

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT



Labor-Management Relations in the Executive Branch

October 2014

a New Day for Federal Service

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I. Highlights of the Report

Federal employees have engaged in collective bargaining through labor organizations for over fifty-two years. The Federal Service Labor-Management Relations Statute (Statute) provides the primary framework for employees to participate in labor organizations and collective bargaining. The Office of Personnel Management (OPM) is publishing this report on “Labor-Management Relations in the Executive Branch” in order to provide a more comprehensive understanding of federal sector labor-management relations than previously offered through our reports on official time usage in the Federal Government. Highlights of this report include:

- In enacting the Statute, Congress found that “the public interest demands the highest standards of employee performance and the continued development and implementation of modern and progressive work practices to facilitate and improve employee performance and the efficient accomplishment of the operations of the Government.”¹ With 60% of the non-postal Executive Branch workforce represented by labor unions, the Statute provides both rights and obligations of employees as well as procedures which are designed to meet the special requirements and needs of the Government and are key contributors to aiding in agencies’ mission performance;
- The Statute provides both rights to and constraints on collective bargaining. The stated purpose of Chapter 71 of Title 5 of the U.S. Code, where the Statute resides, is to “prescribe certain rights and obligations of the employees of the Federal Government and to establish procedures which are designed to meet the special requirements and needs of the Government. The provisions of this chapter should be interpreted in a manner consistent with the requirement of an effective and efficient Government.” 5 U.S.C. § 7101(b);
- Some agencies have already implemented agency labor-management forums that are focusing on time and cost-saving initiatives. For example, the Naval Sea Systems Command and Metal Trades Department implemented a program called “Hour-a-Day.” This program saved workers significant amounts of time on work processes, and these savings translated into significant cost savings to the agency;
- Examples demonstrate that labor and management can share the goal of cutting costs, enhancing productivity, and improving customer service. For example, labor and management representatives at the Federal Aviation Administration collaborated to implement a new computer system that replaced a 40-year old system used at air route traffic controller centers nationwide;
- Executive Order (E.O.) 13522, entitled “Creating Labor-Management Forums to Improve Delivery of Government Services,” offers an additional labor management forum to

¹ 5 U.S.C. § 7101(a)(2).

discuss workplace matters and endeavor to develop solutions jointly and collaborate in continuing to deliver the highest quality of goods and services to the American people;

- In 2013, the National Council on Federal Labor-Management Relations released a Labor-Management Forum Reporting Tool for the purpose of gathering data related to the operations and experiences of labor-management forums throughout the Executive Branch;
- Low-cost and no-cost classroom and web-based training, guidance and tools are available to agencies and unions in meeting their obligations under the E.O. and the Statute; and
- To facilitate working with employee representatives who voluntarily represent the bargaining unit on workplace matters, official time is authorized and permitted under the 5 USC § 7131 and collective bargaining agreements. From Fiscal Year (FY) 2011 to FY 2012:
 - The amount of official time hours used by bargaining unit employees increased slightly by 1.3% from 3,395,187.21 hours to 3,439,448.63 hours; and
 - The total average salary costs for official time hours used by non-postal bargaining unit employees increased slightly by 1.04% from approximately \$155.6 million to approximately \$157.2 million.

II. Introduction

Over the past five decades, the Federal Government's labor-management relations program has evolved from a 1962 Executive Order granting limited collective bargaining rights to a formal collective bargaining program established by statute. A landmark piece of legislation, Title VII of the Civil Service Reform Act (CSRA) of 1978, also known as the Federal Service Labor-Management Relations Statute (Statute), codified in Chapter 71 of Title 5 of the United States Code, has set the tone for labor-management relations in the Federal Government since it became effective. It includes a Congressional finding that labor organizations and collective bargaining in the civil service are in the public interest.²

In 2009, President Barack Obama reinforced this Congressional finding through issuance of Executive Order (E.O.) 13522, "Creating Labor-Management Forums to Improve Delivery of Government Services." The order recognizes that "Federal employees and their union representatives are an essential source of front-line ideas and information about the realities of delivering Government services to the American people." Moreover, E.O. 13522 creates methods to encourage partnership and promote effective labor-management relations while providing a mechanism to "improve the productivity and effectiveness of the Federal Government."

With approximately 60% of the non-postal Federal workforce represented by labor unions, there is tremendous opportunity for Government leaders to work with employees' union

² See 5 U.S.C. § 7101(a).

representatives to optimize employee engagement and improve the delivery of Government services as envisioned by 5 U.S.C. § 7101. The issuance of E.O. 13522 helped establish labor-management forums across the Federal Government. Forums are intended to be comprised of managers and employee labor representatives. Both labor and management representatives are intended to dedicate significant effort toward building better labor-management relationships and collaborating on workplace issues within their organizations. One of the goals of the Executive Order is to achieve, through this collaboration, labor-management forums that will enhance the abilities of agencies to deliver high quality services to the American public. Indeed, in many agencies, forums' efforts are focusing on time and cost-saving initiatives.

There is potential for benefits resulting from working collaboratively with employee representatives. However, the time and focus of both employees and managers is often necessary to achieve the benefits. Official time, broadly defined, is paid time Federal employees spend performing representational work for a bargaining unit in lieu of their regularly assigned work.³ It allows unions to satisfy their duty of fair representation to members and non-members alike. OPM has previously published reports on official time usage in the Federal Government.⁴ Past reports have focused primarily on the hours spent on, and costs resulting from, official time. This focus meant that the reports did not address the benefits that may be achieved through successful labor-management relations and did not include other key information about labor-management relations in the Federal Government. Therefore, OPM is offering this new report on "*Labor-Management Relations in the Executive Branch*" to provide a more comprehensive look at how labor-management relations is structured and how it operates in the Federal Government today. Recognizing that many of the benefits achieved through improved labor-management relations can be difficult to quantify, we hope to tell a more complete story than previously reported.

This report provides a more comprehensive look at why labor organizations and collective bargaining exist in the Executive Branch. The Statute and E.O. 13522 provide a structured means to engage employees, through their representatives, which, in turn, can improve the labor-management relations climate, and thereby facilitate opportunities to improve performance for agencies throughout the Executive Branch.

In taking this broader approach, OPM relied upon information provided by agencies across the Federal Government, as well as data gathered by the National Council on Federal Labor-Management Relations (Council). We would like to give special thanks to the Federal Labor Relations Authority and the Federal Mediation and Conciliation Service for their assistance in providing key information that is included in this report.

³ See 5 U.S.C. § 7131.

⁴ See <http://www.opm.gov/policy-data-oversight/labor-management-relations/reports-on-official-time/>.

III. Framework for Federal Sector Labor-Management Relations

a. Historical Context⁵

On January 17, 1962, Federal employees first obtained the right to engage in collective bargaining through labor organizations when President John F. Kennedy issued Executive Order (E.O.) 10988 entitled “Employee-Management Cooperation in the Federal Sector.” E.O. 10988 was issued as a result of the findings of the Task Force on Employee-Management Relations in the Federal Service, which was created by a memorandum distributed to all executive department and agency heads by President Kennedy on June 22, 1961. In this memorandum, the President noted, “The participation of employees in the formation and implementation of employee policy and procedures affecting them contributes to the effective conduct of public business,” and stated that this participation should be extended to representatives of employees and employee organizations. Also, E.O. 10988 gave Federal employees the right to join, form, or assist labor organizations. These rights were further expanded in 1969 through President Nixon’s E.O. 11491 and in 1972 through President Ford’s E.O. 11838.

By 1977, President Jimmy Carter determined that comprehensive reform of the civil service system – the first since the Pendleton Act of 1883 – was necessary. Congress agreed and, after extensive hearings, passed the CSRA of 1978. President Carter signed the Statute into law as part of the CSRA on October 13, 1978, and it became effective on January 11, 1979.

The findings and purpose of the Statute articulated the 17 year experience since the issuance of E.O. 10988 as follows:

The Congress finds that—

- (1) experience in both private and public employment indicates that the statutory protection of the right of employees to organize, bargain collectively, and participate through labor organizations of their own choosing in decisions which affect them—
 - (A) safeguards the public interest;
 - (B) contributes to the effective conduct of public business; and
 - (C) facilitates and encourages the amicable settlements of disputes between employees and their employers involving conditions of employment; and
- (2) the public interest demands the highest standards of employee performance and the continued development and implementation of modern and progressive work practices to facilitate and improve employee performance and the efficient accomplishment of the operations of the Government.

Therefore, labor organizations and collective bargaining in the civil service are in the public interest.⁶

⁵ This background information on Federal labor-management relations is based, in part, on information found on the Federal Labor Relations Authority (FLRA or Authority) website at www.flra.gov.

⁶ 5 U.S.C. § 7101.

More recently, in 2009, President Barack Obama issued E.O. 13522, entitled “Creating Labor-Management Forums to Improve the Delivery of Government Services,” with the stated purpose of establishing a cooperative and productive form of labor-management relations throughout the Executive Branch. The E.O. provides that:

Federal employees and their union representatives are an essential source of front-line ideas and information about the realities of delivering Government services to the American people. A non-adversarial forum for managers, employees, and employees’ union representatives to discuss Government operations will promote satisfactory labor relations and improve the productivity and effectiveness of the Federal Government. Labor-management forums, as complements to the existing collective bargaining process, will allow managers and employees to collaborate in continuing to deliver the highest quality services to the American people.

b. Neutrals Involved in Administering the Federal Service Labor-Management Relations Statute

i. The Federal Labor Relations Authority (FLRA)

The Statute establishes distinct components within the FLRA, including (1) the Authority, (2) the Office of the General Counsel of the Authority, and (3) the Federal Service Impasses Panel. Presidential appointees are included in each of these three components. The FLRA structure also includes an Office of Administrative Law Judges. The mission of the FLRA is to promote stable, constructive labor-management relations in the Federal Government by resolving, and assisting in the prevention of, labor-management disputes in a manner that gives full effect to the collective bargaining rights of employees, unions, and agencies.

