

CHARTER

for the

UNITED STATES DEPARTMENT OF AGRICULTURE

LABOR-MANAGEMENT FORUM

I. Introduction

The mission of the United States Department of Agriculture (USDA) is to provide leadership on food, agriculture, natural resources, and related issues based on sound public policy, the best available science, and efficient management. The USDA carries out its mission through more than 100,000 employees in 29 agencies and offices.

Executive Order 13522 – Creating Labor-Management Forums To Improve Delivery of Government Services (“Executive Order”) became effective December 9, 2009. The stated purpose of the Executive Order is to establish a cooperative and productive form of labor-management relations throughout the executive branch as a means of improving the effectiveness and efficiency of government operations.

The Executive Order required Departments (after consultation with their unions) to submit implementation plans to the National Council on Labor Management Relations (National Council) for approval. March 9, 2010, USDA and its national unions convened to consult on a draft implementation plan. The plan was subsequently submitted to and approved by the National Council.

Pursuant to the implementation plan, USDA and its unions met April 23, 2010, and established the USDA Department-Level Labor-Management Forum (USDA Forum). In order to implement the improvement of government services through cooperative and productive labor relations, USDA and the national labor organizations that represent USDA employees establish this Charter for the USDA Forum.

II. Guiding Principles

The parties adopt the following guiding principles based on those recommended by the National Council:

1. Labor-management forums do contribute positively to the performance of the Department;
2. Labor-management forums promote the economic and workplace interests of employees and managers;

3. Labor-management forums should operate with a clear understanding that grants the parties broad authority to develop solutions jointly on issues that fall outside the scope of bargaining;
4. Employees and their union representatives shall have pre-decisional involvement in all workplace matters to the fullest extent practicable, without regard to whether those matters are negotiable subjects of bargaining under 5 U.S.C. 7106 or 22 U.S.C. 4105; Management will provide adequate information on such matters expeditiously to union representatives where not prohibited by law; and make a good-faith attempt to resolve issues concerning proposed changes in conditions of employment, including those involving the subjects set forth in 5 U.S.C. 7106(b)(1), or 22 U.S.C. 4105(b)(1), through discussions in labor-management forums;
5. Management, union officials, and participants in labor-management forums will receive appropriate training as decided by the individual Forums on the requirements of the Executive Order, the guiding principles, and tools and processes that could assist with problem-solving and conflict resolution;
6. Labor-management forums should use skilled facilitators at appropriate times;
7. Labor-management forums will set goals, measure performance, and communicate results;
8. Managers and union representatives at all levels shall be committed to making labor-management forums work, which means being personally engaged;
9. In the spirit of the larger labor-management engagement process, all parties should take a cooperative approach to collective bargaining;
10. Labor-management forums shall be led by relevant decision makers and supported by appropriate staff; and
11. The parties shall devote sufficient resources to the implementation of the Executive Order.

III. Metrics

The Executive Order requires the development of metrics to monitor improvements in areas such as labor-management satisfaction, productivity gains, cost savings, and other areas as identified by the relevant labor-management forum's participants. In furtherance of this requirement, the parties adopt the following recommendations on metrics from the National Council:

1. GOAL
Improve the Department's ability to accomplish its mission and deliver high quality products and services to the public.

METRICS

Higher productivity

Improved customer satisfaction

Better service delivery

Cost savings

Speed and quality of adoption of new business processes and technology

2. GOAL
Improve the quality of employee work life.

METRICS

Higher employee morale
Greater job satisfaction
Lower attrition rates
Employee development and training

3. GOAL
Improve the labor-management relations climate.

METRICS

Greater union and employee engagement in workplace decisions (establish baseline via survey)
Expedited collective bargaining process
Cost savings and/or cost avoidance
Increase in disputes resolved

IV. Membership

The permanent membership of the USDA Forum will be comprised of from one (1) to two (2) representatives from each of the seven (7) national labor organizations entitled to act as exclusive bargaining agents of USDA employees.

The USDA will be represented by the Deputy Assistant Secretary for Administration or designee, the eight (8) Deputy Administrators for Management, the Office of General Counsel, the National Appeals Division, and the Department's Labor Relations Officer.

The parties have exchanged the names of their respective representatives (Appendix A). Each member organization of the USDA Forum may designate in writing a substitute for their permanent member. Whether a permanent member or a substitute, the parties will designate representatives who are authorized to act for their respective organizations.

Each member organization of the USDA Forum will update their designated representatives by notice to at least one of the Forum's co-chairs as soon as practicable.

The USDA forum will adjust permanent membership by consensus, based on changes in organizational structure or recognition of labor organizations or upon request by any member.

V. Mission

The USDA Forum will implement the Executive Order by:

1. Delivering the highest quality USDA services to the American people;
2. Improving the quality of work life for USDA employees; and
3. Promoting satisfactory labor-management relations throughout USDA.

