**UNION MINUTES**

National Labor Relations Meetings

August 12 – 14, 2014

Washington, D.C.

**TUESDAY, AUGUST 12, 2014**

**OCFO (10:00-10:30 AM)**

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| Marella Turner | Administrative Officer |
| Cynthia Jones | Financial Policy |
| Rajesh Gulati |  |

1. Please provide an update on the conversion from E-Travel to the new travel system. (DL)

**Response:** A year and a half ago GSA procured government wide E2Travel contract. It is a 15 year contract and there are two vendors. DOL is in beginning stage of choosing between Carlson Wagonlit and Concur Technologies DOL will then issue a Task Order with what we require. OCFO sent out to Regional Finance officers soliciting their input on their needs. The Union asked why the NCFLL hasn’t been asked for input. Ms. Jones said we depend on Union for such input and will make sure that the Executive Committee – which travels quite a bit – is solicited for ideas. The Union asked if DOL will share requests received thus far. The answer was, “yes, of course”. For starters, the Union suggested that automatic fees such as TMC fees and voucher processing fees should automatically populate in the voucher. Ms. Jones said that “off the shelf” systems leave very little room for customization. Vendor owns the system so OCIO doesn’t have security oversight, etc. There will be field testing – to include the NCFLL – and implementation should be less than a year away.

**Follow up:**: DOL will share responses from Regional Finance Officers and solicit NCFLL input.

2. What is the biggest challenge facing the agency going into FY 2015? (RS)

**Response**: The new E2Travel start-up will present the greatest challenge and the agency hopes to identify E2 problems before implementation.

**OFCCP (12:45-1:30 PM)**

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| Thomas Dowd | Deputy Director |
| Heida Casta | Acting Director, Division of Management and Administrative Programs |
| Carol Qualls | Human Resources Coordinator |
| Deridra Jones | Human Resources Specialist |

3. How successful was the early retirement incentive? Which Region had the most offices eligible for early retirement? Which Region had the most people leave? How many people remain in the region that had the most early retirements? (RS,ME)

**Response:** VSIP/VERA was offered on April 5, 2014 and closed on May 30, 2014. In the Southeast Region there were 10 takers, in the Midwest there were 9, in the Pacific Region there were 8 takers, in New England there were 2 and in the Mid-Atlantic there were 3.

4. Some of the early retirement takers served over 35 years with the agency and did not get a “thank you for your service” email or letter from the agency.  This was noticed by the employees who still remain.  The NCFLL would like to discuss with the agency the possibility of giving some sort of recognition for service for long time employees who retire. (RS,ME)

**Response:** Due to the short timeframe between their decisions and the actual separation this was unfortunately true. OASAM is currently preparing letters from the Secretary to be sent to these former employees. For the future they are planning a letter from the Director of OFCCP.

5. Has the Agency considered creating a two-track training model? Track 1 would be ongoing career/position training. From the day a new employee comes aboard, they would have a roadmap from new employee training to advanced technical training for the position to retirement planning training, etc. Track 2 would be for developmental training outside of the scope of one’s position along with enrichment training. Would the National Office be willing or able to provide a “beginning to end” required  training road map along with a second road map of possible suggestions for developmental and enrichment training? (RS,ME)

**Response:** Traning starts with basic and moves to intermediate and then advanced. The Agency does refresher training all the time. SOL prepared bankruptcy training via webinar. The Agency has issued a self-evaluation for employees to determine training needs. Union would like an outline of continuous training needs. The Agency relies upon OASAM to conduct retirement programs. National office has done some and perhaps field could be offered something in a webinar.

**Follow up:** The Agency will look into the feasibility of offering retirement webinars to the field.

6. Recently, Director Shiu asked a field employee if they thought that that people were working as hard as they could. This was in response to the field employee complaining that there is twice as much work and half as many people. Could it be said that the National Office believes that OFCCP employees are not working at full capacity?  The NCFLL would like to discuss with the agency how the current workload matches up with the current staffing. (RS,ME)

**Response:** There has been a shift from quantity to a quality model. This has reduced the caseload and there has been a reduction in the backlog – also contributing to a reduced work load. The Union thinks that sharing of the metrics ahead of time should be helpful.

**Follow-up:** The union will provide information on specific cases where managers have threatened people with their jobs if they don’t speed up.

7. There is a body of evidence indicating that personnel issues can adversely affect productivity. OFCCP is known for having personnel issues out in the regions. How does OFCCP demonstrate it addresses negative personnel issues and that this is an agency priority? (RS,ME)

**Response:** EVS has shown that more needs to be done on key leadership soft skills and the agency is trying to meet that need. After the training there will be follow-ups and networking among management across the country.

8. OFCCP has spent a sizeable amount of money on an online project known as FCCS that has not performed as promised. What is the current status? Will the project be revived? (RS,ME)

**Response:** CGI is doing this for us. They will be trying to enhance the existing system. Development and testing phase included integration of data systems for new regulations.

9. Recently the field offices have been receiving correspondence that the DAC analysis expires and to put letters of extension in the case files. Since when did the DAC start expiring? How does this work? Is anything else going to expire? (RS,ME)

**Response:** Tool for compensation doesn’t technically expire but is updated periodically. Letters need OMB approval, sometimes getting temporary extensions of 30 days.

10. Recently it was expressed that the percentage of discrimination cases average around 2% regardless of the volume of cases scheduled/case closures. Investigators have expressed that this may be a skewed assumption and may not necessarily be accurate.  Some would suggest that the years where there was increased scheduling or closures, that this activity was driven by the agency ramping up its numbers and cleaning out its inventory. In years where the agency elected to restrict to number of cases in an attempt to establish a benchmark may have been either too small of a sample period or there were other contributing factors. The fact that the Agency believes that 2% discrimination findings is what is possible regardless of how the agency conducts its investigations may be premature. What has the National office done to validate  it’s analysis? What other variables has the National Office considered that may be affecting the discrimination rate? Has the Agency’s opinion of its preliminary findings changed? (RS,ME)

**Response:** NO management is working with offices doing less than the national average in the hope of improving service. Nothing has been validated as of this time.

11. With each administration the Agency’s priorities change. In the past OFCCP has been an outreach and technical assistance agency. The current administration has prioritized enforcement and discrimination findings.  Investigators do not have control over how many contractors have practices in place that can result in a discrimination finding. Less attention has been put of outreach, which is an area investigators can control with measurable results. A high level of technical violations may suggest that the Agency is not doing its job providing adequate outreach and compliance assistance. What are the national numbers for outreach events conducted versus the number of technical violations issued and what analysis has been conduct to determine if more front end work is necessary to  avoid all the back end work of issuing violations and putting contractors on  conciliation agreements to fulfil the technical obligations that they should have been doing in the first place (and would have been doing if they had been approached with outreach and compliance assistance)? (RS,ME)

**Response:** Division of Program Operations review is finding that compliance assistance has not helped as much as it should but it is an emphasis in the agency. The statistics on outreach events and tracking of the number of technical violations have not been analyzed in that way, but management

12. Employees are having a problem understanding how their individual work is linked to the strategic plan.  This comes up specifically in terms of workload and whether goals are requirements or true goals which may or may not be met.  How does the agency plan to clarify this issue? (RS,ME)

**Response:** The agency is planning webinars and encouraging regional managers to explain goals.

**Follow up:** This item will be included in upcoming managers’ training.

13. Investigators are interested in new SCER training. Does the National Office have plans to provide training? What other trainings are coming down the pipe from the National Office? (RS,ME)

**Response:** Haven’t formalized FY’15 plan yet but will provide further training on the SCER. There has been a lot of training developed for cases under Reg. 503.

14. There was an assessment test conducted a while back that was used to measure the effectiveness of the training provided on the new manual.  However scores were not made available to the employees.  Feedback that the NCFLL has received is that the employees would like to know what their scores are even if the test was not designed necessarily to measure their knowledge base.  Some managers had access to the test scores and while they did not share the results with everyone, those that had done well received recognition.  The NCFLL would like to discuss with the agency how to handle test results in the future. (RS, ME)

**Response:** Assessment wasn’t on the actual SSCM. More recently it was related to the 503 rules. Purpose of the exercise was to inform the academy as to what needed to be repeated and who will need further training.

**Follow up:** Why were the test scores not released to INV’s? Will look into this and get back to us. Don’t know. Union feels that tests should either be shared with investigators or not at all.

15. How does the agency accommodate nursing mothers who conduct field work? (PT)

**Response:** In the regions the agency tries to provide space on an as needed basis. The Union reported that one office (San Jose) said a lock was too expensive.

**Follow up:** Agency will look into the issue for construction audits. Most other audits are done from a desk in the office.

16. Secretary Perez has indicated that all DOL employees with get 40 hours a year of training beyond what they would receive from their agency and required DOL training.  How does your agency plan to implement this directive in the regions? (RS)

**Response:** In FY ‘13 an average of more than 107 hours in professional development per employee has been provided. Feedback has been that people are being “trained out”.

**Follow up:** Union feels that OFCCP specific training is not what the Secretary meant by his plan. We will await further instruction from the Office of the Secretary.

17. Where is the agency on the drafting of new performance standards? Are any of them “prototype”? Do you use a bell curve to overall performance ratings? (NN, DD)

**Response:** Ratings are based on individual performance and not on comparison with others or the application of a “bell curve”. Yes, there are prototype standards and they will be shared with the Union per the Contract.

18. How can the agency improve training in “soft skills” that it provides to managers?   What analysis does the agency conduct to evaluate the efficacy of the training provided to front line supervisors? (RS)

**Response:** N.O. management has been talking managers to help with an evaluation of the current program and to figure out how to do a better job in this area going forward.

19. How is the agency preparing for staff retires? What is the succession plan? What does the agency intended to do to help avoid a knowledge gap when a huge group of people retire? (RS)

**Response:** The Agency is focusing on how to keep up the skill levels of the remaining employees. The Union feels that there should be more face to face training. Management agrees subject to budget constraints.

20. What is the biggest challenge facing the agency going into FY 2015? (RS)

**Response:** N.O. management is focused on maintaining funding and avoiding furloughs next year.

**SOL (1:30-2:15 PM)**

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| Kathy Bissell | Deputy Solicitor for Regional Enforcement |
| Eric Hallstrom | SOL Special Council |
| Jim Culp | Regional Solicitor for Dallas |
| Rose Audette | Associate Solicitor for Management and Administrative Legal Services |
| Mike ParrishLaura Terry | SOL Human Resource OfficerOELMR |

Operating Plan discussion tabled at this time. We only got it a couple of days ago. Solicitor would like us to send input to Eric Hallstrom.

21. In FY14, the Solicitors Office secured and budgeted GS-15 Career Ladder Promotions for attorneys, will the same considerations be made for lower grade support staff? (NN)

**Response:** Career ladders go up to GS-14. Periodically we establish GS-15s for the market conditions or for classification action specific to the work of a person. These are done on a local level. In most agencies paralegals go to GS-11 but in DOL we have gone to a GS-12 for paralegals. Grade 8 is the highest we have gone for legal assistants.

22. Where is the agency on the drafting of new performance standards? Are any of them “prototype”? Do you use a bell curve to overall performance ratings? (NN, DD)

**Response:** We have used prototypes the last few years in the National Office, but each regional office has adjusted standards according to the work available in the regions. There is no bell curve in the performance rating system.

23. Does all the Bargaining Unit Paralegals in each Region have performance standards that are consistent throughout all the regions? (NN)

**Response:** See the answer to #22 above. The performance standards vary for paralegals by region.

24. Do Regional Managers need clearance with the National Solicitors Office when changing, adding or omitting performance standards for all bargaining unit employees? (NN)

**Response:** The answer to this is “no”. But the national office provides assistance to the field when questions of changing performance standards come up.

25. When was the last time all bargaining unit employees performance standard “Prototypes” was shared with the NFCLL? (NN)

**Response:** See reply to #22 above. There are no prototype standards in the field.

26. Do all the NFCLL locals have the most current performance standards “prototypes” for all bargaining unit employees? (NN)

**Response:** See #25 above.

27. How many Regions in the Solicitor’s Office have GS 12’ Paralegals? (NN)

**Response:** There aren’t any in Boston or NY but they have them everywhere else.

28. Does every bargaining unit employee in the Solicitors Office have an element standard result that addresses “Office Morale”? (NN)

**Response:** Everyone has some kind of “plays well with others” type of standard. Professional, polite interactions are expected of all of our employees.

29. Does every employee in the Solicitors Office have an element standard result that addresses “Office Morale”? (NN)

**Response:** Duplicate question.

30. How does management measure or observe “Office Morale” when rating an element result for a bargaining unit employee? (NN)

**Response:**  Supervisors observe employee performance on a daily basis and look out for employee efforts to work together to accomplish the mission. There are no exacting measures of office morale.

