



Department of Energy
 Labor Management Forum
 Washington, DC 20585

Department of Energy
 In Cooperation with:

American Federation of
 Government Employees

Columbia Power Trades
 Council

International Brotherhood
 of Electrical Workers

International Federation
 of Professional and
 Technical Engineers

Laborers' International
 Union of North America-
 Professional Division

National Treasury
 Employees Union

Office and Professional
 Employees International
 Union

MINUTES

Labor Management Forum Third Quarter Virtual Meeting

July 15, 2015, 1-4 PM, Eastern DST

Hosted at the Forrestal Building, Washington, DC, Room 2E-001

Co-Chairs: Tom Pansky (Labor) and John Hairston (Management)

Secretarial Designee: Tonya Mackey, Acting Deputy CHCO (for Bob Gibbs, Chief Human Capital Officer)

Facilitator: LaTwana Williams, Commissioner, Federal Mediation and Conciliation Service

Logistics Facilitation: Jennifer Carter and Kim Edens

Minutes Takers: John Clark (Labor) and Kim Edens (Management)

Timekeeper: Jennifer Carter

Participants:

Labor		Management	
Name	Affiliation	Name	Affiliation
Jeff Egan	NTEU -- Chap 213 (HQ)	Jennifer Carter	CHCO
Kim Parker	NTEU -- Chap 213 (HQ)	Jason Anderson	Idaho
Connie Whitlow	AFGE L-928 (BPA)	N. Tony Nguyen	CHCO
W. Keith Collins	AFGE L-1104 (NETL)	John Hairston	BPA
John Clark	AFGE L-1104 (NETL)	Joe Sullivan	BPA
Tom Pansky	LIUNA L-335	Jared Smith	SWPA
Judy Schoenberg	LIUNA L-335	Kim Edens	CHCO
Dan Doyle	AFGE L-1995 (NETL)	Kathy Monson	SWPA
Mark Lusk	AFGE L-1995 (NETL)	Heather Moody	NETL
Paul T. Eiler	IBEW L-1959 (GCC-1)	Michael Collins	Richland
James Hughes	AFGE L-3824 (WAPA)	Douglas Aoyama	Richland
		Adolphus Brown	Oakridge
		David Williams	WAPA
		Marla Marvin	Richland
		Roberta Mackey	CHCO
		Beau Newman	CHCO
FMCS Meeting Facilitator: LaTwana Williams			





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Meeting was opened by Jennifer Carter, Employee and Labor Relations, Human Capital Policy Division, at 1 PM EDST (10 AM PDST)

Ms. Carter covered the logistics of the meeting and introduced presenters: Acting Deputy Chief Human Capital Officer, Tonya Mackey and LaTwana Williams from the FMCS, followed by opening remarks by the LMF Co-Chairs – John Hairston (management) and Tom Pansky (labor).

Tonya Mackey, Acting Deputy CHCO

- Apologized for Mr. Bob Gibbs absence due to a schedule conflict.
- Acknowledged and congratulated LMF for increased FEVS participation rate - up 18.2% from last year. This year DOE had a 68.4% participation rate rising from the bottom quartile in 2014 to 9th in total participation amongst government agencies participating in the survey.
- OPM Cyber Breach: Thanked the LMF for their flexibility. Forum has been extremely helpful in their availability, getting the information out and educating the workforce on the subject. Meetings continue to take place daily at HQ to ensure updated information is provided to DOE family. Ms. Mackey is personally in touch daily with OPM to get updates and answers.
- Acknowledged the hard work of both Co-Chairs in keeping things moving.

LaTwana Williams, FMCS Commissioner -Mediator/Facilitator

- Commended LMF on driving increased FEVS participation rate.
- New to DC, most recently from Pittsburgh, PA and has 21 years of Federal Service and has served in various roles in both the labor and management interest.
- Left packets with Jennifer for distribution.
- Talked with both labor and management prior to this virtual meeting.
- Looks forward to working with the Forum and DOE and will be a participant in the October LMF meeting. [NOTE: For now, LaTwana has a conflict for October, but will try to resolve. Commissioner Randall Mayhew will be our FMCS lead.]

Tony Nguyen, Director, Office of Human Capital Strategy, Budget, and Performance Metrics

Tony discussed a few more details concerning the FEVS.

