

## FEDERAL PREVAILING RATE ADVISORY COMMITTEE

570th FPRAC

**SHELDON FRIEDMAN**, Chairperson, Presiding

Thursday, January 19, 2012

Room 5526  
Office of Personnel Management  
Washington, D.C.

## ATTENDANCE:

## Members/Alternates:

Management Members**MARK ALLEN**, Office of Personnel Management**STEVEN RUMBLE**, Department of Defense**TAMMY VANKEUREN**, Department of Air Force**ANN MARIE HANNON**, Department of Veterans Affairs**CARLOS SAAVEDRA**, Department of NavyLabor Members**DENNIS PHELPS**, MTD**STEVEN FISHER**, ACT**JACQUELINE SIMON**, AFGE**J. DAVID COX**, AFGE**SARAH SUSZCZYK**, NAGE

## Staff Specialists and Visitors:

**JEROME MIKOWICZ**, Designated Federal Officer,  
Office of Personnel Management**MADELINE GONZALEZ**, Office of Personnel Management**TERRI AVONDET**, Office of Personnel Management**BRITTNEY MANCHESTER**, Office of Personnel Management**LINDSEY O'KEEFE**, Office of Personnel Management**CHRIS WALLACE**, Office of Personnel Management**H.L. ROVAN**, Department of Defense**JIM BRADY**, Department of Defense**KARL FENDT**, Department of Defense**CRAIG JERABEK**, Department of Defense**JIM DAVEY**, Department of Defense**DARLENE FREEMAN**, Department of Air Force**BARBARA WALKER**, Department of Army**COLIN BENNETT**, Department of CommerceRecording Secretary: **FEBBIE GRAY**

[Transcript prepared from digital audio produced by FPRAC.]

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## P R O C E E D I N G S

**CHAIRMAN FRIEDMAN:** Good morning, everyone, and welcome to this, our 570th meeting of FPRAC, the first one of 2012, so Happy New Year to everybody.

As usual, why don't we make our introductions? I'm Sheldon Friedman, Chairman of FPRAC.

Let's go this way this time.

**MR. PHELPS:** Dennis Phelps for the Metal Trades Department.

**MR. COX:** J. David Cox with the American Federation of Government Employees.

**MS. SIMON:** Jacque Simon, AFGE.

**MS. SUSZCZYK:** Sarah Suszczyk, National Association of Government Employees.

**MR. FISHER:** Steve Fisher, ACT.

**MR. ALLEN:** Mark Allen with OPM.

**MR. RUMBLE:** Steve Rumble, Department of Defense.

**MS. VANKEUREN:** Tammy Vankeuren, Air Force.

**MR. SAAVEDRA:** Carlos Saavedra, Department of the Navy.

**MS. HANNON:** Ann Marie Hannon, Department of Veterans Affairs.

**MR. MIKOWICZ:** Jerry Mikowicz, OPM, the Designated Federal Officer.

**CHAIRMAN FRIEDMAN:** And let's also go around the sides of the room.

[Introductions were made off mic.]

**MS. GONZALEZ:** Madeline Gonzalez with OPM.

**MS. AVONDET:** Terri Avondet, OPM.

**MS. FREEMAN:** Darlene Freeman, Air Force.

**MS. WALKER:** Barbara Walker, Army.

**ATTENDEE:** Colin Bennett, U.S. Department of Commerce.

**MR. FENDT:** Karl Fendt, DOD.

**MR. BRADY:** Jim Brady, DOD.

**MR. JERABEK:** Craig Jerabek, DOD.

**MR. DAVEY:** Jim Davey, DOD.

**MR. ROVAN:** Hank Rován, DOD.

**MS. O'KEEFE:** Lindsey O'Keefe, OPM.

**MS. MANCHESTER:** Brittney Manchester, OPM.

**MS. GRAY:** Febbie Gray, OPM.

**MR. WALLACE:** Chris Wallace, OPM.

**CHAIRMAN FRIEDMAN:** Okay. Announcements. I don't have any. Anybody got any announcements?

[No audible response.]