1. The Authority

The powers and duties of the Authority are enumerated in 5 U.S.C. § 7105 and include resolving complaints of unfair labor practices (ULPs), determining the appropriateness of bargaining units for labor organization representation, resolving collective bargaining negotiability disputes, and resolving exceptions (appeals) to arbitrators’ awards under 5 U.S.C. § 7122.

Beginning in February 2009, the Authority developed a comprehensive training initiative intended to make case processing more effective and efficient and to serve agency customers better by providing meaningful and clear guidance as to statutory rights and responsibilities. In addition to providing live and online training opportunities, the Authority has published guidance for practitioners related to arbitration proceedings before the Authority, and regarding negotiability determinations.

2. The Office of the General Counsel of the Authority

The Office of General Counsel (OGC) is the FLRA’s independent investigative and prosecutorial component. It includes all FLRA Regional Offices, and renders initial determinations on all ULP and Representation cases. OGC employees handle over 90% of all cases filed with the FLRA.

They are the first point of contact with members of the public when individuals file a case or seek assistance from the FLRA. Therefore, they play a vital role in promoting productive, stable and efficient labor-management relations throughout the Federal Government.

The OGC provides extensive training and resources. Their web-based resources offer comprehensive information regarding rights and responsibilities under the Statute, including case handling manuals, case law summaries, policy guidance, and online, self-paced tutorials. In addition, the OGC Regional Offices provide regular statutory and other specialized training requested jointly by labor-management representatives. These services are offered at no charge and provide employees, managers, and unions with clear, concise, accessible and cost-effective information on their rights and obligations under the Statute. More detailed information on FLRA training is provided later in this report.

3. Federal Service Impasses Panel (FSIP)

The FSIP resolves impasses between Federal agencies and unions representing Federal employees arising from negotiations. If bargaining between the parties, followed by mediation assistance, does not result in a voluntary agreement, either party or the parties jointly may request the FSIP's assistance. The FSIP has the authority to recommend and/or direct the use of various dispute resolution procedures. These include informal conferences, additional mediation, fact-finding, written submissions, and mediation-arbitration by FSIP Members, the FSIP's staff, or private arbitrators. If the parties still are unable to reach a voluntary settlement, the FSIP may take whatever action it deems necessary to resolve the dispute, including the imposition of contract terms through a final action. Like the other components of the FLRA, the FSIP provides comprehensive training in both live and virtual formats at no charge.

ii. Federal Mediation and Conciliation Service (FMCS)

Under 5 U.S.C. § 7119(a), the Federal Mediation and Conciliation Service (FMCS) is authorized to participate in dispute resolution with Federal agencies. While FMCS may be primarily known for providing dispute resolution assistance in relation to collective bargaining disputes, the agency provides a range of other services to Federal sector agencies and unions. These services include collective bargaining mediation, employment mediation, grievance mediation, labor-management training, dispute resolution systems design, and facilitation.

Overall, FMCS embraces the principle that constructive labor-management relationships and collective bargaining can be effective tools for increasing productivity and generating innovation and competitiveness in the nation's unionized workplaces. Even though Federal employees cannot be locked out of their respective agencies or strike, the damage caused by poor labor-management relationships can have an impact on organizational effectiveness and the efficient delivery of government services to the public.

Recognizing the potential negative impacts of poor relationships, many Federal agencies and their unions regularly use FMCS labor-management and ADR services. In Fiscal Year 2013, for example, FMCS delivered collective bargaining mediation services in 288 cases and conducted 320 labor-management training programs to Federal agencies and their unionized workforces. In

addition, Federal agencies engaged FMCS in 1,089 non-collective bargaining cases involving employment mediation, training, systems design, interagency cooperation, and facilitation of negotiated rulemaking or public policy dialogues. More detailed information on FMCS training is provided later in this report.

iii. Arbitrators

The Statute, at 5 U.S.C. § 7121, mandates that every collective bargaining agreement include a grievance procedure that includes binding arbitration before a neutral arbitrator. Grievances are defined under the Statute, 5 U.S.C. § 7103(a)(9), as any complaint:

- (A) by any employee concerning any matter relating to the employment of the employee;
- (B) by any labor organization concerning any matter relating to the employment of any employee; or
- (C) by any employee, labor organization, or agency concerning—
 - (i) the effect or interpretation, or a claim of breach, of a collective bargaining agreement; or
 - (ii) any claimed violation, misinterpretation, or misapplication of any law, rule, or regulation affecting conditions of employment[.]

Thus, a wide range of matters⁷ are appropriately resolved by a neutral arbitrator who the parties to the collective bargaining agreement mutually select.

c. Official Time

The Statute⁸ establishes a collective bargaining system that is tailored to the unique concerns of the Federal Government, carefully balancing the interests of the public, agency management, and employees. For example, Federal employees are prohibited by law from striking as a means to redress grievances with their employers.⁹ Many of the terms and conditions of employment of a Federal employee (including pay and benefits for most employees) are set by law and not subject to bargaining. Others are limited in bargaining by a broad management rights provision.¹⁰ Finally, Federal sector unions must represent all employees in a bargaining unit, regardless of whether the employees are dues-paying members of the union.¹¹ Membership in labor unions is, therefore, entirely voluntary for Federal employees and, as a result, there are fewer incentives for Federal employees to join and pay union dues than there are for some private sector and many state and local government employees. This voluntary membership in Federal sector unions results in considerable reliance by unions on the volunteer work of bargaining unit employees, rather than paid union business agents, to represent the union in representational matters such as collective bargaining and grievances.

⁷ Grievances are also limited by the Statute, as described in 5 U.S.C. § 7121(b)(2)(C).

⁸ 5 U.S.C. chapter 71.

⁹ See 5 U.S.C. § 7116(b)(7).

¹⁰ See 5 U.S.C. § 7106(a).

¹¹ See 5 U.S.C. § 7114(a)(1).

“Official time,” as authorized by 5 U.S.C. § 7131, is a core component of the Federal Government’s carefully crafted collective bargaining system. Official time is time spent by Federal employees performing representational work for a bargaining unit in lieu of their regularly assigned work. It allows unions to satisfy their duty of fair representation to members and non-members alike.

The Statute discusses official time in four sections. First, section 7131(a) discusses official time in the context of collective bargaining agreement negotiations:

[a]ny employee representing an exclusive representative in the negotiation of a collective bargaining agreement under this chapter shall be authorized official time for such purposes, including attendance at impasse proceeding, during the time the employee otherwise would be in a duty status. The number of employees for whom official time is authorized under this subsection shall not exceed the number of individuals designated as representing the agency for such purposes.

Second, under section 7131(b), the Statute specifies that official time is available for representational tasks only — and not available for internal union business.¹²

Third, section 7131(c) discusses when official time might be authorized for proceedings before the FLRA, stating, “Except as provided in subsection (a), the Authority shall determine whether any employee participating for, or on behalf of, a labor organization in any phase of proceedings before the Authority shall be authorized official time for such purpose during the time the employee otherwise would be in a duty status.”

Finally, section 7131(d) sets forth the general provisions governing all other requests for official time:

Except as provided in the preceding subsections of this section – (1) any employee representing an exclusive representative, or (2) in connection with any other matter covered by this chapter, any employee in an appropriate unit represented by an exclusive representative, shall be granted official time in any amount the agency and the exclusive representative involved agree to be reasonable, necessary, and in the public interest.

Accordingly, Union representatives may use official time in the service of bargaining unit members in a number of ways, including:

- to participate in labor-management workgroups;
- to represent bargaining unit employees in meetings;
- to facilitate implementation of new workplace initiatives that enhance employees’ ability to effectively serve the public;
- to negotiate contracts and other collective bargaining agreements;

¹² Section § 7131(b) states, “Any activities performed by any employee relating to the internal business of a labor organization (including the solicitation or membership, elections of labor organization officials, and collection of dues) shall be performed during the time the employee is in a nonduty status.”

- to participate in proceedings before the Federal Labor Relations Authority;
- to represent employees in grievances and disciplinary actions; and
- in connection with other matters covered by the Statute, so long as the agency and union agree that the amount of time is reasonable, necessary, and in the public interest.

i. Official Time Statistics for Fiscal Year 2012

Labor and management have a shared responsibility to ensure that official time is authorized and used appropriately. Labor and management must develop sensible arrangements for official time that meet the needs and expectations of agencies, employees, and the ultimate customers – the American people. Labor and management should also ensure that appropriate recordkeeping mechanisms are utilized for tracking and recording official time. While there is no uniform requirement concerning the degree and specificity of records kept for this purpose, OPM encourages labor and management, at the minimum, to record official time in the following categories: (1) Term Negotiations; (2) Mid-Term Negotiations; (3) Dispute Resolution; and (4) General Labor-Management Relations. (See [Appendix A](#)).

In collecting the official time data for this report, OPM gathered data from automated time and attendance systems via the Enterprise Human Resources Integration (EHRI) system. Agencies that report official time data via EHRI were asked to verify the official time hours used by employee representatives within their organizations, and to validate how those hours were used within the four predefined categories. Executive departments and agencies, as well as the Government Printing Office and U.S. Capitol Police, are covered in this report. Non-appropriated fund activities within the Executive Branch are not covered in this report.

Each agency that reported official time data electronically received a consolidated report, encompassing all agency subcomponents, of their official time usage within each of the four categories. Since the EHRI system tracks individual records, it may not have accounted for changes to an employee's bargaining unit status during the course of the fiscal year. Recognizing this system's limitation, agencies were requested to authenticate this data against their internal records to ensure that the data reported for each agency was accurate and complete. Agencies that do not report official time data via EHRI were asked to submit their official time usage manually for Fiscal Year (FY) 2012.¹³

ii. FY 2012 Official Time Survey Findings

During FY 2012, unions represented 1,222,537 non-Postal Federal civil service bargaining unit employees, an increase of approximately 1.65% or 19,804 bargaining unit employees compared to FY 2011.¹⁴ Agencies reported that bargaining unit employees spent a total of 3,439,449 hours performing representational duties on official time, an increase of 1.3 percent compared to FY

¹³ Fifty-nine of the 62 agencies covered in this report confirmed or updated their official time data. The official time figures reported in EHRI for the African Development Foundation, the International Boundary and Water Commission, and the National Mediation Board were not confirmed by the agency.