- Kudos to LMF for all their work on the FEVS!
- July: Complete statistics should be gathered from OPM and compiled
- Aug-Sept: Raw data will be received from OPM; this assists in understanding the results
- Oct-Nov: Special Topics Reports will come out
- Nov: OPM will release government-wide results
- Dec: OPM and the Partnership for Public Service will release "Best Places to Work" standings

Tom Pansky and John Hairston, LMF Co-Chairs





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John Hairston:

- Recap of events since February 2015 meeting
- FEVS was a success. Special thanks to Lilas Soukup for slogan and poster.
- Acknowledged the data breach and Jennifer Carter and Tom Pansky for getting information out quickly and responding to the questions from the Forum.
- Acknowledged Doug Aoyama for starting work on the LMF Annual Report.
- Welcomed new steering committee member (Heather Quedenfeld) who will be replacing Erin Walkowiak for management on the steering committee.
- Believe that Forum has done a lot of "great stuff".
- Will step down at the annual in-person meeting. Looking for management replacement on steering committee. This promotes more leadership opportunities.

Tom Pansky:

- Positive and congratulated everyone about the move from 23rd in agency participation to 9th. Admittedly was hesitant that the Forum chose the FEVS increase in participation as an LMF goal because the concept seemed so simple, but in retrospect was happy this goal was chosen. Success does build momentum to select more difficult goals and ways of having impact moving forward.
- Top of the list now are the LMF Annual Report and new leadership elections.
- Need to start thinking about topics of interest for next meeting and things that we should be working on in the coming year.

Jeff Egan asked for a *point of information* concerning term limits. Reminding everyone that there are no term limits and that those appointed to committees could be on those committees or serve as co-chairs as long as they were elected to serve. Jennifer Carter confirmed that at present there were no term limits written into the Forum Charter, noted that an amendment to the charter to limit terms in order to open up more opportunities could be presented, however in interim stated that whether an individual desired to serve continually was an individual choice. She further stated that John and Tom have been great to work with and their efforts kept the Forum moving.

Minutes from the February 5, 2015 Virtual Meeting Minutes:

The original minutes taken by Lilas were lost when she got a new computer. Jennifer re-created the minutes from her notes and the published agenda. Jennifer submitted the minutes to the Forum for review. Dan Doyle noted that Tom Pansky's name was misspelled. That was acknowledged and corrected.

- o John Clark reminded the Forum that the Admin/PA subcommittee is responsible for taking minutes or finding minute takers (one management, one labor).
- o Dan Doyle affirmed John Clark's assertion and recalled that Ron Freeman and Lilas Soukup had been selected.
- o Tom acknowledged the faux pas, explained the details, and thanked the Forum for their patience. He further stated that if Ron and Lilas' notes were recovered, the record will be amended.





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- John Clark, member of the Admin/PA subcommittee, volunteered to take minutes for this meeting along with Kim Edens. Jennifer and the Co-chairs accepted the offer and thanked John for volunteering.

Considering the conversation, the minutes submitted by Jennifer and the Co-Chairs were corrected and **ACCEPTED** by consensus as the record for the February 5, 2015 Virtual Meeting.

Kim Edens, Employee and Labor Relations, Human Capital Policy Division

Kim provided a briefing to the Forum entitled "Presidential Memorandum: Modernizing Federal Leave Policies for Childbirth, Adoption and Foster Care to Recruit and Retain Talent and Improve Productivity." Memorandum issued January 15, 2015.

All Federal Agencies directed to:

- Ensure that discretionary benefits are used to the maximum extent practicable, including advancement of sick or annual leave, donated annual leave under the voluntary leave transfer and leave bank programs (where available), and leave without pay
- Offer 240 hours of advanced sick leave, at the request of an employee and in appropriate circumstances, in connection with the birth or adoption of a child or for other sick leave eligible uses
- Offer the maximum amount of advanced A/L, at the request of an employee, for foster care placement in their home or bonding with a healthy newborn or newly adopted child
- Provide this advanced leave for purposes specified in law and regulation **irrespective of existing leave balances** (change from current policy)

The "Handbook on Leave and Workplace Flexibilities for Childbirth, Adoption and Foster Care" has been revised to reflect these changes. Because of this Presidential memorandum, use of leave without pay has change to be for a longer period than what is provided for under FMLA, to the maximum extent practicable for pregnancy and childbirth is permitted. Agencies are now allowed to provide new employees ([those] not yet eligible for FMLA) with a LWOP benefit that would mirror the FMLA benefit.

