11:00 am

CARTER: WELCOME

GIBBS: OPENING REMARKS: Thank you for your efforts bringing the Labor Management Forum to life. Less than one year ago we had a discussion about drafting a Charter, now we are having our first virtual meeting. I am excited that we are having this exchange of ideas. It provides a way to get our heads around 360º of a program. It came out of an Executive Order intended to improve delivery of Government service. You have built on local labor forum success. The Secretary recognized the need for a commitment to the forum. All of your efforts have been remarkable. You are a wide and varied group who has come together. [Read Mission Statement] I applaud Jennifer Carter and all of the others involved in the process. Special thanks to FMCS – they are the gold standard folks in this business. I don’t think that anyone wants to put a lot of effort into something that dies short term on the vine. There are many constraints that face the Department and many critical issues. Thank you for your time and effort which you have invested into this worthwhile endeavor.

CARTER: INTRODUCTION OF BLAKE

BLAKE: The first meeting involved about 80 folks over 3 days here in Washington, DC. They were instrumental in setting up a framework for the Charter. The Writing Team consisted of 2 Union and 2 Management delegates and 1 Union and 1 Management member of the Writing Team will brief us today on the resulting Charter. If you remember, last year I talked about things that make things work: 5 things.

1. Commitment – if you are on this Labor Management Forum that tells me that you have it. Emails I have received demonstrate that a real commitment exists. Commit to the process, take responsibility and do what you say you are going to do. Now I have to talk to you about follow-up and follow-through.
2. Communications – not just sending emails or placing a telephone call, you have to be willing to listen to others and consider what they have to say. Then you have to be prepared to bring their ideas to the forum along with your own.
3. Candidness – at the beginning both parties said “We’re always honest!” And they are. Sometimes they leave out crucial information: they are honest but not always candid. There is a 5 % rule – a very small amount of information cannot be shared from one party to the other. Avoid “brutal honesty” because that always means someone is going to be brutal to someone else, but be candid.
4. Admit mistakes – you can’t hide it; don’t try.
5. Learn to forgive, forget, and move on to the next level – you will never forget your history and you shouldn’t. I’m not saying that history is not important; but you need to put aside what is history. You have to move on
6. to the next level. Resentment is like taking poison yourself, and then waiting for the other person to die.

What is a Labor Management Forum?

One of the most important things you can embark upon has to be that level of commitment. It is very important to start on time and end on time. Do not try to substitute LMF communication for negotiations or I&I bargaining at the local level; the LMF is not for collective bargaining issues. Those are local issues. It is also not a grievance committee.

There are some key ways to help make sure that this LMF gets off to a successful start. (1) Start on time, end on time.

(2) Have an agenda and share it beforehand so that everyone knows what is on the agenda.

(3) Maintain an open mind – remember, the aim of the LMF is consensus. Consensus means that people agree that what is proposed is workable, not necessarily that it is ideal for them, but that it is workable and that together the forum believes in the proposal. You are not looking to have a vote. Remember that no one gets what they want 100% of the time.

(4)Whatever you do, don’t use the committee as a hostage. In a case in New York a Union said “if management doesn’t agree to particular provisions, we will not participate in any committees!” Management did not agree and that Union withdrew from all committees. That stopped all communications between the two. Before they could get anything done they had to re-start communications. Members of the public believe that people use the committees as an excuse to get together and have coffee and doughnuts as opposed to get work done. You need to prove those people wrong – you need to get the work done. To do this, you need to communicate with everyone that there are important issues on the table and that you need to work together and put in the effort to work through those issues.

PDI – Common Expectations

Here are some questions to consider - Is the LMF going to be a decision-making body or a recommending body? Is the Secretary going to give you some authority to make some decisions? [Carter insertion: -per the charter and the Secretary’s direction, the Federal LMF will work together to provide solutions for Department wide issues -the Federal LMF is not and never was intended to be a decision making body as all recognition within DOE is at the local level of recognition]

All of you have been in rooms where you were asked to make recommendations, only to have the decision made without listening to or considering the recommendations you made. The LMF is a consensus decision-making body. Consensus decision-making is different than consultative and command decision-

making. Consultative decision-making gives you constraints and you give information to consider in reaching the decision. Command decisions occur when someone has to make an immediate decision, and does. In Consensus decision-making the matter is thrown to the group to reach a determination how something will be done.

PDI – Concluded

With PDI, a question that can be asked is did the recommendations just fall into a Black Hole? Sometimes that may happen.

If the LMF makes a recommendation after obtaining internal consensus, however, the aim is that someone at the very least responds to the recommendation. Remember, consensus is not your first choice, not your second choice, but it is a choice you can support.

Also, an important tip - if a party says “that information is confidential,” it is confidential and treat it accordingly.

