



Department of Energy

Labor Management Forum
Washington, DC 20585

10/20/2015

9:00 am

CARTER: Welcome.

HAIRSTON: Welcome. We have had a productive year with a number of virtual meetings. Thank you all for your participation this year. Jennifer has done a fantastic job. Special thanks to Randy Mayhew for his facilitation. I want to recognize some of the LMF accomplishments this year:

1. Our Charter – we have had good participation leading up to the writing of the Charter and thereafter. The group is moving in the right direction.
2. We improved FEVS participation – the LMF contributed greatly to spreading the word and encouraging participation by an increased number of DOE employees.
3. PDI – we will spend some time on pre-decisional involvement this week. We have made some strides in it during the year.

I have been working with the Committees, and have enjoyed the opportunity to be the Management Co-chair. Now it is time to pass this on and allow others the opportunity to lead. It has been a very rewarding experience; but I have to admit that it does require an investment of time. We are fortunate that we will be joined by the Deputy Secretary, this morning.

PANSKY: I am here to celebrate a year's worth of work. I have enjoyed the opportunity to meet all of you, and I know that we will continue to make progress together. I am impressed and amazed at the breadth of the work we have undertaken this year:

1. FEVS
2. Security
3. Security Clearances
4. Cyber breaches...the list goes on and on.

It has been great working with John this year. I encourage all of you to consider stepping up. We had three sub-committees this year; you may think of a better organization.

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KLAUS: As the Deputy Undersecretary for Management and Performance, I think that the input the LMF has provided is valued. There has been a great increase in participation (to 68%), and we cannot overlook that increase and what our employees have had to say. The Survey has identified areas where we have done well and areas where we have not done as well. We are rated as needing improvement in dealing with poor performers – FEVS is making that clear. This year we have been able to break out 470 reports (anywhere there are 10 or more responses we receive a break-out report).

The Deputy Secretary set as a goal, visiting all 17 DOE National Laboratories this year; she did it! Her priority has been to connect with each employee at each DOE element. Workforce Programs is one of her top priorities. Please join me in welcoming Deputy Secretary Elizabeth Sherwood-Randall.

SHERWOOD-RANDALL: Travelling to widely dispersed enterprises was something requiring a lot of connecting flights. I was privileged to conduct all-hands meetings at each I visited. I want to make DOE one of the best, if not the best, place to work in the Federal Government. I feel privileged to talk with this group. The Secretary and I have made it a priority to work with employees and their representatives. This initiative preceded my arrival. At DOE we operate more like an enterprise: we are more like the United States and less like individual states. I am the senior executive over \$750 million of projects. Our enterprise-wide projects bring together all of the stakeholders and benefit the entire workforce. I want to leverage the skills of employees here today; I want to develop metrics to capture employee workforce views. We have increased FEVS participation to 68% (one of the highest in the Federal Government). With that level of participation we are getting feedback not only from those with axes to grind. With the process putting enhanced information in place, we are developing individual groups to address the issues raised. I want to recognize Randy Mayhew, Tom and John, Bob Gibbs, Jennifer Carter and all the others in HC who have made this LMF a success. Training and involvement is so important because if people feel included, they place more value in the experience. I want to thank you for everything you do on behalf of the Department of Energy and our shared goals.

CARTER: I hope the Deputy Secretary's knowledge of the LMF lets you know how much the great work of the LMF has been appreciated. The Writing Committee, the Steering Committee, the Sub-Committees have all made tremendous contributions. One of the first things that the Secretary did when he arrived was to meet with the labor organizations representing DOE employees. I want to express my special thanks to Kim Edens for her tireless assistance and ask Mr. Gibbs to come up and present some awards.



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GIBBS: [AWARDS PRESENTED TO THE FOLLOWING:]

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Jeffrey Manring

Doug Aoyama

Kim Parker

Lilas Soukup

John Hairston

Tom Pansky

HAIRSTON: I have an additional award to present:

The Galaxy Award, presented to Tom Pansky.

CARTER: The Department has recognized the great success and improvement in participation in the FEVS Survey. [READING OF NAMES OF FEVS CERTIFICATE RECIPIENTS]. First I want to introduce Randy Mayhew. Randy will be followed by Bob Gibbs who will talk about his goals for the coming year. Then we will have some work groups. At 11:00 am, representatives from the US Patent and Trademark Office will give a presentation regarding their shared labor and management experiences.

MAYHEW: INTRODUCTION OF DAVID HUANG, FMCS COMMISSIONER. I want to warn you what is coming: this is not a dress rehearsal: this is our real life. Each of us spends more time at work than we do outside with our friends and families. We have to check our feelings at the door. We have to see the value of having successful relationships. There is so much talent in this room. DOE is such an important Agency of the United States. If we can make DOE the best that it can be, that will be a great accomplishment. Good listening skills and an openness to working together is crucial to this process, to PDI, and having a successful labor management forum.

GIBBS: That is inspiring. That is why we are here. The best ideas should win! There are three topics I want to address. First of all the FEVS participation – Thank you for your participation and remarkable accomplishment. We have heard from the workforce, now we have to deliver. This is the beginning stage. The Cyber Breaches – Jennifer has been very involved, she has done a great





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job. As frustrating as it is with large Government, we are not always getting the answers we want. Why is the coverage only going to last three years? That is being discussed across Government. And third, there is not an understanding of the Performance Management Process. It is not clear on its face. We need to do more to clarify. Jennifer has put some pressure on us; John and Tom have kept things flowing.

