

THRIVING IN A CHANGING WORLD

The world around us is changing rapidly. Political and economic realities together with the effort to reinvent the government are fundamentally transforming the federal civil service. Finding success in this new environment will require unions and union leaders to change as well. We need to bring new ideas, new methods, and sometimes new skills to remain relevant to our members and become more effective in advancing their interests.

Partnership offers unions a new set of tools to help meet these challenges. Executive Order 12871 gives us the opportunity to have a greater role in driving workplace change than we have ever had before. To be successful, both union and management leaders will need to be forward-looking, innovative, and willing to work together in new ways.

Unions are sometimes accused of holding back change. In fact, we know that many of you have tried for years to get your agencies to recognize problems and accept your ideas for improvements. As both citizens and government employees, AFGE members have a tremendous stake in the success of the agencies in which they work. We believe that AFGE has a vital role to play in ensuring that change is progressive and genuinely beneficial to the public, federal workers and the government.

Where the goal truly is to find better ways for federal workers to provide government services, we intend to be part of the solution. Where the goal is to dismantle government, layoff workers, reduce the level of services and contract out the rest, we are fundamentally opposed. Partnership, combined with political action and collective bargaining (including § 7106 (b)(1) subjects), gives you greater influence over the direction your agency takes and over the resources available to your members to help them survive and thrive in today's environment.

Right now, public service is under intense scrutiny and attack. Politicians, the media, and some segments of the public are calling for downsizing, contracting-out, and even the elimination of entire federal departments. Where the threats are not so drastic, we still face reorganizations, increased competition with the private sector, and serious reevaluation of agency missions. Partnership increases the power of the union to shape the debate and find the most effective and fair solutions. Even when this is not possible, partnership can enable you to create more humane ways to help your members find new jobs or adapt to change.

A hostile political environment and difficult economic circumstances may seem to make partnership impossible. In fact, many partnerships in the private sector began precisely in response to these kinds of crises. The challenge for us in government is not to recapture market share as it is in the

private sector, but it is something just as difficult: to recapture the trust and respect of the American people.

Building the Future in Partnership

Partnership offers a way for employees and managers to work together constructively to create long-term improvements. And what labor and management create together is more likely to be based on the realistic needs of the agency, the workers and the public than a plan that is unilaterally designed and imposed. Solutions we develop mutually are more likely to be accepted by the parties and, therefore, more likely to be successfully implemented.

What AFGE Believes

We believe that AFGE members, when involved and empowered through labor-management partnerships, will bring about dramatic improvements in quality and service delivery. Partnership is not tied to one political party nor is it rooted in any particular ideology or philosophy. It is, instead, a practical bottom-line response to the public demand for responsive, effective government.

AFGE came to understand a long time ago that neither our members nor the American people are well-served by the federal government's brand of top-down decisionmaking and centralized control. We believe:

- that front-line workers have the right to participate in decisions that affect their working lives;
- that labor and management have a mutual interest in the success of any agency operations; and
- that labor and management share a responsibility to work together to achieve that success.

As we see it, these principles are the framework for the future of labor-management relations in the federal sector.

Executive Order 12871

These principles are also at the heart of Executive Order 12871 ("Labor-Management Partnerships"), signed by President Clinton on October 1, 1993. The Executive Order requires agencies to:

- establish partnerships with their labor unions;

- involve employees and their union representatives as full partners to identify problems and craft solutions to better serve the agency's customers and mission;
- negotiate over the "permissive" subjects found at 5 U.S.C. Section 7106(b)(1); and,
- provide systematic joint training of agency employees including line managers, first line supervisors, and union representatives in consensual methods of dispute resolution.

There is no question that the Executive Order represents a dramatic break from the past. As most of us could attest, the history of labor relations in the federal sector has been characterized by conflict, distrust, and long-running battles over obscure points of labor law. More often than not, the union and management approached each other as adversaries and measured success in terms of how well the other was out-manuevered. This acrimonious, litigious climate left little room for compromise or workable solutions, and exacted a heavy toll on the time, energy, and financial resources of labor and management alike.

Opportunities and Challenges

The Executive Order furnishes a new model for labor relations in the federal sector, one that places a premium on cooperation over conflict, joint problem-solving over unilateral decisionmaking, and shared goals over narrow interests. The President has explicitly acknowledged the critical role of front-line workers and their unions in the campaign to make the government work better for the American taxpayer. Because of the Executive Order, federal labor unions have the opportunity to play a stronger and more significant role in workplace decisions than ever before.

But with that opportunity comes a serious challenge for unions and union leaders. Under partnership we have to be able to:

- articulate our own agenda for workplace change, one that is based on union values and the interests of the members we represent, but one that also is aligned with goals developed jointly with management;
- furnish our own ideas for solving workplace problems and improving both the quality of government and the quality of worklife for government employees; and
- develop an internal union culture that is ready to take on the opportunities and responsibilities of partnership while

continuing to safeguard the rights of the union and its members.

A tall order, to be sure. And that is why we have written this Guide. It is designed to help you seize the opportunities - and meet the challenges -- presented by this new era of labor relations. It provides practical, down-to-earth advice for union representatives on such key topics as:

- Partnership agreements
- Partnership council membership and structure
- Bargaining §7106 (b)(1) subjects
- Interest-based decisionmaking
- Training and facilitation

The guidance we offer here is largely drawn from the experience and insights of AFGE leaders, members, and staff. One of the most important things we have learned about partnership since the Executive Order was signed is this: building and nurturing an effective partnership is hard work. It takes time, patience, and a serious, sustained commitment from every level of the union and the agency. There is no easy route to partnership, and a one-size-fits-all approach doesn't work very well. This Guide offers the tools and information to help you along the path to partnership. Your challenge will be to take what you learn here and shape it to fit the needs of your union and your members.

FACILITATING PARTNERSHIP

The Partnership Council meeting is where much of the work gets done and the partners learn to work with each other. There are many techniques to help committees work together more cooperatively and constructively. Sometimes new partners feel that they do not need any help. They think facilitators or group techniques are artificial and prevent more natural interaction. It is true that these techniques can feel funny at first. Most of us have developed comfortable, although not always constructive, habits in dealing with each other. It is a very rare person who moves away from what is familiar without some help.

"I Never Said That!"

One of the problems new partners can encounter is understanding each other. Partners can meet for hours, have intense discussions, and think they have understood each other. When they read the minutes of the meeting or have their next meeting and recap what they have discussed, it is not uncommon for them to discover that they didn't understand each other at all.

Here's a good example: The union insists that something the partnership is discussing will be negotiated before implementation. Management agrees. In future meetings the union is disturbed to hear management talk as though the issue is decided when they had agreed it would be negotiated first.

What happened here? The union had in mind full negotiations, including the substance of the matter along with impact and implementation bargaining. Management understood "negotiations" to mean only impact and implementation bargaining. The union saw partnership as expanding its influence on agency matters. Union partners felt that by insisting on bargaining they were making it clear that they intended to fully negotiate certain issues. Management understood bargaining in the old way, that is, it makes the decision and the union bargains how it will be implemented and the impact it will have on bargaining unit members. Neither one understood what the word "bargaining" meant to the other.

Without a good facilitator and a degree of skill in working together as a group, problems such as this can threaten partnership. Partnership council members may feel betrayed or misled. They may believe that other members have backed away from agreements and aren't operating in good faith. In reality, both parties are falling back on their usual responses to issues. In the traditional relationship, communicating and understanding one another was often less important than persuading, trading, dealing and threatening. Now it is crucial that the partners

have a shared understanding of what the words and ideas they are using mean.