**CHAIRMAN FRIEDMAN:** With that, let's move on to review of the transcript from our last meeting. Are there any changes beyond those which we have already heard from you about?

[No audible response.]

**CHAIRMAN FRIEDMAN:** If not, is there agreement to accept those minutes?

[No audible response.]

**CHAIRMAN FRIEDMAN:** Okay. So they have been accepted.

I would suggest we defer our Old Business items, because I think we have a fairly full plate of new business today, and I don't think there is anything new at the moment on the Old Business, if that's okay.

So let's turn to the Alaska Set-Aside Area Differential Schedules, 570-MGT-1. Mark, would you please summarize that for us?

**MR. ALLEN:** Yes, Mr. Chairman. I will give a very brief summary.

The Department of Commerce has requested that OPM approve an extension of the authority to use the 12-percent Remote Area Differential Set-Aside Wage Schedule for a limited

number of employees who would be employed on St. Paul Island. It is part of Alaska, but it is out in a very remote area. It's in the Bering Sea.

The Department of Commerce currently has an employee there who is on a temporary appointment. They had an extreme amount of difficulty recruiting that person. What they would like to do is in-source maintenance work at their facilities on the island and possibly hire additional employees.

In order to do that, though, they believe they need to have the authority to use the 12-percent differential schedule, which was originally established for application in remote areas of Alaska where agencies were having difficulty recruiting and retaining employees. I think this situation definitely does call for extension of the existing wage schedule to cover the employees of the Department of Commerce in that location.

**CHAIRMAN FRIEDMAN:** Any questions or discussion?

[No audible response.]

**CHAIRMAN FRIEDMAN:** Is there consensus to adopt this proposal?

**MR. COX:** Absolutely.

**CHAIRMAN FRIEDMAN:** Okay. We have adopted 570-MGT-1.

That brings up another small item, the report of the Wage Area Definition Study Group, 570-MGT/LBR-1. Everyone remembers the background of this one. We have been asked by Director Berry to do a more in-depth study of the implications of the October 21, 2010, recommendation of FPRAC to him regarding combining wage areas or portions of wage areas that lie within General Schedule locality pay areas.

And while the study group was not able to complete its report totally by the target date of year-end, obviously a great deal has been accomplished in terms of that report. You have it all before you.

I would like to thank Madeline, here at OPM, for the incredible work she has put in and also Craig and Jim and their folks at DoD for all the work they have done on it.

I assume everyone has gotten their copy. Are you ready for the quiz? Have you reviewed it all?

[Laughter.]

**CHAIRMAN FRIEDMAN:** I think we just need to dig in and figure out how we want to proceed.

One possibility I am just throwing out there would be to go ahead and pass this on to Director Berry with a cover memo

indicating that while it is not complete, we wanted him to have it, and meanwhile the study group is continuing its analysis. That is one option. I don't know if there is consensus to proceed that way or not.

I am seeing on the Management side that they don't like that approach.

There is certainly the question of whether we want to formally ask the study group to continue its work full speed ahead, and I don't know whether there is consensus about that or not. There are questions about whether there is anything in the report so far that causes anybody to change their view of the underlying issue.

Maybe I should just throw it open to see how people want to proceed, because I am just really giving some thoughts to prime the pump here.

**MR. COX:** Mr. Chairman, I would move that we forward the report on to the Director as-is.

**CHAIRMAN FRIEDMAN:** Okay. I saw heads on the other side shaking no to that proposition.

**MR. RUMBLE:** Mr. Chairman, most of us were not participants in this study group. I first saw this yesterday.

There's a lot of information in here, some of which I am familiar with, but I don't know if we have comments until we have had an opportunity to review the material, and that has not happened in the last day and a half.

We've looked through it, but I noted that we have corrections that were submitted by Labor members. We may have something comparable that we would like to suggest to be submitted. At this point, there's no way of knowing.

