

# USDA LABOR-MANAGEMENT FORUM

## MEETING MINUTES

January 27, 2011

Meeting commenced at 1:10pm in Room 104-A of the USDA Whitten Building, Washington DC.

### **Attendance.**

Labor Forum Members: Melissa Baumann, Bryan Knowles, Debra Arnold, Doreen Lewis (alternate for Sharon Church), Sarah Rehberg, Sharon Cooney-Smith, Patricia Maggi, Henry Schmick.

Management Forum Members: Robin Heard, William Milton, Jr., Joanne Munno, Mark Rucker, Edward Rall (alternate for Phil Short), Retha Oliver (alternate for Clyde Thompson), Thelma Strong (alternate for Chuck Meyers), Lisa Cunningham (alternate for Steven Placek), Joon Park (alternate for James Bradley), Ralph Linden, Eloris Speight, Ron James.

Member Organizations Absent: Food Safety Mission Area.

SMEs: Anita Adkins and Patricia Moore.

Facilitator: Joseph Swerdzewski.

Guests: Dana Askins, Jody Feliciano, Charlene White, Karen Messmore, and Frank McDonough.

Note Takers: Beth Blackwood and Doreen Lewis.

### **Adoption of Minutes.**

Minutes: The decrease in transit benefits was extended, so this item was corrected in the October 19, 2010 Forum meeting minutes. October 19, 2010 Forum meeting minutes were approved.

### **Facilitated Discussion Reviewing How Well the USDA Labor-Management Forum Has Performed and How it Might Improve.**

Debra Arnold opened the floor for discussion on this agenda item. Joe Swerdzewski facilitated the discussion.

Rating: Joe Swerdzewski asked, how successful has the Forum been on a scale of 1 (not successful) to 10 (very successful)?

- Bryan gave the Forum a rating of 5. His concern is that he is not sure what happens to his input after it is viewed and considered.
- An unidentified member gave the Forum a rating of 7. The Forum has done a good job at trying to create metrics. A good platform has been developed.

- Debra Arnold gave the Forum a rating of 8. She is happy with the initial Charter. What is in the Charter is what the Forum has been following. The Charter needs to be reviewed yearly.
- Retha Oliver gave the Forum a rating of 8.
- Robin Heard said she received feedback from union representatives. She said they are anxious to see the Forum do something more substantial/tangible. There is a fear that the Forum meets just for the sake of having another meeting. They want to see goals and see specific things being done. These discussions were not so specific as to provide an example.
- An unidentified member gave the Forum a rating of 7.5. They believe the commitment is there.
- Billy Milton believes the Charter has provided the Forum an outstanding platform. Billy believes that Debra Arnold has done an outstanding job. He believes that the Forum's efforts are going better than Clinton partnerships. The Forum has done a lot in a short period of time. This Forum has progressed more than other National Forums. He has suggestions for improvement. Billy commented that our charter was one of few initially approved. Billy said we have several accomplishments (e.g., the Forum met the EO charter requirements and conducted PDI training).
- Thelma Strong gave the Forum a rating of 7. The goals in the Charter are good but the metrics need to be looked at. The Forum hasn't had enough time and there is a need for more data to rate progress.
- Ralph Linden gave the Forum a rating of 7.5. He said the Forum is operating better than the Clinton partnerships. He has concern about the metrics. This is the challenge/problem area.
- Henry Schmick gave the Forum a rating of 6. He believes the Forum has set up and practiced, but hasn't started playing the game yet. The Forum members did the best they could when creating the Charter. The PDI section of the Charter needs revisions to include what has been learned, including what was learned from PDI training.
- Eloris Speight gave the Forum a rating of 8. Discussions have been helpful and used to debrief the management at NRCS. Management and labor have been brought together to discuss. A good foundation has been developed. Implementation is now needed.
- Melissa Baumann gave the Forum a rating of 4. She believes the Forum has put something together but hasn't followed it. She is also concerned that there are different people at every meeting. Decision makers/people in charge are not at the meetings. Billy said that there is a primary and a back up representative for each mission area and he will ensure that one of the two attend each meeting.