The following provides additional information, including a link to the Presidential memorandum and the new Handbook on Leave and Workplace Flexibilities:

<https://www.chcoc.gov/content/modernizing-federal-leave-policies-childbirth-adoptionand-foster-care-recruit-and-retain>

Questions and Answers:

Dan Doyle asked for clarification on when is it appropriate to use sick leave for the care of a new born? Kim Edens responded that if the baby or the mother are sick, it is appropriate for parents to use sick leave. As the mother and baby convalesce the father is allowed sick





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leave to support their recovery. If baby is well, sick leave may be used for doctor's appointments and the like.

Tom Pansky asked for clarification about how managers and supervisors will be trained to avoid conflict over these new rules. Kim responded that a policy memorandum was put out on June 5, 2015. There is also the possibility for the CHCO staff to go out to the field HR sites to "train-the-trainer" program to better train LMER and department managers.

Judy Schoenberg asked for clarification about the leave balance no longer being an issue. Also on whether a person on a leave restriction would be prevented from taking FMLA? Kim confirmed that the leave balance is likely no longer an issue for persons in the new flexibilities category. On the issue of a leave restriction; that would be handled on a case-by-case basis, but it would be very hard to restrict an employee with a serious medical condition from taking leave. The leave control letter would likely have to be modified to accommodate the serious medical issue, but again this would be fact specific and determined on a case by case basis.

Beau Newman, Department Drug & Alcohol Testing/OWCP/Suitability/Security/and Investigations Policy Officer, gave a briefing on 5 CFR 1400 Designation of National Security Positions which was published on June 5, 2015 and effective July 6, 2015

- There will be an increase in investigations beyond those than were formerly required for general background checks and those that are more national security and/or sensitive positions that do not require clearance.
- Department has 14 days to initiate new investigation if a position is newly designated as needing a new investigation. Change to a higher level of sensitivity will require a new investigation.
- Under the new regulation, the Department has 2 years to re-assess all positions. OPM's position designation system will be used.
- Periodic re-investigation will occur every 5 years.
- E-QUIP system is currently down. Paper is being used, but save the paper document as they will need to be duplicated for the electronic system. Important that the information is identical to avoid concerns.
- BU's were provided courtesy notification on this implementation.
- Procedures yet to be developed.

Questions and Answers:

Judy Schoenberg asked if folks could be re-investigated beyond the previous time they were last investigated. Beau answered "yes" that is possible especially if there is an increase in the sensitivity of the position. There is also a possibility that cases of fraud may be discovered and dealt with.





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James Hughes asked whether the positions are moving from GS to GG classified positions. Beau answered that the classification of the position should not be affected. This is only about the national security sensitivity of the position irrespective of how classified.

Jeff Egan asked about the capacity of the department to process 13,500 positions that may need re-evaluations. Beau did not have an answer to this. Jeff also asked about the impact on the various BU's. Jennifer stated, should labor obligations be triggered through this process, those would be met, but in the interim the Department was providing a courtesy notification and this informational briefing.

Beau added that it was his opinion that some terminations may result from these investigations. Folks already in critical or sensitive positions will likely see little change. The folks that will see the most impact are those that are without clearances that are deemed to be sensitive based on the nature of the national security related duties.

Tom Pansky asked about whether his fingerprints collected electronically during his background check were part of the information stolen from OPM in the recent cyber breach. Beau suspected that the answer was yes, but was not sure. He will check and get back with the Forum with an answer. [Update provided to Tom Pansky and then to entire LMF via email on 7/7/15-see attached email].

Jennifer Carter and Kim Edens, Labor Management/Employee Relations Specialists, Employee and Labor Relations Human Capital Policy & Accountability Division

Jennifer delivered a briefing entitled "Negotiability." This briefing covered an abbreviated/modified version of a presentation given to local LRO staff across the Department and was meant as a very basic "101" overview. The goal of the Department is to correct past mistakes and to do things the right way. The idea is to have a cordial collaborative relationship, but to recognize each side (labor and management) has areas they need to protect. Management rights will be protected, but this would not preclude pre-decisional involvement when practicable.

This presentation covered the Department's current perspective on the difference between mandatory, prohibited, and permissive areas of bargaining, along with national and local recognition rights and responsibilities.