**CHAIRMAN FRIEDMAN:** Any comment from this side on that?

**MR. COX:** Mr. Chairman, the work group has been working for quite a while -- months, if not a year or more -- on this issue, and I think every entity around the table has certainly had the players involved in the working group and dealing with it on the working group. Every union has had participation. Every one of the agencies, OPM -- everyone has been there. There's certainly been that opportunity for all of the input to be placed in it.

I can't comprehend that we would have amassed this large of a document without constant input from folks along the way and people understanding what was being derived.

**MR. ALLEN:** The working group is actually a subset of

FPRAC. It was set up at the July 2011 FPRAC meeting. The member from the Department of the Army is the only other member, besides myself, who has participated in the working group meetings. That was a decision that was made by the Committee to limit the number of people involved to speed the process along a little bit in the working group meetings.

So Steve is correct in that this really is the first look that his office has had and likewise for Air Force, Navy, and VA.

**MS. SIMON:** There have always been at least three people from the Department of Defense at every meeting I've attended, and I believe I have attended all the meetings.

**MR. ALLEN:** The DOD people who were at the working group meetings do not represent DOD policy staff. They work in the technical office for the Wage Setting Division at DOD.

**MS. SIMON:** I understand that, Mark. I just was trying to clarify that DOD had representation throughout. They had extremely active participation at every meeting, and they were -- you know, we had equal members. And, you know, Management chose to send who they chose to send, but, certainly, DOD was extremely well represented at every meeting. And DoD employees have been

providing data that was used in the study, and DoD employees have been involved in every little detail that has gone into this study.

So, you know, the fact that what they were doing and what was going on, the final product hasn't been examined yet by, you know, some of the people sitting around this table, isn't a reflection of the fact that DOD didn't have its opportunity for input on an ongoing basis.

And given that there's already been a delay, it was supposed to be transmitted to the Director before the end of the calendar year, you know, we're in the third week of January. I don't know how much time people want who haven't looked at it yet to get around to looking at it, but we're already delayed, and I think that one of the reasons we wanted to go forward and submit it to FPRAC members was, you know, this was a request -- I'm not sure. This was a request by the Director to have a study produced that would answer questions about who is affected, what would this look like, what would the maps look like, how much would it cost, et cetera, et cetera. Certainly, there's enough information gathered so far to answer those questions.

You know, almost every possible affected area has been

fully elaborated. There are a few that remain, but all the big questions have been answered, and there's enough information here to make very, very good estimates about, you know, the impact on the -- on the remaining areas where every -- every detail hasn't yet been fully elaborated.

So it's ready, and we want to keep the process moving.

**CHAIRMAN FRIEDMAN:** Let me make a suggestion that may not resolve this, but I'm going to make it anyway.

So one possibility would be to transmit the report to the Director with a cover memo that indicates that even though it is, A, incomplete and, B, not all members of FPRAC have yet had a chance to study it in detail and may have further comments on it, given the timeline that he asked us for, we at least wanted him to have this now, that we are continuing to work on it, and there may be additional comments from members of FPRAC.

**MR. ALLEN:** Mr. Chairman, I need to correct the record here a little bit.

565-OC-2, is a document that we all agreed to, to establish the working group. This document is included in everybody's binder.

We said in this document that the working group

projects it will provide FPRAC with a report on its analysis of the seven locality pay areas affected by the end of calendar year 2011. I think the working group has met its obligation in that respect of reporting to FPRAC.

There was a statement just made that the Director had expected to receive a report by the end of calendar year 2011. That is really not the case.

The working group projected that it would provide a report to FPRAC by the end of calendar year 2011. I think we met that obligation.

Now it's in the FPRAC venue, and I think it really deserves to be fully considered by the Committee before another incomplete recommendation goes forward to the Director that doesn't meet the requirements that he asked for.

**CHAIRMAN FRIEDMAN:** Did you make a formal motion, J. David?

**MR. COX:** Yes, I did, sir. I made a motion.

**CHAIRMAN FRIEDMAN:** Well, we will keep discussing it. Any further discussion?

Would you mind restating it?

**MR. COX:** I would move that we send the report forward

as it is to the Director.

