

USDA Labor Management Forum

July 20, 2016 Minutes

I. ADMINISTRATIVE ITEMS

The USDA Labor-Management Forum (LMF) Meeting was called to order at 1:02 p.m.

Member Roll Call:

Labor and Designated Alternates:	Management and Designated Alternates:
Sherrie Carter, AFSCME, Labor Co-chair	Dan Kline, DM, Acting Management Co-Chair
Joanna Eckley, NTEU Chapter 226	Peter Bridgeman, FSIS
Michele Kouadio, AFSCME L 3976	Susan Siemietkowski, FNS
Rosalyn Livingston, AFGE L 3354	Ed Rall, FSA
Chearise Vaughn, AFSCME L 3870	Edna Primrose, RD
	Joe Abbott, FSIS
	Steve Placek, NAD
	Marilyn Holland, MRP
	Neha Hewitt, OGC
	Mark Rucker, FSA

Other Attendees: Chearice Vaughn-AFSCME, Shaunda Ross-OHRM, Kevin McGrath-OHRM, Peter Brownell-APHIS

Note Takers: Myron Greenhow

II. DISCUSSION

Introduction: **Dan Kline**, Chief, Labor Relations Branch, Office of Human Resources Management (OHRM) and Acting USDA LMF Management Co-chair, called the meeting to order and introduced **Sherrie Carter**, the new Labor Co-chair and American Federation of State, County and Municipal Employees (AFSCME) Local 3870 President, for opening remarks to the Forum. **Carter** welcomed the opportunity and looks forward to working with everyone. **Kline** made a motion to accept the minutes of the April 20, 2016 meeting. **Carter** seconded the motion to adopt the minutes. **Kline** introduced **Kevin McGrath**, Supervisory Human Resources Specialist, OHRM, who discussed the Equal Opportunity Accountability Policy and Procedures.

Equal Opportunity Accountability Policy and Procedures: **McGrath** noted that with the arrival of **Secretary Tom Vilsack** in 2008, he possessed some high level initiatives for changing the culture in USDA. The **Secretary** in an effort to address certain systemic issues hit the ground

running with his Cultural Transformation Initiative. Toward this end, the Equal Opportunity Accountability Office was established as a temporary effort to help turn the culture about. The OHRM stood up the Accountability Office to assist the Office of the Assistant Secretary for Civil Rights (OASCR). But, OHRM is not there to second guess OASCR. We are designed to search for violations by responsible management officials of civil rights principles and assess whether someone should be held accountable for misconduct.

Years ago when there were findings of discrimination, there was no subsequent accountability determinations. But now, under the Department's existing Accountability Departmental Regulation Policy each agency is supposed to perform their own assessment. The Department's Accountability Office does a corollary assessment to note its findings.

Recently, the **Secretary** issued a memorandum institutionalizing the Accountability Program. As a result, we will be issuing a permanent Departmental Regulation (DR).

McGrath pointed out that corrective action does not mean discipline in every case; it may be counseling, training, coaching, mentoring or a combination of these. It's not about trying to get someone back. **Kline** asked if the DR was done or under development. **McGrath** shared the existing Policy, DR 4300-010, developed by OHRM and OASCR. However, this process was not working as well as intended. Thus OHRM, OASCR and the Office of the General Counsel (OGC) have been hammering out a new DR to address the short comings of the existing policy.

Kline asked if there were any questions. **Ed Rall**, FSA Acting Director, Economic and Policy Staff, wanted to know what accumulated metrics, if any, were being utilized. **McGrath** indicated that such data has not been captured, but data typically reported under the Cultural Transformation Report is what we have noted. **Rall** asked if the data was tangible. **McGrath** noted the data is not tangible. **McGrath** noted that the culture will not change overnight.

Joseph Abbott, Human Resources Director, FSIS, wanted to know how to sustain accountability when responsible officials have moved on. **McGrath** noted that it's not possible where officials are no longer with the agency. **Abbott** noted that it's not possible to administer an action where the employee is no longer with the agency. **McGrath** indicated the performance of an assessment is an ER (employee relations) determination, while it deals with discrimination, you perform your assessment similarly as you would in any ER case. **Abbott** understood that agencies must take on more self-control conducting assessments. But, the longer the time between the development of the FAD (final agency decision) and subsequent assessment makes it stale, especially where the responsible official has moved on. **McGrath** agreed it will not cure systemic issues waning in the EEOC process.

McGrath pointed to the fact that the Department now sees more settlements than decisions these days. If we check, I could get a number but I don't have any presently with me.