31. Who sets the morale tone in the office, the bargaining unit employee or management? (NN)

**Response:** Management is unclear as to where all of these questions about morale are coming from but would like to get more specifics if there are problems in a particular office. Hopefully the 360 degree survey will surface these issues as well.

32. Are there funds allocated in the FY15 budget for training support staff and bargaining unit employees? (NN)

**Response:** We don’t know what money we will have at the present time.. If we have funds as in FY’14 we will have a “fairly robust” training budget of about $700K. We hope to continue with a pretty strong training program and look forward to employee feedback to improve in this area.

33. Are all SOL managers and supervisors are required to routinely take supervisory courses/training? If so, how often? If not, why not? (NN)

**Response:** There are requirements including the introductory course. In addition, some local offices have held training just for managers and some REC’s have also provided periodic supervisory training that we have attended.

~~34. Does the National Office review and approve employee surveys in the region before they are distributed to bargaining unit employees? (NN)~~

**~~Response: Withdrawn~~**

~~35. Even though surveys are voluntary, do the National and Regional offices inform all employees who participate in surveys that their participation is confidential and anonymous to deter retaliation? (NN)~~

**~~Response: Withdrawn~~**

~~36. How does Management assure employees that there participation in surveys are secure and confidential? (NN)~~

**~~Response: Withdrawn~~**

37. Secretary Perez has indicated that all DOL employees with get 40 hours a year of training beyond what they would receive from their agency and required DOL training.  How does your agency plan to implement this directive in the regions? (RS)

**Response:** It is management’s understanding that the Secretary’s plan authorizes employees to request and supervisors to approve training, but it is not management driven. Employees should express in the training they feel most closely addresses their needs. The Union stated our position that management needs to be proactive in this area, informing employees of available programs and facilitating attendance.

**Follow up:** We are all waiting for more guidance from the Secretary’s office on the specifics of this new program initiative.

38. How can the agency improve training in “soft skills” that it provides to managers?   What analysis does the agency conduct to evaluate the efficacy of the training provided to front line supervisors? (RS)

**Response:** The agency has not offered training dedicated to these skills but recognizes that is would be desirable to foster better personnel management training for everyone’s benefit. SOL has just launched a Leadership Development program, which includes some soft skill training. It will be available the beginning of September for managers and for people who are not yet managers. .

39. How is the agency preparing for staff retires? What is the succession plan? What does the agency intended to do to help avoid a knowledge gap when a huge group of people retire? (RS)

**Response:** Management is making an effort toward a succession plan through a combination of cross training in subject areas and the piloting of backup roles for co-workers. Hopefully there will be enough funding for the speedy replacement of workers who leave the agency.

40. What is the biggest challenge facing the agency going into FY 2015? (RS)

**Response:** Simply put, the SOL doesn’t have enough money to handle the volume of work in the field, especially as the client agencies ramp up certain initiatives. They hope to receive enough funding to help the enforcement agencies meet their priorities.

**OSHA (2:30-3:30)**

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| Dorothy Dougherty | Deputy Assistant Secretary |
| John Lewis | Deputy Director, Directorate of Administrative Programs |
| John Hermanson | Regional Administrator – Region 6 |
| Patricia Barnes | Human Resources Officer |
| Cecimil Maldonado | LRO |
| Joseph Blake | LMR |
| Mallory Williams | LMR |

41. The payment past practice for new hire trainers has been reimbursement for area office training travel. The Agency communicated that travel for training would be reimbursed. Reimbursement for new hire training travel was promised, but not received. What is the reason for this delay? When will this issue be resolved? Who is the POC who will address this issue? (NN)

**Response:** Training travel funds come into the Regional Offices and are distributed. There should not be any problems in terms of reimbursement. This issue has been resolved where it surfaced.

42. Regional offices normally have a surplus to cover travel funding shortages, but currently Regions are relaying that there is no surplus and no travel funding. It appears that the Agency does not have the funding to perform the work expected. What is going on? (NN)

**Response:** The agency has had enough funding to travel in Fiscal Year ’14 and for the rest of the year, “we’re in great shape”. Management is not sure where this information is being relayed from.

~~43. Why are new employee trainers not being reimbursed while at the same time ADDs are participating in two-month mandatory Regional Office special assignment rotations? Is the money for the ADD program coming from the same pot as the new employee training travel expenses? How can this imbalance be reconciled? (NN)~~

**~~Response: Withdrawn~~**

44. At our In-Service Training in NYC, OSHA Deputy Assistant Secretary Dorothy Dougherty mentioned the CSHO Accommodation had changed. What change(s) was made? (NN)

**Response:** There is currently a case in Region 8 that is in front of an ALJ, in which the claimant is challenging if we’re meeting all requirements of the ADA by offering light duty positions. No decision yet. The employee who was accommodated in this manner is challenging the policy. She was offered a full time duty officer position and she didn’t want to accept so she resigned.. She is claiming a violation and calling her separation a Constructive Discharge.

45. Secretary Perez has indicated that all DOL employees with get 40 hours a year of training beyond what they would receive from their agency and required DOL training.  How does your agency plan to implement this directive in the regions? (RS)

**Response:**  No directive issued yet for implementation. Looking at 2014 EVS results and assuming that training will be a prominent focus. We are expecting up to about 75% participation rate in the current survey. If union has input, the agency welcomes it. The agency is not sure if the new program will include current mandatory training. The Union doesn’t believe that’s what the new program envisions, but expects additional training to be afforded beyond the current mandatory training.

46. How does the agency accommodate nursing mothers who conduct field work? (PT)

**Response:** The agency approaches these situations on a case by case basis and it depends on what did the employee requests. Management complies with the Contract terms and makes space available within the offices as needed. The Union said that this question came from a field investigator in another agency of DOL, who expressed milk in her car while out on investigations. OSHA agreed that this is not the best accommodation and they believe that the assignment of work is key in the case of a field employee.

47. Where is the agency on the drafting of new performance standards? Are any of them “prototype”? Do you use a bell curve to overall performance ratings? (NN, DD)

**Response:** There is a new Position Description that has been drafted for CSHO’s, but not yet approved by OASAM. In the meantime they are using the draft as a guide for performance standards. There are currently no prototypes and there is no bell curve for performance ratings..

48. How can the agency improve training in “soft skills” that it provides to managers?   What analysis does the agency conduct to evaluate the efficacy of the training provided to front line supervisors? (RS)

**Response:** There is an assessment center process to evaluate the effectiveness of training. For the past 3 years there have been about 4 training sessions each. The feedback has been very positive. The agency utilizes one of OASAM’s general training modules. Some regions have used mentors with great success. The agency follow up after all training with an employee assessment tool.

**Follow up:** OSHA subsequently shared with the Union their write up on assessment center FAQ’s below.

**What is an assessment center?**

An assessment center is not a place as the name suggests, it’s a process called the assessment center method. The assessment center method is a way to see and evaluate skills by observing people in action using the skills. It is an especially useful method for evaluating peoples’ leadership skills which are generally subtle, complex, and difficult to evaluate in most day-to-day work situations.

**Why is OSHA conducting assessment centers?**

OSHA is interested in developing its leaders. Strong and responsive leadership will enable OSHA to be the best organization it can be today and help the agency prepare for leadership succession in the future. The evaluations and ratings produced in the assessment center are for participants alone, to help them take their leadership skills to the next level. The evaluations do not become part of an agency record in the way performance appraisals do.

**Who will serve as assessors?**

Thirty or so SES and 15-level managers will be trained as assessors. Some of these managers have been assessed or served as assessors in the past (some, many years ago!) and others have not. Previous experience with assessment is not essential for learning how to be an assessor. A list of assessors will be available at the assessor training.

**What is expected of assessors?**

Assessors are essential to the assessment center experience. Their role in an assessment center involves:

* Observing participants as they work through exercises
* Analyzing participants’ skills
* Comparing the skill demonstrated to a standard
* Making decisions by consensus
* Developing ideas for how individuals can strengthen their skills
* Preparing and delivering meaningful feedback

Assessors have to attend the assessor training in order to be ready to serve at an assessment center. We are hoping that each assessor will be able to serve in two assessment centers over the six months in which the program is being conducted.

**What qualities does an assessor need?**

Much is asked of assessors, and a range of qualities are needed to be effective in the role; those qualities include:

* Significant management experience—to have experience to draw on
* Capacity for objectivity—for treating everyone without bias
* Analytical ability—for understanding and evaluating behavior against a standard
* Essential human regard—for working hard on others’ behalf
* Flexibility—for hours of consensus reaching
* Stamina—for hours, period!

**Who will be participating in the assessment centers?**

The participants in the assessment centers will be 15- and 14-level managers in OSHA, from the field and from the national office. There will be 10 participants in each of the six planned assessment centers, for a total of 60 managers who will have the experience.

**How long is an assessment center?**

Each OSHA assessment center will begin mid-morning on Monday and end in late afternoon on Thursday. Assessors generally put in long days and usually some evening work at an assessment center, even though a number of changes have been made to reduce the demands on them.

**What pre-work will be required?**

No pre-work is required of assessors or participants, for either the assessor training or an assessment center.

**What follow-up is required after an assessment center?**

Assessors do not have a formal follow up responsibility after the assessment center. Assessors in Region 2’s assessment center program had a follow up role as mentors within their region, but that role is not part of these OSHA-wide assessment centers.

49. How is the agency preparing for staff retires? What is the succession plan? What does the agency intended to do to help avoid a knowledge gap when a huge group of people retire? (RS)

**Response:** The amount of training money will be the key, but it has been a priority to detail employees where we have a lot of vacancies in most of the regions. The agency has just started having field employees coming through the national office in non-traditional details to get a broader understanding of how OSHA functions. People have been rotating through the programs and the feedback has been very positive. The idea of having managers swap with field investigators has also been discussed.

50. What is the biggest challenge facing the agency going into FY 2015? (RS)

**Response:** The agency hopes for a better response to the EVS and for a good budget. Implementation of a silica standard, the ergonomics standard and enforcement efforts on behalf of temporary workers are among several challenging initiatives in the coming year.

**EBSA (3:30-4:30)**

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| Mabel Capolongo | Director, Office of Enforcement |
| Mark Connor | Acting Director, Office of Education and Outreach Assistance  |
| James Hampton | Chief, Division of Human Capital Management |
| Joel Lovelace | Director, Office of Program Planning, Evaluation and Management  |
| Diane Schweizer | Director, Office of Technology and Information Services |

63.  The Federal government has a college loan forgiveness program for those federal workers who make a commitment to continue to work for the federal government for a certain number of years.  Many new EBSA investigators come in with serious debt from earning their college degrees.  In high cost areas, such as Los Angeles, it means that employees are staying just long enough to get some experience before leaving for a job that pays considerably more than what EBSA can pay.  Has EBSA considered implanting the college loan forgiveness program as a way to be able to better compete in high cost areas? (RS)

**Response:** This program is administered at the Department level, not the agency level. Many suggestions have been received through the Idea Mill. Management is hoping to see a better program develop with eligible employees in FY’17 and FY’18.

64.  The NCFLL is hearing that some EBSA regions do not have or allow formal telework agreements for investigators. The reason we are hearing is that things like training and office meetings preclude allowing investigators to have formal telework agreements.  The NCFLL would like to discuss this issue with EBSA. (RS)

**Response:** No prohibition on formal arrangements in the field. There are, of course, a lot more informal agreements which management understands is consistent with other field agencies. The Union reported that some employees have been told that meetings or training preclude formal agreements in a couple of regions. National office management agreed that meetings and training conferences are the exception and do not preclude formal telework agreements. Approximately 72% of EBSA field employees who are eligible for telework are participating and about 12% of those who are participating are on formal plans.

65.  How does the agency accommodate nursing mothers who conduct field work? (PT)

**Response:** Nursing mothers are accommodated on an as needed basis. For field investigators the agency is aware of some being assigned local cases with minimal field travel or have been able to swap cases with other investigators during the period they are nursing.

66.  The NCFLL would like to discuss how production goals are established for the regions.  We are getting feedback that supervisorial goals are being treated as requirements and that bargaining unit staff are being expected to take on more and more work. In addition we are hearing that goals can differ from region with some regions being held to a higher production standard than others.  Finally there is a growing perception that these goals are becoming unrealistic. This issue is becoming a contributing factor to turnover, which then exacerbates the problem as the remaining staff shoulders an even bigger workload. (RS)

**Response:** The fiscal year 2015 operating plan eliminated production goals for both the civil and criminal cases and the plan is awaiting the approval of Deputy Secretary Liu. The national office is working with the regions to come up with regions to come up with production numbers by program area with the intent of establishing goals that are meaningful and achievable.