**CHAIRMAN FRIEDMAN:** Any further discussion?

**MR. ALLEN:** Management members would like to caucus,  
Mr. Chairman.

**CHAIRMAN FRIEDMAN:** Certainly. I believe we have the  
small Pendleton Room available for that.

[Management and Labor caucuses held off the record.]

**CHAIRMAN FRIEDMAN:** We are back in session after  
several rounds of caucuses.

I believe the latest state of play is the Management  
members have made a wording change that the Labor folks have been  
considering.

**MS. SIMON:** Well --

**CHAIRMAN FRIEDMAN:** Now, there is also a prior motion -

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**MS. SIMON:** No, there's a --

**CHAIRMAN FRIEDMAN:** Well, there's a motion --

**MS. SIMON:** -- motion on the table --

**CHAIRMAN FRIEDMAN:** -- on the table --

**MS. SIMON:** -- that wasn't seconded.

**MR. PHELPS:** I'll second that.

**CHAIRMAN FRIEDMAN:** Okay. That's J. David's original motion.

**MS. SIMON:** Right.

**CHAIRMAN FRIEDMAN:** Okay. And then --

**MS. SIMON:** And then we were --

**CHAIRMAN FRIEDMAN:** -- there's a substitute --

**MS. SIMON:** -- discussing the motion.

**CHAIRMAN FRIEDMAN:** -- motion that hasn't actually been offered formally, right?

**MR. ALLEN:** That's right.

**CHAIRMAN FRIEDMAN:** And we're discussing. Is it -- oh, boy.

**MS. SIMON:** Now, we know --

**MR. COX:** All right. Well, I can tell you -- Mr. Chairman, I believe that the union is in agreement with this part of the substitute motion, the very few first sentences that 570-MGT/LBR-1 be presented to Director Berry as an interim report with a further acknowledgement in a memo reviewed by all members that the Committee has not yet completed its work on addressing the requirements set out in FPRAC Document 563-OPM-1.

Then I believe Steve has -- you had given us another

sort of substitute, and Steve had some final language there.  
Steve, if you want to read that last one that we feel comfortable  
--

**MS. SIMON:** So you're offering this as a substitute for your own motion; is that right?

**MR. COX:** Yeah. I'm trying to get to some piecework that we sort of know what we're working with.

**MR. FISHER:** To offer this back to the Committee, we used most of what you provided in your last -- from the last caucus.

Our proposal back to the Committee is this. The Committee will provide the Director a report sufficient to address any remaining questions pertaining to 563-OPM-1 no later than February 29th, 2012. That is our offer back.

**MS. SIMON:** So do we second that motion?

**MS. SUSZCZYK:** Seconded.

**CHAIRMAN FRIEDMAN:** Okay. So we have a motion that --

**MR. COX:** Well, you have to have some discussion before you vote.

**CHAIRMAN FRIEDMAN:** Any discussion?

**MR. ALLEN:** Yes. I would like to offer a further

substitute motion to just change the date at the end of that proposal from February 29<sup>th</sup>, 2012, to the end of March 2012. I believe labor chose the February 29th date because of their concern that the Director of OPM would not have sufficient time if he elects to issue regulations to implement the FPRAC recommendation that we are considering by January 2013. There would be enough time for the Director to make a decision, assuming he receives the complete FPRAC recommendation by the end of March. So Labor should not be concerned with management's proposal to change the February 29<sup>th</sup>, 2012, date to the end of March 2012. I think if we pushed it further than the end of March, then it would become problematic with the time table since we would need to issue proposed regulations and then final regulations.

As a technician, I don't see it as being problematic from a time table perspective for having a proposed regulation drafted for the Director if he directs that his staff prepare one, and that it get into the regulatory process with sufficient time to be implemented beginning in January 2013, if that is the decision the director makes.

