credit Union Administration

and

National Treasury Employees Union (NTEU)

(b)(1) Pilot Project Report

## Measuring and Reporting (b) (1) Pilots

<b>Date of Report</b>	3/30/2012
<b>Agency</b>	National Credit Union Administration
<b>Address</b>	1775 Duke Street
<b>City</b>	Alexandria
<b>State</b>	Virginia
<b>Zip Code</b>	22314-3428
<b>Union</b>	National Treasury Employees Union, Chapter 303
<b>Name(s) of lead agency representative ( and contact info)</b>	Lucy Vargas, <a href="mailto:lvargas@ncua.gov">lvargas@ncua.gov</a> , 703-518-6536
<b>Name(s) of lead union representative ( and contact info)</b>	Yvette Ziegler, <a href="mailto:Yvette.ziegler@nteu.org">Yvette.ziegler@nteu.org</a> , 202-572-5620 ext 7068
<b>Scope of 7106 (b)(1) matters agreed to be bargained</b>	Technology (hardware & supporting off-the-shelf software)
<b>Comments</b>	<p>The mission of the National Credit Union Administration (NCUA) is to ensure a safe and sound credit union system. NCUA is the federal agency that charters and supervises federal credit unions and insures savings in federal and most state-chartered credit unions across the country through the National Credit Union Share Insurance Fund, a federal fund backed by the full faith and credit of the United States government. This is accomplished by more than 1,100 employees with 71% of them being examiners and supervisors of examiners in the field. Such staff are virtual employees who are highly mobile, primarily performing their work in credit unions instead of reporting to an NCUA office every day. These mobile employees rely heavily on technology such as laptop computers, cellular telephones, and</p>

	<p>broadband cards to perform their work. To ensure that NCUA's electronic technology remains current, hardware is refreshed every three years. The first portable computer implementation occurred in 1987, followed by refreshes in 1995, 2000, 2003, 2006, and 2009, and 2012. Refreshes require an abundance of resources. It is costly to prepare the hardware. NCUA was the first federal government agency to volunteer for a (b)(1) pilot plan. Through pre-decisional discussions, NCUA used lessons learned from previous refreshes along with input from the National Treasury Employees Union, Chapter 303, on behalf of employees to find ways to make the process more cost efficient and less disruptive for all.</p>
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**A. Issue Identification, Negotiations, Agreement**

<p><b>In the box below, specify the topic or issue that was the subject of bargaining.</b> Refresh IT hardware, i.e., notebook computers, printers, mobile wireless cards/hot spots, back-up hard drives, encrypted thumb drives and cases, for all bargaining unit employees.</p>
<p><b>Length of negotiations, from date of notification to agreement:</b> Met in pre-decisional discussions on 1/21/11 with a FMCS facilitator. One of the 3 subgroups formed met on 2/3/11. Resumed pre-decisional discussions on 4/19/11 with the FMCS facilitator. Met again on 6/28/11 and held a conference call on 9/20/11. The parties concluded bargaining new laptops in 2011 and distributed in 2/12. To continue on-going technology discussions, the parties negotiated the conversion of BlackBerries to iPhones in 2/12 and will implement in 4/12. Dates and times are identified below.</p>
<p><b>Number of hours spent on negotiations:</b> To date, from 9-3 (5 hours) on 1/21/11, 2 to 2:30 (½ hour) on 2/3/11, 9-4 (7 hours) on 4/19/11, 9-2 (4 hours) on 6/28/11, 10-12 (2 hours) on 9/20/11, 9-11 (2 hours) on 10/28/11, 9:30-10:30 (1 hour) on 12/16/11, 9-12 (3 hours) on 1/26/12, 9-11 (2 hours) on 2/15/12, and 1-3 (2 hours) on 3/7/12.</p>
<p><b>In the box below, describe the desired outcome of the bargaining/agreement:</b> To provide employees with state of the art technology by the 1<sup>st</sup> quarter of 2012 to maximize the agency's effectiveness &amp; efficiency.</p>
<p><b>In the box below, describe the nature and impact of the ultimate agreement:</b> See metrics</p>
<p><b>In the box below, describe generally the costs and benefits of the terms of the agreement:</b></p>

See metrics
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## **B. Mission and Service Delivery Metrics, Related to Issue(s) Identified Above**

### **Category Selected (four required)**

1. Process/Cycle Time

2. Error Rate/Quality

3. Internal Resource Management

4. Cost Savings/ROI

### **Metrics (at least one per category)**

- Total length of conversion – reduce the total length of conversion by 30 days. Metric update: NCUA was able to reduce the time needed to complete laptop conversion from 12 weeks in 2009 to 6 weeks in 2012.
- Amount of hard drive failures – reduce amount of hard drive failures by 10% by changing over to solid state drives. Metric update: This metric will be evaluated at the end of the 3 year laptop lifecycle for accurate comparison.
- IT Customer Satisfaction Survey – maintain current score +/- 5% to stay in the top 20%. Metric update: NCUA is planning to conduct an IT Customer Satisfaction Survey in the beginning of 2013 to gauge the service provided.
- Reduction in training costs by 20%. Metric update: NCUA has reduced the new computer training video cost from \$40K to \$10K.

## **C. Employee Satisfaction Metrics, Related to Issue(s) Identified Above**

### **OPM survey questions regarding employee satisfaction**

EVS #29. The workforce has the job-relevant knowledge and skills necessary to accomplish organizational goals. 2010 NCUA 77%/2011 NCUA 69%

EVS #39. My agency is successful at accomplishing its mission. 2010 NCUA 77%/2011 NCUA 77%

EVS # 58. Managers promote communication among different work units (for example, about projects, goals, needed resources). 2010 NCUA 51%/2011 NCUA 59%

EVS # 64. How satisfied are you with the information you receive from management on what is going on in your organization? 2010 NCUA 45%,/2011 NCUA 57%

**Specific questions to measure impact of change resulting from implementation of the (b) (1) agreement – these questions should be modified depending on the nature of the subject of the (b) (1) agreement and any resulting change.**

Did the change positively affect you and your ability to do your work, and if so, describe with specificity how. Agree. The parties were able to reduce the total length of conversion time by 50% in large part because bargaining took place much earlier through pre-decisional involvement.

Is your work unit positively impacted in any way by the change resulting from the (b) (1) agreement? If it is, then please describe how. Agree. The conversion was smoother without any grievances filed. Employees were positively impacted because they received new laptops earlier in the process and had a better tool to accomplish their jobs which rely heavily on electronic technology. It is noted the hardware platform settled upon is very consistent with what NCUA would have selected without (b)(1) bargaining.

**D. Labor-Management Relations Metrics, Related to Issue(s) Identified Above**

**D1. Improvements in Labor-Management Relations**

In the box below, please describe the training received by pilot participants and nature of the training: Attended 1-½ days of FLRA training on 8/17/10 & 8/18/10 on bargaining (b)(1) matters. Also attended ½ day of FLRA facilitation/training on 8/18/10 on developing our (b)(1) plan.

In the box below, please describe any change in the ability to resolve issues, including the number of issues addressed and resolved: Through pre-decisional involvement, the parties shared information without the need to file information requests. We did not negotiate the brand of laptops because NCUA convinced NTEU that Lenovo laptops were the industry workhorse and would hold up best the next 3 years sparing NCUA the costs of repairs and replacements. Apple laptops, which NTEU proposed, were not compatible with NCUA's internal software. Because the negotiations were productive, the parties continued to substantively bargain over the replacement of Blackberries with Apple iPhones. The parties signed a Memorandum of Understanding on 3/23/12 in which they agreed to (1) replace Blackberry devices with an iPhone 4, 8 gigabite, (2)

distribution guidelines to include that employees will receive AT&T or Verizon service based on a self-selection process, and (3) reimburse employees, who use iPhone tethering, fixed amounts upon submission of acceptable documentation for home internet or provide employees with Hot Spots (no tethering).

In the box below, describe any change in the general length of negotiations required to reach agreement: The number of hours (28 ½ hours) spent in negotiations over refresher laptops and iPhones were minimal based on the topics involved which are important to NCUA employees.

Please attach results of survey of pilot participants that focuses on their perceptions of the labor-management environment. See 5/14/10 survey results previously submitted.

## **D2. Dispute Resolution**

### **Topics**

1. Number and types of disputes: None. Initially used the services of a FMCS facilitator to keep the parties focused and on track with the procurement schedule.
2. Nature of dispute resolution procedures used, e.g., mediation, arbitration: See #1 above
3. Number and types of disputes resolved and description of outcomes: See #1 above
4. Number and types of disputes not resolved and basis for failure to reach resolution: See #1 above

Office of Personnel Management  
and  
American Federation of Government Employees (AFGE)  
(b)(1) Pilot Project Report

U.S. Office of Personnel Management  
5 U.S.C. § 7106(b)(1) Pilot Metric Report  
March 2012

**A. Background Data**

<b>Measuring and Reporting (b)(1) Pilots Date of Report</b> March, 2012
<b>Agency</b> U.S. Office of Personnel Management
<b>Address</b> 1900 E Street, NW
<b>City</b> Washington
<b>State</b> DC
<b>Zip Code</b> 20415
<b>Union</b> AFGE, Local 32
<b>Name(s) of lead agency representative (and contact info)</b> Justin Johnson , <a href="mailto:Justin.Johnson@opm.gov">Justin.Johnson@opm.gov</a> , (202) 606-1000 & Janet Smith, <a href="mailto:Janet.Smith@opm.gov">Janet.Smith@opm.gov</a> , (202) 606-4473
<b>Name(s) of lead union representative (and contact info)</b> Charlretta McNeil, <a href="mailto:Charlretta.McNeil@opm.gov">Charlretta.McNeil@opm.gov</a> , (202) 606-1080
<b>Scope of 7106(b)(1) matters agreed to be bargained</b> All 7106 (b)(1) matters
<b>Comments</b>

### Issue Identification, Negotiations, Agreement

Specify the topic or issue that was the subject of bargaining.

