

**USDA LABOR-MANAGEMENT FORUM**  
**MEETING MINUTES**  
**October 20, 2011**

**Draft**

**Roll Call and Adoption of Minutes**

The meeting commenced at 1:00 p.m. in the Whitten Building, Room 104-A Conference room at 1400 Independence Avenue, SW, Washington DC. Co-Chair Debra Arnold called the roll.

**Attendance**

Labor Forum Members: Debra Arnold, Melissa Baumann, Luke Chesek, Sharon Church, Patricia Maggi, Charles Stanley (Stan) Painter, Sarah Rehberg, Sharon Cooney-Smith, Chris Barry.

Management Forum Members: William (Billy) P. Milton, Jr., Frank McDonough, Phil Short, Ronald James, Ralph Linden, Peter Bridgeman, Jonathan Alboum, Doreen Lewis.

Member Organizations Absent: American Foreign Service Association; Rural Development.

Subject Matter Experts: Chris Nelson (Office of Assistant Secretary for Administration); Deborah Rodriguez (OHRM).

Facilitator: The meeting was not facilitated.

Note Takers: Luke Chesek and Daniel Kline

The July 21, 2011 forum meeting minutes were approved as written.

**Individual Development Plans (IDPs) and Performance Plans**

Billy Milton, Management Co-chair, asked Forum participants for opinions as to how IDPs and performance plans were being handled within their respective agencies and offices (e.g., were IDPs being developed and were performance plans being completed on time?). Mr. Milton stressed that Secretary Vilsack is committed to the Department creating accurate and timely performance plans for every employee and explained that the Secretary receives monthly reports regarding the status of IDPs and performance plans throughout the Department. Citing the Department's commitment to appraising and rewarding employees appropriately, Mr. Milton asked for suggestions on how the process of developing and issuing IDPs and performance plans could be improved.

Some Labor members stated that supervisors were not completing performance plans in a timely fashion resulting in many employees not knowing what is expected of him or her prior to the appraisal process. Other comments regarding IDPs included employee frustration at not receiving approval for non-AgLearn training courses and IDPs not being approved due to reduced training budgets. Co-chair Debra Arnold stated that although IDPs are being created,

employees are often denied approval for requested developmental training with supervisors citing cost-concerns. Labor asserted that many lower graded employees are denied training because the requested classes are not related to their current job duties. This denies employees the training necessary to perform higher graded work and limits career advancement opportunities.

Melissa Baumann, NFFE, said that Management might only be reporting the fact that IDPs are being created. Consequently, the Secretary could only be reviewing metrics related to IDP creation and not whether employees are actually receiving the training necessary to effectuate their IDP. She added that many employees are wary of AgLearn as they believe that the free course offerings are insufficient. Mr. Milton asked that Labor discourage such sentiment and stated that OPM is interested in emulating the AgLearn program. Ralph Linden, OGC, stated that Management should engage with employees and ask what AgLearn programs they would like to see.

Stan Painter, AFGE, stated that many FSIS managers have no idea what IDPs are and thus have trouble assisting employees with establishing IDPs. Peter Bridgeman, FSIS, acknowledged the historical shortcomings of FSIS in developing IDPs but stressed that FSIS is committed to improving this area within the coming year.

As for agency IDP percentage rates, Frank McDonough, FNS, posited that agencies should offer fuller explanations for their completion numbers. Using FNS as an example, Frank explained that although only 22% of IDPs were completed, this was due to the fact that BUEs are not required to create an IDP pursuant to the collective bargaining agreement with one of its unions. Phil Short, FFAS, asserted that over 90% of employees with the FFAS Mission Area have IDPs. He credited much of this to the large availability of online training options (e.g., webinars and virtual classrooms). For Mr. Short, maximizing virtual training options may help agencies circumvent cost issues that inhibit training opportunities. For FY 2012, FFAS plans to establish metrics to judge how effective IDPs are for employee development and to improve accountability and future success.

Co-Chair Milton closed the discussion by reiterating that, although the IDPs are voluntary, agencies are required to bargain the implementation of IDP programs and that all agencies and offices can do better. Mr. Milton stressed that if problems are occurring at the agency level, Labor should bring those issues to each agency's labor-management forum. If those issues are not addressed at that level, Mr. Milton asked that Labor continue to raise those issues at the USDA Labor-Management Forum level.

