

CHARTER
FEDERAL GRAIN INSPECTION SERVICE, GRAIN INSPECTION, PACKERS AND
STOCKYARDS ADMINISTRATION, U.S. DEPARTMENT of AGRICULTURE and
NATIONAL COUNCIL 237, AMERICAN FEDERATION of GOVERNMENT
EMPLOYEES, AFL-CIO
IMPLEMENTATION OF EXECUTIVE ORDER 13522

Introduction: The mission of the Federal Grain Inspection Service (FGIS) is to facilitate the marketing of U.S. grain and related agricultural products by establishing standards for quality assessments, regulating handling practices, and managing a network of Federal, State, and private laboratories that provide impartial, official inspection and weighing services to domestic users. As part of its mission, FGIS provides mandatory, official inspection and weighing of grain exported from the United States.

On December 14, 2009, President Barack Obama issued Executive Order (EO) 13522 which established Labor-Management (LM) Forums to create a cooperative and productive form of labor-management relations throughout the Executive Branch.

Parties of this agreement: The parties of this agreement include FGIS management and National Council 237 and its locals.

Guiding Principles: The participants adopt the following guiding principles:

1. The LM Forum will contribute to enhanced performance of FGIS;
2. The LM Forum will allow union representatives to have pre-decisional involvement in workplace matters to the fullest extent practicable, without regard to whether the matter is negotiable subjects of bargaining under 5 U.S.C. § 7106(b)(1);
3. Management will provide adequate information on matters before the Forum as expeditiously as possible to union representatives if not prohibited by law;
4. Labor and management will make a good faith attempt to resolve issues concerning changes in conditions of employment, including subjects set forth in 5 U.S.C. § 7106(b)(1) through efforts in labor-management forums;
5. The LM Forum will address issues of broad national interest to bargaining unit members covered under the National Contract between FGIS and the National Council. Issues related to implementation of local contracts, local negotiations and local labor disputes are outside the scope of this forum except as it relates to pre-decisional involvement;
6. The LM Forum will evaluate and document changes in employee satisfaction, manager satisfaction and organizational performance resulting from the work of this forum;
7. The LM Forum will be led by relevant decision makers and supported by appropriate staff; and
8. The LM Forum will devote sufficient resources to implement the EO.

Goals and Measures

The EO requires that each labor-management forum evaluate and document changes in employee and management satisfaction and organization performance resulting from the work of the FGIS Labor-Management Forum. (*USDA Guide for Implementing Metrics*, 11/10/2010)

1. Labor-Management Relationship – see appendix
2. Employee Satisfaction and Engagement – see appendix
3. Mission and Service Delivery – see appendix

Membership

Voting membership will consist of three members each from management and five from the union. Management will be represented by Deputy Administrator, Director of the Field Management Division, and Director of the Quality Assurance and Compliance Division. The Union will be represented by the National President and Vice President as well as local presidents. Management and the Union may designate a substitute member by providing the name in writing. Both parties will designate a representative that is authorized to act for their party.

Parties will update their designated representatives by email to the Forum's co-chairs as soon as practicable.

Roles

In accomplishing its mission the forum will:

1. Provide oversight for implementation of the EO throughout FGIS;
2. Conduct pre-decisional involvement (PDI) for FGIS initiatives that impact workplace matters of bargaining unit members;
3. Model collaborative behaviors, i.e., looking at options together and coming to solutions.
4. Communicate issues undertaken and decisions made by the Forum to FGIS employees.

Meetings

Meetings will be conducted by co-chairs representing management and union. The Chair for each meeting will alternate between the union and management. The Chair for the first meeting will be selected by flipping a coin. Notification of a change in the co-chair by the union or management will be provided to the other co-chair as soon as practicable.

The co-chairs will be responsible for necessary preparations for up-coming meetings, including developing and distributing agendas, meeting notifications, distributing meeting minutes, and logistics.

Meeting Process

Meetings will normally be conducted by teleconference and will be scheduled for one to two hours at a time that will allow all members of Forum to participate. The forum will meet by teleconference quarterly and more often, if needed. The date of the meeting will be jointly set by the Co-chairs. The duration of the meeting will be determined jointly by the co-chairs based on the agenda.

Costs

Management will provide conference call lines for forum participation. If a face-to-face meeting is necessary, management will support union travel expenses for a face to face meeting when agreed upon. If the union requests face-to-face meetings and management does not agree that the face-to-face meeting is necessary, but agrees to meet, the union will bear the travel cost of their participants and management will bear the cost of their participants.

Facilitation

Upon mutual agreement by the Co-chairs the meetings may be facilitated. In the absence of a facilitator the meeting will be lead by the co-chair.

Quorum

Decisions require a quorum of at least half of the members from both parties including the co-chairs (a minimum of 2 managers and 3 union representatives).

Decision Making Process

Decisions will be made by consensus. Consensus is defined as a decision on which all members of the LM Forum can agree. The decision may not be everyone's first choice, but it's a choice both sides can support. If a consensus is not reached on a topic after thorough discussion, the topic can revert to a grievance or negotiations if not prohibited by law.