67.  The point system in the investigators standards has caused heart burn for both management and the union.  The NCFLL would like to discuss setting up a labor forum that would work on revising the investigator and benefit analysts to address this issue as well as other issues related to the elements and standards. (RS)

**Response:** The point system is going away for FY’15. Through LM Forums the agency hopes to have first line supervisors work with frontline bargaining unit employees in the development of future performance standards. The NCFLL has been involved pre-decisionally and will consulted on the make-up of these teams. At the present time the agency is shooting for March or April 2015

73.  For FY 2015 what are the biggest challenges the EBSA is facing in terms of both budget and mission? (RS)

**Response:** The budget is by far the biggest challenge for FY’15. The funding request stands at $180M which is $10M over the previous year. Right now it appears that the agency will be operating under a Continuing Resolution.

74.  A number of changes have taken place that deal with the technical side of how investigations are conducted.  Investigators are stating that there has been little or no input on their part on these changes.   This has had a negative impact on operations in some cases.  An example of this is changes to the TAIS & EMS systems some of which happened over a year ago, but the impact of which on investigation is just now becoming clear: Benefit advisors now maintain their files as electronic files by scanning paper documents or uploading electronic documents. This impacts investigators when they receive investigations based on Benefit Advisor referrals, because their access to the case-opening evidence is now through the electronic side of the TAIS system. It turns out that the TAIS system (a) does not allow bulk download of files, (b) does not require or in some cases even allow the BAs to maintain the case opening documents so as to maintain chain-of-custody and information that is required for the purposes of investigations, and (c) does not allow bulk download of such information about the files that is in the system. All of these deficiencies create additional burdens on investigators.   And no input was solicited from them concerning the new process.  (RS)

**Response:** Improvements to the TAIS are the next goal on the agency’s agenda where to this point in time there have already been a few small technical meetings. Significant hurdles include record systems compliance with NARA, their compatibility with Justice Department and SOL recordkeeping requirements. You have multiple copies of documents that cannot be sent to the SOL in duplicate. The agency is trying to improve efficiency while still helping people recover pension monies. The preparation of case files for litigation, including chain of custody and consolidated filing issues need particular attention.

**Follow up:** The agency will take the Union’s observations into account in the work groups and welcomes further collaboration with the NCFLL and the input of the front line employees.

75.  The NCFLL would like to discuss with the agency the possibility of conducting usability analysis with the end users for changes in technical processes in order to forestall situations like what is happening with the TAIS system and to make these changes efficient and effective from the beginning.  (RS) – (OEA/OTIS)

**Response:** The Agency agrees. See response to #74 (above)

76.  A concern has been expressed to the NCFLL that some of the changes that either have occurred or will occur have not been accompanied by sufficient training in order to ensure that mistakes are minimized.  For example Adobe Acrobat is going to be installed on investigators computers.  However there is a risk that without training, original evidence could be inadvertently changed.  The NCFLL would like to discuss with the agency how training can be provided to investigators on the use of these new systems and processes.  (RS) – (OE/OTIS)

**Response**: The Agency is already planning to conduct training on Adobe Pro, and employees will also be encouraged to explore the free Microsoft training and several other tools that are available.

77.  There is a change coming where the agency will be moving to a paperless electronic case-file system.  The NCFLL would like to discuss with the agency the possibility of setting up a labor forum that would address issues and processes of this new system.  (RS) – (OE/OTIS)

**Response**: This project is in the beginning stages. An Advisory Committee is starting to work on it. The Agency likes the idea and the NCFLL is welcome to designate a bargaining unit member to the committee.

**Follow up**: The Union will designate someone to from our bargaining unit to serve on the reconstituted committee – hopefully some competent techies or end users of the new system.

~~78.  Jonathan Kay and Patricia Rodenhausen have disclosed on the government report Form 278, that Jonathan Kay is on the Board Of Director of the Working Theater since February 1999 along with executives of insurance companies, unions, health care providers, and other service providers who are subjects and targets of U.S. Department Of Labor/EBSA investigation.  The Working Theater according to its website also raises funds from entities which are subjects and/or targets of U.S. Department Of Labor/EBSA investigations.  According to custodian of the disclosure reports, EBSA and the U. S. Department of Labor (including the Inspector General’s office) have never requested copies of Jonathan Kay and Patricia Rodenhausen Form 278 disclosure reports.  No waivers were ever obtained. (NN) withdrawn~~

~~A. How does the U. S. Department of Labor justify the EBSA regional director having a position like this?~~

~~B. And, why has the U.S. Department of Labor never made any inquires?~~

~~C. How does the U. S. Department of Labor analyze 18 U.S.C. Sections 201-209 in relationship to Mr. Kay’s role with the Working Theatre?~~

**Response:** Withdrawn

~~79.  Has management started reviewing the new productivity schedule that was recently enacted? (NN) – (OE)~~

~~A - If not, then when is management going to begin their review?~~

~~B - Are they going to be working with the NCFLL on this, or are they going to write it up and then go through the negotiating process?~~

~~C - Is management thinking of reducing the points on the Productivity Schedule?~~

~~1 -  140 points is/can be hard to manage when a I/A might have 5-8 health plans, ESOPS (valuations), or large criminal cases?~~

**Response:** Withdrawn

~~80.  Based on the 2013 EVP Survey, is EBSA's top management thinking of requiring field and NO management to take other management seminars/courses?  If not, why not? (NN) –~~

**Response:** Withdrawn

~~81.  What ideas/suggestions has EBSA's top management come up with to employee bolster morale? (NN)~~

**Response:** Withdrawn

81. Secretary Perez has indicated that all DOL employees with get 40 hours a year of training beyond what they would receive from their agency and required DOL training.  How does your agency plan to implement this directive in the regions? (RS)

**Response:** Recently the agency held training at FLETC on the handling of criminal investigations. The agency spends around $1M in NO. In the regions they offer from communication and leadership modules for everyone If someone wants a particular type of training, management would like to hear about it and consider sending them.

82.  How is EBSA's top management dealing with field supervisors who will not allow BUE's to telework? Why are these managers being allowed to give their subordinates a hard time? (NN) –

**Response:** Answered in #64 above

83.  Where is the agency on the drafting of new performance standards? Are any of them “prototype”?  Do you use a bell curve to overall performance ratings?  (NN, DD)

**Response:** Answered in #66 above. There is no bell curve for overall ratings.

84.  How can the agency improve training in “soft skills” that it provides to managers?   What analysis does the agency conduct to evaluate the efficacy of the training provided to front line supervisors? (RS)

**Response:** Answered in #81 above. There has not been and evaluation of the value of training conducted by the agency on this, but management thinks it is a good idea and will look into it.

85.  How is the agency preparing for staff retires? What is the succession plan? What does the agency intended to do to help avoid a knowledge gap when a huge group of people retire? (RS)

**Response**: The Agency has seen a “bubble” forming for quite a while, but so far there has been no dramatic change. People are being sent to training on a regular basis and hopefully will gain the skill sets they need to carry on when senior staff retires.

**WEDNESDAY, AUGUST 13, 2014**

**OCIO (10:00-10:30)
Cecily Rayburn, Director of IT Administration**

Please provide a briefing on the Department’s transition to Cloud Email. (DL)

**A:** The Cloud Email project is nearly complete. The only remaining deployments in DOL are for BLS, who is managing its own deployment (estimated in last half of 2015) and a few instances where user computers have not yet been upgraded to the Windows 7 operating system – which is a requirement for Cloud Email and replaces the previous Window XP operating system that is no longer supported by Microsoft.

    Cloud email is the result of the DOL Listening Tour. The tour included 26 agencies, 6 regions, 300+ staff in interviews and focus groups.  The number 1 request from DOL users was increased mailbox storage.  Cloud email is also in line with OMB’s Cloud First mandates.

**Phase 1 - Operational Readiness Test (ORT): Completed**

* Test to determine if the service provider’s solution functions properly within DOL’s infrastructure
* 185 staff transitioned to the new cloud environment

A subset of these staff – 12-15 individuals from all regions and the National Office were part of additional testing known as functional verification testing( FVT).  In FVT these staff executed specific test scripts of primary Cloud Email and Collaboration Tool features and functions within Exchange Online, SharePoint Online, Lync Online, and Office 365. Requirements for the test scripts were drawn from the Statement of Work section 2.1.1.1 “Features and Functions.”  Each test script had specific criteria for validating functionality. All test scripts were signed-off before completion of the ORT phase and move to Early Adopters.

**Phase 2 - Early Adopters: Completed**

* Technical preparation and planning for DOL-wide migration
* Transition of public folders and ~500 business and technical staff to the cloud environment
* In the Early Adopters phase, approximately 500 staff from all regions and agencies were transitioned to the Department’s new Cloud solution.  These staff had the opportunity to provide feedback, and raise concerns over any unexpected functionality issues.  Further, throughout these first two phases, the DOL Project Team held weekly Cloud Email Working Group (CEWG) meetings with approximately 30-40 staff from all Agencies and regions (most agencies had at least 2-3 representatives in the WG).

**Phase 3 - Velocity Migrations: Ongoing**

* Sequencing of 200-300 DOL staff to the cloud each night
* Targeted training and communications prior to migrations

Leading up to employees’ transition date, the Cloud Email Services Team sent tips, links to training, and reminders to help employees prepare for their transition.

* Roughly 99% of DOL staff (excluding BLS) are in the Cloud (17,890 users); these migrations will complete in August 2014. BLS plans to migrate in the second half of FY 2015.
* Continue to migrate users from OFCCP (2), OLMS (1), OWCP (11), and WHD (55) once they are upgraded to Windows 7
* **ConOps Tiger Team**
	+ Daily ticket triage addressed initial concerns with ticket response and resolution
	+ Currently, finalizing Standard Operating Procedures (SOPs) to document changes in processes with the implementation of Cloud Email
	+ Team continues to monitor via daily ticket status reports and meets twice a week on Mondays and Thursdays

The Union pointed out that Cloud email cannot be accessed from FPB office on the 4th floor.

**Follow up:** IT folks will upgrade systems ability to access Cloud from NCFLL office in the FPB and printers will be hooked up.

154. The Cloud has created a number of problems for users.  Some people who have transitioned over have whole blocks of e-mail that has gone missing.  Others are reporting that sporadic e-mails either disappear from their e-mail, or never are received by those to whom they are sent. At times there are problems with web browsers and other software that used to work fine until the Cloud was installed. (RS)

155. The Cloud is a new technology and users in the private sector consider it not to be a stable and established technology.  The constant maintenance that DOL does every week on the Cloud supports what the private sector believes.  Why did DOL choose to adopt a system that does not have an established track record?  What is DOL going to do about the missing e-mails and the ongoing and changing software conflicts that the Cloud is generating? (RS)

**Response:** The “back end” infrastructure of the Cloud has been used for some time in the industry. DOL has been mandated by OMB to move to the Cloud. It leverages the efficiency of extra storage space. Missing email complaints are being handled on a case by case basis.

**MSHA (10:45-11:45)**

|  |  |
| --- | --- |
| Neal MerrifieldJoe Main | Administrator for Metal and NonmetalAssistant Secretary |
| Nancy Wilson | Management Official for Metal and NonMetal |
| Kevin Stricklin | Administrator for Coal |
| Jane Tarr | Management Officer |
| Robert Glatter | Deputy Director, Educational Policy and Development |
| Syed Hafeez | Director, Program Evaluation and Informational Resources |
| Randall Turner | Management Officer, Program Evaluation and Information Resources |
| Nancy Crawford | Director, Human Resources Division |
| Eugene Hubbard | Director, Administration and Management |
| Ursula Frazier | Labor Relations |
| Mia Rowlett | Labor Relations |
| Reginald Richards | Director, Technical Support |
| George Triebsch | Succession Planning |
| Timothy Watkins | Coal |
| Marvin LichtenfelsDoug ParkerCharlie Thomas | Metal Non Metal |

70. MSHA is in the process of initiating a new agency office in Birmingham, Alabama. All aspects of the impact and implementation of this move are bargainable. To dat$30K fencing for see, there are numerous unresolved issues. Is the Agency delaying finalizing the MOU? When will the Agency provide decision-makers to participate in pre-decisional involvement, bargain the various aspects of the move and finalize the MOU for the new District Office? (BN, TF)

**Response:** The agency is moving furniture per the Union’s request. Locks are being installed with over $30K in fencing for secure parking. A boot wash has been provided. GSA is dealing with the building owner over drainage problems in the parking lot where ice and snow have made walking treacherous. Management feels that good faith efforts are being made and they plan to finalize all move related issues with the local union representatives.

