NATIONAL COUNCIL OF FIELD LABOR LOCALS

AND

U.S. DEPARTMENT OF LABOR

National Labor Management Relations Meetings

February 25 to March 1, 2013

Washington, D.C.

**AGENDA**

**Tuesday, February 26, 2013**

**8:30 AM – 9:30 AM**

**OASAM/HRC/ODLRN**

|  |  |
| --- | --- |
| Earsie Johnson | Acting Director, ODLRN |
| Peter Beil | Human Resources Specialist, ODLRN |
| Joseph Kelly | Consultant |
| Oneida Benson | Human Resources Assistant |

1. Please provide an update on the printing of the new DOL/NCFLL Collective Bargaining Agreement and its distribution to the field once we have printed copies.  (NN)(DL)

**The meeting began at 8:33. Earsie Johnson said Hugler will be here around 9:30. Director Johnson said the Contract is ready to print; it is at the printer. The cost will be $23,000 for 10,000 copies. Johnson said the Department was told to “wait” due to sequestration. There is still proofing going on: correcting page numbers, editing and condensing an index. The Department said they had condensed the index. The Contract will be spiral bound. Johnson provided a CD with the Contract layout and a hard copy of the index. Sydney Rose wants to discuss the timing of the printing during sequestration bargaining. President DeMay said many field employees would print the Contract at the office. The cost of toner, printer maintenance, and time will be more than $23,000. DeMay said the Department should have had everything ready to go to the printer around the end of October or the beginning of November. Johnson said in 2006 that former OELMR Director Sandra Keppley had a large staff and was able to have everything done. Johnson along with Kelley Pettit’s office in Dallas worked on this, but this is a smaller staff than Keppley had in 2006. DeMay said ODLRN only had about four people and that NCFLL matters seem to be neglected. Johnson said she had interviewed four people for jobs at ODLRN but all had turned down the job, so the staffing shortages in her office would continue. DeMay mentioned that 31 people have left ODLRN since he came on the NCFLL Executive Committee in March 2005 and emphasized, “Whatever is wrong needs to be fixed.” Johnson said, “I feel your pain.” VP Tucker said the Department agreed to pay for the printing and distribution of the Contract. Did they have a budget? Is the budget being balanced on us? VP Walters asked Johnson if she was a messenger and not the one to decide. Johnson confirmed this. Acting HR Director Sydney Rose will discuss this further with the sequestration bargaining team.**

1. The Union would like to discuss the possibility of developing an emergency response plan for involving the NCFLL when handling such situations such as: Hurricanes, Earthquakes, Floods, and other natural disasters. Please discuss. (NN)

**Johnson said she had sent an e-mail to the NCFLL Executive Committee about this. President DeMay said Kevin Hawkins from ODLRN had sent the e-mail about the NCFLL participating on this team, but he could not provide any further details because he did not know them. Johnson said the work group will first meet today. Greg Rice will lead on behalf of the NCFLL. VP Walters asked if Rice knew anything about hurricanes or earthquakes. DeMay asked why the ODLRN official could not answer his questions. President DeMay appointed VP Walters to be the NCFLL representative at the meeting today.**

1. Please provide an update on the status of the Bargaining History for the new contract. (PT)

**Peter Beil talked to OASAM Dallas RA Kelley Pettit (management lead negotiator for the 2012 Contract), who had said she and DeMay talked about it. Beil and DeMay agreed that the Bargaining History is being written. EVP Weyrauch said that Pettit should be at this table answering the questions. VP Tracy asked who the management representative was on this item. Johnson appointed Peter Beil. VP Tracy is the NCFLL representative.**

1. Please provide a current list, as of February 20, 2013, of which staff member in ODLRN is assigned to cover each agency within the Department? (DD)

**Johnson told HR she wanted about 12 or 13 new staff members after the budget allows. She called February a “disaster” with the four people who turned down the job offers. She is also asking for long-term DOL people willing to work on short-term detail. DeMay told Johnson that the agencies are starting to send items directly to the NCFLL without the involvement of ODLRN. What is the NCFLL supposed to do? If the agency signs on behalf of the Department, it is binding. Johnson said OSHA and BLS have the permission to contact the NCFLL directly without the involvement of ODLRN. Otherwise, the agencies have to work through ODLRN. EVP Weyrauch asked if ODLRN had more staff to work with Local 12. Johnson said no. She said ODLRN has had job announcements since July 2012. DeMay asked why the regions had one LR staff (in OASAM) but the agencies in DC had LR staff separate from OASAM; this seems duplicative. Johnson said that was a good question.**

1. Please explain the Performance Award System payout chart emailed to the NCFLL on January 24, 2013? (NN)

**Johnson passed out the chart showing BUEs. DeMay said the chart shows regions and agencies, but not each agency within each region as previous charts have shown.**

1. The NCFLL asked each agency in the December 2012 LMR this question: "Does management in your agency compare BUE sign-in, sign-out sheets with People Time and any internal agency tracking program?  The Contract is clear: People Time is the only timekeeping system in DOL.  ODLRN told the NCFLL that OASAM ROs would issue a directive to the agencies on how to comply with this part of the Contract.  What action has been taken?  Please provide the NCFLL a copy of the directive.  Please also provide the NCFLL with a copy of the Timekeepers Manual. (JD)

**Johnson said there was a meeting of HROs in January 2013. She said no guidance has gone out to the RAs. DeMay said the guidance needs to go to the front-line supervisors. DeMay remarked that someone in the Department needs to tell the supervisors what to do. VP England compared the sign-in, sign-out sheets to buggy whips. Before People Time, they were needed. Now People Time is the timekeeping system for the Department. Johnson said she would ask Rose to send out something on behalf of the Department. Johnson did not know of a Timekeepers Manual. VP Nolan said there is a People Time manual. Johnson will provide whatever it is to the NCFLL.**

**Action item:** ODLRN to provide the NCFLL with a copy of the timekeeper/People Time Manual.

**Response:** On 05/13/13, Peter Beil with ODLRN emailed the following response.

To access the People Time Guide go to Labor Net and click on the Me tab. On the Me screen scroll down to Payroll and click on the People Power Information and Support tab. On the People Power screen under Library click on the people Time Guide tab.

The provisions contained in the People Time Guide and the terms of Article 25, Section 6 of our collective bargaining agreement set forth the procedures for reporting time and attendance.

1. Under what conditions can management require employees to report to Alternative Work Space? (NN)

**Johnson said management has the right to send employees to one if there is an emergency. VP Nolan told everyone at the table that this arose during Hurricane Sandy. Johnson said the Statute Section 7106 described this management right. EVP Weyrauch said the WH RA in Philadelphia made two different decisions during Hurricane Sandy based upon which OASAM region the employees worked. Nolan said WH directed their employees to go to various non-WH offices and work. Nolan asked Johnson why the managers did not have these conversations with the shop stewards. DeMay said some of these alternative work stations had electricity but no internet or telephone.**

**9:30AM- 10:15AM**

**Discussion with Deputy Assistant Secretary Operations Edward Hugler**

|  |  |
| --- | --- |
| Edward Hugler | Deputy Assistant Secretary, Operations |
|  |  |
| Earsie Johnson | Acting Director, ODLRN |

**Present for the NCFLL: EVP Weyrauch; Treasurer Newberry; and VP Darby, England, Nolan, Sax, Tracy, Tucker, and Walters. President DeMay, RS Laurie, and VP Nolan departed for the sequestration negotiations.**

**Deputy Assistant Secretary Hugler said the Contract will be printed. EVP Weyrauch said the NCFLL worked hard to negotiate the Contract in eight weeks. Local 12 are on their fourth year. Pettit seemed to stop working with the NCFLL after Contract negotiations were finished. Hugler said he would figure out how to print the Contract by the end of this week.**

**Regarding sequestration, Hugler said the notices will go out this Friday. He praised the NCFLL and Department on how the parties handled the situation. The last time sequestration happened was in the 1980s. He thanked the NCFLL for the lead-up and then the I&I bargaining going on this week.**

**Weyrauch described the LROs as “6 independent contractors” and said their work should be guided by ODLRN instead of the respective RAs.**

**VP Darby gave examples of errors on People Time as possible disciplinary action and EVP Weyrauch did on comparisons of People Time and sign-in, sign-out sheets. Instead of ODLRN guiding the agencies, each agency and region has their own interpretations of Contract matters.**

**Hugler said he will print the Contract “within a reasonable number”.**

**VP Tracy asked for a listing of contractors within the Department. Hugler said there will be cuts in contractors due to sequestration. The letters will go out by Friday if there is a sequestration order.**

**Hugler has no clue whom the new Secretary of Labor will be.**

**The current Continuing Resolution expires March 27.**

**Any money sequestered in FY 2013 could continue into future budgets. Perhaps the future budget reductions could be overall instead of by account and not lead to furloughs.**

**VP Tucker asked about any shutdown days. Would these days be applied toward furloughs? Hugler thought yes but was not sure.**