Negotiations with b(1) topics are broken into 3 categories:

- Method & Means
- Numbers, Types, Grades (e.g., Reorganizations)
- Technology

Length of negotiations, from date of notification to agreement:

- Average time spent on Method & Means in:
  - CY 2009 - 6 negotiation sessions
  - CY 2010 – 3 negotiation sessions
  - CY 2011 – n/a
- Average time spent on number, types, grades in:
  - CY 2009 - 2 negotiation sessions
  - CY 2010 – 2 negotiation sessions
  - CY 2011 - 1.5 negotiation sessions
- Average time spent on Technology in:
  - CY 2009 – n/a
  - CY 2010 – 4 negotiation sessions
  - CY 2011 – 5 negotiation sessions

Number of hours spent on negotiations in CY11: 165

In the box below, describe the desired outcome of the bargaining/agreement:

The desired outcome is to decrease bargaining time frames and on negotiations involving Agency decisions that will improve mission accomplishment, service delivery, cost savings and employee satisfaction by eliminating barriers to bargaining union and management interests in negotiations that have (b)(1) implications.

#### **B. Mission and Service Delivery Metrics, Related to Issue(s) Identified Above**

- OPM’s Labor Management Transformation Forum implemented the Telework Enhancement Act of 2010, by designing revised telework eligibility criteria and by communicating specific telework eligibility determinations to all OPM employees. The most recent Employee Viewpoint Survey indicates that 75.9% of OPM employees are satisfied with OPM’s Telework Program as compared to 38.2% of the Government wide population.
- OPM successfully implemented an innovative telecommunications technology, Voice Over Internet Protocol. Despite an extensive rollout process, massive training implications, and productivity concerns, the negotiation team covered all of the interests in 4 weeks resulting in an extremely successful, essentially interruption free implementation. OPM anticipates saving \$1.5-2 million annually as a result of fully implementing VoIP. A significant portion of these savings will be from utilizing DC Government’s fiber infrastructure for data transport.
- OPM’s Labor Management Committee implemented the reorganization of the National Healthcare Organization (NHO). NHO is responsible for implementing OPM’s new responsibilities under the Affordable Care Act of 2010 (ACA). NHO’s mission is to increase enrollee choice in health insurance by developing and administering programs that provide high quality and affordable health insurance to uninsured Americans through Affordable Insurance Exchanges and to uninsured Americans with pre-existing medical conditions who cannot otherwise purchase coverage. NHO has responsibility for two major programs under ACA, the Multi-State Health Plans Program and the Pre-existing Condition Plans Program. NHO is also assisting the Centers for Medicare and Medicaid Services with the implementation of the external appeals program under section 2715 of the Public Health Service Act.

**C. Employee Satisfaction**

Partnership satisfaction surveys were implemented in CY 2011 and sent to participants in 7106 b)(1) negotiations and employees affected by negotiation outcomes.

Survey Results CY 11:

	Neutral	Positive	Negative
Employee Perspective	38.9%	38.9%	22.2%
Management Perspective	---	50%	50%

Survey Samples:

**Partnership Experience Survey**

You were recently notified of the implementation of, XXXXXX, a program developed under our Partnership initiative. The purpose of this brief survey is to determine your satisfaction with the process and look for ways to improve the process.

- The program will add value to your work life and/or work responsibilities  
 Strongly Agree  
 Agree  
 Neither Agree nor Disagree  
 Disagree  
 Strongly Disagree
- The program was implemented in a way that made it easy to understand  
 Strongly Agree  
 Agree  
 Neither Agree nor Disagree  
 Disagree  
 Strongly Disagree
- If you had questions, describe the contact individual's willingness to help  
 Very willing

Somewhat willing

Reluctant

Unwilling

### Partnership Participant Survey

You recently participated in a partnership activity (xxxxxxx)

The purpose of this brief survey is to determine your satisfaction with the process and look for ways to improve the process.

- Partnership participants were courteous?
- Partnership participants were knowledgeable about the process?
- Partnership participants understood the importance of your time?
- Recommend Partnership as a venue to meet labor relations obligations?
- Did Partnership improve the outcome of the negotiation?

#### **D. Labor-Management Relations**

**D1. Improvements in Labor-Management Relations** - describe the training received by pilot participants and nature of the training:

The Labor Management Committee (LMC) OPM's negotiation body between the Agency and AGFE, Local 32 and union and management representatives from OPM's other local union, AFGE, Local 2450, received training from the Federal Mediation and Conciliation Service on "Pre-decisional Involvement and Permissive Bargaining under Executive Order 13522" in July 2010. 7106(b)(1) training and Interest Based Bargaining training was provided during the summer of 2011 by the Federal Labor Relations Authority.

Please attach results of survey of pilot participants that focuses on their perceptions of the labor-management environment. *Note: Baseline survey should be conducted to more accurately assess any changes in perceptions.*

To assess the current climate of OPM's Labor-Management relationship an annual survey instrument was developed to collect data from three target populations: 1) OPM Supervisors who manage bargaining unit employees; 2) HR specialists who handle labor-management relations matters; and 3) union officials/ representatives/officers as designated for inclusion in the survey population by the leadership of Locals 32 and 2450.

The survey was administered to OPM employees from January 5, 2011 to January 26, 2011. The survey was completely anonymously using OPM's automated survey system to collect feedback. Email notifications and reminders were used to solicit responses. The OPM survey is shown below.

## 2011 OPM Federal Labor Relations Survey

This survey is an assessment of the current state of labor relations within the U.S. Office of Personnel Management. Information gathered from the survey will be provided to both union and management representatives. The survey should take less than 30 minutes to complete and time will be authorized to complete it during normal work hours. Individual responses are confidential and results will be consolidated and reported only in groups with more than ten respondents. This survey has been developed in accordance with Executive Order 13522. Your participation in this survey is completely voluntary. For your valuable input to be considered, please respond no later than January 26, 2011.

### **Please indicate your role in Employee/ Labor Relations at OPM (check one box):**

- I am a supervisor/manager of a unionized unit/group
- I am an HR Specialist who handles labor and employee relations matters
- I am a union official/representative/national union officer
- None of the above

### **Where is your duty Station?**

- Washington, DC
- Boyers, PA
- Other

### **Are you a member of the Labor Management Transformation Forum?**

- Yes
- No

## **SECTION 1: FORMAL WORK UNIT DISCUSSIONS**

The following questions refer to formal discussions about workplace issues between union and management, in your work unit. "Work unit" is defined as your immediate work unit headed by your immediate supervisor. Informal discussions and information about the grievances process are covered elsewhere in the survey.

### **1. In my work unit, within the last six months, union representatives and management have met formally to discuss workplace matters:**

- 0 times
- 1-2 times
- 3-4 times
- 5-6 times
- 7 or more times
- I do not know how often meetings have occurred

**NOTE:** Based on your answer, we have arranged for you to skip any questions that do not apply to you.

### **2. Have you attended these formal meetings?**

- Yes
- No

**NOTE:** Based on your answer, we have arranged for you to skip any questions that do not apply to you.

### **3. In my work unit, the following subjects are discussed in formal meetings (check all that apply).**

- Employee Performance
- Workplace changes

- Health and Safety Issues
- Work process changes
- Organizational Performance
- Work scheduling or staffing matters
- Training
- Other working conditions, please specify

**4. The subjects discussed during formal meetings are important to my work unit.**

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree
- I Don't Know

**5. Problems are resolved and/or next steps decided to your satisfaction during the formal meetings.**

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree
- I Don't Know

**6. Useful information is shared about the work unit during the formal meetings.**

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree
- I Don't Know

**7. Useful information is shared about OPM during the formal meetings.**

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree
- I Don't Know

**8. Agendas are typically sent out in advance for each formal meeting.**

- Always
- Often
- Seldom
- Never
- I Don't Know

**9. Follow-up actions and accountabilities are defined and clear.**

- Strongly Agree
- Agree
- Neutral
- Disagree

- Strongly Disagree
- I Don't Know

**10. Discussion is encouraged during formal meetings.**

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree
- I Don't Know

**SECTION 2: GENERAL QUESTIONS**

The following section asks general questions about union and management relations. This section includes questions about informal meetings. Questions about the grievance process are addressed in a following section.

**11. During the past 12 months, an employee has reported to me feeling intimidated or afraid of reprisal for joining or becoming involved in the union.**

- Yes
- No

**12. Labor and management meet often enough to discuss workplace matters.**

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree
- I Don't Know

**13. Labor and management meetings are generally productive.**

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree
- I Don't Know

**14. Together, labor and management address issues relevant to the organization's business and mission.**

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree
- I Don't Know

**15. In between meetings, labor and management work informally to solve problems.**

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree

I Don't Know

**16. Union representatives and management working together have resulted in improved: (check all that apply)**

- Productivity
- Grievance resolution
- Cost savings/cost avoidance
- Workplace conditions
- Other
- None of the listed improvements have been noted

**17. I have been provided formal training on interest-based or win-win bargaining.**

- Yes, within the past year
- Yes, within the past five years
- Yes, more than five years ago
- No

**18. I have been provided formal training on collaborative labor relations.**

- Yes, within the past year
- Yes, within the past five years
- Yes, more than five years ago
- No

**19. I would benefit from training, or more training, in the following areas (check all that apply):**

- Interest-based or Win-Win Bargaining
- Collaborative Labor Relations
- b1 Bargaining

**20. My organization uses trained or professional facilitators for union and management discussions.**

- Always
- Often
- Seldom
- Never
- I Don't Know

**21. Management is committed to working effectively with the union.**

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree
- I Don't Know

**22. The union is committed to working effectively with management.**

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree
- I Don't Know

**23. Management keeps union representatives aware of potential changes to employees' working conditions.**

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree
- I Don't Know

**24. The union is given the opportunity to provide input before decisions are made by management.**

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree
- I Don't Know

**25. Labor and management work together to create solutions that balance mission accomplishment and employee interests.**

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree
- I Don't Know

**26. Open communication between union representatives and management officials exists in my organization.**

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree
- I Don't Know

**27. Labor trusts management.**

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree
- I Don't Know

**28. Management trusts labor.**

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree
- I Don't Know

**29. A sense of fairness is associated with labor-management dealings.**

- Strongly Agree
- Agree

- Neutral
- Disagree
- Strongly Disagree
- I Don't Know

**30. Labor treats management with respect.**

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree
- I Don't Know

**31. Management treats labor with respect.**

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree
- I Don't Know

**SECTION 3: THE GRIEVANCE PROCESS**

The following section asks questions about the formal grievance process.