Whether you've already established a partnership council or plan to, you may have considered using a facilitator or consultant. Every partnership relationship is different, so the answer may not be the same in every case. In most cases, however, especially in the beginning, a good facilitator can help a partnership get off the ground and on its way to success.

A good facilitator will help the partners have constructive meetings and get results. He or she can get the group moving again if it bogs down and help keep the discussion focused on the issues. A facilitator should be able to train the partners in the techniques of constructive discussion, helping you brainstorm ideas, use interest-based techniques to find issues to work on and problem-solving methods to reach solutions. A facilitator also can help make sure that you are all talking about the same thing and understanding the words you are using in the same way.

People new to partnership frequently fall into old habits. It is very easy, for example, for the parties to keep thinking in terms of "am I winning this discussion" or "are they trying to put something over on me" because they are used to interacting that way. It is much harder to get beyond that and start thinking about how you can find ways to meet everyone's needs. This is where a skilled facilitator can really help.

Choosing a Facilitator

If you decide to use a facilitator, should he or she be an outside professional or someone who works for your agency? Or, should union and management partners receive training in facilitation and jointly take on that role for the partnership? The individual circumstances of your partnership will help you make this decision. The important thing is that the partners feel comfortable with the facilitator and trust his or her ability to operate independently and neutrally.

Here are some suggestions to help with the selection of a consultant or facilitator. They are written specifically for selecting an outside consultant, but, with some modification, can help in ensuring that an inside consultant meets the needs of the partnership:

- Management usually solicits prospective consultants with a request for quotation (RFQ) or a Statement of Work (SOW). The best requests for a consultant are those jointly designed by the partners. If management has already sent one out, you may wish to ask for the request and the responses received. The request can give you an idea of how management "framed the issue" for the prospective

consultants.

- Make sure the request clearly states that the consultant will be working with a joint union-management group and that the program must be compatible with partnership and appropriate for employees at all levels in the organization. Consultants who are used to working in traditional environments where decisions are made unilaterally, sometimes speak only of "management" and have to be reminded to say "union and management." They need to know that they are expected to make their program understandable to all the participants, including those who may be new to decision-making, planning, quality processes, or whatever the subject may be.
- Management usually requests prospective consultants to furnish a list of other clients for whom they have worked. It can help the partnership to find the right consultant if the request asks for a list of unions the consultants have worked with as well. You can then contact them to get their opinions of the consultant.
- The partners should jointly interview the consultants. This will enable union partners to ask the questions they feel are important and to get a "feel" for the style of the consultant.
- The consultant should be comfortable with partnership and willing to ensure that everyone is able to participate.
- A consultant should be able to work and communicate effectively with all employees--white or blue collar, clerical, technical, professional, etc.
- Prepackaged programs rarely "fit" perfectly--look for a consultant who will sit down with the participants, get to know the organization, be open to input, and be willing and able to adjust the process as needed. Out-of-town consultants are sometimes less willing to fine-tune the process, since it can involve returning to the workplace to deal with problems.
- A consultant who makes grandiose promises about results or claims to have come up with "shortcuts" to quality or partnership should be rejected.

THE PARTNERSHIP AGREEMENT

Partnership agreements can take many forms depending on the particular circumstances of the parties.

A national partnership agreement may be different from a local one. A national agreement with an AFGE bargaining council may be different from one in which the locals are not part of a council. Agreements can vary depending upon whether they are signed at a level where bargaining takes place or above the level of recognition. Some agreements include several unions besides AFGE; these may be different from agreements between management and AFGE alone.

Some partnership agreements are very detailed, spelling out such things as who will sit on the partnership council, how often the council will meet, and what subjects will be discussed. Other agreements are primarily statements of principles which indicate the parties' pledge to act as partners. As with contracts, there are pros and cons for each style. Successful partnerships frequently start with detailed agreements then move to simpler statements of principles when the original agreements prove too limiting and the level of trust has grown.

A highly detailed agreement may reduce some disagreements and misunderstandings later on. It may also perpetuate the old relationship, become too inflexible, and create problems if it is assumed that the parties meant to exclude everything that was not explicitly mentioned. A less detailed statement of principles may give the partnership more freedom to evolve, but also may cause conflicts if the parties weren't clear about what they had agreed to in it. For some partnerships, it may help if the parties develop less permanent by-laws that can be amended as needed.

Here are some issues to consider in developing or modifying a partnership agreement:

Council Members

Most partnership agreements include a section on council membership. They cover such things as how many members there will be altogether, the number of management and union members and the length of their terms, and, in some cases, the exact titles of the members. Some agreements simply state the number of council members each party may have. Management then picks their members and the union picks theirs.

For some, spelling out the exact titles of members may restrict the parties in the future if they decide that another mix will work better. For others, the benefits of ensuring that

the council includes specific people may outweigh potential drawbacks.

There is no right or wrong way to approach this issue. The important point is for you and management to decide what will work for your particular partnership.

Official time

Official time can be a source of conflict. Most of the partnership agreements we have seen are silent on the subject. A few agreements specifically allow partnership activities to be on duty time separate from traditional union official time. In some cases, management has insisted that union partners use official time from the bank of hours set aside for representational matters.

Partnership is a way of dealing more effectively with the work of an agency. The management partners are on duty time when engaged in partnership matters; the union partners should be treated the same way. If union partners have to be concerned that their bank of time is ticking away, it will be much more difficult for them to give all their energy to partnership activities.

Here's how the partnership agreement between the Department of Veterans Affairs and the AFGE VA Council handles official time:

Members will be in a duty status while participating in council business. Local and National Partnership activities beyond or outside normal duty hours of those involved will be considered as official duty and compensated in accordance with the law.

This willingness to allow sufficient time for partnership is a striking affirmation of the agency's belief in the value of partnership.

Travel

Travel can be a touchy subject in a time of tight budgets. This can be a real problem, especially for agency-level councils whose members come from all parts of the country. Whenever possible, face-to-face meetings are best, particularly in the early stages of partnership when the partners are learning to trust and work with each other.

If this is not possible, your agreement could call for a combination of meetings, conference calls, teleconferencing, and

other ways of communicating. The key is for the union and management to examine a variety of ways for the partnership council to carry on its business.

Training

Training is possibly the most important joint activity the partners can engage in to ensure success. Partnership agreements should indicate that the partners will receive joint training and will jointly select the trainer or facilitator. They may also spell out the kinds of training the partners will receive, such as training in effective communication and meeting skills, problem solving, alternative dispute resolution methods, quality tools, strategic planning, budget issues, policy matters, and any other subjects that will enable them to effectively do their work.

Binding/Nonbinding Decisions

The majority of partnership agreements we have seen are advisory. In other words, the partners may reach decisions, but they are subject to the approval of some higher level agency official. The federal sector has been more timid than the private sector on this issue. In the private sector, many successful labor-management partnerships empower the partners to reach binding decisions and implement them.

Advisory partnerships are not ideal, but they are certainly not failures. They may be the first step on the way to learning to work together and building the trust and experience needed to move into truly empowered partnership.

The Partnership Agreement between AFGE Local 1226 and the VA Medical Center in Knoxville, Iowa creates a bridge to move from advisory to binding partnership. It states:

The Partnership Council will make recommendations to the Director of the Medical Center initially. Over time, and as the partnership evolves, the Council will be empowered to make decisions which affect the labor-management relationship.

Partnerships should be able to make decisions on their own and implement them. They should include management and union representatives who are high enough and have enough authority to make these decisions.

Subjects to discuss

Ideally, partnerships should discuss and explore all issues relevant to the work of the agency and the quality of employees' work lives. Agreements that greatly limit the subjects that can be discussed put serious limits on the benefits partnerships can bring to the agency

Handling Local Issues

Should an agency-level partnership council discuss local issues or confine itself to agency-wide issues?