**EVP Weyrauch notified Hugler that the NCFLL was trying to get legislation to have the Department reimburse BUEs for half of the cost of liability insurance. Treasurer Newberry described situations where mine operators are suing MSHA inspectors in state court for writing too many citations and family members are suing MSHA inspectors in state court for not writing enough citations and a miner is killed as a result.**

**VP Tracy asked for an update on pre-tax parking. The Department’s plan is due to the NCFLL by April 1. Hugler said it will be ready before then. Tracy said any negotiations would not be “reinventing the wheel” because such plans exist elsewhere in the Federal government.**

**10:15AM- 10:30 AM**

**Break**

**10:30AM- 12:00 NOON**

**OCFO**

|  |  |
| --- | --- |
| Marella Turner | Administrative Officer |
| Cynthia Jones | Director of Travel |
| Roy Abreu | Manager |
| Shameeka Soares | Program Manager, Concur |
| Matt Gibbons | Client Relationship Manager, Concur |

1. Please discuss with the NCFLL what plans your agency has to deal with the impending sequestration.  Will these plans include furloughs or RIFs? (RS)

**The NCFLL Executive Committee officers present were the same as shown above. VP England left at 11:24 to discuss a situation with OSHA.**

**Sequestration I&I is being addressed now.**

1. As discussed during the December 2012 National LMR Meeting, the NCFLL is interested in a demonstration of the new E-Gov Travel System for DOL. (DL)

**Matt Gibbons from Concur stated that the Concur Government Editions Platform automatically creates the funding documents as well as creates the voucher and makes the reservations. It does Travel and is a Travel Manager. It has one platform, one service, one set of reconciled data, and one “user experience”. Concur Mobile allows their system to be accessed from smartphones.**

**One supervisor could not see the travel information for another supervisor’s employees. VP Tucker recommended that there be a breakdown between BUE and non-BUE travel. Gibbons said Concur can build any group within their system.**

**Treasurer Newberry and Cynthia Jones discussed the interface between E2 and the Nucor Financial System. When accounting codes change, Concur would be able to make their system recognize that.**

**EVP Weyrauch asked why Concur’s system was better. Gibbons said Concur’s system can be adapted to any company or agency. The other system is built from scratch for each agency. Soares said Concur updates their system monthly. Gibbons stated that Concur has the contract for all civilian government agencies through GSA (sole-source contract).**

**Soares began her presentation. Concur’s homepage has configurable links on the left side (the OCFO will maintain these). All the traveler’s Travel Authorizations, Travel Vouchers, and Travel Card information appears. The TAs and Vouchers are live; the Travel Card information is updated within 24 hours. Concur and OCFO are working to develop a user training package. Cynthia Jones asked for NCFLL input into the training. Soares showed the training simulations currently on their training website.**

**The system can let the user choose City Pair airfares or the discounted fares if within agency policy. Cynthia Jones said the non-City Pair fare can be used (even non-refundable) if it is cheaper than the City Pair fare. VP Tucker gave an example that it is harder to find direct flights from Cleveland. Jones said the traveler and approving officials need to know the policy.**

**All policy and implementation will be through DOL. Concerns were raised regarding training in field.**

**Jones said that her team and Concur will build the system to include the DOL policy on airfare, rental cars, travel times, and other matters.**

**Soares showed that the system has green, yellow, and red lights to show if the reservation is within policy, not really within policy, or not within policy.**

**Jones said DOL does not restrict the size of rental car or mandate the use of Fed Rooms through GSA.**

**VP Tucker suggested that the system show union hotels. Jones asked the NCFLL to provide a list of hotels in remote areas that are not on Fed Rooms.**

**Soares said the traveler’s frequent flier, hotel rewards, and other accounts can be loaded into their system.**

**The system will e-mail directions to the hotel along with confirmation of the reservation.**

**Amtrak and Southwest Airlines are embedded in Concur’s system. They are not included in E2. Jones said the travelers can buy Amtrak tickets on their own and voucher it later. They do not have to use the travel management system to make Amtrak reservations. Concur will allow the cheapest fare to be bought even if it may be “outside policy”.**

**EVP Weyrauch asked when the system was going online. Jones said that the final decision had not been made.**

**Soares said the BlackBerry mobile app will be available at the end of March. Next will be iPhone (July), followed by Tablet and Android. All of the features available on computers will be available on the mobile app.**

**The final item discussed was the voucher. Concur will match the credit card transactions, all receipts (in electronic form), and expenses with the voucher. The traveler will not have to do all the work.**

**Jones said the current E2 is the system of record. There is no requirement that the traveler keep a copy of the voucher and receipts for the 6 year 3 month period. E2 does this; in the future, Concur will. VP Darby and VP Sax stated that there will be much shredding in DOL offices.**

**Jones does not know exactly when this system will go online or if the sequester will affect it.**

1. Discuss implementation of the new transit subsidy threshold. Are provisions in place for reimbursement of retroactive subsidies? (PT)

**$125 per month is the current level. The law allows $245 per month, but the Department has not adopted the full rate yet. Nothing concerning retroactivity has been decided either. The final decision on both will be made at the departmental level.**

1. Please share the draft procedures for implementation of the Pre-Tax Parking Program which, by contract, must begin no later than March 31, 2013. The NCFLL reserves the right to bargain the program to the extent permitted by law. (PT)

**The employee will have to complete a form and send it to HR. HR will send it to NFC. At the end of the year, this information will show on the W-2. These are draft procedures. Johnson will give us the draft procedures after lunch today. Johnson said NFC is familiar with these procedures.**

**At 3:30 p.m., EVP Weyrauch requested bargaining. Our team will be VP Tracy as lead along with VPs England and Tucker and is available the week of March 11.**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**12:00 Noon- 1:00PM**

**Lunch**

**1:00PM- 1:30PM**

**WOMENS’S BUREAU**

|  |  |
| --- | --- |
| Karen Furia | Administrator |
| Joan Harrigan-Farrelly | Deputy Director |
| Paris Mack | Chief Information and Support Services |
| Jacqueline Johnson | ODLRN Consultant |

1. Please discuss the methodology used in the calculation of employee performance award bonuses for FY 2012. (DL)

**The following NCFLL Executive Committee officers were present: EVP Weyrauch; Treasurer Newberry; and VPs Darby, England, Tracy, and Tucker. President DeMay, RS Laurie, and VP Nolan were at sequestration bargaining. VPs Sax and Walters were on an agency conference call.**

**Furia said WB took the small bonus pool and subtracted special act awards. A performance rating of Exemplary got the same bonus regardless of grade. The employees that received a summary rating of Highly Effective got the same bonus regardless of grade and number of elements exceeded. Those employees that got a rating of Effective got no performance bonus.**

1. Please discuss with the NCFLL, what plans your agency has to deal with the impending sequestration.  Will these plans include furloughs or RIFs? (RS)

**No furlough days. They have no knowledge that the Women’s Bureau would move out of the Department of Labor. There are no plans to consolidate regions.**

**VP Tracy brought up the disparity between regions and the national office concerning grades for the same type of work. Harrigan-Farrelly said the jobs differ in the different offices; thus, the differing grades. VP Tracy and Furia agreed to discuss this matter further.**

**1:30PM- 2:45PM**

**OSHA**

|  |  |
| --- | --- |
| Rich Fairfax | Deputy Assistant Secretary |
| Kim Locey | Director, Administrative Programs |
| John Lewis | Deputy Director, Administrative Programs |
| Gus Georgiades | Director, Management Systems and Organizations |
| Arlene Williams | Deputy Director, Administrative Programs |
| Amenda Edens | Director, Science Tech and Medicine |
| Beth Slavert | Director, Whistleblower Protection Programs |
| Joe Blake | Human Resources Specialist |
| Patricia Barnes | Director, Human Resources |
| Mallory Williams | Human Resources Specialist |

John Hermanson RA Dallas

Peter Beil ODLRN

1. Please discuss the methodology used in the calculation of employee performance award bonuses for FY 2012. (DL)

**The NCFLL Executive Committee officers present were EVP Weyrauch; Treasurer Newberry; and VPs Darby, England, Tracy, and Tucker. The status of the other officers was as shown above in the Women’s Bureau meeting. VPs Sax and Walters joined this meeting around 2:15 p.m.**

**Blake talked to Laurie before LMR week. Laurie had issues with employees who got the same rating and received differing performance awards. Blake said variables included: size of the bonus pool, whether or not the employee had received a promotion during the rating cycle, and if the employee was in differing bonus pools and/or exceeded more elements. Hermanson said the Pay Deciding Unit (PDU) is the Area Office (AO) in some regions and in other regions it is the Region as a whole. It is the AO in the Dallas Region. The bonus pool was 1% of total salaries in the PDU.**

1. Please discuss with the NCFLL what plans your agency has to deal with the impending sequestration.  Will these plans include furloughs or RIFs?

