

KEY TERMS AND PHRASES WORKING GROUP ONE REPORT

National Council on Federal Labor-
Management Relations

Wednesday October 6, 2010

Background

- Concern expressed that the lack of a common understanding of some key terms and phrases in the EO 13522 is impeding LM progress in the Agencies
- Assigned to Implementation Plans Work Group
- Team produced a draft and round of comments and held a group discussion

Team Composition

- **AFGE** – Brian DeWyngaert and Terry Rosen
- **DHS** – Jeff Neal and Karen Hilliard
- **DOD** – Darryl Roberts
- **IFPTE** – Matt Biggs
- **NAGE** – Gina Lightfoot Walker
- **NFFE** – Bill Dougan
- **NTEU** - Steve Keller
- **OPM** – Rob Shriver, Tim Curry, and Tom Wachter
- **VA** – Scott Gould and Leslie Wiggins

Problem Clarification

Initially, the problem seemed to be:

- A feeling that without greater definition and guidance on key terms and phrases in the EO that agencies might interpret the EO differently leading to inconsistent outcomes among the agencies
- That these differences might result in an open door for debate between labor and management instead of making progress
- That work teams were frozen due to lack of guidance with members applying a narrow or “old school” train of thought
- That there was a heartfelt frustration that Pre Decisional Involvement is not being used enough and that differences in interpretation are leading to delay

Problem Clarification (cont'd)

Further discussion led to a deeper understanding including:

- Acknowledgement that the EO deliberately contains broad language
- That variation by agency was also an asset because it allows each agency to deal with their unique mission requirements and culture
- That there are risks in clarifying the terms including reduced flexibility among the agencies and the potential to relitigate an EO that is already signed by the President

Discussion

- Agreed that the most powerful statement of success for our efforts is better mission accomplishment, improved work environment for all employees and better labor management relations.
- Affirmed that both labor and management have to get past the statutory and labor contract interpretation of PDI ... “Once I decide, then a I share” ... to ... “As I develop certain issues for decision, I include”
- Acknowledged size and scope of challenge to prepare, train, execute and change culture

Conclusion

- Useful discussion
- Lack consensus on whether further definition of terms would be a net benefit to the labor management councils at this time
- That the best place to work out differences in interpretation is at the agency forum level
- That we have a mechanism in place to identify systemic problems with the agency councils through the performance metrics and reporting requirements that are already established
- That discussion, training and mediation at the agency level is the preferred way to achieve common understanding among the members of agency councils at all levels
- That the LMC should encourage training and, when appropriate, third party involvement such as FLRA/FMCS to resolve difference in interpretation of key terms and phrases