¹⁴ Numbers do not include employees of non-appropriated fund activities, but do include employees of the U.S. Capitol Police (Legislative Branch) and the Government Printing Office.

2011. Government-wide, the number of official time hours used per bargaining unit employee on representational matters decreased from 2.82 hours in FY 2011 to 2.81 hours during FY 2012.

The estimated official time costs represented approximately one tenth of one percent of the total cost of salary and benefits for Federal employees in FY 2012, yet can contribute in meaningful ways to the ability of Federal employees to carry out their duties on behalf of the American people. The likely connections between the collective bargaining process, employee engagement, and improved agency performance will be discussed in more detail later in this report.

TOTAL OFFICIAL TIME HOURS - FY 2008-2012					
	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Total Official Time Hours	2,893,922	2,991,378	3,096,018	3,395,187	3,439,449
Rate (Hours per BU Employee per year)	2.60	2.58	2.61	2.82	2.81

iii. Comparison of Hours Reported to Previous Fiscal Year

The table in [Appendix B](#) shows the hours reported by agency in FY 2011 and FY 2012, and the change in percentage between the two years. The data show wide variations in official time hours reported among agencies compared to the previous year. Many of the agencies showing the widest variation from the previous year, however, have a small number of bargaining unit employees. Thus, modest numerical changes in reported hours translate into significant percentage changes for these agencies. Twenty-nine of the 62 agencies reported reductions in the number of official time hours used.

iv. Official Time Rates

The official time rate, also referred to as the Hours Per Employee (HPE) rate, which indicates the number of official time hours expended per bargaining unit employee in a fiscal year, allows for meaningful comparisons of official time usage among agencies (See [Appendix C](#)). The HPE rate may not show a change in total figures due to rounding. Although figures are rounded, slight variations in the HPE rate are reflected in the percentage of change. The average FY 2012 Government-wide HPE rate was 2.81 which is a decrease from the FY 2011 HPE rate of 2.82.

v. Cost

Costs were estimated based on September 2012 wage data provided through the Enterprise Human Resources Integration Statistical Data Mart (EHRI-SDM). The estimated total payroll costs, average salary and benefits, for FY 2012 official time hours was \$157,196,468 (See [Appendix D](#)). As with all prior reports, we estimate each agency's official time wage costs by multiplying the reported official time hours by each agency's *average bargaining unit employee*

*hourly wage*¹⁵ plus fringe benefits. In comparing FY 2011 and FY 2012 data, the estimated cost of official time hours increased by 1.04 percent. This increase reflects, in part, the increased number of bargaining unit employees and the corresponding increase in official time usage Government-wide.

vi. Summary of Official Time Usage

Total official time hours across the Government have increased 1.30 percent from FY 2011 to FY 2012. The hours expended per bargaining unit employee decreased from 2.82 hours to 2.81 hours from FY 2011 to FY 2012.

d. Labor Unions and Employee Engagement

As discussed earlier in this report, in enacting the Statute, Congress found that “the public interest demands the highest standards of employee performance and the continued development and implementation of modern and progressive work practices to facilitate and improve employee performance and the efficient accomplishment of the operations of the Government.”¹⁶ Employee engagement is a critical piece of this formula.

In 2008, the U.S. Merit Systems Protection Board (MSPB) issued a paper entitled, “*The Power of Federal Employee Engagement*.”¹⁷ Therein, the MSPB stated that it found evidence that engaged employees find personal meaning in their work, take pride in what they do and where they do it, and believe that their organization values them. The MSPB noted:

We have found evidence that a heightened connection, or engagement, between Federal employees and their organizations that surpasses job satisfaction is related to better organizational outcomes. As Federal agencies face stiff competition for new talent, employee engagement strategies may help them to attract the best new employees available and retain the talented employees already on board. By fully engaging their employees as recommended, agencies can improve their operations despite a highly competitive labor market.

The MSPB subsequently acknowledged in 2010 that E.O. 13522 provides an opportunity to offer employee representatives or labor unions a formal avenue for their opinions to be heard.¹⁸ The Board identified one strategy that management could follow – treat employees as business partners and to empower employees to participate in the organization as partners with management. Since E.O. 13522 provides a non-adversarial forum for management and labor to discuss workplace challenges and problems and endeavor to develop solutions jointly, the MSPB believes E.O. 13522 offers a partnership opportunity that may help improve the engagement

¹⁵ To facilitate calculation of official time costs, OPM relies on the agency’s average bargaining unit employee hourly wage as of the last day of the fiscal year, September 30.

¹⁶ 5 U.S.C. § 7101(a)(2).

¹⁷ *The Power of Federal Employee Engagement*, U.S. Merit Systems Protection Board, September 2008.

¹⁸ *Issues of Merit*, U.S. Merit Systems Protection Board, April 2010 – see

<http://www.mspb.gov/netsearch/viewdocs.aspx?docnumber=491200&version=492557&application=ACROBAT>

level of union employees and help to realize the Executive Order goal of improved agency products and services. The Council is currently partnering with the Chief Human Capital Officers Council on the issue of employee engagement. Specifically, as reported to the Council on July 23, 2014, they are working to (1) identify promising engagement practices across Federal and non-Federal sites; (2) identify the barriers and enablers of employee engagement; and (3) identify existing promising practices around engagement incentives.¹⁹ Later in this report, we will highlight examples of labor and management working together and subsequently having a positive impact on employee engagement.

IV. Executive Order 13522

a. Background

As discussed earlier, President Obama issued E.O. 13522, “Creating Labor-Management Forums to Improve Delivery of Government Services,” on December 9, 2009.²⁰ Not only does the E.O. promote effective labor relations throughout the Federal Government, but it also focuses on using effective labor relations to improve agency productivity and effectiveness. The E.O. recognizes that employees and their union representatives are an essential source of ideas and information about the realities of government services and products. It is one goal of the E.O. to establish labor management forums that “allow managers and employees to collaborate in continuing to deliver the highest quality services to the American people.”

i. Establishment of the National Council on Federal Labor-Management Relations

To advise the President on matters related to labor-management relations in the Executive Branch, E.O. 13522 established the National Council on Federal Labor-Management Relations.²¹ The Council is co-chaired by the Director of the Office of Personnel Management and the Deputy Director for Management of the Office of Management and Budget. The President designated or appointed fifteen other members to serve on the Council.²²

Through E.O. 13522, the President tasked the Council with multiple functions and responsibilities related to labor relations in the Executive Branch. These include, but are not limited to: supporting the creation of labor-management forums; promoting partnership efforts between labor and management; developing suggested metrics to evaluate the effectiveness of forums; providing guidance on labor-management relations improvement efforts; utilizing current training methods about dispute resolution and cooperation; and developing recommendations for innovative ways to improve delivery of services and products to the public while cutting costs and advancing employee interests. The Council posts all meeting agendas, minutes, documents, presentations, and other records on its website: www.lmrcouncil.gov.

¹⁹ <http://www.lmrcouncil.gov/meetings/handouts/Employee%20Engagement%20Update.pdf>

²⁰ <http://www.gpo.gov/fdsys/pkg/FR-2009-12-14/pdf/E9-29781.pdf>

²¹ The President extended the Council until September 30, 2013 in Executive Order 13591 and until September 30, 2015 in Executive Order 13652.

²² The current list of members may be found on the Council’s website: <http://lmrcouncil.gov/about/member.aspx>.

ii. Creation of Labor-Management Forums

E.O. 13522 directs agencies to create labor-management forums, to the extent permitted by law, so that these labor management forums can allow managers and employees to collaborate in continuing to deliver the highest quality services to the American people. From the outset, the Council has been careful not to be so prescriptive with guidance relating to labor-management forums that it stifles creativity or impedes progress, and can be tailored to the particular labor-management forum. These forums can be found at all levels – national/department level, bureau/agency/component level, and local/field level. Some forums reported establishing additional working groups on an *ad hoc* basis depending on issues that may arise out of forum discussions. Because forums may be established at any and all levels of an agency, the exact number of forums is not known. The Council’s on-line reporting tool (discussed in more detail later in this report) is being used to assess how many forums have been established.

iii. Engage in Pre-Decisional Involvement (PDI)

As E.O. 13522 makes clear, pre-decisional involvement (PDI) is an important component of the implementation of the labor management forums. The E.O. calls for agencies to involve employees and their union representatives in pre-decisional discussions concerning all workplace matters to the fullest extent practicable. It describes federal employees and their union representatives as sources of “essential ideas and information” about delivering quality government services to the public.

The ultimate goal of the PDI process is to allow employees, through their labor representatives, to have meaningful input resulting in better quality decision-making, more support for decisions, timelier implementation, and better results for the American people. PDI can supplement the collective bargaining process and “be beneficial to both parties as it may identify and address unexplored ideas, or expedite any bargaining that may be required as a result of budget execution initiatives.”²³ Council training and guidance on PDI is located on the Council’s webpage with other PDI resources.²⁴ The FLRA and FMCS have also developed comprehensive training and guidance on PDI, which is discussed in the following section.

Finally, the Council has highlighted various examples of the positive impact of establishing labor-management forums and engaging unions in PDI. In one such example, the National Aeronautics and Space Administration (NASA) and the International Federation of Professional and Technical Engineers (IFPTE) presented the Council with a guide²⁵ that they developed on pre-decisional involvement. This guide, which NASA and IFPTE used as part of an effort to educate the workforce on the PDI process, provides tips for determining when PDI is appropriate, methods for initiating PDI, a general outline of the PDI process, and a list of best practices for engaging in PDI. This guide is promoted by the Council as a best practice on the Council website.

²³ http://www.lmrcouncil.gov/meetings/handouts/Predecisional_letter_LMF.pdf at 2.