**Bargaining is ongoing this week. OSHA has no plans to furlough.**

1. If an employee fails a physical or fails to have an OSHA Physical, and they are put on light duty; how are they notified that there light duty or restrictive duty is lifted when they pass an OSHA physical? (ME)

**VP England said there was a non-CSHO employee in the RO who could not get a physical due to budget. By not getting the physical, OSHA was put on light duty that prevented him from leaving the office and doing his work. This employee has been on light duty for two years.**

**Edens said injuries/illnesses that do not cause the CSHO to fail the OSHA physical are handled at the regional level. Those injuries/illnesses that cause the employee to fail the physical will go to Office of Occupational Medicine (OOM). OOM will look at the issue to see if the employee needs to go on light or restricted duty. Hermanson said he did not know of any case where a CSHO was pulled out of the field because the CSHO could not take the physical. Edens acknowledged that the Public Health Service is busy and sometimes the CSHOs could not get a prompt appointment.**

**OSHA will provide the NCFLL the information the CSHO needs to get from OOM or his/her personal physician in order to get the duty restriction overturned.**

**Action item**: OSHA will provide the NCFLL the information the CSHO needs to get from OOM or his/her personal physician in order to get the duty restriction overturned.

**Response:** On 03/21/13, Peter Beil with ODLRN provided RS Laurie an email with the following response:

At the OSHA agenda specific meeting the agency agreed to share the medical exam program directive with the NCFLL as a follow up to agenda item #16. Accordingly, please see the below link to the directive. <https://www.osha.gov/OshDoc/Directive_pdf/PER_04-00-005.pdf>

1. Compliance officers are hearing that the National Office is tracking individual CSHO performance. This information is transmitted to the Regional offices and the numbers of inspections are discussed with the regional and area office staff. (ME)

**Fairfax does not look down to the CSHO level. He looks at Regions and Area Offices. He expects the AD to look at his/her CSHOs, but he does not look at this.**

1. Individual managers within an OSHA region and at the Area Office level are requiring their employees to use the OIS in different capacities. Some managers are requiring employees to upload the minimum documentation (ie. uploaded like photos and OSHA 1 Narratives). While others want photos put on mounting sheets then up uploaded along with all e-mail correspondence, employer provided documents, everything that goes in the current paper versions. The problem with that is that it takes a long, long time to upload all of these. Please discuss. (ME)

**VP England said this arose in one AO in the Kansas City Region. Georgiades answered this item and the one below together. He said there is a document folder in OIS. The NO allowed the Regions and AOs to set their own parameters on what needs to be uploaded into OIS. Fairfax said it is time for the NO and RAs to discuss what each office is doing and get to some sort of standardization. Hermanson said Region 6 is requiring the CSHOs to upload into OIS the data that was in the NCR. EVP Weyrauch suggested NCFLL input into these discussions.**

1. OSHA has not come out with any guidance that is consistent on what needs to be uploaded into OIS. Please discuss. (ME)
2. The SE Region seems to ignore transfer requests -- even in hardship situations.  Please discuss. (BT)

**Blake talked to VP Tucker before LMR week. This applies to transfers into the Atlanta Region. EVP Weyrauch offered NCFLL involvement in creating a transfer policy. Locey said no because this may be resolved with new leadership in the Atlanta Region.**

1. Has the agency identified its COOP employees? Please provide the union with a roster of these employees. (ME)

**Locey said natural and man-made events are different. Blake and VP England had discussed this matter before LMR week. Locey said there are identified COOP employees for pandemic flu and maybe different ones for hurricanes. Locey also described Devolution sites: Tech World if only something happens at FPB, Beckley if something is wrong with DC, and Dallas if Beckley is unavailable. EVP Weyrauch said this is different from COOP. VP England asked if there was a COOP list in each AO. Fairfax said the list is being updated.**

1. Do the COOP Employees have the appropriate IT equipment (air cards and printers)? (ME)

Locey said there are air cards and try to give them to certain people. She said not everyone will get air cards or printers due to the budget.

1. Please discuss the status of the SHMS program. (NN)

**Edens said OSHA has gathered the information as of February 15 and is currently analyzing it. When done, they will notify the SHMS Steering Committee what is going on at the AO and RO level.**

1. Please provide an update on the Whistleblower Protection Program and the status of the pilots in Regions 4 & 5.  What is the status of a potential pilot that would involve a Regional WPP reporting directly to the NO? (NN)

**Fairfax said it will take the new NO office six months to get organized. Regions 6 and 8 will be in a pilot starting around October 2013. The Regions 4 and 5 pilot will continue. Fairfax said that Assistant Secretary Michaels takes the WPP very seriously.**

**Management Agenda Item**

Management would like to discuss OSHA’s Workplace Violence initiatives.

**VP England suggested training through OTI on “force de-escalation”. Tom Galassi at the NO is working on OSHA’s initiative. Fairfax suggested the OSHA employees get training from OIG on personal threats.**

**Updates from Fairfax: Cindy Coe has retired and Chuck Adkins is retiring April 11. Fairfax asked the RAs to instruct the ADs and AADs to not micromanage the sign-in, sign-out sheets. On ergonomics, please notify Fairfax of any issues.**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**2:45PM- 3:00PM**

**Break**

**3:00PM- 4:15PM**

**OCIO**

|  |  |
| --- | --- |
| Tonya Manning | Director of Information Assurance, OCIO |
| Earsie Johnson | Acting Director, ODLRN |
| Peter Beil | Human Resources Specialist, ODLRN |

**NCFLL Executive Committee officers present were EVP Weyrauch; Treasurer Newberry; and VPs Darby, England, Sax, Tracy, Tucker, and Walters. The sequestration team was still in negotiations.**

1. **Follow-up Action item #26 (December 2012 NLMR Meeting**): OASAM ITC to provide the NCFLL with a copy of the five year plan for consolidating DOL Agency IT infrastructures into one organization.

**Johnson said she sent this information previously to RS Laurie.**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**New Agenda items:**

1. Please provide an update on awarding of the contract for Cloud email system. (DL)

**The contract was awarded to Info Reliance in January. They are on target to implement by the end of FY 2013. Sequestration will not impact this contract.**

1. Please provide an update on the IT modernization program.  This update should include any decisions or plans that have been made which would impact NCFLL bargaining unit employees due to this consolidation.  This would include the elimination of any NCFLL bargaining unit position or the required relocation or reassignment of any NCFLL bargaining unit employee. (DD)

**There have been no changes since last LMR. When decisions are made to change, OCIO will notify the NCFLL per the Contract. In May 2012, OSHA IT people started reporting to OASAM. Some people were physically relocated while others were reassigned on paper.**

1. The NCFLL has repeatedly been promised that it would be kept abreast of the IT modernization program.   If any plans or decisions have been made since the December 2012 LMR meeting please explain why these were not shared with the NCFLL. (DD)
2. Please provide the Union with organizational charts and projected staffing patterns for the new IT positions in OASAM regional offices, including contract employee positions.  Discuss the transfer of other agency IT employees to OASAM.  Please indicate if/where these other agencies may retain IT staff. (PT)
3. The Department provides computer security training each year.  This training reinforces on an annual basis that DOL employees are not to provide their user names or passwords to anyone else.Recently, the NCFLL has learned that at least one manager has ordered one or more employees to provide him this information so that he "could see if there were really any problems with the employee's computer".  Is this an exception to the Department's normal policy?  Please note that this manager is not an IT manager.(JD)

**Manning and Johnson said this is a violation of DOL policy.**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**4:15PM- 4:45PM**

**SOL**

|  |  |
| --- | --- |
| Michael Parrish | Administrator |
| Earsie Johnson | Acting Director, ODLRN |
| Peter Beil | Human Resources Specialist, ODLRN |

**NCFLL Executive Committee officers present were Treasurer Newberry and VPs Darby, England, Sax, Tucker, and Walters. EVP Weyrauch and VP Tracy went to a meeting. The sequestration team is still in negotiations**.

