

United States Department of Agriculture (USDA) Implementation Plan

Executive Order 13522: Creating Labor-Management Forums to Improve Delivery of Government Services

I. Introduction

Executive Order 13522 at Section 3 (b) provides that an executive agency shall, in consultation with union representatives, prepare and submit for approval by March 9, 2010, a written Implementation Plan. Further, OPM, by letter dated January 29, 2010, set forth requirements for the Implementation Plan, in addition to those described in the Executive Order.

The United States Department of Agriculture (USDA) is an executive department within the meaning of the Executive Order and therefore is required to submit an Implementation Plan. USDA hereby submits its Implementation Plan in conformance with the Executive Order and the January 29, 2010 guidance provided by OPM.

As a first step in moving towards compliance with the requirements of the Executive Order, the Secretary of the USDA called for a meeting between the national leadership of Unions representing USDA employees and senior Department management leadership, including representatives from the Secretary's staff. That meeting was held March 4, 2010, with the agenda focusing on the elements of this Implementation Plan.

Prior to the promulgation of the Executive Order, the Office of the Secretary and the Assistant Secretary for Administration (ASA) of the USDA met with USDA's unions to hear and respond to their concerns. These initial discussions focused on establishing collaborative labor-management relations within the Department. One demonstration of the Secretary's and ASA's early commitment was immediately moving from human "capital" terminology establishing a renamed Office of Human Resources Management (OHRM). The March 4, 2010 meeting described above and throughout this Implementation Plan built upon the Secretary's earlier steps toward collaborative labor-management relations in communications with national Union representatives.

II. Assessment of the Current State of Labor Relations

The Executive Order at Section 3 (i) requires a baseline assessment of the current state of labor relations within the Department. USDA, in consultation with its Unions, has decided to jointly develop assessment tools through the Department-level (USDA)

Labor Management Forum and, to the extent possible, use existing survey instruments to assess the current state of labor relations in USDA. The parties will decide in the USDA Labor Management Forum the universe of people to be included in the assessment. Consideration will be given to, among others, labor relations stakeholder groups including Union labor relations practitioners, including Union rank and file representatives and all levels of Management from supervisors to executives, as well as Agency labor relations practitioners. In developing joint assessment tools, the parties will look at ways of collecting both objective and subjective data. The analysis of the data collected from the assessment will form part of the basis for determining metrics related to the success of the relationship between labor and management.

Actions:

1. Develop joint assessment tool(s).
2. Decide on the groups to be assessed.
3. Decide which survey instruments will be used.
4. Complete the assessment process.

III. Establishment of Labor Management Forums

On March 4, 2010, USDA met with national Unions representing USDA employees: National Federation of Federal Employees (NFFE), American Federation of Government Employees (AFGE), National Treasury Employees Union (NTEU), National Association of Agricultural Employees (NAAE), American Federation of State, County and Municipal Employees (AFSCME), National Association of Plant Protection and Quarantine Office Support Employees (NAPPQOSE), and American Foreign Service Association (AFSA). At the meeting, the parties jointly considered the structure of Labor Management Forums/Committees/Councils within the Department. The parties agreed to form one USDA department- level Forum (USDA Labor Management Forum) that will be composed of representatives of all labor organizations and relevant decision-makers from Management.

The parties also came to a joint understanding of the roles and responsibilities of the USDA Labor Management Forum. They include serving as a conduit for pre-decisional involvement for Department-wide issues and providing leadership, direction and guidance, and oversight to subordinate level Forums/Committees/Councils to assure compliance with both the letter and spirit of the Executive Order. In carrying out these functions, the USDA Labor Management Forum will develop and publish broad guiding principles, model and champion in highly visible ways the values of the Executive Order, and address resource requirements.

At the mission area level of USDA, each Agency in cooperation with their respective labor Union(s) will determine the number and structure of Labor Management Forums at their level.

USDA plans to have a “Forming the Forum” meeting in early April 2010, at which Unions have agreed to participate. This meeting will be used to establish the foundation for the formation of the Department-level Labor Management Forum.

