

**NLRB'S PLAN FOR
THE ESTABLISHMENT OF LABOR-MANAGEMENT FORUMS
UNDER EXECUTIVE ORDER 13522
AT THE NATIONAL LABOR RELATIONS BOARD (NLRB)**

I. Purpose.

Executive Order 13522, issued by President Obama on December 9, 2009, mandates Federal agencies to create labor-management forums for the primary purpose of improving the delivery of Government services. The purpose of the Executive Order is to establish a cooperative and productive form of labor management relations throughout the executive branch. As stated in the Executive Order:

A nonadversarial forum for managers, employees, and employees' representatives to discuss Government operations will promote satisfactory labor relations and improve the productivity and effectiveness of the Federal Government. Labor-management forums, as complements to the existing collective bargaining process, will allow managers and employees to collaborate in continuing to deliver the highest quality services to the American people.

Section 3(a) of the Executive Order directs agency heads to establish agency-level labor-management forums by creating labor-management committees at the levels of recognition and other appropriate levels agreed to by labor and management, or adapting existing committees if such groups exist, to help identify problems and propose solutions to better serve the public and agency mission.

This document reflects the plan of the Chairman and General Counsel of the NLRB, developed in consultation with the National Labor Relations Board Union (NLRBU) and the National Labor Relations Board Professional Association (NLRBPA), to implement the President's Executive Order at the National Labor Relations Board. The Board Members and the General Counsel look forward to working collaboratively with the NLRBU and the NLRBPA to make our labor-management forums successful vehicles for improved productivity, delivery of the highest level of services and better labor relations.

II. Establishment of Committees.

In accordance with Section 3(a) of the Executive Order, the Board and General Counsel intend to establish the following labor-management forums.

- a. A General Counsel Headquarters Labor-Management Committee will be created to discuss issues that affect the General Counsel's headquarters offices.
 1. This Committee will consist of three management representatives and three representatives appointed by the NLRBPA. When the parties deem it necessary, representatives can be added or substituted to address specific issues on the agenda.
 2. The General Counsel Headquarters Committee will meet at least monthly beginning in April 2010. Meetings will be conducted at the Agency's headquarters in Washington, D.C.
- b. The existing Board-side Labor-Management Committee as currently constituted will continue to meet in accordance with its established practice to discuss issues that affect the Board's operations.
- c. The General Counsel Headquarters Committee and the Board-side Labor Management Committee will be encouraged to work together by subcommittee as they in their discretion determine to be appropriate.
- d. An NLRBU Bargaining Unit Labor-Management Committee will be created to discuss issues that affect the NLRBU-represented employees in the NLRB regional offices and in the Agency's headquarters offices and satellite ALJ Offices. Adjustments in the structure of this committee may be affected by the outcome of the case currently pending in the D. C. Court of Appeals (FLRA v. NLRB, Case No. 09-119) addressing the composition of the Agency's bargaining unit.
 1. This Committee will consist of two management representatives appointed by the Division of Operations-Management, one management representative appointed by the Division of Administration, one management representative appointed by the Board, and four representatives appointed by the NLRBU.
 2. This Committee will meet at least quarterly beginning in April 2010, twice by phone and twice in person. One of the face-to-face meetings will be in Washington, D.C. and the other will be in a city where a regional/subregional or resident office is located. The parties will set aside one day for face to face meetings. To the extent feasible, the scheduling of the Washington, D.C. meeting will be coordinated with the timing of semi-annual consultations. The timing, scheduling and duration of the meetings will be subject to a reassessment by the committee at the fourth quarterly meeting.

III. Principles.

All of the labor-management committees described in Section II above will operate in accordance with the following principles.

- a. Each committee will develop a baseline assessment of the current workplace conditions, which may include the results of the 2008 Human Capital Survey and such other tools as the committee determines appropriate.
- b. Each committee will develop metrics relating to accomplishment of core mission (including measurements relating to productivity gains, customer satisfaction, cost savings and the speed and quality of adoption of new processes); improvement of the quality of employee work life (including measurements relating to employee morale, job satisfaction and employee development); and improvement of the labor-management relations climate (including measurements relating to greater engagement of employees and unions in workplace decisions, the rate of successful resolution of grievances and ULPs short of formal proceedings and the extent of successful resolution of bargaining issues).
- c. Each committee will establish its own charter and procedural rules for the conduct of its meetings. Each committee will set goals, establish performance measures and be responsible for communicating results.
- d. Employees and their union representatives will 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; management will provide adequate information on such matters expeditiously to union representatives where not prohibited by law; and management will make a good-faith attempt to resolve issues concerning proposed changes in conditions of employment, including those involving the subjects set forth in 5 U.S.C. 7106(b)(1), through discussion in the labor-management committees.
- e. Employee representatives will be granted official time for attendance at committee meetings. Reasonable amounts of official time will be allowed, with preapproval by employees' immediate supervisors, for preparation, travel, training and follow-through in connection with labor-management committee meetings. To the extent that NLRBU Executive Committee members currently allotted up to 50 percent official time for representational purposes are appointed to labor-management committees, the official time related to labor-management committee matters will be excluded from the calculation of the 50 percent official time.

- f. Both parties will make good-faith efforts to provide prompt proposals, information and responses.
- g. With the exception of the NLRBU Labor-Management Committee, recommendations of a labor-management committee to the Agency's Presidential appointees will be made only on the basis of the consensus of such committee. The NLRBU Labor Management Committee will consider various decision making models in its initial meetings.
- h. There will be shared responsibility and accountability amongst the representatives of a labor-management committee with respect to any recommendations made by such committee.
- i. The Agency will devote sufficient resources to implementation of this plan by appointing committed senior level decision-making managers to serve as representatives to the labor-management committees; providing appropriate administrative and logistical support; and providing training on the guiding principles and tools and processes that can assist with problem-solving and conflict resolution.
- j. Labor-management committees will employ skilled facilitators at appropriate times to assist in achieving goals.

Additionally, in the spirit of a larger engagement process beyond labor-management forums, the NLRBPA and Management agree to take a cooperative approach to collective bargaining at the time of contract negotiation, including exploring joint training on interest-based bargaining and problem solving techniques.