

CHARTER

for the

UNITED STATES DEPARTMENT OF AGRICULTURE

LABOR-MANAGEMENT FORUM

Amended April 28, 2011

I. Introduction

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

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

The Executive Order required Departments (after consultation with their unions) to submit implementation plans to the National Council on Federal Labor Management Relations (National Council) for approval. March 4, 2010, USDA and its national unions convened to consult on a draft plan implementation plan. The plan was subsequently submitted to and approved by the National Council.

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

II. Guiding Principles

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

1. Labor-management forums should contribute positively to the performance of the Department;
2. Labor-management forums should promote the economic and workplace interests of employees and managers;
3. Labor-management forums should operate with a clear charter that grants the parties broad authority to develop solutions jointly on issues that fall outside the scope of bargaining;
4. Employees and their union representatives should have pre-decisional involvement in all workplace matters to the fullest extent practicable, without regard to whether those matters are negotiable subjects of bargaining under 5 U.S.C. 7106 or 22 U.S.C. 4105;
5. Management will provide adequate information on pre-decisional involvement matters expeditiously to union representatives where not prohibited by law;

6. The parties shall make a good-faith attempt to resolve issues concerning proposed changes in conditions of employment, including those involving the subjects set forth in 5 U.S.C. 7106(b)(1), or 22 U.S.C. 4105(b)(1), through discussions in labor-management forums;
7. Management and union officials and participants in labor-management forums will receive appropriate training as provided by the individual Forums on the requirements of the Executive Order, the guiding principles, and tools and processes that could assist with problem-solving and conflict resolution;
8. Labor-management forums should use skilled facilitators at appropriate times;
9. Labor-management forums should set goals, measure performance, and communicate results;
10. Managers and union representatives at all levels shall be committed to making labor-management forums work, which means being personally engaged;
11. In the spirit of the larger labor-management engagement process, all parties should take a cooperative approach to collective bargaining;
12. Labor-management forums shall be led by relevant decision makers and supported by appropriate staff; and
13. Forum members shall devote sufficient resources to the implementation of the Executive Order.

III. Metrics

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

A. LABOR-MANAGEMENT RELATIONSHIP METRIC

The Labor-Management Relationship metric measures changes in the labor relations climate

1. The following elements make up the Labor-Management Relationship metric:
 - a. Pre-Decisional Involvement – the degree to which the parties, in accordance with their mutual understandings, are engaged in consultations on workplace matters prior to management making decisions on such matters;
 - b. Issue Resolution – the parties' efforts to resolve matters outside of statutory, regulatory, contractual, and other formally invoked procedures and the quality of resolutions reached;
 - c. Negotiations - the extent to which the parties successfully engage in good faith bargaining;
 - d. Dispute Resolution – the parties' timely, professional, and good faith resolution of formal disputes (e.g., grievances, arbitrations, unfair labor practices, negotiability appeals, etc.);
 - e. Productivity of the Relationship – the quality of the parties' dealings with one another;
 - f. Information Sharing – the provision of information by management under Executive Order 13522 and 5 USC Chapter 71 and the clarity of requests by unions.
 - g. Organizational Support for Labor-Management Relations - the scope of the parties' commitment of appropriate resources for the development and maintenance of the labor-management relationship; and
 - h. Effectiveness of Bargaining – the ultimate success of the parties' bargaining efforts.
2. Measurement Tool

The USDA Labor-Management Climate Survey will be the primary tool used to measure the Labor-Management Relationship metric. This online survey will be conducted for the in the fall each year. Survey questions will be aligned with the elements of this metric.

3. Baselines

The performance baseline for each element of this metric will be determined by the scores the parties receive on the most recent USDA Labor-Management Climate Survey.

4. Applying the Labor-Management Relationship Metric

All forums will select one or more elements under the Labor-Management Relationship metric (e.g., Issue resolution, Dispute Resolution, Negotiations, etc.) from which they will take their baselines, set goals, develop plans, and work to improve. Parties will work over the course of the period established by the USDA Labor-Management Forum to improve their performance in those areas. After the close of the improvement period, progress will be measured through the re-administration of the USDA Labor-Management Climate Survey.