1. Please discuss the methodology used in the calculation of employee performance award bonuses for FY 2012. (DL)

**Parrish said the bonus pool was 1% of aggregate salaries. Management had the discretion for awarding the bonuses. Any special act awards and good job awards were deducted from the bonus pool. The BUEs who received an Exemplary got a minimum of $600, those who received a Highly Effective got a minimum of $400, and those who received Effective may have gotten a bonus but it was optional based upon the Regional Solicitor. QSIs had to be approved at the NO.**

1. Please discuss with the NCFLL what plans your agency has to deal with the impending sequestration.  Will these plans include furloughs or RIFs? (RS)

**This information was given separately.**

**Wednesday, February 27, 2013**

**8:30 AM – 10:00 AM**

**OASAM/HRC**

|  |  |
| --- | --- |
| Sydney Rose | Acting Director, Human Resources Center |
| Shawn Hooper | Administrative Officer, Human Resources Center |
| Earsie Johnson | Acting Director, ODLRN |
|  |  |
| Deborah Dudley | Director, Office of Work life, Leave and Benefits Policy |
| Kim Sasajimi | Director, HR Policy and Accountability |
| Peter Beil | Human Resources Specialist, ODLRN |
| Greg Rize | Director, EMC |
| Vivian Bernstein | OASAM/OWLRB |
| Kim Locey | OASAM |

**All NCFLL Executive Committee members were present until 9:15 when President DeMay, RS Laurie, and VP Nolan went to the sequestration negotiations.**

1. The Union understands that DOL is currently reassessing the telework eligibility of all bargaining unit positions.  Please discuss. (NN)

**Viviana Bernstein said OASAM has asked all agencies to reevaluate the list of telework ineligible employees to see if the positions are eligible for telework in whole or in part. The agencies must provide a written statement if the position remains ineligible and why. All positions added since June 7, 2011 must be analyzed for eligibility. The agency administrative officers and telework coordinators at the national office will provide their decisions by June 2013. VP Nolan asked if the positions are being reexamined site-by-site. Bernstein said all positions previously declared ineligible are being reviewed.**

1. Under our new contract, Article 30 Section 5 states that the Department will provide appropriate space for nursing mothers to express milk. This space cannot be a bathroom and/or laboratory. Please discuss specific steps taken by the Department to insure compliance with this part of our contract. (JW)

**EVP Weyrauch praised the space in Philadelphia built by OASAM RA Greg Lefevre as it has a combination lock, it is private, and has two stations. The only drawback is it only has one outlet with two plugs. Otherwise, it is excellent and should be a model for the rest of the country.**

**Bernstein said there is an update to DLMS 4-1000 to include nursing mothers which should be final on March 4. Employees will be notified of the sites for nursing mothers in DOL offices throughout the country. A bathroom or lab is not appropriate. A space does not have to be a permanent space but it should be clean and private. VP Tracy asked about NCFLL input. Bernstein said the NCFLL would be notified and asked to provide input. EVP Weyrauch said there are about 852 offices in which NCFLL-represented employees work; the NCFLL would like these facilities in all offices. VP Tucker asked about the availability of portable facilities for nursing mothers. Bernstein said DOD has privacy tents available for the servicewomen who are nursing mothers. She will see what might be available for DOL employees.**

1. Please answer the following questions as it pertains to FERS Retirement. (NN)
2. If an employee qualifies for VERA, using either 50 years of age and 20 years of service or 25 years of service at any age, are they subject to the 5% reduction for every year they are under the age of 62?

**FERS employees are not subject to the age reduction unless they transferred to FERS from CSRS. Those will have a reduction of 2% per year under age 55.**

1. If an employee is retiring under Discontinued Service retirement, using either 50 years of age and 20 years of service or 25 years of service at any age, are they subject to the 5% reduction for every year they are under the age of 62?

**Same as above.**

1. If an employee retires using either VERA or Discontinued Service retirement, and they have not reached the MRA, are they eligible for the supplemental payment?

**FERS employees will get the supplement when they reach the MRA.**

1. If an employee retires and is not eligible for the supplemental because they have not reached the MRA, will they be eligible to collect the supplemental payment when they reach MRA?

**Yes.**

1. If an employee is not eligible for VERA but receives their severance can they also receive the annuity supplement?   If so when will the employee begin to receive the annuity supplement?

**No, the supplement for FERS starts at MRA until age 62.**

1. Can an employee retire under VERA and also be eligible to collect their severance pay? If so would they also be eligible for their annuity supplement?

**No.**

1. If an employee retires under VERA and also receives a VSIP will they still be eligible for the annuity supplement?

**VSIP does not affect receipt of an annuity.**

1. If an employee retires under VERA, are there any circumstances where the employee will not be eligible to receive the annuity supplement?

**Yes. If the employee is age 62 or older, he/she will not get the annuity. If the employee earns more than the earnings limit, the annuity is reduced by $1 for every $2 over the limit.**

1. If an employee retires under VERA but has not yet attained their MRA, will the employee be eligible to collect the annuity supplement? If so when will the employee begin to receive the annuity supplemental pay?

**Same as #38.**

1. If a retiree is receiving the Annuity supplement and wishes to delay the start of collecting social security until age 65 or later, will the annuity supplement continue until the employee chooses to start collecting their social security?

**The annuity stops at age 62.**

1. Is a retiree able to delay the start of Social Security once they begin receiving the annuity supplement?

**The annuity is paid by OPM. Social Security can start when the employee applies to SSA.**

1. An email was sent to all national office employees telling them that flu shots were available for all employees in the DC area. What was done to provide a similar program for DOL field employees? (DD)

**Bernstein said the NO notifies the OASAM Regional Safety and Health managers, who then notifies the employees in the region. President DeMay asked what the percentage was of employees who received the shots “inside the Beltway” vs. the rest of the country. This is another example of DOL resources being offered in DC and not those**

**outside DC. EVP Weyrauch said the employees in Federal buildings with Public Health Service may receive them but not anyone else. VP Sax said this program must be expanded to all DOL employees and not only those with PHS. VP Darby gave the example of people in FOs having to take leave and pay their own travel costs to get flu shots and physicals. VP Nolan suggested using the Regional Safety and Health committees to get these services and this information to the regional employees. VP Tracy asked if there were provisions in DPR to get administrative time.**

**Action item:** OASAM/HRC to follow-up and provide information to the NCFLL on employees being provided administrative leave in order to receive a flu shot.

**Response:** On 05/14/13, Peter Beil with ODLRN emailed the following response:

The National office notifies the OASAM Regional Safety and Health Managers (RSHM) when the flu vaccine is available to DOL federal employees. At that time, the OASAM Regional Safety and Health Managers notify the employees in their regions. The Regional Safety and Health Managers will advise employees of the dates and times that flu shots will be given in the Regional cities. In addition, for those employees who do not work in Regional cities additional the locations of Health Units located outside of the regional cities are provided. When there are updates regarding the availability of the vaccine; notices received regarding the flu season; etc… the National office sends emails to the OASAM RSHMs.

For those employees who cannot visit an FOH Health Unit the Regional Safety and Health Managers attempt to set up some piggyback outreaches with other federal agencies. To the extent that the appropriate arrangements can be made the locations, dates and times are provided. Finally, if there are 20 interested employees at a single location that does not have an FOH health unit, a representative from that location may contact the Regional Safety and Health Manager who will attempt to set up a Flu Outreach on a particular time and date if FOH health care nurses are available. These particular actions need to go through the Regional Safety and Health Manager and DOL/Office of Work life. There is no entitlement to administrative leave for the time that it may take for an employee to get a flu shot. The granting of administrative leave is done in accordance with the terms of Article 37 of our collective bargaining agreement, 5CFR 630, DPR 630 (dated January 1, 2006) and DPR 630 (dated January 30, 2008)

1. Please discuss the methodology used in the calculation of employee performance award bonuses for FY 2012. (DL)

**Locey stated the bonus pool was calculated at 1% of aggregate salaries minus all awards. All employees who got Exemplary got a bonus or QSI. Highly Effective got a bonus.**

1. Please provide a briefing and full explanation of the Pathways Program within the Department, including any OPM guidance received and shared with the Agencies on the implementation of this new program.  (NN)

**Locey said the President issued an EO concerning the hiring of students. OPM guidance was issued July 2012. Agencies have permission to use Pathways. The Pathways Program combined STEP and SCEP into the Intern Program. It is limited to current students. The Recent Graduates Program is limited to those who graduated in the last two years or veterans who graduated within the last six years. Presidential Management Fellows (PMF) program continues but it is optional to convert these to regular employment at the end of their appointment; previously, it was an automatic conversion.**

**OPM requires agencies to enter into an MOU with them consisting of their individual programs. An IDP or training agreement is required for all Interns and PMFs.**

**DPR 362 was finalized August 1, 2012 to implement these programs in DOL.**

**As of July 2012, STEPs and SCEPs began being converted to Interns. The interim period ended January 13, 2013.**

1. Please follow up the discussion of the Student Loan Repayment Program at DOL. The information provided to the NCFLL from the last meeting demonstrates significant inequities in the distribution of available funding. The Union requests more detail on the amounts budgeted by DOL each year and a copy of the Student Loan Repayment Plan as required of the agency under 5 CFR 537.103. At first glance, implementation of this program appears to fail the regulatory requirement that our “system for selecting employees (or job candidates) to receive student loan repayment benefits … ensures fair and equitable treatment”. Loan repayments have favored National Office, management and OIG employees at the expense of the NCFLL bargaining unit. (PT)

**The agencies are supposed to keep this at FY 2010 funding levels per OPM and OMB in July 2011. DOL agencies decide their funding levels. OASAM sets the policy. Acting Secretary Harris is requiring justification from the agency head, OCFO, and OASAM. Loans can be repaid in order to aid recruitment or retention. The candidate must have high performance or unique skills. None has been approved in FY 2013. In FY 2010, the Department spent $296,000 for this purpose. VP Tracy said he has not seen any of these approved in the field. Excluding the OIG, there is about $30,000 available to the rest of the Department.**

