

USDA LABOR-MANAGEMENT FORUM

Policy for Ensuring Effectiveness of Pre-Decisional Involvement (PDI) Efforts Within Labor-Management Forums

I. New PDI Guidance, Reporting Requirements & Procedures

In order to ensure the parties are in agreement as to the state of PDI within their respective forums, or where no labor-management forum exists, to the extent practicable, the following PDI guidance and reporting requirements will be implemented as of June 25, 2013.

II. PDI GUIDANCE

A. Background

On December 9, 2009, the President issued Executive Order 13522, *Creating Labor Management Forums to Improve the Delivery of Government Services*. Among other things, the Executive Order requires management to “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...”

B. What Is Pre-Decisional Involvement (PDI)

Pre-Decisional Involvement (PDI) concerns the parties’ efforts to jointly develop solutions on workplace issues in advance of management making decisions on those matters. The Executive Order contains no definition of or rules for PDI. Rather, these matters are left for the parties, through their partnership councils, to deliberate and decide. Although PDI is not bargaining and there are no enforcement mechanisms contained within the Executive Order, it occurs before management has made a decision to change conditions of employment with the goal of mutual agreement between the parties and the inclusion of employee input. PDI creates an expectation that good faith efforts will be made by forums to resolve issues concerning changes in conditions of employment, including 7106(b)(1) subjects. Consequently, the USDA L-M Forum is very interested in ensuring that all good faith efforts are being made by forum management participants to engage in PDI whenever practicable.

C. The Benefits of Engaging in PDI

It is imperative that both Management and Labor realize that PDI is in their best interest, not just because the Executive Order mandates the process, but because it makes sense to involve unit employees. This is so because while Management decides what work should be performed, it is the employees who perform those daily tasks, and PDI is the means to tap into those employees’ extensive hands-on experience. PDI allows employees to offer management their valuable suggestions on ways to work better, more efficiently, and to achieve significant cost savings. In order to

maximize the benefits of the PDI process, Management should consider expanding the decision-making process into topics which traditionally have been excluded Labor as a stakeholder, such as those referenced in 7106(a) as well as those in 7106(b)(1). For example, PDI could involve the following:

- Recommending budget, organization, and number of employees to carry out the mission, or to modify the mission, of the respective organization;
- Changes impacting significant numbers of employees with respect to hiring, assigning, directing, or disciplining employees
Assigning work contracting out – or contracting in; and
- Changing position recruitment procedures, ~~+~~ determining how candidates are rating and ranked, and policies involving the expedited hiring process and/or upward mobility opportunities for current employees.

In addition to developing solutions for these and other work place topics, working together can foster a more productive and constructive labor-management relationship. Thus, parties should recognize the potential benefits of a PDI process before they embark on the commitment of time and resources.

D. Challenges of Verifying PDI Efforts

Because the Executive Order does not mandate a single approach to PDI, it is imperative that the parties reach mutual agreement on their expectations for PDI. Consequently, agency-level forums must decide for themselves what PDI means to them and how it will be conducted. However, too often there is disagreement among union and management forum participants as to whether the forum parties are actually engaging in PDI for all changes to working conditions within the approach agreed to by the parties or, where no labor-management forum exists, to the extent alleged by management. To that end, the parties are strongly encouraged to enter into written PDI agreements that clearly define the expectations and responsibilities of the parties, list the matters that will be subject to PDI, and explain the procedures to be used to achieve the expectations of the parties.¹ In any event, the new reporting requirement will ask Management and Labor representatives to list all topics that were offered for PDI during the reporting period and the outcomes. Parties may also list topics that they feel could or should have been offered for PDI, but were not.

¹ The Department intends to issue comprehensive guidance on PDI Best Practices later in the year.

III. NEW PDI REPORTING REQUIREMENTS

A. Metrics & Goals Report - Beginning of Reporting Year

Each forum/committee will report their jointly developed Metrics & Goals by February 27th of each EO Reporting Year. In addition to the other required information contained within the Metrics & Goals Report, the parties must list more than 3 management initiatives and management must offer PDI on at least 90% of those management initiatives to qualify for the 5 point scoring on the Secretary's Cultural Transformation (CT) Report Card) at the end of the reporting year. In order to confirm that the metric goals were developed jointly by union and management forum participants, the Metrics & Goal Report must be endorsed, in writing, by both the LRO and the lead Union representative of the LM forum. Failure to submit a jointly endorsed Metrics & Goals Report with the required signatures will result in the report being rejected and the agency not receiving recognition for its forum metrics on the Secretary's CT Report Card. Continued failure to submit a Metrics Report will be reported to the respective Agency Administrator by the USDA Chief Human Capital Officer for follow-up action.

B. Secretary's Cultural Transformation (CT) Report Card/PDI Progress Reports

The Secretary's CT Report Card measures, among other things, agency participation in labor-management forums under Executive Order 13522. Agency participation is divided into 2 categories:

Category 1 = Agencies with Labor-Management Forums.

Category 2 = Agencies without Labor-Management Forums due to non-participation of the union.

Each year, an Agency's Report Card grade will be reevaluated to ensure the weighted values assigned to their forum efforts are accurate.

For **Category 1** Agencies, the PDI initiatives listed in their Metrics and Goals Report will be used to score their PDI efforts for the Secretary's CT Report Card. Should Category 1 Agencies fail to engage in their PDI initiatives set out in its initial Metrics & Goals Report, the Agency's CT Report Card grade will be adjusted accordingly.

For **Category 2** Agencies, PDI efforts will be scored based on the good faith efforts it made to engage the Union in PDI and the number of PDI initiatives it undertook with its respective Union.

In order to receive recognition for PDI efforts on the CT Report Card, the Agency's PDI progress report must be endorsed, in writing, by the lead Union representative of the respective form.

C. Metrics Progress Report – Year End Reporting

Each forum/committee will report their progress in achieving their Metrics & Goals by December 20th of each reporting year. The parties must have achieved more than 3 management initiatives to qualify for the 5 point scoring on the Secretary's Cultural Transformation (CT) Report Card). Should the parties fail to engage in the required PDI initiatives, the Agency's CT Report Card grade will be adjusted accordingly. In order to confirm that the forum's anticipated PDI efforts and metric goals were accurately measured, the Metrics Progress Report must be endorsed, in writing, by both the LRO and the lead Union representative of the LM forum. Failure to submit a jointly endorsed Metrics Progress Report without the required signatures will result in the report being rejected. Continued failure to submit a Metrics Progress Report will be reported to the respective Agency Administrator by the USDA Chief Human Capital Officer for follow-up action.