

# Labor-Management Forum

January 15, 2014

2:00 p.m. – 4:30 p.m.

1401 Constitution Avenue NW, Room 6029  
Washington, DC 20230

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**Meeting called by:** Labor-Management Forum

**Type of meeting:** Quarterly Meeting

**Program Manager:** Mr. Frank Milman

**Note Taker:** Ms. Melissa Herrera

**Attendees:** On the Phone: Bill Lehr (union), Michaela Bratten (alternate for Mary Saunders – management), John Cunningham (management)

See list of attendees at the end of minutes for participants in the room

**Documents:** Meeting Agenda

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## Minutes

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**Agenda item:** Introductions/Approval of November Minutes

**Presenter:** Ms. Ellen Herbst

**Discussion:**

Introductions were done around the room and on the phone. Shared the news that the Partnership for Public Service ranked the USPTO #1 out of 300 sub-component agencies in the 2013 Best Places to Work in the Federal Government rankings. The Department of Commerce overall moved to #2 out of 19 large agencies in 2013, up 2 ranking spots from the 2012 rankings. A great part of the Department of Commerce rising to #2 is due USPTO ranking #1, considering their large population. Additionally, a motion was made to adopt minutes taken on November 5, 2013 and minutes were approved without any amendments.

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**Agenda item:** Budget Compromise & Sequestration Update

**Presenter:** Mr. Michael Phelps

**Discussion:**

The plan appears to be to walk away from any sequester plans. The House is in session and it is their first look at the omnibus spending bill. A 3-day continuing resolution will be signed by the President to give until Saturday to enact the omnibus budget. After the House votes, they will send it to the Senate, and then to the President. There will be a 30 day period after enactment for any comments and then there will be Congressional approval procedures conducted.

Congress has agreed to approximately 1.012 trillion at the top line for FY 14 and 1.014 for FY15. What is being presented for Commerce is approximately 8.2 billion for FY14, 5% less than the 8.6 billion in the President's budget request for FY14. For FY15, the Department was asked to submit a budget based on the President's FY14 budget request. However, the Department will likely have to reformulate the numbers for the FY15 budget, since we received less than the President's FY14 request. The good news for the Department is that the sequester numbers are not in effect for FY14 and FY15 and that we will be provided with more funds than what we operated under in FY13.

Overall, the belief is that the omnibus spending bill is a good bill and the hope is that there are not any amendments that would cause a decrease in any bureau funding. Agencies are in a reset type of mode, considering they are just coming off of sequester. However, it is better than having to have across the board cuts that managers have no control over. The 8.2 billion for FY14 is a realistic number that can be budgeted for and replaces the sequester number which means that the Department has some breathing space. However, even though sequester has been suspended in FY14 and FY15, the sequester law has not been suspended so it could come back in effect in FY16. Operationally, leaders have to look at how much commerce/business can be provided with the new funding level. Member asked what they can tell their employees as far as spending for FY14 (i.e., travel). The Department does not know yet what FY14 will exactly mean as far as budget for bureaus since the budget has not been approved, but the memo instructing Agencies to operate on 2010 levels for travel through 2016 is still in effect.

**Discussion:**

The 2013 Federal Employee Viewpoint Survey (FEVS) was administered by the Office of Personnel Management (OPM). The survey was opened from April 23, 2013 until June 7, 2013. There were 9,447 respondents out the sample size of 16,659, making it a 57% response rate for Commerce. Response rates ranged from ESA at 96% as the highest and NIST at 40% as the lowest. Overall, results demonstrated that Commerce employees are engaged and have a positive outlook on their work. There were 75 out of 77 items above Government-wide average. The highest positive score was survey item "When needed, I am willing to put in the extra effort to get a job done." The lowest positive score was survey item "Pay raises depend on how well employees perform their job." There were 38 items identified as strengths (65%+ positive), 2 items identified as opportunities (30%+ neutral), and 2 items identified as challenges (35%+negative).

Across Government, Departments were tasked with action planning in 2012. The Department Management Council (DMC) led the action planning initiative in 2012 and selected the following survey items to track results and set 2014 goals: 1) I can disclose a suspected violation of any law, rule or regulation without fear of reprisal; 2) I believe the results of this survey will be used to make my agency a better place to work; and 3) In my organization, leaders generate high levels of motivation and commitment in the workforce. Bureau plan examples for addressing the 3 survey items include: establishing employee task forces and workgroups; coordinating messages, all-hands, and other meetings; providing trainings and sharing guidance materials; directing to OIG website and information; sending plan updates and reminders to employees; releasing lower-level survey results; setting-up Communities of Practice and intranet sites; and bolstering employee recognition.

The DMC has been working on the Commerce Strategic Plan FY14 – FY18. The elements include trade & investment, innovation, environment, data, and an overarching element of operational excellence. The Department moved from the #4 ranking spot to the #2 ranking out of 19 large agencies in the 2013 Best Places to Work in Federal Government. The rankings were based on the following 3 survey items: 1) I recommend my organization as a good place to work; 2) How satisfied are you with your job; and 3) How satisfied are you with your organization. A great part of Commerce rising to #2 is due to USPTO ranking #1 out of 300 sub-component agencies. At the same time, EDA ranked in the #300 spot. The following bureaus have distributed FEVS results to employees: EDA, ESA, ITA, NTIA, IG, OS, and USPTO. By mid-February, everyone should have the results. The Labor-Management Forum is the first one to be briefed. The DMC is expected to be briefed tomorrow.