Clarification was offered that the "the only matter that Statute requires agencies to bargain over is a 'condition of employment'." Also stated that the requirement to bargain does not pertain to non-bargaining unit employees (e.g. supervisors, employees in other bargaining units, and non-employees [of the agency]). Matters related to Hatch Act, classification, and those specifically prohibited by statute are also not negotiable.

Subjects that must be bargained over are procedures under § 7106(b)(2) of the Statute and appropriate arrangements under § 7106(b)(3) of the Statute (unless those procedures or





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appropriate arrangements are contrary to some other law). This discussion was couched in the concept of the union's "excessive interference" on management's rights.

The agency's perspective on Negotiability versus Bargaining Obligation was presented. Negotiability leads to a negotiability appeal concerning the legality of a proposal whereas failure to meet the duty to bargain may lead to an unfair labor practice (ULP).

The Forum was informed of the following:

- Agencies are only required to bargain at the appropriate "level of recognition." 62 FLRA 174, 182. There are no DOE unions that have national recognition.
- DOE has no intention of avoiding bargaining just because level of recognition is at the lower level throughout the Department

Jennifer presented that negotiability in the Department is being addressed as follows:

- More notifications and courtesy notifications are going out from the Department level to local LROs for local BU notification.
- LROs are provided w/ direction to bargain in good faith.
- LROs will engage in I&I when timely requested by the BU and/or bargain substantive items where appropriate.
- LROs are directed to be clear when a matter is not negotiable, etc.

DOE acknowledges that prior to making a change in a policy or practice concerning BUEs conditions of employment, an agency is required to provide the union with notice and an opportunity to bargain over those aspects of the change that are within the duty to bargain. In order to address local LR obligations, it is DOE's position that when a department wide Order/Policy goes into "effect" (signed by Deputy Secretary or other appropriate authority) it only applies to non-BUEs (unless a matter of law or compelling need) until local LR obligations are met. The "Status Quo" for BUEs will be maintained until LR obligations are met. LR obligations may vary based on CBA, 704 status, etc.

Jennifer stated that the Department is looking for strong labor management relations but also a strong labor-management relationship. Kim chimed in that the Department may need to make changes, but asks that questions and discussions occur prior to getting angry so that better understanding can be established.

(Please note that the entire presentation was sent to the entire LMF shortly after the meeting concluded. More information was contained in the presentation itself. Above was a summary and key excerpts.)

Note: The FLRA offered to deliver a training on negotiability at the October Face-to-Face if the Forum requests this training.





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Discussion and Questions and Answers:

Connie Whitlow asked why non-bargaining unit employees would have to comply with an order or policy before it was implemented on the bargaining units. Jennifer responded that management has the right to make rules for non-bargaining unit employees unilaterally, as they are not represented by a union. It was advised that the MA order system often times makes orders official before LRO can address labor negotiation obligations and it was noted that CBAs and bargaining requirements for bargaining differ from unit to unit and organization to organization, being another reason (aside from recognition) why these negotiations are addressed locally.

Tom Pansky asked a follow-up questions about the logic of finalizing an order before showing the unions. One thing that might happen would be if something in the order was deemed wrong, it would have to be revised and re-issued. The second issue would be that once a policy or order is final, there would seem to be little motivation to change anything because the Department would have already made up its mind. Jennifer answered that at present there are limitations with the MA system for processing Department wide Orders (at times an order that affects both non-BUEs and BUEs alike goes into effect without LRO knowledge, the fact that there is not National recognition also adds to the difficulty in catching these orders as they become "effective"). So until a better Orders system is put into place, the Department will ensure local labor obligations are met by maintaining status quo for affected BUEs until local labor obligations are met. She also noted that policy is not drafted to meet the requirements of the CBAs (there are 15 CBA's all with different requirements) instead policy is drafted in the best interest and efficiency of the Department and goes through a number of legal sufficiency reviews for this purpose. Furthermore, the order or policy applies to the entire Department, which is beyond the scope of local recognition of each BU. Neither local labor nor local management can negotiate changes that apply to the entire Department. She further stated that the Department is experimenting with efforts to improve this process, and that it reached out to involve the unions on the Department's performance management order via pre decisional involvement. She advised that, Orders on internal security practices and discipline issues are likely solely management's rights and are likely not subject to substantive bargaining. Perhaps I&I, but most likely not substantive bargaining, so those types of order may not be deemed practicable for pre-decisional involvement.