**32. Do you have detailed knowledge of the grievance process followed in your work unit?**

- Yes
- No

**NOTE:** Based on your answer, we have arranged for you to skip any questions that do not apply to you.

**33. How many grievances have been filed in your work unit in the last year?**

- No grievances filed
- 1-5
- 6-10
- 11-20
- More than 20
- I Don't Know

**NOTE:** Based on your answer, we have arranged for you to skip any questions that do not apply to you.

**34. Of those grievances, how many in your work unit have reached the last step in the grievance process?**

- No grievances filed
- 1-5
- 6-10
- 11-20
- More than 20
- I Don't Know

**35. Of those grievances, how many in your work unit have gone to arbitration?**

- No grievances filed

- 1-5
- 6-10
- 11-20
- More than 20
- I Don't Know

**36. Grievances are handled equitably.**

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree
- I Don't Know

**37. Grievances are resolved promptly.**

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree
- I Don't Know

**38. In general, both parties work cooperatively during the grievance process.**

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree
- I Don't Know

**39. Parties share necessary information during the grievance process.**

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree
- I Don't Know

**40. The grievance process is an efficient way to resolve conflicts.**

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree
- I Don't Know

**41. Grievances are typically resolved (*select only one*):**

- In the first step of the grievance process
- Prior to arbitration
- During arbitration
- Grievances are not typically resolved

- I Don't Know

#### **SECTION 4: NEGOTIATIONS**

**42. Management and the union regularly engage in "good faith" negotiations.**

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree
- I Don't Know

**43. The process for negotiating a collective bargaining agreement is effective.**

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree
- I Don't Know

**44. I am generally satisfied with the outcome of bargaining.**

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree
- I Don't Know

**45. Bargaining helps bring about workplace change that is beneficial to the organization.**

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree
- I Don't Know

#### **SECTION 5: COLLECTIVE BARGAINING AGREEMENT**

Please answer the following questions concerning the local collective bargaining agreement in place for your work unit.

**46. There is a collective bargaining agreement in place for my work unit.**

- Yes
- No
- I Don't Know

**47. Training regarding the collective bargaining agreement is available.**

- Yes
- No
- I Don't Know

**48. I have seen/heard communications (emails, posters, fliers, verbal communications, etc) regarding the collective bargaining agreement.**

- Yes
- No

**49. The collective bargaining agreement is being properly implemented.**

- Yes
- No
- I Don't Know

**NOTE:** Based on your answer, we have arranged for you to skip any questions that do not apply to you.

**50. The collective bargaining agreement is not being properly implemented by (select one):**

- Management
- Labor
- Both
- I Don't Know

## **SECTION 6: CONCLUSION**

The final section asks for your suggestions about improving labor and management relations.

**51. What could be done in your work unit, organization, or at OPM to improve labor and management relations?**

### 2011 OPM Federal Labor Relations Survey Results

The results of the above survey are below. The following items should be noted:

- The response rate was 50 percent.
- Due to the small number of responses from HR specialists who handle labor-management relations matters, their responses are not broken out separately. However, their responses are included in the overall results.
- Based on the characteristics of OPM's automated survey reporting system, questions that accept multiple responses are grouped separately from questions that accept only one response. Therefore, the results to questions 3, 16, and 19 (which accepted more than one response) are presented on page 17. The results for the remainder of the questions are presented on pages 18 through 30.

Since this was the first year this survey was administered, the results of this survey will become the baseline upon which future year's results will be compared. In particular, future 7106 (b)(1) metric reports will highlight metrics in Section 4 - Negotiations.

OPM's labor-management improvements will continue to be promulgated by communicating the Labor Management Transformation Forum activities/initiative implementations at Town Hall meetings, on our Forum website, and through specific initiative communications. Organizational Forums and local labor management communication and training efforts will additionally support the cooperative culture promoted by our union and management leaders/innovators on the Labor Management Transformation Forum.

Additionally, two items consistently ended up in the bottom 10 for the three major interest groups (LMTF Member, Union Member, and Supervisor) who took the labor management climate assessment survey:

- Management trusts Labor (item 27), and
- Labor trusts management (item 28)

Factor that may be influencing perceptions of trust are:

- Labor and management meet often enough to discuss workplace matters (item 12)
- In between meetings, labor and management work informally to solve problems (item 15)
- I have been provided formal training on interest-based or win-win bargaining (item 17)
- Open communication between union representative and management officials exist in my organization (item 26)

Planned Strategies:

- Utilize new Learning and Career Center to implement Interest Based Communications by effectively deploying training for employees, supervisors, union representative on Interest Based Communication (IBC) techniques. Supervisors and employee in union environments would receive “IBC Plus” adding information on union roles, management obligations and the cultural shift to pre-decisional discussions.
- Quarterly LMTF discussion on grievance data

Metrics:

- Progress on Training Plan and deployment
- Improvement on question responses identified above when LM Climate Assessment is re-administered in March, 2012

# 2011 Federal Labor Relations Survey

**Your role in Employee/Labor Relations at OPM:**

	Supervisor	HR Specialist	Union Official	LMFT Member	None of the above
<i>Overall</i>	95	3	22	12	11

**Section 1: Formal Work Unit Discussions**

The following questions refer to formal discussions about workplace issues between union and management in your work unit. Your work unit is defined as where you normally perform your labor-management duties. Informal discussions and information about the grievances process are covered elsewhere in the survey.

**3. In my work unit, the following subjects are discussed in formal meetings.**

<b>Performance</b>	<b>Employee Workplace Changes</b>	<b>Health/Safety Issues</b>	<b>Work Process Changes</b>	<b>Organizational Performance</b>	<b>Work Scheduling</b>	<b>Training</b>	<b>Other</b>	
<i>Overall</i>	11.48%	22.95%	8.74%	15.85%	5.46%	12.57%	17.49%	5.46%
<i>LMTF Member</i>	10.20%	24.49%	12.24%	10.20%	10.20%	10.20%	18.37%	4.08%
<i>Union Member</i>	5.26%	21.05%	10.53%	10.53%		21.05%	21.05%	10.53%
<i>Supervisor</i>	12.73%	22.73%	6.36%	19.09%	4.55%	12.73%	16.36%	5.45%

**Section 2: General Questions**

The following section asks general questions about union and management relations. This section includes questions about informal meetings. Questions about the grievance process are addressed in a following section.

**16. Union representatives and management working together have resulted in improved:**

	<b>Productivity</b>	<b>Grievance Resolution</b>	<b>Cost Savings/ Cost Avoidance</b>	<b>WorkPlace Conditions</b>	<b>Other</b>	<b>None</b>
<i>Overall</i>	13.41%	24.39%	7.32%	28.05%	6.10%	20.73%
<i>LMTF Member</i>	18.42%	26.32%	5.26%	39.47%	7.89%	2.63%
<i>Union Member</i>	12.00%	20.00%	12.00%	20.00%	12.00%	24.00%
<i>Supervisor</i>	12.37%	23.71%	7.22%	24.74%	4.12%	27.84%

**19. I would benefit from training, or more training, in the following areas:**

	<b>Interest-based or Win-win</b>	<b>Collaborative Labor Relations</b>	<b>b1 Bargaining</b>
<i>Overall</i>	32.21%	35.57%	32.21%
<i>LMTF Member</i>	26.92%	34.62%	38.46%
<i>Union Member</i>	33.33%	37.04%	29.63%
<i>Supervisor</i>	33.68%	35.79%	30.53%

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## 2011 Federal Labor Relations Survey

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Where is your duty station?	Washington, DC	Boyers, PA	Other
Overall	77.44%	15.04%	7.52%
LMTF Member	73.91%	26.09%	
Union Member	73.91%	8.70%	17.39%
Supervisor	80.00%	12.94%	7.06%

Are you a member of the Labor Management Transformation Forum?	Yes	No
Overall	21.05%	78.95%
LMTF Member	100.00%	
Union Member	4.35%	95.65%
Supervisor	4.71%	95.29%

## Section 1: Formal Work Unit Discussions

The following questions refer to formal discussions about workplace issues between union and management in your work unit. Your work unit is defined as where you normally perform your labor-management duties. Informal discussions and information about the grievances process are covered elsewhere in the survey.