Actions:

1. Schedule and conduct the “Form the Forum” session in early April 2010.
2. The Unions will hold a separate facilitated meeting prior to the “Form the Forum” session.
3. USDA will explore the funding of the facilitator for the Unions’ pre-meeting session.
4. Agree upon ground rules for conducting “Form the Forum” session.
5. Develop a charter.
6. Jointly work to define pre-decisional involvement for the USDA Labor Management Forum, including considering what pre-decisional involvement means, when it will take place, and clarify the parties’ expectations regarding their involvement.
7. Promulgate guidance to USDA Agencies and sub-Agencies for establishing Forums/Committees/Councils at those levels.
8. Analyze and review the assessment data.
9. Develop goals and strategies to improve the current state of labor management relations.

IV. Section 7106 (b) (1) Pilot

USDA is currently surveying its mission areas to determine whether there are volunteers to participate in the Section 7106 (b)(1) pilot under the Executive Order. Until volunteers come forward, the parties have discussed that there is nothing to preclude

USDA Management at the appropriate level, from considering opportunities to negotiate 7106 (b)(1) topics in ongoing collective bargaining situations.

Actions:

1. The Department will conclude its survey of mission areas to determine if there are volunteers to participate in the Section (b)(1) pilot program under the Executive Order.
2. The Department will publish its support for its mission areas engaging in Section (b)(1) bargaining, regardless of whether there is participation in the pilot program.

V. Development of Goals and Metrics

As part of the March 4, 2010, meeting, the parties agreed that the USDA Labor Management Forum will define its goals based on its needs and the Executive Order. In some cases, the goals will be tied to specific issues the USDA Labor Management Forum decides to take up. Metrics will be matched to what the Forum wants to achieve. The National Council on Federal Labor Management Relations' metrics template will be used as a starting point for the USDA Labor Management Forum. The parties agree that most of the National Council's metrics apply to the Department. The metrics developed by the USDA Labor Management Forum will be used to evaluate the success of the Labor Management Forum in attaining both the goals of the Executive Order and also those of USDA.

We expect to use sources internal and external to USDA to assist us in the development of metrics for evaluating our success. We are mindful of the work done by OPM on assessing the success of partnerships under the Partnership Executive Order under the Clinton Administration and will look to these type resources in developing our metrics. We will also look to the work to be conducted by the National Council to assist us in further refining the metrics that we are developing jointly with our Unions.

The USDA Labor Management Forum will develop metrics guidelines and directions to support consistent Department-wide reporting. Specific metrics tied to Agency and/or sub-Agency levels will be developed at the Agency and/or sub-Agency Forum levels.

Actions:

1. Work with the Unions of USDA employees to develop metrics to measure the performance of the USDA Labor Management Forum and all subsidiary Forums.

2. Use the benchmark results from the assessment of the current state of labor relations in USDA to jointly determine metrics to evaluate changes in the state of the relationship between USDA and its Unions.
3. Jointly agree upon USDA performance goals that will be used to measure the success of USDA in the performance of its mission.
4. Jointly develop metrics to measure the success of the Labor Management Forums in achieving these goals.

VI. Implementation Resources

At the Department level, USDA will dedicate up to two staff years to implement, monitor, and adjust the Implementation Plan. Staff resources will be supplemented, as needed, by contracted services and other resources such as the Federal labor Relations Authority and the Federal Mediation and Conciliation Service, especially in the areas of training and facilitation.

The Department hereby directs its mission areas to make an assessment of the resources each area requires including a description of the estimated funding requirements and an explanation of how the funding needs will be met.

The Department hereby issues guidance to its mission areas that they should, to the extent practicable:

1. Leverage available technology in the form of teleconferencing, video-conferencing, inter/intranet collaborative tools, etc;
2. Pay for travel for in-person meetings of Forum participants when technology is not an appropriate alternative;
3. Dedicate staff resources through details, reassignments, and hiring if required;
4. Provide administrative support for Forums on their levels;
5. Approve official/administrative time for employee participation in Forums; and
6. Contract for services to supplement their in-house capabilities where needed.

Actions:

1. USDA will establish a budget for training, travel for meetings, and assistance from expert outside sources, if necessary for implementation of the Executive Order on the Department level.