

# NTEU/NRC LABOR-MANAGEMENT PARTNERSHIP COMMITTEE CHARTER

## September - 2010

### A. PREAMBLE

Federal employees and their union representatives are an essential source of front-line ideas and information about the realities of delivering government services to the American people. A non-adversarial forum for managers, employees, and employees' union representatives to proactively discuss government operations will facilitate the design and implementation of changes to promote satisfactory labor relations and improve productivity and effectiveness in the Federal Government. The Nuclear Regulatory Commission (NRC) and National Treasury Employees Union (NTEU) Labor-Management Committees, as complements to the existing collective bargaining process, will allow NRC managers and employees to deliver the highest quality services to the American people. Management should discuss workplace challenges and problems with labor and endeavor to develop solutions jointly, rather than advise union representatives of predetermined solutions to problems and then engage in bargaining over the impact and implementation of the predetermined solutions.

To take advantage of these opportunities, NRC and NTEU have established Labor-Management Partnership Committees to provide the Union with an opportunity to provide pre-decisional input on matters outside the statutory scope of bargaining and to address issues of concern. These committees are intended to supplement, not replace, the parties' statutory obligations.



## **B. PURPOSE**

The NTEU/NRC Labor-Management Partnership Committees will:

1. Serve as a forum for providing employees, through NTEU, with pre-decisional input on matters which impact on the work place and employees' work lives;
2. Ensure that the agency remains committed to excellence, operates on quality principles and is credible to its employees and the public;
3. Improve the productivity and effectiveness of NRC employees by making full use of their knowledge and skills;
4. Foster a cooperative and constructive labor-management relationship which supports empowerment, innovation, pride in work and mutual trust at all levels of the NRC;
5. Create and implement policies that encourage employee participation in efforts to improve work processes at the NRC;
6. Implement the provisions of the December 9, 2009, Obama Presidential Executive Order 13522, entitled Creating Labor-Management Forums to Improve Delivery of Government Services;
7. Conduct joint discussions of workplace challenges and problems to promote successful labor relations;
8. Explore alternative methods for managing conflict and resolving problems;
9. Enhance and improve working conditions;
10. Promote open and shared communication; and
11. Establish a culture of labor-management collaboration from the top NRC level to the lowest NRC level for both management and bargaining unit employees.

## **C. PRINCIPLES**

1. Executive Order 13522 requires, among other things, that Agencies allow employees and their Union representatives to have pre-decisional involvement in all workplace matters to the fullest extent practicable without



regard to whether those matters are negotiable subjects of bargaining pursuant to 5 USC Section 7106. Pre-decisional involvement takes place before the bargaining process.

2. The basic principles which underlie pre-decisional involvement are as follows:

- a. The pre-decisional process begins early.
- b. Information is freely shared during the entire process.
- c. The parties use interest-based problem solving.
- d. The parties must have a high degree of commitment to the process and to achieving their shared goals.

3. The Partnership(s) are responsible for reaching a common understanding on the structure of their pre-decisional involvement process. As required by Executive Order 13522, Partnership members will engage in pre-decisional collaboration over proposed changes in working conditions and other problems introduced by any Partnership member that effect bargaining unit employees. Through this collaboration, the parties will propose solutions and resolve issues rather than notify NTEU of predetermined solutions and then engage in bargaining over the predetermined solutions.

4. Pre-decisional involvement does not waive management's statutory rights to make decisions under 5 USC Section 7106, nor does it waive the NTEU's right to engage in bargaining prior to implementation to the extent required by 5 USC Section 7106.

5. One area of pre-decisional involvement concerns the numbers, types and grades of employees or positions assigned to each organizational sub-division, work project, or tour of duty. To facilitate pre-decisional involvement, each office/region will furnish the union at the office/region level with a listing of the office/region staffing broken out by name, grade and classification. The union will be provided revised FTE staffing ceilings at the agency or office/regional levels that will be discussed at the Agency partnership. The union will also be provided with the current number of vacancies in the office. Prior to making a change in office staffing, the proposed change will be discussed among the office/region partnerships.

- a) A change in office/region bargaining unit staffing includes:
  - i) addition or deletion of a position,
  - ii) a vacant position for which the hiring/selection process has stopped for more than 45 days,
  - iii) a change in the grade or series of a position,
  - iv) creation of a temporary position through a detail or rotation of assignment,





b) A change in office/region non-bargaining unit staffing not associated with simply the grade or series includes a temporary or permanent addition or deletion of a position where the discussion will identify the associated duties supporting the non-bargaining unit classification.