**CHAIRMAN FRIEDMAN:** Any response?

**MR. ALLEN:** I would need a second to that.

**CHAIRMAN FRIEDMAN:** Oh, okay. Is there a second to Mark's amendment?

**MS. HANNON:** I would second.

**CHAIRMAN FRIEDMAN:** Okay. Any discussion of that?

**MS. SIMON:** With all due respect, Mark, I don't feel comfortable with that time table, and I just think it's really too ambitious. Hard experience has taught us that this takes always longer than one hopes it will take, and it's for that reason that we think we are already pushing the limits of a reasonable time table. And the end of March would really make it too late, especially in 2012, and so we don't believe that substantive -- you know, that there are substantive outstanding issues that would alter or determine the Director's decision, which is why, of course, we have so strongly advocated giving him the interim report, because we think there is plenty of information in here to make a sound decision. And pushing it back for 2 months is just unnecessary, and the risk of having it be too late is too great.

Of course, right now we're both speculating, and I think that extra month could quite easily be the difference

between running out of time or having sufficient time.

**CHAIRMAN FRIEDMAN:** Any further discussion?

**MR. RUMBLE:** The problem that I see is that there is only one FPRAC meeting between now and the end of February. The work that the study group would have to do would have to be done prior to the February FPRAC meeting if it is going to be presented to us for consideration.

We need sufficient time in advance of the meeting, so that we could take a look at the material.

We have not yet -- this report does not yet address the issues, the impact in 565-OC-2. That's not addressed in here. The working group needs to do that, needs to complete that in order to provide a full and comprehensive report, and there just isn't time.

**MS. SIMON:** There is absolutely nothing to prevent members of FPRAC from studying this report on days that we don't have an FPRAC meeting. There's plenty of time. There was time prior to this meeting. There will be time prior to that meeting, and there's also no reason why FPRAC can't meet, you know, by telephone or otherwise, you know, again, beforehand.

But be that as it may, I think the substantive issue is

not whether or not Management members will have time to fully digest the work of the work group, but the question is whether or not there will be sufficient time for the Director to use this report in whatever way he considers appropriate and put the machinery of a new regulation into -- you know, into motion.

And that's our concern, and that's why we're talking about this date. Anyway, that's where our motion comes from.

**CHAIRMAN FRIEDMAN:** So, a question, is there any reason we couldn't have special meetings by telephone or by those who could come in person? Is there any -- I know we announce our scheduled meetings in the Federal Register a year ahead of time and all that, but is there anything that would preclude us from having additional FPRAC meetings if we need to?

**MR. ALLEN:** The requirement under the Federal Advisory Committee Act is that the public meeting of FPRAC needs to be announced in the Federal Register 15 days before the meeting takes place in order for the public to be able to come to the meeting, if they so choose.

**CHAIRMAN FRIEDMAN:** So, subject to that, it would be, at least in principle, possible to set up an extra meeting?

**MS. SIMON:** But we don't need an extra meeting if we

agree to one of these motions. Then we have agreed to send to the Director the interim report with a memorandum that can be circulated, and people can, you know, prove it or whatever.

**CHAIRMAN FRIEDMAN:** Basically, the difference in positions at this point is the one month. Am I correct?

**MS. SIMON:** Correct.

**CHAIRMAN FRIEDMAN:** So I guess another question I have, which I will just throw out there, is if we were to go with the end-of-February date, by what mechanism would we ensure that whatever remaining work that needs to be done is actually done? So what's our authority to make that happen? Or, basically, we'd be saying we'll go with whatever we got at that point, even if there is still some pieces not complete.

**MR. ALLEN:** The previous discussions at the working group meetings have indicated that it is not technically feasible to answer all of the questions before mid March that are still unaddressed in what would be the interim report.

We would be a little further along in February, but we would not be in a position where the remaining questions have been answered. I think we'd really be putting ourselves at a disadvantage in terms of trying to have a full report to the

Director by the end of February. I think we're in a pretty good position if we would elect to have the report done by -- or presented to FPRAC for its March 15th meeting. That would leave a couple of weeks before the end of March for the final report to go forward.