B. EMPLOYEE SATISFACTION & ENGAGEMENT METRIC

The Employee Satisfaction & Engagement metric measures employees' perceptions of whether and to what extent conditions that characterizes successful organizations are present in their agencies.

1. The following elements make up the Employee Satisfaction & Engagement metric:

- a. **Personal Work Experience** - measures the employee's satisfaction with their individual work circumstances;
- b. **My Work Unit** – deals with employees' experience regarding their work unit headed by their immediate supervisor;
- c. **My Agency** – concerns employees' experience regarding their agency's performance;
- d. **My Supervisor/Team Leader** – involves employees' experience with their immediate supervision;
- e. **Leadership** – has to do with employees' experience with their leadership cadre;
- f. **My Satisfaction** - measures employees' experience regarding their personal level of approval; and
- g. **Work/Life** – concerns with the availability of benefits and alternative work programs to employees that that could improve their work experience.

2. Measurement Tool

The annual results of OPM's Employee Viewpoint Survey (EVS) will be used to measure changes in the Employee Satisfaction & Engagement metric. Those forums that are at the agency or staff office level for which there are no EVS breakout data may either adopt the data for the "All other USDA" EVS category, conduct the EVS themselves, or use other data sources approved by the USDA Labor-Management Forum. Forums below the agency/staff office level for which there are no EVS breakout data may use the "All other [agency]" EVS category, conduct the EVS themselves, or use other data sources approved by the appropriate agency or mission area level forum.

3. Baselines

Initial performance baseline for each element of this metric will be determined by the USDA 2010 EVS survey results published in July 2010.

4. Applying the Employee Satisfaction and Engagement Metric

All forums will select one or more elements under the Employee Satisfaction & Engagement metric (e.g., Work/Life, Leadership, My Agency, etc.) from which they will take their baselines, set goals, develop plans, and work to improve. Parties will work over the course of the period

established by the USDA Labor-Management Forum to improve their performance in those areas. After the close of the improvement period, progress will be measured through the re-administration of the Employee Viewpoint Survey.

C. MISSION & SERVICE DELIVERY METRIC

The Mission & Service Delivery metric measures changes in the quality and efficiency of services provided by USDA on behalf of taxpayers.

1. The following elements make up the Mission & Service Delivery metric:
 - a. **General Outcomes** - includes broad deliverables to outside stakeholders that forums collaborate to achieve;
 - b. **Process/Cycle Time** - concerns progress streamlining or otherwise improving internal processes to achieve better cycle times;
 - c. **Error Rate/Quality** – covers attention to error rates and other aspects of quality when a forum focuses on improving processes and efficiency and ensures that acceptable quality is not sacrificed for speed or cost reductions;
 - d. **Public Responsiveness/Problem Resolution/Customer Satisfaction** - gauges whether government is meeting the needs of outside stakeholders particularly where there is direct contact with customers;
 - e. **Internal Resource Management** – deals with internal agency resource management to serve the needs of internal stakeholders and to improve transactions with suppliers or delivery partners;
 - f. **Cost Savings/Return on Investment** – involves ways to cut costs while keeping outcomes and service quality high and includes quantifiable costs to find ways to reduce the cost of effective program delivery practices and increase the return on government investment;
 - g. **Revenue Collected** – measures collecting revenue and an important indicator supporting mission success;
 - h. **Agility** – concerns the ability of forums or agencies to make decisions and execute plans and strategies requiring short turn-around collaboration, in order to quickly implement the agreed-to solution;
 - i. **Other** – covers categories of activities not covered by other elements and where metrics may be specific to the mission of an individual forum or agency.

2. Measuring Tools

Forums will use instruments already in use by agencies to track work on the Strategic Plan or mutually agree on other measuring tools.

3. Baselines

Baselines for each element of this metric are those for the applicable performance measures (or portions of such measures) as determined by the strategy & means the parties mutually agree they will engage in as part of their improvement plan for this metric.