²⁴ <http://lmrcouncil.gov/PDI/index.aspx>

²⁵ <http://www.lmrcouncil.gov/meetings/handouts/NASA%20PDI%20Reference%20Guide.pdf>

iv. Provide Labor-Management Training

The FLRA and the FMCS have taken the lead in providing training to agencies on implementing E.O. 13522. This training partnership also developed into ongoing support of the Council's mission in support of E.O. 13522. As described in more detail later in this report, FLRA and FMCS deliver training to labor and management representatives throughout the government on a variety of subjects related to E.O. 13522. Their training efforts can be instrumental in helping agencies and labor work together towards the President's goal outlined in E.O. 13522 of promoting satisfactory labor relations and improving the productivity and effectiveness of the Federal Government.

v. Evaluate Progress and Improvements in Organizational Performance

The E.O. tasked the Council with developing suggested measurements and metrics for evaluation of the effectiveness of the Council and labor-management forums. Metrics are a critical step in demonstrating how labor and management, collaborating together on workplace matters, can contribute to a more productive and efficient Federal Government.

The Council identified three objectives to measure the progress made on forums' issues, and ultimately, the effectiveness of these forums. Those objectives are:

- (1) Improve the agency's ability to accomplish its mission and deliver high quality products, services, and protection to the public;
- (2) Improve the quality of employee work-life; and
- (3) Improve the labor-management relations climate.

Some labor-management forums are attempting to discern the most effective way to capture certain metrics related to their work and outcomes/outputs, in particular those that measure mission-focused data and service delivery metrics unique to their organizations. For instance, a forum may identify an issue such as increasing productivity by reducing the time it takes for employees to process claims. A metric the forum may decide to use is measuring the time it takes to process claims with a goal of increasing productivity by 10 percent. The forum would then focus the discussion on the best method to meet this goal by soliciting ideas from employees, through their union representatives, and operational-level managers. An agency that fails to collaborate with its union partners might miss very important aspects of a potential solution which may only be known to employees who are directly engaged in completing the work.

The Council has encouraged forums to work with their agencies' Performance Improvement Officers, or equivalent positions, to identify potential topics and metrics. The Council has also developed a series of short videos designed to provide a basic understanding of what metrics are; why metrics are important; how to develop and use metrics; and how to find additional resources to assist in metrics efforts.²⁶ The Council encourages, and will continue to encourage, forums to foster an environment where labor and management can come together and develop creative

²⁶ <https://www.youtube.com/playlist?list=PLuzWeT0b0ErBpWeGGzNL2anEnW9iBKXf>.

solutions to the unique issues their employees face every day and develop metrics to measure the effectiveness of those solutions.

b. Government-wide Training and Guidance

i. National Council on Federal Labor Management Relations

The Council has consistently focused on providing leadership, guidance, and training tools to assist labor-management forums. For example, in 2013, the Council formed its Problem Resolution Subcommittee. The purpose of this subcommittee is to (1) assist management and labor in establishing forums; help existing forums; and provide other assistance; (2) facilitate communication between labor-management forums and the FLRA and FMCS regarding training and facilitation assistance; and (3) gather labor-management forum best practices and actively promote them.

A major initiative of the Council's Problem Resolution Subcommittee has been to develop a Tool Kit of resources for labor-management forums.²⁷ In addition to identifying existing resources and making them available in a central location on the Council's webpage, this group has also produced new resources. Some of these take the form of "Quick Tips," which are intended to provide labor-management forum participants with brief, easily digestible information on important topics. The first of these was released in 2013, on the topic of PDI.²⁸ Additional resources were released in early 2014, including a seven-part series of Quick Tip presentations related to labor-management forum metrics,²⁹ a set of Frequently Asked Questions³⁰ on the topic of PDI and its relationship to collective bargaining, "checklists" for labor and management to use throughout the PDI process³¹, and an interactive PDI Outcomes module designed to assist parties with determining what happens once they have completed the PDI process.³² The Problem Resolution Subcommittee is working to develop additional resources to assist labor-management forums. Representatives from the FLRA and FMCS have been involved extensively in the development of all of the resources released by the Problem Resolution Subcommittee.

Recognizing the potential value to labor-management forum participants government-wide, the Council began recording presentations to the Council by labor-management forums in 2014 when possible and posting the videos on its website. Videos posted include the presentation by the U.S. Patent and Trademark Office and the National Treasury Employees Union, Chapter

²⁷ <http://www.lmrcouncil.gov/training/index.aspx>

²⁸ <https://www.youtube.com/watch?v=QuoRH0ZVU0I>

²⁹ <https://www.youtube.com/playlist?list=PLuzWeT0b0ErBpWeGGzNL2anEnW9iBKXf>

³⁰ http://www.lmrcouncil.gov/PDI/PDI_Frequently_Asked_Questions.pdf

³¹ <http://www.lmrcouncil.gov/PDI/checklists.aspx>

³² <http://www.lmrcouncil.gov/PDI/outcomes.aspx>

245³³ and the presentation by the U.S. Department of the Treasury, Bureau of Engraving and Printing (BEP) and the BEP Joint Labor Council.³⁴

ii. Federal Labor Relations Authority (FLRA)

The FLRA provides a variety of training opportunities to labor-management forum participants, with many training opportunities available in person or on-line. The multi-faceted training program of the FLRA covers the rights and responsibilities set forth in the Statute, and also includes training in the areas of representation case law and procedure, arbitration, negotiability, impasses, and alternative dispute resolution. Access to the FLRA's online training opportunities has been expanded through shared resource agreements with other agencies, such as the Department of Veterans Affairs (VA) and the Department of Defense (DoD). The FLRA's web-based training program is available to Federal employees through OPM's HR University.³⁵ This training is available at no cost to agency officials and union representatives.

In addition, the FLRA collaborated with the FMCS to administer training specifically designed to support E.O. 13522. The FLRA portion of the training covers bargaining rights and obligations under the Statute as well as pre-decisional involvement, i.e., defining and establishing processes to involve employees, through their union representatives, prior to final decisions being made on agency initiatives. The FMCS portion of the training covers the fundamentals of establishing and maintaining an effective labor management forum that meets the E.O.'s goals. The training program is designed to provide Federal labor and management leaders with a common understanding of the information and skills needed for effective labor management forums.³⁶

The FLRA advises us that over the past five years, the FLRA reached nearly 27,000 practitioners by delivering close to 900 training, outreach, and facilitation sessions as part of its comprehensive training program, described above. In addition to hosting training sessions in person and through web-based technology, the FLRA develops and delivers programs at various training conferences. The FLRA also maintains, on its website, case law outlines, manuals, and guides developed to assist members of the Federal labor-management relations community with issues and cases arising under the Statute.³⁷

iii. Federal Mediation and Conciliation Service (FMCS)

As previously discussed, the FMCS collaborated with the FLRA to design and administer training in support of E.O. 13522, particularly to assist with the initial forming of labor-management forums. In addition, in January 2011, the FMCS reported to the Council on the "Train the Trainer" initiative. The purpose of this initiative was for the FMCS to train agency

³³ <http://www.youtube.com/watch?v=rA7A0iUkudg&feature=youtu.be>

³⁴ <https://www.youtube.com/watch?v=jaV3HCAd6EI&feature=youtu.be>

³⁵ <http://hru.gov/>

³⁶ Memo to All Training Participants, dated May 2010.

³⁷ <http://www.lmrcouncil.gov/meetings/handouts/Training%20Materials.zip>

www.flra.gov

and union representatives, jointly, on how to train others to implement labor-management forums in accordance with E.O. 13522, with one goal being to expand the pool of available trainers, leaving FLRA and FMCS staff available to assist parties with more complex national issues. To the extent that labor and management continue to explore opportunities to establish labor-management forums at various levels of the organization, this is can be a very helpful tool in expanding the training opportunities for labor and management forum participants.

Announced in September 2012, FMCS also offers on-line Labor-Management Forums Development training. The purpose of this program is to provide agencies, agency components, and unions with an understanding of E.O. 13522 and to provide them with a foundation to begin meeting its objectives.³⁸ In July 2013, it was noted at a Council meeting that FMCS has a “Relationship Building” program, which encourages constructive problem-solving. This is one example of the type of training FMCS provides to labor-management forums to encourage their ongoing success.³⁹ Another type of FMCS training was highlighted at the Council’s July 2014 meeting. Referred to as the “Relationship by Objective” process, this technique was reportedly critical to transforming the labor-management relationship between the Department of Justice, Bureau of Prisons and its union, AFGE Council of Prison Locals, C-33. This training is reported to have broken many barriers between labor and management, permitting an open and honest exchange of information and establishing a solid foundation for a new and positive relationship.⁴⁰ FMCS advises us that since 2010, the FMCS has trained approximately 6,200 participants to support their labor-management forums, in addition to the more than 6,000 participants in the training jointly administered by FLRA and FMCS.

c. Perspectives from the Workplace

i. The Climate

Since its formation, the Council has made various efforts to assess the workplace climate as it relates to labor-management forums. For example, in November 2010, OPM surveyed 51 agencies in the Executive Branch to assess how many labor-management forums had been implemented or were being established. Information informally reported to OPM by agency representatives in early 2011 suggested that approximately 765,757 bargaining unit employees were covered by a labor-management forum,⁴¹ and most forums were meeting on a monthly basis. At the time, this data was not validated with labor organizations participating in labor-management forums in those agencies.

Studies also occurred in relation to the (b)(1) Bargaining Pilots. In May 2012, the Council submitted its comprehensive report on the (b)(1) Bargaining Pilots to the President.⁴² The results of the pilots were succinctly summarized by a labor representative at the Council’s November

³⁸ <http://www.lmrcouncil.gov/meetings/handouts/FMCS%20EO%2013522%20Web%20Training.pdf>

³⁹ http://www.lmrcouncil.gov/meetings/minutes/NCFLMR_July172013_MtgMinutes.pdf

⁴⁰ <http://www.lmrcouncil.gov/meetings/handouts/BOP-%20AFGE%20Presentation.pdf>

⁴¹ There are approximately 1.2 million non-Postal bargaining unit employees across the Executive Branch.

⁴² <http://www.lmrcouncil.gov/meetings/handouts/President.pdf>

2013 meeting, “We found (b)(1) pilots are great PDI success stories because they came to a better solution more quickly.”