**MS. SIMON:** So, under your proposed alternative motion, the Director would get this along with a memo when?

**MR. ALLEN:** Are you referring to this --

**MS. SIMON:** The interim report.

**MR. ALLEN:** -- binder?

As the interim report? When they --

**MS. SIMON:** Yes. And you want a memo, you want a cover memo.

**MR. ALLEN:** With a cover memo --

**MS. SIMON:** Now, when do you want --

**MR. ALLEN:** -- that everybody --

**MS. SIMON:** -- that --

**MR. ALLEN:** -- has reviewed.

**MS. SIMON:** And what would be the earliest date Management would be willing to allow the Director to see the interim report with a cover memo?

**MR. ALLEN:** It could be as early as late next week.

**MS. SIMON:** So the cover memo could be approved by everybody by late next week, best-case scenario?

**MR. ALLEN:** We can send it via email to get people's feedback on it.

**MS. SIMON:** Well, there's a question about, you know, there could be endless debate over the contents of the cover memo. That could be till the end of March or later, right?

**MR. ALLEN:** I wouldn't really see that happening. I think we already have a pretty good start for the cover memo, which would be reflective of what the Chairman has put in his transmittal memo for 570-MGT/LBR-1 to the full Committee. There would just need to be some modifications to that.

**MS. SIMON:** So we are saying January 27th, no later than January 27th?

**MR. ALLEN:** That would be the best-case scenario, yes.

**MS. SIMON:** What would be the worst-case scenario?

**MR. ALLEN:** I don't even want to think about that.

**MS. SIMON:** Well, we have to, unfortunately.

**MR. ALLEN:** All I can say is, from OPM staff perspective, if we get a memo, we will work with the Chairman on

it, and we will get the comments turned around very quickly.

The transmittal memo will reflect the consensus of the working group members for what will be the interim report.

**MS. SIMON:** Okay. Well, let's say you've written -- you've written your transmittal memo by next Wednesday, okay? It gets circulated for approval, and you don't hear from people. People are on leave or they don't get around to it or they don't read it, and here we are in February. Then we're in mid February. Then we're at the next FPRAC meeting, and they haven't had time to really focus yet, and we're still waiting on the cover memo.

**CHAIRMAN FRIEDMAN:** Can I make a suggestion? Would it help to have a deadline by which we get this to the Director, put a date on that? I don't know what. A week from now? Whatever you think is -- a tight but achievable -- I mean, I don't see why we can't write the memo, the cover memo as soon as we have some -- you know, a couple of us write it after lunch, and we can turn that around quickly and get it out to people and give people a couple days.

I guess we could even offer, if need be -- there's not that many of us -- to make follow-up telephone calls to 10

people, if we haven't heard from you.

**MS. SIMON:** So we would add some language to the substitute motion, to Management substitute motion, that it be presented to the Director as an interim report no later than January 27th?

**CHAIRMAN FRIEDMAN:** Okay.

**MS. SIMON:** So you consider that a friendly amendment to your --

**MR. ALLEN:** Yeah. It really --

**MS. SIMON:** An interim report to the Director with it being -- an interim -- Director -- no later than January 27, 2012.

**MR. ALLEN:** It really shouldn't be too complex a matter since I think most of the words we have are already out there, so to speak. It is just a matter of putting them into the format of another transmittal memo.

**MS. SIMON:** I understand.

**MR. ALLEN:** What would be a consensus recommendation if we have agreement on the time table we are trying to set out for ourselves?

**CHAIRMAN FRIEDMAN:** That still leaves end of February

versus end of March for the actual -- you know, for the, call it, "final recommendation" of FPRAC to the Director.

**MR. ALLEN:** I think procedurally, Jacque's substitute motion was to the motion that I previously made, so that would be March 2012.

**MS. SIMON:** [Speaking off mic.]

**CHAIRMAN FRIEDMAN:** Okay. Go for it.

[Labor caucus held off the record.]

**CHAIRMAN FRIEDMAN:** We are back in session.

Is there anything you would like to report from your caucus?

**MR. COX:** Mr. Chairman, I think we are just about there. I wanted to go back to make sure that we feel pretty comfortable that we can have this interim report to the Director by January 27th, which would be next week, and this one, I'm going to say three times, because I want it in the record three times in bold print, that Mark Allen said March of 2012 would not be too late to get new regulations printed and go through the process for 2012 to be ready for 2013.

