

## Union/Management Committees - Chapter 12

Union/Management Committees (UMC's) in many of the Passport Agencies have proven to be an effective and amicable forum for resolving labor-management disputes, addressing employees' concerns and needs, and helping to achieve the mission of the Agency. Issues such as dress code, work schedules, desk moves and desk sharing, ergonomic enhancements and training, and safety and health concerns have been addressed in many UMC's.

UMC's are addressed in Article 4 of the Master Agreement. There are two levels of committees – at the national level and at the local level.

This chapter covers:

- The Union/Management Cooperation
- The Union/Management Cooperative Process
- History of Partnerships to Union/Management Committees/Councils in Passport Services

Note: Much of the material linked below has been acquired and adapted from resources provided by the Federal Labor Relations Authority and the Federal Mediation and Conciliation Service.

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### Union/Management Cooperation

Union/Management cooperation is a goal jointly shared by NFFE Local 1998 and Passport Services. Article 4, Section 1 of the Master Agreement states:

PURPOSE: It is the purpose of this Article to involve Union and Management representatives equally to further Passport Services' mission, foster more productive and cost effective service to our customers, and enhance the working conditions and morale of the bargaining unit employees. To that end, at both the National and Local level, the Parties should promote communication and cooperation between Management and the Union and where practical, involve Union and Management representatives equally at the pre-decisional stage. The Parties should strive to seek bi-lateral resolutions to Labor-Management issues whenever possible.

By “pre-decisional” that means that the Union should be involved in the process before a decision is made.

Union/Management cooperation is not the same as traditional bargaining, which is covered by Article 12 of the Master Agreement. In Union/Management cooperation, the Union may have input on a broader range of subjects, and at an earlier stage, than simply those topics that are “negotiable” in traditional bargaining.

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## The Union/Management Cooperative Process

### Steps To A Successful Union/Management Committee

Traditionally, the relationship of the Union with Management has often been adversarial. Federal unions have made gains for employees through negotiating bargaining agreements (the Contract) that are often enforced through the grievance process. This process is by nature a conflict and is not usually a productive process for either party. Time, energy and resources are consumed by both parties that would be better utilized in supporting the Agency in its mission and in improving conditions for the bargaining unit employees (BUE's). By forming a Union/Management Councils on the local and national level, the parties gain an informal forum for collectively solving problems before they become serious enough to warrant the grievance process.

### Forming your local Union/Management Committee (UMC)

In designing your Union/Management Committee, the Union and Management should consider the following:

1. **How many people from each party should attend?** With too many people you will lose productivity and may end up with “group think,” but also remember the rule of never going into a meeting with only one representative for the Union. Usually two to three people from each party is a good number. ***Remember the "RULE OF TWO": the Union should always have two or more representatives at UMC meetings.*** Silent observers do not generally count as participants. The people who attend the meeting should have the “power” to make binding decisions—in other words they don’t need to go ask someone’s permission to come to an agreement.
2. **Who should attend the UMC meetings?** As with bargaining teams, Management does not get to dictate who represents the Union and visa versa. It is not necessary for the same members of the Union and Management to be present at each meeting, but some continuity is helpful. Usually the Union’s representatives will be the Senior Steward and Stewards, but sometimes this is not possible either because an office only has one Union Officer or because an Officer is unable to attend. To

solve this problem you can also invite BUE's to participate in addition to at least one Union Officer. This is a great way to show your BUE the active role their Union is taking in the office.

3. **How often will your UMC meet?** The frequency of your UMC meetings will depend on the time of year, schedules of the participants and what is happening in your office. At a minimum, you should try to meet on a monthly basis. If your office has never held UMC meetings, or it has been a long time since your last meeting, don't be surprised if the first meeting lasts a long time and leaves unanswered questions—you get to have more meetings to solve more problems. Once you have gotten into the rhythm of monthly meetings, usually an hour is sufficient.
4. **What is the structure?** UMC's are designed to be informal, so there is no need to call the meeting to order or stand when you speak. No one person is in charge of the meetings but it is polite for each party to listen to each other without interruptions. If you have a question and there is not a natural break, write it down so you can ask when the person has finished talking.
5. **Do I get official time for UMC meetings?** The time it takes to attend the UMC meeting does not come from your 5 or 6 hours because it is a meeting with Management (see Article 7, section 5e). How your local Management will want you to record this time in MIS will vary (usually under "Meeting"). You can request official time from your 5 hours per week for any UMC preparations or follow up tasks, including meeting with other reps, BUE's, etc. Writing, reviewing, and distributing the meeting minutes do not count against the normal official time per week (see Article 4, Section 13).