BREAK-OUT GROUPS

11:00 am

EAGAN: INTRODUCTION OF FRED STECKLER, CHIEF ADMINISTRATIVE OFFICER AND HOWARD FRIEDMAN, PRESIDENT OF NTEU CHAPTER 245, US PATENT AND TRADE OFFICE

[SLIDES]

Employee engagement drives improved agency performance. In joint meetings/bargaining sessions the parties seek:

1. To improve employee relations
2. To improve labor relations
3. To improve Agency performance.

In a discussion/bargaining session, a party has been successful if it come away with 70% of its goal (and its partner does as well). The parties will be meeting again and both may see favorable movement in the future.

DEPARTMENT OF ENERGY EMPLOYEE TOWN HALL MEETING, 1-2 PM EST,
SECRETARY ERNEST MONIZ AND DEPUTY SECRETARY ELIZABETH
SHERWOOD-RANDALL

FMCS ROTATING TRAINING SESSIONS ON "POST PRE-DECISIONAL INVOLVEMENT (PDI) (HOW TO ADD VALUE FOR BOTH PARTIES AFTER PDI- THE AGREEMENT) AND GROUP PROBLEM SOLVING TECHNIQUES AND CONSENSUS AND ACTIVE LISTENING (TEAM BUILDING)

DAY TWO

10/21/2015

9:00 am

CARTER: WELCOME. HOUSEKEEPING. TURNOVER TO RANDY MAYHEW.

MAYHEW: We had a full agenda yesterday. We had visits with both Management and Labor. We heard some comments from both groups. We had some training. We can always use more time on workshops. Even when we have had them before, we can always benefit from hearing it again. If we listen, sometimes we spend more time thinking of a response than understanding what has been said. We have to gain an understanding of how we can get this PDI across. It is not a cookie cutter response. We are dealing with difficult places, difficult issues, a level of sensitivity, and we are all over the board.

B. CLARK: With PDI, where ideas are conceived can sometimes be interesting places. If they are conceived in the Forums and you don't have the senior most managers present, there may not be progress.





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W.K. COLLINS: NETL management needs to get with the program. We only have one management representative here.

MAYHEW: Yesterday we had a discussion: where the rubber meets the road, senior people have to be on board with it. We have to take advantage of these three days to gain an understanding. We have to have test runs and build on the process. The LMF's goal is to get in as soon as possible.

Unknown: This is not a new thought. Over the years we have had good relationships with managers. Now we have a new Director who has made it clear that she doesn't think that she needs to deal with Labor. The Assistant Secretary is the same way.

CARTER: I was in a meeting recently with managers. In my new role I get to see a little more. I think that we have some opportunities here. Some things are still left out on the table. There are still some managers who are not yet on board. Have to start at the top.

Unknown: There was a big push. Headquarters offered to pay for us if we couldn't otherwise afford to come, but many still did not come.

CARTER: Do you remember what Bob said?

W.K. COLLINS: He said he was willing to pay, and was going to see why others did not come.

EAGAN: I'm looking for champions, looking on the Labor side and looking for champions on the Management side. We need to put more people at the table who might agree.

CARTER: Think about when we started. Bob was in for about 5 minutes. Now the Secretary is on board. The Deputy Secretary is on board and knows where we are. We have to make it palatable.

SULLIVAN: We had a recent PDI opportunity. It was big; it took several months; senior management was skeptical because it was going to add time; there were times when we changed the documents the day before the meeting. The simple idea of delivering results, LMF proved, itself, with the FEVS survey.

DURBIN: The Secretary, himself, acknowledged us in his comments yesterday regarding the FEVS survey.

MAYHEW: We have a bright group of people wanting to build on their accomplishments.

CARTER: Tom and John?





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HAIRSTON: For the Co-Chairs, in terms of challenges, how to coordinate the work of the sub-committees. We had some key assignments: the Annual Report; increased participation in FEVS; Joint Solutions Sub-Committee. The challenge is: how do we get as much done as far as the committees are concerned? Tom and I and Jennifer have been trying to get the work done. I have actually seen Tom doing the job himself. It has been difficult for me to get all the things done that need doing. Co-chairs need to keep their input at a higher level, you can't do it all on your own. As an LMF we need to define what we want to get done over the next year. It is a challenge to get everything done, but you can't do it all yourself. What is that value proposition? For us in the bubble, it is pretty clear: we can see the value of the LMF. Those outside may not see it. It has been easier for me as Jennifer Carter has done a lot of the whipping of Management into shape. I think it is a little different on the Labor side. I have enjoyed working with Tom. I am not entirely certain where the Committees ended up at the end of the year. We need to give them more opportunity.

PANSKY: I enjoyed working with John too. It didn't start out so well. Last year Scott Blake said, "You need to see each other at least 5 minutes each day." The second day I stopped by John's office he asked if I was really going to be in every morning. Most days I have to triage my desk every hour, and I try not to have things drop off. We started with three Sub-Committees; people stepped up and asked when there were projects we were interested in. Being a Co-Chair and trying to be a Sub-Committee lead is probably too much to ask.

HAIRSTON: I agree.

PANSKY: We have made a lot of progress. We have caught the attention of some of the executives. When we have gotten the attention of the folks at the top and the folks at the bottom, those in the middle will follow suite.

J. CLARK: You have talked about three jobs. How much time did you take?

PANSKY: All three could be full-time jobs. Forty hours is my goal. About 30% of my time previously went to the Local. About a day a week was spent on LMF activities. I had to coordinate with other Labor representatives too.

HAMMANS: In our MOU we can only do 200 hours of official time per representative per year.

PANSKY: This does not count against that allotment. I have a supportive supervisor who does not give me too much grief so long as I get my duties done. Practically speaking, there are only so many hours in a day.





