

USDA Labor Management Forum

October 22, 2014 Minutes

Draft

I. ADMINISTRATIVE ITEMS

The USDA Labor-Management Forum Meeting was called to order at 1:07 p.m.

Member Roll Call:

Labor and Designated Alternates:	Management and Designated Alternates:
Chris Ketner, AFSCME, Labor Co-chair	Bryan Knowles, DM, Management Co-Chair
Chris Berry, NFFE	Marilyn Holland, APHIS
Johanna Eckley, NTEU	Steve Placek, NAD
Cynthia Ross, NAPPQOSE	Edward Rall, FFAS
Sarah Rehberg, NAAE	Robin Heard, OSEC
	John Blanchard, FFAS
	Edna Primrose, RD
	Kathy Hall, REE
	N. Hewitt, OGC
	Dan Kline, OHRM
	Kathy Hall, REE
	Tammy Edmunds, NRE

Other Attendees: Chris Nelson-OSEC, Karlease Kelly-OHRM, Frank King-APHIS, James Brent-OHRM, Chris Jones-OHRM, Zina Sutch-OHRM, Jeff L'Heureux-GIPSA,

Note Taker(s): Randolph Wilkinson and Myron Greenhow

II. DISCUSSION

Introduction: **Bryan Knowles**, Management Co-chair, called the meeting to order at approximately 1:07 pm. All participants introduced themselves. Since the minutes were communicated untimely, there will be an email Monday, October 27th making a motion to adopt them at that time. Suggested dates for upcoming 2015 forum meetings will also be included.

Workers' Compensation Update: **Bryan** introduced OSEC's **Chris Nelson** for an update of the Department's effort to improve the Worker's Compensation Program. **Chris N.** shared that historically the program has been very costly, to the tune of \$75 million annually. While efforts are still underway, a number of improvements have been made:

- Annually, \$2 million are saved as a simple result of more effective case management;

- Implementing a contract with a vendor on behalf of the Department to supply prescription drugs has added another \$600-700 thousand worth of savings;

Aside from these accomplishments, **Chris N.** drew attention to the appreciated work of **Bob Beckley** and **Theresa Ferguson** through PDI engagement over the Return to Work DR.

Afterward, it was decided to have a work group review 500 cases to see how many of them were ripe for return to work as part of a pilot. Of the 500 cases, 100 appear potentially viable. So, the next thing is to review their skills to see where they can be utilized consistent with their medical limitations. This is ongoing.

Chris N. acknowledged there are some best practices being identified in this undertaking. Moreover, the Department is looking at whether a center of excellence is viable. This will depend on identifying a program office that demonstrates excellence in managing their cases.

The Secretary is adamant that we continue to push forward in capitalizing on our present success with the expectation of increasing our savings.

Chris Berry wanted to know the total number of cases from which 500 were selected. **Chris N.** indicated that there were approximately 9000 thousand cases between FY2013-FY2014. **Bryan** was curious as to who was reviewing the cases; **Chris N.** informed everyone that a Power Team consisting of a number of present case managers serving as the group performing the reviews. **Bryan** inquired as to when we could expect implementation of the tracking system. **Chris N.** speculated that it should be in place sometime next year; he noted that an earlier contract award was subject to protest issues that will soon be resolved. He indicated that the Forest Service would be modeling this effort on behalf of the Department.

As there were no further questions, **Bryan** introduced the Virtual University Provost **Karlease Kelly**.

FY 2014 Federal Employee Viewpoint Survey (FEVS) Update: **Karlease** began by stating her office has been continually updating their information to the Department. OPM may release the FEVS results possibly as early as this week. The USDA has noted improvements in some areas, such as diversity & inclusion, performance management, work/life balance through telework, and employee development. **Karlease** requested of the forum volunteers to participate in a work group to develop ideas in how USDA can improve its scores.

The Labor Co-Chair **Chris Ketner** wanted to know if the Secretary was provided a top ten list of the FEVS Results. **Karlease** indicated not since 2012; Deputy Assistant Secretary for Administration **Robin Heard** indicated in recent Secretary meetings in which she participated there was no mention of a list. When OPM releases it, **Karlease** will pass the information on to **Myron** for dissemination to the Forum.