**1. In my work unit, within the last six months, union representatives and management have met formally to discuss workplace matters:**

	0	1 to 2	3 to 4	5 to 6	7+	IDK
Overall	36.54%	24.04%	19.23%	3.85%	16.35%	17
LMTF Member	33.33%	9.52%	28.57%	4.76%	23.81%	2
Union Member	36.36%	45.45%	9.09%		9.09%	4
Supervisor	37.14%	25.71%	18.57%	4.29%	14.29%	11

**2. Have you attended these formal meetings?**

	Yes	No
Overall	77.94%	22.06%
LMTF Member	93.33%	6.67%
Union Member	71.43%	28.57%
Supervisor	73.33%	26.67%

**4. The subjects discussed during formal meetings are important to my work unit.**

	S. Agree	Agree	Neutral	Disagree	S. Disagree	IDK
Overall	52.00%	34.00%	8.00%	4.00%	2.00%	
LMTF Member	69.23%	30.77%				
Union Member	60.00%	40.00%				
Supervisor	41.94%	35.48%	12.90%	6.45%	3.23%	

**5. Problems are resolved and/or next steps decided to your satisfaction during the formal meetings.**

	S. Agree	Agree	Neutral	Disagree	S. Disagree	IDK
Overall	16.00%	36.00%	28.00%	16.00%	4.00%	
LMTF Member	15.38%	53.85%	23.08%	7.69%		
Union Member	40.00%		20.00%	40.00%		
Supervisor	12.90%	32.26%	32.26%	16.13%	6.45%	

**6. Useful information is shared about the work unit during the formal meetings.**

	S. Agree	Agree	Neutral	Disagree	S. Disagree	IDK
Overall	20.41%	48.98%	26.53%	2.04%	2.04%	
LMTF Member	33.33%	50.00%	16.67%			
Union Member	20.00%	40.00%	40.00%			
Supervisor	16.13%	48.39%	29.03%	3.23%	3.23%	

**7. Useful information is shared about OPM during the meetings.**

	S. Agree	Agree	Neutral	Disagree	S. Disagree	IDK
Overall	12.24%	42.86%	26.53%	12.24%	6.12%	1
LMTF Member	23.08%	38.46%	30.77%	7.69%		
Union Member	20.00%	20.00%	20.00%	40.00%		
Supervisor	6.67%	46.67%	26.67%	10.00%	10.00%	1

**8. Agendas are typically sent out in advance for each formal meeting.**

	Always	Often	Seldom	Never	IDK
Overall	15.22%	50.00%	17.39%	17.39%	3
LMTF Member	16.67%	58.33%	16.67%	8.33%	1

<i>Union Member</i>	20.00%	20.00%	20.00%	40.00%	
<i>Supervisor</i>	14.29%	53.57%	17.86%	14.29%	2

<b>9. Follow up actions and accountabilities are defined and clear.</b>	<b>S. Agree</b>	<b>Agree</b>	<b>Neutral</b>	<b>Disagree</b>	<b>S. Disagree</b>	<b>IDK</b>
<i>Overall</i>	18.00%	52.00%	12.00%	12.00%	6.00%	
<i>LMTF Member</i>	46.15%	38.46%	7.69%	7.69%		
<i>Union Member</i>	20.00%	20.00%	20.00%	20.00%	20.00%	
<i>Supervisor</i>	6.45%	61.29%	12.90%	12.90%	6.45%	

<b>10. Discussion is encouraged during formal meetings.</b>	<b>S. Agree</b>	<b>Agree</b>	<b>Neutral</b>	<b>Disagree</b>	<b>S. Disagree</b>	<b>IDK</b>
<i>Overall</i>	32.00%	54.00%	10.00%	4.00%		
<i>LMTF Member</i>	53.85%	38.46%		7.69%		
<i>Union Member</i>	20.00%	60.00%	20.00%			
<i>Supervisor</i>	25.81%	58.06%	12.90%	3.23%		

## Section 2: General Questions

The following section asks general questions about union and management relations. This section includes questions about informal meetings. Questions about the grievance process are addressed in a following section.

<b>11. During the past 12 months, an employee has reported to me feeling intimidated or afraid of reprisal for joining or becoming involved in the union.</b>	<b>Yes</b>	<b>No</b>				
<i>Overall</i>	5.00%	95.00%				
<i>LMTF Member</i>		100.00%				
<i>Union Member</i>	38.46%	61.54%				
<i>Supervisor</i>		100.00%				
<b>12. Labor and management meet often enough to discuss workplace matters.</b>	<b>S. Agree</b>	<b>Agree</b>	<b>Neutral</b>	<b>Disagree</b>	<b>S. Disagree</b>	<b>IDK</b>
<i>Overall</i>	19.05%	45.24%	17.86%	7.14%	10.71%	17
<i>LMTF Member</i>	10.53%	68.42%	15.79%	5.26%		1
<i>Union Member</i>	10.00%	10.00%	20.00%	20.00%	40.00%	3
<i>Supervisor</i>	20.75%	45.28%	18.87%	5.66%	9.43%	13
<b>13. Labor and management meetings are generally productive.</b>	<b>S. Agree</b>	<b>Agree</b>	<b>Neutral</b>	<b>Disagree</b>	<b>S. Disagree</b>	<b>IDK</b>
<i>Overall</i>	6.25%	51.25%	23.75%	12.50%	6.25%	20
<i>LMTF Member</i>	5.00%	75.00%	20.00%			
<i>Union Member</i>	25.00%	25.00%	25.00%	25.00%		5
<i>Supervisor</i>	4.00%	46.00%	24.00%	16.00%	10.00%	15
<b>14. Together, labor and management address issues relevant to the organization's business and mission.</b>	<b>S. Agree</b>	<b>Agree</b>	<b>Neutral</b>	<b>Disagree</b>	<b>S. Disagree</b>	<b>IDK</b>
<i>Overall</i>	9.52%	53.57%	20.24%	10.71%	5.95%	15
<i>LMTF Member</i>	10.00%	65.00%	20.00%	5.00%		
<i>Union Member</i>	25.00%	12.50%	62.50%			5
<i>Supervisor</i>	5.56%	55.56%	14.81%	14.81%	9.26%	10
<b>15. In between meetings, labor and management work informally to solve problems.</b>	<b>S. Agree</b>	<b>Agree</b>	<b>Neutral</b>	<b>Disagree</b>	<b>S. Disagree</b>	<b>IDK</b>
<i>Overall</i>	13.75%	58.75%	11.25%	11.25%	5.00%	18
<i>LMTF Member</i>	21.05%	57.89%	15.79%	5.26%		
<i>Union Member</i>	22.22%	44.44%	22.22%	11.11%		4
<i>Supervisor</i>	8.00%	62.00%	8.00%	14.00%	8.00%	14
<b>17. I have been provided formal training on interest-based or win-win bargaining.</b>	<b>Yes &lt;= 1yr</b>	<b>Yes &lt;= 5rs</b>	<b>Yes &gt; 5yrs</b>	<b>No</b>		
<i>Overall</i>	20.20%	21.21%	14.14%	44.44%		
<i>LMTF Member</i>	42.11%	10.53%	10.53%	36.84%		
<i>Union Member</i>	23.08%	7.69%	7.69%	61.54%		
<i>Supervisor</i>	12.31%	27.69%	15.38%	44.62%		
<b>18. I have been provided formal training on collaborative labor relations.</b>	<b>Yes &lt;= 1yr</b>	<b>Yes &lt;= 5rs</b>	<b>Yes &gt; 5yrs</b>	<b>No</b>		
<i>Overall</i>	19.00%	26.00%	10.00%	45.00%		
<i>LMTF Member</i>	40.00%	20.00%	10.00%	30.00%		

<i>Union Member</i>	16.67%	8.33%	16.67%	58.33%		
<i>Supervisor</i>	12.12%	31.82%	7.58%	48.48%		
<b>20. My organization uses trained or professional facilitators for union and management discussions.</b>	<b>Always</b>	<b>Often</b>	<b>Seldom</b>	<b>Never</b>		<b>IDK</b>
<i>Overall</i>	13.33%	23.33%	33.33%	30.00%		41
<i>LMTF Member</i>	11.76%	47.06%	17.65%	23.53%		3
<i>Union Member</i>	14.29%		57.14%	28.57%		6
<i>Supervisor</i>	14.71%	17.65%	35.29%	32.35%		32
<b>21. Management is committed to working effectively with the union.</b>	<b>S. Agree</b>	<b>Agree</b>	<b>Neutral</b>	<b>Disagree</b>	<b>S. Disagree</b>	<b>IDK</b>
<i>Overall</i>	32.99%	53.61%	11.34%	1.03%	1.03%	4
<i>LMTF Member</i>	31.58%	57.89%	10.53%			1
<i>Union Member</i>	15.38%	46.15%	30.77%		7.69%	
<i>Supervisor</i>	36.51%	53.97%	7.94%	1.59%		3
<b>22. The union is committed to working effectively with management.</b>	<b>S. Agree</b>	<b>Agree</b>	<b>Neutral</b>	<b>Disagree</b>	<b>S. Disagree</b>	<b>IDK</b>
<i>Overall</i>	20.43%	40.86%	13.98%	15.05%	9.68%	8
<i>LMTF Member</i>	25.00%	55.00%	15.00%	5.00%		
<i>Union Member</i>	53.85%	46.15%				
<i>Supervisor</i>	12.07%	34.48%	17.24%	20.69%	15.52%	8
<b>23. Management keeps union representatives aware of potential changes to employees' working conditions.</b>	<b>S. Agree</b>	<b>Agree</b>	<b>Neutral</b>	<b>Disagree</b>	<b>S. Disagree</b>	<b>IDK</b>
<i>Overall</i>	22.68%	60.82%	10.31%	6.19%		4
<i>LMTF Member</i>	30.00%	60.00%	5.00%	5.00%		
<i>Union Member</i>		36.36%	27.27%	36.36%		2
<i>Supervisor</i>	25.00%	64.06%	9.38%	1.56%		2
<b>24. The union is given the opportunity to provide input before decisions are made by management.</b>	<b>S. Agree</b>	<b>Agree</b>	<b>Neutral</b>	<b>Disagree</b>	<b>S. Disagree</b>	<b>IDK</b>
<i>Overall</i>	17.20%	66.67%	11.83%	3.23%	1.08%	7
<i>LMTF Member</i>	20.00%	60.00%	15.00%	5.00%		
<i>Union Member</i>		36.36%	36.36%	18.18%	9.09%	1
<i>Supervisor</i>	20.00%	73.33%	6.67%			6
<b>25. Labor and management work together to create solutions that balance mission accomplishment and employee interests.</b>	<b>S. Agree</b>	<b>Agree</b>	<b>Neutral</b>	<b>Disagree</b>	<b>S. Disagree</b>	<b>IDK</b>
<i>Overall</i>	7.61%	51.09%	27.17%	8.70%	5.43%	8
<i>LMTF Member</i>	10.00%	65.00%	25.00%			
<i>Union Member</i>	9.09%	45.45%	27.27%	18.18%		2
<i>Supervisor</i>	6.78%	45.76%	28.81%	10.17%	8.47%	6
<b>26. Open communication between union representatives and management officials exists in my organization.</b>	<b>S. Agree</b>	<b>Agree</b>	<b>Neutral</b>	<b>Disagree</b>	<b>S. Disagree</b>	<b>IDK</b>
<i>Overall</i>	14.89%	52.13%	14.89%	12.77%	5.32%	7
<i>LMTF Member</i>	21.05%	63.16%	15.79%			1