### **Union/Management Council Meetings**

1. **What will you discuss?** You can discuss anything that impacts the BUE you represent, ranging from the dress code to Management's plans to remodel the Agency. This includes holiday parties, tissue paper quality, styles of pens, dress code, health and safety concerns, respect and dignity, counter scheduling, furniture purchases, art work and decor, duty officer rotations, addressing workload concerns, training opportunities, work schedules, etc. Keep in mind that local Management does not control national policies (such as the quota) and generally will not agree to something that would be counter to national policy. However, you can make your local Management aware of BUE concerns about national policies. Regardless of if you decide to discuss national issues at your UMC, you should definitely email the Nationwide Union Representatives about national issues that concern your BUE. Individual BUE issues, such as a problem getting promoted, are better addressed outside the

UMC forum in a separate meeting or through the grievance process. There are some items that are covered in the Contract but are left up to the local level to decide. See *Local Agreements below for more details.*

2. **How should you prepare for the UMC meeting?** You should have a list of issues prepared so that the meeting has direction and purpose. To ensure that you are representing the interests of your BUE, it is a good idea send an email using your office's NFFEBUE email distribution list (make sure it is current!) a couple of days prior to the meeting. *For example:* "There will be a Union/Management Committee meeting on 12/11. If you have any issues you would like addressed, please email or talk to me before the end of 12/10." Once you have an agenda, all of the people who will be attending the UMC on behalf of the Union should meet briefly to discuss the Union's position on each issue. Go to the meetings with solutions in mind for each problem and make sure the solutions are what your BUE want.
3. **How will UMC decisions be made?** Decisions must be made unanimously, according to Article 4, Section 8 of the Master Agreement:

**DECISION-MAKING:** Any decision made by the Committee must be unanimous by all of the Union and Management members. If the Committee is unable to make a decision, Management retains its rights and authority (see Article 5 and 5 U.S.C. 71) and the Union retains its rights (see Article 12 and 5 U.S.C. 71).

This is a change from the previous contract, where decisions by the UMC were made by consensus. If the Union and Management do not reach a decision on how to resolve an issue, you always have the option of invoking your right to bargain under Article 12. If you are unsure if the issue is negotiable or whether you have the right to bargain substantively or for I & I, immediately contact Local 1998 leadership (Union President, Vice President, Secretary-Treasurer, Recording Secretary, and Chief Steward) for guidance. You may also find that Management will ask for the Union to provide BUE input on potential changes. If you are not sure what the BUE would want (for instance, how should new desks be distributed), you should tell Management that you will survey the BUE and get back to them either in another UMC meeting or by email.

4. **How will internal disputes be resolved?** Like in formal bargaining, there can be disputes between the parties or between individuals in one party. NFFE's motto is "*All for one and one for all,*" and that includes presenting a united position on issues. If there is an issue that the Union representatives disagree upon, you must request to caucus (meet apart from Management in order to discuss your differences and come to an agreement). Sometimes this may mean that you will not conclude

discussing the issue with Management until you have gotten more information from your BUE in the form of a survey or after consultation with the Local 1998 leadership.

5. **What should you do after the meeting?** It is important that you keep a written record of the issues discussed in your UMC meetings, especially including decisions reached by the parties and any promises made by Management. Designate at least one person to take notes during the UMC meeting. In advance of the meeting, request official time for soon after the UMC meeting for someone to type the minutes (so that the events are fresh). It is not appropriate to include the tone of voice someone used (i.e. "She shouted...") or anything not actually related to Agency business (i.e. jokes, stories about weekend plans). If possible, it is good to try to record important statement verbatim to preserve their intent. The Union representatives should agree on the minutes and then forward them to Management for concurrence. Once the parties agree on the minutes, you should send them by email to your office's NFFEBUE distribution list and post a hard copy on your Union bulletin board. Also note that Article 4, Section 13 states:

MEETING MINUTES: Either party may keep its own notes of the meeting. The Parties may keep minutes of any Union-Management meeting, local or National, and if official minutes are kept, the Parties will mutually agree to the minute taker. A reasonable amount of official time will be granted for a Union representative to draft the meeting minutes, which will not count against the time allocated in Article 7, if he or she has been designated the drafter of the minutes. If official minutes are kept, both Parties will have the opportunity to review and approve the minutes before they become final. Union representatives of the meeting will be given a reasonable amount of official time, which will not count against the time allocated in Article 7, to provide its review and comment of the meeting minutes.

## **Local Agreements**

While the Contract covers many of the topics that impact a BUE's work life, it also allows for the local level to add agreements that tailor policies to fit the office. Any local policies, agreements, or MOU's must be consistent with the Contract. Some topics that can be addressed at the local office level include, but are not limited to:

1. Compressed Work Schedule (CWS)
2. Dress Code
3. Desk Seating Agreements
4. Union Orientations

For examples of local agreements, please check the website.