In 2013, the Council’s Problem Resolution Subcommittee designed a Labor-Management Forum Reporting Tool, for the purpose of gathering data related to the operations and experiences of labor-management forums throughout the Executive Branch. Specifically, the Reporting Tool was intended to provide a mechanism for labor-management forums to bring specific problems to the attention of the National Council; to identify common barriers; and to find examples of best practices of successful forums. Highlights from results of this tool include the following:

- Asked to identify no more than three of the most significant barriers encountered by the forum, the highest number of labor and management respondents selected “trust or relationship issues,” followed by “scheduling” and “communication.”
- In response to the question, “How frequently does your forum engage in pre-decisional involvement (PDI),” more than 50% of the responses submitted by labor representatives indicated “not often” or “not at all,” while 44% of the management responses indicated they were engaging in PDI “often” or “constantly.”
- More labor respondents than management respondents identified the “pre-decisional involvement process” and “lack of involvement of decision-makers” as significant barriers facing their forum.

While the results were not considered to be statistically valid, Council members engaged in open discussion concerning the different responses provided by labor versus management. One discussion related to how frequently forums engage in PDI, including whether the disparate answers from labor and management were based upon different perceptions about what PDI is. Follow-up interviews with select labor-management forums were conducted in 2014, and sought to shed light on the reasons behind the disparate answers. As reported to the Council at its July 2014 meeting, some forum participants had different perceptions about PDI, how it should work, and whether labor and management shared expectations for possible outcomes of the PDI process. This information will help guide the Council in developing additional training and guidance on the PDI process.

ii. Characteristics of Successful Labor-Management Forums

Frequently, successful labor-management forums make presentations to the Council at its meetings. Certain characteristics are shared by many of these forums, such as the commitment of top leaders. Another common approach of the forums is to encourage employees to innovate. This led to significant success by the Naval Sea Systems Command and Hawaii Metal Trades Council forum, as they implemented “Moonshine Teams.” These are small teams that work to implement workers’ ideas on how to improve processes.⁴³ Similarly, the Department of the

⁴³ Additional information on the “Moonshine Teams” is provided later in this report at Section IV(d) – Improvements in Organizational Effectiveness and Employee Engagement Resulting from Labor-Management Forums

Treasury, Bureau of Engraving and Printing (BEP) and the BEP Joint Labor Council maintain a list of “engagement initiatives,” suggested by employees, that they have implemented successfully.⁴⁴

Having the top leaders on both the management and labor sides committed to the success of the labor-management forum is a critical element. This was specifically mentioned by the representatives who presented on behalf of the Patent and Trademark Office (PTO) and Patent Office Professional Association (POPA); the PTO and the National Treasury Employees Union (NTEU) Chapter 245; the Securities and Exchange Commission (SEC) and NTEU Chapter 293; the BEP and the BEP Joint Labor Council; the Federal Aviation Administration (FAA) and National Air Traffic Controllers Association (NATCA); the Bureau of Prisons and the AFGE Council of Prison Locals (CPL); and others.⁴⁵

PDI and related communication plans are also characteristics of successful forums. Representatives who presented on behalf of the Nuclear Regulatory Commission and NTEU Chapter 208; NASA and IFPTE Local 9; U.S. Forest Service and National Federation of Federal Employees (NFFE) Forest Service Council; and the PTO and NTEU Chapter 245; described their PDI processes and how they have contributed to the success of their labor-management forums. Representatives from SEC and NTEU Chapter 293, and FAA and NATCA highlighted the importance of management providing the union with an opportunity to be involved in the decision-making process, but also underscored the importance of labor and management sharing in a common message, after a decision is made.

iii. Barriers Encountered by Labor-Management Forums

There is great diversity in the experience of labor-management forums throughout the Executive Branch. However, analysis of the types of issues that are presented to and discussed by the Council provides some insight into the common barriers forums are facing. First, various aspects of the PDI process can present a significant challenge to labor-management forums. As described in more detail above, forums may struggle with defining what PDI is and how their PDI process will work. The topic of confidential information and how it will be handled, if at all, in PDI can be another stumbling block for forums. Next, the topic of using metrics to evaluate the effectiveness of forums’ activities presents a significant challenge. Many forums face difficulties with identifying and tracking metrics to measure the impact of their activities on mission accomplishment and labor-management satisfaction. The Council will continue to make both the use of PDI and establishment of strong metrics an important focus.

As discussed earlier in this report, results from the Labor-Management Forum Reporting Tool identified as common barriers to forums: trust and relationship issues, lack of involvement by decision-makers, and communication, among others. Forum participants who have made presentations to the Council have lent support to these results. For example, Robert Budens, President of POPA, underscored the importance of the involvement of decision-makers when he

⁴⁴ <http://www.lmrcouncil.gov/meetings/handouts/BEP.pdf>

⁴⁵ <http://www.lmrcouncil.gov/meetings/past.aspx>

explained to the Council how much the labor-management relationship at the PTO improved after the PTO's then new director became directly involved in helping to resolve issues that were important to the union. Likewise, a presenter representing the FAA explained how a new management team improved relationships with the NATCA and the Professional Aviation Safety Specialists, and created collaborative labor-management workgroups. He also explained how these collaborative workgroups addressed issues of communication by agreeing on problem statements, and by agreeing on a joint communication strategy that enabled them to speak with "one voice" when describing the results of their efforts. While these are examples of forums that overcame their barriers, their experiences demonstrate the significance of the challenges forums are facing throughout the government.

Finally, the Council has discussed the impact of current events on the work of labor-management forums. For example, Mr. Nguyen noted at one meeting, ". . . dealing with issues arising from furloughs and sequestration is critical." Other Council members, including Colleen Kelley, National President of the NTEU, and J. David Cox, National President of the American Federation of Government Employees, have noted in Council meetings that PDI is a critical piece for working through these issues.

d. Improvements in Organizational Effectiveness and Employee Engagement Resulting from Labor-Management Forums

In recent Council meetings, representatives from both management and labor have presented on their successful efforts to improve employee engagement and satisfaction while at the same time improving performance and productivity. For instance, labor representatives from the POPA and the NTEU joined PTO management representatives in briefing the Council on their enormous successes using PDI. PTO reorganized around line workers by involving labor representatives in the decision-making process before management determined how to proceed. As a result, PTO reduced the patent application backlog by 31 percent and the trademark application processing time from 13.4 months to 10 months (while applications continued to increase in number every year).

Through constant engagement with labor representatives, PTO's Global Satisfaction Index score⁴⁶ increased from 56 percent to 82 percent, from 2006 to 2013. It also has improved in the Partnership for Public Service's Best Places to Work in the Federal Government rankings from #172 to #1 out of 300 agency subcomponents in that same time period. Since the Federal Employee Viewpoint Survey began to include an Engagement Index in 2010, that PTO's score in that area increased from 71 percent to 82 percent.

In another case, labor and management representatives at the FAA collaborated to successfully implement a new computer system (ERAM) that replaced a 40-year-old system used at air route traffic control centers nationwide. The representatives attributed the recent success of the project

⁴⁶ The Global Satisfaction Index is calculated based upon four FEVS questions #40 – I recommend my organization as a good place to work; #69 – Considering everything, how satisfied are you with your job?; #70 – Considering everything, how satisfied are you with your pay?; and #71 – Considering everything, how satisfied are you with your organization?

to the governance structure of the work groups which are co-chaired by labor and management. The work groups agree on recommendations and speak with “one voice” to the field. This structure improved overall buy-in of the new system and general workforce engagement which allowed for smoother transitions. The lessons learned with the ERAM project are now being leveraged on other FAA programs to seek similar successes

The Hawaii Metal Trades Council representative briefed the Council on their long-established collaborative process with the Naval Sea Systems Command component located at the Pearl Harbor Naval Shipyard, which serves as a model to other labor-management forums. Described briefly above, this process, called “Moonshine,” is a method borrowed from Boeing that utilizes small teams to develop and implement ideas submitted by workers for improving current processes. These “Moonshine Teams” provide employees with the freedom to innovate and implement new ideas quickly. Some of their successful process improvements include: modification of tools to allow the usage of a dolly in the installation of a submarine battery, which is projected to save many man hours and reduce costs; use of new draining methods to change the water more quickly in a chill water system, which is projected to save about 75 man hours per fiscal year; and use of a different pump to change hydraulic fluid, which substantially cuts fluid changing time (e.g. from 15 shifts to 3 shifts). This bottom-up approach to innovation has reportedly empowered workers to develop methods that ultimately save the shipyard time and money.

Through a collaborative labor-management partnership, the Naval Sea Systems Command and Metal Trades Department implemented a program called “Hour-a-Day.” Leadership asked their unions and workers, through their labor-management forum, to put forward ideas to save an hour of time out of each workday. The program worked and employees felt empowered to create ideas. Employees came up with a solution to the problem of mechanics waiting in line for tools and sometimes receiving the wrong materials. These workers suggested an automated dispensing unit that saves time and prevents rework by quickly providing the mechanic with the correct number and type of item. This has reportedly saved workers significant amounts of time which translates into enormous cost savings to the agency.

These are a few examples of labor-management forum success stories that focus on productivity through increased employee engagement. The relationship between successful labor-management forums and employee engagement has been noted at numerous Council meetings. Additional examples of efforts to improve labor-management relationships and employee engagement, in the context of Federal Employee Viewpoint Survey results, include:

- The Federal Communications Commission attained “Most Improved Status” in the Best Places to Work in the Federal Government rankings after working to improve its labor-management relationships and employee engagement (July 2013 Council Meeting);⁴⁷

⁴⁷ FCC example cited by Mr. Steven VanRoelkel, U.S. Chief Information Officer, Office of Management and Budget.

- NASA informed the Council that it measured improvements in PDI by tracking employees' answers to a question on the Federal Employee Viewpoint Survey, "How satisfied are you with the information you receive from management on what's going on in your organization?" (July 2012 Council Meeting);
- BEP tracked its Best Places to Work in the Federal Government ranking while working to expand PDI, improve its labor-management relationships, and improve employee engagement. The ranking improved from number 219 in 2010 to number 47 in 2013 (March 2014 Council Meeting).