VI. Roles

In accomplishing its mission, the USDA Forum will:

1. Provide compliance oversight for the implementation of the Executive Order throughout the Department to Mission Areas, agencies and offices;
2. Develop guidance and supply problem-solving assistance for subordinate forums/committees/councils;
3. Conduct pre-decisional involvement (PDI) for Department-wide initiatives that impact workplace matters of bargaining unit employees;
4. Model collaborative behaviors; and
5. Communicate issues undertaken and decisions made by the USDA Forum with their constituents.

VII. Meetings

A. Co-chairs

The Deputy Assistant Secretary for Administration (or designee) and a representative designated by labor organization members of the USDA Forum will serve as co-chairs of the USDA Forum.

A co-chair will preside over USDA Forum meetings. Presiding duties will be rotated between the two co-chairs on a six (6) month basis with labor taking the first turn presiding.

Notification of a change in the designated co-chair by either labor or management will be provided to the opposite co-chair as soon as practicable.

The co-chairs will be responsible for assuring that necessary preparations are made for up-coming meetings, including developing and distributing agendas, meeting notifications, meeting summaries or minutes, and meeting logistics. The co-chairs will also be responsible for communicating decisions made by the USDA Forum and monitoring steps taken to effectuate those decisions.

B. Schedules

The USDA Forum will meet monthly for the first three (3) months of its existence. Thereafter, it will hold quarterly meetings. The June, July, and August 2010, meetings will be face-to-face. Subsequent meetings in 2010 will be held by telephone conference calls.

At least two of the quarterly meetings each year will be face-to-face.

Upon mutual agreement by the co-chairs, ad hoc meetings may be scheduled.

The location, time and date of meetings will be jointly set by the co-chairs.

The duration of meetings will be determined jointly by the co-chairs and will be based on the time estimated to work through the agenda.

The USDA and its Agencies and Offices will fund travel and per diem for their respective employees when the USDA Forum meets two (2) times per year.

C. Facilitation

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

D. Quorum

Decisions by the USDA Forum can be reached only if a quorum is present. A quorum will consist of not less than half of each of the permanent representatives from labor and management, including both co-chairs or their designees.

E. Decision-Making Process

For issues concerning USDA Forum governance or operation, the members or their designees will use consensus in reaching decisions. For the purposes of the USDA Forum, consensus is reached after all participants have had an opportunity to be heard and agree that they can live with the decision.

F. Subject Matter Experts

Subject matter experts may be invited to meetings with mutual consent of the co-chairs.

G. Subgroups

The USDA Forum may create subgroups and may delegate specific responsibilities to such subgroups. The parties will jointly determine the size of the subgroups and will allow the appointment of an equal number of labor and management members.

When formed, subgroups will have their work defined by the co-chairs and will include a description of deliverables, projected time to complete, and any resources that might be available.

Subgroups will report their progress, findings, and/or completed work to the USDA Forum.

H. Agendas

Co-chairs will normally solicit agenda items from permanent members (or their designees) three (3) weeks prior to USDA Forum meetings. Generally, co-chairs will distribute agendas for the up-coming meeting of the USDA Forum at least ten (10) days before the meeting. Additional agenda items may be added by the USDA Forum by consensus.

I. Minutes

Minutes of USDA Forum meetings will be recorded by a note-taker approved by the co-chairs. Copies of minutes will be forwarded to all permanent members (or their designees) for review within seven (7) calendar days after review by the co-chairs.

Approval of the minutes shall be the first order of business at the next meeting of the USDA Forum.

Action items will be summarized at the end of each meeting.

Minutes will be posted in electronic form in such a manner that employees may have access to them.

J. Guests

Guests may attend USDA Forum meetings at the discretion and approval of permanent members (or their designees) who shall instruct their guests that they may speak only when recognized by the presiding co-chair.

VIII. Communications

The parties may jointly communicate to USDA employees on USDA Forum activities in addition to the publication of minutes. However, this does not prevent labor organizations from communicating separately with its members on Forum activities or USDA from communicating with its employees when they deem appropriate.

Management will explore development of a capability for employees to communicate electronically directly with the USDA Forum.

IX. Funding

The USDA will fund the cost of conducting assessments of the USDA's labor-management environment.

X. Charter Amendments

This Charter may be amended by consensus of the permanent members (or their designees) of the USDA Forum.

This Charter is a living document and will be reviewed periodically to evaluate the effectiveness of the parties' collaboration at the first Forum meeting of the calendar year, unless the parties agree otherwise.

XI. Pre-Decisional Involvement

Pre-decisional involvement (PDI) means those activities where employees, through their elected exclusive representatives, are afforded, by Department management, the opportunity to shape decisions which impact on the work the employees perform.