1. BUE’s are being told in the regions that they are limited to a 30 minute lunch. If a BUE takes more than 30 minutes, they have to take annual leave. Yet the current version of 5 CFR 610 makes no mention of any limit to time off for lunch for any employee. In addition the contract makes no mention of lunch being limited to 30 minutes for BUE’s. We would like to discuss the situation to see about getting a resolution to this problem. (RS)

**The NCFLL withdrew the item.**

1. During the December 2012 meetings an agenda item concerning the DOL Safe Number Program was raised. In response to the agenda item, OASAM indicated that the Emergency Management Center (EMC) is willing to provide the NCFLL a briefing on this and on the DOL Safe Number program. The NCFLL is interested in a briefing: The total amount of money the Department has spent in creating, maintaining and advertising this system. (DL) (JD)

**DAS Hugler came to the meeting to discuss this. DOL SAFE started after Hurricane Katrina. Management could not find all the employees for days. DOL SAFE was created so that the employees could check in. Hugler said it is not an interactive system; it only takes in information. He said DOL SAFE has not been used because DOL has had notice of the big events. VP Walters stated that she, VP Nolan, and VP**

**Darby is intimately familiar with hurricanes. A manager in the OASAM Atlanta RO works with VP Walters in order to track hurricanes and advise the RAs to execute emergency plans. It has been successful. VP Walters suggested that lessons learned from the field can be applied nationwide. VP Darby praised DOL for responses to Hurricane Isaac in August 2012. Hugler said the DOL SAFE has not cost the Department a lot of money (less than it costs to run the fountain in front of the Frances Perkins Building); the Department is interested in results and good ideas. VP Darby advised the group that employees need to listen to their local elected officials and emergency management officials. The employees need to contact their supervisors to let them know of their safety. There is an emergency management working group on Thursdays. The NCFLL is invited to have representatives.**

1. Please discuss with the NCFLL what plans your agency has to deal with the impending sequestration. Will these plans include furloughs or RIF’s? (RS)

**Management Agenda Item**

Discussion concerning the Department’s telework program.

**10:00AM-11:15AM**

**OASAM/CRC**

|  |  |
| --- | --- |
| Naomi Barry-Perez | Acting Director, Civil Rights Center |
| Samuel Rhames, Jr. | Chief, Office of Internal Enforcement, Civil Rights |
| Peter Beil | Human Resources Specialist, ODLRN |

1. Please discuss with the NCFLL what plans your agency has to deal with the impending sequestration.  Will these plans include furloughs or RIFs?

**Barry-Perez stated that the specifics are being handled in the sequestration negotiations. CRC will be OK.**

1. Is there any restriction against part-time employees serving as EEO counselors? Would that eliminate them from consideration?  (NN)

**Barry-Perez said there will be recruitment in the near future, so this is a bit of a hypothetical question. There is no restriction, but those being considered for appointment need to have supervisory approval. She added that a part-time employee may not have the time to devote to EEO activity.**

1. When is training for the new counselors planned (NN)

**She said training for new counselors was completed a few weeks ago.**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

In order to have a better understanding to the disposition of EEO complaints, please respond to the following. (DL)

1. Average time from the issuance of a Report of Investigation (ROI) until an administrative judge is assigned the case and issues the preliminary order.

**The EEOC’s website has this information. The CRC does not handle the case after the ROI is issued. In FY 2011, it took 345 days, but she does not know when the clock starts (case filed, judge acknowledges the hearing, goes to hearing, etc.). She thinks it takes 1 ½ years to get the case to a hearing. Only 10.7% of cases are decided based on a hearing. EVP Weyrauch commented that all DOL employees need to know that the EEO counselor does not represent the Department or the employees; they guide people through the process. Barry-Perez said the USPS provides the investigators.**

**The complainant contacts an EEO counselor who gathers information and lets the employee know what can be done. This can include informal complaints. This can lead to mediation. If mediation does not resolve the issue, the counselor notifies the complainant that he/she has the right to file a formal complaint within 15 days. CRC accepts over 80% of formal complaints. There are very narrow reasons for dismissal of formal complaints. CRC has 180 days to conduct an impartial investigation; these investigators are from USPS. The CRC conducts “quality review” of the investigations. CRC writes a summary as to what happened and tells the complainant he/she has two choices: a hearing at EEOC or a final agency decision issued by CRC. The CRC uses the same criteria as EEOC. The Solicitor’s Office reviews the case if a finding of discrimination is made. If the complainant does not choose one of the two options, the CRC issues a default final agency decision within 60 days. CRC cannot give legal advice, but they can advise the complainant as to what the process is. If the complainant is not happy with the final agency decision, he/she can appeal to EEOC. The Solicitor’s Office represents the Department. EVP Weyrauch said the union can represent the complainant throughout the process. CRC is not the “advocate” for the complainant. Barry-Perez stated that the CRC cannot order discipline against a manager, but can recommend discipline (written reprimand and up). If the EEOC issues a decision, the Department can appeal but if CRC issues a decision, the Department cannot appeal. The benefits of an EEOC hearing include that a judge can order discovery if the investigation was not rigorous enough. About 60 or 70% of complainants request a hearing but only 10% get a hearing at the EEOC. The complainant gets favorable decisions at about the same rate from the CRC as from the EEOC. It tends to be a little easier to get settlements before an EEOC hearing occurs. An EEOC judge has authority to exert pressure to settle or close. In FY 2011, the average time to close appeals of EEOC decisions was 378 days. VP Tucker stated, and Barry-Perez agreed, that CRC’s decisions hold the same weight for DOL employees as do EEOC decisions.**

**The maximum amount available for damages is $300,000. The EEOC has only granted it a handful of times. Barry-Perez wants to discuss with the NCFLL the realistic remedies available. Many ask for $300,000 but this is probably not realistic.**

**EVP Weyrauch said that there needs to be some guidance from CRC to the agencies advising them to “back off” from complainants. The filing of more complaints does not help the process along. Barry-Perez said CRC tells agencies to preserve records and not to retaliate against complainants and their witnesses. EVP Weyrauch asked for a copy of the “job description” of EEO counselors.**

**Barry-Perez offered a webinar for NCFLL representatives. We accepted and offered to have a webinar during stewards’ training sessions.**

**EVP Weyrauch stated that the Department should be ashamed of underfunding CRC.**

1. Current complaints pending wherein a ROI has been issued but not set for a hearing.
2. Current number of EEO judges and their names.
3. Plans for expanding the number of EEO judges.

**11:00 AM – 11:15 AM**

**OFCCP**

|  |  |
| --- | --- |
| Cynthia Spishak | Deputy Director for Management and Administration |
| Deidra Jones | Human Resources Specialist |
| Carol Qualls | OFCCP Labor Relations |
| Peter Beil | Human Resources Specialist, ODLRN |

**Present for the NCFLL were Treasurer Newberry; and VPs Darby, England, Sax, Tracy, Tucker, and Walters.**

**Qualls said that per the memo issued by the Department of Labor on August 9, 2012, performance bonuses for SL and GS employees are not to exceed 1% of aggregated salary. Employees may receive up to the following percentages (but not less than the minimum bonus amount stipulated in respective collective bargaining agreements) for each particular rating level:**

**Category Exemplary Highly Effective Effective**

**Senior Level 5% 4% No bonus**

**GS Manager 5% 4% No bonus**

**GS Non-Manager 4% 3% 1%**

**OFCCP awarded the bargaining unit employees the maximum amount of money allowable within our budget and the Departmental guidance.**

**VP Sax asked about a survey that OFCCP did in March 2012. The survey found a lack of developmental opportunities and training, a lack of resources, and a lack of innovation. These seemed to be the top areas that received negative marks from employees. Spishak said OFCCP is planning to solve the problems (those shown above and others disclosed by the survey) by region. RDs are encouraging communication, innovation, and all levels of training. Qualls said OFCCP management will offer a webinar on March 28 at 2:00 p.m. EDT. The Department will provide overviews on Individual Development Plans (IDPs). These IDPs are important to OFCCP and its management wants to work with employees to get these written and done. VP Sax said IDPs are not popular in his region. He asked if OFCCP has considered other things such as work groups. Qualls said IDPs are not meant as performance management tools but to develop the employee.**

**11:15AM- 11:30 AM**

**Break**

**11:30am – 12:00 NOON**

**VETS**

|  |  |
| --- | --- |
| Rhonda Epps | Management Representative |
| Jacqueline Johnson | ODLRN Consultant |

**NCFLL Executive Committee members present were: EVP Weyrauch; Treasurer Newberry; and VPs Darby, England, Sax, Tracy, Tucker, and Walters.**

1. Please discuss the methodology used in the calculation of employee performance award bonuses for FY 2012. (DL)

**Epps said the pool was 1% of aggregate salaries minus awards. Epps said VETS gave the same performance award to employees that received Exemplary, Highly Effective, and Effective ratings throughout the country. VETS spent all in the bonus pool plus a little bit.**