This is more complicated than it may seem. An agency-level council that gets bogged down in local gripes and individual agendas will quickly lose its effectiveness and importance. But, at the same time, agency-level councils should be concerned with the health and success of the entire agency, including local sites. Sometimes what seems to be an isolated local problem may turn out to be connected to other issues that are clearly agency-wide.

For example, the partnership agreement between AFGE Local 2324 and Fort Riley establishes a mechanism for local partnership committees to address local issues first, then refer issues they can't resolve to the headquarters Executive Partnership Council for resolution. The agreement also empowers local partnership committees and the Executive Partnership Council to "...discuss all issues affecting management, employees and union representatives" and to use consensus decision-making.

Agency-level councils, which include the movers and shakers of both the union and management, can help spread partnership throughout the organization. They miss an important opportunity if the partnership agreement forbids all discussion of local issues. The best approach for agency-level councils is to leave truly local issues like individual grievances and EEO complaints to the local parties, but not shy away from other local issues if they will have a wider impact.

How Decisions are Made

While management frequently fears losing its authority to make decisions, union representatives are often concerned that partnership may conflict with the collective bargaining agreement. To help the parties deal with this problem, the agreement could allow the partnership council to decide how individual issues will be treated prior to any final resolution.

For example, the partners can agree that some decisions will be subject to approval by a higher level of management, others will be subject to bargaining (perhaps with a recommendation that

the negotiators accept the substance of a jointly developed proposal), and some will be implemented by authority of the council. This arrangement can help managers feel more comfortable about discussing things freely and fully. It can also help the union feel secure that it hasn't bargained something without realizing it. The important thing is to find ways for the partners to openly discuss the issues that matter.

Minutes of Meetings

It is a good idea for partnership agreements to include a requirement for written minutes and to have them approved by the members before they become a formal record of the proceedings. This gives the partners a chance to make sure that everyone understood the issues that were discussed and that all parties agree to the decisions that were reached.

Sharing Information

An important aspect of partnership is the sharing of information and the joint development of options before final decisions are made. Some partnership agreements include a commitment from both parties to share pre-decisional information openly. In many cases, this is a big change from the way things were handled before partnership. Partners must have access to a wide range of information to make the best decisions possible.

Consensus

Consensus is a powerful group decision-making tool. Everyone has to agree on a decision before it is adopted by the partnership. If one person cannot agree, no decision has been reached.

In a traditional environment, with traditional behaviors, few decisions would be reached using this method. In partnership, however, the parties work very hard to come up with a solution that is acceptable to everyone. Council members don't hold out for their favorite position. Instead, they work together to reach a decision they can live with even if it isn't their first choice. Partnership agreements that include a pledge to operate by consensus help to make partnership councils more serious, and the work they do more likely to produce meaningful results.

The partnership agreement between AFGE Local 1739 and the VA Medical Center in Salem, Virginia defines "Consensus Decisions" as:

A partnership process of information sharing, discussion and decision making that results in discovering a mutually agreeable solution to an organizational problem; consensus decision making includes the following characteristics:

1. A high level of acceptance by the partners;
2. Total commitment by the partners to the solutions;
3. Any partner in disagreement must search for an alternative solution.

This last item may be useful in avoiding problems caused by partners who are more interested in obstructing action and frustrating the process than in shaping solutions to meet everyone's interests.

Bargaining Section 7106 (b)(1) Subjects

Many of the partnership agreements we have seen state the parties' intention to bargain the subjects in Section 7106 (b)(1) that are permissive in the Statute but were made mandatory by Executive Order 12871. It is a good idea for the partners to put this in writing--it signals their willingness to make expanded bargaining a part of their relationship rather than a mandate from outside the relationship. The partners do not have to pretend that they will always agree on what is included within the 7106 (b)(1) section of Executive Order 12871. They do agree, however, to work together to find solutions to problems instead of spending their time putting fences around issues to keep the other partner out.

Collective Bargaining

Partnership agreements frequently attempt in one way or another to keep partnership separate from collective bargaining. Some even go so far as to say that the parties will not discuss subjects that fall under management's duty to bargain. Keeping partnership at arm's length from bargaining seems like a sensible thing to do, but does this approach make any sense?

Not really. Partnership is a new model for labor relations in the federal sector, but it is one with a strong foundation in the collective bargaining relationship between labor and management. In fact, it may help to think of partnership as a progressive extension of the collective bargaining system.

For example, a partnership may be looking at a whole new way of performing work. Some aspects of this discussion may be

outside the traditional scope of bargaining while others, such as health and safety, may be within the scope. The point is that free discussion will be hampered if the parties are too concerned about what has to be bargained and what can be handled through partnership. One way to keep the dialogue flowing is for the parties to agree that everything is open to discussion, but absent agreement, the parties reserve the right to have potential changes that may affect the collective bargaining agreement handled by negotiating teams before they are implemented.

Measuring Results

Executive Order 12871 calls for partnership councils to measure their results in making their agencies more effective and saving money. Some partnership agreements include language indicating that the partners will jointly develop measurement standards and monitor progress. For example, the Partnership Agreement between AFGE Local 3970 and the Ohio Army and Air National Guard states:

We agree that a periodic assessment of the partnership must be performed to determine if there is a need to modify our structure, procedures or goals. We support the development of a joint evaluation program, to be developed and administered by the partnership executive council. This evaluation program should assess the effectiveness of the partnership process on the labor-management relationship within the organization, as well as assess the effect of the partnership process on military readiness, delivery of services, and quality of life in the organization.

Partnership councils should make every effort to ensure that their successes are recognized and credited to the partnership, not lost in the general accounting the agency does.

Should Partnership Agreements be Included in the Contract?

Yes. Circumstances can change or some of the partnership founders may move on. When this happens, partnership will have a better chance of surviving the upheaval if the partnership agreement is part of your collective bargaining agreement.

Keep in mind that management is likely to resist this idea, at least at first. We have seen cases where the parties began with a separate agreement, but ultimately reached a stage in their relationship where including the partnership agreement in the contract made sense. Be patient. If management won't agree early on, put the issue on hold for awhile and bring it up again when your relationship has matured.

Should Partnerships Have an Ending Date?

In many cases, partnership agreements say nothing about when or if they will end. Other agreements establish the partnership council for a specified period, such as two years, but the parties can agree to continue the partnership at the end of the term.

Since labor and management are trying to establish a long-term constructive relationship, it makes sense to keep partnership agreements open-ended. This may require making modifications in the original agreement as the relationship develops. Partnerships become stronger when the parties try to deal with problems as they occur rather than severing the relationship at the first sign of trouble. It is a sure sign of success when the parties come to realize they would never want to return to the way things used to be even if their partnership is not perfect.

WHAT IS SECTION 7106(b)(1)?

One of the most significant and far-reaching changes brought about by Executive Order 12871 is the duty now imposed on agencies to negotiate over the permissive subjects of bargaining in 5 U.S.C. § 7106(b)(1). As a result of the Executive Order, agencies must negotiate with AFGE councils and locals over:

- the numbers, types, and grades of employees assigned to an organizational subdivision, work project, or tour of duty; and
- the technology, methods, and means of performing work.

Why is this such a fundamental change in federal sector labor relations? For two reasons.

First, these subjects were previously negotiable only at the "election of the agency." This meant that an agency was under *no* obligation to negotiate; bargaining took place only if management *elected* to do so. That's why the subjects in § 7106(b)(1) are called "permissive" subjects of bargaining. And as we all know, from the time the Civil Service Reform Act was passed in 1978 until the Executive Order was signed in 1993, agencies almost never elected to bargain with unions over any of the subjects in §7106(b)(1).