71. The Birmingham Alabama District office recently sent out correspondence via email to employees stating that “only eight (8) hours per day were allowed in the office. The ADM told the Union that he received his orders from the District Manager. The Union requests the National Office re-inform and re-train local managers on First 40 requirements. Additionally, the Union requests the National Office re-issue First 40 guidance, policy and procedures via email to all staff and managers.WebTA does not work as well as expected. Employees are experiencing a range of continuing problems. The problems affect employees’ ability to report hours worked and timesheet accuracy. WebTA is not user friendly and does not accommodate all of the various work schedules and work hour reporting necessary. Some improvisation in filling out time sheets occurs. Employees did not receive adequate WebTA training. How is MSHA addressing the WebTA issues? How is MSHA supporting staff to work through WebTA issues? When will MSHA provide adequate WebTA training and support? (Training is requested). (BN, TF)

**Response:** The National office was unaware that District managers have been sending out notice that office work is limited to 8 hours. There has to be a discussion with the supervisor and employee to determine how many hours are needed on a case by case basis each day. Kevin Strickland said that the National Office will send this out and copy the Union on it. The memo that was sent out previously was rescinded after the Union questioned it.

Phil Akers is the go to person for fixing anything with time card issues. He has privileges to access the system. Treasury is the service provider and needs to fix their system. The Union requested that more training be made available on WebTA.

72. In the course of conducting Agency business, when an employee is injured, is the employee fully covered? What is full coverage? Are there any exceptions to full coverage? Does work related injury coverage include any accident or injury (auto accidents, slips and falls, acts of god, natural disasters, negligence, etc.)? Any exceptions? Is break time covered? How does the Agency define “required travel”? (BN, TF)

**Response:** Yes, an employee is fully covered under FECA during work hours while performing assigned duties at or away from office - as long as they are performing duties covered. Break time is considered covered but lunch time is not. While in travel status they are covered 24 hours including travel to and from the temporary duty location.

**Follow up:** The agency will get an answer to the question of travel to buy food off premises if there is no food available on site.

73.  Is every office required to select and train a designated EEO Counselor? Do all MSHA offices meet this requirement? The Union has made two (2) requests to the Birmingham, Alabama District Office to identify the office’s trained EEO Counselor. Despite these requests, no EEO counselor has been selected or trained.  What action will the National Office take to address offices that fail to act reasonably in a timely manner? (BN, TF)

**Response:** CRC said it needs to be addressed with them because they need to designate counselor selections

**Follow up:** If specific offices are missing counselors, the Union will let management know. Right now we know that a counselor is needed in Birmingham.

74.  What is the process for filing a worker’s compensation claim? Under what circumstances are employees asked to use their insurance? Are insurance deductibles reimbursable? What changes have there been to the hearing claims process? (BN, TF)

**Response**: Nancy Crawford read a long citation from the regulations and agreed to forward a copy to the NCFLL.

75.  If an employee is ordered to get a second opinion, are they required to use their own insurance? Is the cost of the deductible reimbursable? Is this a change from past practice? (BN, TF)

**Response:**  Employees are never required to use their own insurance, however if during the time that a claim is adjudicated an employee needs emergency care they should cover it pending completion of the claim.

76.  How are the territories determined? Recently, District 11 was assigned additional territory. What prompted the territory transfer? How will this territory assignment impact existing District 11 employees?

**Response:** Population reductions have required transfers in the current areas of coverage. There is very little actual impact on our employees. If the NCFLL is aware of specific problems, the management would like to address them one by one.

77.  What IT Support is available to MSHA employees? What information does the Agency have on OASAM’s consolidating IT services? How will MSHA be affected? Who are the designated MSHA IT Specialist? (BN, TF**)**

**Response:** This will be dealt with on Thursday afternoon with the OCIO and OASAM.

78.  What is the reasonable amount of time an employee could expect to wait to have their official time request approved? Some offices disregard official time response timeliness. The Union requests the National Office communicate guidance on reasonable response times. Would the Agency prefer to provide a method of communication to address this issue or would the Agency prefer the Union proceed through a more formal process including the grievance or ULP process? (BN, TF)

**Response:** Nancy Crawford read verbatim at length from a regulation and said that she would transmit it via email. As of this date, she has not responded.

79.  What guidance was provided to address the February 13, 2014 ice storms? Some employees were told to adjust their timesheets but no uniform guidance has been provided. Not all time sheets have been adjusted. At this point, what effort should be taken and how should employees adjust their timesheets? (BN, TF)

**Response:** OASAM has the authority to declare weather emergencies and provides notice of the Departmental policy every year in the regions. Some authority is delegated for field offices in the districts and district managers are responsible for making the call. If the NCFLL has a specific district in mind, the Department will gather the information for that area.

80.  Recently the Agency has placed an emphasis on customer service. Does the Agency provide training to employees on Customer Service? How is customer service measured? (RS) –

**Response:** Customer service goals are include in performance standards and the Agency makes training available as needed. There is no uniform measurement. Agency managers rely on observations and random feedback from people impacted by the mission.

81. Many buildings/offices throughout MSHA have the heat/cooling turned off at a certain time (5:00pm – 6:00am for example). This makes conditions very uncomfortable and possibly dangerous for employees who work outside the established hours. Many employees hare required to work hours outside the norm by their positions. Please maintain heating/cooling in all MSHA offices 24 hours a day. Which offices currently do not have 24 hour heating/cooling? Please notify the union when these offices maintain 24 hour heating/cooling. (RC)

**Response:** Most offices turn the heat/cooling off in the off hours including nights and weekends to reduce costs. Administrative staff can request extensions if necessary under “Overtime utilities”.

82. Please explain the reason(s) that a First 40 BUE is not allowed to show overtime in WebTA if their supervisor changes their workday and the BUE works more than eight hours for the workday. (DL)

**Response:** Under Article 26 if management requires employees to work overtime they are entitled to overtime premium pay. They could also qualify under Article 26, Section 5, if it’s a call back situation.

83. When will any Electrical training be offered for the electrical inspectors in MN/M. The last time some of them had any journeyman training was in 2008? (DL)

**Response**: Agency has been unable to offer this training for the last couple of years, but they expect to hold in FY’15.

84. Recently a steward in the Western District proposed the Stanford-MSHA Western District Travel Area Optimization and Workload Equalization pilot project in the Western District to conduct in an effort to determine best practices, equity and efficiency. The pilot was supported by the Western District leadership. Stanford University was selected to conduct analysis on the best way to design travel areas factoring in mine variables to achieve maximum efficiency. Factors include:  the distance between mines, travel conditions, road quality, mine complexity, mine size, etc.  Has the pilot report been shared with the National office?  If so, what will it take to implement best practices and findings from the Stanford recommendations? Would the National office consider expanding the scope of the project nationwide? (RS)

**Response:** Management is aware of the study done by Stanford students and already had similar info in their possession. The Stanford study helped to validate our thinking. Pilots have not yet been decided but the agency is looking into the possibilities, pending budgetary allowances.

85. In what ways does the training and rescue response differ between coal, metal/non-metal and industry? Is the M/NM Mine Response Team a dedicated response unit or does it only perform as a collateral duty? (RS)

**Response**: The mine emergency unit (MEU) is consolidated among the divisions and the members perform as a collateral duty.

86. Is there any situation when a specific standard in the CFR30 should be enforced differently than it is plainly written, without official guidance from headquarters in the form of PPM, PIL, PIB, etc.?  There have been instances across the agency where inspectors are given direction from district offices to enforce a standard contrary to the way it is written in the CFR30, without any official approval from headquarters.  (RS)

**Response**: Coal’s answer is “no”, the districts do not put out their own policy. This is the same position taken by M/NM.

**Follow up**: Union will provide specifics of different enforcement positions among the districts.

87. Secretary Perez has indicated that all DOL employees with get 40 hours a year of training beyond what they would receive from their agency and required DOL training.  How does your agency plan to implement this directive in the regions? (RS)

**Response:** The draft policy talks about 40 hours of training, but DOL doesn’t agree with “40 hours of training beyond” the training they already provide. IDP’s will guide the agency for potential ideas for training. OASAM will answer question later in the week. The Union said that Secretary Perez said that it would be additional training in a town hall meeting.

**Follow up:** We will await further guidance from the Secretary’s office.

8. Where is the agency on the drafting of new performance standards? Are any of them “prototype”? Do you use a bell curve to overall performance ratings? (NN, DD)

**Response:** New performance standards and PD’s for IT specialists will change. Coal and MNM don’t know where they stand. We have a system that works in helping the inspectors. There is no bell curve for overall performance ratings.

89. How can the agency improve training in “soft skills” that it provides to managers?   What analysis does the agency conduct to evaluate the efficacy of the training provided to front line supervisors? (RS)

**Response:** George Triebsch responded that the leadership development committee came up with ways to improve core competencies that have been shared with Union. Core curriculum is heavily focused on soft skills for leaders. Training will be held in October as a peer to peer leadership training. There are over 190 managers and we’ll always have training work to do. Many times the best producers don’t’ become best managers and oftentimes managers want to return to inspection activity. The agency is mindful of the fact that it’s often not easy to supervise others and feels that this training is essential for their success.

90. How is the agency preparing for staff retires? What is the succession plan? What does the agency intended to do to help avoid a knowledge gap when a huge group of people retire? (RS)

**Response:** George and Nancy stated that succession planning is one of Assistant Secretary Main’s priorities. Mentoring and detailing programs are available. We did push for more IDP’s and hope employees take advantage of that. Training needs survey is being conducted now to enhance course catalog. The agency is spending a lot of time in this effort.

91. What is the biggest challenge facing the agency going into FY 2015? (RS)

**Response:** Completing mission with the resources handed to us. The Continuing Resolution is a challenge especially as it extends into next year. There is also a major concern as to where the coal industry is going with currently fewer than 300 coal mines nationwide Kentucky is the hardest hit. Combining districts 6 and 7 at this point in time wouldn’t even make it the biggest district. The agency is moving employees who request voluntary transfers and our workforce is shrinking slowly through attrition.

92. MSHA coal requires the Inspectorate to carry tracking devices while underground (required by the GIPH and a previous PIL (I believe)).  These devices are owned by the mine operators.  The question is who is responsible if for some reason the tracking device gets damaged???  (We don’t want MSHA or the mine operator trying to hold our people accountable for these devices.  Some types cost around $1000…) (RN, JD)

**Response:** We don’t require it at all times - only in underground mines Some inspectors ask for it on other sites. We never hold inspector responsible for tracking device. When equipment breaks we have the operator file tort claim against the government.

**Follow up:** Will re-release memo to this effect.

93. MSHA M/nM (Rocky Mtn. Dist.) is utilizing a Coal Inspector to conduct M/nM mine inspections.  I believe the Coal Inspector is out of somewhere in the Eastern part of the US.  (This should be brought up nationally due to it crossing Regions.)  This CAN be ok if the Coal Inspector has been trained in the M/nM regulations, etc.  (i.e. cross trained).  I believe very few Inspectors are cross trained across the U.S.  (I am cross trained and there are significant differences.  M/nM Inspectors primarily enforce 30 CFR 56 and 57.  These regulations are specific to M/nM mines.  Coal Inspectors are not trained in the M/nM specific regulations (and vice versa). The systemic breakdown of this is the constant push to achieve the “100 %” completion rate for inspections. (RN, JD)

**Response:** Any inspector transferred on permanent basis will receive 80 hours training. Other temporary transfers will be assigned to smaller surface mines, sand and gravel etc. The academy proposed a program of more hours and we settled on 80 classroom hours with travel Sunday and Saturday to get the full 80 hours of actual training in. They are paid OT premiums unless they ask for compensatory time off.

94. During a recent regional LMR the Union was told that the inventory of space actions was determined by MSHA headquarters. Please provide the NCFLL with the information required by Article 11, Section 4 of the CBA. Also, be prepared to discuss the mechanism by which MSHA plans to provide this information to the regional OASAM. (RN)

**Response:** Space actions are generally recognized 2 to 3 years out and OASAM can pull data off of the GSA inventory. The districts should come to HQ and get list when the Union asks for it in the field.

**Follow up:** Agency will respond with a listing of space actions for us.

95. Our inspectors are being required to get 100% completion of their area. The amount of change on the 209’s is substantial. It looks like the mines are being adjusted status wise to meet those goals. When the new formula came out originally, the inspectors were required to do their own area each quarter. Now that information is coming from Arlington on a quarterly basis. Does this mean the mines that are low on hours or sporadic on hours, those miners don’t deserve to have our presence? Is Arlington classifying them as non-miners? Also, our inspectors are being pressured to work off the clock to reach these goals.

**Response:** Metal response; If there is pressure to work off the clock, they would like to get examples. Goal is still to get all inspections completed and the definition of active vs inactive mine is applied with a quarterly printout of status of the mines. We’re doing more inspections -not less. Their intermittent status allows one inspection 2 to 4 times a year except for underground where 4 times per year still required. The operator is required to provide notice of their status. We try to keep up on a quarterly basis but it is a moving target.