Am I correct on that, Mark, that March would not be too late?

**MR. ALLEN:** That is my opinion.

**MR. COX:** That is your opinion.

[Laughter.]

**MR. COX:** So I'm going to say that -- so I'm going to say one more time that Mark said and that that's Mark's opinion. Okay.

So, with that, I believe we can try to be comfortable with this end-of-March-2012 date.

**CHAIRMAN FRIEDMAN:** We should add an amendment that Mark will pay any increases at the --

[Laughter.]

**MR. COX:** Out of his increased retirement that he's probably not going to get.

[Laughter.]

**MR. COX:** No. I mean, sometimes I think we want to be clear. That's a real major concern of ours, as you know that. There's a lot of dynamics that will occur in this year.

**MR. ALLEN:** There are a lot of dynamics. There are some things that are, of course, outside of my control. They're outside of Director Berry's control.

**MR. COX:** The world could end.

**MR. ALLEN:** We could have snow this year.

**MS. SIMON:** We're not getting snow.

**MR. ALLEN:** It certainly doesn't seem like it.

**CHAIRMAN FRIEDMAN:** Does anybody have an actual copy of the motion that we're now considering, that we might want to read aloud one time?

**MS. SIMON:** Substitute motion that 570 Management --

**MR. COX:** And it starts here.

**MS. SIMON:** Yeah, it starts here. 570-MGT/LBR-1 will be presented to the Director no later than January 27, 2012, as an interim report with a further acknowledgement in a memo reviewed by all members, that the committee -- this is really lovely prose.

[Laughter.]

**MS. SIMON:** That the Committee has not yet completed its work in addressing the requirements set out in FPRAC Document 563-OPM-1. The Committee will provide to the Director a report sufficient to address his questions contained in 563-OPM-1 no later than the end of March 2012.

**CHAIRMAN FRIEDMAN:** So there you have it, and it appears we have consensus on that?

[No audible response.]

**CHAIRMAN FRIEDMAN:** A motion to adjourn -- whoa, whoa.

I'm sorry.

[Laughter.]

**CHAIRMAN FRIEDMAN:** Is there any other new business?

**MR. ALLEN:** There is another issue that we wanted to raise.

There is a certain level of discomfort among the Management members who sit at the table that they have not participated actively in the working group meetings. So we have a suggestion that we wanted to float, and that is that we include the FPRAC Management members in the working group meetings, however many we have, between now and when the report is complete, and that the technical staff members from DoD also be allowed to come to the meetings as advisers, with the understanding that we're not trying to load the decks and have more Management members present in the working group meetings than Labor members. Labor could bring alternates if they wanted to do that.

The idea, again, is that we are not intending to vote on any issues that come out of the working group meetings, and we

would be presenting the views of all of the working group members. And what is currently lacking from this interim report are the views of the Management members who sit at the table who have not been able to come to the meetings to see everything that's been discussed.

**MS. SIMON:** You know, Management has always had its choice of who to send to these meetings, as has Labor, but we wanted equal numbers, so that it wasn't a 10:1 ratio, as it sometimes is.

And when you don't come to the meeting and you want to know what happened, you got to ask the people who were there what happened, and I think that's part of why we've made such -- we've had such productive meetings is because it hasn't been a 20:1 ratio of Management to Labor folks in the room. It's been a manageable number of people. We could have actual substantive conversations, and it's worked well.

I would like to say that I'm not comfortable with changing that ratio. You guys are free to rotate who comes to your meetings to represent Management. By all means, rotate away.

**MR. RUMBLE:** The problem is that our tech staff is

necessary to be there to do -- I mean, this is their job. They know this material.