Jennifer moved to using the DOE discipline order she was responsible for revising as an example of an order that the Department decided not to seek the unions' input on, because it did not deem it practicable. She also mentioned that orders on internal security practices will likely not be discussed pre-decisionally and the Department will protect the management rights section of the Statute on these matters).

Tom Pansky commented that mostly everyone agrees on internal security as a management right, but argued that Jennifer's interpretation of the discipline being in the same category was questionable. The request was for more information supporting her





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assertion. Jennifer responded that her interpretation comes directly from the Statute 5 USC 7106 A (2).

Jeff Egan stated a broad concern that the LMF is being used as a venue for the Department to come and lay down the line. Jeff and Jennifer agree that this is not the place to lay down the line, and agreed that those discussions should occur locally. Jeff feels the LMF is a good place for discussion, but said that the tone and temper set by Jennifer was that the LMF will not discuss orders. Jennifer disagreed with this saying that management has certain rights that must be protected but that it was open for discussion as it was doing right now. Jennifer said that this presentation was not a line laying presentation but was instead requested by several folks in the Forum and would not have been her choice to present this information at the Forum.

Jeff's narrow concern was over the discipline order and some of the particulars therein. Jennifer replied that I&I bargaining over those issues is more appropriately conducted at that local level of recognition. There also may be some substantive bargaining at the local level for some bargaining units. Jeff said that "we come to open doors, not slam them"; suggested there may be other venues to use; Jeff relayed that he thought management's unwillingness to discuss certain subjects "cuts against what we're trying to build with the Forum"; and that it sounds like we are being told "we can't work together."

John Clark chimed in to state that he appreciated Jennifer's presentation. It was very clear what the Department's position is on these topics and that is good to know where the Department stands. John offered that if pre-decisional discussions are not viable on all orders from the Department's point of view, perhaps when the orders and policies are issued in an "old school" manner, the union will need to use "old school" techniques and file ULP's and grievances. He also stated that there still seems to be confusion over the difference between pre-decisional conversation and negotiations. Discussion is not negotiation. He stated that the Forum should, for an example, discuss the time and attendance order (DOE O 322) from the basis and rationale of what needs to be changed before work on revising the order starts.

Jennifer was receptive to presenting the idea for discussing the compensation and leave order (O-322.1C) pre-decisionally. She mentioned that, when and if opened, Kim Edens and Bruce Murray will likely be drafting the changes to the Order. Jeff suggested that some of the discussions specific to orders take place outside the Forum.

Jeff commented that in his opinion management is trying to use the Forum in a way that is not intended in the President's Executive Order. Jennifer reminded Jeff that the forum is a two way vehicle for both labor and management and that even for PDI there had to be a mutual benefit as laid out by FLRA's and National Council's guidance on PDI.





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Tom Pansky asked about whether negotiating over discipline was prohibited or permissive. Jennifer stated that she felt this was 5 USC 7106 (a)(2)(A) issue. Tom countered that 5 USC 7106 (a) states that "subject to subsection (b) of this section, nothing in this chapter will affect the authority of any Management official of any agency – ..." His point was that all of (a) is tempered by all of (b) and that since negotiating discipline was a choice, the term prohibited should not be used. This seems more like the Department considers negotiation on the topic not "practicable." Discussion continued, but there was no agreement reached.

Jennifer continued to attempt to clarify the "scope of recognition" and the "appropriate level of recognition" with Kim Parker. This seems to be a change for HQ and NTEU from the way things have previously been handled. Jennifer again emphasized that NTEU does not have national recognition and does not bargain on behalf of the Department, but instead just the unit represented by the NTEU Chapters.

Connie Whitlow commented that when DOE HQ issues an order, her local management states that DOE does not want any additional changes. Connie asked if what Jennifer states is the way things are handled, what would the point be in attempting to bargain and this would indicate that DOE was not bargaining in "good faith". Jennifer responded that "good faith" would be to bargain all I&I (procedures and appropriate arrangements) per the statute and all mandatory substantive bargaining conducted at the appropriate level of recognition. Jennifer stated that "good faith" does not mean management will agree to bargain and change everything that the union wants to change. Connie reasserted that when DOE HQ issues an order, every bargaining proposal is rejected with the reason being that DOE HQ does not want anything changed. Jennifer disagreed. She stated that local management must bargain where they are obligated to do so, but may not over items that are clearly management rights.