6. Another area of pre-decisional involvement concerns the technology, methods and means of performing work.

7. The parties will strive to reach consensus using interest based bargaining techniques to resolve workplace matters. The goal for Partnership should be the extensive use of interest-based bargaining techniques to achieve consensus. In an effort to reach consensus, Partnership members will work diligently to reach a decision that all members can live with and support. Both labor and management must approve the meeting minutes which will document the language of any mutual agreement.

8. However, partnership is not co-management. NRC management is ultimately responsible for making final decisions and once Partnership Committee(s) collaboration is completed, NRC management must still adhere to the requirements of applicable law, rule and regulation as well as the parties' Collective Bargaining Agreement. In this sense, partnership will seek to complement the parties' collective bargaining relationship; it does not seek to replace it.

9. NRC recognizes that our bargaining unit employees represented by NTEU are an essential source of front-line ideas and information about the realities of accomplishing the NRC mission. Their input generated through Partnership will assist management in making better informed decisions before making changes in working conditions that affect them. It is the intent of the parties that collaboration will result in less formal bargaining and/or fewer issues that must be referred to the collective bargaining process.

10. The NRC agency level labor-management partnership will consider guidance from the National Council on Federal Labor-Management Relations.

#### **D. AGENCY LABOR-MANAGEMENT PARTNERSHIP COMMITTEE**

1. Membership on the Agency Labor-Management Partnership Committee (Agency LMPC) shall consist of up to eight members designated by the union and eight members designated by management. Alternates may be designated to ensure a full complement attending each committee session.



2. NTEU representatives shall be appointed by the NTEU Chapter President. Management representatives shall be appointed by the Executive Director for Operations.

3. The EDO will appoint a non-bargaining unit employee, who will not be a member of the committee, to accomplish the administrative functions of the committee, e.g., scheduling meetings, obtaining rooms, and mailing agenda to members.

4. Members of the Agency LMPC may also serve as a member of an Office/Region LMPC.

5. A representative from NTEU national or the Office of the Commissioners may attend, observe or participate in any meeting of the Agency LMPC.

6. A quorum to proceed with a decision-making meeting will consist of at least six members, with at least three from each party and with one being an NTEU steward, otherwise an information exchange may proceed.

7. The first Partnership Council meeting will be a half-day meeting. Subsequent monthly meetings will be scheduled for an hour based upon the number of agenda items to address. The Parties may mutually agree to longer meetings.

8. NRC will bear the cost of travel, per diem and travel time for one NRC regional employee who attends Partnership meetings and any other partnership related activities.

9. For ease of reserving meeting dates, Partnership members will schedule meetings on their calendars on a regular monthly basis.

10. Agency partnership issues will be tracked depicting: date management/union began consideration, and the date presented to the partnership. The workplace matter record will include a title and summary description developed solely by the party bringing the issue to partnership, along with the outcome and whether consensus agreement was achieved. Supporting reasons will be reflected when no consensus was achieved. The system will be posted quarterly on the agency website.

11. For the Agency LMPC each Party may designate a representative to address proposed agenda items dealing with workplace issues in between meetings. These representatives will attempt to identify mutually agreeable solutions to workplace issues for presentation to the council for its approval. If the representatives are unable to agree on a solution, they will identify those areas of disagreement to the council for its consideration.



### **E. OFFICE/REGION LABOR-MANAGEMENT PARTNERSHIP COMMITTEES (OFFICE/REGION LMPC)**

1. Office/Region Labor-Management Partnership Committees (Office/Region LMPC) may be established within NRC in all offices and regions. Smaller offices, upon mutual agreement of the parties may be combined into a single Office LMPC.
2. The NTEU Chapter 208 President shall designate the union members of the Office/Region LMPCs and the Office Directors (OD)/ Regional Administrators (RA) shall designate the management members.
3. Staff members of the Employee/Labor Relations and Worklife Branch and NTEU stewards may serve as technical advisors to the Office/Region LMPCs as appropriate.
4. The OD/RA will appoint a non-bargaining unit employee, who will not be a member of the committee, to accomplish the administrative functions of the committee, e.g., scheduling meetings, obtaining rooms, and mailing agenda to members.

### **F. GROUND RULES GOVERNING NTEU/NRC PARTNERSHIP COMMITTEES**

1. Committees may retain their existing ground rules and guidance or mutually agree on changes; but must, at a minimum, adhere to the provisions of this charter.
2. The parties will alternately chair meetings.
3. Matters that are covered by statutory or traditional bargaining processes may be addressed through partnership, understanding that this pre-decisional involvement does not alter the subsequent agency responsibility for union notice and traditional bargaining unless NTEU has waived this right.
4. Labor or management may identify prioritized agenda items that will be addressed alternately by each party within the meeting's pre-established length. Either party does not have a unilaterally right to reject the other's issue(s). Those issues not addressed in a particular meeting will be carried over to the next meeting or additional meetings may be mutually scheduled.
5. Labor representatives including stewards, will charge partnership meetings time to activity code ZG0017 which will not be subject to the limits of the Collective Bargaining Agreement, Article 52.