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J. CLARK: When I was a union president, I earned credit hours (2 per day) for surplus activities.

HAIRSTON: You will not be able to do the job by yourself; make sure that you have some others to rely on. Luckily I had Joe Sullivan to fill in and review and take care of details.

PANSKY: We worked together; it got easier as we came to trust one another.

HAIRSTON: We got to know each other. We have been enjoying getting to know each other. There is a comfort level that has strengthened the relationship.

PANSKY: We have taught each other some stuff about what is behind the curtain.

CARTER: Let's split out: Labor will stay here to chat and nominate its candidates; Management will go downstairs and do the same.

PANSKY: Labor nominates:

Lilas Soukup as Co-Chair

Kim Parker as a Steering Committee Member

Judy Schoenberg as a Steering Committee Member

SOUKUP: I have to identify, I have to be concise. I will start with the FEVS Survey and start with the Workforce Survey (Kim is on the Workforce Survey Work Group). Everyone will be able to home in on what will help matters. Kim will be in charge of boots-on-the-ground. We can get insight from her. I want the LMF to work in conjunction with some of the other Work Groups.

PARKER: There were major communications. We were well organized. We have tried to find things that we could measure to help us grow as a work group.

SCHOENBERG: I want to be a Committee Member, not the Co-Chair. My strength is as a Project Manager. I need to have balance and recognize the different environmental issues.

HAIRSTON: The nominee for new management Co-Chair is Heather Quedenfeld. We also nominate Donald Gerrish as Joint Affairs Sub-Committee Co-Chair, Randall Lilly as Public Affairs Sub-Committee Co-Chair, and Jason Anderson as Metrics Sub-Committee Co-Chair.

QUEDENFELD: I work at NETL with Lilas.

GERRISH: My whole philosophy is getting together and working things out.

LILLIE: I think the best way to deal with something is to jump in and address the problem.





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ANDERSON: I will be working with the Metrics Sub-committee. This year is a tough act to follow. I think we have an opportunity to build on our accomplishments and continue to grow.

CARTER: In case you have not heard our history, Tom and Dan Doyle are some of the actual original stakeholders.

PANSKY: We agreed to a Charter for the first Forum, but we did not have enough momentum to survive the election. Because we did not have enough momentum to survive the election, when the Executive Order went away, we just did not have the momentum to sustain us.

CARTER: The current Secretary wanted to meet with Labor when he first got here. We put together contacts with FMCS; we learned how to convene a meeting. Take a copy of the Charter and the Secretary's cover memorandum and show it to your management. We had the Charter drafted in 4 months. It took us another 4 months to get agreement. When the Pope was here, he spoke about dialogue. We need new and expanded dialogue. Where we are today is where other agencies took years to get. I think we have more things to do and more places to go. We have a Mission Statement:

Federal Labor-Management Forum members will build and maintain a collaborative relationship to meet Agency challenges and develop joint solutions that will enhance the workplace safety, productivity, and employee quality of life to better accomplish the Department's mission.

LMF efforts drove the sharp increase in FEVS participation. We can assist with the Combined Federal Campaign. I think our positive roles will continue to result in positive dividends for the Forum.

IT WAS MOVED AND SECONDED THAT THE NOMINEES BE ACCEPTED AS CO-CHAIRS, STEERING COMMITTEE MEMBERS AND SUB-COMMITTEE CO-CHAIRS, RESPECTIVELY. APPROVED BY UNANIMOUS VOICE VOTE.

INTRODUCTION OF TONY NGUYEN.

NGUYEN: I was able to sit in on Mr. Klaus's comments; and Deputy Secretary Randall really wants this to be a conversation. One topic will be the unlocktalent.gov website. We are on schedule: last week we issued reports to heads of elements. We have 470 break-out reports due to the increased participation. INTRODUCTION OF THOMMI MATTHEWS. Some have read the other reports. [SLIDES] We have created a tool already so that next year we can get the reports out more quickly. At the Government-wide level, unlocktalent.gov has been expanded: there is public access. Engagement is different than satisfaction. Engagement is related to "going the extra mile" to get the job done –





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employees' sense of purpose: dedication, persistence and effort in their work and the overall attachment to their organization and its mission (some may be periodically dissatisfied but remain engaged). At unlocktalent.gov, all DOE email domains are accepted. You can also contact the website directly. You can break it down to the element level. We have FEVS data and also other data coming in as well. The Secretary referred to 3 areas of focus. In the area of Leadership we have started to initiate actions. We have called for participation in *360° Surveys*, coaching, *New IQ* (NNSA has already taken a lead with its *Modern Management Approach*: a Quick Pre-assessment, a 90-day Opportunity to Improve, and a Post-assessment). In addition to Corporate strategies there are local initiatives underway at WAPA, BPA, EIA, and Nuclear Energy. We are trying to showcase local successes. For the Organizational Management Report, here is an excerpt of the main questions. These phrases are summaries of the statements. Green checks indicate 65% or higher agree. Taking the survey, itself, was an act of engagement. It was voluntary, so it is an act of faith. We only received 343 break-out reports last year. This year we may have 100% participation in some units. We are making data available at the work unit level.

EAGAN: You described question 41 as the cynicism index. There was no change there.

NGUYEN: 41 is the major question. The issue is: it's a long climb. In 2014 we were the low score in all of Government. We have jumped up 5 points (from 31% to 36 %). The negative number dropped by 2%. There is continued communication from the Secretary and Deputy Secretary. We have started at Headquarters, but it is a lesson learned. In venues like the LMF this communicates a lesson learned. This is an area we need to address. We are actually trying to do the same thing as the LMF is doing at the Corporate level. We recognize that there are differences and distinctions at the local level; but if you get the break-out reports, there is no avoiding the results. We want to showcase the WAPA results and the LMF efforts.