All that has changed. Under § 2(d) of the Executive Order, agencies are *directed* to negotiate with unions over the permissive subjects. In effect, the President, as the head of the Executive Branch, has made the "election" to bargain on behalf of every federal agency. With a stroke of the pen, the President has substantially expanded the scope of bargaining and fundamentally altered the relationship between labor and management in the federal sector.

And that leads us to the second reason the § 7106(b)(1) bargaining order is so important. The expansion of bargaining brought about by the Executive Order has dramatically increased the union's ability to influence change in the workplace. In the past, management would propose a change involving a (b)(1) subject, and we would be limited to impact and implementation bargaining -- like a proposal to change the way work is performed or the number of employees it takes to get a job done. Only rarely would there be negotiations about the substance of the proposed change.

Now, instead of just responding to the impact of management-driven changes, we can deal directly with the central issues of **HOW WORK IS DONE, WHO DOES THE WORK, AND WHAT TECHNOLOGY AND TRAINING ARE NEEDED TO DO IT RIGHT.** Bargaining over the subjects

in § 7106(b)(1) allows labor and management to design new work systems that can lead to better, more efficient government, and an improved quality of worklife. If management makes an unilateral decision that involves § 7106(b)(1) subject, you should challenge that action and insist on union input.

With the permissive subjects now open for negotiations, here are some specific examples (culled from FLRA cases) of the crucial workplace issues we can reach through collective bargaining:

Numbers, Types and Grades

- ▶ The number of employees assigned to a work project or work area
- ▶ The kind of skills needed to perform a job
- ▶ The amount of preparation time to complete a job
- ▶ Establishing a freeze on outside hiring until internal employees displaced by a reorganization are given jobs
- ▶ Converting employees to permanent part-time in lieu of separation

Hours and Tours of Duty

- ▶ Establishing starting and quitting times
- ▶ The use of rotations to fill jobs
- ▶ The days off available to employees
- ▶ Deciding the number of shifts that will be used
- ▶ The length of the lunch break

Methods and Means of Performing Work

- ▶ Adequate telephone access for employees
- ▶ The wearing of a uniform
- ▶ The design of the office
- ▶ The presence of union representatives on committees appointed to do the work of the agency

Technology

- ▶ The availability and type of computer equipment that employees will use
- ▶ The ergonomic design of furniture
- ▶ The availability of telephones and other communication devices such as two-way radios and beepers
- ▶ The number of parking spaces available for employees to use

These examples of topics that fall under § 7106(b)(1) are not all inclusive and only represent case law up until now. As we move ahead with this expanded bargaining, AFGE locals should challenge and explore what new areas of bargaining opportunities may be opened up under the Executive Order.

§ 7106(b)(1) and The Management Rights Clause

As you probably know, an important legal issue has surfaced in connection with the Executive Order. The question is whether a § 7106(b)(1) proposal is negotiable if the proposal is also covered by the management rights provisions of § 7106(a).

For example, a union proposal that says 10 journeyman-level mechanics must be used to maintain a type of aircraft is a proposal involving "numbers, types, and grades of employees" within the meaning of § 7106(b)(1). At the same time, the proposal could be seen as directly interfering with the management right to "assign work" under § 7106(a)(2)(B) as well as the right to "direct" employees under § 7106(a)(2)(A). Is the proposal negotiable?

At the time this partnership handbook was written, the FLRA was about to come out with a general policy statement on this issue. AFGE National submitted extensive comments to the FLRA, and we are confident that the Authority will agree with our view that § 7106(b)(1) issues can be negotiated even if they are covered by the management rights provisions of § 7106(a).

Until the legal issues are resolved, continue to request to bargain over § 7106(b)(1) subjects. Avoid getting bogged down in legal disputes over (b)(1) and (a). Keep in mind that successful partnerships focus their efforts and energies toward consensus-based decision-making and away from rights-based disputes.

THE PARTNERSHIP COUNCIL

Each labor management partnership is unique. Partnerships are shaped by the special needs and interests that the union and management bring to the table. Partnerships are also influenced by the nature of the agency's mission and the work that must be done to accomplish it.

But while no two partnerships are exactly alike, experience has shown that successful partnerships share a number of common characteristics. AFGE locals and councils have learned some important lessons about partnership since the Executive Order was signed. Borrowing from these pathbreakers, here are some things you may want to consider in making your own partnerships more successful.

Who should be on the council?

The Right Mix

The partnership council should include those union and management representatives who have the authority and the knowledge to deal with the issues, solve problems, and make changes. On the management side, this means operations managers who have enough clout to make things happen. On the union side, membership should not be limited to elected officials. Make sure also to include rank-and-file members who can bring their own expertise in the work of the agency.

Partnership councils may include labor relations personnel or other human resource specialists, but they shouldn't dominate the proceedings. Moving partnership out of the labor relations arena into the mission-related arena is necessary for long-term success. Unfortunately, some agencies have been reluctant to bring important matters to the partnership. They are missing the whole point of Executive Order 12871, and losing an opportunity to benefit from the valuable insights the union can bring to any issue.

But union leaders also need to approach partnership with an open mind. Typically, unions have given key assignments to elected officials and stewards and as rewards to members who have been especially active in the local. Partnership requires more. When you are choosing the union's representatives for partnership activities, it is important to pay attention to the skills and knowledge necessary for the particular task.

Partnership gives you the opportunity to involve union members whose talents may not lie in filing grievances but who can bring a wealth of workplace knowledge to the process. Effective leaders make wise decisions about who to place in key

positions. There is so much to do in partnership that there are roles for everyone who wants to participate. Make sure that your assignments take into consideration the particular skills your members have.

Members Only?

Whether you're in negotiations or at a partnership council meeting, the union must represent the interests of everyone in the bargaining unit. Does this mean we have to allow nonmembers on the council?

No. Membership on policy bodies, such as the partnership council itself, are appropriately reserved for union members who can represent the interests of the union and its members. All members of the bargaining unit are free to join the union or not. Those who elect not to join have also chosen not to participate in this key policymaking component of partnership.

But there is more to this issue than that. Partnership gives you the chance to attract talented new members who, until now, may not have imagined a role for themselves in the union. Maybe they were turned off by an adversarial relationship that existed before partnership. Maybe they had no idea that the union could really make a difference in the workplace. Whatever their reasons for not joining in the past, now's the time to try and sign them up.

One way to attract new members through partnership is to invite them to participate on work teams or problem-solving teams set up by your partnership. These groups need to have the right mix of skills and knowledge to successfully accomplish their tasks. They may need to include all of the workers in a particular area or employees in different jobs that relate to each other. Nonmembers on work teams will begin to understand that their own ability to make a difference in the workplace would be greater as a union member. They will also see the increasingly important and positive role the union is playing in transforming the agency.

Although the partnership council itself is for union and management representatives, the council should take full advantage of the contributions others can make. The council should work with other groups, and invite them to share their expertise in solving specific problems.

Other groups

What about other employees who want membership on your partnership council? Maybe it's a professional association, or a group of employees who are not represented by any union. Do they have a claim to a seat on your partnership council?

No. Remember, the Executive Order is all about building partnerships between *labor* and *management*. A partnership council is a forum for labor and management to explore new ways of working together for the benefit of the agency and its employees. If partnership is to have any chance of success, partnership councils must be jointly owned by labor and management.

And while it might not always involve collective bargaining in the traditional sense, there is no question that partnership is an extension of the collective bargaining relationship between labor and management. Professional associations and non-union employees simply do not fit within the labor-management framework of a partnership council. They also do not have the legally protected ability to act independently that management and the union do.