1. Please discuss with the NCFLL what plans your agency has to deal with the impending sequestration.  Will these plans include furloughs or RIFs? (RS)

**Epps said VETS was present at the sequestration negotiations yesterday. VETS looked at all options including hiring freezes, but freezes were not possible due to RD vacancies. DRD vacancies will remain unfilled. A political Deputy Assistant Secretary and Chief of Staff also need to be hired. All of these positions to be hired had to be taken into account when calculating furlough days. They have been able to reduce the total of furlough days from 10 to 8.**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**12:00PM- 1:00PM**

**Lunch**

**1:00PM- 2:15PM**

**Wage and Hour**

|  |  |
| --- | --- |
| Patricia Davidson | Deputy Administrator for Program Operations |
| Denise Huttenlocker | Director, Division of Administrative Services |
| Peter Beil | Human Resources Specialist, ODLRN |
| Curt Brookshire | ODLRN Consultant |
| Doug Bork | OASAM HRC ER/HR Assistant |

**The NCFLL Executive Committee officers present were: EVP Weyrauch; Treasurer Newberry; and VPs Darby, England, Sax, Tracy, Tucker, and Walters. President DeMay, RS Laurie, and VP Nolan were in sequestration negotiations.**

1. Please discuss the methodology used in the calculation of employee performance award bonuses for FY 2012. (DL)

**Huttenlocker said all agencies had an award pool. WH’s was divided between the NO and each region. The NO and each region had their own calculation as long as they stayed within the guidance of the CBAs and the DPR. There was a floor and cap on each bonus and a cap on QSIs. The NO gave guidance to the regions. The pool was 1% of aggregate salaries minus awards. They will provide the bonus payments by region; each region is the PDU.**

1. Please discuss with the NCFLL what plans your agency has to deal with the impending sequestration.  Will these plans include furloughs or RIFs? (RS)

**Bargaining is ongoing. There was an all-employee call last Friday. No furloughs.**

1. It is being reported that supervisors are requiring bargaining unit employees (BUE) to inform them of work the BUE’s will be performing while teleworking whereas they are not required to do the same when working in the office. Please discuss. (DL)

**Some regions have itineraries and the WHIs tell the supervisors what they are going to do each day whether teleworking or not. In those regions without itineraries, the supervisors talk to the WHIs about their work and have no differing requirements. VP Tucker said this came out of the Midwest Region. VP Darby stated this appeared to be a double standard. Beil said the Telework Enhancement Act tells management that they cannot have stricter standards for people teleworking than for people in the office. He will talk to Joe Kiefer.**

**Action item** : ODLRN to follow-up with Joe Kiefer, Labor Relations Officer in Chicago, on the Wage and Hour Midwest Region’s handling of BUE’s being required to inform their supervisor of the work they will be performing while teleworking.

**Response:** On 03/06/13, Peter Beil with ODLRN emailed RS Laurie with the following

During the Wage and Hour meeting it was established that the practice described in the above agenda item may be taking place in the Chicago region. It was agreed that I would speak with OASAM Regional Labor Relations Officer Joe Kiefer concerning the issue and get back to the NCFLL with a response. I spoke with Joe yesterday and he indicated

to me that he had spoken with Wage and Hour’s Regional Administrator for the Chicago Region. The Regional Administrator indicated to him that she has advised the District Director’s that if the practice exists it should be discontinued. In view of the foregoing, if the NCFLL could be more specific and advise either Joe or myself which specific Wage and Hour District Office(s) in the Chicago Region still has the practice in place we will look into the matter further.

1. In the San Francisco Region, WH investigators are being told that now they have to ask for three years’ worth of records for each case and not just in cases where a violation is found.  This is resulting is a significant increase in work for each inspector.  The NCFLL would like to discuss what modifications to the national standards are going to be made to take this additional workload into account.  In addition, since this will impact the number of cases per year an investigator can do, is WH planning to hire additional investigators in the San Francisco region to handle the increased workload? (RS)

**VP Sax said this may have ramifications greater than just in the San Francisco Region. Davidson said yes, the region has asked the WHIs to gather three years’ worth of records because over half of the cases are directed and they are working with the RSOL on potential litigation. The investigative period is still two years. If a willful violation, they already have the third year of records. The RSOL in San Francisco will take the case to court as a willful violation. Davidson said the WHIs do not have to look at all three years. VP Sax said they are in the San Diego DO. Davidson will talk to the RA to see if the DD in San Diego has misunderstood the regional directive. Davidson acknowledges that willful violation cases take more time and will direct management to take that into account for evaluation purposes. That region is trying to backfill several positions due to greater attrition. VP Sax said he has received no notice of this change in working conditions from WH through OASAM. Davidson agreed to provide notice.**

1. The Midwest Region has required employees to submit passport size photographs to the regional office for the purpose of creating a Regional Pictorial Chart. Although regional management stated that the pictorial chart will not be posted on the internet or intranet, they have not been able to articulate their actual plans for the use and distribution of the chart. Are other regions doing this? Please discuss. (DL)

**Davidson said the Midwest Region is doing this for purposes of identifying employees/recognition of employees as there are several new employees. The Southwest Region puts pictures of new employees in the regional newsletter. VP Darby stated that some districts in the Southwest Region have asked for pictures of all employees. Davidson will ask if the BUEs can opt out. VP Darby said the NCFLL’s actions will depend on her answers.**

**Action item**: Wage and Hour to follow-up on BUEs being allowed to opt out of the Regional Pictorial Chart in the Midwest and Southwest Regions.

**Response:** On 04/19/13, Peter Beil with ODLRN emailed RS Laurie with the following response from Wage and Hour:

The Southwest and Midwest regional offices requests photos of new employees so the RAs and DRAs can identify a name with a face.  The photos are not shared beyond the Regional Office, District office, or newsletters and are not placed on the internet, intranet or shared drive.  If an employee objects to having his/her picture taken and shared with WHD regional senior management, the Regional Administrator will take that request into consideration.

1. With the planned installation of the IVR/VOIP phone system, please discuss its operation in the Field Offices. Will all calls (public and private lines) be automatically routed to the District Office for answering? (DL)

**VP Tracy said he and RS Laurie did not know the answer to this when the agenda was due, but they received the update subsequent to then.**

1. Please share the monthly meeting minutes of the Technical Advisory Committee (TAC). Discuss the impact of the OASAM IT Modernization effort on the TAC. Will the regional IT Coordinators and national office IT Division be moved to OASAM? (PT)

**Davidson gave the minutes to Peter Beil. The Department’s IT Modernization will affect the TAC tangentially. TAC is a WH group and addresses items significant to WH. Modernization items have been shared with TAC. No one from the field IT in WH will be moved to OASAM. The contract employees formerly with ESA DITMS now work for OCIO.**

**Action item**: Wage and Hour to provide the NCFLL with copies of the monthly meeting minutes for the Technical Advisory Committee (TAC).

**Response:** On 02/27/13, Peter Beil with ODLRN emailed RS Laurie a copy of the TAC meeting minutes.

**(Note: A copy of the TAC meeting minutes will be emailed to Local Presidents)**

1. Management said in the December 2012 LMR meeting that the contract with Noblis for WHISARD assessment had ended (Agenda Item 118).  Please provide the NCFLL an update. (JD)

**Davidson stated that WH has to recompete the contract. WH has to follow the procurement process. Huttenlocker said she has been working with the Department on this contract competition. She will send the final documents to the Department this Friday and then they will do what they need to do.**

**2:15PM-2:30PM**

**Break**

**2:30 PM- 3:45PM**

**EBSA**

|  |  |
| --- | --- |
| Sharon Watson | Director, Office of Participant Assistance |
| Diane Schweizer | Director, Office of Technology and Information Technology Services |
| Mabel Capolongo | Director, Office of Enforcement |
| Joel Lovelace | Acting Director, Office of Program Planning, Evaluation and Management |
| James Hampton | Chief, Division of Human Capital Management |
| Chrystal Jordan | Senior Management Analyst |
| Earsie Johnson | Acting Director, ODLRN |
| Peter Beil | Human Resources Specialist, ODLRN |

**The NCFLL Executive Committee officers present were EVP Weyrauch; Treasurer Newberry; and VPs Darby, England, Sax, Tracy, Tucker, and Walters. President DeMay, RS Laurie, and VP Nolan were at the sequestration negotiating. Treasurer Newberry left at 2:52 p.m. in order to meet with MSHA Assistant Secretary Joe Main.**

1. Please discuss the methodology used in the calculation of employee performance award bonuses for FY 2012. (DL)

**Hampton said that EBSA does not tell the region how to rate the employees or divide the bonus pool. Two employees that got rated Highly Effective may get differing bonuses because one exceeded three elements and the other exceeded four elements. The region is the PDU. DPR 430 says that if an employee got a promotion in the performance year, he/she may get a different performance bonus compared to someone who did not.**