HAMMANS: Look at question 41. We need to look at the Neutral and negative responses as well. Combined, we are well above 50%.

NGUYEN: You are looking at it exactly correct. We need to look to see if there is an improvement. To OPM's way of thinking a 2% improvement at the Agency level is huge. We improved by 5%. In terms of lenses, did we improve or not improve over the last year? Even though we had a 2% decrease in negativity over last year, we are still more than 50% below strengths and still below the Government-wide average. The minimum for a break-out is 10 responses. If you had more than 10 eligible responders but less than 10 responses, you get no break-out.

Unknown: I think it would be great to be able to go to employees to tell them the specific programs in place to address each question. Do you have that information?

NGUYEN: We are working on that right now. We have identified an industry that has comparable responses to specific questions. About 6 months from now we should be able to





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get the information out. This is where the rubber meets the road.

Unknown: We need the responses. Otherwise we will be met with cynicism and chuckles.

PARKER: We need to start with what has happened.

NGUYEN: We need Lilas' creativity. This may be something that we can partner together about things we know have already been launched. NNSA is already underway. *New IQ* has 50 questions, and gets exactly to your point: if we have a problem with fairness, here's what you need to do for 90 days; then you administer the instrument again.

CARTER: Look at the challenges: what can we do to provide ideas? We are looking at a 6 month window timeframe for this. This is how we are going to put it out there. Could the Forum come up with a Creativity Reward?

NGUYEN: That is a possibility. Recognition can be so individually specific. One person's recognition is another person's embarrassment. We have talked about the usefulness of FEVS, but there are serious limitations. On some questions, we were really surprised that something came up as negative as it did.

CARTER: If we go to employees and say, "This [New IQ for supervisors] is what we are doing." Some employees will ask to see to see their supervisor's performance appraisal. We are not going to share that, but maybe we can share the overall goals.

DURBIN: I think if many employees have not met a new Director, which will reflect on their responses. If QSIs have drastically reduced, there should be an explanation. If leaders roll up their sleeves and actually get together with the employees they lead, that is important.

B.CLARK: If the Secretary and Deputy Secretary are enthusiastic, that might reflect through the dash-1s, but if my individual supervisor doesn't reflect that enthusiasm it does not impact me.

NGUYEN: We have sent all the reports to heads of elements. Ideally they will get out to the lowest level possible. We are now verifying that the appropriate person got the reports. There should be at least 470 discussions. If you did not receive a break-out at your own level, there will be one at the next level up.

CARTER: How can the Forum come up with the possible solutions/activities?

Unknown: Are there ways to get information to compete with each other's elements?

NGUYEN: We continue to push on that to get down to the sub-element level. Even if OPM is not willing to do the real time to get below the element level, we can at least get that data.





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CARTER: We need to have a talk about our FY'16 goals for the coming year. We need everyone to engage. I think we have a good tool kit for tomorrow. Let's set some new goals.

Unknown: FEVS, Phase II: people looked at the break-outs, why doesn't management pick 2 goals on how to achieve specific numbers?

Unknown: Number 41 was the money question. No one really believes that the Agency will really do anything. We should go through all the things the Agency is doing and address/show people what we are doing: identify who is doing what. We can use that information to gain increased input. "You asked us to do more participation. We did. What have you done to show that you heard us?"

CARTER: Management, pick 2!

NGUYEN: It only makes sense. I just came from a town hall meeting with HC. They agree that there are more problems, but they are not sure what the results should be.

J.CLARK: Why was there no feedback before the decision was made? It might have been better to include Labor pre-decisionally. We might want to see certain kinds of training.

NGUYEN: That makes sense. FEVS will come every year.

B.CLARK: It needs to be institutionalized.

NGUYEN: That is one of the limitations, developing leadership. The 360° program, *Executive Coaching*. We want to work on leadership, but have to consider what have we missed? We are having discussions with the different stakeholders.

PARKER: Will we see the results?

NGUYEN: I'm not sure about that. 360° is between managers and their peers, supervisors, and subordinates.

EAGAN: *Executive Coaching* is the new buzz. Meeting with a coach is not turning around managers. We would like to suggest drilling down. There are toxic offices in this building. There are some areas where we have problems that bring down the whole score.

CARTER: We must be careful. Management does not want to be in a position where they tell Labor what to do, and management does not want Labor then what to do.

Unknown: Number 41 is the money question. We have two bodies. How about we ask our constituencies what to do about that? We could present that: collaborating together to see





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what suggestions there are.

J.CLARK: I think that would be great.

HAMMANS: For question 41 the one thing we will do is coaching and 360s. What does that do to help the everyday worker to feel better about their situation?

CARTER: That's why we had mentioned the Road Show.

PANSKY: Sometimes having a straw man to react to and something to discuss is a positive approach. We could send out the information to bargaining unit employees with a note asking "What do you think about these things?"

J.CLARK: We have been told, generally, that we could not survey our units.

Unknown: We wanted to take surveys from local employees. We were told that the fear was that no one would do the official survey if they did the local survey.

J.CLARK: I think that we could have a joint response.

CARTER: We can't ask for Title VII information; we can't ask for information that identifies the responder; and we would need union buy-in (which we would have if union and management jointly asked).

NGUYEN: All we are trying to do with the 360° is trying to connect. With communications, town halls are necessary, but insufficient. We need the employee work experience piece as well. What are the performance areas? When do we expect to get the information? What is the expectation? We may need to prioritize.

PARKER: There is so much enthusiasm in the message.