Many other presentations to the Council highlighted the synergy between successful labor-management forums and employee engagement, even without specifically referencing the Federal Employee Viewpoint Survey. In response to the "Hour-a-Day" presentation by Naval Sea Systems Command and the Metal Trades Department, described in detail above, Council Member Gregory Junemann, President of the International Federation of Professional and Technical Engineers, commented, "This is a model for me. What we do right in the Government that they don't do right in the private sector is worker engagement. In the private sector, they think more about labor costs and laying people off. A smarter way is to figure out how to use the workforce to save money."

V. Conclusions

In enacting the Federal Service Labor-Management Relations Statute (Statute), Congress intended for collective bargaining "to facilitate and improve employee performance and the efficient accomplishment of the operations of the Government."⁴⁸ Employee engagement is one important piece of this formula. Executive Order 13522 offers an additional opportunity to engage employees through their representatives and to participate in workplace matters as partners with management with the ultimate goal of improved agency products and services. To facilitate working with employee representatives who voluntarily represent the bargaining unit on workplace matters, official time is authorized and permitted under the circumstances set forth in 5 U.S.C. § 7131. In addition, various low-cost or no-cost classroom and web-based training are available to agencies and unions to assist them in meeting their obligations under the Statute and E.O. 13522. Agency and union leaders, along with every Federal employee, share in the goals of cutting costs, enhancing productivity, and improving delivery of government services. OPM and the National Council on Federal Labor-Management Relations will continue to support agencies and unions in offering guidance, training and assistance on labor-management relations matters.

⁴⁸ 5 U.S.C. § 7101(a)(2)

Appendix A – Official Time Definitions and Terminology

Official Time means all time, regardless of agency nomenclature, granted to an employee by the agency to perform representational functions under 5 U.S.C. Chapter 71 and by collective bargaining agreement when the employee would otherwise be in a duty status.

Official Time Reporting Categories— agencies are asked to report four categories of official time use.

- **Term Negotiations**— this category for reporting official time hours refers to time used by union representatives to prepare for and negotiate a basic collective bargaining agreement or its successor.
- **Mid-Term Negotiations**— this category for reporting official time hours refers to time used to bargain over issues raised during the life of a term agreement.
- **Dispute Resolution**— this category for reporting official time hours refers to time used to process grievances up to and including arbitrations and to process appeals of bargaining unit employees to the various administrative agencies such as the MSPB, FLRA and EEOC and, as necessary, to the courts.
- **General Labor-Management Relations**— this category for reporting official time hours refers to time used for activities not included in the above three categories. Examples of such activities include: meetings between labor and management officials to discuss general conditions of employment, labor-management committee meetings, labor relations training for union representatives, and union participation in formal meetings and investigative interviews.

Representational Functions refers to activities undertaken by employees acting on behalf of the labor organization or fulfilling the organization’s responsibility to represent bargaining unit employees in accordance with 5 U.S.C. Chapter 71 and a collective bargaining agreement.

Appendix B – Comparison of Hours Reported to Previous Fiscal Year

OFFICIAL TIME HOURS – FY 2012 vs. FY 2011

Department/ Agency	FY 2012 Official Time Hours	FY 2011 Official Time Hours	% Change	Department/ Agency	FY 2012 Official Time Hours	FY 2011 Official Time Hours	% Change
Agencies with 1,000 or fewer bargaining unit employees							
African Development Foundation	0.00	0.00	0.00%	National Credit Union Administration	2,874.60	3,634.60	-20.91%
Armed Forces Retirement Home	336.00	416.00	-19.23%	National Endowment for the Arts	88.75	N/A	N/A
Commission on Civil Rights	0.00	0.00	0.00%	National Endowment for the Humanities	463.50	315.00	47.14%
Commodity Futures Trading Commission	90.00	216.00	-58.33%	National Gallery of Art	1,450.50	1,992.00	-27.18%
Consumer Product Safety Commission	427.00	460.00	-7.17%	National Mediation Board	0.00	0.00	0.00%
Corporation for National and Community Service	63.50	90.00	-29.44%	National Science Foundation	448.50	1,153.50	-61.12%
Court Services and Offender Supervision Agency	455.75	91.00	400.82%	National Transportation Safety Board	221.50	161.50	37.15%
Export-Import Bank	5.50	30.00	-81.67%	Overseas Private Investment Corporation	238.00	315.00	-24.44%
Federal Election Commission	463.50	781.25	-40.67%	Peace Corps	371.00	363.00	2.20%
Federal Mediation and Conciliation Service	0.00	0.00	0.00%	Pension Benefit Guaranty Corporation	819.00	1,810.50	-54.76%

OFFICIAL TIME HOURS – FY 2012 vs. FY 2011

Department/ Agency	FY 2012 Official Time Hours	FY 2011 Official Time Hours	% Change	Department/ Agency	FY 2012 Official Time Hours	FY 2011 Official Time Hours	% Change
Federal Trade Commission	374.00	105.00	256.19%	Presidio Trust	107.50	132.50	-18.87%
Holocaust Memorial Museum	0.00	0.00	0.00%	Pretrial Services Agency for the District of Columbia	1,321.25	1,221.75	8.14%
International Boundary and Water Commission	21.00	21.00	0.00%	Railroad Retirement Board	4,664.20	4,348.00	7.27%
Merit Systems Protection Board	123.00	129.00	-4.65%	U.S. International Trade Commission	838.00	359.50	133.10%

Agencies with 25,000 or fewer bargaining unit employees

Agency for International Development	6,028.00	5,480.00	10.00%	Interior	15,043.25	16,513.00	-8.90%
Broadcasting Board of Governors	10,168.80	9,688.00	4.96%	Labor	55,119.00	72,954.00	-24.45%
Commerce	33,858.00	43,291.25	-21.79%	National Aeronautics and Space Administration	18,193.50	16,109.75	12.93%
Education	7,822.25	11,796.75	-33.69%	National Archives and Records Administration	8,069.90	5,494.00	46.89%
Energy	15,762.50	9,624.50	63.77%	National Labor Relations Board	12,374.00	12,911.00	-4.16%

OFFICIAL TIME HOURS – FY 2012 vs. FY 2011

Department/ Agency	FY 2012 Official Time Hours	FY 2011 Official Time Hours	% Change	Department/ Agency	FY 2012 Official Time Hours	FY 2011 Official Time Hours	% Change
Environmental Protection Agency	42,826.00	39,120.00	9.47%	Nuclear Regulatory Commission	3,282.25	2,925.25	12.20%
Equal Employment Opportunity Commission	8,417.00	15,101.25	-44.26%	Office of Personnel Management	8,579.00	6,992.00	22.70%
Federal Communications Commission	1,933.75	2,317.00	-16.54%	Securities and Exchange Commission	4,733.75	5,842.75	-18.98%
Federal Deposit Insurance Corporation	4,816.75	4,910.25	-1.90%	Small Business Administration	5,883.75	4,421.75	33.06%
Federal Energy Regulatory Commission	2,044.50	1,623.00	25.97%	Smithsonian	1,637.00	77.75	2005.47%
General Services Administration	36,089.60	38,442.20	-6.12%	State (includes AFSA unit)	9,785.00	11,117.00	-11.98%
Government Printing Office	6,856.00	7,407.00	-7.44%	U.S. Capitol Police	2,629.75	2,387.00	10.17%
Housing and Urban Development	50,606.75	47,501.75	6.54%				

Agencies with more than 25,000 bargaining unit employees

Agriculture	139,336.49	135,700.00	2.68%	Social Security Administration	247,563.00	229,195.00	8.01%
Defense	336,956.02	355,029.48	-5.09%	Transportation	251,695.02	264,561.83	-4.86%
Health and Human Services	18,643.00	28,633.35	-34.89%	Treasury	580,490.00	625,704.00	-7.23%
Homeland Security	211,422.00	171,309.00	23.42%	Veterans Affairs	1,086,257.00	998,483.00	8.79%
Justice	178,260.50	174,377.25	2.23%	Government-wide	3,439,449	3,395,187	1.30%

Appendix C – Official Time Rates (Hours Per Employee (HPE) rate)

OFFICIAL TIME RATE - FY 2012 vs. FY 2011							
Department/ Agency	FY 2012 Official Time Rate	FY 2011 Official Time Rate	% Change	Department/ Agency	FY 2012 Official Time Rate	FY 2011 Official Time Rate	% Change
African Development Foundation	0.00	0.00	0.00%	Justice	5.29	5.08	4.07%
Agency for International Development	2.05	1.86	10.22%	Labor	4.69	6.22	-24.59%
Agriculture	3.42	4.03	-15.25%	Merit Systems Protection Board	1.64	1.68	-2.11%
Armed Forces Retirement Home	2.92	3.30	-11.51%	National Aeronautics and Space Administration	1.90	1.67	13.84%
Broadcasting Board of Governors	8.19	9.41	-13.04%	National Archives and Records Administration	4.12	2.71	51.91%
Commerce	1.68	2.05	-18.12%	National Credit Union Administration	2.99	3.77	-20.58%
Commission on Civil Rights	0.00	0.00	0.00%	National Endowment for the Arts	0.95	N/A	N/A
Commodity Futures Trading Commission	1.48	3.38	-56.28%	National Endowment for the Humanities	4.83	10.16	-52.49%
Consumer Product Safety Commission	1.09	1.15	-5.76%	National Gallery of Art	3.72	5.11	-27.18%
Corporation for National and Community Service	0.16	0.24	-34.24%	National Labor Relations Board	11.73	12.38	-5.25%