At the same time, partnerships must search for ways to involve as many players in the workplace as possible. Partnership will have a much greater chance of success if it is widely accepted and understood. The challenge is to make partnership more inclusive in ways that do not destroy its essential labor-management quality or undermine the role of the union.

Here are some ideas. You could invite employees who are not partnership council members to council meetings to share their ideas and concerns. Partnership councils could ask employees to work on problem-solving teams or to research matters related to their particular jobs. A council could actively seek the views of professional employee associations or conduct employee surveys. Over time, your partnership council is likely to find many other creative ways to extend partnership's reach throughout the workplace.

Working With Other Unions

AFGE has worked successfully together with other unions on the National Partnership Council and on agency-level partnership councils. Partnership councils that include multi-union bargaining units also can be successful.

Working with other unions is a special challenge. In some cases, multiple unions in an agency have developed a good working relationship and may find it easy to move into partnership. Where relations have been difficult, each union will have to decide for itself if playing a more important role through partnership outweighs its animosity toward the other unions.

Individual unions representing different bargaining units in an agency continue to have responsibility for representing their members and enforcing their contracts. At the same time, a

single union can greatly increase its effectiveness by participating with other unions in partnership at the highest level of the agency. Both management and the individual unions must understand and be sensitive to the needs of one another.

Training

Partnership is a new way of doing business for most federal unions and managers. It doesn't come naturally. Most of us are used to being wary of each other, being stubborn about the positions we take on issues, sharing the least amount of information we can, and playing our traditional labor-management roles. Training can help the partners break out of these destructive behavioral patterns and deal with each other more constructively.

Invest in the Future

Joint training of the union and management partners is vital for future success. Unfortunately, too many partnerships have skimmed on training. In some cases, the partners have had only brief training in group dynamics and perhaps some training in alternative dispute resolution methods. Agency management has not always been willing to invest in the kind of training partnerships need. In part, this comes from the limited resources most agencies have, but for some agencies it also indicates their failure to recognize the importance of partnership to the agency's future.

Both in the private and public sectors, management has traditionally spent 70% of its training budget on about 30% of its employees. The bulk of training money is usually spent on managers and technical and professional employees. Recent studies show that the United States is falling behind other countries in productivity and quality, and this is blamed in large measure on our failure to spread learning throughout the workplace. We can not afford this any longer and partnership offers the ideal place to start reversing this trend.

Meaningful training goes well beyond just the basics of a job. It teaches problem-solving skills and teamwork and the use of quality tools, all designed to increase the capacity of frontline workers to use creative judgement and make their own decisions about how to get the job done right. High quality training is ongoing, allowing workers to constantly update their skills and learn new ones. This approach to training is quite different from current policies, which tend to limit training to the minimum necessary for employees to complete their assigned tasks.

Partners That Train Together, Stay Together

Why joint training? Partnership is a delicate process that depends on the growing trust between the partners and the ability of everyone to participate fully. Joint training builds trust and ensures that everyone is getting the same information and the same message. In the course of joint training, many potential pitfalls can be avoided.

Joint training can be accomplished by having union and management partners design their training program, select their trainer, attend the same classes or workshops, and receive the same materials and information. It can also involve joint visits to the frontlines to see how the work is done, joint trips to other workplaces with successful partnerships, or joint meetings with customers, employees, vendors, or anyone else who can help the partners understand what needs to be changed and how it can be improved.

In addition to professional trainers from outside or inside the agency, union and management partners can be trained to be trainers to spread partnership learning throughout the organization. The choice of trainer will depend on the needs of the partnership, the specific subject of the training, and the trust and comfort level the partners have with a potential instructor.

PARTNERSHIP STRUCTURE

Most successful partnerships in both the public and private sectors have developed surprisingly similar structures even though they may be different in other ways. They include a steering committee at the highest level, a site committee at the local level, and work teams or task forces at the frontline level. Perhaps it isn't so surprising that this organizational model shows up so often. The structure is a logical one that recognizes the need to establish some things uniformly throughout an agency or facility while allowing the flexibility to develop other things locally.

Local site committees can work on local issues and interact with the steering committee to keep the right balance between local innovation and agency mission. The steering committee, in turn, will gain valuable knowledge about the real complexities and problems of the workplace by communicating with the sites. In agencies that have many management committees in place, inclusion of union representatives on those committees helps to establish partnership throughout the agency and ensure that important information is shared with everyone.

Agency-level partnership councils and local partnership councils fit neatly into this structure. It can also work in the case of a partnership council made up of top union and management officials in a large facility with partnership committees representing different departments or sections within the facility. The idea is to develop a structure that allows for local flexibility while preserving organization-wide standards.

Some AFGE Examples of Partnership Structures

- The Department of Veterans Affairs' national partnership agreement with AFGE and other unions representing VA employees states:

At each facility there will be a Facility /Local Partnership Council established. The membership will consist of a mutually agreed upon number of members from labor and management. The size, frequency, duration of meetings and agenda items of the council will be mutually agreed upon locally.
- The partnership between AFGE Local 2324 and Fort Riley includes an Executive Partnership Council to deal with Fort Riley wide issues and unresolved local issues forwarded to it; Activity Partnership Committees to deal with local issues, and a Partnership Committee-at-Large. This last committee was established to "...assess progress and

continuation of the joint partnership efforts, evaluate results, publicize accomplishments, and find new targets of training opportunities...."

- AFGE Local 3970 and the Ohio Army and Air National Guard developed the idea of partnership assistance teams. These teams, made up of management and union representatives, will promote the formation of local partnership committees by visiting local worksites and talking to the union and management about the values of partnership and offering start-up assistance.
- AFGE Local 1151 and the VA Regional Office in New York City have developed a Self-Directed Work Team structure that has reduced the number of steps required to handle a claim from twenty-five to four. Work Teams typically consist of twelve members: a Coach, seven Case Managers, and four Case Technicians.
- The AFGE Council of Mint Locals worked with U.S. Mint management to jointly develop the Mint's Strategic Plan. They began with a Strategic Planning Group, which included a representative from each of the AFGE Mint locals. This group met off-site with a professional facilitator to design the Strategic Plan.

The group then designated a smaller Steering Committee to fine-tune the plan and guide its implementation. The Steering Committee includes two permanent union representatives and a rotating position designed to bring in frontline workers from the different sites over time.

In addition, local Site Committees were established at each Mint facility. These Site Committees are co-chaired by the Local President and the local Mint Superintendent and made up of frontline workers and supervisors selected by the Local Partnership Councils. The committees will develop ideas to improve their workplaces, carry out assignments given them by the Steering Committee and help keep employees informed about the national Strategic Plan and local initiatives.

PARTNERSHIP: IN EVERYONE'S INTEREST

Using interest-based bargaining and interest-based decision-making does not mean abandoning the union's responsibility toward its members. In fact, the "interest" in the phrase "interest-based" refers to the different interests the parties bring to the table. These different interests are what make partnership vibrant and dynamic.

Agencies that truly understand the value of partnership rely on the union to bring workers' interests and ideas to the table. They have come to understand that policies and procedures developed unilaterally by management can be stagnant and one-sided because they lack the knowledge and insights of those who actually do the work.

At a recent conference on labor relations, a management representative from the Levi Strauss Company and a representative from the workers' union, the Amalgamated Clothing and Textile Workers Union (ACTWU) spoke about their partnership. The manager gave four business reasons why the company chose to be partners with the union. They are:

- 1) Adversarial labor relations is a luxury no company can afford in today's competitive environment.
- 2) The union, as a partner, can add tremendous value to the business.
- 3) Partnership gives the company a competitive advantage over companies that operate in the traditional top-down way.
- 4) The union can assure meaningful employee participation.