### **Administrative Solutions Project**

Chris Nelson, Special Assistant to the Assistant Secretary for Administration, presented the Forum with an update on the Administrative Solutions (ASP) portion of the Strengthening Services Project (SSP). Steering Committees have presented 379 recommendations to the Secretary for his consideration. Mr. Nelson indicated that there appears to be agreement on approximately 352 of these recommendations, while 27 or 28 are presently classified as unresolved "grey areas."

Mr. Nelson stated that although the original target date of January 1, 2012 for implementing recommendations is still in place, the Department is in the process of identifying recommendations that could be implemented before January 1, 2012 (e.g., consolidating the cell phone plans across Mission Areas, and utilizing OPM to process finger prints for new hires rather than the FBI, which is substantially more expensive). ASP is now transitioning into a strategic management phase to analyze the costs, benefits, and implementation requirements. Mr. Nelson reiterated that having labor representative participation is invaluable, especially in providing perspectives on how changes could impact employees and crafting a communication strategy. Mr. Nelson acknowledged that the ASP must do a better job at communicating “evolving plans” to employees, and stated that communications strategies regarding the implementation of “next steps” are being developed.

Luke Chesek, NTEU, asked how the issue of union successorship will be handled. Mr. Milton asserted that the Department will follow the rules and regulations as interpreted by the FLRA, and that it is not the intent of the Department to create a QCR (question concerning representation).

Mr. Nelson addressed the matter of confidentiality. He acknowledged a few incidents where rumors spread that agencies were beginning to move forward with implementation plans. These rumors created tense situations for employees and managers alike. Labor expressed frustration at what it couched as Management failing to honor confidentiality by often leaking information to colleagues. Co-Chair Milton asserted that both management and union representative are responsible for maintaining confidentiality during pre-decisional (PDI) involvement under Executive Order 13522. He reiterated that PDI does not take the place of bargaining and that Management remains committed to bargaining once implementation plans are finalized.

Mr. Nelson said that the Communications Committee is attempting to determine what information can be shared. Co-Chair Milton asked FSIS bargaining unit representative Stan Painter how best the Department could communicate with those employees who lacked an email account. Mr. Painter stated that official notices are mailed to bargaining unit employees in FSIS. The Forum acknowledged that Secretary Vilsack’s online video had only 5,000 views. As such, discovering more effective communication tools is one key to addressing communication issues. Mr. Linden proposed the idea of dedicating a portion of the USDA website to communicating SSP info.

### **VERA/VSIP**

Deborah Rodriguez, OHRM Policy Specialist provided a status update on the current implementation of VERA/VSIP across the Department. The Department is currently soliciting feedback from all agencies regarding potential future requests. While the existing Continuing Resolution passed by Congress will not impact the current VERA/VSIP offerings, it may impact any future VERA/VSIP offerings.

Mr. Painter asked why the FSIS was not granted the authority to offer VERA or VSIP. Co-Chair Milton explained that each agency sent their recommendations on VERA/VSIP to the Department, and consequently, the Department petitioned OPM for approval.

Sharon Cooney Smith, AFSCME, was concerned that Rural Development had refused to release its VERA/VSIP plans. When asked, Ron James, LRO, said that the Department never instructed Agencies/Offices to withhold VERA/VSIP plans and that he would work with RD officials on the release of agency plans to the unions.

Labor raised concerns that the Mission Areas did not include Labor in making these determinations. Co-Chair Milton asserted that USDA did not forbid pre-decisional involvement and emphasized that it was up to each agency to ensure it included the unions in PDI, to the extent their charters or agreements allowed. As such, Labor is free to ask Management for pre-decisional involvement during this process. He also said that if unions encounter problems at the agency level, they could elevate their concerns to the Department.

Luke Chesek, NTEU, said that because of a lack of pre-decisional involvement, Management failed to target certain positions for VERA/VSIP that are ripe for inclusion. He cited the Commodities Office in FSA as an example. Phil Short, FSA, responded that he was aware of the issue within the Commodities Office and that an investigation is currently under way to determine if those employees are underemployed.