<i>Union Member</i>	7.69%	53.85%	15.38%	15.38%	7.69%	
<i>Supervisor</i>	15.00%	46.67%	15.00%	16.67%	6.67%	6
<b>27. Labor trusts management.</b>	<b>S. Agree</b>	<b>Agree</b>	<b>Neutral</b>	<b>Disagree</b>	<b>S. Disagree</b>	<b>IDK</b>
<i>Overall</i>		35.06%	19.48%	28.57%	16.88%	23
<i>LMTF Member</i>		50.00%	35.71%	14.29%		5
<i>Union Member</i>		18.18%	18.18%	54.55%	9.09%	2
<i>Supervisor</i>		34.00%	16.00%	26.00%	24.00%	16
<b>28. Management trusts labor.</b>	<b>S. Agree</b>	<b>Agree</b>	<b>Neutral</b>	<b>Disagree</b>	<b>S. Disagree</b>	<b>IDK</b>
<i>Overall</i>	1.20%	42.17%	28.92%	16.87%	10.84%	17
<i>LMTF Member</i>		47.06%	47.06%	5.88%		2
<i>Union Member</i>		11.11%	22.22%	44.44%	22.22%	4
<i>Supervisor</i>	1.82%	45.45%	25.45%	14.55%	12.73%	11
<b>29. A sense of fairness is associated with labor-management dealings.</b>	<b>S. Agree</b>	<b>Agree</b>	<b>Neutral</b>	<b>Disagree</b>	<b>S. Disagree</b>	<b>IDK</b>
<i>Overall</i>	3.30%	50.55%	25.27%	14.29%	6.59%	7
<i>LMTF Member</i>	5.26%	57.89%	36.84%			
<i>Union Member</i>		33.33%	33.33%	33.33%		1
<i>Supervisor</i>	3.45%	50.00%	20.69%	15.52%	10.34%	6
<b>30. Labor treats management with respect.</b>	<b>S. Agree</b>	<b>Agree</b>	<b>Neutral</b>	<b>Disagree</b>	<b>S. Disagree</b>	<b>IDK</b>
<i>Overall</i>	8.16%	50.00%	21.43%	10.20%	10.20%	3
<i>LMTF Member</i>	5.00%	75.00%	20.00%			
<i>Union Member</i>	8.33%	66.67%	25.00%			1
<i>Supervisor</i>	9.38%	39.06%	21.88%	14.06%	15.63%	2
<b>31. Management treats labor with respect.</b>	<b>S. Agree</b>	<b>Agree</b>	<b>Neutral</b>	<b>Disagree</b>	<b>S. Disagree</b>	<b>IDK</b>
<i>Overall</i>	15.31%	57.14%	19.39%	6.12%	2.04%	3
<i>LMTF Member</i>	15.00%	65.00%	20.00%			
<i>Union Member</i>		33.33%	25.00%	33.33%	8.33%	1
<i>Supervisor</i>	18.75%	57.81%	18.75%	3.13%	1.56%	2

### Section 3: The Grievance Process

The following section asks questions about the formal grievance process.

<b>32. Do you have detailed knowledge of the grievance process followed in your work unit?</b>	<b>Yes</b>	<b>No</b>				
Overall	62.00%	38.00%				
LMTF Member	70.00%	30.00%				
Union Member	30.77%	69.23%				
Supervisor	64.62%	35.38%				
<b>33. How many grievances have been filed in your work unit in the last year?</b>	<b>0</b>	<b>1 to 5</b>	<b>6 to 10</b>	<b>11 to 20</b>	<b>&gt;20</b>	<b>IDK</b>
Overall	62.50%	28.57%	3.57%	1.79%	3.57%	8
LMTF Member	58.33%	25.00%	8.33%		8.33%	2
Union Member	50.00%			50.00%		2
Supervisor	65.00%	32.50%	2.50%			4
<b>34. Of those grievances, how many in your work unit have reached the last step in the grievance process?</b>	<b>0</b>	<b>1 to 5</b>	<b>6 to 10</b>	<b>11 to 20</b>	<b>&gt;20</b>	<b>IDK</b>
Overall	35.29%	52.94%	11.76%			3
LMTF Member	50.00%	50.00%				1
Union Member			100.00%			
Supervisor	36.36%	63.64%				2
<b>35. Of those grievances, how many in your work unit have gone to arbitration?</b>	<b>0</b>	<b>1 to 5</b>	<b>6 to 10</b>	<b>11 to 20</b>	<b>&gt;20</b>	<b>IDK</b>
Overall	68.42%	26.32%	5.26%			1
LMTF Member	100.00%					
Union Member	100.00%					
Supervisor	58.33%	41.67%				1
<b>36. Grievances are handled equitably.</b>	<b>S. Agree</b>	<b>Agree</b>	<b>Neutral</b>	<b>Disagree</b>	<b>S. Disagree</b>	<b>IDK</b>
Overall	11.11%	55.56%	14.81%	9.26%	9.26%	6
LMTF Member	7.14%	78.57%	7.14%	7.14%		
Union Member		50.00%	25.00%		25.00%	
Supervisor	14.71%	44.12%	17.65%	11.76%	11.76%	6
<b>37. Grievances are resolved promptly.</b>	<b>S. Agree</b>	<b>Agree</b>	<b>Neutral</b>	<b>Disagree</b>	<b>S. Disagree</b>	<b>IDK</b>
Overall	7.27%	45.45%	21.82%	14.55%	10.91%	5
LMTF Member	14.29%	64.29%	21.43%			
Union Member		25.00%	50.00%		25.00%	
Supervisor	5.71%	37.14%	20.00%	22.86%	14.29%	5
<b>38. In general, both parties work cooperatively during the grievance process.</b>	<b>S. Agree</b>	<b>Agree</b>	<b>Neutral</b>	<b>Disagree</b>	<b>S. Disagree</b>	<b>IDK</b>
Overall	9.26%	44.44%	24.07%	12.96%	9.26%	5
LMTF Member	14.29%	64.29%	14.29%	7.14%		
Union Member			66.67%		33.33%	

Supervisor	8.57%	40.00%	25.71%	14.29%	11.43%	5
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**39. Parties share necessary information during the grievance process.**

	S. Agree	Agree	Neutral	Disagree	S. Disagree	IDK
Overall	5.77%	71.15%	11.54%	5.77%	5.77%	7
LMTF Member	7.14%	85.71%	7.14%			
Union Member		33.33%	33.33%	33.33%		1
Supervisor	6.06%	66.67%	12.12%	6.06%	9.09%	6

**40. The grievance process is an efficient way to resolve conflicts.**

	S. Agree	Agree	Neutral	Disagree	S. Disagree	IDK
Overall	5.26%	40.35%	21.05%	24.56%	8.77%	3
LMTF Member		42.86%	28.57%	28.57%		
Union Member		50.00%	25.00%	25.00%		
Supervisor	8.11%	37.84%	16.22%	24.32%	13.51%	3

**41. Grievances are typically resolved:**

	1st Step <Arbitration	=Arbitration	Not Rslvd	IDK	
Overall	50.00%	38.64%	6.82%	4.55%	16
LMTF Member	30.77%	61.54%		7.69%	1
Union Member	50.00%	25.00%	25.00%		
Supervisor	64.00%	24.00%	8.00%	4.00%	15

**Section 4: Negotiations**

**42. Management and the union regularly engage in "good faith" negotiations.**

	S. Agree	Agree	Neutral	Disagree	S. Disagree	IDK
Overall	9.59%	64.38%	12.33%	10.96%	2.74%	24
LMTF Member	11.11%	61.11%	27.78%			2
Union Member		55.56%	11.11%	33.33%		4
Supervisor	11.36%	65.91%	6.82%	11.36%	4.55%	18

**43. The process for negotiating a collective bargaining agreement is effective.**

	S. Agree	Agree	Neutral	Disagree	S. Disagree	IDK
Overall	8.06%	48.39%	20.97%	14.52%	8.06%	34
LMTF Member		46.67%	33.33%	13.33%	6.67%	5
Union Member	12.50%	50.00%	25.00%	12.50%		5
Supervisor	10.53%	47.37%	15.79%	15.79%	10.53%	23

**44. I am generally satisfied with the outcome of bargaining.**

	S. Agree	Agree	Neutral	Disagree	S. Disagree	IDK
Overall	2.53%	51.90%	32.91%	5.06%	7.59%	16
LMTF Member		55.56%	38.89%	5.56%		2
Union Member	10.00%	40.00%	40.00%		10.00%	3
Supervisor	2.04%	51.02%	30.61%	6.12%	10.20%	11

**45. Bargaining helps bring about workplace change that is beneficial to the organization.**

	S. Agree	Agree	Neutral	Disagree	S. Disagree	IDK
Overall	5.81%	53.49%	25.58%	9.30%	5.81%	10
LMTF Member	5.26%	57.89%	31.58%	5.26%		1
Union Member	27.27%	63.64%	9.09%			2
Supervisor	1.85%	48.15%	27.78%	12.96%	9.26%	7

## Section 5: Collective Bargaining Agreement

Please answer the following question concerning the local collective bargaining agreement in place for your work unit.