4. Applying the Mission and Service Delivery Metric - Aligning Elements with the Strategic Plan

By mutual agreement, forums within mission areas and agencies will align their Strategic Plan improvement activities with the most appropriate Mission & Service Delivery metric element. Forums within mission areas and agencies must select at least one performance measure and the appropriate strategies and means from the Strategic Plan to satisfy the requirement for the Mission & Service Delivery metric. Parties will work over the course of the period established by the USDA Labor-Management Forum to improve their performance in the selected elements.

After the close of the improvement period, progress will be measured by means mutually agreed to by forum parties.

D. REPORTING REQUIREMENTS

Forums will provide reports on their metrics as requested by the USDA Forum.

IV. Membership

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

The USDA will be represented by the Deputy Assistant Secretary for Administration, the nine (9) Deputy Administrators for Management, the Office of General Counsel, the National Appeals Division, and the Department's Labor Relations Officer.

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

The goal of the USDA Forum is to promote the highest degree of continuity of participants from meeting- to- meeting. Therefore, member organizations will only be represented at USDA Forum meetings by either their permanent representative or designated alternate. If an organization is represented by neither, the organization will be considered absent from the meeting. Moreover, absent unusual circumstances, Agency permanent representatives are expected to attend Forum meetings.

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

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

V. Mission

The USDA Forum will implement the Executive Order by:

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

VI. Roles

In accomplishing its mission, the USDA Forum will:

1. Provide compliance oversight for the implementation of the Executive Order throughout the Department to Mission Areas, Agencies and Offices;
2. Develop guidance and supply problem-solving assistance for subordinate forums/committees/councils;
3. Conduct pre-decisional involvement (PDI) for Department-wide initiatives that impact workplace matters of bargaining unit employees;

4. Model collaborative behaviors; and
5. Communicate issues undertaken and decisions made by the USDA Forum to their constituents.

VII. Meetings

A. Co-chairs

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

The co-chairs will jointly preside over USDA Forum meetings.

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

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

B. Schedules

The USDA Forum will meet quarterly with at least two (2) face-to-face meetings yearly.

Telephone conferences will be held approximately midway between quarterly meetings.

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

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

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

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

C. Facilitation

Upon mutual agreement by the co-chairs, USDA Forum meetings may be facilitated.

D. Quorum

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

E. Decision-Making Process

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

Only permanent USDA Forum representatives or their designated alternates may participate in reaching consensus unless recognized by the presiding co-chair.

F. Subject Matter Experts (SMEs)

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

G. Subgroups

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

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

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

H. Agendas

Co-chairs will normally solicit agenda items from permanent representatives (or their designated alternate) four (4) weeks prior to USDA Forum meetings. Members submitting agenda items should provide background materials and suggest SMEs as appropriate. When the co-chairs determine that SMEs will be used, it will be noted or included on the agenda. Generally, co-chairs will distribute agendas for the up-coming meeting of the USDA Forum at least ten (10) days before the meeting. Additional agenda items may be added by the USDA Forum by consensus.

I. Minutes

Minutes of USDA Forum meetings will be recorded by a note-taker approved by the co-chairs. The note-taker will produce draft minutes to the co-chairs within ten (10) business days after the close of USDA Forum meetings. Copies of minutes will be forwarded to all permanent representatives (or their designated alternate) for review within five (5) business days after review by the co-chairs. Minutes shall include action items and decisions made by the USDA Forum. Approval of the minutes shall be the first order of business at the next meeting of the USDA Forum.

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

J. Guests

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

VIII. Communications

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

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

IX. Funding

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

X. Charter Amendments

This Charter may be amended by consensus of the permanent representatives (or their designated alternates) of the USDA Forum.

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

XI. Pre-Decisional Involvement

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

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

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

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

- Have a common understanding of what pre-decisional involvement means;
- Share a mutual appreciation of why it is in their own best interest to engage in pre-decisional involvement;