**MS. SIMON:** We have, you know, sort of answered a lot of it, I think all the technical questions. At this point, it's really procuring data and then doing the number crunching, and all those kind of questions have already been answered, so, you know --

**MR. RUMBLE:** Do we agree with that?

**ATTENDEE:** No.

**ATTENDEE:** No.

**MS. SIMON:** Well, sorry.

**CHAIRMAN FRIEDMAN:** Well, I mean --

**MR. RUMBLE:** And I would like to point out, Jacque, that numbers don't really matter much. It seems to me that Labor does very well holding their own, whatever the numbers are on each side of the table.

**MS. SIMON:** It's just -- that's a nice thing to say, but I don't agree with it.

**MR. COX:** I couldn't agree with that, either. If numbers don't matter that much, we would like to quadruple all the official time that AFGE has throughout the Federal

Government. And I suspect the numbers would matter.

[Laughter.]

**MR. RUMBLE:** Let me rephrase that: Labor members at FPRAC manage to hold their own. I'm not sure about the rest. I don't deal with Labor the rest of --

**MR. COX:** Trust me, you know, I believe the technical people that come to these meetings and do this work get it done. I'm an elected official inside of AFGE. Jacque obviously is a staff person and does that work and things like that. She keeps me well abreast and carries out. She does not make decisions. This is not my decision or President Gage's decision, and I believe the same thing goes on with Management members also.

**CHAIRMAN FRIEDMAN:** If I could just offer an observation. I do think that Jacque made a very good point about the productivity of the meetings when there are not too many people in the room. It's hard to function as a study group, in my opinion, with a huge number of people in the room. I wonder if there is some way, not, you know, disputing -- the Management folks have a legitimate concern, would like to have some more folks in the room, but I think just throwing it open and having unlimited numbers and no concern about the ratio is also a

problem.

We are also guided by an FPRAC --

**MS. SIMON:** Yeah.

**CHAIRMAN FRIEDMAN:** -- document that created this study group, which actually spelled out the numbers and the ratio, I recall. I'm reluctant to just throw that away, especially given that one side is objecting.

I think we ought to find a way to get all the Management input that it wants to have that doesn't require, a huge number of people in the room. There must be a way we can do that. How do we resolve this now?

**MR. ALLEN:** I think procedurally, we would need to make a change in the document, Mr. Chairman, you are referring to, which indicated there would be five Management members and five Labor members with the Chairman of FPRAC serving as the chairman of the working group.

It appears that we certainly would not have consensus on that, and as the Chairman has said, he prefers not to readdress that issue. So am I hearing that correctly?

**CHAIRMAN FRIEDMAN:** Yeah, that would be my preference, but I don't want to ignore the concerns that the Management folks

are raising. If there is some other way that we can accommodate that, that doesn't require unlimited numbers of Management people in the room.

**MR. PHELPS:** I think all of management has been represented there on some level, maybe not the FPRAC member there, but certainly people under Steve, there's been plenty of them in the room that could report back to him, everything that is going on there, and the ones that came up with the majority of the stuff, you know, and I'm sure he can share it with the other parts of DoD. You know, VA has been there on a number of occasions themselves. Mark has been there every time.

**MR. ALLEN:** I don't see us making progress on changing the format of the working group membership, so I withdraw the idea that I floated.

**MS. SIMON:** Okay.

**CHAIRMAN FRIEDMAN:** Any other New Business?

[No audible response.]

**CHAIRMAN FRIEDMAN:** Now, we were going to have a working group meeting now. I know we have some new material that we were going to distribute. I guess that could be done electronically.

**MR. ALLEN:** We have a limited amount of information. We can provide that, and it can be done electronically to the working group members.

**CHAIRMAN FRIEDMAN:** So I am thinking people have probably had enough today on this, so we ought to schedule working group meetings.

**MS. GONZALEZ:** [Speaking off mic.] Can we leave it open until I can make sure I have other sections finished?

**CHAIRMAN FRIEDMAN:** Sure. Until we have some new material, okay.

So anybody want to adjourn?

**MS. SIMON:** Yeah.

**CHAIRMAN FRIEDMAN:** Anybody else?

**MS. SUSZCZYK:** Second.

**CHAIRMAN FRIEDMAN:** Everybody wants to. All right. We have consensus. Thank you all.

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