1. Please discuss with the NCFLL what plans your agency has to deal with the impending sequestration.  Will these plans include furloughs or RIFs? (RS)

**Beil said sequestration bargaining is ongoing this week. Lovelace said that as of today there will be no furloughs but that everything may change on March 27 when the CR expires.**

1. New performance standards are being implemented for Benefit Advisors. What is the effective date of the new performance standards? Since the new standards are being implemented during the FY 2013 performance rating period, will an interim rating be prepared for Benefit Advisors for work they performed under their previous standards? (DL)

**Watson stated that the standards were implemented with the pay period beginning January 27, 2013. There were no interim standards. They were not on standards before January 27. If the BA did any work with positive outcome prior to January 27, the NO has instructed the supervisors to give them credit. Any work with negative outcome prior to January 27 will not be counted.**

1. One example of saving time and money is to stop sending of employees from Cincinnati to work in the greater Detroit area.  Driving time alone takes the entire day, requiring an overnight stay, while the Detroit DO is just a few miles away.  This occurs in many locations and agencies.  Please discuss. (BT)

**Capolongo said the Cincinnati RD assigns cases. He will normally assign Detroit cases to the Detroit office. Sometimes this does not work and he has to assign Cincinnati investigators to Detroit cases. VP Tucker said Detroit employees are concerned about a potential closure of the Detroit office. He asked if EBSA was planning to close the Detroit office. Capolongo said EBSA has made no final decision. VP Tucker asked if it is a possibility. Capolongo replied that there are a “variety of possibilities”, “many options are on the table”, and “no final decision has been made”. VP Tucker said he could read between the lines and asked for a follow up in the September LMR meeting.**

**Action item:** EBSA and the NCFLL will have a follow-up discussion at the September 2013 National LMR Meeting concerning the potential closure of the Detroit EBSA Office.

1. Please provide an update on the DRAFT Standard Operating Procedure (SOP) 33-12 involving a pilot program of limited scope employee contribution compliance reviews by Benefits Advisors. (DL)

**Watson said 200 reviews have been closed. One has been referred for investigation. It will be a while before there is a report, but a report will be completed before the end of the FY. VP Tucker asked for a follow-up at the September LMR.**

**Action item:** EBSA and the NCFLL will have a follow-up discussion at the September 2013 National LMR on the pilot program of limited scoped employee contribution compliance reviews by Benefit Advisors.

1. Please provide an update on the Enforcement Management System. (DL)

**Capolongo told everyone that a review in January showed a few problems but they were corrected. One said “No User Account” but this happened when an investigator moved from one office to the next. This has been corrected. Most problems were corrected within a half hour or so.**

1. Please discuss any plans for providing advanced training for Investigators/Auditors and/or Benefits Advisors. (DL)

**Hampton reported that EBSA is planning an advanced basic training course for Investigators and Auditors and hope to launch it this summer due to possible funding problems. They are planning advanced training for BAs as well.**

**EVP Weyrauch warned Hampton and EBSA that the BA ratings cannot include factors outside their control (such as phone calls) and used the BLS refusal rate arbitration as a comparison.**

1. As a follow-up to Agenda Item 144 from the December 2012 LMR meeting, please give the NCFLL a report showing the awarding of Time-Off Awards to BUEs in each region.  This report should show each award, when it was given, and how many hours were given. (JD)

**VP Darby said the NCFLL was concerned that there were varying levels of awards within regions. One RD may give a lot of awards while another will not. Lovelace said there are discrepancies. The parties agreed that those RDs giving fewer awards ought to give more awards and that no one wanted to lead to a “chilling effect” and make RDs less likely to award people.**

**Action item:** EBSA to provide the NCFLL with the following information for each time off awards given in each region: when the award was given; number of hours given.

**Response:** On 04/12/13, Peter Beil with ODLRN emailed RS Laurie with a breakdown by region for time off awards granted to employees, including amount of time granted, for FY 2010 through FY 2012.

1. What is the status of any potential consolidation of regions? (JD)

**Hampton said there has been no further movement on this.**

**3:45PM- 5:00PM**

**OWCP**

|  |  |
| --- | --- |
| Cecily Rayburn | Director, Division of Planning, Policy & Standards |
| Christy Long | Deputy Director, Division of Energy Employees Occupational Illness Compensation |
| Anthony ( Tony) Rios | Deputy Director, Division of Federal Employees’ Compensation |
| Michael (Mike) Tyllas | Administrative Officer, OWCP |
| Gary Steinberg | Acting Director, OWCP |
| Earsie Johnson | Action Director, ODLRN |
| Jacqueline Johnson | ODLRN Contractor |

**The NCFLL Executive Committee officers present were EVP Weyrauch; Treasurer Newberry; and VPs Darby, England, Sax, Tracy, Tucker, and Walters. President DeMay, RS Laurie, and VP Nolan are at sequestration negotiations.**

**Steinberg introduced himself. He has been an SES employee for many years. He started with NASA and is now at OWCP. He is committed to OWCP and wants to take it to a higher level. He has a good team. They have a five-year strategic plan pointing out what they will do and what they are. It points at who their people are and that they are crucial to the success of OWCP. Many organizations in the government do not pay attention to employee surveys. OWCP does. Steinberg wants to look at what they are doing right and what they can do to change what they are not doing right. The survey shows that the employees believe in the mission of the agency. OWCP needs to work on:**

1. **Internal communications.**
2. **Training and development. They can do this even in a budget-restricted environment.**
3. **Rewards and recognition. Look at everything possible.**
4. **Performance management. Setting proper standards and that communication takes place throughout the year. Don’t wait until the end of the year. Everybody needs to be aware at the beginning of the year what they need to do and hold meaningful discussions during the year so that there are no surprises at the end of the year.**

**Steinberg is eager to work with the NCFLL. He worked closely with unions. He worked with senior union leadership while at the VA and believes in this work.**

**VP Tracy stated that OWCP has a high workload and asked if OWCP plans to hire. Steinberg said they will not bang their fists on the table and say “work harder”. All of OWCP needs to work smarter through training and development. He mentioned IT systems (IVR, ECS, imaging, etc.) should make the job easier. They cannot hire hundreds but they can hire critical positions. They are hiring a staff nurse in Boston.**

**VP Tracy said the NCFLL is interested in pre-decisional involvement. Steinberg said that is a great idea.**

**VP Tracy and Steinberg discussed the high-stress environment that exists in OWCP.**

1. Please discuss the methodology used in the calculation of employee performance award bonuses for FY 2012. (DL)

**Rayburn said the bonus pool is 1% of the aggregate salaries. See written summary that she will provide. OWCP spent all but a few dollars in the budget pool. She said Steinberg is involved in this process and will insure all is spent.**

1. Please discuss with the NCFLL what plans your agency has to deal with the impending sequestration.  Will these plans include furloughs or RIFs? (RS)

**Rayburn said she and Tyllas discussed this yesterday with the sequestration bargaining team.**

1. Please discuss the outcome of the Employee Viewpoint Survey as it relates to OWCP. There were a total of 716 surveys completed by OWCP employees.  What percentage of total employees does that represent?  What is the percentage breakdown from the National Office vs. the field?  What are the agency’s plans to improve these outcomes?   (NN)

**Tyllas reported there were 715 surveys out of 1693 employees for a 42.2% response rate. 139 respondents were from the field, or 19.4%. OWCP will use the four areas of improvement shown in Steinberg’s statement in order to improve these outcomes. VP Tucker asked if OWCP had considered field-only surveys. Tyllas said yes, along with focus groups. VP Sax asked if OWCP had broken out the surveys from the field. Steinberg said each RD looked at the responses from their region and to analyze them.**

**OWCP / FECA**

1. Why not finally grant access to Business Objects?  It allows reports to be created specific to a person’s needs, allowing for better time management and better understanding, what should be prioritized.  If there are reports out there that only management should rightly access, management can block the bargaining unit from accessing those specific reports. (BT)

**Rios said there are a variety of tracking tools. Online Query System (OQS) is part of iFECS. Access to Business Objects gives access to all employees’ cases. Business Objects times out quickly and is not easy to use. Rios said they do not plan to give the CEs access to Business Objects. They do give the CEs access to OQS. It does not time out and the user cannot see the cases of other CEs.**

1. Please provide a progress report on E-comp upgrades.  How is it going? (BT)

**Rios reported that there are two upgrades to E-comp (OWCP forms available to employing agencies and the injured workers). Agency Reviewer (AR) is the first. It gives the Injury Compensation Specialist (the liaison between the employing agency, OWCP, and injured employee) access to iFECS case files from their own computer instead of many computers at the OWCP DO. OSHA Recordkeeping Application is the second. OSHA is increasing the records that need to be kept.**

1. Claimants can send E-Comp documents after hours.  If dropped after the CE leaves for the day, it currently is dated that day.  Please discuss the date those documents should be “received.”  (BT)