The LMF is not supposed to be adversarial nor is it a negotiating process; the LMF is supposed to be looking for ways to solve problems. At the next meeting you may choose to look for problem-solving methods. **Stay away from voting!**

Some appropriate issues for the LMF discussion at the department-wide level are:

Workplace violence and furloughs

A number of groups have forums now that are extremely successful. GPO and NRC have had successful forums for years: ask them to come and share what works with you.

Identify interests, not solutions.

If you reach agreement and something is going to be done, you need to follow-up jointly to make sure that it is done, and report back the next meeting what is going on. This should be jointly done, not just Management, not just Union. If both get the information together it is 100% correct. Did it work? You have to decide.

Co-chairs have to talk almost every day – it could be a 5 minute conversation – but it is important to develop that relationship.

11:45 am OPEN MIKE FOR COMMENTS

CARTER: We need a Management Acting Co-Chair and a Union Acting Co-Chair. One of the basic Ground Rules is to mute your computer until you have comments to make to the group. Turn off or mute cell phones. Try to limit comments to 1 minute. It is OK to disagree, but try to get to the point of being “candid,” and avoid “brutal honesty.” No personal attacks. If something is not on the agenda, save it until next time. Are there any volunteers for Acting Co-Chair or has anyone been “volunteered?”

GIBBS: There is lots going on. This is very important. I think it is very important to have someone act in the interim, so think about it over lunch. If no one volunteers over lunch time, I think Ken will talk to someone.

11:50 am LUNCH

12:50 pm RESUME

CARTER: Erin Walkowiak has volunteered to be the Management Acting Co-Chair. We have a white board up; please type in your name, location, whether you are a Management or Labor representative, so we know who participated in our virtual Forum.

SCHOEBERLEIN: Why do we need Acting Co-Chairs? Who decided we would have them?

CARTER: One of the hand-outs is the Charter. It provides for there to be two Co-Chairs. Mr. Gibbs is the permanent Chairman with two equal Labor and Management Co-Chairs. We will have a kind of framework.

SCHOEBERLEIN: I think one of the basic problems is that you have a group of Management on one side and another group on the Union side. Bob alluded to coercing people. How much lead time is there?

BLAKE: There is plenty of time for the Union to select or elect who will be their Co-Chair. It is easier for Management, but Unions are more inclined to democratic processes. Do we have a Union volunteer until October 21?

WHITLOW: This is Connie Whitlow from BPA. I nominate Tom Pansky.

PARKER: This is Kim Parker, I second the nomination.

CARTER: Tom Pansky is the Union Acting Co-Chair.

BLAKE: You two Acting Co-Chairs are responsible (with Jennifer Carter) for

1. a re-cap of this meeting to send out to participants
2. coming up with the process for the actual voting for the actual Co-Chairs
3. determining what training will/will not be needed at the next meeting
4. any other matters that need to be discussed prior to the meeting
5. Co-Chairs should get together for 15 minutes or less each day.

Writing Team Federal Labor Management Charter Report [SEE SLIDES]

PANSKY: For the in-person meeting we will start work on Tuesday, October 21 and go through October 23. Travel days are October 20 and 24.

The Writing Team consisted of: Erin Walkowiak – Idaho

Kim Parker – NTEU, HQ

Kristopher Muse – Oak Ridge

John Clarke – NETL, Albany Oregon

Tom Pansky – LIUNA- PD, BPA.

The Charter Writing Team used as a starting point the old 2000 DOE Charter. We contacted people to solicit additional input.

WALKOWIAK: We also looked at NASA and EPA Charters. We tried to get other Agencies’ insight: Why are you here? What we came up with were broad, generic statements. A forum is a place to solve issues, for problem solving and

working collaboratively together. One lesson learned was that if there are local LMFs that are working well, what take-away is there for us to do at the National Forum? In the Forum you can talk about anything without fear of what we say coming back on you. I connected with Tom Pansky and gained a perspective from BPA that has helped me to do my own job. All participants need to leave their baggage at the door. Jennifer Carter explained that the Secretary is interested in having us do a Labor Management Forum; but we want to show how we can move this Forum forward in the event that the Executive Order is rescinded at some future date.

PANSKY: I think the big challenge will be how to measure what we are doing. The National Labor Management Council is looking at what we are doing. I want everyone to think about how to measure, demonstrate the positives, find some easy ways to show how the forum is working, and value added.

WALKOWIAK: At the end of the Charter we left 4 outstanding issues. For example, we recognized the need to establish a metric, but we could not reach a consensus. We also left it up to the LMF to decide whether a matter should be handled by a sub-committee or through some other process.