Tom Pansky attempted to clarify what happens in the field and to clarify that the local LRO's have the authority, based on the local contracts, to negotiate procedures and appropriate arrangements. Jennifer agreed. Tom said that it is sometimes difficult to distinguish where the policy tails off and the procedure begins which puts local management and labor in a tougher spot because we [in the field] are told that the orders cannot be discussed because HQ has already decided. Jennifer continued to assert that items subject to procedures and appropriate arrangements may still be negotiated at the local level of recognition. But this is not a cookie cutter approach, there are many factors such as order of precedence, statute, CBA's, etc. that would make what is negotiable unique to each recognized unit.

John Clark stated that this discussion was why he requested the briefing at the face-to-face meeting last October, because this is a great source of misunderstanding. John validated Tom and Connie's examples by expressing that his experiences during his tenure as a local president at NETL were similar to those described by Tom and Connie. John stated that for DOE, policies are high level documents that are typically inflexible (management rights





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statements, CFR requirement, government-wide rules) whereas orders are more procedures and are basically mostly negotiable. John attempted to clarify with Jennifer that DOE orders will no longer be mimicked word-for-word in the field. Jennifer relayed that the Order as written would be effective for non-BUEs in the field upon signature, but that status quo would be maintained for BUEs until local labor obligations were met.

Jeff Egan stated that LRO's outside of HQ have told him that the word from Bob Gibbs is that the discipline order will be followed without variation. Jennifer said that this is a reasonably accurate statement. The reason being that there were some serious issues with the order that existed since 1983 that needed resolution. The table of penalties, for example, is set at the Department level and considered not negotiable because the penalties need to be consistent. Jennifer mentioned as an example that consistent penalties would help union stewards help poor behaving bargaining unit employees by pointing to the clear and consistently applied table of penalties to help more clearly convey the potential consequences to the errant employee. Her goal is to benefit the Department overall and hopes we all support this goal.

Follow-up Discussion on Cyber Security Breach and other Forum Concerns

Cyber Security Breach: LMF is provided information in real-time. DOE receives information from OPM and pushes out to workforce. The only official information on the breach comes from OPM. The media may have various points of view, but the position and information from OPM is what the Department is conveying. There should be more emphasis to watch for phishing attempts and pointed to Deputy Secretary Sherwood-Randall memo from a few days back. Big concern is that employees will be approached by those seeking information on DOE operations (espionage). Also, watch out for other ways adversaries might make contact with you, such as emergency ride drives, and folks being placed in compromising situations to exploit later. Questions are being forwarded to OPM for answers. Jennifer asked are there any questions that still need responses.

Judy Schoenberg asked whether someone can claim her retirement while she is still working. Jennifer did not have an immediate answer. She did recommend the standard remedy of check credit reports and bank accounts and truly empathizes as all of our most precious assets have been exposed. Jennifer indicated that indication from the national security folks in that this hack was more national security related as opposed to financial.

Jeff Egan: Feels DOE is responsible at some level for information being divulged. He would like an opportunity to talk with the other bargaining units to have a joint discussion on getting some DOE National-level proposals and requested Tom Pansky put a call together with other unions. Tom agreed to set something up. Jeff recommended the Forum develop proposals to forward to OPM. Jennifer said she needed to check with DOE counsel to see if management can be involved since there is active litigation against the





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Government and as Government agents there may be a conflict of interest with management representatives participating in such a meeting.

Connie Whitlow asked about providing permanent credit monitoring and whether China was involved with this. Jennifer responded that culpability has not been assigned by OPM and the official determination of this will come from OPM. Jennifer was not sure about the lifetime credit monitoring, but agreed it would be nice to have. All employees for DOE are in the same situation. There are some proposals moving in Congress related to lifetime monitoring. DOE employees are still covered from the last DOE breach, but that protection will begin to expire in August.

Keith Collins asked whether training will be provided on recognizing espionage. Jennifer was not sure, but said a prior DOECAST broadcast this information and she will find that and send it back out [Note: the email was more informational than training and was titled "Guidance on Counterintelligence." The Deputy Secretary's email was forwarded to the LMF in the attached 7/17 email previously referenced.] She encouraged all of us to share with co-workers and upper management. Keith said that DOE should re-open the Richland counter-intelligence office and staff it with federal employees.

Kim Parker suggested augmenting training associated with the annual security training. Jennifer thought this was a good idea and will work with Ms. Mackey to try to make this happen.