CARTER: We also talked about engagement of higher management.

SOUKUP: We have employees who are busting their humps and getting nothing for it. I think the performance area is paramount in the workers' minds. We need to educate managers that there is a multitude of ways to show appreciation (e.g., here is time off for the work you did). Maybe there is a tool for supervisors to incentivize poor performers rather than looking for a place to move them to.

B.CLARK: For those who are weak performers, we are high performers and want high performers working with us. We just have to afford due process. If you want to do a Road Show, do it.

DURBIN: If you want to have a Road Show, why not a joint Labor-Management Road



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Show?

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PANSKY: I think the Workplace Improvement Forum could be a bullet – get Natasha to address us. The Combined Federal Campaign – Jeff Eagan's point. At BPA there was a group in the basement, we worked with the Ombudsman, found common perceptions; it took a while, but their scores have risen.

CARTER: Tony and the CHCO are available. You could go to the Ombudsman and talk about problem offices.

PANSKY: What about briefing the LMF on the Workforce Improvement Forum?

CARTER: Natasha can do the best job on that topic.

Unknown: In terms of ways to strengthen the LMF, we have had way more than the 4 meetings called for in the Charter (e.g., the meetings on the cyber breaches and the meetings on FEVS).

EAGAN: A lot of the Secretary's message was to get DOE's arms around the Department's projects.

NGUYEN: I heard that, but we can't get anything done without communications. Communications, itself, may not be the best title, "Performance and Recognition" may be a better title. Communications is a mode or means.

CARTER: Engagement of a few Under Secretaries may communicate that this is a genuine priority. We are already part way there: the Secretary knows who we are; the Deputy Secretary knows who we are and where we are going.

NGUYEN: It would be a goal to see different videos with individual employees telling what they had seen in terms of improvement.

JUAREZ: We had some people actually walk the walk and talk to their own employees. It made a difference to some employees.

CARTER: I think sending a message that you are available and concerned about them as employees is important.

MAYHEW: Thank you for your dedication. You did an exercise working off your own document. Tomorrow we are going to take on something that is real life. Focus on the process. Management has obligations. Labor has obligations. Let's check all the luggage at the door.





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CARTER: Lorrenda Buckner will come in so that we have a full understanding of the Performance process.

MAYHEW: Tomorrow this is one work place. We got the information in advance.

EAGAN: What are the expectations?

MAYHEW: You have heard the history. Obviously we have to manage expectations. There are variables that will be discussed.

.....
10/22/2015

9:00 am

CARTER: Today at 9:20 we will have Lorrenda Buckner to walk through the proposed changes in the draft DOE Performance Management Order. Some of the changes were Labor proposed. There is a lot of apprehension. What we are doing is experimenting. At the end of the day we will have some recommendations accepted, some modified, some may need bargaining. Not all of us are going to agree with each other. Please look at the PDI document. I think some minor adjustments may be an improvement.

MAYHEW: Let's get into a mindset that this is not really Labor or Management, we are a group of people trying to work together to see if we can move it down the line. Treat each other with respect, I know you will. This is informal. Ask questions as you go.

BUCKNER: I think that you all have a copy of the draft Order. It is with the Secretary's Office for review. Once it is approved we will provide training through the Performance Management Liaison. A lot of the information is not given to the new person when he/she comes in. The new Order takes effect in FY'17, so we have time to get everyone prepared. Changes include:

- The effective date and coverage;
- ePerformance is included, so that everyone is on the same cycle (BPA has some employees on a different cycle, we accommodate that);
- We have tried to include examples so that you know why we are doing the things we do;

If you have questions I will be glad to explain why the group ended up with the provisions they did.

- Some of the stuff was already in the order, we just included it.
- Paragraph 4.(b)1 was enhanced. We added information as to why and what to do if an employee refuses to sign, built in a timeframe for a manager to follow if an employee continues to work but refuses to sign the plan.
- Contributing factors were eliminated, we will go with the critical elements. Rating Officials were just checking the contributing factors but not explaining the meaning. They were not used as intended.
- We recognized that we do have people who might be in the field for 30 days and are not available to sign within 15 days – they are not angry, they are just not available.





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- If you have I&I issues, or even substantive issues, the parties may go beyond, just not below the standard set by the Order (*e.g.*, you could negotiate up to 30 days, but you could not negotiate to go down to 10 days).

GERRISH: Is a person kicked up to the next step within 15 days?

BUCKNER: That is not correct. A person will not automatically be kicked up. It is an off-the-shelf system; I don't know that it could be made to do that.

PANSKY: How do we know if it is a minimum or a maximum – which is the floor and which is the ceiling? We can't tell.

CARTER: Call the Policy SME.

BUCKNER: That will be covered in the training.

CARTER: I don't know who everybody is. If you see something and have a question, ask!

Unknown: The Service Centers have changed some of this and we don't necessarily know who will be responsible.

BUCKNER: We will definitely have OLC Training.

SOUKUP: Not everything can be covered in OLC. How will people become truly knowledgeable?

BUCKNER: The Desk Reference will tell you the specifics. It will go down into the weeds.

SOUKUP: When the designated person goes out, could the training be offered to a Labor designee?

CARTER: That's a big possibility.

SOUKUP: We already know who will be our Performance Contact. She does not know labor relations.

CARTER: Negotiations is homework and we don't want the training used as that homework. If training is offered to a Labor designee they would be there, not necessarily under a Labor hat, but as an employee – meaning no labor type negotiations. Performance presenters are not presenting in a labor capacity, it would be in a performance training capacity.

W.K. COLLINS: If I'm in training, I'm going to have my Labor hat on.





