

Department of Veterans Affairs Implementation Plan

Pursuant to Executive Order (EO) 13522--Creating Labor-Management Forums to Improve Delivery of Government Services, the Department of Veterans Affairs (VA and/or the Department) submits this Implementation Plan for your consideration.

Cooperative, constructive working relationships between labor and management are essential to achieving common labor-management goals and objectives. To achieve such successful working relationships, the Department fully supports the creation of labor-management forums/committees or councils at the national, intermediate and local levels.

The VA has continued its National Partnership Council (NPC) since its inception in 1994. The purpose of the NPC is to advise the Secretary and VA leadership on matters associated with labor-management relations VA-wide and on VA initiatives that impact employees. The NPC has been a champion in promoting cooperative labor-management relations that result in improved services to Veterans and a productive and cooperative workplace for VA employees.

The NPC's membership consists of labor partners from each of VA's five national unions --the American Federation of Government Employees (AFGE); the National Association of Government Employees (NAGE); the United American Nurses (UAN); the National Federation of Federal Employees (NFFE); and the Service Employees International Union (SEIU)-- and management partners from the Veterans Health Administration (VHA), the Veterans Benefits Administration (VBA), the National Cemetery Administration (NCA), the Office of General Counsel, and the Office of Human Resources and Administration.

The NPC met on January 20-21, 2010, to discuss and prepare recommendations to the Secretary on the Department's implementation plan. The NPC will continue working as an advisory body to the Secretary, will have pre-decisional involvement in national level workplace matters, and will revise its strategic plan to address the implementation of the EO. The NPC also recommended that labor-management forums be mandated at the local and intermediate levels. The meaning of "intermediate" and "local" levels will be determined by each VA Administration (i.e. VHA, VBA, and NCA) in conjunction with the labor partners. In VHA, intermediate level has traditionally meant Veterans Integrated Service Network (VISN) partnership councils. Some VISNs have continued successful councils that will be the model for newly created forums. VBA and NCA have not had councils at the intermediate level. New forums could be created at the Area office level or the Office of Field Operations for VBA, and Memorial Service Network (MSN) levels for NCA. Local partnership councils have traditionally been established at VA medical centers for VHA, VBA regional offices for VBA, and national cemeteries for NCA. Existing councils will continue at all levels and

new forums will be created at all local facilities and at the properly defined intermediate levels.

Baseline Assessment:

The NPC has developed a survey tool (attached) that will be submitted to each facility director and local union president, or exclusive representative at each facility, to assess the current state of labor-management relations in the Department. The survey will reveal whether facilities have continued their partnership councils. For those facilities who have continued their partnership councils, additional data will be requested on meetings, effectiveness of the council and union pre-decisional involvement in workplace matters. For those facilities who indicate that they no longer have partnership councils, additional data will be requested concerning the reasons for discontinuance of the council and whether a working council ever existed at the facility. The survey tool requests that all participants comment on whether they think it is a good idea to have a partnership council and to rate the current state of labor-management relations at their facility.

The survey was sent to all facility directors and local union presidents on February 16, 2010. The deadline for submission is March 9, 2010. Once the results are received, the NPC and the Office of Labor Management Relations (LMR) will analyze the information and will develop additional data collection tools to gather more information from the facilities with successful councils.

Establishment of Labor-Management Forums

As previously noted, the Department has had a successful National Partnership Council for many years. The NPC will continue its work and will refine its strategic plan to address implementation of the EO. The NPC strategic plan was designed to achieve four overarching goals: promoting a cooperative and productive work environment; supporting new policies and programs; sharing information and exchanging views; and, encouraging joint and third-party training and support. The NPC will be the mechanism used by the Department at the national level for pre-decisional involvement.

LMR will send a letter to all facility directors requesting that they establish labor-management forums immediately. LMR and the NPC will develop guidance for field facilities and local unions on the implementation of the EO; will develop comprehensive EO and joint training programs that will include practical advice for developing and maintaining effective labor-management forums; will address gaps identified in the baseline assessment survey; will assess information on productivity; and, will provide training in methods of dispute resolution and cooperative methods of labor-management relations to those facilities identified as in need of those services.

Currently, VHA has established councils at the intermediate level in some VISNs. Labor-management forums will be established in all 21 VISNs. VBA and NCA, in partnership with the labor partners, will determine what “intermediate level” forums will be developed within 180 days of the certification of this plan and will facilitate the creation of those forums in an expeditious manner following certification.

Historically, it has been VA policy not to negotiate over the subjects identified in 5 U.S.C. § 7106 (b)(1). The Department has not made a determination on whether to participate in the pilot projects specified in the EO. However, the Department is committed to pre-decisional involvement in workplace matters, without regard to whether those matters are negotiable subjects of bargaining under 5 U.S.C. § 7106. LMR and the NPC will develop guidance to field facilities at all levels and to local union officials on pre-decisional involvement.

The Department is committed, wherever appropriate, to engage the labor partners on issues that historically have been outside the scope of bargaining. To that effect, the VA is involved in a pilot project called the Federal Health Care Center Demonstration Project (FHCCDP) in North Chicago, Illinois. One of the main initiatives of the project is to grant flexibilities to Department of Defense employees who are transferred to the pay, benefits, and personnel systems for VA employees. The transferred employees, who will be converted to title 38 U.S.C. § 7421(b) positions, will continue to have collective bargaining rights under title 05, U.S.C., notwithstanding the provisions of 38 U.S.C. § 7422, for a two-year period.

In addition to the FHCCDP, VA created a 7422 Work Group charged with formulating recommendations to the Secretary of Veterans Affairs that will improve knowledge, understanding and consistent use of 38 U.S.C. § 7422.

Metrics

For a number of years, the Department has used an All Employee Survey (AES) to measure employee satisfaction. The AES is reviewed on a yearly basis by the unions and has received their endorsement every year before being taken by the employees. The AES measures three components: Job Satisfaction Index (JSI) (employees’ individual satisfaction with key job features); Organizational Assessment Inventory (OAI) (employee perceptions of conditions in their immediate work group); and Culture (employee perceptions of the general atmosphere at their facility overall).

The AES, along with other metrics developed in collaboration with VA’s labor partners, will be used to help the Department monitor improvements, as required in the EO, in the areas of labor-management satisfaction, productivity gains, cost

savings and other areas identified by the NPC. Facilities will be required to track the numbers of unfair labor practice (ULP) charges, grievances, EEO complaints, and other third party proceedings in order to assess whether participation in labor-management forums has impacted these areas. LMR and the NPC will track participation in labor relations, dispute resolution and cooperative methods of labor-management relations training in order to determine how such participation has improved labor-management relations in each facility.

Resources

The Secretary and Deputy Secretary of the Department have already met with the NPC and expressed their belief in the importance of a cooperative and collaborative labor-management relationship. The Department's leadership is fully committed to that end and will devote sufficient resources to ensure that this EO Implementation Plan is successful. In fact, the Deputy Secretary is representing the Department in the National Council on Federal Labor-Management Relations. The Department has identified initial resources to begin the training necessary to have both labor and management competently engage in pre-decisional involvement. After analyzing the results of the survey, the Department will dedicate additional resources, as necessary, to address any identified gaps that may impede the development of proactive and productive labor-management relations forums.