In order to be successful it is critical that both parties to the relationship, labor and management:

- have a common understanding of what pre-decisional involvement means;
- share a mutual appreciation of why it is in their own best interest to engage in pre-decisional involvement;
- have similar expectations of the results they seek to obtain from pre-decisional involvement; and
- agree on what actions occur after pre-decisional involvement has concluded.

The following principles of pre-decisional involvement will be used:

- The process begins early when ideas are forming;
- The parties have common expectations;
- Information is freely shared throughout the process and there is an understanding on confidentiality of the information and the process;
- The participants utilize a problem solving approach founded on interest-based principles;
- The participants adapt a team approach to their activities; and
- The parties and the participants demonstrate a high degree of commitment to the process and to achieving their shared expectations.

XII. Impact on Statutory Rights

Pre-decisional Involvement (PDI) does not waive management's statutory right to make decisions under the Federal Service Labor Management Relations Statute, nor does it waive labor unions' rights to engage in bargaining prior to implementation of changes to working conditions to the extent required 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 pre-decisional involvement fails to resolve bargainable

issues, management will still adhere to the requirements of applicable law, rule, regulation, and collective bargaining agreements.

Further, neither the Executive Order nor this Charter abrogates any negotiated agreements between the USDA, its Mission Areas, Agencies, or Offices and exclusive representatives of USDA employees.

IN WITNESS WHEREOF, the undersigned adopt this Charter this 7th day of June, 2010.

For Labor

Ronald Thatcher, President
Forest Service Council, National Federation
of Federal Employees

Melissa Bauman, Treasurer
Forest Service Council, National Federation
of Federal Employees

Bryan Knowles, National Negotiator
National Treasury Employees Union

Carl Goldman, Executive Director
District Council 26, American Federation of
State, County and Municipal Employees

Debra Arnold, President
Local 3870, Rural Development, American Federation
of State, County and Municipal Employees

For Management

William P. Milton, Jr. Deputy Director
Office of Human Resources Management, USDA

Anthony Thompson, Deputy
Administrator for Management (DAM)
Food Safety

Chuck Myers, DAM
National Resources & Environment, USDA

Philip G. Short, DAM
Farm & Foreign Agricultural Service, USDA

Marcus Brownrigg, Acting DAM
Food, Nutrition & Consumer Services, USDA

Sarah Rehberg, President
National Association of Agriculture Employees

Sharon Church, President
National Association of Plant Protection and

Henry Schmick, Vice President
Foreign Agriculture Service, American Foreign
Service Association

Ted Gutman, Deputy Director
Employee and Management Services
Marketing & Regulatory Programs, USDA

James Bradley, Deputy Administrator for
Administrative and Financial Mgt., USDA

William Pratt, Asst. Director of Management
National Appeals Division, USDA

Frederick Pfaeffle, Senior Counselor
to the General Counsel
Office of General Counsel, USDA

Clyde Thompson, DAM
Rural Development, USDA

Paula Lucak, Acting Labor Relations Officer
Office of Human Resources Management, USDA

Appendix A
USDA LABOR-MANAGEMENT FORUM MEMBERS
June 7, 2010

LABOR

Ronald Thatcher, President
Forest Service Council, National Federation
of Federal Employees

Melisa Bauman, Treasurer
Forest Service Council, National Federation
of Federal Employees

Charles Stanley Painter, Chairman
National Joint Council of Food Inspection Locals
American Federation of Government Employees

Sharon Cooney-Smith, President
Local 3354, American Federation of
Government Employees

Bryan Knowles, National Negotiator
National Treasury Employees Union

Carl Goldman, Executive Director
District Council 26, American Federation of
State, County and Municipal Employees

Debra Arnold, President
Local 3870, Rural Development, American Federation
of State, County and Municipal Employees

Sarah Rehberg, President
National Association of Agriculture Employees

Sharon Church, President
National Association of Plant Protection and
Quarantine Office Support Employees

Henry Schmick, Vice President
Foreign Agriculture Service, American Foreign
Service Association

Patricia Maggi, President
National Treasury Employees Union
Chapter 226

MANAGEMENT

William P. Milton, Jr., Deputy Director
Office of Human Resources Management, USDA

Anthony Thompson, Deputy
Administrator for Management (DAM)
Food Safety, USDA

Philip G. Short, DAM
Farm & Foreign Agricultural Service, USDA

Marcus Brownrigg, Acting DAM
Food, Nutrition & Consumer Services, USDA

Joann Munno, DAM
Marketing & Regulatory Programs, USDA

Chuck Myers, DAM
National Resources & Environment, USDA

Eloris D. Speight, DAM
National Resources & Environment, USDA

Clyde Thompson, DAM
Rural Development, USDA

James Bradley, DAM
Research, Education & Economics, USDA

William Pratt, Director of Management
National Appeals Division, USDA

Frederick Pfaeffle, Senior Counselor
to the General Counsel
Office of General Counsel, USDA