The ACTWU representative said that the union agreed to partnership because it had an interest in helping the company grow and survive against the competition from other makers of blue jeans. In addition, she said that union members were excited about having more of a say in their work. She believes that union members want more than just grievances and other traditional union actions for their dues money.

AFGE Experiences

Several AFGE locals and councils have been able to advance their members' interests and make valuable contributions to their facilities through partnership:

- AFGE Local 1867 negotiated a Memorandum of Understanding with the U.S. Air Force Academy in Colorado Springs, CO that emphasizes internal upward mobility for filling vacancies

and involves the union earlier and more fully in restructuring positions.

- AFGE Local 695 and the U.S. Mint in Denver, Colorado have established joint labor-management task forces to deal with many workplace issues including quality improvement, designing a new appraisal system, and developing an alternative dispute resolution mechanism. At the national level, the AFGE Council of Mint Locals and the U.S. Mint incorporated the health, safety, training, and career development needs of employees into their strategic plan.
- AFGE Local 2110 at the VA Medical Center in Palo Alto, CA has been working with regional management to develop a partnership network to address reorganization initiatives.
- The AFGE General Committee and the Social Security Administration worked together on a project to address problems with the information systems used to track work flow and evaluate agency performance.

For partnership to work, the union must be ready and willing to bring forward the ideas and concerns of its members. To be good partners, union representatives do not have to agree with everything management says. Disagreements, however, are handled differently with interest-based techniques than with traditional methods. Partners refrain from personal attacks and threats and avoid becoming locked into a position and refusing to consider alternatives. Partnership is based on finding solutions that everyone can live with, not on finding ways of winning at each other's expense.

Understanding the Union's Interests

Union partners are far more likely to be effective in their partnerships if they have a clear understanding of the union's goals and interests and recognize how those goals can be furthered through partnership. Yet very few unions have taken the time to think about what they really want -- and need -- to achieve.

Most of us understand that the union exists to represent its members. We know that we have a responsibility to enforce our collective bargaining agreements and negotiate with management and handle grievances. Few of us, though, have thought much beyond these traditional day-to-day union responsibilities toward the development of long-range goals.

Get to Know Your Agency

Developing broader goals and understanding our broader interests may involve thinking about several different issues. For example, you may want to have a better understanding of your agency, including the pressures the agency is under from Congress, the Administration, or the public, and the criticisms it receives from Congress or the media. You surely want to know about changes coming in the agency's structure or mission or workload. Understanding these things can help the union ask better questions, develop better ideas, and be ready to challenge management if you think they're off course.

Learn More About Your Union

The union also should work to gain a better understanding of its own organization. Here are some questions you should be asking:

- How many members do we have and how many potential members are there?
- Has membership remained steady over the years; has it grown or declined; has it gone up and down periodically? What has caused these membership changes?
- Is membership spread evenly throughout the bargaining unit or is it clustered in certain areas or among certain groups of people?
- Are our Executive Board and stewards representative of the workforce in terms of gender, ethnicity, and the different areas and types of jobs in the agency?
- Is the workforce generally older, younger, or mixed? Has most of the workforce been on the job for some time or is there a significant number of new workers?
- Is the workforce ethnically diverse? Has the ethnic makeup changed over time?

These are only some of the things you should look at to understand your union and your bargaining unit.

By gaining greater knowledge in these areas, you can assess your union's strengths and weaknesses and plan ways to increase its influence throughout the bargaining unit. Union partners will be able to speak more authoritatively about the workforce and its needs as they gain more knowledge about the entire bargaining unit.

UNION STRATEGIC PLANNING

Many organizations develop strategic plans to establish goals and set out a course of action to achieve those goals. Unions, too, can benefit from some long-range planning and strategic thinking. A strategic plan can help the union participate more confidently on a partnership council with a better understanding of the interests it is representing and the goals it is trying to reach.

Most strategic planning starts with the development of a mission statement, a vision statement, guiding principles, goals and objectives, and action items. Strategic planning can be formal or informal. It can be used to guide your union through the next year (or five-years) or it can concentrate on addressing a specific issue. The important thing is to begin to focus on understanding your union, deciding the direction you want the union to go, and developing an action plan to get there. Your strategic plan should be revisited annually to fine tune it and keep it current. Remember, a union strategic plan should be developed and updated by a representative group of union members.

Mission Statement

This is a brief statement of what the union does--its purpose. A union mission statement might read:

We are a labor union that deals with the management of the XYZ Agency on behalf of the agency's bargaining unit employees. We negotiate agreements with management, represent employees, and participate in labor-management partnership to improve the agency and the working lives of our members. As a democratic membership organization, we encourage the participation of all members to serve as elected or appointed union representatives, to shape the policies and direction of our union, and to share in the benefits and services of union membership.

Vision Statement

This is a statement of what the union would like to be. It is a forward-looking statement that goes beyond the mission statement to describe the organization the union will strive to become. A possible vision statement might be:

We will be the largest and strongest labor union that we can be. We will continually increase our membership in all parts of our bargaining unit. We will be a powerful force in the workplace and in the legislative

arena, effectively advancing our members' interests and playing a major role in shaping our agency to deliver the best possible services to the public and provide the best possible workplace for our members.

Guiding Principles

Guiding principles, sometimes called values, set the tone for the strategic plan and lay out the philosophy that will shape the union's actions. Some guiding union principles might be:

- Continuous membership growth in all areas of the bargaining unit
- The greatest possible participation in the union by our members
- Fair and equitable treatment for all members
- Creating a highly informed membership through open communications
- Improving the health of the agency and working to ensure its future success
- Employment security, increased career opportunities, and challenging work for our members
- Effective and constructive collective bargaining on behalf of our members

Goals or Objectives and Action Plans

Most organizations that plan strategically have found more success when they limit their goals to a small number--three, or at most five. These should be critical goals to justify the concentration of union energy and resources they will receive. Along with each goal, discuss an action plan with specific tasks, deadlines, the people responsible for their accomplishment, and how you will measure results.

For example, the union might decide that gaining members in parts of the bargaining unit that have no members now is a key goal if the union is going to effectively represent the entire bargaining unit on the Partnership Council. An action plan might include arranging an informal meeting with one or two influential employees in the target area to find out what's important to them and why employees in that area have not joined the union. Another action item might be planning and holding "Lunch and Learns" around issues of concern to the potential members. The

union might decide that gaining ten new members in this area by a certain date is a good way to measure its progress.

A second key goal might be to develop expertise and credibility in partnership issues. An action plan might include soliciting volunteers who understand various aspects of the agency or are expert in different agency occupations to help develop ideas. A measurement of success might be the placement on a key committee of a member who is an expert on an important subject the partnership is considering.

Another action item might be to develop a list of training needs and ways to meet them. For example, union partners may feel they need to gain skills in understanding statistics, budget documents, or agency performance measurement techniques. The union may decide to bring these training needs to the Partnership Council and suggest joint training. Along with this, the union might seek out members willing to share their expertise in these areas and arrange for union representatives to take classes at a local community college. The union might measure its success by its ability to develop four members who are committed to partnership and who have attained skills and knowledge necessary for the union's full participation in the partnership.

BRINGING UNION IDEAS TO THE TABLE

Frequently, union partners feel that they are spending more time reacting to management proposals than jointly developing ideas with management. It doesn't feel much like partnership to be handed a completed plan and asked to comment.

It is also not too surprising when this happens, particularly in the early stages of partnership. In most cases, when we enter partnership we jump on a moving train. Agency management already has all kinds of proposals and plans at various stages of development. It may be unrealistic to expect management to scrap all that and start over from scratch. It is not unrealistic, however, to expect partnership to be a change from the old way of doing things and that over time, the partnership will begin to develop many proposals jointly.