### **Tips for being Effective**

- Look for common goals. Don't focus on differences.
- Share information, and keep it confidential if necessary (however, make it clear to Management that confidentiality cannot be allowed to impede diligent representation).
- Continually teach and learn the skills for achieving goals.
- Make decisions by consensus.
- Communicate openly.
- Keep an open mind.
- Be honest.
- Trust your partners.
- Commit to using alternative forms of dispute resolution.
- Adapt to changes.
- Be patient: cultures can take years to change.

*Excerpted in part from the Federal Times, March 8, 1998*

### **Finding Solutions**

There are a variety of problems solving techniques that can be utilized to aid the council in finding solutions to challenging problems.

- Brain Storming
  - Guidelines for Brainstorming:
    1. Don't critique ideas.
      - Don't take time to evaluate ideas; it interrupts the flow of ideas.
      - Evaluating ideas is another, later step in the process.
      - Don't kill or discourage contributions with judgmental remarks such as:
        - *That is ridiculous!*
        - *We've already tried that!*
        - *Whoever heard of that!*
    2. Use freewheeling imagination.
      - Let your mind work freely.
      - Don't prevent ideas from emerging by rigidly adhering to logical thinking.
      - Don't feel bound by budget, time, staff, or other resource constraints.
      - Share mental images, synonyms, plays-on-words, free associations, farfetched ideas.
    3. Build on others' ideas.

- Combine, expand, hitchhike, piggyback
- 4. Aim for quantity.
  - The more ideas you can bring out, the better.
  - Don't worry about duplicates.
  - You are not aiming for quality at this point, only quantity.
- 5. Record each idea.
  - Record each idea on flipchart paper exactly as presented.
  - Try to keep it brief but faithful to the wording of the presenter.
- Interest Based Problem-Solving

## **Measuring Success**

Measuring the Council's success:

1. What has improved because of the union/management council?
2. What aspects of your relationship need further attention?
3. What action does the council need to take?
  - Opportunity for re-consideration and re-design
  - Expand partnership/cooperation skills

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## **History of *Partnerships* to Union/Management Councils to Union/Management Committees**

### **1993**

President Clinton signed Executive Order 12871 directing agencies to form Partnerships with their labor unions for the purpose of designing and implementing “comprehensive changes necessary to reform government” and to “champion change in Federal Government agencies to transform them into organizations capable of delivering the highest quality services to the American people” (E.O. 12871, Oct 1, 1993)

### **1995**

Representatives of Local 1998 (Leah Anderson, Claude Scott, Bill Beardall, and Veraneice Knotten) and Passport Services Management meet in Washington, DC, to sign the Partnership Agreement between the parties and to receive training in implementing the Agreement.

### **1998**

At the annual meeting between representatives of Local 1998 and management officials of Passport Services, the Partnership Agreement was discussed and plans were made for a re-emphasis of partnerships at the regional level and for training representatives from each office.

## **1999**

May - Management and union representatives from each office in Passport Services gather at the Foreign Service institute for two days training on the partnership process conducted by the Federal Mediation and Conciliation Service.

June – A joint memorandum from the Deputy Assistant Secretary and Local President was sent out to all Regional Directors re-emphasizing the importance of regional partnerships.

## **2001**

Contract negotiations between Local 1998 and Passport Services come to a conclusion. The new contract includes the Partnership Agreement and additional duties for regional partnerships.

President Bush rescinds Executive Order 12871.

Prior to the effective date of the new contract representatives from Passport Services and Local 1998 agree to retain the Partnership Agreement under a new title, Union/Management Cooperation Agreement. All references to the partnership are changed to Union/Management Council.

July - The new contract between Passport Services and Local 1998 goes into effect, including the the Union/Management Cooperation Agreement (Article 4).

September - The parties hold their first National Union/Management Council (NUMC) meeting since the contract went into effect.

## **2002**

December - The parties hold their second NUMC meeting.

## **2003**

August - The parties hold a special NUMC meeting focused solely on the topic of the nationwide adjudication standards.

## **2005**



February – The parties hold their annual NUMC meeting.

## **2007**

October – The parties hold their annual NUMC meeting.

## **2008**

December – The parties hold their annual NUMC meeting.



*2005 NUMC meeting in Washington, DC.*

## **2009**

The parties agree to a new collective bargaining agreement (the July 20, 2009 Master Agreement) that changes the name of the UMC's from "Union/Management Councils" to "Union/Management Committees".

## **2010**

February – annual meeting is held in Seattle. Secretary/Treasurer Gile's ergonomics proposals result in an agreement with Management.

## **2011**

March – the NUMC meeting is held in Washington DC. The parties complete an agreement that contains procedures for who and how employees are used during periods of work furloughs.

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