Subject Matter Experts

Subject matter experts may be invited to the meeting with mutual consent of the co-chairs. Guests and subject matter experts may speak only when recognized or requested by the presiding co-chair.

Agendas

Co-chairs will solicit agenda items from members or their designees at least two calendar weeks prior to the meeting. The co-chairs will distribute the agenda for the up-coming meeting at least five days before the meeting. Additional agenda items may be added by agreement of the co-chairs.

Minutes

Meeting minutes will be kept by a forum member designated for that purpose by the Chair. Minutes will be distributed to members or their designees by email within seven days after review by the co-chairs. Approval of the minutes by both co-chairs will be indicated by their signature. Minutes will be provided to co-chairs within 7 days of meeting. The co-chairs will be provided seven additional days to review and approve the minutes prior to distribution to forum members.

Action items will be summarized at the end of the meeting and provided to members or their designees. Items will list the members responsible for completing the tasks. At the next meeting or as agreed by the Co-chairs the responsible members will report progress on the item.

Communications

The members may jointly communicate to FGIS employees on forum activities in addition to publication of the minutes. Approved minutes shall be posted on the *InGIPSA* web site. However, this does not prevent the Union from communicating separately with its members on forum activities or management from communicating with its employees.

Both parties agree to respect the nature of any confidential information that may be shared on that basis with forum members. Confidential material will be shared outside of forum discussions only on the mutual consent of both parties.

Charter Amendments

This Charter may be amended by consensus of the forum members and a new charter will be signed by the parties. This Charter is a living document and may be reviewed to evaluate the effectiveness of the parties' collaborations at the end of each calendar year or more or less often if the parties agree.

Pre-Decisional Involvement

Pre-decisional involvement is a model of collaboration and engagement for labor and management to deal with decisions and issues concerning the work place outside of the traditional collective bargaining process. PDI involves those activities where employees, through their elected exclusive representatives, are afforded by management the opportunity to shape decisions which impact on the work the employees perform.

The following principles of PDI will be used:

1. The process begins early when ideas are forming;
2. The participants have common expectations;
3. Information is freely shared throughout the process and there is confidentiality of the information and the process;
4. The participants use a problem solving approach founded in interest-based principles;
5. The participants use a team approach to their activities; and

6. The participants demonstrate a high degree of commitment to the process and to achieving their shared expectations.

Impact on Statutory Rights

The forum will act as a recommending body to management. Following PDI, recommendations in which consensus has emerged through PDI will be forwarded to management for its adoption.

Nonetheless, PDI does not waive management's statutory right to make decisions under the Federal Service Labor Management Relations Statute, nor does it waive the Unions' rights to engage in bargaining prior to implementation of changes to working conditions as indicated by law.

PDI is not co-management but is a complement to the collective bargaining process. Management is ultimately responsible for making decisions. Therefore, where PDI fails to resolve issues, management will revert to the requirements of applicable law, rule, regulations, and the National contract.

Further, neither the EO nor this Charter abrogates the National or local contracts between the parties.

Effective Dates

The parties agree that Articles of the current charter will remain in full force and effect. This Charter is effective on the date the last party signs, signifying agreement, and will remain in effect until December 14, 2011 when the EO 13522 expires unless mutually agreed by the parties.

For the Union:

For the Agency:

George Lewis, President
National Council 237

Randall Jones, Deputy Administrator

Robert Medley, Vice President
National Council 237

Robert Lijewski, Director, Field Management
Division

Vince Volpe, President
New Orleans Field Office

Thomas O'Connor, Director, Quality Assurance and
Compliance Division

Emad Ibrahim, President
League City Field Office

Robert Baker, President
Portland Field Office

**Attachment to GIPSA Labor-Management Charter
Metrics for Evaluating Effectiveness of Labor-Management Collaborations**

Metrics	Issues	Elements	Baselines	Goals
Labor-Management Relationship	Lack of a collaborative problem solving model.	Pre-decisional involvement	2.43 out of a perfect score of 5.0 as scored by the 2010 Online USDA Labor Relations Climate Assessment	Raise the score to 3.2 by establishing an active labor-management forum that consults and collaborates on a wide range of issues. Utilize local forums to enhance PDI efforts.
Employee Satisfaction and Engagement	Provide additional communication on activities positively affecting labor relations within GIPSA	My satisfaction	On question 63 in the Viewpoint Survey, GIPSA scored a 63.8% positive responses on “how satisfied are you with your involvement in decisions that affect your work/?”	70.0% through establishing and communicating the work of the Agency’s labor-management forum, e.g., newsletter articles
Mission and Service Delivery	Multiple steps in providing certification to stakeholders that a vessel has been inspected and found suitable for loading. In some cases, the results are not provided to official personnel in a timely fashion	Process/cycle time	Currently, the process is entirely by hand or FAX and can involve multiple forms.	Form a task force to explore the feasibility of automating through electronic means the entire process of providing inspection results to stakeholders , including new technology