Carter wanted to know what determines what cases are reviewed. **McGrath** stated that all cases with findings of discrimination, settlement agreements, MSPB cases with a finding of discrimination, personal misconduct investigations noting a finding; I don't think I missed any. **Carter** and **Kline** thanked **McGrath**.

USDA South Building Modernization Plan: There being no further questions regarding the Equal Opportunity Accountability Policy and Procedures, **Kline** introduced **Curtis Wilburn**, Office of Operations (OO) Director, to provide a briefing on the OO's Plans and Objectives for the South Building. **Wilburn** made it clear that Modernization Plans are still in development. He noted that in the case of the South Building, it has been under efforts to revitalize the facility for the past 25 years. Money has been an issue. **Wilburn** noted that OO is very, very engaged in plan development. This includes efforts to also modernize the George Washington Carver Center (GWCC or Carver), Yates Building and the Whitten Building. As we continue to make these changes we want to insure there is engagement with you particularly in light of the disruption to employees.

Wilburn noted that USDA first moved into the building in 1998 and the Carver Center stands as the crown jewel of USDA. However, USDA is committed to reducing our building footprint. This will result in an annual savings \$45 million dollars annually. Hoteling, telework and other changes in how we get our work done will not depend less on our physical location. It becomes more important how we get our work done and less where we get our work done.

Wilburn stated that OO does not control how the money gets spent. It may take five to seven years to obtain the funding to complete the modernization. OO maintains a master housing plan that agencies use to share their space needs.

Abbott wanted to know if it would take five to seven years to obtain the money or to obtain approval for the funding. **Wilburn** intimated that he is an optimistic man; he hopes to have the plan approved and the money shortly thereafter.

Abbott asked what some the core criteria are for modernizing. **Wilburn** stated he needed to step back by noting the plan is still under development and yet to be approved. He noted we have facilities without state of the art fire suppression systems; we have facilities without way-findings. **Wilburn** asked if everyone knew where the Promenade is located, or the Outdoor Patio or the Healthcare Unit. Unlike you, there are a lot of people that do not know how to navigate the complex to locate these places. So way-findings would be an appreciated benefit.

Also, **Wilburn** noted there a number of offices with underutilized space.

Susan Siemietkowski, Management Services Director, wanted to know if leases expire prior to the completion of the five to seven year program, could that agency renew its lease. **Wilburn** asked what agency she was with. **Siemietkowski** shared that it was the Food and Nutrition Service. **Wilburn** indicated that the FNS lease does not expire until 2017.

Michele Kouadio, Vice President, AFSCME Local 3976, indicated that the decisions were not being communicated down to her level. We are preparing to negotiate, Management has a mentality that telework is a luxury oblivious to the reality of the need for telework and how it supports reducing the footprint. **Wilburn** responded that one of the initiatives they will be advocating is for management to consider accomplishing its work remotely. **Kouadio** replied that managers are not grasping the cost advantages to the Department.

Edna Primrose, Deputy Administrator for Management, Rural Development, asked **Wilburn** if he could talk about space and size concerns. **Wilburn** shared that in 2014 OO did a space utilization survey that disclosed the “underutilization of space.” To give you an idea, in the Yates Building a five by nine, five by ten cubicle will be significantly reduced from what it is today as we continue to reduce the building footprint. **Primrose** proffered that Rural Development is proposing the adoption of shared spaces in two of its current offices. **Wilburn** indicated that everyone that has an office believes it’s their office. It belongs to my agency and it’s mine. This notion will not survive under the modernization plan. Shared space will become the norm. Space will no longer be simply “agency owned space.” **Wilburn** tendered that once OO reached this point in the Modernization Project, it will be reaching out to the Forum to assist with the development of the communication strategy to affected employees. Spaces under the Modernization Project will not be the typical office space there will be meeting spaces, lounges, areas for one-on-ones or small meeting areas once the Plan is finally defined.

Kline asked if the five to seven years is actually for construction and that OO should consider building in time for collective bargaining to occur by the affected agencies; moving people around takes time. **Wilburn** suggested that whatever we do, the project must stay on schedule because delays cost money, cost overruns. **Kline** acknowledged his assent, but reemphasized that time be built in at the outset to ensure agencies have adequate opportunity to fulfill any necessary bargaining obligations. **Wilburn** responded that OO recognizes this as one of the most critical components.

