



## USDA Labor-Management Relations Update (LMRU)

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### Mission

The Mission of the USDA Labor Relations program is to provide expert advice and assistance to all levels of USDA staff and management, especially Labor Relations practitioners, so they are better able to meet their LR obligations while accomplishing the program goals of their Mission Areas and Offices.

### Inaugural USDA Labor-Management Relations Training Set

The lessons plans are prepared, the participant books ready, the class is filled, and the instructors are fine-tuning their presentations. After months of preparation, the class: **Labor-Management Relations for Human Resources Practitioners** is ready to be launched on November 18, 2002. On that day, 30 USDA employees from seven Mission Areas and the Office of Human Resources Management will begin this five-day course. In the same spirit of cooperation that led to its development, senior USDA Labor Relations specialists from six Mission Areas and OHRM will provide instruction. It's intent is to provide newer LR practitioners with the basic technical competencies necessary for successful performance. Given the human capital crisis occurring in the Federal LR profession, this course also represents one concrete effort in succession planning – imparting necessary skills to the next “generation” of LR professionals.

### Cross-Cutting USDA Labor Relations Issues Discussed

One of the topics on the agenda of the USDA Labor Relations Officers meeting in September 2002, was the identification and establishing a game plan to address LR issues expected to affect multiple Mission Areas in FY '03. Several were identified. They include:

- *Competitive Sourcing (CS)* – meeting LR obligations of CS consistently within USDA
- *OCIO Reorganization and the Field Service Agencies (FSA, NRCS, and RD)* – dealing with the potential representation issues associated with the planned reorganization #
- *South Building Renovations* – strength USDA-Mission Area coordination to identify and resolve LR issues timely
- *USDA Human Capital Plan implementation* – cooperatively identifying and resolving LR issues associated with planned activities in the Plan (Note: The USDA Human Capital Plan will contain the Department's Human Capital goals for the next 5 years, in response accountability guidelines set forth in the President's Management Agenda for Human Capital Management.)

- *Establishing a USDA LR strategy/protocol* – ensuring USDA’s LR strategy/protocol is developed giving appropriate consideration to Mission Area interests
- *Implementation of a USDA LR services contract* – ensuring understanding and consistent use of the procedures of this new contract #
- *Pay equity for journey-level LR practitioners* – how to address the apparent pay disparity between LR positions in USDA and other agencies. #

Those issues footnoted with a “#” will initially be addressed by inter-Mission Area task forces/teams that were formed or are in the process of being formed. Other issues have either not ripened to an action stage or will be driven by circumstances that arise as activity progresses.

### **Lessons Learned from FSIS Contract Negotiations**

At the September LRO meeting, Billy Milton, Director of FSIS Labor and Employee Relations Division, provided us with some insights gained from his experience re-negotiating their collective bargaining agreement with the National Joint Council of Food Inspection Locals (NJC), AFGE.

*Background:* The NJC represents approximately 7,600 employees, with approximately 5,000 dues paying members. The last contract was negotiated in 1984. Traditional bargaining methods were used. However, as part of their ground rules, the Parties agreed to request the use of binding arbitration to resolve any impasses at the conclusion of three specified 2 to 4 week negotiation sessions. Nine articles were eventually certified as being at impasse, and the FSIP authorized use of binding arbitration. After successfully resolving negotiability issues raised by the Union (FLRA dismissed the negotiability petition), and an arbitrator, the Parties eventually resolved the impasses prior to the scheduled arbitration hearing on the merits. An Agreement was executed and became effective on October 1, 2002. During the final stages of negotiations, the Union exerted intense political and media pressure to influence the course of negotiations.

*Lessons Learned:*

- Senior agency management needs to be educated why negotiations are necessary - costing out problematic contract provisions is important to justify negotiations
- Senior management commitment at both the agency and Department level is necessary to stay the course - keep them informed on negotiation progress and emerging issues/problems
- Get advice from the FLRA, FSIP, FMCS, other Federal agencies, and authoritative contractors when necessary - Network
- Don't let your contract continue to roll over - re-negotiate to address troublesome language
- Provide Union notice of management's decision to discontinue any permissive provisions of your current CBA in conjunction with the contract's expiration - don't let them roll over
- Regularly brief appropriate House and Senate Agriculture Committees

- Ensure staff has requisite knowledge, skills and abilities to effectively represent Agency in bargaining, mediation, impasse proceedings, negotiability disputes and arbitration

### **Labor Relations Services Contract – Progress Report**

In September 2002, solicitations for proposals to provide a variety of LR services went out to over 60 vendors listed on the GSA Schedule for Human Resources Services. Since then, a number of proposals have been received and will undergo a technical review to identify those vendors capable of providing quality LR services to agencies within USDA. Successful vendors will be set up on a blanket purchase agreement (BPA) and be available to Mission Areas for optional use as the need arises. The contract's intent is to provide a readily accessible source of qualified contractors to augment Mission Area LR offices when the need arises. Detailed instructions will be provided when the BPA is established some time later this fall.

### **Official Time Reporting to OPM**

Although USDA's report to OPM showing the amount of official time used by union officials in FY 02 is not yet final, preliminary figures show that approximately 60 FTEs or 125,000 hours were used. As would be expected, those Mission Areas with the largest number of bargaining units and unit employees used the largest number of hours. USDA has approximately 43,000 bargaining unit employees. Agencies with significant numbers of bargaining unit employees (BUEs) and official; time hours reported include; the Forest Service (21,100 BUEs – 71,530 hours), Food Safety and Inspection Service (7,600 BUEs – 11,377 hours), Farm Service Agency (3,000 BUEs – 6,152 hours), and Animal Plant Health Inspection Service (2,500 BUEs – 13,086 hours). It is expected that OPM will continue to require agencies to report official time usage on an annual basis.

### **ILRF LR Training – A Picture of Interagency Cooperation**

Motivated by a desire to develop Federal labor relations practitioners with essential labor relations skills, the Interagency Labor Relations Forum (ILRF) developed a four and a half day training program which it presented this week (October 21-25, 2002), in Washington D.C. The course, instructed by senior LR specialists from nine agencies including USDA's Program Manager for LR, was provided tuition-free to approximately 30 junior LR practitioners from 21 different agencies. The ILRF is an organization of Federal labor relations professionals and attorneys whose purpose is to foster collegial dialogue on Federal labor relations matters amongst management representatives, to serve as a forum for developing and promoting policy and program issues, to further cooperative labor management relations and to encourage professional development of participating members. The ILRF plans to offer the course again some time during the next year.

**The USDA LMRU is issued periodically by the USDA Office of Human Resources Management's (OHRM) Program, Policy and Partnership Division as a "method and means" to highlight significant events occurring in the federal Labor Relations profession within the Department. It will also contain what we believe to be useful LMR information received by the USDA from other federal agencies and outside sources that may not be readily available to the Mission Area Labor Relations community. Readers are encouraged to submit questions, suggested topics and LMR "news" to improve the utility of the LMRU. Queries and comments should be sent to [peter.rockx@usda.gov](mailto:peter.rockx@usda.gov).**