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CARTER: That's fine as long as you keep in mind that this training is not a negotiation or an interrogation of the presenter...meaning Labor-specific material will not be addressed in the training...-those concerns are to be addressed with your LROs.

PANSKY: BPA has developed a Desk Reference. Will there be a DOE-wide one or is each element doing its own?

BUCKNER: There should be one Desk Reference for the Entire Department of Energy.

PANSKY: I have not seen it yet.

BUCKNER: We will send it out for your comments.

PANSKY: That will be a new item for discussion.

BUCKNER: When you put someone on a PIP now, they only have to bring it up one level (to NI). That is not where we want them to be. We want employees to perform acceptably. Also managers had trouble distinguishing between NI and FME. For 10 years we have had NI and it has been a problem.

EAGAN: If you do away with PAPs, then you can fire someone in 90 days.

CARTER: Yesterday you complained about people not performing and imposing on everyone else.

EAGAN: Yes, but we don't want to fire people in 90 days.

CARTER: Nobody here wants to fire people. At the end of the day, we are a business.

DOYLE: I hear what you are saying, but I see a lot of NIs and almost never see an FME. I have a problem with that.

Unknown: As an ER Specialist who has to draft the Performance Letters, it is an NI after a PAP, after a PIP, after a PAP. It is a circular process.

HAMMANS: My concern is managers using an FME to clear out the workforce without due process.

CARTER: Avenues of redress ensures due process and LMERS are trained to step in and assure due process is provided -it's statutory.

Unknown: Last year an employee was not told anything. It was a Pathways employee who was deployed. When he got back he was given a FME.





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PANSKY: It seems a waste of time to have to go to a grievance every time. Can we reach out to you?

CARTER: You can reach out to your LMER first. The tier system is what it is going to be.

EAGAN: I see PIPs working; I see PAPs working.

CARTER: We are not doing away with Performance Counseling.

MAYHEW: Let's take advantage of the process.

EAGAN: Why has DOE decided to cut awards?

BUCKNER: That is not the DOE decision: it is an OMB and OPM decision.

DURBIN: Any third party action requires a GC review.

CARTER: Any third party action does require a GC review and I am usually made aware of it too.

BUCKNER: What we have added is, if an employee is on a PIP at the end of the rating period, we can extend the rating period until you improve. The manager should issue the PIP as soon as he/she knows that performance is unacceptable.

SCHOENBERG: Can different elements inject a review process, or is it only between the Rater and the employee?

BUCKNER: If the Rating Official makes a determination and sends it to the Reviewing Official, the determination is between the two of them. If there is a difference of opinion, it will be up to the Rating Official to justify the rating.

DOYLE: I don't see any mention of a Counselling Letter in the Order.

BUCKNER: It will be in the Desk Reference. Another difference is that we have been doing two Progress Reviews; we have gone back to one mandatory.

EAGAN: Why?

BUCKNER: Because we did not find that two were meaningful.

PANSKY: Is that the floor or the ceiling?

BUCKNER: The floor.





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DOYLE: Sometimes the system does not give us the flexibility we need.

WRIGHT: Originally we were told that ePerformance required two Progress Reviews.

BUCKNER: We may need to change ePerformance or require a manual bypass.

Unknown: Performance awards. I have concerns about a workforce drop – where ratings drop just before a RIF.

BUCKNER: No that's not the intent. Cash awards can be carried over to Time Off Awards.

WRIGHT: LMR claims that we cannot exceed the FY'10 level.

BUCKNER: OPM lifted the ceiling, but said we should grant awards "judiciously." We may have a higher number than some Agencies. If so, we will defend that.

DOYLE: We need to find a way to reverse this trend if we want to incentivize employees to perform harder/better. Who ensures that adequate money is available? Are you going to oversee that? I just got notified that the awards budget just got reduced to ¼ of what it was.

DURBIN: Was there any thought given to raising On-the-Spot awards above \$500.00?

BUCKNER: There was not.

Unknown: Failure to Meet needs to be in writing.

CARTER: We don't want to eliminate communication between Raters and employees.

BUCKNER: We have Counseling Letters. If there is going to be a FME, it will be preceded by a PIP.

Unknown: Will the percentage of the pay pool be 3-4% or 1%?

BUCKNER: The Secretary will decide.

EAGAN: You are dropping the number of shares. Why?

BUCKNER: You got a Performance Award.

EAGAN: What is the rationale?

BUCKNER: The EE rating is a different range. You are looking at the ME.





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EAGAN: Before I could get 3 shares.

BUCKNER: You could under the old rule too.

PANSKY: What he is trying to understand, the old rule seemed to be more generous than the new rule.

BUCKNER: We added language to the Supervisory standard based upon the comments received from this group. I read all the comments.

CARTER: We don't tell LMERS what they can negotiate. If called and asked what is the minimum and maximum under the law, we will answer. We are not a second grievance avenue.

MAYHEW: Remember, we are all on the same team here. Just getting louder, doesn't make it right. Ms. Buckner did a real good job answering your questions. Everyone has a good place to reach back to. You need to document what you need to take back.

PANSKY: We are going to clarify, so that when we go back to the workforce we can work on it. Can we try to do some of that here?

MAYHEW: Yes. If you can make improvements here, that's good.

Unknown: I would suggest annotating a table hand-out.

EAGAN: Silence does not mean agreement. We are here to participate in discussions and listen and learn; but we are not willing to agree to anything and don't wish to see anything come out of here suggesting the Headquarters local agrees to anything.

SOUKUP: Let's talk about Needs Improvement.

PANSKY: BPA has a different appraisal period. We could not meet the 10/31 deadline.

Unknown: Contributing factors have been eliminated.