Melissa is concerned that we do not have enough time to accomplish something in a three hour meeting held quarterly. Communication is conducted through email and that is not sufficient. Joanne Munno suggested shortening the agenda, meeting more frequently or having longer meetings. A suggestion was made to prescribe outcomes to agenda items. Debra Arnold said we need to consider longer meetings or limit our discussion. It was suggested that we select a topic and spend a given amount of time (one hour) truly discussing it. Cultural Transformation was specifically mentioned as a topic/issue to discuss at length. Billy said there is an action plan for cultural transformation. Dr. Hobbs will share action plans with Unions for cultural transformation.

- Joanne Munno gave the Forum a rating of 6-7. A lot of behavioral changes have been made in a relatively short period of time, especially in regards to PDI. Telework is an example of successful PDI, in which NAAE and NAPQOSE were invited to discuss the issue before policy development. She believes that we are ready to move forward with PDI. DAMs are consistently at the meetings. Things have come a long way since ten years ago.
- Patricia Maggi gave the Forum a rating of 5. She believes there is a good framework that needs to be improved upon. The Forum needs to move forward. Patricia would like better communication with the bargaining unit regarding this Forum.

Regarding Forum communication to the employees, Billy Milton said that he and Debra Arnold created a letter in 2010 discussing the USDA LM Forum and the Charter. He said that more information can be distributed to the employees, but it could potentially confuse people that are currently in the bargaining processes. Patricia Maggi said that she didn't get the letter and her members didn't get the letter. She expressed the need for better communication.

Ron James said that union members on the Forum are national union representatives. It is primarily their responsibility to make sure the word gets down to the locals. Alternatively, Ron suggested that the Forum find a way to conduct the communication jointly.

Joanne Munno stated that she briefs all her DA's after the Forum meetings, but does not brief the unions. Patricia doesn't know what to tell the members that would interest them since this is just framework.

- Sharon Cooney-Smith gave the Forum a rating of 6-7. She is sharing information with the five locals in her BU. She also shares upwards in AFGE. She will be sure, along with Stan, that this info is further distributed to others. She is concerned with PDI. She wants to see things at a drafting stage rather than at the review stage.
- Ron James pointed out that the first Forum meeting was only nine months ago. We have developed a framework, engaged in PDI (including PDI training), and developed metrics. This Forum is more advanced than those of other departments. Other

accomplishments include the development and completion of a LMR survey. The results of this survey serve as a baseline that can now be improved upon. The Forum accomplishments we have are in the preparation phase.

Summary: Joe Swerdzewski summarized that the rating is in the mid-range (4-8), with an average of approximately 6.5-6.8. Joe Swerdzewski suggested that the Forum ask, what do we want to achieve? What is our goal and where are we heading?

The good aspects:

- The platform is good.
- The Charter, metrics, and understanding of PDI are in place.
- There is a commitment to the process.

The bad aspects:

- There needs to be substantive movement (i.e., actual things that can be accomplished) now that the foundation has been laid.

In summary:

- The Forum needs better communication.
- The Forum wants to get started now that the framework is done.
- The Forum needs to improve the PDI processes.
- The Forum needs to determine how the metrics will be met.
- The Forum is in the “starting blocks”.
- There are different faces at the table for each meeting. We don’t have people here to speak to the agenda.
- There is too much on the agenda to accomplish in the meetings (i.e. the meetings need to be longer or the agenda needs to be shorter).

To put the progress of the USDA Forum in perspective, Joe Swerdzewski commented that he works with many agencies on their implementation of the Executive Order including setting up forums and instituting PDI. Some agencies are still negotiating their charters. One group has no charter and no metrics, but is engaging in well in PDI. There are all kinds of different forum scenarios with the different organizations. Here in USDA, the PDI process is still budding and the process needs work. USDA Forum’s metrics are some of the best. In fact, Swerdzewski said that he uses them as a model in his work with other agencies. The USDA Forum foundation is good.

Departmental Regulation (DR) PDI: Billy explained that the Department had been reviewing many DRs (75-100) that are outdated. The DRs are being prioritized in terms of need for revision. There was significant interest in the USDA Telework Program DR. The draft the unions were given was drastically different than the final version. Henry Schmick suggested that the Forum develop a kind of classification system for DRs. Some DRs will receive more input than others. For improved PDI, Billy will provide the next 5-10 DRs that are going to be reviewed and revised. He would like to set up a mechanism for the unions to contact the specific person

directed to work on that DR. The reviewers have timelines in their performance plans. Billy will work with Debra Arnold to create a correspondence that will identify the next 5-10 DRs that they will be revising. He will get this to all Forum members with a phone number for comments/questions. What he will be sending are old, unrevised directives. The correspondence will ask, how will we develop this? Anita Atkins believes that the DR list can be put together rather quickly because they have a prioritized inventory. The unions approved of this new method of DR PDI. Consensus was reached that 5-10 DRs will be put forward for comments. No objections were expressed.