PANSKY: Some lessons from the past: use small words so that everyone gets it. Mr. Gibbs was surprised at how quickly we got the Charter drafted. Clinton’s Executive Order suggested that he had decided that his managers would negotiate on the numbers, types, and kinds of positions (the so-called Management Rights), but Department managers would not do it. It took a long time to get started. A new President was elected. The effort and enthusiasm started to evaporate.

1. If we all see value, let’s get to it.
2. If we don’t have meaty issues, then people around the table will lose interest and put forth less effort.
3. I can talk for a long time; I’m learning to be succinct. I put forth one point and let listeners respond.
4. I don’t get everything I want every day of my life.
5. Don’t let the GREAT get in the way of the GOOD.
6. Leave old baggage at the door.
7. We make better progress when we work together on a solution.
8. We all have another full-time job. If you don’t have the time to invest in this enterprise, can you find someone who does to take your place?
9. We are all Public Employees.

WALKOWIAK: We all believe that the Ground Rules are really important. Everyone should be treated with respect. Everyone is equal. All of you have signed the Charter have agreed to its contents.

PANSKY: We have talked a lot about Communication. Marketing is a part of Communication which is also very important. We may need a sub-committee to reach out to others.

Overview of Department PDI to date [SEE SLIDES]

CARTER: The precedent was set by FLRA. Executive Order 13522 provides for Agencies to establish National Labor Management Forums. This is an opportunity to add value to labor-management interactions Department-wide. As issues arise we will learn to ask ourselves “Does this decision lend itself to Pre-Decisional Involvement?” This process offers the opportunity for an agency and unions to join together to present a common strategy. Within DOE no union has National recognition, but if we all work together we can come up with solutions and add value to the Department’s work. We can make better decisions. We can develop greater support for our initiatives. We can provide a fuller implementation of plans and programs. Our implementation can be more timely. Subsequent collective bargaining can be more focused. There are a number of positive examples to support this.

BLAKE: Tom, Erin, and Jennifer made some great comments. It makes sense that you need to have some successes. We will talk a little about the agenda. All issues are important, but next time you meet for 3 days, you meet in person, there will be 60-80 people here. You don’t want to have a single item on the agenda that takes up all of your time. You have to take time to discuss all the items on your agenda. Don’t set items that will take too long to work through. Have items that will have success. You will have 70 people; set up sub-committees. Your meetings are not just 2 or 3 times per year, they should continue all year long. You should have your own Forum newsletter, rather than riding on the coat tails of others’ newsletters. We have some extra time, let’s open the microphone for comments on logistics.

CARTER: We have the time frame and date. The Acting Co-Chairs can start leading the efforts.

WALKOWIAK: We believe that there is a benefit to bringing new people up to speed. Conflict resolution training would be beneficial. We had a mini-training session last August. It’s been almost a year and I could probably benefit from the refresher myself.

PANSKY: We could invite some folks who have been involved in LMFs longer than we have and ask them to share their experiences with us.

WALKOWIAK: NRC is a good prospect; we share their nuclear concerns. Scott, can you help us with contacts?

BLAKE: Yes.

WALKOWIAK: So we have agenda items and training too. What kinds of ideas would lend themselves to PDI. Where would the LMF provide a benefit?

PANSKY: Electing Co-Chairs. Steering Committees.

BLAKE: What is your goal for 3 days?

Skills development

Officers

What your agenda will look like in PDI format

It could include outside ideas talking about what worked for them

You need to allocate time and efforts so that when you leave you feel you have

accomplished something

How to get the most bang for your buck

Cybersecurity breach

CARTER: INTRODUCTION OF CIOCHON

CIOCHON: Although the common practice for credit monitoring where there has been a leak of PII is one year, the Secretary wants to extend that protection for an additional year to those who have availed themselves of that protection. There have been no reports of any use of information taken in the breach. The IG Office and Law Enforcement have taken over the matter and the investigation is continuing. If anyone has gotten any information suggesting a cost for the additional year of coverage, please disregard it. The coverage is being provided by the Department at no cost. This is public knowledge now. What we have done to protect you was not simply the result of a failure. Attackers were able to exploit OCIO and CFO systems. There were some gaps, which have now been closed. The remedies were approved by both OCIO and CFO. We removed 178 tables that contained PII. We have minimized PII elsewhere in the databases. We made sure that there were no interconnected systems where interconnection was not absolutely necessary. We have encrypted the entire database. We have conducted credentialed penetration testing scans. For common databases we have hardened the approach. We have looked at user interface accounts – if the user is gone or no longer needs the access, access has been reduced or eliminated. We have secured and hardened the databases; best practices have been implemented. OCIO is very adamant about moving in the right direction. I run JC3 enterprise. Finding the right tools and expertise is essential. We must be as technically secure as possible. We had multiple months of network activity recorded which we could take to the IG; that was instrumental in apprehending those who were exploiting our system. We are investing in our own workforce, assuring that contractor partners are referring people with adequate training and up-to-date skills. I can assure you that we are protected up-to-date. S-2 wants us to get to machine speed so they can promptly update their defenses. We are sharing with other agencies to allow them to benefit from DOE lessons learned. We have a strong, collaborative relationship with OIG, who greatly benefited from our monthly activity recordings. JC3 is out of the investigation currently. OIG and DOJ are handling it now. While breaches may happen in the future, with the interest criminals, foreign nations, and others have, there will be continuing efforts to breach our systems and we will continue to upgrade our defenses.

