



They're back.

Labor-Management Partnerships Reappear

By Debra L. Roth

With a new Democratic administration in the White House, it is likely you wondered if the labor-management partnership councils of the Clinton era would resurface in some form. Well, if that is what you thought, then you were right.

On December 9, 2009, President Obama issued an Executive Order entitled *Creating Labor-Management Forums to Improve the Delivery of Government Services*. Let me take this opportunity to inform you of the basics of the Order and opine on what this may mean to federal managers.

First, a brief history lesson. Labor-management partnerships were first initiated under the Clinton administration in 1993 when then-President Clinton issued an Executive Order creating the National Partnership Council and requiring agencies to establish individual partnership councils to increase union involvement in agency decision-making. The initial reaction was overwhelming excitement by the unions and concern by federal managers and manager associations, especially considering management groups were not invited to

participate until two years later. In some agencies, the partnerships were widely viewed as a success, but not so much in others. Whatever the results, one of the first items on the Bush administration's agenda in early 2001 was to dissolve the national partnerships. The federal workplace has not seen the labor-management partnership councils since – until President Obama's December 2009 order.

The Obama administration Executive Order states that the purpose of the Order is to “establish a cooperative and

productive form of labor-management relations throughout the executive branch." The Order also states that federal employees and their unions are "an essential source of front-line ideas and information about the realities of delivering government services to the American people." Thus, the Order concludes that a "non-adversarial forum" for managers, employees, and union representatives to discuss government operations will promote satisfactory labor relations and improve the productivity and efficiency of the Executive Branch.

In today's workplace, whether it be the private or public sector, it is hard to argue with those premises. Yes, the front-line workers of any organization usually have good ideas about the delivery of services. Yes, a non-adversarial means of allowing for a discussion of those ideas between the workers and management generally leads to a happier workforce, one where employees feel valued and involved in the process, and happier employees are usually more productive employees.

It is no surprise that the Obama administration would embrace a means for improving labor-management relations, which by many if not most accounts, reached an all time low during the Bush administration, marked by acrimony and adversarial activities. One need not be reminded that it was the unions that brought the lawsuits against the Department of Homeland Security and the Department of Defense to challenge the personnel system reforms of the Bush administration.

In the huge bureaucracy of the federal government, process is everything, and the process by which the Obama administration sets out to improve labor-management relations is now receiving its own critical review by both unions and management associations.

For starters, the December 2009 Executive Order establishes a National Council on Federal Labor-Management Relations, and the Council's functions are quite typical — to provide guidance to the

agency level labor-management forums; to develop metrics to measure and evaluate the effectiveness of the new labor-management forums; to address systemic failures; and, to provide recommendations for pilot programs.

However, the membership of the National Council is somewhat controversial. It is co-chaired by the obvious candidates: the Director of the Office of Personnel Management and the Deputy Director for Management of the Office of Management and Budget. Members of the Council include the Chair of the Federal Labor Relations Authority, the Deputy Secretaries of five executive departments, the union presidents of seven federal unions, and the presidents of the Senior Executive Association and Federal Managers Association. Concerns have surfaced that management associations are under-represented when compared to the list of unions with membership status. If ever there was a reason to join a management association, this is it — strength in numbers and having your voice heard.

The Order also requires each executive department and agency to create its own labor-management "forum" that will identify problems and propose solutions to better accomplish the agency mission, and allow employees and their unions to have "pre-decisional involvement in all workplace matters to the fullest extent practical." The unions, however, were quick to criticize the Order as not going far enough because the Order does not require agencies to bargain over "permissive issues," commonly known as b(1) bargaining. Instead, the Order allows for the creation of a handful of pilot programs that would be evaluated within 18 months.

A bit of something for everyone, but no one gets everything. That sounds like good politics.

In the end, an academic report issued last month may include the most valuable observations. This report was prepared by Marick Masters, a professor at Wayne

State University, Christina Merchant, a professor at the Maxwell School at Syracuse University, and Robert Tobias, former president of NTEU and now Director of the Institute for the Study of Public Policy Implementation at American University. The authors concluded that the Obama administration must confront the deep mistrust between labor unions and managers borne out of the Bush administration's approach to labor-management relations. The report goes on to advocate that the new forums should work to solve actual agency mission issues and focus on measuring the results of those efforts of the new Council in dollars and cents, not simply focus on improving labor and management relations for the sake of having improved relations. The report points to data from the Clinton administration that showed most viewed the partnerships as positive experiences for agency programs, but that very few agencies measured actual concrete cost savings or improvements in employee productivity, even though roughly 40 percent of survey respondents said their Clinton era partnerships had a positive impact on cost savings.

No one can doubt that in these economic times, the public and elected officials will demand that government employees continue to do more with less. It has become the motto of most private sector companies and will continue to be an expectation placed on federal employees. If renewing the labor-management councils is a means of making the federal workforce more productive with measurable cost-savings to the taxpayers, expect the Council and forums to become a fixture of this Administration, and maybe even the next one. ■

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