

Society of Federal Labor & Employee Relations Professionals Annual Labor-Management Cooperation Award

Category- Most improved relationship. The parties had a recognized uncooperative relationship and have made steps to improve the labor management relationship which have yielded demonstrable results.

For over twenty (20) years, the U.S. Department of Agriculture, Animal and Plant Health Inspection Service (APHIS), Plant Protection and Quarantine (PPQ), APHIS Labor Relations, and the National Association of Agricultural Employees (NAAE) had an unproductive, uncooperative and adversarial relationship. I'm told that the consequences of their inability to effectively cooperate and collaborate were significant. Costly term contracts negotiations carried on for decades, the parties at the national-level were unable to resolve any difference and often utilized the services of third parties that resulted in further costs and overall dissatisfaction with the decisions that were imposed. Consequently, labor-management conflict existed at all levels of the organization and promoted more frequent grievances and costly arbitrations. With all due respect to participants from the past, and noting that these were very different times, I respectfully submit the following information in support of this nomination for most improved relationship.

It is my understanding that preparations by the parties for negotiation of the collective bargaining agreement ("Green Book") began in the 1980s and actual face-to-face negotiations were initiated in 1995. During this period, the parties took extreme positions on issues resulting in diametrically opposed contract proposals. Negotiation sessions were long, grueling, and no matter what size or type of issue, the parties were at opposite ends of the table on proposals. I am told that negotiations became so strained that the parties would cut-and-paste language into contract proposals even if it did not apply to the article. And, I even heard that at negotiation sessions, the management team would gamble on who could provoke the Union Chief Negotiator and cause her to swear first.

As a result of this lack of respect, trust or cooperation, disputes would require third-party intervention such as FLRA and FSIP. Both the parties' conduct and lack of cooperation impacted their ability to balance the interests of bargaining unit employees while ensuring the needs of the mission. While negotiations were stalled by 911, this dysfunction contributed to the parties' failure to return to contract negotiations in a timely manner. Negotiations were stalled for at least five years.

I have observed both the Union and Management work very hard to repair their broken relationship. Beth Blackwood, Chief, APHIS Labor Relations, assumed her position in 2006. Beth has recruited and retained an exceptional Labor Relations staff of 4 Specialists. Michael Lidsky, Special Assistant to the Deputy Administrator of PPQ, became Labor Relations liaison shortly after Ms. Blackwood arrived. Ms. Sarah Rehberg, President, NAAE, assumed her position in 2008; Mr. Mike Randall, Union, Chief Negotiator, assumed his position in 2008. (Mr. Randall was former President, NAAE, for many years and has weathered the changes of the relationship.) With this

new team in place, the parties have developed a relationship that is grounded in trust, more open communication, and collaboration. In just four years, this team has made significant strides towards respectful and innovative problem-solving. Some of the more significant accomplishments include:

The team worked together to negotiate a complete Collective Bargaining Agreement for Smuggling and Interdiction Trade Compliance Officers (SITC). SITC Officers were part of the NAAE bargaining unit, but had no collective bargaining agreement. The experience of negotiating this subordinate agreement enabled the parties to develop the skills necessary to more effectively negotiate the anticipated primary agreement.

After the establishment of the new labor-management team, and after years of dysfunction, the parties returned to the table to tackle the completion of Green Book negotiations. The parties were able to agree to re-negotiate ground rules that provided for a fairer negotiation process. The parties agreed that most of the negotiations would occur telephonically. This has resulted in significant cost savings for the Agency and demonstrates the Union's commitment to the mission of the Agency. Labor-Management collaboration was further illustrated by the parties' ability to renegotiate previously signed articles. They are presently completing negotiation of fifteen (15) articles that were not previously signed off by the parties. The team is in the final stages of negotiations.

Unfortunately, Green Book negotiations were temporarily interrupted when the Emergency Response Unit for APHIS, decided to implement a Mobilization Guide (MOB Guide). The proposed implementation of the MOB Guide required PPQ to negotiate with NAAE. Substantive negotiations as well as negotiations over the impact and implementation of the MOB Guide occurred between the parties. Temporary duty assignments were a very important issue for the Union and the parties' inability to effectively negotiate this TDY MOU could have impacted the Agency's ability to respond to national emergencies. While the assistance of FMCS was initially requested, the parties were able to reach agreement on their own and had the MOU incorporated in the MOB Guide. Now, an effective process is in place for APHIS for the mobilization of bargaining unit employees in a national emergency. Yet again, the Union has demonstrated its strong commitment to the mission of the Agency.

Other ways that the parties have displayed their ability to work together effectively has occurred in the grievance/arbitration arena. I watched while the parties resolved a significant set of grievances (100+) called the "Baltimore 21." Previous labor-management parties had fought similar matters in precedent setting arbitrations. Rather than invoking arbitration, the parties made a good faith effort to resolve the grievances. As a result, the parties negotiated resolution over one hundred higher level grievances.

The parties have also shown a willingness to work together to resolve complex grievance matters without third party intervention and by using innovative means. In one instance, the parties agreed to utilize mediation like strategies without bringing in a third party. As a result, the parties ensured successful resolution of commuted travel

time (CTT) grievances for PPQ Officers who do work internationally with APHIS International Services (IS). By resolving this thorny grievance matter, the parties are now better positioned to engage in effective problem solving.

I've been with USDA for a decade and have never seen such extraordinary conflict resolution efforts and with such significant results. While their partnership is still developing, their efforts towards a mature labor-management relationship deserve to be recognized.