USDA Labor-Management Forum Bulletin: Billy Milton suggested that the Forum create a USDA Labor-Management Forum Bulletin to discuss what is being done at the department level. The bulletin will go out to all employees. Labor and management will work on creating the bulletin. Debra Arnold agreed to the idea. Melissa Baumann volunteered to be the union representative to work on the bulletin. They will send out a draft of the bulletin to the Forum for comments before distribution. Management will finalize and send to OCIOs for further distribution. Consensus was reached that a USDA Labor-Management Forum Bulletin will be created. No objections were expressed.

My USDA Newsletter: Billy Milton said that the My USDA Newsletter on Cultural Transformation is being distributed to all employees. Two issues have currently been published. OHRM would like a couple labor representatives to participate in drafting the articles for the newsletter. It was commented that bringing in these people could assist in making the newsletter better relate to the employees. The My USDA Newsletter goes out every month. Debra Arnold would like to assist with the My USDA Newsletter. Billy will send out an email with the newsletter editors contact info. Consensus was reached that there will be union input into the My USDA Newsletter. No objections were expressed.

#### **Annual Review of the USDA Labor-Management Forum Charter.**

Meetings: Billy suggested, based on the information shared at this meeting, that the Forum maintain quarterly facilitated meetings. He would like to amend the Charter to include teleconferenced meetings every two months to address pending issues. Teleconferences will not be facilitated unless the need for facilitation is determined. Sarah Rehberg suggested the creation of a teleconference/meeting schedule for the calendar year. Sarah believes that as schedule will allow members to plan and could aid in increasing consistency of membership attendance. Debra Arnold, Melissa Baumann, Ron James, and Billy Milton will develop a schedule. Prior to forwarding the schedule to Joe Swerzewski the schedule will be forwarded to all Forum members for comment.

Co-Chairs: Billy proposed that he and Debra Arnold have simultaneous and equal roles as co-chair, rather than rotating the presiding co-chair duties every six months. Billy believes that these duties are too much work for one person. Debra is agreeable to this change if the duties are equally shared and the co-chairs work closely together.

PDI Section: Debra Arnold suggested making changes to the PDI section of the Charter to include information from the Charter Work Group and the PDI training. Henry Schmick suggested that the Charter Work Group draft a new PDI section. Ron James agreed with this suggestion. It was suggested that roles and responsibilities be sharpened in this section. Consensus was reached that the Charter Work Group will review this section of this Charter.

Conclusion: The Charter Work Group will look at the entire Charter for any changes that need to be made, including changes suggested today.

### **Labor Relations Climate Assessment Reports – Phase 2.**

Joe Swerdzewski presented the data. Raw data was sorted by agency and the labor relations type of individual responding (i.e., manager/supervisor, HR/LR rep, and union rep). Each agency was given a benchmark score. Joe commented that the benchmark is not for comparison, but rather for seeing where we are today. 2700 surveys went out. Joe said that the response was good, with 1245 surveys completed (45% participation rate). Joe commented on the usually high amount of written comments, which are beneficial. The USDA did not have any part in the analysis. “No Knowledge” and “N/A” survey responses were discussed. “No Knowledge” was given a score of 2, a rating determined by the statistician. Ron James voiced appreciation to all those involved in getting the survey done.

Billy Milton asked how we go about improving these scores at the level of recognition. The next survey has to go out in the fall of 2011. Debra Arnold said that for the next survey, labor and management need to work together to develop the list of people that will take the survey. It will reduce the amount of people having “no knowledge”. It was commented that there is a consistent mismatch in the area of “information sharing”. It was asked, what factors are in that score that we need to look at to improve? Billy suggested that there be provisions on communications in agency charters. Someone suggested that information from agency leadership team meetings be shared with their labor organizations. Debra agreed with this suggestion. It was mentioned that NFFE representatives attend these meetings in the Forest Service. Billy intends to go through the reports and meet with the appropriate mission area managers to look at their plans. It was suggested that the unions and management/labor relations meet to discuss the survey results with a facilitator. Billy believes this should be occurring at the local level and for the USDA Forum to discuss issues at the agency level would be difficult. Someone expressed concerns about agencies developing a plan without union consultation. Robin Heard thought that it is important for the unions to get involved in the action plans.