- Have similar expectations of the results they seek to obtain from pre-decisional involvement; and
 - Agree on what actions occur after pre-decisional involvement has concluded.
- C. In order to model the PDI principles success factors listed above, the USDA Forum adopts the following guidelines for implementing PDI at the national level for the USDA Forum.
1. Management will maintain an inventory of Department-wide initiatives and policy changes and developments that could be subjects of PDI. Inventory will be updated on monthly basis. It is understood that no individual employee or agency-specific issues will be the subject of PDI at the USDA Forum level.
 2. The PDI process will begin as soon as practicable, when management has determined to study or seriously consider an issue, but normally not beyond the point at which union input can influence the final decision.
 3. Labor will let management know within two (2) weeks after notification which issues it desires to engage in PDI, those for which it has no PDI interest, and those for which more information is needed in order to make decisions on its interest in PDI.
 4. Those allowed to participate in the PDI process during USDA Forum meetings are USDA Forum members, designated alternates, and subject matter experts. In addition to USDA Forum participants, appointed labor and management representatives may participate in PDI on workgroups, committees, etc.
 5. Union and management will each appoint a chief contact person for each issue in which the parties engage in PDI.
 6. There are no collective bargaining rights or obligations between the Department and national labor members of the USDA Forum. Therefore, the limit of the USDA Forum's authority is to share information and informally collaborate on certain issues of mutual interest in an effort to improve the delivery of service to the American people. To advance this goal, management will take all labor PDI participation seriously and provide labor feedback (normally verbally) on labor's recommendations. However, there is no expectation that all labor input will be adopted.
 7. Participation in the PDI process at either the national level or below does not in and of itself limit the statutory rights and obligations to bargain changes in conditions of employment of represented employees as required by law. PDI will only limit or eliminate collective bargaining between bargaining parties to the extent they mutually agree it will.

8. The matter of confidentiality is an appropriate consideration of the parties. Decisions regarding the application of confidentiality will be made on a case-by-case basis.
9. There are several approaches the parties may employ to effectuate PDI, including written input, discussion at meetings, participation on workgroups, etc. Which approach the parties use will depend on the specific subject matter and case-by-case mutual agreement between the parties.
10. While the goal is to complete PDI in as short a time as possible, it is understood that the actual amount of time the process takes will depend on the work involved.

XII. Impact on Statutory Rights

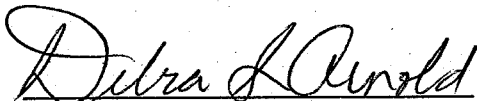
Pre-decisional Involvement (PDI) does not waive management's statutory right to make decisions under the Federal Service Labor Management Relations Statute, nor does it waive labor unions' rights to engage in bargaining prior to implementation of changes to working conditions to the extent required by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

PDI is not co-management but is a complement to the collective bargaining process. Management is ultimately responsible for making decisions. Therefore, where pre-decisional involvement fails to resolve bargainable issues, management will still adhere to the requirements of applicable law, rule, regulation, and collective bargaining agreements.

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

In WITNESS WHEREOF, the undersigned adopt this Charter amended this 28th day of April, 2011.

For Labor



Debra Arnold

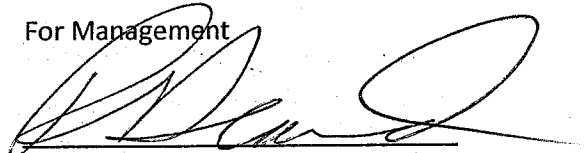
American Federation of State, County and
Municipal Employees



Ina Fells

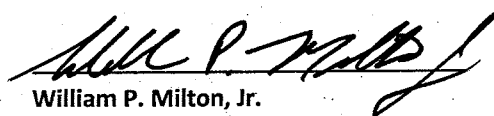
American Federation of State, County and
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For Management



Robin Heard

Deputy Assistant Secretary for Administration

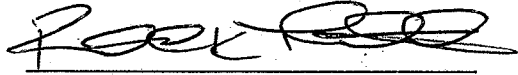


William P. Milton, Jr.