96. If the inspectors are not supposed to be judged on their number, S&S % etc., why are they being beaten up about their numbers on a weekly basis? Why is this subject coming up during the reviews?

**Response:** It’s the supervisor’s responsibility to look over the whole field office for productivity but to evaluate inspectors on a case by case and mine by mine basis. It’s not the norm but in certain cases individual production numbers have come up. The national office advised management not to be doing it.

97. Will the IT Specialists who stay with the agency after IT consolidation have a change in their Position Description

**Response:** Cannot discuss Items #97-#99 since they are currently in bargaining over these issues. A meeting is planned for 2pm tomorrow afternoon with all three agencies and the NCFLL.

98. Will the IT Specialists who stay with the agency after IT consolidation have a change in their performance standards.

**Response:** Meeting planned for 2pm tomorrow afternoon with all three agencies.

99. What duties will IT specialists perform after they lose their administrative rights to work on computers.

**Response:** Meeting planned for 2pm tomorrow afternoon with all three agencies

**ETA (12:45-1:45)**

|  |  |
| --- | --- |
| **Name** | **Title** |
| Bill Thompson | Administrator, OMAS |
| Lisa Lahrman | Deputy Administrator, OMAS |
| Crystal Kelly | Human Resources Director, OMAS |
| Annie Evans | Labor Relations Team Lead |
| Denise Castro | HR Specialist (Labor Relations) |

100. A Supervisory Apprenticeship and Training Representative (MULTI-STATE DIRECTOR) GS-13 was advertised on USAJOBS (Job Announcement Number: MS-14-DAL-OA-224). The announcement was for the Atlanta Region and the open period was from May 21 to June 3, 2014. According to the announcement, the position is outside the bargaining unit. Please explain the following (DL):

* Why is this position outside the bargaining unit?
* Are there plans to establish this position in every region?
* Do they supervise any employees? If yes, who?
* Are there plans to eliminate the individual State Directors for OA and replace them with these Multi-State Directors.

**Response:** We agreed to table this response and shared that this is a huge undertaking. We are working with OSAM on the grade levels and whether to establish the position in every region.

101. Secretary Perez has indicated that all DOL employees with get 40 hours a year of training beyond what they would receive from their agency and required DOL training.  How does your agency plan to implement this directive in the regions? (RS)

**Response:** The agency doesn’t read the Secretary’s initiative as additional training but will await further guidance. In the meantime, the agency has a “robust” plan – spending more than $600K on training this year – and hopes to spend more than $1M next year, if the budget allows.

102. How does the agency accommodate nursing mothers who conduct field work? (PT)

**Response:** This hasn’t been an issue in the field. We’re assuming that our nursing mothers have been accommodated in accordance with the Contract and the law. If there are any problems, management would be happy to address them.

103. Where is the agency on the drafting of new performance standards? Are any of them “prototype”? Do you use a bell curve to overall performance ratings? (NN, DD)

**Response:** ETA is in the process of reviewing standards in all of its offices for the upcoming year.

With respect to regional employees, the Atlanta National Processing Center (ANPC) and Chicago National Processing Center (CNPC) of the Office of Foreign Labor Certification (OFLC) use what can be called “prototype” standards.   ETA and OFLC management, in particular, are aware that we have a duty to share Agency prototype elements and standards and that the NCFLL has 30 calendar days to submit comments on standards before they are implemented. ETA does not use a bell curve to overall performance ratings. The agency will share the new standards when they are finalized in accordance with the CBA.

104. How can the agency improve training in “soft skills” that it provides to managers?   What analysis does the agency conduct to evaluate the efficacy of the training provided to front line supervisors? (RS)

**Response:** Agency is trying to broaden this type of training but it is still too early to talk about specifics. For FY’15 this is a significant aspect of the overall training plan. Agency will talk with NCFLL and Local 12 when the overall budget is known. The current management training was enhanced in this area in response to last year’s EVS feedback.

105. How is the agency preparing for staff retires? What is the succession plan? What does the agency intended to do to help avoid a knowledge gap when a huge group of people retire? (RS)

**Response:** Emerging leaders plan kicked off last week. It is starting with GS-15’s and GS-14’s/13’s are also in it. Posting vacancies at the lower level to enable lower graded to compete. Mentoring includes lower graded employees shadowing managers at higher levels.

106. What is the biggest challenge facing the agency going into FY 2015? (RS)

**Response:** Workforce Innovation and Opportunity Act, signed on July 22 by the President calls for implementation within six months. It involves stakeholders, including other cabinet agencies such as HHS, Commerce, Education. It’s huge. Bipartisan 800 page bill overhauls the workforce system in the US. It has been largely under the radar until now.

107. Will the IT Specialists who stay with the agency after IT consolidation have a change in their Position Description.

**Response:** Meeting planned for 2pm tomorrow afternoon with all three agencies.

107. Will the IT Specialists who stay with the agency after IT consolidation have a change in their performance standards?

**Response:** Will have to change them for FY’15 and will notify NCFLL. They will not be administrative rights or provide infrastructure support. Two ETA staffers are not tagged for the OCIO integration because they are not part of infrastructure based on interviews with the OCIO staff. Other duties will provide the basis to support their grade levels.

108. What duties will IT specialists perform after they lose their administrative rights to work on computers.

**Response:** MOU’s and Service Level agreements have been signed with OCIO extensively. We’ve made it very clear that we expect same level of service at both the national office and in the regions. If it’s a fee for service we’ll be nickel and dimed all day. Contracting out stuff makes us nervous. If there is a degradation of service there is a process in the MOU to go to the ASAM an internal DOL appeal. It will be hard to do but it gives us a platform to complain and we will if necessary. It’s not going to save any money. In the “cut over” it’s going to cost more money.

**VETS (1:45-2:15)**

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| Keith Kelly | Asst. Secretary for VETS |
| Ralph Charlip | DAS |
| Maria Temiquel | Director of Administration and Budget |

Meet with New Operations DAS, Ralph Frolm.

**Response:** Ralph Frolm was previously the Director of HR in the Department of the Interior. He also worked at the US Geological Survey and in the Veterans Administration. He places a High priority on EVS feedback and has instituted an employee recognition program. Training has improved and staff is encouraged staff to complete IDP’s Money has been set aside for each RA but we don’t have the FY’15 numbers yet.

The Pilot USERRA program with the Office of the Special Counsel has just ended GAO will give final analysis after they review the results.

Ruth Samardick, Director of the Office of National Programs reported that the agency is now designing an Investigative Specialization Pilot to improve USERRA investigations – separate from the OSC effort.

It will be completely claimant driven (investigation must be completed in 90 days by statute) and continue if claimant agrees to extension. There will be quality assurance reviews Non-federal case letter of referral to Justice Department through SOL. Trying to determine if a dedicated specialist would be a better way to conduct these cases? It will be a twelve (12) month pilot with prototype standards for detailed employees who will compete for these positions. The Chief Evaluation Officer at DOL will review the results For the pilot the agency is trying to stay away from smaller regions where taking an investigator away would have a larger impact.

**BLS (2:30-4:00)**

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| Jay Mousa | Associate Commissioner, BLS Office of Field Operations |
| Michael Strople | Deputy Associate Commissioner |
| Karen Brown | Division Chief, Division of National Compensation Survey |
| Mark Staniorski | Human Resource Director |
| Mike Allen | Labor Relations Officer |
| Jenna Carideo | Labor Relations Specialist |

109. The NCFLL would like an update on how the September 2014 ORS production test is progressing.  Also what would be the FY 2015 hiring plans for the regions for the ORS expansion? (RS)

**Response:** We have to wait for OMB clearance process and federal register notice of 30 days and cannot begin yet. The Social Security Administration is working on an interagency agreement and then we can go forward with hiring/staffing plans.

110.  The NCFLL would like a briefing on how the Quick Response team is progressing and an overview of any proposals they have developed. (RS)

**Response:** Senior retreat last September with several teams looking at initiatives with members of NCFLL on all four teams. Quick response team has Bob Garcia of BLS in Orange CA. There are no proposals submitted to date for review by the NCFLL but the Agency will continue to work with Bob and to keep the NCFLL informed.

111.  The NCFLL would like a briefing on how the Job Rotation Team is progressing and an overview of any proposals that they have developed. (RS)

**Response:** The Job Rotation team has recommended a pilot to gage employee interest in the program. The team envisions details of up to 120 days in a different unit with project specific assignments to gain experience and develop skills

112.  The NCFLL would like a briefing on how the Taxonomy and Lexicon Team is progressing and an overview of any proposals that they have developed. (RS)

**Response:** This team is attempting to standardize terminology within the Bureau. When we are done there will be one set of terms. The work of the team appears to be on track to submit a draft by the end of September. Janet Anderson is the NCFLL representative to the team.

113.  The NCFLL would like an update on the status of the FY 2015 budget along with potential impacts on the regions.

**Response:** The agency doesn’t have a very good idea what might happen in the appropriations process. The President’s request was good for BLS.

114. What are the biggest challenges BLS expects to be acing in 2015? (RS)

Response: The uncertainty of the budget is the biggest challenge. Most likely a CR will be in effect into December. The President’s request of $610M is $17M over last year.

115.  Please share the results of the Training Needs Assessment which had a closing date of August 1, 2014.  Discuss.  (RS, PT)

**Response:** The Training Needs Assessment solicited all staff for their ideas on employee training and development. Town Hall meetings were held in each region. All managers were directed in the mid-year review to tell all employees about opportunities for training. There have been a lot of good ideas submitted and the trick now is to find the funding to help make it all happen..

116.  Secretary Perez has indicated that all DOL employees with get 40 hours a year of training beyond what they would receive from their agency and required DOL training.  How does your agency plan to implement this directive in the regions? (RS)

**Response:** The Bureau expects the Secretary to follow with more detailed guidance on the parameters of this program. At the present time, the agency believes that ongoing training satisfies the intent of this initiative.

117.  Where is the agency on the drafting of new performance standards? Are any of them “prototype”?  (NN, DD)

**Response:** Agency will be including ORS collection into the data collection elements of the existing standards. Managers will meet with staff when issuing standards to discuss this.

**Follow-up:** Incorporating the Occupational Requirements Survey (ORS) work into the existing elements and standards was discussed with you as part of the recent national LMR Meeting agenda regarding prototype standards. In that meeting, I discussed with the Council how we are including ORS collection into the data collection elements of the existing standards. Managers will meet with staff when issuing standards to discuss this.

With the increased amount of ORS data collection planned for FY 2015, the ORS field work will be considered as part of Compensation data collection.  Although not specifically mentioned in the performance plan as ORS data collection, this work will be covered by results and standards one  through five.   Approximately 2550 units of ORS schedules will be fielded in FY 2015, and for a third of the units, ORS data elements will be collected in current ECI update or initiation units.

Data Collection for the ORS is considered to be a part of Compensation data collection with the occupational requirements data elements so it is included in compensation assignments for **Result #1, Submits Compensation Assignments**.  ORS assignments are expected to be  submitted on a flow basis by established deadlines with timely responses to requests for data clarifications.

For **Result #2,** **Completes Assignments Efficiently**,  ORS data collection will be included as part of data collection assignments, measured by productivity on ORS assignments during the rating period.

Under **Result #3,** **Collects, Analyses and Codes Quality data**, ORS collection work is included and measured in criteria one and two.  Criteria one and two refer to the technical proficiency of the completed work and to the quality of data entries and documentation. All criteria are given equal weight.  When there is a mixture of work to be evaluated within a bullet, we always consider the nature of assignments.

**Result #4,** **Secures and Maintains Survey** **Cooperation**, ORS collection is included as assignments and all four criteria apply.

**Result #5, Completes Survey Support and Program Improvements**, for assignments focused on the ORS work, criteria one through five and seven will apply. The exception is the sixth criterion that refers to SPD controlling and analysis.  Staff are not evaluated on items they do not perform; all remaining items on which they are rated are given equal weight.  We always consider the nature of assignments.

118. Do you use a bell curve to overall performance ratings?

**Response:**  No.

119.  How can the agency improve training in “soft skills” that it provides to managers?

**Response:** The agency is rolling out conflict management training for a production environment. The training presents realistic scenarios and – in a nutshell – advises managers to slow down, cool down and engage constructively with the individuals in their shops. We’ll wait to see what the feedback will be on the effectiveness of the course.