A member suggested that there should be a better way for releasing the information for FEVS throughout the bureaus. USPTO (as #1 in sub-component agency rankings) has received their results, while EDA (as #300 in sub-component agency rankings) has experienced a delay in receiving results. The presenter stated that one of the reasons why there may be a delay in receiving information is because bureaus like to conduct further analyses before they disseminate results. OPM provides PDFs, but the excel documents are not provided until later, which is needed to be able to conduct further analyses. A different member asked what the Department is doing now. Data is being looked at closely to look for areas for improvements. If it was not for USPTO's scores, Commerce would probably not be #2. The DMC selects what will be worked on in the action plan. Actions have been taken to address selected items. For example, in response to the survey item "I can disclose a suspected violation of any law, rule or regulation without fear of reprisal," the Risk Clarity Survey was created and administered. This is an opportunity to use the strategic plan initiatives to do specific things through employee-specific workgroups.

A member suggested that there should be follow-up surveys since FEVS items are specific to the work unit, but sometimes the culture is not set by that specific work unit. It makes it hard to figure out the issues without a follow-up survey. Another member suggested that there should be diagnostics based on the survey results. A member commented that USPTO may have never reached #1 if there wasn't an improved relationship between labor-management within the bureau and a great telework program to engage employees. This member suggests the bureaus concentrate on those 2 areas to increase scores. Another member said that it is USPTO's engagement in collaborative problem solving that helped them rank #1. Collaborative thinking moves you to a best place in the world. An additional suggestion is to have a mentoring program where bureaus that are not doing well can learn from those that did well, but first there should be a level of engagement and willingness from the top to make the change. A member stated that EDA ranked 285 in the 2012 Best Places to Work and moved to 300 in 2013. In 2013, EDA management created 106 actions and did not involve unions. The labor-management relationship in EDA has a great opportunity to grow.

Each member had the chance to discuss what is going on in their respective bureau and if and/or where they would like to see improvement. For the most part, the top is engaged, but the engagement may stop at mid-level management. CENSUS has good working relationships with management, but every now and then something happens that corrodes trusts. If it happens once it takes some time to build the trust back again. If it happens twice, trust will completely shut down. A member believes that since President Obama came on there has been a better labor-management relation.

However, members would like to have a voice. For example, a member stated that she did not have chance to review newly revised telework policy. It was agreed that the members would have a chance to review it.

A member believes that any information on actionable items should come from the Secretary. He is willing to help out with anything that may help bureaus, such as sharing how USPTO is doing it and what bureaus can do to make it work. There should be a level of accountability for unions and management. Maybe even consider adding it to the performance plan. A different member agreed that there should be accountability. This member's fear with this group is that there are great ideas, but they are not being carried out. He believes that obstacles need to be removed and the Forum has the influence to be able to help do that. A suggestion was made by a member to have the DOC Labor-Management Forum recommend to the Secretary that in 2 years Commerce becomes #1, based on 2015 FEVS. A different member believes that if you work on taking care of the people, the people will take care of the mission. At NOAA, there are 21 bargaining units and their relationships range from very friendly to some often involving litigation. It is not a simple formula to get everyone on the same page. Another member also does not believe there is a one size fits all and it may not even be enough to have just a Secretarial mandate.

A member asked what the magic is in building effective labor-management relations. For USPTO, there were instances when the problem was identified and they were expected to come up with a solution. In other instances managers had a list of items they wanted to discuss and unions did as well so they would get together to discuss both lists. It takes time to develop the trust needed. They committed to working together as a team and solve the problems. EDA believes that getting management and unions to come together would help. NOAA is aware that in order to reach the goal of having Commerce rank #1, NOAA has to score higher since they have a large population. A member would like to note that not all bureaus have the same funding level to reward performing employees, which also plays a role in engagement. CENSUS is trying to come up with a survey to issue to CENSUS employees to determine where the issues are since different units have different working conditions. NOAA used to have a great labor-management relationship in the past and they would like to move towards having that relationship again.

Bureaus are encouraged to start by focusing on the goal of problem-solving. Not going in being bound by history or experience. The Secretary would like to move to a more collaborative, open, and empowered culture so it is great to hear that there is already talk about that in the Forum.

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**Agenda item:** Closing Remarks **Presenter:** Ms. Ellen Herbst

**Discussion:**

Other items that were not covered at today's meeting can be planned to discuss later. A meeting date of the end of February was proposed. Needing immediate attention are the Forum's metrics for the CY 2013 report and the telework policy. There is an extension for submitting the Forum's metrics for CY 2013 and the options will be circulated to the members. Telework policy should be discussed soon. A commitment was made to allow the Forum members to review the telework policy. Telework policy and other policy listed on agenda will be sent out for review.

**Action items**

	<b>Person responsible</b>	<b>Deadline</b>
✓ Send USPTO presentation that was made to the National Labor Council to the Forum	Howard Friedman	Within 2 days
✓ Champion a "mentoring program" for bureaus with low scores	Howard Friedman	Ongoing
✓ NOAA and USPTO will get together for an informational session	Howard Friedman	TBD
✓ Draft recommended changes to the FEVS for the Forum to submit to OPM	John Cunningham and Laurie Schewede	TBD
✓ Circulate options for CY2013 metric report for Forum	Frank Milman	Within 2 days
✓ Send OPM's dismissal procedures and DOC's draft telework policy to Forum members	Frank Milman	Within 2 days
✓ Send policy on workplace violence and domestic violence	Frank Milman	Within 2 days
✓ Send email to POPA and NWSEO, formally withdrawing telework policy from national consultation rights	Frank Milman	Within 2 days