Review/PDI of Current Performance Management Order

CARTER: INTRODUCTION OF BUCKNER

BUCKNER: [SEE SLIDES] In June we sent out PDI information to Unions. It is the third year of the Order, but it is a really good time as this is the first year under

the Order that all DOE employees were covered. We know what your concerns are:

Contributing factors

Progress reviews

QSIs – the criteria – we will review how to use QSIs as a tool to retain quality

Employees

Rating Patterns

Policies

We have established a work group; we are benchmarking other Agencies; we have gotten feedback from PDI sharing. We are currently soliciting feedback from Program Offices. Next we will review, compare, and consolidate the feedback, provide the results to HC senior leadership. At that point HC-11 will convene a Directives Review Board.

Workforce Violence Policy/Directive

CARTER: INTRODUCTION OF ACKERMAN

ACKERMAN: [SEE SLIDES] A Presidential Memorandum directed the establishment of policies and practices that address domestic violence, sexual assault, and stalking. We established a draft Guide and Policy and forwarded them to OPM, who sent it to the White House for their review. Now we have to pass the DOE test. OPM had asked for an expansion of disciplinary actions in the Guide, and we have done so. We believe that simply stating “we will not tolerate….” needs more for the field to interpret and apply the standards and protections we seek. There have been multiple opportunities for comments. We definitely need to address this in all forums and we will continue to update these directives as the need arises.

BLAKE: Let’s open the microphones again and continue the discussion on logistics and tentative training.

PANSKY: We have a suggestion that we try to get retired FMCS Director Joe Sidersky as a presenter for the in-person meeting.

BLAKE: Another option could be Julie Clark, the current General Counsel who would come for free. Look at the white board. What do you want from the Co-Chairs? A commitment to the process?

DOYLE: What are the Roles and Responsibilities of the Co-Chairs?

CARTER: Ensure that there is an agenda.

Make sure that there is a note-taker.

Be a spokesperson for your constituency, whether labor or management. Metrics, set up sub-committees and boards, report for the LMF.

Open-mindedness.

Objective.

Good communication skills – written and verbal.

Engaged.

Passion for success.

Facilitation skills.

Consensus-building skills.

BLAKE: Concerns?

WRIGHT: The number of political appointees and their constant turnover. It makes it difficult for a program to be effective as each new political appointee re-invents his or her office.

CARTER: Maybe we could create some sort of recommendation.

SCHOEBERLEIN: There have been lots of studies done. Partnership for Public Service did one. I don’t know if DOE is doing anything there. Would it be fruitful for this to be studied?

CARTER: The forum could take it under advisement as a matter to address.

DURBIN: Don’t lose sight of accountability. This is coming into focus with the IRS, VA, and other agencies. We need to ensure that we are accountable.

CARTER: There are so many things that are so important. If we can hold ourselves accountable, while acknowledging that our employees are our most important asset.

MOODY: PDI is not required but is encouraged. I think it is helpful to show everyone how it actually would help everyone engaged and be a win-win solution for Management and Union.

CARTER: There are a lot of dividends to PDI if there is buy-in by both sides. I don’t believe in wasting time. We have a lot of material from FLRA we can provide on PDI and certainly engage the experts for more suggestions.

CLARK: We might want to discuss the differences between a DOE Order, a Policy, and a Guide, so that we understand what we are talking about.

SCHOENBERG: Congress is looking at another way to set General Schedule pay. This could be a way to urge that people be paid according to their skills.

BLAKE: We have had a great meeting. Everyone did a fine job. Thank you so much. You have some acting Co-Chairs; I suggest that they communicate with their constituents. You have the opportunity to communicate now. Set your agenda prior to the meeting so that you can share it beforehand. You may want someone from FLRA to come. I can get you the contact information. Start when you agreed to meet. Get any caucus done before the starting time.

PANSKY: I appreciate everyone pulling together. Is it possible to share this?

CARTER: Will do. There were no CIO slides, but I’ll get the rest out to the forum. Special thanks to the Writing Team, you were all so conscientious.