Chief Human Capital Officer



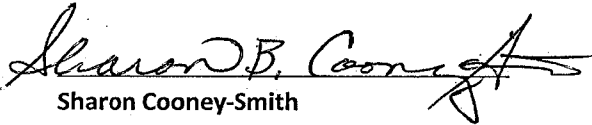
Melissa Baumann
National Federation of Federal Employees



Ronald Thatcher
National Federation of Federal Employees



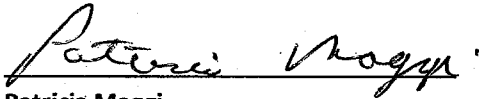
Charles Stanley Painter
American Federation of Government Employees



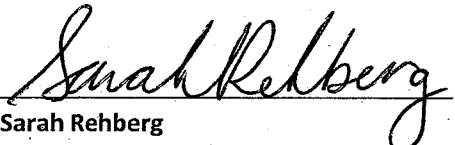
Sharon Cooney-Smith
American Federation of Government Employees



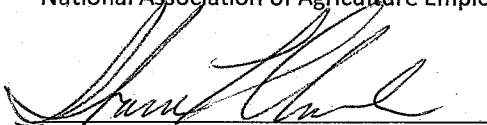
Luke Chesek
National Treasury Employees Union



Patricia Maggi
National Treasury Employees Union



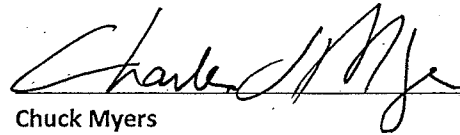
Sarah Rehberg
National Association of Agriculture Employees



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



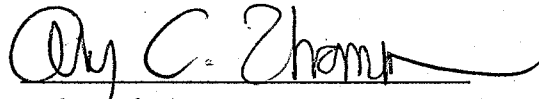
Henry Schmick
American Foreign Service Association



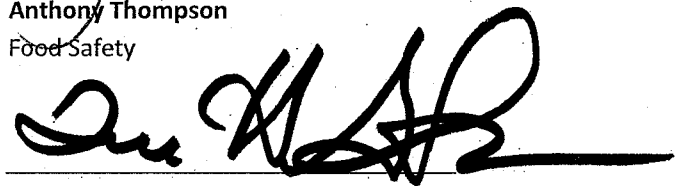
Chuck Myers
National Resources & Environment



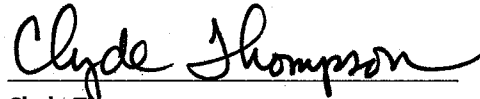
Eloris D. Speight
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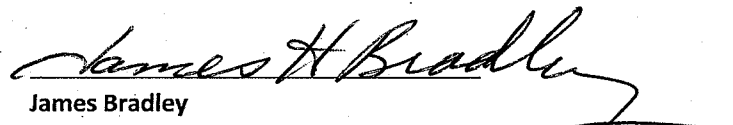
Anthony Thompson
Food Safety



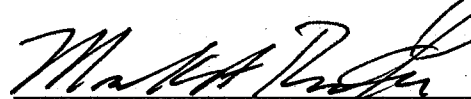
Joanne Munno
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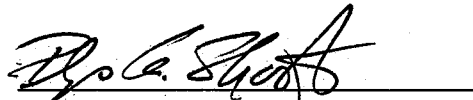
Clyde Thompson
Rural Development



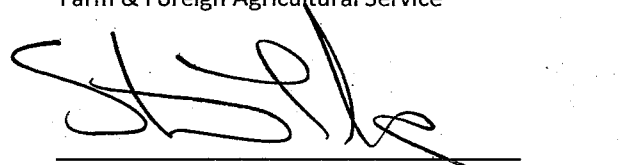
James Bradley
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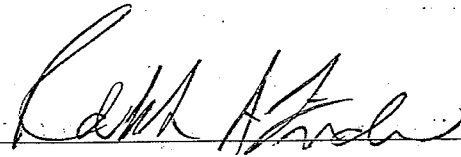
Mark Rucker
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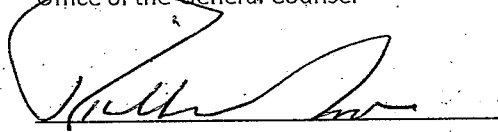
Philip G. Short
Farm & Foreign Agricultural Service



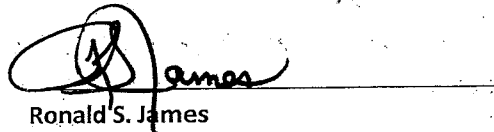
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Ronald S. James
Labor Relations Officer

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April 28, 2011

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Rural Development

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