PANSKY: A Counseling Memorandum seems a reasonable replacement to Needs Improvement. It gives me a notification.

EAGAN: We have Counseling Memos in our CBA as a pre-disciplinary measure.

CARTER: Counseling is not considered discipline or adverse performance actions regardless.





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MAYHEW: Let's make the notes now for revision and discussion. We are going to come back to discuss this more after lunch.

PANSKY: One note should refer to the Counseling Memorandum in the Order. We need two radio buttons on ePerformance: 1) the employee was not available to sign; and 2) the employee refused to sign.

Unknown: The RIF language is clunky language. It needs wordsmithing.

Unknown...: Management determines what will be offered.

WRIGHT: Does the Secretary have the latitude to exceed OPM?

CARTER: No.

WRIGHT: If the Performance period is extended because of a PIP, is the Performance Award still available for successful performance?

JACKSON-MCILWAIN: If you are FME when the period closes, but improve in the extended rating period, the window for a Performance Award has closed.

EDENS: The length of time is dependent upon the circumstances.

Unknown: In long-term projects it should be at least 90 days.

PANSKY: under paragraph 4(e)(1) – poor or unacceptable performance – why do we allow it to be a verbal communication?

EDENS: I'm making a note about that.

JACKSON-MCILWAIN: The improvement piece is what must be in writing.

PANSKY: It could be verbal, but the supervisor should follow up with an email.

SCHOENBERG: Is the \$50.00 current law?

Unknown: It is guided by the Government Ethics Law.

CARTER: I will check to see if the 80-hour Time Off Award is from statute or regulation.

DOYLE: How will DOE get down to coaching and development? How will this work?

CARTER: This language came from Kim Parker.





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DOYLE: How will this be accomplished?

DURBIN: It is not a "Smart Element."

PANSKY: Is there an existing draft Appendix B?

Unknown: It is in the Order.

BUCKNER: I have some Q&A clarification. An employee has to be given notice and opportunity to improve. I will see if we can fine-tune it so that verbal counseling is in writing too.

CARTER: There are different leadership styles. We can't dictate the style and may want to leave latitude for both verbal and written informal communications.

Unknown: The definition of a PIP is a formal memorandum notification that you are failing to meet expectations.

Unknown...: That is to assure that the employee knows that he/she is not performing acceptably; but that is not always the case.

CARTER: with the PIP, yes it must be in writing but communications prior to the PIP can be in a number of fashions...It is like correcting a teenager. Sometimes you have to say, "We are going to sit down and talk," In other cases, like the PIP, we are directed that we have to write it certain way.

EAGAN: Are we going to have the same opportunity to discuss the Desk Reference? It looks like everything is going to be there. Let's bring it forward and PDI it right now.

PANSKY: I think that this is the first time that Headquarters has seen a Desk Reference as separate from an Order. The Order is the requirements, where the Desk Reference can include examples and procedures. This is a change from the way it has been in the past. We have to get past the Policy first.

EDENS: Could there be a place for "Reason for no employee signature?"

BUCKNER: There are two radio buttons and a place for the supervisor to type in comments. There is a place on the annual rating for employee comments. The form is a management tool.

Unknown: You don't have a place for employee rebuttal. I have had many problems with that. I would think that it is a management and an employee tool.

BUCKNER: It is a management tool to lay out what the employee is expected to do.





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Unknown: That's not fair.

CARTER: The Performance Plan/duties are not grievable because management determines that. There are cases where management has to do what works for them.

J.CLARK: Where does it provide that an employee can raise problems with performance elements?

PANSKY: An employee can send an email and make comments that way.

SCHOENBERG: The space is small enough that comments have to be abbreviated, and months later you can't remember what was meant.

HAMMANS: Throughout the rating period we are getting ratings that say "Meets to Exceeds," but at the year-end we get a "Meets" straight-line rating.

BUCKNER: If you are running a RIF at the end of the year and there is a Failure to Meet a Critical Element which was previously "Fully Meets," a new rating needs to be prepared.

WRIGHT: At the mid-year Progress Review, we were told that only the Rating Official sees the review and the Reviewing Official does not see it.

BUCKNER: Unless there is a substantive change in the Performance Element.

WRIGHT: The employee says that the rating has nothing to do with the job. I perform; the element is written ambiguously; 3 months after the final appraisal I'm hit with a PIP which is based on an attribute, not a Critical Element.

BUCKNER: I can't see everyone's rating from here. But try to assess concerns on the HCMAP audit.

ANDERSON: Lorrenda, you do send us a guidance document every year that I send to managers to help them do their ratings.

PANSKY: There is a way to get better as we go. If Fran has an example that she would like to propose or relay, she can do that.

WRIGHT: There should be someone who follows up.

Unknown: Union is having to do Management's job of policing managers and supervisors.

BUCKNER: Every Service Center has a PML. Go to them first. They will come to me.





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MONSON: I came into SWPA last May. I needed to do training for all managers to assure that raters were clear on what had to be done. That helped us out and improved employee morale.

EDENS: Do you want to comment further about the Secretary changing OPM guidance?

BUCKNER: He can't change the guidance, but he can determine how pay pools were set up.

Unknown: People who have more MEs, if the majority is EE, it is a 4. The next level is 3.

EAGAN: you are penalizing people who are getting EEs. This is not OPM-dictated, it is strictly a DOE decision. I got an EE last year and was a 3. This year I will not get an EE and will get a 2.

CARTER: It is Department discretion.

EAGAN: If it is discretion, we can change it.

CARTER: The decision has likely already been made on awards. There just is no never-ending bucket of money there.