An extension was granted for the metrics reports due from forums in mission area and agencies because the survey results went out later than anticipated. The extended due date is February 28, 2011.

**PDI Reports.**

Anita Atkins explained that DRs were reviewed to determine which need revision. They are looking at the content and will revise so they read easy and are applicable to USDA today.

Premium Pay Departmental Regulation: Patricia Moore said she was prepared to discuss the comments received by email from some unions. Some questions/comments received at the last minute would not be addressed today, but rather would be addressed at a later time. Debra Arnold submitted questions regarding 9c and 9d of the regulation. Patricia said that 9c and 9d are in accordance with 5 CFR 550. They plan to clarify these sections by including FLSA exemption status. Debra thought these changes were a good idea. Melissa Baumann would like the DR to be clear that this is only for FLSA non-exempt employees. Patricia agreed to look at this. She will look to clarify that's who is covered or to pull the other employees into the DR. Melissa also said that the DR does not have accurate information/definitions for flex schedules.

Stan Painter submitted a comment regarding 17b(2)(e), the section that covers APHIS PPQ. The comment was in regards to the term "metropolitan area" not being defined. This section will be revised to reference APHIS directive 402.3, which has a definitive definition of "metropolitan area".

Other PDI Reports: Ron James offered to create a PDI status report for the DRs on the agenda that, due to time constraints, were not discussed. No objections were expressed. The status report will be included in the minutes.

**PDI – Facilitated Discussion as a Follow-up to the December 2011 Training.**

Joe Swerzewski took the meeting participants through the letter regarding PDI from the National Council on Federal Labor Relations. In it, there is no formula or definition for PDI. "When" PDI should be engaged in and the possible necessity for confidentiality are covered in the Council's letter. Also, unions becoming involved regarding budgets through the PDI process is addressed in the letter. The phrase from the Executive Order "all workplace matters to the fullest extent practicable" regarding the extent of matters subject to PDI was not discussed in the letter.

Meeting adjourned at 4:20pm.

USDA LABOR-MANAGEMENT FORUM  
**PRE-DECISIONAL INVOLVEMENT REPORT**

January 27, 2011

- **Premium Pay Departmental Regulation**  
The comments received from unions will be discussed at the January meeting with the subject matter experts. The PDI comment period is open until February 7, 2011.
- **Onboarding Requirements Departmental Regulation and Initiative**  
Union participation on the workgroup continues. The workgroup generally meets weekly. An onboarding portal on the DM website is being developed. There are guides available for supervisors and sponsors. Once the onboarding portal goes live, supervisor and sponsor guides will be posted there. Also, training for supervisors and sponsors is being developed for AgLearn. The comment period on the proposed DR closed and the proposed policy is being finalized.
- **Advances in Pay Departmental Regulation**  
Comment period closed. The proposed policy is being finalized.
- **Employment of Individuals with Disabilities Departmental Regulation**  
Comment period closed. The proposed policy is being finalized.
- **Referral Bonus Awards Departmental Regulation**  
Comment period closed. The proposed policy is being finalized.
- **Veterans Advisory Council**  
Labor was invited to nominate a member of the Council. Labor's nominee, Dave Chevalier from NFFE and the Forest Service, was appointed to the Council.
- **Drug Free Workplace Departmental Regulation**  
Comment period closed. The proposed policy is being finalized.
- **Payment for Travel and Transportation Expenses for New Appointees and Pre-Employment Interviews Departmental Regulation**  
Comment period closed. The proposed policy is being finalized.
- **Employment of Veterans Departmental Regulation**  
Comment period closed. The proposed policy is being finalized.

- **Administrative Leave Departmental Regulation**  
Policy was finalized and posted on the USDA Website.
- **Personnel Management of USDA Employees Assigned to Reconstruction and Stabilization Activities Departmental Regulation**  
Policy finalized and posted on USDA's website.
- **Employee Awards and Recognition**  
Policy was finalized and posted on the USDA Website.
- **Telework Departmental Regulation**  
Policy was finalized and posted on the USDA Website.
- **Individual Development Plans**  
Policy was finalized and posted on the USDA Website.