

FORMING THE USDA FORUM PURSUANT TO

EXECUTIVE ORDER 13522

CREATING LABOR-MANAGEMENT FORUMS TO IMPROVE DELIVERY OF GOVERNMENT SERVICES

April 23, 2010

**Background**

The parties initially met March 4, 2010, to consult regarding the development of the USDA’s implementation plan for Executive Order 13522 – Creating Labor-Management Forums to Improve Delivery of Government Services (E.O.). The implementation plan was submitted to the National Council on Federal Labor-Management Relations (National Council) March 9, 2010, pursuant to the E.O. The National Council approved USDA’s implementation plan April 7, 2010.

The parties reconvened April 23, 2010, to form the USDA Labor Management Forum. Present at this *form the forum* meeting were:

<b>For the Agency:</b>	<b>For the Unions:</b>
Robin Heard Deputy Assistant Secretary for Administration	William Dougan, National President National Federation of Federal Employees, IAM, AFL-CIO (NFFE)
William (Billy) Milton, Deputy Director Office of Human Resources Management	Ronald Thatcher, President Forest Service Council (NFFE)
Philip Short, Deputy Administrator for Management (DAM) Farm and Foreign Agricultural Service	Terry Rosen, Labor Relations Specialist American Federal of Government Employees, AFL- CIO (AFGE)
Edward Rall Farm Service Agency (FSA)	Paul Booth, Special Assistant to the International President American Federation of State, County & Municipal Employees, AFL-CIO (AFSCME)
Ralph Charlip, DAM Food, Nutrition and Consumer Service	Carl Goldman, Executive Director District Council 26, AFSCME
Anthony Thompson, DAM Food Safety	Steve Keller, National Sr. Counsel for Compensation and Negotiations National Treasury Employees Union (NTEU)
Joanne Munno, Deputy Administrator Marketing & Regulatory Programs Business Services	Brian Knowles, National Negotiator NTEU
William Pratt, Director of Management National Appeals Division	Henry Schmick, Vice President American Foreign Service Association (AFSA)
Chuck Myers, DAM Natural Resources and Environment	

Yvette Gray, Director Human Resources Management Division Natural Resources Conservation Service (NRCS)	
Russell Morgan, State Conservationist NRCS	
James Bradley, DAM Research, Education and Economics	
Joon Park Research, Education and Economics/Agricultural Research Service(ARS)	
Allen Hatcher, Director of Human Resources Rural Development (RD)	
Ronald James, Labor Relations Officer (Acting) Office of Human Resource Management (OHRM)	
Paula Lucak, Senior Labor Relations Specialist OHRM	

#### **USDA LABOR-MANAGEMENT FORUM**

The parties took up the issue of guidance regarding levels of labor-management forums within USDA. There was agreement that, pursuant to the E.O., there would be a forum at the Department level (the USDA Forum). The parties agreed that union membership would consist of from 1-2 members for each national labor organization, provided that members could participate in meetings by telephone or other electronic means. Further, USDA would not commit to pay travel expenses for the second union representative to the USDA Forum. The unions expressed a desire for a certain number of in-person meetings annually, with the parties interacting using web-based and other communications technology between these formal in-person member meetings.

It was determined that there were 7 national labor organizations, that the unions may have up to 2 members each on the Department-level forum, but that not all unions are likely to choose having two representatives. It was further decided that the unions would identify the name(s) and numbers of their respective member(s) by May 7, 2010. The Agency agreed to one member per mission area plus the Deputy Assistant Secretary for Administration (or designee) for a total of 8 members. The Agency would also provide the names of its members by May 7, 2010. Both the agency and the unions agreed to provide their members' names to Ron James, Sr. Labor Relations Specialist, who would provide the member names to all parties.

Two potential roles of the USDA Labor-Management Forum were noted in the discussion. Those are: 1) providing oversight of the implementation of the E.O. throughout the Department and; 2) conducting Pre-Decisional Involvement (PDI) for Department-wide initiatives that impact working conditions. Joint agreement fully defining the roles of the USDA Forum and a common understanding of PDI remain open issues to be formally taken up by the USDA Forum.

It was agreed that consensus would be the decision-making process employed by the USDA Forum. However, for PDI issues for which the USDA Forum has authority to make decisions, the Agency would retain its decision-making authority and the union would, unless specifically waived, would retain their right to bargain if no agreement is reached during the PDI process. Consensus was defined as a process

by which after all participants have an opportunity to be heard and the parties agree that they can live with the group's decision.

The parties also agreed to the establishment of 2 USDA Labor-Management Forum sub-committees of from 2-3 members per side each: 1) USDA Forum Charter; and 2) USDA Labor Relations Environment Assessment. Terry Rosen and Ron Thatcher will let Ron James, Acting USDA Labor Relations Officer, know the names of the union members for the Charter and Assessment sub-committees, respectively by May 7, 2010. Management will also let Ron James know the names of their members to the sub-committees by May 7, 2010, after which Ron James will provide all parties the names of the sub-committee members. The sub-committees will set their meeting schedules so as to deliver an options/recommendations document by May 21, 2010. The sub-committee deliverables will be sent to Ron James who will distribute them to all parties by no later than May 28, 2010. The sub-committees may be supported by Joe Swerdzewski.

The parties agreed that the first meeting of the USDA Forum would take place June 7, 2010, from 1:00 p.m. to 5:00 p.m.

#### **MISSION AREA FORUMS & PRE-DECISIONAL INVOLVEMENT**

After a discussion of the structure and function of USDA Mission Areas, the parties agreed no formal forums would be instituted at the Mission Area level. Rather, ad hoc Mission Area forums, which essentially would work as PDI teams, could be established in circumstances in which changes that impacted the working conditions of bargaining unit employees originated at the Mission Area level. Either the unions or management at the Mission Area level could request the convening of an ad hoc Mission Area forum or PDI team. The parties also agreed that the USDA Forum would establish guidance on PDI.

#### **LEVELS OF RECOGNITION FORUMS**

The unions and management agreed to establish forums at the level of recognition. Management was concerned about the potential expense of supporting a multitude of forums. The unions stated that they were concerned more about compliance with the substance of the E.O. being more than formal structure. Toward this end, the unions stated that unions with small bargaining units could be dealt with in a less formal manner. Existing labor-management partnerships may serve as the labor-management forum and should be used as such going forward.

#### **AGENCY LEVEL FORUMS**

The parties agreed to the following guidance regarding labor-management forums at the Agency level:

1. There would be labor-management forums formed at the Agency level;
2. Where a union has exclusive recognition at the Agency level and other unions within the Agency have exclusive recognition below the Agency level, the unions below the Agency level could be asked to join the Agency level forum with the agreement of the union with recognition at the Agency level;
3. The parties at the Agency level would be left to work out the membership in forums at that level;
4. If the parties at the Agency level are not able to work out their membership, the issue would be presented to the USDA Labor-Management Forum for resolution;

5. Irrespective of the establishment of “formal” forums, the parties will implement the spirit of the E.O;
6. Existing labor-management partnerships may serve as the labor-management forum should go forward.

DRAFT