<b>46. There is a collective bargaining agreement in place for my work unit.</b>	<b>Yes</b>	<b>No</b>	<b>IDK</b>	
<i>Overall</i>	90.24%	9.76%	14	
<i>LMTF Member</i>	81.25%	18.75%	3	
<i>Union Member</i>	90.91%	9.09%	2	
<i>Supervisor</i>	94.34%	5.66%	9	
<b>47. Training regarding the collective bargaining agreement is available.</b>	<b>Yes</b>	<b>No</b>	<b>IDK</b>	
<i>Overall</i>	81.82%	18.18%	52	
<i>LMTF Member</i>	75.00%	25.00%	11	
<i>Union Member</i>	50.00%	50.00%	7	
<i>Supervisor</i>	89.29%	10.71%	34	
<b>48. I have seen/heard communications (emails, posters, flyers, verbal communications, etc.) regarding the collective bargaining agreement.</b>	<b>Yes</b>	<b>No</b>		
<i>Overall</i>	53.68%	46.32%		
<i>LMTF Member</i>	47.37%	52.63%		
<i>Union Member</i>	46.15%	53.85%		
<i>Supervisor</i>	55.74%	44.26%		
<b>49. The collective bargaining agreement is being properly implemented.</b>	<b>Yes</b>	<b>No</b>	<b>IDK</b>	
<i>Overall</i>	82.76%	17.24%	36	
<i>LMTF Member</i>	91.67%	8.33%	7	
<i>Union Member</i>	66.67%	33.33%	7	
<i>Supervisor</i>	81.58%	18.42%	22	
<b>50. The collective bargaining agreement is not being properly implemented by:</b>	<b>Mgmt</b>	<b>Labor</b>	<b>Both</b>	<b>IDK</b>
<i>Overall</i>	11.11%	55.56%	33.33%	3
<i>LMTF Member</i>			100.00%	
<i>Union Member</i>	50.00%		50.00%	
<i>Supervisor</i>		83.33%	16.67%	3

**Below are the responses to the open ended questions.**

**3: In my work unit, the following subjects are discussed in formal meetings:**

- Moves to new work space
- Office Moves
- Physical space and support services
- Reorganization impacts
- Reorganizational Issues
- Grievances
- Office Space
- Handicap accessibility
- Reasonable accommodation

**17: Union representatives and management working together have resulted in improved ... specify.**

- Employee well being
- Moves
- ROWE procedures and expectation
- Better Communication
- Communication alone has improved
- Communication between all parties
- Not all result in improvements
- Training

## **51: What could be done in your work unit, organization, or at OPM to improve labor and management relations?**

- Definitely, more communications between labor and management. Also more communications with the employee's on the various processes as it relates to bargaining and negotiations.
- More information about management's longer term vision for the division...heads up on plans that may be over 6 months away, but are very likely to be acted on by management. More information about the budgeting process, and the status of the budget accounts on an ongoing basis.
- More managers at the lower level should be trained on labor and management relations and labor procedures.
- Our labor and union have a good working relationship, we have respect for each other, we believe in fairness to all employees. There are times we do not agree but we work it out to the satisfaction of everyone.
- Perhaps more training including labor staff and some role play?
- Predecisional negotiations is helpful. More availability of both parties is critical. I believe the timing is difficult because of competing priorities but we need to move quickly on issues.
- Specific to my work unit (and questions on this survey about my work unit), there are no bargaining unit employees in my specific work unit. To improve labor-management relations overall at OPM, I recommend more frequent informal discussion about goals and an agreement on expediting grievances.
- This is not intended to be negative; however, some of the stewards (certainly not all) do not help resolve issues. Rather some (not all) seem to get the employee who has an issue more aggravated instead of trying to work to understand the problem and work to resolution. Perhaps more training for BU stewards and employees in how to resolve issues.
- More regular informal conversations before formal/official processes may help early resolution to issues. 2. It seems the process of getting something formally considered by the LMC can be lengthy. At times this can deter implementation of actions that might be to the benefit of employees.
- Expedite bargaining following union notifications from management. Things get stuck in committee indefinitely. Clarify the roles of the forums versus the LMC. Remove any redundancy between the forums and the LMC.
- Feedback from the Union on what was accomplished through negotiations on issues important to employees, e.g. reorganizations.
- Have Labor reps brief OPM managers on their mandate, vision, goals, processes, etc so more transparency exists.... OPM needs to require all managers to attend in house training on all labor related issues and processes.... OPM Mgmt-Labor need to have joint townhall meetings so employees can ask questions and better appreciate roles of both parties....
- Upper level management is more interested in alternative dispute resolution than in making sure managers have the authority to manage their employees.
- I have been very satisfied with the union representation that exist within my organization and have always been able to freely discuss any issues and/or concerns.
- Improve timeline in the processing of Labor Relation issues.
- It appears to me that the Union is involved in too many issues that should be "below the cut line" for Union involvement. Managers seem intimidated or overly cautious in dealing with the Union or potential issues for fear the Employee will seek Union involvement (where is is probably not appropriate) and then tie up critical, time-sensitive plans or actions.
- Labor and management relations will improve if we set completion dates. For example, if Labor invokes bargaining, Labor should set a date to in their memo to send comments to management, management should reply by a specific date, and then both should agree to meet by a specific date. Presently, I think the bargaining process is too long because no one sets completion dates.
- Not sure. A dialogue to discuss Union roles and responsibilities and how that plays out in everyday situations.
- Provide more training to all managers.
- Renegotiate the contract so it makes sense The existing labor management agreement with Local 32 is a hinderance and road block to managing OPM's staff effectively and meeting mission critical needs. It ties management's hands when we can not even move an employee's workstation, alter duty assignments, or implement necessary changes or other working conditions needed to increase work productivity, output, or meet new Federal mandates without getting the union's blessing first (which can take several months). These types of decisions should be in management's purview and are necessary for accomplishing the day-to-day operations of the Federal Government. We all agree that the union has an important role to play in protecting employee rights, equity pay, etc, but they should not have the amount of control that they currently have. Also, many of the issues that the union can grieve are arbitrary and unfounded. Grievances should only be considered when they have validity and credence. Otherwise, it becomes a situation where management is constantly underseige and defending itself. This is counterproductive to doing the people's work and a waste of government funding.
- Training offered by Management to help us understand the whole process.
- Better communication and more respect between both groups.

- Communication between the two parties, not just limited to the President or Vice President, but between all union officials.
- Explain some basic principles to first line supervisors.
- Get employees involved in regular meetings. With interaction from the employees, you get the whole pie and not half.
- High level management on top of things. Management agrees when they are present. When high level management is not in the meetings. The internal management does not keep the communications open.
- My work unit representatives need to be more aware of what is going on and quite often are actually not involved in any discussions. I don't believe that it is fair to anyone of us in my work unit that the representatives sit here and are never included in anything. I personally think in our situation that they need to include at least one representative of our particular unit to at least know what it going on. It is always after the fact that management has made a decision and then we get the information when the rest of the unit does. And we get the blunt of the problems and never know what happened etc. We need to be included in the meetings a little more so that we can know what is going on before the questions come to us.
- When issues are presented, it would be very helpful to all if the issue is addressed by identifying the root cause to correct it. It "appears" that some issues are resolved but it comes up over and over again because the root cause was not dealt with.
- Stop treating Local 32 as if they represent the entire agency when in fact they represent only a specific bargaining unit in Washington, DC. Often agreements reached with Local 32 are extended agency wide, or new programs or policies are not implemented across the agency because agreement has not been reached with Local 32.
- Allow management to have full responsibility for the operations in their work area versus having labor tell management how to run the operations of their unit. Labor does not know the functions or jobs of management unit and should not be allowed to dictate processes of that unit.
- Better communication between management and labor in my work unit is needed so that employees feel respected and not taken for granted.
- Both sides could stand to be more flexible. I believe that it would benefit both management and employees if we were able to get thing moving more quickly, regarding small issues, such as moving an employee from one work space to another.
- Communicate better and more often.
- Concern for the customer
- Encouragement of more workplace accountability
- For the most part, our relations with the union are okay. Oneokay. One problem I have with the Union is that they don't always get both sides of the story before they confront managers. They take what the employee says verbatim; they do not ask the managers about the incident in question. They sometimes come to the table in an accusatory manner; they do not ask the managers for their explanation. On that same line, I feel the union should ask the employee if they have brought this issue to the attention of the manager before approaching the union. I believe employees should be able to approach management with issues. If they are not resolved to their liking, then involve the union. I have been told that employees do not have to inform managers. That we (managers) have no right to ask them (the employees) to first deal with managers then go to the union
- Have one of the union members in my office report for normal duty and not spend all day in the union office.
- Hire Stewards that know how to bargain, bargaining means give and take, meet in the middle, negotiate. Not, I have to have everything my way or else.
- I recall one situation where an employee was being moved into a much bigger and nicer work area. She did not want the union's help, but the union invoked I&I anyway, slowing down the process. It seems to me that if an employee does not want union representation in a particular matter, the union should honor the employee's wishes.
- I would like to see labor encourage employees to first speak with their supervisor concerning their issues unless they feel they want to remain anonymos in their concern.
- I would like to see the creation of a group with members from the union to work together with management, to address issues and work with poorly performing employees.
- Keep up the great communications between Union and Management. It has greatly improved since over a year ago.
- Labor should at times have truthful conversations with employees. If an employee is not performing well. Provide honest feedback to the employee, and see what workable solutions could be made.
- More formal meetings.
- My work unit is within the Office of the Director and not covered by union representation.
- Provide more training to labor union officials on matters that are likely to come to them, well before the matters reach them. For example, my unit develops technical policies that are required by law to be implemented. I suggest setting up information forums for labor union elected officials to help them understand such matters so that the officials understand the issues when the policies reach them for review.