Chris K. noted that there are preliminary numbers; **Karlease** noted the preliminaries were released only to senior leadership. The understanding was they were to remain silent until the official release; but this did not stop some from making news in the papers (this led to chuckles in the room).

Chris B. pointing to **Karlease's** earlier request for a work group, queried if these workgroups are all over the place, or are they being consolidated. **Robin** indicated that consolidation is occurring. In addition, resources are being developed and materials posted on websites. Agencies will need to develop their own plans to increase engagement. **Chris B.** noted that it is tough to get information from within the agency; he believes we should be partners. There being no further questions, **Bryan** thanked **Karlease** and introduced OHRM Policy Director **Chris Jones**.

Phased Retirement Initiative Update: **Chris J.** began by indicating that OPM implemented a final rule in August 2014. OPM stated that it would begin accepting applications for Phased Retirement on November 6th. Phased Retirement is discretionary, meaning that agencies are not required to implement a plan. However, for those agencies that do intend to allow their employees to participate, they must have an implementation plan submitted to OPM at its outset. Phased Retirement allows employees to partially enter retirement and remain on the rolls working part-time. Once the employee enters phased retirement they must spend part of their duty time working with new and developing employees in increasing their skill sets and investing their institutional knowledge.

Chris J. noted that additional guidance and information from OPM has slowed down. Yet, the Department has developed a framework for agencies to utilize in the development of their specific policy.

Chris K. inquired if everyone was eligible to apply. **Chris J.** noted that you must be eligible to retire to qualify. Employees may find that Phased Retirement is not for them and prefer returning to full-time employment. She shared that Phased Retirement is viewed as a short-term fix; two years probably being the maximum. The Farm and Foreign Agricultural Services' **Ed Rall** noted that he was under the impression this was clear what the process will be. He noted that he was displeased the Department has not established an implementation date and he was taking it personally (laughter ensued; you had to be there). **Ed** asked why agencies could not simply proceed at their own pace. **Chris J.** offered that the Framework would be forthcoming very soon. It was asked whether an eligible employee could submit their application now; she responded that this assumes an agency has their implementation plan in place.

Chris B. wanted to know if there is any intent of embracing re-employed annuitants. She indicated this has not come up. **Bryan** asked if there were any other questions for **Chris J.**; there being no further questions, he introduced OHRM's Diversity, Recruitment & Work/Life Division, Director **Zina Sutch**.

USDA Disability Programs & TARGET Center: **Zina** shared that OHRM is currently considering realigning the two offices from the Office of Operations to the Office of the Chief Information Officer. We think this will better align these offices and reduce the cost of operations. It is OHRM's intention to get this out for PDI. **Bryan** noted that his concerns are more than just offering PDI; a clarification of unit issue may also be a concern. **Robin** gestured, "This way I know **Bryan** will be meaningfully employed" (room chuckles). **Bryan** introduced OHRM's Senior Labor Relations Specialist **Dan Kline** and Labor Relations Specialist **Myron Greenhow**, as there were no further questions for **Zina**.

USDA Labor-Management Relations Climate Assessment Survey: **Myron** noted in light of the low response rate, the survey will be extended an additional week in hopes of improving the number of responses. It is our hope to have the notice go out today. The Survey Tool is still accessible to anyone that has not yet taken it. Notably, most of the email concerns came from those that have no duty to participate in the survey. It was noted Labor Relations Officers need to make greater effort to coordinate their population listing with their Labor counterparts. In addition, **Dan** offered the Forum the opportunity to participate in a work group to consider any underlying trends that might be disclosed from the results of the last four years of surveying. The survey group would review the results to observe trends and determine ideas to improve future participation. **Chris B.** shared that he has some ideas, but will wait until after the results have been reviewed. **Dan** noted that his remembrance from earlier surveys noted the survey began with 50% participation and now it is reported at approximately 20%, which is quite poor.