Life Doesn't Always Wait For Partnership

When the partnership is asked to get involved with something management has unilaterally begun, it has some choices to make as to how it will respond. In an ideal world, the partners will have had extensive training in partnership techniques and will have met together long enough for their relationship to be mature before they take on important tasks. In real life, the day-to-day workings of an agency rarely can be put on hold until the partners have reached the optimum level of readiness to work together.

Sometimes, it is the union that refuses to deal with a management plan because it was unilaterally designed. At other times, it has been management that holds an issue back from partnership. In either case, the result can be a partnership council bogged down trying to develop a relationship while all of the important agency issues move ahead without it.

Working together on a significant issue can help a partnership develop, sometimes more effectively than if it did not have a concrete problem to address. Sometimes, of course, it is appropriate for a partnership council to avoid taking on an issue that does not seem suitable for that stage of the relationship. At all times, it is appropriate for the partners to understand that their collective bargaining relationship exists side-by-side with partnership and that nothing should be implemented until they have dealt with matters subject to bargaining.

Where management has already made decisions or come up with ideas on their own, the union should not hesitate to ask for clarification of anything it does not understand. Management partners should be willing to explain how they arrived at certain

conclusions. When appropriate, the partnership should arrange for training to familiarize union partners with management concepts. Successful partners are open to ideas for improving, changing, or even dropping proposals. A proposal or idea brought to the partnership table should be a starting point for joint development, not a rubber stamping session.

Union partners also have a responsibility to develop ideas and bring them to the partnership. They should feel comfortable presenting their ideas, answering questions about them, and developing them further with management. In a successful partnership, council members assist each other in developing ideas. This could require additional resources, such as statistical data or subject matter experts, to help fill in the details. Union partners also should seek out and involve members who have knowledge of the subject.

Protecting Union Interests

Understanding the union's interests and goals can help you steer a course that advances rather than threatens your local or council. And you can use the union's guiding principles and goals to help weigh the advantages and disadvantages of different options the partnership council may develop. As partners with management, you should not be afraid to question any option that you fear may conflict with union interests. While manager may have specific timetables, they should be willing to take time to ensure that all interests are respected. As representative of the workers, you should ensure that the rush to meet deadlines does not jeopardize your interests. At the same time, union partners should respect the need to be efficient and effective and come prepared to resolve issues and move the agenda.

Union interests also are protected by the collective bargaining agreement and collective bargaining rights. Remember, collective bargaining rights and responsibilities do not disappear in a partnership. Labor and management might want to bargain more collaboratively or try to reach some decisions through partnership discussions, but the fundamental duty to bargain remains. The union should be clear about its intent to bargain certain issues, but don't forget that bargaining can be done in a new spirit of partnership.

The union can also ensure that its interests are served by staying in communication with union members. Keeping members informed and encouraging their feedback can help the union stay on course in partnership. The information and ideas you get from the membership can invigorate your participation on the council and help you explain why you are recommending a certain course of action, or why you cannot accept one option but can support a different one that is true to your members' interests.

COMMUNICATING WITH YOUR MEMBERS

One of the biggest problems union partners face is communicating with their members. Partnership can be exhausting. It can add numerous new duties to an already full schedule for union representatives. Sometimes, communication with the members suffers in the process. Communication may also become difficult because the partners, in the early stages of partnership, may not know how to explain what they are doing. Partnership involves taking risks and risk means that results are not guaranteed. Union partners may fear the unrealistic expectations of their members.

Partnership also involves labor-management interaction that is very different from traditional relations. Some union members are accustomed to militant anti-management pronouncements from their union. The union may fear that its members won't understand what labor-management cooperation is all about.

In addition, cooperation requires the partners to treat with sensitivity the things other partners say in discussions. If partnership is to succeed, the partners have to feel free to say things that may be very different from what they've said in the past. As long as the union and management stay locked into their traditional positions, no genuine movement is possible.

The Danger of Poor Communication

Most union representatives are already familiar with the problems of communicating with their members. We often find that despite our hard work, our members don't know what the union is doing for them. Even when we publish a newsletter or post notices on the bulletin board, members frequently ask, "What is the union doing?"

Partnership is a special communications challenge because the union is acting in ways that are unfamiliar to members. Union members may become suspicious of the time union representatives spend with management. They may think the union is making deals or just enjoying time off the job.

All the talk of partnership and cooperation also may conflict with the way some employees actually feel about their jobs or their supervisors. They may be concerned most about downsizing, restructuring, and closures, and wonder if the union is aware of the problems and realistic in its discussions with management. Lack of communication with union members can turn what seems like a success in the partnership council meeting to a dismal failure in the workplace.

Despite the pitfalls, partnership is also a communications

opportunity for the union because it encompasses so many aspects of the work and the workplace. In conventional labor relations, the union frequently has to find ways of convincing members that it does more than just file grievances or deal with "problem" workers. Partnership truly does involve the union in work issues that interest most employees.

Communicating in Partnership

How should the union handle the communication challenges? A key part of the answer lies in management's behavior. Is management sending a mixed message to its managers? Is it telling managers that partnership is unimportant and that things really will go on as they have in the past? Or, is management reinforcing the partnership message whenever possible? Is it comfortable issuing joint communications to employees from both the union and management partners? If management is acting improperly, the union should insist that management act as a partner even when dealing with its managers. This is a serious matter that a partnership should face boldly.

Communicate Jointly

If management is doing its part in communicating the partnership message, the union must consider how it will communicate with its members. There are several ways to do this. One way is to issue joint communications from the partnership council or hold joint union/management meetings with employees. These communications will work best if they are honest, and not just a selling job for the partnership. This may require the union to be straightforward about the need to tailor the communications to the real concerns employees feel.

Involve Your Members

Involving union members in the partnership council's work is another way to communicate with them. Reaching out to members for their ideas gets them off the sidelines and into the game. This can be done through meetings, newsletters, desk drops, bulletin boards, one-on-one conversations, even E-mail.

Make it Visible

Another way a partnership can ensure that its message reaches the frontlines is to develop projects that show immediate results to employees. Partners can get caught up with improving the labor-management relationship and dealing with high-level issues. They sometimes forget that frontline workers and managers need to see a difference in their daily work lives or they will question whether partnership really matters. Partnerships that are sensitive to this problem find ways to

initiate changes that are immediately visible to the workforce.

Employee Surveys

Employee surveys, initiated by the partnership, are another way to reach your members. In order to be successful, there needs to be follow-up. Employees can become cynical of surveys they complete but never hear about again. Done correctly, surveys can be a valuable source of information for a partnership council trying to transform its agency.

The AFGE/U.S. Mint agency-level partnership conducted an employee attitude survey with the help of OPM and was troubled by many of the negative results. The local site committees were asked to come up with solutions for the five worst problems identified in the survey at their facility. This gives local partners a chance to get involved early on with issues that really matter to employees. It also means that employees will get immediate results from partnership and not see it as remote from their needs.

BUILDING COMMITMENT TO PARTNERSHIP: CHANGING ROLES

While most experts agree that commitment from the top is necessary for labor-management partnerships to work, lack of commitment at lower levels of management can also be a serious impediment to success. If lower level managers don't believe in partnership or see anything in it for themselves, they can promote cynicism and make it difficult for frontline workers to attend partnership meetings or have a say in workplace matters. Without the cooperation of line managers, partnership can get stuck at the talking stage.

Management Resistance

There are several reasons why some line managers may be negative about partnership. In many cases, their only contact with the union is with stewards who may be filing grievances against them. In addition, labor relations specialists tend to do most of the work with the union on behalf of management, which also limits the contact that line managers might have with the union. It is also true that many front-line managers are intimidated (and more than a little confused) by the bewildering array of laws and regulations that govern labor relations in the federal sector. And finally, some managers believe that dealing with the union is not as important as the "real work" they do for the agency.