6. Subject matter experts may attend partnership meetings by mutual agreement, to report on a particular issue.
7. Staff members of the Employee/Labor Relations and Worklife Branch and NTEU stewards may serve as technical advisors to the Partnership Committees as appropriate.
8. Attendance at partnership meetings by non-member managers or supervisors is at the sole discretion of management. Attendance at partnership meetings by non-member bargaining unit employees is at the sole discretion of NTEU after receiving agency approval for their duty time.
9. Individual employee issues or grievances shall not be discussed at meetings.
10. Agency and Office/Region Partnership Meeting minutes will be approved in a timely manner and posted on the agency's partnership website along with partnership agreements. Offices/Regions may link to this single place of posting if they desire any partnership information posted on their office/region websites. Partnerships should notify their constituents when minutes are posted. Agenda's containing controversial topics may be announced to employees prior to the partnership meetings to permit feedback to be considered by the parties prior to developing a solution at the meeting.
11. By mutual agreement, the parties may use facilitators to lead discussions on specific topics.
12. Subcommittees may be formed to develop recommendations for the partnership to consider.
13. Committees will meet monthly unless more or fewer meetings are needed to achieve the established purpose.
14. Attendance will be recorded in the meeting minutes, listing those members not in attendance.
15. Subject to mission requirements, schedule adjustments shall be made as appropriate to support partnership efforts.
16. Meetings should be rescheduled rather than cancelled, unless it is mutually agreed that there is an insufficient number of issues to discuss.
17. Participation in the partnership does not constitute a waiver by either



party of its rights under the Federal Service Labor-Management Relations Statute or the parties' Collective Bargaining Agreement.

18. Both labor and management members of each Partnership Committee will strive to be trained in Interest Based Bargaining techniques. The agency will periodically obtain the training services from the Federal Mediation and Conciliation Services (FMCS) or other another suitable source. The parties will seek to identify an acceptable online basic course for members.

19. Employees' participation in Partnership will be viewed positively and will have no adverse impact on their NRC careers.

20. When consensus agreement is reached at a partnership meeting:

a) Agreements concerning both mandatory bargaining and permissive areas under 5 USC 7106 are subject to approval by the Executive Director of Operations or designee, as required by 5 USC 7114(c) and CBA, 42.5.2. These agreements must also be ratified by NTEU as required by CBA, 51.2. The partnership agreement will be documented in a Memorandum of Agreement including the above required signature lines. If a complete agreement is reached, the agreement will document a waiver of traditional notification and bargaining under Article 42 of the Collective Bargaining Agreement.

b) Agreements concerning areas other than those identified above will be documented in the partnership meeting minutes.

21. When consensus agreement can not be reached at a partnership meeting:

a) Parties may agree to annotate the impasse in the record and agree to no resolution (status quo) or partial resolution and withdraw the matter from the partnership process, or

b) In the absence of consensus, mandatory bargaining subjects will be resolved in accordance with applicable law and the Collective Bargaining Agreement.

22. Partnerships have authority to reach binding agreements on matters that:

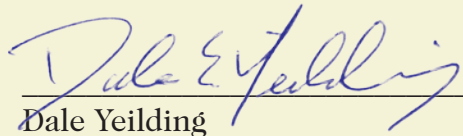
- a) Are not contrary to law, regulation or agency policy,
- b) Are consistent with the NRC/NTEU Collective Bargaining Agreement, and
- c) For Office/Region LMPC, affect only their organization.

23. All agreements will be documented in meeting minutes.



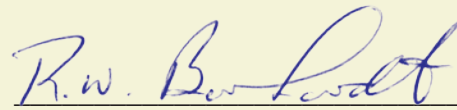


For NTEU:

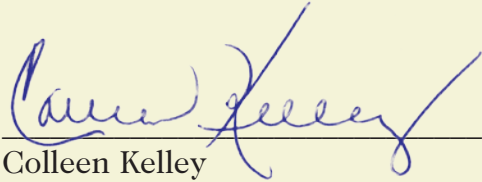


Dale Yeilding  
National Treasury Employees Union  
Chapter 208 President

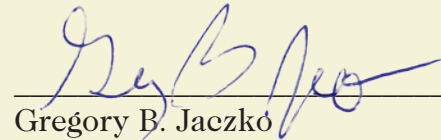
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Date: September 14, 2010

