

IMPLEMENTATION PLAN FOR EXECUTIVE ORDER 13522  
OF  
THE COMMODITY FUTURES TRADING COMMISSION  
AND  
THE AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES

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The Commodity Futures Trading Commission and the American Federation of Government Employees are pleased to jointly outline our plans to implement labor-management forums under Executive Order 13522. This plan recognizes that the parties have built our relationship upon a long history of working together collaboratively to enhance the Commission's ability to fulfill mission requirements while preserving employee satisfaction and morale and CFTC's standing as an employer of choice.

### **Baseline Assessment**

CFTC and AFGE have developed a strong relationship built upon collaboration and trust, and we are accustomed to reaching mutual agreement on workforce issues or addressing business process changes without seeking the intervention or assistance of third parties. This relationship is the result of years of commitment by both parties who have invested a good deal of time and effort to forge such a productive interactive practice.

In our labor management discussions regarding the implementation of Executive Order 13522, we conducted a baseline assessment of the state of labor management relations within the CFTC. Both management and the unions agree that the current state of labor management relations within the CFTC is positive and productive, as evidenced by the scarce number of grievances and unfair labor practice charges that have historically been filed and the variety and breadth of suggestions, issues and business processes that we have been able to develop and implement based on agreements reached between the parties through meetings and discussions.

### **Establishing Labor Management Forums**

Our negotiated agreements with our unions include provisions for labor-management committees, which are made up of an equal number of representatives of the union and management. The contracts outline that the committees will meet bi-monthly on a set day to discuss issues of concern. Both sides are free to raise issues for discussion and the committee members prepare and exchange agenda items in advance of the meeting. The contracts also provide that if no agenda items are exchanged, the meeting will not be held. In addition to the regular meetings, the contracts provide that management and the unions will consult as needed regarding changes to conditions of employment.

Over time, the relationship between management and the unions has evolved, which has led to a collaborative working relationship. Although the contract outlines that the committees will be made up of two union representatives and two management officials, the number of participants

has varied by mutual agreement depending on the issues to be discussed. Most meetings consist of the unions' representatives and the Regional Administrator, who is the administrative head of the regional office, although representatives of the Office of Human Resources and/or the Office of the Executive Director may join the discussion to provide background information or technical expertise on the policy initiative or other issue under discussion.

Given our cooperative interaction, the committee members jointly agreed to meet on a less structured schedule, conferring on issues as they arise rather than waiting for the contractual meetings. We estimate that the committee members meet more frequently under this structure than they would under the contractual structure. If management or the unions have an issue or concern to discuss, they contact the other committee members to raise the concern and provide information regarding the issue for consideration. If the committee members believe that a meeting will be beneficial, they meet to discuss the issue. If additional information is needed, additional meetings of the committee are held to discuss the additional information. The issues are discussed until the members are able to reach a resolution. If the issue under discussion is a policy, announcement for employees, or a change in employees' conditions of employment, the members ensure that all labor management concerns are addressed and resolved. The document is finalized following the meeting.

We believe our labor-management committees, in their current forms, meet both the letter and the spirit of the Executive Order. The management members of the committees provide pre-decisional involvement by sharing with the labor committee members advance information on initiatives, policies, guidance, and other issues that would be of interest to employees or of interest to the union, consistent with our commitment to have open and collaborative communication with our labor representatives.

Through the labor-management committees, we work together to ensure that all parties' concerns are addressed, whether the concern relates to the impact and implementation of the policy or program or to the policy framework. If needed, the union members of the committees raise issues of concern to the committees and the members then meet to address and resolve the issues or the concern in order to satisfy the interests of our employees while preserving the ability to accomplish the mission of the agency. We intend to maintain our strong cooperative interaction by continuing these practices under the Executive Order.

### **Development of Metrics**

Through labor management partnership, the CFTC and union representatives have identified metrics, which are listed below, that will enable us to evaluate whether our collaborative work relationship is accomplishing our goal of improving the ability of the CFTC to deliver high quality service to the public while preserving employee satisfaction and achieving cost savings through adoption of new business processes and technologies.

As outlined in the Executive Order, the labor management committees have reached agreement on metrics to monitor our performance in areas such as labor-management satisfaction, productivity gains and cost savings and to assess as needed whether additional metrics should be

adopted based on changing or future circumstances. The parties agree that the use of the metrics we have identified promote consistent, appropriate, and administratively efficient measures to evaluate the effectiveness of our labor management committees.

These metrics will be collected on an annual basis, based on discussions of the labor-management committees and statistical data, and will be shared with our labor organizations:

- Results of employee surveys regarding morale and job satisfaction
- Needed usage of ADR or third party assistance to address and resolve workplace issues for bargaining unit employees
- The number and types of grievances filed by the union or bargaining unit employees
- The number and types of unfair labor practice charges filed by the union
- The number and types of issues addressed through the labor management committee
- The length of time needed for the parties to reach agreement on initiatives and business processes
- Cost savings/cost avoidance as a result of labor-management committees resolving issues expeditiously between the parties.

### **Planning for Resources**

As we have in the past, the labor management committees will continue to work together to ensure that adequate resources are available to implement the Executive Order. The activities required by the Executive Order are already in place at the CFTC, and the CFTC has a long standing record of making available whatever financial or human resources are necessary to effectively and comprehensively address union and workforce concerns and questions. The primary participants on the committees are located in the same regional offices, and meetings are primarily held in person with videoconferencing for participants located in other offices as appropriate. Information is shared amongst the members by email, telephone, videoconference, and in person.

In addition, the CFTC has invested in contractor assistance when necessary to enhance its expertise in implementing new programs or policies for expanded employee benefits. Both parties recognize that this effort produces a better outcome, increases union and employee confidence in the agency's actions, and has a direct positive impact on employee morale and the reputation of the CFTC as an employer of choice. We have committed to continue to utilize these resources in the future, as needed, to promote the efficiency of the government and to fulfill our labor management responsibilities.

We do not foresee a significant increase in needed resources in order to implement the Executive Order; however, the agency and the labor management committees remain open to considering allocating additional resources as situations arise. This longstanding cooperative approach between the unions and the CFTC is the foundation of our strong positive work relationship, which advances the unions' and government's interests and has enabled us to proactively and responsibly fulfill our mission of protecting market users and the public from fraud,

manipulation, and abusive practices related to the sale of commodity and financial futures and options, and fostering open, competitive, and financially sound futures and option markets.

This implementation plan represents the agreements made by the unions and the Commission and is jointly submitted for consideration and certification by the National Council on Federal Labor-Management Relations.

/s/	March 8, 2010
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Madge Bolinger-Gazzola Chief Operating Officer	Date

/s/	March 8, 2010
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Mortimer Rollins President, AFGE Local 3827	Date

/s/	March 8, 2010
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Wilburn Carlile President, AFGE Local 3477	Date