- Senior management should put a limit to bargaining where the implementation of changes negatively impacts the mission. If a process needs to be implemented to improve the organization's performance collective bargaining should not impact it. Management must move forward with implementation without limits and senior management must back the implementation without fear of the union's next move.
- The customer should be the first priority when making changes to the bargaining agreement. The desires/demands of the employee should be weighed with the impact it has on the customer. Telework is an example where workers are out of the office more than they are in the office. I have witnessed many occasions where the customer does not receive a response and becomes irate because the employee is not available. These two items should be weighed and considered when agreeing on time out of the office.

## **Dispute Resolution**

Formal dispute resolution processes, procedures, and third party interventions will be reported as necessary. No use of such tools has been necessary to date.

Department of Treasury  
Financial Management Service (FMS)  
and  
National Treasury Employees Union (NTEU)  
(b)(1) Pilot Project Report

**FMS/NTEU 5 USC §7106(b)(1) Pilot Metrics Report**

<b>Date</b>	March 31, 2012
<b>Agency Name</b>	US Department of Treasury – Financial Management Service (FMS)
<b>Sub-Agency (if applicable)</b>	Debt Management Services Operations Center (DMSOC-West) in Austin, TX
<b>Union Name</b>	National Treasury Employees Union (NTEU)
<b>Composition of Pilot Members</b>	Both the NTEU and FMS bargaining teams consist of two designated members and a Chief Negotiator. The team limit does not include NTEU national staff or FMS advisors and subject matter experts.
<b>Name, title, email address, and telephone number of lead union representative</b>	Luke Chesek National Negotiations Legal Specialist luke.chesek@nteu.org (202) 572-5500, ext. 7025
<b>Name, email address, and telephone number of lead agency representative</b>	Jeff Olesnevich Labor Employee Relations <a href="mailto:jeff.olesnevich@fms.treas.gov">jeff.olesnevich@fms.treas.gov</a> 202-874-8571
<b>Scope of §7106(b)(1) matters to be bargaining</b>	The parties have agreed to negotiate over technology, numbers, and grades.
<b>Topic or issue that was the subject of bargaining</b>	The parties have agreed to negotiate over the numbers of employees in DMSOC-West, numbers and grades of positions in one of the Austin DMSOC’s components, and technology used to perform work at the Call Center within the Austin DMSOC.
<b>Length of negotiations</b>	The Parties initiated bargaining over the (b)(1) pilot matters on January 12, 2011. A total of 20 hours were spent negotiating to reach the final agreement.
<b>Desired outcome of the bargaining/agreement</b>	The goal of the (b)(1) pilot agreement is to successfully transition all of the bargaining unit employees from functions related to payment management to functions focused on debt management services.
<b>Nature and impact of the ultimate agreement</b>	The ultimate agreement was to successfully transition from a light industrial payment processing site to a class A office work environment for debt collection. The primary impact resulted in the crucial goal to prepare the workforce and the facility and be fully operational by October 1, 2011 with a well-trained Call Center staff.
<b>Costs and benefits of the terms of the agreement</b>	There were no additional costs for this agreement. Moving into a more complex business line warranted higher grades. The benefit of creating 5 career ladder positions within the call center by October 1, 2012 has been a motivating factor for the employees. Realizing that there will be competition for these positions, employees have volunteered to assume

	<p>new responsibilities, seek training and education opportunities, and build new skills to collect delinquent debt in support of the DMS mission. One clear benefit of the pilot is the involvement of National NTEU and FMS senior leadership. The agreement allowed for an informal relationship that maintains obligations under the law.</p>
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	<p>2. Processing time for incoming calls to the Treasury Offset Program (TOP) and Cross-Servicing Call Centers needs to be minimized.</p> <p>3. All BUEs on the DMSOC-West Call Center need training on new technology and Call Center Standard Operating Procedures (SOPs).</p>	<p><b>Process Time</b></p> <p><b>Quality/ Customer Satisfaction</b></p>	<p>4. As of the beginnings of negotiations, \$0 are collected through Cross-Servicing.</p> <p>5. As of October 1, 2011, 0% of agent calls to the TOP and Cross-Servicing Call Centers are answered within 180 seconds.</p> <p>6. As of October 1, 2011, none of the Call Center employees have received training on the new Call Center technology and SOPs.</p>	<p>4. Increase the revenue collected through cross-servicing.</p> <p>5. Increase the percentage of incoming agent calls to the TOP and Cross-Servicing Call Centers answered within 180 seconds.</p> <p>6. Train every Call Center employee on new Call Center technology and SOPs.</p>	<p>4. A total of \$11.9M in revenue collected through cross-servicing.</p> <p>A one-year pilot program will begin April 2, 2012 to extend operational hours. The expected increase in debt collected will support the DMS goal of increasing collections.</p> <p>5. 100% of agent calls are answered within 180 seconds.</p> <p>6. The 25 BUEs reassigned to the Collections Services Branch continue to receive classroom training from the Washington and Birmingham SMEs. Employees will also be receiving refresher training this summer on the Cross Servicing program. Collector SMEs continue to provide both onsite and remote elevated support in operations.</p> <p>Additionally, call center management</p>
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					<p>is piloting a call center certification program via the Treasury Learning Management System (TLMS) to be rolled out to all employees this year.</p> <p>A quality program is in place where the supervisor listens to agents' call to ensure quality. Routine discussions with the agents ensure continued improvement.</p> <p>7. Call Center operational October 3, 2011.</p>
			<p>7. As of October 1, 2011, the telephone system supporting the TOP and Cross Servicing Call Centers is not operational at DMSOC-West.</p>	<p>7. Increase the percentage of time that the telephone system supporting the TOP and Cross Servicing Call Center is operational.</p>	
<p><b>Employee Satisfaction and Engagement</b></p>	<p>1. Employees need additional technology to enable them to apply new Call Center functions.</p>	<p><b>Technology</b></p>	<p>An AFC-specific survey will be developed and conducted amongst all AFC employees to measure employees' views on career growth opportunities and impact of technology changes.</p> <p>Impact that additional technology has on employees' ability to do their work.</p>	<p>1. Provide up-to-date technology to all employees working on the DMSOC-West Call Centers to improve their ability to do their work.</p>	<p>1. Transition Survey Aug 11 – 16, 2011. DMS Survey Dec 12 – 31, 2011 Notable improvements in almost all categories.</p> <p>An all employee team has formed to analyze the survey results and recommend ways to continue the improvement</p>

	2. Employees would like additional opportunities for promotion and career growth upon completion of the repurposing of the Austin Financial Center.	<b>Career Building</b>	Impact that career opportunities have on the work unit's level of job satisfaction.	2. Improve employee job satisfaction through creating a set number of career ladder positions to provide additional opportunities for promotion.	efforts.  2. A minimum of 5 career ladder positions will be advertised in October 2012.  Position descriptions have been created. Recruit process is on target to meet the target month.
<b>Labor-Management Relationship</b>	1. The Parties need to increase their knowledge of the scope and procedure for bargaining over permissive topics.  2. The Parties need to be able to negotiate effectively and efficiently.	<b>Training</b>  <b>Negotiations</b>  <b>Dispute Resolution</b>	Subjective input from pilot participants through written survey responses on: a) Improving labor-management relations; b) Sharing information informally (without relying on §7114(b)) between parties; c) Providing organizational support for labor-management relations; d) Conducting effective negotiations; e) Change in the ability to resolve issues; f) Number of issues addressed and resolved; and g) Change in the general length	1. Receive FLRA training on bargaining over permissive topics.  2. Reduce time needed to reach agreement in negotiations.	1. NTEU official and manager received training. Additional and refresher training will be scheduled this year.  2. Several issues have been raised on topics that include workstation reconfigurations, work schedules, performance plans with metrics that have been negotiated and resolved at the lowest level. No grievances have been filed. Grievances to date: 2012 = 0 2011 = 0 2010 = 0 2009 = 0 2008 = 4 2007 = 8  Our local NTEU official addressed a variety of issues and concerns from the Survey during an all-employee meeting.

			<p>of negotiations needed to reach agreement.</p> <p>a) Number and type of disputes<sup>2</sup>.</p> <p>b) Nature of dispute resolution. procedures used.</p> <p>c) Number and types of disputes resolved and description of outcomes.</p> <p>d) Number and types of disputes not resolved and basis for failure to reach resolution.</p>		<p>Weekly meeting / information sharing between 1 management representative and NTEU officials have proven to be successful. Face-to-face communication allows for continued updates on employee concerns and status of the facility reconfiguration.</p> <p>Monthly Labor Management Relations Committee (LMRC) meetings have been very productive in resolving numerous issues. The rapport and trust developed between NTEU &amp; Management have resulted in quick and effective resolution to issues.</p>
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<sup>2</sup> As of May 2004, NTEU had 37 grievances pending on behalf of employees at the Austin Financial Center. From 2006 through the present, the number of grievances filed on behalf of AFC employees has fallen to approximately six grievances per year. During that timeframe, arbitration was invoked twice, but subsequently withdrawn.