120. What analysis does the agency conduct to evaluate the efficacy of the training provided to front line supervisors? (RS)

**Response:**  Jay Mousa stated that BLS Office of Field Operations uses employee assessments and are heavy users of surveys, for example the OPM Employee Viewpoint Survey and the BLS Climate Survey.  Jay indicated that management looks at these results and meets with employees (not with the mangers) in the regions to see if training provided to front-line supervisors is helping.  Jay stated that he gets a good idea of what is going on from employee feedback, and if the training is not sufficient will make changes or “tweaks” to the training.

121.  How does the agency accommodate nursing mothers who conduct field work?  (PT)

**Response:** Accommodation has taken place in the buildings where BLS is located. The agency has no direct experience yet in the field from feedback gathered thus far.

122. How is the agency preparing for staff retires? What is the succession plan? What does the agency intended to do to help avoid a knowledge gap when a huge group of people retire? (RS)

**Response:** We try to prepare for the retirement of technically skilled workers. For several years we’ve worked on this in the regional offices, with everyone in the management team responsible for succession planning and reporting out on what they have done. The Bureau feels it will pay off as staff retires. Mentoring idea was done in national office but not in the field.

**WAGE AND HOUR (4:00-5:30)**

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| --- | --- |
| Patricia Davidson | Deputy Administrator |
| Denise HuttenlockerAnn Lichter | Director, Division of Administrative OperationsProject Manager IT  |

124. Multi-lingual investigators are used to assist the monolingual investigators in employee interviews. Non-English interviews take longer than English interviews. What mechanisms are in place to recognize the extra time required to complete these interviews or to credit the bi-lingual speaker for the extra time it takes for helping out? In some cases, management has expected multi-lingual investigators to complete their own work within the same time frame as the monolingual investigators without consideration of this extra use of time. How is this additional duty recognized within the 85% enforcement time policy? (RS)

**Response:** Management replied that enforcement time should be recorded as enforcement time. The Union noted that bilingual WHI’s are not getting consideration such as extensions of time in their own casework when helping other WHI’s with translations. Management said that when WHI’s work in teams they should get assigned to the case and get credit. Walk-ins and other interviews in other languages should be recorded under the “language” line.

125. Investigator standards address both quantity and quality of casework; however, managers are stressing only quantity. What is the targeted quantity? How is quality evaluated? What criteria are used to determine quality case investigations?  There is a concern that the WH investigator standards as they stand do not reflect the reality of what is happening out in the field.  The NCFLL would like to discuss forming a joint Management/Union team to revise the WH investigator standards. (RS)

**Response:** Stipulate that we will rewrite standards and will join with Union on that. It is important that we do it together. The Union maintains that the standards are not reflective of the way we do the work.

126. At this point, each case assigned is treated the same.  However some cases only have one law that applies, while other cases such as agricultural cases can have as many as four laws that are applicable, with all the additional work that entails.  This can have a negative impact on someone if their inventory consists of a lot of agricultural cases for example.  The NCFLL would like to explore with the agency the possibility of an alternate system with which to count cases. (RS).

**Response:** Counted as one case under multiple statutes. Agricultural cases take up more time and perhaps assignment should take that into account.

127. Please provide a briefing and update on the hiring of 300 new Wage and Hour Investigators (WHI’s). Discussion to include: timeline for hiring; breakdown on the number of WHI’s to be hired by Region, including designated official duty locations; space issues anticipated with the additional hiring of the WHI’s and PDI discussions with the NCFLL. (DL, DD)

**Response:** Agency is expecting CR into the second quarter of FY 2015 at level funding, so for now we’re backfilling vacancies in about 120 positions. N.O. is having biweekly calls with RA’s and regional OASAMs to make sure they are on top of hiring needs because the last thing we want is to not fill vacancies already budgeted for this year. Approximately 20% of new hires left within 3 years from 2010 through 2012. Training, space and supervisory issues will challenge us in the long term. It may take some of the Basic 2 materials into a third training session. Refresher training is being requested. The Union explained the perceived respect and leadership failings resulting from supervisors returning to “checkers” and umpires rather than acting as coaches on the same team.

**Follow up:** Agency will analyze employee to manager ratio and comparison to other agencies in DOL and will make training as widely available as possible.

128. Please provide a briefing and update on the Wage and Hour IT Modernization Effort. (DL)

**Response:** The effort to plan for new IT systems is taking the approach that end users need to inform us as to what it will take to support their work. There are three people from field on the team, including Tom Giancola, Angie Telang and Dan Cronin who are developing an inventory of everything a WHI needs to do the work, to prioritize the order in which to do them – the specifics of complaint processing, CMP;s etc. In September the 90 day timeframe comes up and then we will be looking for new people Karen Chaiken is the RA working on it.

Looking to plan with tech team in GSA for user friendly components in system. There is a brand new start up IT unit within GSA, recruited from presidential innovation fellows. In an interagency agreement with GSA the DOL will sign up for a few months trying to do procurement differently. The previous project attempt with Noblis was a bust and we paid them significant money but eventually had to cancel contract. The parameters of this so-called, “agile development” require braking it into smaller pieces and developing prototypes right infront of them. There will be an IT newsletter article coming up and a static email box for ideas. There might also be a portal on the internet for people to see and get a better understanding of the prototypes. Team will also be trying to think about the database set up and planning up front for a new “data model”. A power point on this will be shared with the NCFLL through Colin.

**Follow up:** The IT newsletter and power point will be shared through Colin with the NCFLL. The NCFLL would also like a follow up discussion on space as a LM Forum topic. NCFLL requests vacancy and hiring information to be broken down by regions and districts and a study of the attrition rates by region/DO.

129. Please discuss the accommodation of nursing mothers doing field investigative work. What are field managers instructed to do? (DL, PT)

**Response:** The Agency is willing to accommodate nursing mothers but is unaware of specific concerns in this regard. The representatives asked where this might be happening and the NCFLL responded that it happened in Chicago.

130. Please provide a briefing on the Training and Education Branch in Wage and Hour. As part of the briefing, include the following: overall function and purpose of the Branch; organizational chart for the branch; total number and job titles for NCFLL Bargaining Unit Employees in the Branch; Duty Station locations of the NCFLL Bargaining Unit Employees; Type of travel required for the position. (DL)

**Response:** This branch currently reports to Denise but eventually will report to a new SES and consist of a branch chief and 5 positions in the 1849 series. Four positions will be in the NCFLL bargaining unit: 2 in the San Francisco region, 1 in Florida, 1 in NY and there is one now vacant in the NO.

131. Has there been any reorganization of the Training and Education Branch in the Wage and Hour National Office within the past year? If yes, please answer the following questions: Was notice provided to the NCFLL of this reorganization? If yes, please provide a copy of the notification. If notification was not provided, why not? (DL)

**Response:** Yes and notification was sent to the NCFLL via email from Dottie Thomas on October 31, 2013.

**Follow up:** A copy of the email was provided from Dottie Thomas, dated October 31, 2013 at 1:22pm.

132. When Wage and Hour was migrating to the Cloud, Blackberry devices were no longer able to save pictures taken. Has this issue been resolved? (DL)

**Response:** Through the OCIO we now have 2 help desks, including the old DITMIS. Issues are being uncovered as we go such as the functionality of the cameras, but this weekend we expect OCIO will enable cameras again. The 850 Blackberries we currently deploy cannot support the new synchronization of Cloud email and we’ll be swapping out at no cost to WH under the current terms of the contract. In the future we are waiting to see what smartphones the Department chooses under a general procurement contract.

**Follow up:** Agency will provide costs of current contract for 2014 and the new contract when that is known. Information will be broken out for charges by email trouble tix and the number of email accounts.

133. Please provide an update on the installation and functionality of the new IVR/VOIP phone system nationwide. If full deployment has been completed, please provide the NCFLL with the number of cColinalls received and abandoned on the public line from the date of full deployment to present per Item #3 in the Terms of Agreement of the National MOU, dated April 7, 2011. (DL)

**Response:** Agency will share report on an office by office basis to the current quarter. We are not ready to come off the call center yet but have a quarterly option to drop.

134. The NCFLL is concerned that WH Dallas RA Cynthia Watson rarely attends the LMR meetings in Dallas (once or twice in five years is our estimate). Please let the NCFLL know the reasons why this is so. RA Watson is in the building on the date of the meeting most of the time. She sends DRA Campbell in her place. Please discuss. (JD)

**Response:** That’s how they divide the work in that region. She was scheduled to go to last week and her mother had a health issue so she went to Arkansas. It was not an intentional slight of the NCFLL. She will try to make it to the next meeting in September.

135. Prior to a year ago, most cases were analyzed for two years.  Recently management has been requiring “willful” cases (which is most cases) to be analyzed for three years. Management has increased the work by approximately 33% but the completion deadlines have not been adjusted. This is an issue. The Union requests explanation, review and remedy to this issue. (RS)

**Response:** The agency has been taking a harder line on the pursuit of willful violations. The Union is concerned about the additional work which generates more work and requires a speed-up by WHI’s to complete the same amount of cases. Perhaps a reevaluation of the standards is one way to address it.

**Follow up:** Management agreed to consider dealing with this issue in a LM Forum. We need some kind of amnesty for people to come forward.

136. How will the Agency be adjusting the productivity number to address the increase in work? (RS)

**Response:** Answered in 135

137. Management is pressuring investigators to underreport case hours, basically requiring investigators falsify time spent doing casework. Management gives investigators criticism on the time it takes to complete case work. The criticism leads to off the clock work inaccurate reporting. What guidance does National Office provide the regions to calculate expected case times? The Union is concerned that there is systemic underreporting of hours in WHD. If estimations are based on previous averages, then the estimations are based on fabrications. This is a problem. Employees expected to meet standards that are not based on reality. How will the National Office address this? (RS)

**Response:** There are no production numbers handed down to WHI’s from the N.O. This may be one of the issues to be discussed in an LM Forum.

138. Where do the numbers for the stretch goals come from and how are they calculated?  Are stretch goals applicable to investigators or only management? If investigators are being held accountable for stretch goals, why are they not in their standards. (RS)

**Response:** No productivity goal in the standards until you get to the RA standards. WHI’s are not held accountable for anything like “stretch goals”.

139. What criteria are being used to determine if administrative staff and technicians can flex their schedules or telework? Given that WH National has indicated that only one job is not telework eligible and that job is located in Dallas, why is there such a problem for administrative staff and technicians to get telework?  Employees are routinely discouraged to flex and frequently denied telework. What is the Agency’s stance on teleworking for administrative staff and technicians? What is the norm or average expectation for telework use? Is there any reason why regions or the areas offices would be hesitate to support telework and approve telework requests? (RS)

**Response:** The Union asserts that the phone systems will facilitate telework by administrative and technical staff. Management is worried about greeting office visitors Union asserts that smaller offices can be covered by the manager from time to time. Management states that this option should be explored on an office by office basis.

140. The NCFLL is hearing that WH assistants are being transitioned to technicians and that the assistant job is going to be eliminated. What is the projected time for the transition?  Will the new position be a career ladder position to the GS-9 or will there be competition to get to the GS-9? (RS)

**Response:** This is not true. There is no plan to do this. In some cases people were “incorrectly” promoted and there was a proliferation of GS-9’s. Union would like to work on a career ladder for the technical grades.

**Follow up:** This too might be a good subject for a new LM Forum.

141. Secretary Perez has indicated that all DOL employees with get 40 hours a year of training beyond what they would receive from their agency and required DOL training.  How does your agency plan to implement this directive in the regions? (RS)

**Response:** The Agency is awaiting further instructions and will follow the Secretary’s stated policy and guidance. Ultimately it requires a dialog between supervisors and employees as to the appropriate training.

142. Where is the agency on the drafting of new performance standards? Are any of them “prototype”? Do you use a bell curve to overall performance ratings? (NN, DD, DL)

**Response:** This was answered above. There are no prototype standards.

143. How can the agency improve training in “soft skills” that it provides to managers?   What analysis does the agency conduct to evaluate the efficacy of the training provided to front line supervisors? (RS)

**Response:** Team was in two weeks ago to redraft training for supervisors, moving modules in and out of the district director training offerings. This training is not intended as remedial but offers instructions on how to have difficult conversations, manage conflict, etc.

144. How is the agency preparing for staff retires? What is the succession plan? What does the agency intended to do to help avoid a knowledge gap when a huge group of people retire? (RS)

**Response:** As an organization we’re not very good at this but the new Administrator is committed to better succession planning. The problem has been partly institutional and partly cultural.

145. What is the biggest challenge facing the agency going into FY 2015? (RS)

**Response:** The large influx of staff will be a challenge, assuming the budget request is approved. The Agency continues to address deficiencies identified in the EVS and focusing on training needs. They are trying to make ONE Wage & Hour Division and not separate operations in the N.O. and in the field or a division between supervisors and employees.