Carter shared that working with RD management we encountered a lot of questions from employees and some concern from managers that were unwilling to let go of space. She stated that one particular manager contravened space from an employee to create their own little conference room. **Carter** asked **Wilburn** if there was anyway Labor can be involved now to ensure it has a voice. **Wilburn** reiterated that the communication piece is something OO will probably bring back to the Forum for assistance. **Wilburn** confessed that he would rather deal with employees that did not receive their paychecks than deal with employees regarding space issues. (Chuckles could be heard from participants). **Carter** pointedly noted that she wanted to add on to **Kouadio**’s earlier comments regarding management receipt of timely information of pending space changes. Employees are not given information soon enough. **Kouadio** suggested for communicating out: the Cultural Transformation Reports and their union newsletter. She followed up with suggesting that OO visit all labor-management forums within the National Capitol Region. **Wilburn** stated that he is willing to go wherever at any time. He maintained that communication and engagement has to continue even in a post environment. **Kline** pointed that next month there will be a meeting of Labor Relations Officers

teleconference, though we realize this matter is not a done deal, our office would appreciate a briefing on the Modernization Plan. **Kline** wanted to know who the Labor Relations office should reach out to as the point of contact next month. **Wilburn** answered that he would be the point of contact, but please understand that nothing is final or concrete. **Rucker** voiced that this is a large undertaking; so communication is imperative. Management may need to consider swing space.

Joanna Eckley, President, NTEU Chapter 226, inquired as to whether the plan will be submitted prior to the close of the current administration. **Wilburn** shared that he has been at this for five years. He noted that only limited improvements have been accomplished. He turned attention to the GWCC offering that if something is not done soon it may end up in the same shape the South Building is in now. **Eckley** thanked **Wilburn**. **Peter Bridgeman**, Assistant Administrator, Office of Management, FSIS, pointed out that in 1996 the Department undertook a five to seven year renovation project wherein the funds dried up within two years. He asked what assurances will there be this will not turn out the same. **Wilburn** acknowledged that the Plan will require Congressional approval but the outlays will be different from what occurred previously. **Kouadio** sought clarification regarding the assurances that this time will be different. **Wilburn** divulged that the Department must carefully consider other options where funding is concerned; but we don't have the option, whether to modernize or not, we must modernize. Yet how we choose to do so is where we have options.

Primrose voiced her gratitude to AFSCME for working with RD in the space endeavors. She invited them to continue working with RD and extended an invitation to **Wilburn**.

Kline asked if there were any other questions, noting only silence he thanked **Wilburn** for his time and candor. **Kline** introduced **Shaunda Ross**, President's Management Council Rotational Fellow, assigned to the Employee Engagement Program.

Update on the 2016 Federal Employee Viewpoint Survey (FEVS): **Ross** informed the Forum that USDA was among the first wave of government agencies to receive the FEVS survey. The Survey was open from April 26, 2016 through June 16, 2016. She stated that in USDA 38,947 employees were provided the survey and that 22,179 responded. This equates to a 57% unadjusted response rate; and represents a 16% increase above the government-wide unadjusted response rate which stands at 41.3%. OPM is currently analyzing the data and will share the adjusted response rates once they discount those that actually left, retired, on extended leave, had bad email addresses or other disqualifying factors. Last year we were at an unadjusted rate of 58%, but once the rate was adjusted it increased to 67%. So have every reason to expect the rate or participation to increase. OPM is expected to follow up with the **James Brent**, Employee Engagement Program Manager with additional information in late July to early August. **Ross** noted that USDA is expected to have final survey analysis by September 2016.

Siemietkowski noted that the Best Places to Work in Government usually comes out in October.

Kline as if there were any questions; noting no response he introduced **Myron Greenhow**, Senior Labor Relations Specialist, OHRM.

New 2016 Labor-Management Relations Climate Assessment Survey: **Greenhow** stated that the Department is reaching the time of year for the Labor-Management Relations Climate Assessment Survey. The Climate Survey is used to gauge the labor-management relationship. **Kline** asked when the Survey is expected to be released. **Greenhow** responded the Survey anticipated release is September 15, 2016. He informed the Forum that in preparation thereof, a survey working group is established to review the survey and determine what if anything needs to be changed. The working group usually accomplishes its review and any necessary changes during the month of August. He requested two volunteers from labor and two from management.

Kline asked if there were any questions or comments, there being none he moved on to the next agenda item.

Open Microphone: **Kline** shared that he attended the National Council on Federal Labor Management Relations earlier today. He was pleased to hear during the meeting how effectively RD was using the metrics to improve the delivery of government service.

Kouadio stated that their Labor-management forum met to accomplish training being provided by the FLRA. She noted that it was time well spent. She went on to suggest the USDA LMF should consider and may benefit from this training. **Greenhow** asked who provided the training. Kouadio responded that she believe it was **Michael Wolfe**.

Wrap Up and Confirmation of Remaining 2016 Meeting Dates: **Kline** adjourned the meeting and reminded the Forum that the next meeting date is October 20, 2016.

Adjournment: The meeting adjourned at approximately 2:34 p.m.