OFFICIAL TIME RATE - FY 2012 vs. FY 2011

Department/ Agency	FY 2012 Official Time Rate	FY 2011 Official Time Rate	% Change	Department/ Agency	FY 2012 Official Time Rate	FY 2011 Official Time Rate	% Change
Court Services and Offender Supervision Agency	1.19	0.25	385.09%	National Mediation Board	0.00	0.00	0.00%
Defense	0.79	0.79	0.00%	National Science Foundation	0.47	1.19	-60.75%
Education	3.07	4.16	-26.09%	National Transportation Safety Board	0.76	0.56	34.80%
Energy	2.41	1.51	58.87%	Nuclear Regulatory Commission	1.26	1.06	19.03%
Environmental Protection Agency	3.33	3.04	9.79%	Office of Personnel Management	5.81	5.26	10.49%
Equal Employment Opportunity Commission	4.95	8.26	-40.10%	Overseas Private Investment Corporation	2.02	3.12	-35.33%
Export-Import Bank	0.12	0.52	-76.37%	Peace Corps	1.02	0.76	33.57%
Federal Communications Commission	1.78	2.10	-15.16%	Pension Benefit Guaranty Corporation	1.35	2.96	-54.32%
Federal Deposit Insurance Corporation	0.86	0.79	8.09%	Presidio Trust	0.73	0.83	-12.84%
Federal Election Commission	2.22	3.81	-41.81%	Pretrial Services Agency for the District of Columbia	4.65	4.18	11.19%

OFFICIAL TIME RATE - FY 2012 vs. FY 2011

Department/ Agency	FY 2012 Official Time Rate	FY 2011 Official Time Rate	% Change	Department/ Agency	FY 2012 Official Time Rate	FY 2011 Official Time Rate	% Change
Federal Energy Regulatory Commission	1.84	1.45	27.10%	Railroad Retirement Board	6.70	6.15	8.97%
Federal Mediation and Conciliation Service	0.00	0.00	0.00%	Securities and Exchange Commission	1.68	2.08	-19.41%
Federal Trade Commission	1.14	0.34	238.76%	Small Business Administration	4.49	3.02	48.80%
General Services Administration	5.19	5.31	-2.31%	Smithsonian	0.67	0.03	2137.27%
Government Printing Office	4.89	5.28	-7.44%	Social Security Administration	4.87	4.39	10.91%
Health and Human Services	0.65	0.93	-29.59%	State (includes AFSA unit)	0.48	0.61	-20.65%
Holocaust Memorial Museum	0.00	0.00	0.00%	Transportation	6.42	6.76	-5.00%
Homeland Security	1.84	2.51	-26.63%	Treasury	7.32	7.02	4.24%
Housing and Urban Development	7.71	6.87	12.22%	U.S. Capitol Police	2.47	2.42	2.01%
Interior	0.82	0.79	3.66%	U.S. International Trade Commission	3.37	1.52	120.93%
International Boundary and Water Commission	0.14	0.13	1.94%	Veterans Affairs	4.28	4.02	6.53%

OFFICIAL TIME RATE - FY 2012 vs. FY 2011

Department/ Agency	FY 2012 Official Time Rate	FY 2011 Official Time Rate	% Change	Department/ Agency	FY 2012 Official Time Rate	FY 2011 Official Time Rate	% Change
				Grand Total - all agencies	2.81	2.82	-0.34%

Appendix D – Official Time Cost

OFFICIAL TIME COST BY AGENCY – FY 2012 vs. 2011					
Department/ Agency	FY 12 Cost	FY 11 Cost	Department/ Agency	FY 12 Cost	FY 11 Cost
African Development Foundation	\$0.00	\$0.00	Justice	\$7,081,368.95	\$6,948,318.30
Agency for International Development	\$404,283.67	\$364,424.74	Labor	\$2,787,420.47	\$3,699,810.31
Agriculture	\$4,754,020.31	\$4,621,024.67	Merit Systems Protection Board	\$11,453.49	\$11,903.03
Armed Forces Retirement Home	\$9,647.36	\$11,970.60	National Aeronautics and Space Administration	\$1,349,853.50	\$1,184,404.81
Broadcasting Board of Governors	\$594,424.27	\$563,732.61	National Archives and Records Administration	\$309,719.45	\$205,644.91
Commerce	\$1,908,178.31	\$2,384,855.98	National Credit Union Administration	\$172,686.26	\$218,752.89
Commission on Civil Rights	\$0.00	\$0.00	National Endowment for the Arts	\$4,787.41	N/A
Commodity Futures Trading Commission	\$7,886.13	\$18,303.96	National Endowment for the Humanities	\$25,863.32	\$17,838.39
Consumer Product Safety Commission	\$25,608.00	\$27,315.47	National Gallery of Art	\$43,655.79	\$60,397.35
Corporation for National and Community Service	\$2,831.53	\$4,108.93	National Labor Relations Board	\$736,128.55	\$768,465.14
Court Services and Offender Supervision Agency	\$23,574.81	\$4,624.04	National Mediation Board	\$0.00	\$0.00

OFFICIAL TIME COST BY AGENCY – FY 2012 vs. 2011

Department/ Agency	FY 12 Cost	FY 11 Cost	Department/ Agency	FY 12 Cost	FY 11 Cost
Defense	\$13,471,870.86	\$13,996,108.85	National Science Foundation	\$32,515.32	\$83,361.66
Education	\$488,108.69	\$727,089.24	National Transportation Safety Board	\$16,114.65	\$11,659.04
Energy	\$969,019.39	\$587,090.29	Nuclear Regulatory Commission	\$242,712.71	\$212,559.23
Environmental Protection Agency	\$2,849,965.27	\$2,562,906.02	Office of Personnel Management	\$385,924.90	\$322,124.01
Equal Employment Opportunity Commission	\$442,562.64	\$759,554.14	Overseas Private Investment Corporation	\$14,481.28	\$19,904.34
Export-Import Bank	\$244.92	\$1,305.68	Peace Corps	\$15,796.09	\$15,665.51
Federal Communications Commission	\$143,665.16	\$170,569.04	Pension Benefit Guaranty Corporation	\$49,832.63	\$108,006.52
Federal Deposit Insurance Corporation	\$351,915.33	\$344,502.42	Presidio Trust	\$4,588.13	\$5,605.74
Federal Election Commission	\$26,753.50	\$45,093.71	Pretrial Services Agency for the District of Columbia	\$68,344.96	\$62,081.48
Federal Energy Regulatory Commission	\$142,944.44	\$112,569.69	Railroad Retirement Board	\$226,488.91	\$212,789.80
Federal Mediation and Conciliation Service	\$0.00	\$0.00	Securities and Exchange Commission	\$456,607.49	\$547,913.20
Federal Trade Commission	\$20,513.40	\$5,837.88	Small Business Administration	\$316,336.48	\$241,128.61

OFFICIAL TIME COST BY AGENCY – FY 2012 vs. 2011

Department/ Agency	FY 12 Cost	FY 11 Cost	Department/ Agency	FY 12 Cost	FY 11 Cost
General Services Administration	\$1,963,448.82	\$2,058,355.69	Smithsonian	\$63,586.20	\$2,982.07
Government Printing Office	\$327,272.24	\$346,814.61	Social Security Administration	\$10,927,743.37	\$9,913,668.14
Health and Human Services	\$967,248.57	\$1,467,595.34	State (includes AFSA unit)	\$554,759.69	\$622,587.80
Holocaust Memorial Museum	\$0.00	\$0.00	Transportation	\$17,287,858.07	\$17,712,397.98
Homeland Security	\$8,153,212.47	\$7,816,239.51	Treasury	\$25,368,604.46	\$27,314,928.23
Housing and Urban Development	\$2,983,873.68	\$2,732,335.34	U.S. Capitol Police	\$128,918.20	\$119,642.50
Interior	\$552,458.28	\$604,903.47	U.S. International Trade Commission	\$57,996.68	\$24,315.27
International Boundary and Water Commission	\$639.30	\$650.28	Veterans Affairs	\$46,868,149.63	\$42,565,000.79
			Grand Total - all agencies	\$157,196,468.40	\$155,573,739.25

Appendix E – Official Time Summary by Agency FY 2012

OFFICIAL TIME SUMMARY BY AGENCY – FY 2012										
Department/ Agency	2012 BU Employees	2012 Total Hours⁴⁹	Term Negotiations	Mid-Term Negotiations	Dispute Resolution	General Labor- Management Relations	Hours per Bargaining Unit Employee	Hourly Rate	Salary Cost	Salary + Benefits Cost
African Development Foundation	1.00	0.00	0.00	0.00	0.00	0.00	0.00	32.27	\$0.00	\$0.00
Agency for International Development	2,938.00	6,028.00	48.00	0.00	0.00	5,980.00	2.05	49.04	\$295,615.44	\$404,283.67
Agriculture	40,745.00	139,336.49	2,128.43	2,320.50	14,463.75	120,423.81	3.42	24.95	\$3,476,177.47	\$4,754,020.31
Armed Forces Retirement Home	115.00	336.00	8.00	0.00	0.00	328.00	2.92	20.99	\$7,054.22	\$9,647.36
Broadcasting Board of Governors	1,242.00	10,168.80	1,440.00	0.00	124.80	8,604.00	8.19	42.74	\$434,647.76	\$594,424.27
Commerce	20,195.00	33,858.00	1,108.50	1,117.00	11,955.25	19,677.25	1.68	41.21	\$1,395,275.16	\$1,908,178.31
Commission on Civil Rights	8.00	0.00	0.00	0.00	0.00	0.00	0.00	38.22	\$0.00	\$0.00

⁴⁹ Numbers may not total due to rounding.