**Office of Worklife, Leave, & Benefits Policy and Programs**

146. What is the status of Harassing Conduct and Workplace Violence training stipulated in Article 35 Section 4 of the National Agreement? (NN)

**Response:** A consultant from Federal Occupational Health has been preparing training which will be available sometime around October. The training will include prevention strategies, emergency procedures and recognition of problem behaviors in a multigenerational workforce. The NCFLL would like to review the training package and have input prior to training for the bargaining unit.

**Follow up:**  DOL will share training program materials prior to implementation in the field.

**OASAM**

147. WebTA does not work as well as expected. Employees are experiencing a range of continuing problems. The problems affect employees’ ability to report hours worked and timesheet accuracy. WebTA is not user friendly and does not accommodate all of the various work schedules and work hour reporting necessary. Some improvisations in filling out time sheets occur. Employees did not receive adequate WebTA training. How is OASAM addressing the WebTA issues? How is OASAM supporting staff in DOL agencies to work through WebTA issues? When will OASAM provide adequate WebTA training and support? (Training is requested). (RS)

**Response:** The Department has been actively addressing webTA issues and meets with Treasury once per week. Since we went live there have been notes issued in May 2014 with about 25 items fixed. The second release was in July which included 16 compliance issues in ODEP. The third release will be in December 2014. There have been 35 issues with bugs and many other notes transmitted as enhancements to the system. The help desk is staffed with experts who provide Tier 2 support for certification and validation issues.

**Follow up:** The Department will share release notes already distributed and will share release notes in the future with the Council. (See attached)



148. Discuss the entry of leave requests and actual leave recording in WebTA. Some managers are requiring email requests or use of the OPM Form 71 instead of WebTA. Does the Department require the use of the new WebTA system? (PT)

**Response:** The Department does not mandate the use of the new WebTA system at this time. It is OK to use OPM Form 71.

149. Since moving to HR Connect NCFLL locals have not been getting all of the reports concerning dues that they did in the past.  In particular the report dealing with terminations/retirements, promotions, etc. is generally not available.  When will the all of the reports necessary for the maintaining of the dues rosters be available to the locals?  How soon after the receipt of these reports does DOL want the bill from the locals for the dues that the locals paid to AFGE for employees who have left DOL since the implementation of HR Connect? (RS)

**Response:** Reporting capabilities are in the testing phase and instructions will go out to OASAM and shared with union ahead of time so that we can make sure it has what we want on it. The Union expressed extreme frustration and emphasized the DOL’s responsibility to provide the info regardless of the computer system capabilities. DOL’s Office of Labor Management Services requires that we submit accurate accounting of our dues receipts and we in turn need accurate reports from the DOL.

150. We have heard that managers are no longer able to input promotions themselves in Webpars thereby delaying promotions. Discuss providing managers with up-to-date information on employee eligibility dates for promotion and the ability to input the requests directly into the system. (NN)

**Response:** Supervisors have the functionality available when they log into the system, although some sub agencies may limit what they want their supervisors to be able to do. Agencies may send system requirement request for career ladder and WIGI prompts for managers to automatically get notified.

151. The NCFLL has invoked bargaining on a number of issues including webTA.  We have not heard back on these bargaining requests and some of these were made months ago.  DOL on the other hand when they wish to have something bargained expects the NCFLL to adhere to the 30 day rule that is in Article 4 Section 1B.  The NCFLL would like to discuss with DOL what can be done to eliminate this disparity in the process. (RS)

**Response:** There are legacy issues that the Department is working through. no need to name names. The WebTA team will hear from OLMR next week and the bargaining for this system will move to first on the list. OELMR has been hiring but doesn’t have the staff to do all of the bargaining at the same time. The new staff that has been hired will be very helpful. The Union requested that a list of outstanding bargaining requests be compiled jointly so that we can all agree on the sessions to be scheduled.

**Follow up:** The parties will draft a list of outstanding bargaining requests to be scheduled.

152. What is the status on getting a replacement for E2? (RS)

**Response:** Answered in #1 above.

153. Recently a number of people attempted to do a simple comparative cost voucher in E2.  Vouchers were held up for processing because E2 claimed that comparative costs were outside of DOL policy.  One traveler had to pay over 200 dollars to Chase Bank so that his card would not be suspended along with a 15 dollar late fee.  Does DOL no longer allow comparative cost travel?  If this is not the case, why did this situation happen and what has DOL done to ensure that it will not happen again? (RS)

**Response:** The Department does not understand how this might have happened. Comparative cost travel is still encouraged. They will look into this glitch.

156. Over the last year there have been a number of systems implemented by DOL including the Cloud, webTA, and HR Works.  There have been problems with all of these systems and in many cases they are performing less efficiently than the systems they replaced.  What kind of usability analysis did DOL perform prior to implementing these systems?  Since over half of DOL works outside of Washington DC, what kind of usability analysis for these systems was performed in the regions?  How many end users contributed input on the operation of these systems?  (RS)

**Response:** Pre-implementation testing was done for the Cloud and the results were useful.. Testing for the webTA and HR Works was more limited but actual user input continues to be the best way for the Department to identify and troubleshoot problems going forward.

157. If the new systems that have been implemented cannot be fixed so that they at least equal the efficiency of the systems they replaced, will DOL replace these flawed systems with the previous software? (RS)

**Response:** There are no plans to go back to the previous software. Problems are being fixed as they are identified.

158. Secretary Perez has indicated that all DOL employees with get 40 hours a year of training beyond what they would receive from their agency and required DOL training.  How does your agency plan to implement this directive in the regions? (RS)

**Response:** The Agency does not agree with the Union’s interpretation of this initiative. The ongoing training programs of client agencies may be identified as responsive to this program. Agencies are awaiting further instructions and will follow the Secretary’s stated policy and guidance.

159. Where is the agency on the drafting of new performance standards? Are any of them “prototype”? Do you use a bell curve to overall performance ratings? (NN, DD)

**Response:** OASAM will share new performance standards as they become availiable. There are no prototype standards in OASAM that they know of at this time and there is no bell curve.

160. How can the agency improve training in “soft skills” that it provides to managers?   What analysis does the agency conduct to evaluate the efficacy of the training provided to front line supervisors? (RS)

**Response:** OASAM provides a number of courses aimed at improving skills among the supervisory and management team and more are being worked on every day. These programs are only as good as the management commitment in time. Also, some areas are limited in their travel for training.

161. How is the agency preparing for staff retires? What is the succession plan? What does the agency intended to do to help avoid a knowledge gap when a huge group of people retire? (RS)

**Response:** OASAM has had significant turnover through the years and none more so than now. As the NCFLL can see, the LR program alone has brought several new staffers on board from the union and labor relations ranks.

162. What is the biggest challenge facing the agency going into FY 2015? (RS)

**Response:** The uncertainty of the budget is the biggest challenge. Most likely a CR will be in effect into December.

**OASAM/HRC/WORKLIFE, LEAVE AND BENEFITS**

163. Per Article 51 item J and Article 29 Section 11 of the CBA, please provide the latest report submitted to OPM on the use of Telework by DOL employees and briefing on the use of telework within the Department. (DL)

**Response:** The DOL provided the raw data to OPM who will analyze it and send it back for us for the final report of Fiscal Year 2013. Approximately 90% of DOL employees are eligible for telework agreements. Approximately 60% of eligible positions currently telework and that percentage is expanding over time.

**Follow up:** The DOL report to OPM will be shared with the NCFLL when it is complete.

164. Per Article 51 item P. of the CBA, please provide a list (by OASAM Region) containing the number of inter-station transfer request received and the number granted. If inter-station transfer requests are not granted, please explain the reason(s). Please provide separate lists for FY 2013 and FY 2014 from October 1, 2013 to present. (DL)

**Response:** This request for information has been sent to the regions where the information is maintained. National Office does not have it yet but will have it soon – hopefully within the next couple of weeks.

165. Per Article 35 section 5 and Article 51 item T of the CBA, please provide information and a briefing of the workplace program for DOL. (DL).

**Response:** There is not yet a systematic procedure to capture this information. DOL is canvassing the regions and will compile this list for the NCFLL, distribute it and offer a briefing if we would like.

**Follow up:** Awaiting DOL’s compilation of this report.

166. Please provide information on specific requirements of an Agency to provide employees with equipment (computers, fax machine, copy machine) and supplies (i.e., ink cartridges, copy paper, etc.) who are on permanent telework arrangements and telework five days per week. (DL)

**Response:** No policy that they have to provide that If they do provide equipment they should provide the supplies and the maintenance of the equipment Maria is going to make sure that the guidance will require managers and employees to have that conversation when completing the telework agreement.

167. Please discuss the procedures employees are to follow in changing their permanent duty station to their home if they meet the requirements under DPR 610. Additionally, please discuss management’s responsibilities to respond to these requests in a timely manner. (DL)

**Response:** There is a grievance on this and Shawn will answer in writing in the coming weeks.

80.  The National Office is announcing office closures or delays due to weather emergencies and district offices or field offices are required to work when they have similar conditions.  National office areas have public transportation when district/field offices don’t.  Please issue this directive for all offices in the region and not just the national.  (RC)

**Response:** The union needs a new policy for the outlying offices where emergency conditions continue to be ignored by regional management. DPR 610 allows RA/OASAM to delegate authority to non-regional agency managers in the impacted locations – most often to OSHA Area Directors.

.**OWCP**

|  |  |
| --- | --- |
| Christy Long | Deputy, DEEOIC |
| Tirzah Leiman-Carbia | Deputy, Program and System Integrity |
| Julia Tritz | Deputy Operations and Claims Management |
| Mike Tyllas | Administrative Officer |
| Vincent Alvarez | Deputy Administrative Officer |

168. What is the process for filing a worker’s compensation claim? Under what circumstances are employees asked to use their insurance? Are insurance deductibles reimbursable? What changes have there been to the hearing claims process? (RS, BT)

**Response:** The process for filing a workers’ compensation claim is set forth in the FECA statute, regulations at 20 CFR Part 10 and implementing procedures (FECA Procedure Manual, Part 2), all of which are on our website.  In the simplest terms, if an employee is injured, that employee fills out a claim form (or it can be completed on behalf of the employee) and the agency completes their portion of the form.  Agencies do have different business processes for form intake and processing.  The Office of Worker Safety and Health at DOL has responsibility for managing the intake of claims for DOL employees.  Injured workers are not asked to use their insurance.

Situations where an employee may use their health insurance include:

* CA 16 has not been issued by the employing agency authorizing medical treatment
* When a FECA claim has been denied
* When acceptance of a FECA claim has been rescinded
* Medical treatment authorization for a FECA-related injury has been terminated.

Also, insurance may be used in situations where a claim or a treatment has not been accepted as employment-related.  If there is an accepted FECA claim, the injured worker can file for reimbursement of medical expenses occurred for treatment of an accepted condition using Form CA-915 which is on our website.

There have been no changes to the hearings review process.

169. If an employee is ordered to get a second opinion, are they required to use their own insurance? When a second opinion is required, is the cost of the deductible reimbursable? Is this a change from past practice? (RS, BT)

**Response:** Office directed second opinion examinations are scheduled through an OWCP-held contract and are paid for by DFEC whether the claim is accepted or not.  Our FECA regulations at 20 CFR § 10.322 explicitly state that “OWCP will pay second opinion and referee medical specialists directly. OWCP will reimburse the employee all necessary and reasonable expenses incident to such an examination, including transportation costs and actual wages lost for the time needed to submit to an examination required by OWCP.” This is not a change from past practice.

170. Mr. Steinberg has been Acting Assistant Secretary for OWCP for a while now.  What are the plans to fill the position with a permanent appointment? (RS)

**Response:** I am unable to provide information about the status of efforts to fill the position.

171. In some Regions there is a SES position for Regional Director but all of the immediate subordinates in the regions are grade14’s.  Are there any plans exist to bridge the gap so 14’s may apply to fill the SES vacancy?  If there are no plans then what are the succession plans for those Regional Director positions? (RS)

**Response:** We are exploring options that might support OWCP succession planning and increase opportunities for selection of DOL candidates into Senior Leadership positions as you describe. Currently, we are seeking to establish and recruit two GS-15 Deputy Regional Director positions for Midwest and Southwest Regions. We are also exploring whether higher graded duties for a limited number of District Office Directors and Associate District Office Directors in DEEOIC/ENERGY, DFEC, and DLHWC might be appropriate, but ultimately this is an HRC classification issue.