Tom Pansky asked whether fingerprints have been lost and what can be done about that. Jennifer accepted responsibility to check into this [per above, email sent with this information on 7/17].

Open Floor Discussion

Jennifer mentioned that the DOE inquiry box is available for DOE employee inquiries. There was a call for agenda items for the in-person meeting to occur in October 2015. There was a call for nominations for co-chairs to be elected at the in-person meeting.

Kim Parker asked that the other two committees (Joint Solution and Administration/Public Affairs) send to the Metrics Sub-Committee any accomplishments or status updates on assigned activities. Kim Parker and Douglas Aoyama – co-chair the Metrics Sub-team, Dan Doyle and John Hairston co-chair the Administration/Public Affairs Sub-team, and Tom Pansky and Heather Quedenfeld co-chair the Joint Solutions sub-team. Examples: FEVS, Cyber Security Breach, Communication plans, Lila's poster, etc. These don't have to be solid. Have items in to Kim and Doug by the end of July 2015.

Kim says that we should also add timelines and milestones, such as 2nd phase of EVS.

Jeff Egan mentioned that the Secretary discussed that there will be consequences as a result of the FEVS. Jeff suggested that the LMF could be an effective vehicle for discussing





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and developing what those consequences will be. This could be done during the October meeting. Jennifer acknowledged that the Secretary wants to use the FEVS information to improve the workplace and to improve workplace engagement - to improve DOE, but was uncomfortable with confirming the Secretary used the word "consequences". She further stated that the emphasis should be on improvement. We want to identify what is working well and do more with that and find out what is not working as well and fix those things. This suggestion will be tentatively placed on the agenda for the October in-person meeting.

Other possible topics for the October Meeting:

- Phased Retirement Program implementation and how to move this forward. Jennifer will work on a back brief and would like specific questions from the Forum. Tom mentioned a NARFE (National Association of Active and Retired Federal Employees) article about phased retirement and asked if Jennifer could look into inviting NARFE to speak to the Forum. Jennifer will check into this.
- Negotiability Training by the FLRA (if wanted)
- Collaboration Training by the FMCS
- Review of the PDI developed by the Forum and how it's being implemented
- PDI Training: How can PDI be used to save time in negotiation, for example?
- Official Time.

Connie Whitlow commented that she did not understand that the Forum PDI document had been finalized. Jennifer affirmed that the Forum PDI document was finalized and that some local LMF's may be using the document to facilitate their local operations.

Jennifer expounded on the motivation of adding official time to the agenda for October. OPM is asking for better accounting of official time. The press says Congress is getting into the details of how official time is being used and how much of the agency's resources the unions are using as well. Nothing official but from her readings, it seems that official time is under attack. So as a Forum we should try to get ahead of the situation and produce consistent numbers. This past year, there was inconsistency between what OPM reported and what the Department reported. Jennifer further stated that she was asked to account for the discrepancy to the quarter hour, which was new.

An example Jennifer noted is where persons not listed as union officials are charging official time on their time cards. This may be due to a lack of understanding. Some folks that are not even bargaining unit employees are charging official time. John Clark noted that sometimes CBA's state that persons involved with grievances or other time off will be on "official time" where what is meant is "duty time." Jennifer suggested that we consider working on a standard reporting system and or common definitions on reporting official time. Clearly DOE is not at the top of abusers, but we need to be careful. While this is not the most pressing issue, there is pressure from various areas to make accounting of official time more accurate.





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Joe Sullivan mentioned that he and other management officials asked for the negotiability briefing and that Jennifer was not bringing that up on her own. Jennifer stated that labor members of the Forum also asked for the negotiability briefing as well.

Tom Pansky mentioned that the Forum is working on awards as we desire to be a recognition rich culture and a Forum where we celebrate our successes. Jennifer and Kim are working up the chain to see what types of recognition might be available (plaques, Secretarial letters, etc.). Tom also reminded Jennifer to send today's presentations out to everyone and to send information on the block of hotel rooms reserved for October's meeting (10/20-22) [available presentation slides were sent out in attached 7/17 email].

Wrap Up/Adjourn:

Ms. Mackey and Ms. Williams both gave closing comments that indicated they appreciated the open communication observed. Both felt the meeting was productive. Ms. Williams reminded everyone in attendance of the services that are offered by FMCS and that she was looking forward to meeting with everyone in October.

Minutes compiled by John Clark