OFFICIAL TIME SUMMARY BY AGENCY – FY 2012

Department/ Agency	2012 BU Employees	2012 Total Hours⁴⁹	Term Negotiations	Mid-Term Negotiations	Dispute Resolution	General Labor- Management Relations	Hours per Bargaining Unit Employee	Hourly Rate	Salary Cost	Salary + Benefits Cost
Commodity Futures Trading Commission	61.00	90.00	0.00	0.00	0.00	90.00	1.48	64.07	\$5,766.40	\$7,886.13
Consumer Product Safety Commission	393.00	427.00	0.00	0.00	13.25	413.75	1.09	43.85	\$18,724.77	\$25,608.00
Corporation for National and Community Service	397.00	63.50	0.00	1.50	23.50	38.50	0.16	32.61	\$2,070.44	\$2,831.53
Court Services and Offender Supervision Agency	382.00	455.75	38.75	4.00	121.50	291.50	1.19	37.82	\$17,238.09	\$23,574.81
Defense	428,958.00	336,956.02	32,943.97	5,277.97	92,156.72	206,577.36	0.79	29.23	\$9,850,739.15	\$13,471,870.86
Education	2,546.00	7,822.25	236.00	1,122.75	1,577.75	4,885.75	3.07	45.63	\$356,908.96	\$488,108.69
Energy	6,549.00	15,762.50	4,502.25	263.00	4,580.00	6,417.25	2.41	44.95	\$708,554.69	\$969,019.39
Environmental Protection Agency	12,846.00	42,826.00	214.00	1,498.00	6,989.00	34,125.00	3.33	48.66	\$2,083,917.28	\$2,849,965.27
Equal Employment Opportunity Commission	1,701.00	8,417.00	480.50	39.00	220.50	7,677.00	4.95	38.45	\$323,605.32	\$442,562.64
Export-Import Bank	45.00	5.50	0.00	0.00	0.00	5.50	0.12	32.56	\$179.09	\$244.92

OFFICIAL TIME SUMMARY BY AGENCY – FY 2012

Department/ Agency	2012 BU Employees	2012 Total Hours⁴⁹	Term Negotiations	Mid-Term Negotiations	Dispute Resolution	General Labor- Management Relations	Hours per Bargaining Unit Employee	Hourly Rate	Salary Cost	Salary + Benefits Cost
Federal Communications Commission	1,087.00	1,933.75	316.00	29.00	933.00	655.75	1.78	54.32	\$105,049.11	\$143,665.16
Federal Deposit Insurance Corporation	5,617.00	4,816.75	56.00	26.50	1,273.50	3,460.75	0.86	53.42	\$257,323.29	\$351,915.33
Federal Election Commission	209.00	463.50	325.50	0.00	95.00	43.00	2.22	42.21	\$19,562.37	\$26,753.50
Federal Energy Regulatory Commission	1,113.00	2,044.50	24.00	321.50	371.00	1,328.00	1.84	51.12	\$104,522.11	\$142,944.44
Federal Mediation and Conciliation Service	28.00	0.00	0.00	0.00	0.00	0.00	0.00	32.65	\$0.00	\$0.00
Federal Trade Commission	327.00	374.00	25.00	0.00	78.00	271.00	1.14	40.11	\$14,999.56	\$20,513.40
General Services Administration	6,954.00	36,089.60	1,564.00	3,447.20	9,898.90	21,179.50	5.19	39.78	\$1,435,689.40	\$1,963,448.82
Government Printing Office	1,403.00	6,856.00	600.00	0.00	950.00	5,306.00	4.89	34.90	\$239,304.07	\$327,272.24
Health and Human Services	28,517.00	18,643.00	4,916.00	1,060.00	3,376.00	9,291.00	0.65	37.94	\$707,259.85	\$967,248.57
Holocaust Memorial Museum	12.00	0.00	0.00	0.00	0.00	0.00	0.00	28.35	\$0.00	\$0.00

OFFICIAL TIME SUMMARY BY AGENCY – FY 2012

Department/ Agency	2012 BU Employees	2012 Total Hours⁴⁹	Term Negotiations	Mid-Term Negotiations	Dispute Resolution	General Labor- Management Relations	Hours per Bargaining Unit Employee	Hourly Rate	Salary Cost	Salary + Benefits Cost
Homeland Security	114,732.00	211,422.00	12,481.75	11,632.50	48,323.75	138,984.00	1.84	28.20	\$5,961,693.82	\$8,153,212.47
Housing and Urban Development	6,560.00	50,606.75	20,647.75	1,042.50	25,932.75	2,983.75	7.71	43.11	\$2,181,832.17	\$2,983,873.68
Interior	18,294.00	15,043.25	1,093.00	256.00	1,728.25	11,966.00	0.82	26.85	\$403,961.89	\$552,458.28
International Boundary and Water Commission	155.00	21.00	0.00	0.00	0.00	21.00	0.14	22.26	\$467.46	\$639.30
Justice	33,704.00	178,260.50	26,807.50	1,566.00	24,053.25	125,833.75	5.29	29.05	\$5,177,953.31	\$7,081,368.95
Labor	11,747.00	55,119.00	4,015.00	1,144.00	3,959.00	46,001.00	4.69	36.98	\$2,038,184.02	\$2,787,420.47
Merit Systems Protection Board	75.00	123.00	1.00	0.00	24.50	97.50	1.64	68.09	\$8,374.88	\$11,453.49
National Aeronautics and Space Administration	9,556.00	18,193.50	19.50	142.00	1,882.00	16,150.00	1.90	54.25	\$987,023.62	\$1,349,853.50
National Archives and Records Administration	1,959.00	8,069.90	3.20	73.80	926.80	7,066.10	4.12	28.06	\$226,469.33	\$309,719.45
National Credit Union Administration	960.00	2,874.60	145.30	84.30	636.20	2,008.80	2.99	43.93	\$126,269.57	\$172,686.26

OFFICIAL TIME SUMMARY BY AGENCY – FY 2012

Department/ Agency	2012 BU Employees	2012 Total Hours⁴⁹	Term Negotiations	Mid-Term Negotiations	Dispute Resolution	General Labor- Management Relations	Hours per Bargaining Unit Employee	Hourly Rate	Salary Cost	Salary + Benefits Cost
National Endowment for the Arts	93.00	88.75	0.00	28.00	1.25	59.50	0.95	39.44	\$3,500.59	\$4,787.41
National Endowment for the Humanities	96.00	463.50	135.50	26.50	18.00	283.50	4.83	40.80	\$18,911.47	\$25,863.32
National Gallery of Art	390.00	1,450.50	0.00	0.00	796.50	654.00	3.72	22.01	\$31,921.46	\$43,655.79
National Labor Relations Board	1,055.00	12,374.00	5,683.00	0.00	461.00	6,230.00	11.73	43.50	\$538,263.05	\$736,128.55
National Mediation Board	7.00	0.00	0.00	0.00	0.00	0.00	0.00	32.89	\$0.00	\$0.00
National Science Foundation	957.00	448.50	4.00	36.50	88.75	319.25	0.47	53.01	\$23,775.46	\$32,515.32
National Transportation Safety Board	291.00	221.50	0.00	0.00	1.00	220.50	0.76	53.20	\$11,783.16	\$16,114.65
Nuclear Regulatory Commission	2,596.00	3,282.25	80.25	337.50	790.75	2,073.75	1.26	54.07	\$177,473.47	\$242,712.71
Office of Personnel Management	1,477.00	8,579.00	0.00	884.00	1,542.00	6,153.00	5.81	32.89	\$282,191.36	\$385,924.90
Overseas Private Investment Corporation	118.00	238.00	0.00	0.00	16.50	221.50	2.02	44.49	\$10,588.83	\$14,481.28

OFFICIAL TIME SUMMARY BY AGENCY – FY 2012

Department/ Agency	2012 BU Employees	2012 Total Hours⁴⁹	Term Negotiations	Mid-Term Negotiations	Dispute Resolution	General Labor- Management Relations	Hours per Bargaining Unit Employee	Hourly Rate	Salary Cost	Salary + Benefits Cost
Peace Corps	365.00	371.00	0.00	0.00	8.00	363.00	1.02	31.13	\$11,550.23	\$15,796.09
Pension Benefit Guaranty Corporation	606.00	819.00	21.75	52.50	54.00	690.75	1.35	44.49	\$36,438.02	\$49,832.63
Presidio Trust	148.00	107.50	82.50	0.00	0.00	25.00	0.73	31.21	\$3,354.88	\$4,588.13
Pretrial Services Agency for the District of Columbia	284.00	1,321.25	0.00	37.25	135.25	1,148.75	4.65	37.82	\$49,974.38	\$68,344.96
Railroad Retirement Board	696.00	4,664.20	0.00	0.00	11.00	4,653.20	6.70	35.51	\$165,610.49	\$226,488.91
Securities and Exchange Commission	2,826.00	4,733.75	665.25	1,170.25	1,762.50	1,135.75	1.68	70.53	\$333,875.03	\$456,607.49
Small Business Administration	1,311.00	5,883.75	1,194.50	0.00	4,285.50	403.75	4.49	39.31	\$231,307.75	\$316,336.48
Smithsonian	2,460.00	1,637.00	0.00	0.00	982.00	655.00	0.67	28.40	\$46,494.74	\$63,586.20
Social Security Administration	50,815.00	247,563.00	5,075.00	2,619.00	8,128.00	231,741.00	4.87	32.28	\$7,990,452.89	\$10,927,743.37
State (includes AFSA unit)	20,300.00	9,785.00	260.00	1,685.00	2,390.00	5,450.00	0.48	41.46	\$405,644.70	\$554,759.69

OFFICIAL TIME SUMMARY BY AGENCY – FY 2012

Department/ Agency	2012 BU Employees	2012 Total Hours⁴⁹	Term Negotiations	Mid-Term Negotiations	Dispute Resolution	General Labor- Management Relations	Hours per Bargaining Unit Employee	Hourly Rate	Salary Cost	Salary + Benefits Cost
Transportation	39,186.00	251,695.02	2,483.29	1,638.99	8,272.41	239,300.33	6.42	50.22	\$12,641,019.36	\$17,287,858.07
Treasury	79,323.00	580,490.00	0.00	12,112.00	54,587.50	513,790.50	7.32	31.96	\$18,549,725.40	\$25,368,604.46
U.S. Capitol Police	1,066.00	2,629.75	0.00	6.50	82.50	2,540.75	2.47	38.02	\$99,983.10	\$128,918.20
U.S. International Trade Commission	249.00	838.00	0.00	0.00	0.00	838.00	3.37	50.61	\$42,407.63	\$57,996.68
Veterans Affairs	253,691.00	1,086,257.00	34,746.00	49,846.00	184,272.00	817,393.00	4.28	31.55	\$34,270,363.87	\$46,868,149.63
Grand Total - all agencies	1,222,537.00	3,439,448.63	166,619.94	102,949.01	525,354.33	2,644,525.35	2.81	\$39.90⁵⁰	\$114,949,025.35	\$157,196,468.40

⁵⁰ Average hourly rate