172. Claims Examiners are being told that the workload under the FECA program is defined as the amount of cases a claims examiner or District Office has responsibility over.  Is this the case?  If not, what is the measurement and why?  If yes the NCFLL would like to discuss how to go about a developing a more accurate measure  The NCFLL’s concern is that measuring by cases is not accurate or equitable because the sums of a case’s parts is a true gauge on workload, e.g., CA7’s, recurrences, other decisions, development actions prior to decisions, authorization, DM actions required etc.  In the last several years claims have been reduced but the amount of work within the remaining ones have increased.  (RS)

**Response:** We do not have a measurement for workload. We assign FTE to offices based on an office’s percentage of incoming claims and periodic roll claims averaged over a 2-year period. They are allotted that percentage of the overhead number of positions available with special set asides for certain positions and special claims. Additionally, the things listed as being parts of a case are not an accurate measurement since one decision could take an hour to write and another six hours. The same inequity can be noted in processing CA-7s, answering phone calls, etc.

173. Mr. Steinberg in a “town hall” meeting earlier in 2014 stated operational goals/plans are increased based on an attempt to do better. Is it the intent of National Office for the respective District Offices to make it the individual claims examiners responsible through the standards to meet or exceed the operational plan goals set by National Office? (RS)

**Response:** Goals flow from the Operational Plan throughout all OWCP performance plans, with recognition that accountability varies by position, grade, and local organizational structure. As has been our past practice, OWCP’s management team will ensure that everyone is evaluated fairly under their performance standards and that employees won’t be held accountable for variables outside of their control.

174. Does the national office get feedback from the front line workers such as senior claims examiners, claims examiners and PRMS examiners to attempt to understand what would be good operational plan goals and good changes to policy at a national or local level?   If this is not being attempted would the National Office be open to working with the NCFLL on a labor forum to develop the process in which this could occur?  (RS)

**Response:** DFEC national office solicits feedback from the field on goals and policy via the DDs on a biweekly basis as well as through emails, etc. Additionally, working groups comprising national office staff and district office staff (CEs, Communications Specialists, iFECS Site Managers, etc.) are developed to write new procedures, training materials for agencies, iFECS improvements, and so on.

175. What tracking system does the national office use to measure the amount of downtime computer outages are generating?  There is a concern that computer outages are being ignored and in effect workers have to make up the down time in order to meet their standards.  If there is no tracking system, the NCFLL would like to discuss with OWCP how to go about develop such a system. (RS)

**Response:**OWCP program management monitors OCIO trouble tickets that affect multiple users so that trends can be identified, which may point to system or infrastructure issues. OWCP and program management can then prioritize and budget for system or infrastructure improvements. Two examples of this are the CITRIX capacity investment that was made to facilitate expansion of telework and the creation of the iFECS performance tiger team.

176. How can individual claims examiners or staff bring ideas and proposals forward to help improve the program? (RS)

**Response:**In the past, OWCP has formally requested input via the acting director’s public mailbox and via blogs. Most recently, OWCP has joined the Department’s IdeaMill initiative and will respond to suggestions that meet the Department’s threshold for “likes.” Additionally, at all of his town hall meetings, the acting director reminds employees that all ideas for program improvement may be directed to supervisors or district directors for consideration and communication to senior leadership.

177. Regional staff have indicated that in addition to having town hall meetings with the Assistant Secretary and the Regional Administrators, they would also like to have town hall meetings with other national office managers such as Doug Fitzgerald.  Are there any plans to do so? (RS)

**Response*:***In order to economize on resources, the DFEC program traditionally holds town hall/all staff meetings in conjunction with accountability reviews. Doug Fitzgerald and Julia Tritz held all-staff meetings in Dallas, Kansas City, and Jacksonville this year. We plan to continue this process going forward. Additionally, Julia recently attended Gary Steinberg’s all-staff meeting in Philadelphia and Cleveland.

178. Why do Hearings Representatives need to first send their decision to the Chief of Branch and Hearings and Review prior to issuance? Why do individual District Offices get the opportunity to have the Branch of Hearings and Review or ECAB alter its decision after issuance? (RS)

**Response:** Either the Chief or Assistant Chief are the direct supervisors and they need to ensure that the decisions issued by the Branch comport with established procedures as well as ECAB precedent. FECA is the exclusive remedy for federal employees who sustain workplace injury or death. There is no judicial review allowed in the statute and the administrative appeals process is set up to provide due process to injured workers. H&R or ECAB (which is a separate agency) may disagree with a district office decision and overturn it – that is part of the administrative appeals process.

179. There is a growing concern among the staff that there is a disconnect between the overall operational goals of the agency and the actual day to day work that is being done in the regions.  How does OWCP ensure that the operational goals are achievable within the constraints of both the elements and standards and the actual work that is being performed? (RS)

**Response:** OWCP reviews its operational and operating plans on a yearly basis and looks for: goals that have become redundant or are measuring work that is now being captured in other goals; program areas that need improvement and should be measured; and new policies and procedures that might need a metric. This process is done annually and recommendations are made to the Department about how the plans need to change. The Department issues guidance every year that instructs Supervisors to ensure that employee standards link to organizational goals.

180. Please discuss if there any plans to transfer work from OWCP District 25-FECA to OWCP-FECA in Philadelphia.  If yes, please discuss.  (DL)

**Response:** DFEC held simultaneous meetings with both offices on 2/10/14 (NCFLL and Local 12 were invited) to discuss the transfer of some portions of Maryland from D25 to D03. This is a continuation of a process that began some years back when Baltimore County cases were transferred. In the same manner, cases with a jurisdiction anywhere but an area roughly making up PG County are being transferred to Philadelphia. Newly created cases in the impacted zip codes will transfer effective 9/1/14 and the remaining cases will be transferred effective 10/1/14. Roughly six FTE’s will be moved to Philadelphia.

181. Secretary Perez has indicated that all DOL employees with get 40 hours a year of training beyond what they would receive from their agency and required DOL training.  How does your agency plan to implement this directive in the regions? (RS)

**Response:** Consistent with Policy Advisory Notice 14OHRPA02: Duty Time Authorized for Agency-Approved Professional Development, DOL employees who participate in approved mission-related training activities during their normal duty hours will not normally be required to use accrued leave or credit hours, or leave without pay, up to forty (40) hours per fiscal year. Professional development/training activities greater than forty (40) hours per fiscal year may be authorized if management determines that such training is in the best interests of the Department. Employees may be required to sign Continuing Service Agreements (CSA), if applicable.

**Follow up:** Union feels CE’s will not be given the time to read an IDP or participate in them but will monitor the situation as employees attempt to do so.

182. Where is the agency on the drafting of new performance standards? Are any of them “prototype”? Do you use a bell curve to overall performance ratings? (NN, DD)

**Response:** District offices may make changes to standards once the Operational and Operating Plans are announced in order to ensure alignment with the Plans, e.g. adjusting the standard for PERs. Only Energy uses prototype standards for the employees who work in the Final Adjudication Branch. OWCP does not use a bell curve in performance ratings -- employees are rated against their own standards, not against other individuals. As we have done in the past, OWCP supervisors will review all comments received from employees when supervisors meet with their employees to discuss standards.

**Follow up:** Union would like to participate in development of standards Mike will get back to us by November 2014 on this request. Union said there is plenty of precedent in BLS, OFCCP, WHetc.

183. How can the agency improve training in “soft skills” that it provides to managers?   What analysis does the agency conduct to evaluate the efficacy of the training provided to front line supervisors? (RS)

**Response:**  In terms of analysis of efficacy of current supervisory and leadership training, OWCP has reviewed the Employee Viewpoint Survey; work by the Partnership for Public Service; and the works of leading agencies in the areas of supervision, and leadership. Historically, we have selected supervisors, especially frontline supervisors, based on the technical qualifications of the applicant pool. While these employees may have excellent technical skills, they sometimes lack essential leadership skills including: communication, team-building and conflict resolution skills. To improve training in soft skills, OWCP is making training available for supervisors in the field and National Office. Upcoming offerings include: a 4-day supervisory development course, “Learning to Lead , which was offered in NO, SW, and Pacific Regions; and a 2-day workshop, “The Resilient Leader: Strategies to Flourish in Turbulent Times”. We are also offering additional training focusing on reasonable accommodation; and cultural sensitivity in the workplace.

184. How is the agency preparing for staff retires? What is the succession plan? What does the agency intended to do to help avoid a knowledge gap when a huge group of people retire? (RS)

**Response:** Individual Development Plans provide a framework for an employee’s development and are constructed in partnership between employees and their supervisors. The IDP describes career objectives and identifies formal and informal training, including on the job training, mentoring and details that will enhance the employee’s knowledge, skills and experiences to help them perform in their current job or future positions in the agency. OWCP began the process at mid-cycle and requires that supervisors/leaders offer IDPs/EDPs to all employees when the FY 2015 Performance Appraisal Plans are developed in November, 2014. OWCP set-aside over $600,000 this year for training. We have also further publicized the HR Advisory regarding Duty Time Authorized for Agency-Approved Professional Development and encouraged employees to make use of that opportunity. Further training for managers and employees on the development and use of IDPs is needed to as part of the roll out strategy.

Also, OWCP will consider phased retirement opportunities once implementing instructions are adopted.

185. What is the biggest challenge facing the agency going into FY 2015? (RS)

**Response:** Stability of funding. Last year’s furloughs and sequestration adversely affected employee morale and engagement. And our inability to confidently forecast sustainable FTE levels heading into FY 2014 contributed to hiring “pauses” across all programs. Consequently, starting FY 2014 at lower FTE levels required rebalancing workload placing an additional burden on employees. While a CR is likely for FY 2015, we have hired or are in process of hiring to sustainable levels. It’s noteworthy that despite reduced staffing levels, our dedicated employees worked hard to ensure that our mission was met as evidenced by OWCP meeting or exceeding 25 of its 27 Operational Goals in FY 2013. Their high level of performance was recognized in approximately 78 percent of OWCP employees exceeding the met level of performance.

**OWCP – Energy Program**

186. Energy Bulletin 14-03 creates additional responsibilities for the Claims Examiner based on Executive Order 13548.   The Bulletin requires the claims adjudicator to take certain actions related to claims with disabilities.   All claims examiners are required to know the procedures for responding to requests for communication aids and services without any training from management.   The claims examiner is required to a suitable means of communication to anyone deemed to have 1) cancer, 2 diabetes, 3) epilepsy 4) autism 5) bipolar disorder 6) post traumatic stress disorder that substantially limits a person’s life activity without any procedures of policies necessitating denial of a claimant’s request for accommodation.  (RS)

**Response:** EEOICPA Bulletin No. 14-03 was issued on May 13, 2014. The Bulletin is to inform staff of their responsibilities under the Federal disability nondiscrimination law. The Bulletin explains the type of notice the DEEOIC claims staff is required to provide to claimants for handling claimants who need communication assistance or services and/or reasonable accommodations/modifications anywhere in the claims process.

Each District/FAB office has at least one designated point of contact (POC) who is responsible for facilitating responses to such requests, and who is knowledgeable about the relevant procedures, law and policy. Any personnel within that District/FAB Office should reach out to the designated POC when questions arise. As needed, DEEOIC personnel may also consult with the Branch of Policy which may seek out resources available in other DOL agencies or other appropriate Federal agencies. As of July 25, 2014 there have been no claimant requests for any accommodations under this Bulletin.

187. The CE is required to use Braille, audio CD or data CD for visually impaired claimants without providing necessary equipment. The CE is required to use a sign language interpreter without a list of federally qualified interpreters.  The CE is required to complete Attachment 2- checklist for when (sic) a call is received from an individual who is seeking a reasonable accommodation, without any training on the ADA or reasonable accommodations.  (RS)

**Response:** DEEOIC employees have been given the names of employees in the National Office of the Office of Civil Rights who will provide assistance with Braille, audio CD and/or large print documents. In addition we have the contact information for six sign language interpreters and TTY services.

188. The following documentation now goes out regarding accommodations available for disabled persons:  “If you have a disability (a substantially limiting physical or mental impairment), please contact our office/claims examiner for information about the kinds of help available, such as communication assistance (alternate formats or sign language interpretation), accommodations and modifications.” (RS)

**Response:** This is correct. The statement is included on all correspondence, including recommended and final decisions, and is located in the footer of the first page of all correspondence sent to all claimants and their Authorized Representatives.

189. The NCFLL would like to know when training will be given to CEs regarding ADA and ADAA compliance and how to provide reasonable accommodations under ADA and ADAA.  In addition we would like to know when a list of federally approved sign language interpreters will be provided to all CEs in Energy along with when CEs will be provided with the equipment for working with Braille and audio CDs. (RS)

**Response:** The office POC will handle accommodation requests. A resource guide is in the final stages of being developed and will be provided to all claims staff.

190. If a bargaining unit employee is driving a GOV, are they covered by FECA? (DD)

**Response:** In some circumstances, this individual might be covered but each case has to be reviewed on a case-by-case basis to determine whether the employee was in the performance of duty or had deviated for some reason (such as a personal errand).