BUCKNER: We can change it back to what it was before, but I don't know that it will be approved with that change. We had a 90 day minimum on a PIP and were told that was inadequate. It was changed to a 30 day minimum, but that does not mean that a manager could not give 90 days or even 120 days. Every place may have its own needs. 30 days is the minimum.

Unknown: I work at a place with a lot of GS-13, 14, and 15 Project Managers. There should be a 90 day minimum.

EDENS: LR/ER people are working with them.

J.CLARK: They don't always do what they should.

Unknown: For PIPs, what does the OPM citation specify?

EDENS: Eligibility.

BUCKNER: If in an extended period, an employee improved, they also became eligible for an award. It is paid out from the next fiscal year money. The monetary award scale was in the Desk Reference. Special Act and On-the-Spot Awards are not recognized by OPM without a Nature of Action Code.





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Unknown: When does the field get award money?

BUCKNER: It has not been released yet. The Secretary has not made a decision yet.

WRIGHT: That is not the practice. We were told that they had not gotten any money from Headquarters. That must have been a false statement. HR authority was pulled in 2010, due to waiting for the end of the rating year.

BUCKNER: That's a local issue for you.

Unknown: If it is not in the Order it cannot be grieved, right?

BUCKNER: There is a Desk Reference.

Unknown: If it is in the Desk Reference it cannot be grieved. I want more in the Order so I can grieve more.

Unknown: They told us last year that the intent is to meet the goal.

BUCKNER: that's why we are changing. It didn't work.

Unknown: The 2080 hour versus 2087 hour topic came up before. I can't find out why.

BUCKNER: The Supervisory Critical Element was run by OPM and they approved it.

Unknown: Supervisors should be held to that.

DOYLE: People want to know the expectations. The biggest problem is that we only tell them how to Meet. They don't know what to do to Exceed.

BUCKNER: The law only requires definition of "Meets." We are not going to define the other levels because it will vary from case-to-case.

DOYLE: I think it is critical to explain to employees what it takes to Exceed.

EAGAN: They hire A standard employees, give them B standard expectations, and then give them a C grade. We have some interesting CBA language to request what it would take to get an "Exceeds." I will share that language.

WRIGHT: We are hiring a lot of millennials. You don't incentivize them with 1 or 2%. We are seeing an exodus of young people who don't know what is wanted.

DOYLE: So the Desk Reference could encourage employees to seek "Exceeds" and tell them what to do?





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CARTER: Someone from Labor said "If we have information, at least we know what we are dealing with." DOE is somewhat like mini-kingdoms.

Unknown: You say Labor, but there are a lot of those who are not represented.

EAGAN: We don't restrict our lobbying on the Hill to bargaining unit members.

CARTER: You have to recognize our limitations. Our local LROs are not your enemies.

MAYHEW: We have the issue. Management has provided us with a document. Michael and Kim did all the writing. Lorrenda was sort of like management coming in to answer questions. Now you would make your proposals.

DOYLE: Basically we have had a free and open dialogue of this document: where it is and where it is going. We have tried to compress what could have taken days into a few hours.

SULLIVAN: I liked the part where Michael came in and brought order out of chaos. We brought in an SME, sent her out, and had to bring her back. I think it would have been better for her to stay.

EAGAN: We were told that this is a Headquarters office decision – that there is no room for bargaining here.

JACKSON-MCILWAIN: Jeff is contending that there is no room for bargaining at the local level.

CARTER: We are experimenting here. We will probably be able to reach out to some of you to see how this went.

M.L.COLLINS: The Workforce documents are codified in your CBA. What might be your MOA or MOU is the same as your CBA now says.

CARTER: Each place may be different. Having a good relationship with your LRO is a good first step.

MAYHEW: If Management says they won't negotiate, you have a recourse, right? As the process moves ahead, I think that the number of issues you will decline to discuss will diminish.

CARTER: The traditional way was to just give you a copy.

PANSKY: The difference is, instead of 15 days at each location (15 locations), we get through this in one day.





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J.CLARK: It's not that there are different sides of the table. It is more of a round table. We are all taxpayers and we are all looking to support DOE.

SOUKUP: I think the diversity and the different perspectives is also good.

WRIGHT: I want to thank Lorrenda, too, for coming into the room. We brought this up in the July meeting.

DOYLE: There is a lot of respect due on both sides. I think we moved ourselves forward today.

CARTER: I think we rolled the dice and did all right.

DOYLE: Fifteen days times several sites.

CARTER: Let's take care of the I&I before the Order comes out. There are a lot of things that are statutory. Other that are not and LMRs may bargain in that direction, but we need to ask ourselves if the union really needs it, or if Management really needs it.

Unknown: Part of what we are doing is making changes.

PANSKY: Suggestion: We did not get as far as Sub-Committee Chairs. Don't be reluctant to pitch in.

CARTER: You can accomplish more on a Sub-Committee. How can we improve as an LMF?

SULLIVAN: Recognition with Certificates. A Traveling Trophy was another nominee.

EAGAN: I'm looking for projects. This was pretty brutal. I'm looking for things where we can come together. If we want to help the Department and other communities, the CFC is dropping in participation. Not in contributions, so far, but that will follow.

CARTER: I heard that NNSA is heading it up this year.

EAGAN: This year NNSA is heading it up.

DOYLE: For Feds Feed Families, NETL-Morgantown made a large contribution. I think we can do the same with CFC. I want to add that as new business. I also heard mention of Worklife Programs. Let's see if we can expand that throughout the Department.

PANSKY: I would hope we send some recognition to Fred and Howard from USPTO.

HUGHS: We could get a SharePoint Site.





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SOUKUP: It takes high access to get a SharePoint site.