OPM Official Time Reporting for FY2014: **Bryan** introduced Senior Labor Relations Specialist **Adrian Lindsey**. **Adrian** shared that OPM requires the reporting of official time by all departments and agencies. He reminded everyone their reports are due to the Labor Relations Program Office (LRPO) by October 31st. He followed that the LRPO will review the reports for trends and extraordinary occurrences that may require the LRPO's attention. **Adrian** also thanked the Labor Organizations for their participation. **Bryan** noted that when OPM first started requiring reporting there were only four codes; now it is up to as many as eight. The data being reported is becoming quite specific. **Chris K.** wanted to know if it was being taken directly from the Time and Attendance record. **Bryan** noted that data could be pulled; but this does not provide all of the needed data, since some pay periods are not accessible. The data is not micromanaged, massaged, or altered; -- accuracy is key.

Chris K. noted that he regularly works two days a week on official time. **Bryan** asked if he was reporting the time. **Chris B.** noted that is all he cares about. (room chuckles) **Bryan** noted that any other concern may be addressed through the applicable collective bargaining agreement. **Ed** shared that the first item to pop up is negotiations. APHIS Labor Relations Officer **Frank King** shared with the Forum that they noted two errors reported as Code 35. Hundreds of hours of holiday administrative leave inadvertently coded as official time Code 35. **Bryan** suggested that LRPO could follow up. **Frank** noted this occurred during pay period three (3) and seventeen (17). **Adrian** will follow up with NFC to determine the cause and how it is being addressed.

Pre-decisional Involvement – FY2014 Review and Increasing Engagement: Bryan gave this presentation. He noted there are many discussions and theories for performing PDI. He believes the Department is in step with OPM. He proffered that a number have expressed concerns over what happens to PDI offered by the Department. We have been brainstorming how to increase transparency. Bryan suggested that all PDI offers be posted on the LR website. I think it's appropriate to send this information to all labor leaders, but I don't know how we would be able to do that. We can ensure all of the MAHRDS and DAMS receive the information.

We also intend to provide the National Council on Federal Labor-Management Relations PDI Toolkit on our website. If any of the members have any other ideas, please let me know. Chris K. thanks this is great. When I give Myron the name, that's the last I hear it. There is no reporting requirement. Myron apologized to you and the Forum; he noted there was an expectation of quarterly reporting, but it did not occur. Bryan suggested that this might be worth standing up a work group to review and suggest recommendations. Ed expressed that he believes this body does a great job. Bryan went on to add that we would be developing this in the coming months. I am cognizant of the staff's workload. Chris K. noted that what's the point of giving Myron a name.

Myron noted that as it pertained to the two initiatives that Labor responded to untimely, there is still an expectation that PDI will occur at the agency and applicable staff office level. Further, it was emphasized that most of the PDI will occur at the agency level for Phased Retirement as the Department merely established the Framework for agencies to establish their applicable policy implementing Phased Retirement as noted by Chris Jones earlier. As there were no further comments or questions, Bryan moved the meeting to the NFC Notification of Debt, dated October 15, 2014.

NFC Notification of Debt, dated October 15, 2014: Bryan asked if any of the members could indicate if this had gone through LR obligations at their respective level. The Chief Financial Officer was provided a copy. Bryan indicated this should go through both PDI and bargaining.

Federal Employee Health Benefits for Program Modification of Eligibility to Certain Employees on Temporary Appointments and Certain Employees on Intermittent and Seasonal Schedule: Bryan shared with the membership the recent Final Rule published in the Federal Register regarding the extension of federal health benefits to employees in temporary appointments, seasonal, and intermittents. No one seems aware of the recent change but it was noted by Dan that the expectation is that extension takes immediate effect for those that qualify.

Open Microphone: Bryan opened the meeting up for Open Microphone. Ed opened with his desire to see more PDI of OCIO initiatives. Bryan noted that Chief Information Officer Cheryl Cook has a desire to keep us apprised of things going within OCIO, but her present schedule precluded her from participating now. Also, I would be interested to see if Cheryl is amenable to briefing the forum on a regular basis.

Chris K. noted a couple of work groups were mentioned; how do we go from here to reality? Bryan informed him that they both precipitate data being available.

Wrap Up and Confirmation of Meeting Dates: Bryan shared that the next Forum meeting is tentatively scheduled for January 21, 2015.

Adjournment: The meeting adjourned approximately 2:40 p.m.

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