Managers and supervisors also may be reluctant to share what power and authority they have. This is hardly surprising. People rarely wake up in the morning thinking, "You know, I just realized that I have too much power. I think I'll give some away today." Some may not believe that frontline workers have valuable ideas that can improve products and services. They may fear that sharing authority will diminish their own value in the workplace.

Perhaps the most important, and most understandable, reason for line managers and supervisors to fear partnership is their concern that there may not be a place for them in the future workplace. For some time, talk about high performance organizations, quality, and the workplace of the future has included talk about delayering--reducing the number and layers of managers. The *National Performance Review* calls for increasing the ratio of managers to employees from 1 manager for every 7 employees to 1 for 15. Managers and supervisors feel that their importance to government is being questioned and belittled.

There is no question that the number of front and mid-level managers is shrinking now and will continue to shrink in the future. For partnership to flourish, it is important that the

managers who remain are those who are comfortable working with the union and helping employees get the job done. This will require a change in the culture of most organizations.

"Walking the Talk"

Commitment to partnership at the top requires more than just talk or occasional memos. For organizational cultures to change from ones that command, monitor, and punish to ones that value the expertise and judgement of frontline workers, top management has to send a consistent message in both words and actions.

In Ohio, for example, the public employee union and the Governor have entered into a partnership to improve services and working conditions. At a recent conference on labor-management cooperation, a member of the Governor's staff was asked how they changed the behavior of lower level managers. He replied that the Governor constantly stays involved and visible and frequently emphasizes the importance of partnership and employee involvement to his cabinet members. The cabinet members, who head the major state agencies, make sure the message is reinforced in their agencies. The result is that managers at all levels get the message that you either adopt the new behaviors or find another job.

Sometimes top management says one thing but does another. There may be memos and speeches supporting partnership, but managers and supervisors who start to put it into practice may find their efforts are not rewarded. It may take a little longer to accomplish some things in partnership, at least in the beginning, because developing group consensus and seeking employee ideas may take longer than issuing top-down commands, although the long-term results will be worth it. Encouraging innovation and quality improvement requires patience and tolerance for mistakes. That is part of the learning process. Punishing people for responsible, but less than perfect efforts, is a sure way to stifle creativity and perpetuate the status quo.

Finding a Place for Everyone

The road to partnership will be much smoother if the parties work out constructive roles for different employees. For example, the city of Seattle's water treatment plants entered into a partnership with their union to develop ways to meet the challenges brought on by population growth. They set up a steering committee, work teams, and task force teams that began to develop better ways of getting the work done. Along the way, they met serious resistance from supervisors whose actions threatened to derail the whole process. The supervisors did not see a place for themselves in the newly developing organization

and felt devalued and threatened by the changes.

The steering committee established a Supervisor Task Force and challenged the supervisors to come up with a constructive role for themselves in the new organization. The role they developed was one closer to team leaders than traditional supervisors. They saw themselves as facilitating the work, helping to remove obstacles, and enabling employee ideas to get a fair chance to be heard. When all was said and done, union and management agreed that the best way to change an organization and get commitment to partnership is to offer meaningful roles for all employees in the workplace.

The Role of Labor Relations Specialists in Partnership

Labor relations specialists also may have fears about the move toward partnership. Their traditional role has been primarily an adversarial one. They are supposed to ensure that management wins labor disputes and prevails in actions against employees. Even where the labor-management relationship is cordial and professional, it may be so connected with the win/lose mentality of traditional labor relations that the specialists may find it difficult to imagine a changed role for themselves.

In one Navy office, labor relations and employee relations specialists met to brainstorm new roles for themselves in a partnership environment. The results follow. They saw themselves becoming more of a resource that both parties could draw on through training and guidance offered to union and management alike. They also saw themselves as partnership facilitators, helping the parties reach constructive and mutually acceptable solutions.

Why should the union care about managers and labor relations specialists? Isn't our first responsibility to our members? Of course it is. But partnership involves mutual responsibility for the health and success of the entire organization. Our members suffer if managers thwart their attempts to fully participate in the workplace. Partnership suffers if labor relations specialists see no role for themselves other than adversarial, win/lose partisanship. And everyone suffers if resistance to partnership prevents the union and management from transforming an agency into an organization that delivers excellent services at reasonable cost in a workplace where employees are valued and respected.

LABOR AND EMPLOYEE RELATIONS UNDER E.O. 12871
CHANGING ROLES OF SPECIALISTS

Labor Relations Specialist

<u>Functions</u>	<u>Old Role</u>	<u>New Role</u>
• Collective Bargaining Agreement (CBA) Negotiations	• Chief Negotiator Position Based Bargaining	• Team Member Interest-Based Bargaining (IBB)
• Contract Interpretation	• Defender of Mgt position when vague language allows interpretation	• Facilitator between mgt. & union in arriving at mutually agreeable interpretation, if possible
• Impact & Implementation (I & I) bargaining	• Unions get finished management version--we determine if it has an impact (Send only if has) Positional bargaining	• Unions get to chop* concurrent with management--unions assert an impact if perceived (Get all) IBB
• Third-Party Representation (Arbitrations)	• Win/lose advocacy	• Spearhead efforts of Depot to search out & implement alternative dispute resolution (ADR) techniques Still advocate as final resort
• Conflict Resolution	• Positional win/lose Preserve Mgt. Rights Positional settlement attempts	• Consensual Interest based settlement ADR--Expanded interest based settlement attempts
• Mgt. Rep./Advisor in Step Three Grievance	• Defend Mgt. position Advise only mgt. on case law	• Facilitator for constructive conflict resolution & ADR Serve as Technical Advisor to both parties on what case-law says
• Mgt. Rep. for ULP Resolution	• Defend & protect Mgt. before FLRA Investigator	• ADR facilitators--Seek out Win-Win constructive solutions
• Training	• Management audience only Conducted by LR specialist	• Mgt. and union audience Some may be conducted jointly by LR specialist and union official

Employee Relations Specialist

<u>Functions</u>	<u>Old Role</u>	<u>New Role</u>
• Discipline	• Traditional discipline	• Research/report/recommend alternative methods of discipline-- Continue traditional discipline
• Advice/Guidance	• Only to management	• Management and union
• Third party representative EEOC/MSPB (not filed by unions)	• Win/lose advocacy settlement	• Win/lose advocacy settlement (no change)
• Conflict resolution	• Positional win/lose Positional settlement attempts	• Interest based Expanded settlement attempts
• Management representative/ advisor in third step grievance reply	• Technical advisor Decision letter drafter	• Technical advisor Decision letter drafter (no change)
• Training	• Strictly management or employee audience only	• Management and union audience as well as employees

○ As envisioned and developed by the Code 14000 Staff, NADEP, Human Resource Office ○
* "Chop," to review, comment, approve.

CONCLUSION

Partnership gives the union the opportunity to play a larger, more important role in influencing workplace issues that matter to our members than we have had before. Executive Order 12871 and its direction to management to bargain the § 7106(b)(1) subjects gives us increased power to shape reinvention initiatives so that they meet our members' interests and incorporate their ideas and expertise.

We understand that difficult times can place obstacles in the way of some partnerships, but they can act as a catalyst for others. These difficult times make it all the more important for the union's strong voice and participation to insure that government reform is as progressive and humane as possible. We hope this Guide helps you seize the opportunities created by Executive Order 12871 and develop successful partnerships within your agencies. Please let us know your partnership stories—your successes, your challenges, your creative ways of overcoming obstacles and the pitfalls you have encountered.