Department of Veterans Affairs  
Veterans Benefits Administration (VBA)  
and  
American Federation of Government Employees (AFGE)  
and  
National Federation of Federal Employees (NFFE)  
(b)(1) Pilot Project Report

**Measuring and Reporting (b)(1) Pilots**

<b>Date of Report</b>	April 12, 2012
<b>Agency</b>	Department of Veterans Affairs
<b>Bureau/Division Name (if applicable)</b>	Veterans Benefit Administration (VBA)
<b>Address</b>	810 Vermont Avenue NW (28)
<b>City</b>	Washington
<b>State</b>	DC
<b>Zip Code</b>	20420
<b>Union</b>	American Federation of Government Employees (AFGE) and National Federation of Federal Employees (NFFE)
<b>Name(s) of lead agency representative (and contact info)</b>	<p>Gerald Bacon, 202-461-9609 <a href="mailto:Gerald.Bacon@va.gov">Gerald.Bacon@va.gov</a></p> <p>Denise Biaggi-Ayer-202-461-4129 <a href="mailto:Denise.Biaggi-Ayer@va.gov">Denise.Biaggi-Ayer@va.gov</a></p> <p>Leslie B. Wiggins 202-461-4122 <a href="mailto:Leslie.Wiggins2@va.gov">Leslie.Wiggins2@va.gov</a></p> <p>Mark Frassinelli 202.438.5296 <a href="mailto:Mark.Frassinelli@va.gov">Mark.Frassinelli@va.gov</a></p>
<b>Name(s) of lead union representative (and contact info)</b>	<p>Robert Redding (NFFE)701-232-3241 ext 3615 <a href="mailto:Robert.Redding@va.gov">Robert.Redding@va.gov</a></p> <p>Charles Lawing (AFGE)- 336.251.0863 <a href="mailto:Charles.Lawing@va.gov">Charles.Lawing@va.gov</a></p> <p>Jan Avant (AFGE)-501.951.3074 <a href="mailto:Jan.Avant@va.gov">Jan.Avant@va.gov</a></p>

<b>Scope of 7106(b)(1) matters agreed to be bargained</b>	Methods, means and technology , specifically for developing and implementing a Skills Certification Program for Vocational Rehabilitation Counselors (VRC) and Counseling Psychologists(CP) within VBA.
<b>Comments</b>	

**A. Issue Identification, Negotiations, Agreement**

In the box below, specify the topic or issue that was the subject of bargaining.
In response to Executive Order 13522 and pursuant to 5 USC 7106(b)(1), the parties volunteered to participate in a pilot program to negotiate means, methods and technology, specifically for developing and implementing a VA Skills Certification Program for VRCs and CPs within VBA.
Length of negotiations, from date of notification to agreement: Ground Rules MOU signed February 10, 2011. MOU signed April 13, 2012
Number of hours spent on negotiations: Ground Rules MOU negotiations-Started October 7, 2010-12 hours MOU Negotiations: 28 hours
In the box below, describe the desired outcome of the bargaining/agreement:
<p>Representatives from VBA, AFGE and NFFE formed the Workgroup to develop the certification program. The Workgroup was charged with developing a work product to establish and implement a skills certification program for Vocational Rehabilitation and Employment’s VRCs and CPs. The Workgroup is developing options with advantages and disadvantages, mitigation strategies, and potential unforeseen circumstances for use by the bargaining teams. In particular, the Workgroup met for 12 weeks over the course of a year to address the following issues, including but not limited to:</p> <p>Developing the Test:</p> <ul style="list-style-type: none"> <li>○ The purpose of the test</li> <li>○ The content of the test</li> <li>○ The frequency the test is offered</li> <li>○ The length of the test</li> <li>○ Location of the test</li> <li>○ Testing environment</li> <li>○ Requirements for passing</li> <li>○ Certification</li> </ul>

Taking the Test:

- Pre-test training
- Grading the test
- Feedback to employees after the test, including whether person passed or failed
- Post test training

The outcome was the development of a test that will help VBA identify knowledge gaps for VRCs and CPs and to ultimately improve service delivery to our Veterans and the public.

In the box below, describe the nature and impact of the ultimate agreement:

The parties enter into this MOU with the intent to improve delivery of services to Veterans and the public, identify knowledge gaps and to assist in the continued development of world class training to address and mitigate these gaps and to better standardize the delivery and quality of services to Veterans, improve quality and effectiveness of VBA, while managing costs and advancing employee interests.

In the box below, describe generally the costs and benefits of the terms of the agreement:

The cost associated with the pilot consists of travel for workgroup and bargaining teams made up of six members from each group and the cost of the test development:

Travel for 18 people for 14 weeks =	\$475,000
Contract service for test development =	\$317,406
The cost of the pilot=	\$792,406

It should be noted that the Department would incur the cost associated with the contract services for test development whether or not it was part of negotiations. In addition, all costs associated with the pilot program have been covered by the Department, and it is not anticipated that the unions would contribute funds.

**Utility of the VBA 5 USC 7106 (b)(1) Project**

**Utility** is the benefit gained by a particular choice. It is a key concept within opportunity cost and can be considered the beneficial difference between the current decision and the next best alternative.

- Workgroup members can much more efficiently explain and facilitate buy-in among stakeholders, enhancing employee attitudes towards the skills certification process.
- Workgroup members acted as a design team within the parameters of the project. This allowed members who were both SME’s and stakeholders to state their concerns, brainstorm solutions, and design a testing implement that corrected those concerns.
  - Traditional test item writing has a high degree of SME turnover. This generates disconnect between program design, significant multi-stakeholder concerns and test construction.
  - As opposed to traditional test item writing, long-term association with the b1 project has significant economies associated with workgroup member gaining specialized experience with writing test questions over several months. The result is more questions written per month that are better worded, more relevant to duties performed and focused on the subject matter for a geographically and culturally diverse audience. Per contractor: “...item writing production and quality went up tremendously and we are now ahead of our goals.”
  - Very low pass rates and employee dissatisfaction for Veterans Service Representatives (VSR)/Rating Veterans Service Representatives (RVSR)/Decision Review Officer (DRO) certification test concerns

have transferred and sensitized many within the Vocational Rehabilitation Counselor (VRC) community. Early pilot stakeholder involvement with the process design and purpose has minimized concerns and reduced fears in the field.

Precise calculation of the opportunity costs cannot be known until the project reaches conclusion. However, there are things that can be lineally estimated, such as the reduction in bargaining costs. With pre-decisional involvement (PDI) and the collaborative approach, it is hypothesized that formal bargaining time has been significantly minimized. As PDI and collaboration continue, trust has been developed between the three parties. Existing 7106 (b)(1) members continued into the negotiations phase, thus the steep learning curve heretofore associated with formal bargaining teams was blunted; the learning curve necessary to understand the topic through SME involvement has undoubtedly reduced time, bargaining and meeting costs. The extent to how much savings can be realized can only be estimated at present. Formal bargaining time has been dramatically reduced as a result of the B1 interest based bargaining process.

**B. Mission and Service Delivery Metrics, Related to Issue(s) Identified Above**

**Category Selected** *(four required)*

**Metrics** *(at least one per category)*

**1. General Outcomes**

- Bargaining Process-We estimate the formal bargaining process has been dramatically reduced due to the union involvement in the development of the test and through the collaborative process developed by working on the pilot.

**2. Error rate/Quality**

- The developed test was given to 110 VRCs and the passing rate was 69%. The pass rate is significant and very positive when compared to the first skill certification test developed for VSRs without union involvement. The pass rate for the VSR test developed without union involvement was 25%.

**3. General Outcomes**

- Union Satisfaction with Test Input and Involvement-The Workgroup pilot participants feel they engaged in collaborative strategic planning on an issue critical to the Department. Understanding and mutual respect have exemplified the labor-management relations of this pilot program.

**4. Customer Satisfaction**

- Employee Satisfaction with the VRC/CP Certification Program

**C. Employee Satisfaction Metrics, Related to Issue(s) Identified Above**

We do not have information about employee VRC/CP Certification Program satisfaction since the test has not been made operational. The Design Team will meet to develop a survey to assess employee satisfaction with the certification process. Additional information will be forthcoming.

**D. Labor-Management Relations Metrics, Related to Issue(s) Identified Above**

**D1. Improvements in Labor-Management Relations**

In the box below, please describe the training received by pilot participants and nature of the training:

The pilot participants received (b)1 training from the FLRA. (October 5-6, 2010)

In the box below, please describe any change in the ability to resolve issues, including the number of issues addressed and resolved:

As stated above, The Workgroup pilot participants engaged in collaborative strategic planning on an issue critical to the Department. Understanding and mutual respect have exemplified the labor-management relations of this pilot program. The same applies to the negotiating process following the Workgroup process. The parties used Interest Based Bargaining techniques during the formal negotiations.

As a result of the collaborative process, the Workgroup was able to successfully develop a VA specific professional level examination that will measure the possession of technical and procedural knowledge and situational judgment for the VRCs and CPs within VBA.

In the box below, describe any change in the general length of negotiations required to reach agreement:

We estimate the formal bargaining process has been reduced by 50% due to the union involvement in the development of the test and through the collaborative process developed by working on the pilot.

Survey:

1. Has bargaining over the permissive matter improved overall labor-management relations? Yes
2. Has bargaining over the permissive matter collectively and jointly with two separate labor organizations improved overall labor-management relations? Yes
3. With regard to length of the negotiations, has bargaining over skills certification improved overall labor-management relations (i.e. any change in the general length of negotiations to reach agreement or how the parties actually negotiated)? Yes, see above data regarding the length of negotiations.
4. With regard to the skills certification process, has bargaining over the permissive matter enhanced the ability to resolve issues (cite issues resolved)? Yes, at the national level this was accomplished.
5. Do the pilot participants feel they have engaged in collaborative strategic planning on an issue critical to the Department's, specifically VBA's, success? Yes, see above.

6. Do the pilot participants feel they have developed a desired future state or vision for the Department and its employees? Yes
  
7. Do the pilot participants feel they have developed a desired future state or vision for the affected bargaining unit employees? Yes

## **D2. Dispute Resolution**

The parties had an FMCS facilitator throughout the Workgroup and Negotiating process. The parties did not go to Impasse and did not have to use any other dispute resolution process during the pilot.

### Dispute Resolution – After the Certification Examination Has Been Created and Established:

1. Number and types of disputes based on the test or testing process N/A
  
2. Nature of dispute resolution procedures used (i.e. mediation, arbitration) N/A
  
3. Number and types of disputes resolved N/A
  
4. Number and types of disputes that were not resolved N/A
  
5. When disputes were not resolved, what was the basis for failure N/A