### **Fact Finding Report - FSIS**

Previously, the USDA Forum approved a fact-finding report that included recommendations for how the FSIS Forum could resolve issues around pre-decisional involvement. At the October 20 meeting, USDA Forum members were provided a report of the FSIS Forums' response to the USDA Forum's recommendations. In summary, the report stated that FSIS management rejected several key recommendations that would result in continued non-compliance with Executive Order 13522. Mr. Milton expressed the Department's expectation that labor and management have effective relationships and fully implement the Executive Order. Mr. Painter expressed his appreciation for the time that was spent preparing the Fact Finding Report, and stated his commitment to establishing a working relationship with FSIS management to implement the Executive Order. Mr. Bridgeman said that FSIS would embrace the Fact Finding Report's recommendations previously adopted by the USDA Forum.

### **Unintended Consequences of Travel Cap**

Ms. Baumann said that the Forest Service limited necessary travel for some employees who are required to travel long distances for their work. She said that since the directive establishing the cap was from Department, unions did not have the opportunity for PDI with the Forest Service. Mr. Milton acknowledged that USDA is aware of this predicament and committed to involving Labor in some PDI manner at the Mission Area level should the Department make further decisions related to the travel cap. He also explained that the reduction was a goal, not a hard cap, and that in no instance would the Department allow travel reductions to impact employee health and safety.

In discussing the role of PDI, Labor stated that PDI meant that involvement should occur at the idea stage, not when a decision has already been made. Mr. Milton responded that the Department remains committed to PDI with unions and that once a position on a matter has been developed, the Agencies should engage their unions in PDI. Labor suggested that a PDI handout be developed and furnished to Labor and Management official so all parties would understand

what PDI is. Mr. Milton thought this an excellent idea, and Labor offered to draft and present it to the Forum. Ms. Baumann and Mr. James agreed to develop a “flier” that provides information with respect to PDI. In discussing the role of PDI, Labor asserted that PDI meant that involvement should occur at the idea stage, not when a decision has already been made.

### **Wellness Program**

Mr. Milton said that the Department’s was interested in looking into creating a Wellness Program for its employees. Luke Chesek cited the progress NTEU and CBP made on establishing a Fitness Program for CBP. Mr. Chesek will forward Mr. Milton documents outlining the CBP Program. Mr. Arnold stressed the importance of giving administrative time to bargaining unit employees for wellness activities.

### **Telework and Space Sharing**

Mr. Milton explained the Department’s progress in the teleworking program that was reflected in the number of employees participating in telework arrangements (i.e., 16,000 participants in 2010 to over 50,000 participants in 2011). However, he said that Agencies and Offices can always improve. Labor expressed a great deal of frustration at the lack of interest in teleworking some Agencies due mainly to a management culture that is resistant to changing their line-of-sight management style. Also, many managers were unfamiliar and/or afraid of the technology which allows employees to telework and did not want to learn.

Mr. Chesek pointed out that considerable cost savings could be generated by teleworking, e.g., space share, travel costs, etc. Sharon Cooney-Smith stated that her bargaining unit employees are submitting telework applications, but are not getting responses from Management. Mr. Milton stated that if management denies the ability to telework to employees who are otherwise qualified, those issues should be elevated. He also indicated that the Department reviews metrics with respect to telework and that this issue remains a priority for the Department.

Chris Berry, NFFE, said that without good measurements and standards in place, managers may be hesitant to expand telework. Ms. Arnold said that GSA has techniques for analyzing telework data and encouraged labor and management to take advantage of those techniques when reviewing the success of telework arrangements.

Phil Short, FFSA, said that he was working to incorporate telework into his Mission Area’s “going green” efforts. However, he has hesitation with respect to telework’s usefulness insofar as the Mission Area’s county offices are concerned because of the customer service requirements of the work done in those places.

### **Old Business**

#### **Employee Viewpoint Survey**

Mr. Milton stated that individuals could now access OPM’s Employee Viewpoint Survey through the OPM website. However, the Department is waiting on further material which will permit USDA to access and manipulate data specific to each Agency.

#### **2012 Labor-Management Climate Survey**

The USDA Labor-Management Climate Survey team has been established. Pat Maggi, NTEU, said that the team has now completed the second draft of the survey, which will be finalized soon.

### **2012 Quarterly Meeting Schedule**

The USDA Labor-Management Forum agreed to the following schedule for its in-person quarterly meetings:

January 25, 2012

April 25, 2012

July 25, 2012

October 24, 2012

In accordance with the Forum Charter, there would be teleconferences held upon request between the scheduled quarterly meetings.

**Meeting adjourned at approximately 3:45 p.m. (ET)**