**Rios stated that E-Comp documents are received within 20 minutes of upload. CEs can respond to incoming correspondence within 30 calendar days. OWCP has decided to leave this undisturbed. VP Tucker said the question was narrowly asked about common E-Comp forms such as CA-7. Rios said there is a delay between receiving the form and creating the case, so the clock would not ticking until the contract staff releases the form to the CE.**

1. CITRIX/SEATS:  Now there is a two-minute time out on the desktop!!!!  Meaning, if you are busy working a case, and you don’t finish within two minutes, you have to reconnect Seats, and log into the desktop all over again.  What a waste of time.  Please discuss. (BT)

**Rios found the question interesting. He spent all of Presidents Day on Citrix and was never timed out. He did find two scenarios where the employee had to get back onto Citrix: 1. Completely logging off Citrix, and 2. No activity for 10 minutes.**

1. FolioViews:  Bring it back.  That was the best tool ever for searching the regs, the Act, ECAB decisions and procedures, as it had a built-in CUSTOMIZABLE search engine.  The current version in Adobe pdf is useless, allows for only one-word searches.  Please discuss. (BT)

**Rios said Folio Views is outdated and incompatible with current Microsoft products. He agreed OWCP needs to provide searching tools. They have created an html version of Folio Views and it is searchable via internet and intranet. VP Darby asked if it was a casualty of Office 2010. He said it became incompatible with Citrix which was before Office 2010.**

1. Currently there are limited reasons for sending back CA-7s received by electronically.  Please discuss expanding those reasons to include: Employers incompletely filling out the reverse side of the form or employees leaving blank the space for dependents. (BT)

**Rios stated that OWCP cannot reject incomplete forms. They planned to but got pushback from American Postal Workers Union (APWU) and National Association of Letter Carriers (NALC). VP Tucker said OWCP should educate employing agencies on the proper way to complete a CA-7. He said incomplete forms produce more work for the CE. Rios said OWCP needs to start the payment at 2/3 and then develop the case to see if the claimant was due ¾.**

1. Please discuss the reason(s) that an employee would be denied the use of Full Time Telework as a reasonable accommodation for their medical condition. (ME)

**Rios said that reasonable accommodations are handled differently and tries to grant them if possible. He said full-time telework would not be available if the employee’s PD does not allow it. He used the example of an employee who has to mail information to claimants as a due process matter. VP England gave the example of a CE who is alright in the morning and sick by the afternoon due to indoor air quality issues. The CE can come into the office to do the mailings in the morning and then telework the rest of the day. This CE is afraid of termination because she cannot work in the office all day. She sends mail 1 to 3 times per week. Rios said the IT system limits the amount of CEs teleworking on any day to 20% of CEs. VP Tucker asked about increases in the IT load. Rios said that two weeks ago the Zen system was implemented. So far, there are no significant problems. This may lead to greater telework. Rios believes telework increases productivity.**

**Agenda item:** OWCP will keep the NCFLL informed as IT capacity increased which would allow more than 20% of Claims Examiners to telework on any given workday.

**Response:** On 04/09/13, Michael Tyllas with OWCP emailed RS Laurie the following response:

OWCP will keep the NCFLL informed as IT capacity increased which would allow more than 20% of Claims Examiners to telework on any given workday. No update at this time.

1. In the December 2012 LMR meeting, OWCP/FECA management said the contract with ACS would be recompeted (Agenda Item 69).  Please provide the NCFLL an update. (JD)

**A bridge contract with ACS is awaiting procurement approval. OWCP has advertised for a replacement vendor via a Request for Information (RFI). The procurement process will take 1 ½ years and a further 2 years to finalize. ACS is with us for at least 3 ½ more years.**

**Agenda item:** OWCP will inform the NCFLL when a new vendor is chosen to replace ACS.

**Response:** On 04/09/13, Michael Tyllas with OWCP emailed RS Laurie the following response:

OWCP will inform the NCFLL when a new vendor is chosen to replace ACS. No update at this time.

1. The Denver OWCP Office has a Safety and Health Manager that also serves as the workers comp coordinator for employees in the Denver Office. This individual has access to all medical information that has been sent to the Kansas City office, even medical data that has no bearing on the claim. The union was notified that the Office Safety and Health Manager uses the medical information to assess the individual’s claims and to determine if their claims are valid and if there is a requirement for a medical accommodation. Please address the following questions:
2. Why does the Safety and Health Manager have access to all the employees’ medical information?

**Rios said she does not. She only has information to any worker comp claims or requests for ergonomic assessment. This is in line with her job.**

1. Where are the medical files being stored, how are they being stored, for how long are they being kept, are they destroyed or mailed off somewhere and how are they being recorded and tracked, including copies sent to agencies or individuals?

**Rios reported this employee keeps records for the purposes shown in the answer above.**

1. Is there a HIPAA compliance issue when the workers comp coordinator makes a complete copy of all medical documentation? (ME)

**HIPAA does not apply to workers compensation administrators, insurers, or employers. The applicable law is the Privacy Act.**

**Thursday, February 28, 2012**

**8:30AM- 9:45AM**

**ETA**

|  |  |
| --- | --- |
| Jose Conejo | Chief, Labor Management Employee Relations |
| Frank Sobolesky | LR/ER Specialist |
| Michael Wilson | LR/ER Specialist |
| Suzanne Simons | Unemployment Insurance |
| Michael Qualter | OA Division Chief Program Admini. |

**The NCFLL Executive Committee members present were: EVP Weyrauch; Treasurer Newberry; and VPs Darby, England, Sax, Tracy, Tucker, and Walters. President DeMay, RS Laurie, and VP Nolan were at the sequestration negotiations.**

1. Please discuss the methodology used in the calculation of employee performance award bonuses for FY 2012. (DL)

**Wilson said it was 1% of aggregate salary. Each office received an amount proportionate to their salary compared to overall. All awards were subtracted from aggregate salary. Non-supervisory NCFLL employees who got at least an Effective summary rating got a bonus of at least $400.**

1. Please discuss with the NCFLL what plans your agency has to deal with the impending sequestration.  Will these plans include furloughs or RIFs? (RS)

**Conejo stated that this was being bargained. ETA will have furlough days. Each subsection of ETA will have a different number. VP England gave an example of OA offices in isolated areas and if their travel budgets would be impacted. Qualter said OA would have to change some of their processes to do more work in the office. They may have to look at Skype. VP Walters said many customers may not have Skype. Qualter said their information may show that more customers would like to try Skype and other technological methods of working with OA. VP Darby asked Qualter for I & I bargaining if OA was going to proceed with changes such as Skype. VP Tucker asked Conejo how furloughs would affect contract employees. Conejo said there will be furloughs but could not give any details. Conejo said the 30-day furlough notices are ready to go out if necessary. Beil said the furloughs are being I & I bargained.**

1. Agenda Item 135 from the December 2012 LMR meeting discussed the potential for ETA/OA to develop a registered apprenticeship program for ATRs.  Management indicated they would be interested in further discussions with the NCFLL.  Please discuss. (JD)

**Qualter said there have been many new ATRs hired in the last few years. Senior ATRs have a lot of knowledge to pass on to the new ones. OA has created an educational and outreach group to determine exactly what the current limitations are in the curriculum they have. The ATRs have a training guide but it does not include everything necessary to do every aspect of the ATR job. OA is interested in making this guide part of a more formal training program which would include tutorials, webinars, meetings between RO and NO staff, and training that the senior ATRs give. The training would be geared toward GS-9 and GS-11 ATRs. After a certain number of hours, the ATR would get a certificate. The ATRs might be able to “test out” of certain parts of the training program if they already have the knowledge. Several ATRs may be retiring in the next few years, so OA is interested in getting that knowledge spread around to the ATRs who will remain. Many businesses ask the ATRs how the OA apprenticeship program works. Right now, they cannot answer this question. The Education and Outreach Team has been in existence for a couple of years. They have been doing the outreach part but not much education. There is one ATR on this team (Douglas Howell from Las Vegas). OA is studying the feasibility of making the program more robust over the next two years and seeing what they need to add to make this a bona fide apprenticeship program. VP Walters asked if OA was going to hire to fill vacant positions. Qualter said OA is doing their best to justify backfilling these positions.**

**Management Agenda Item**

Presentation on unemployment insurance.

**Simons said that there is short-term Unemployment Insurance available. She gave handouts including Comparison of State Unemployment Insurance Laws 2012 (there are many variations between the states so it is a complex topic). Eligibility for Unemployment Insurance is determined where the employee works. It is available in the 50 states, DC, Puerto Rico, and the Virgin Islands. There is no UI in Guam, American Samoa, or the Northern Mariana Islands. Other handouts were Unemployment Compensation – Federal-State Partnership April 2012 and Significant Provisions of State Unemployment Insurance Laws January 2013. The states operate UI under state law as long as they comply with Federal law. EVP Weyrauch asked if ETA/UI was going to notify the states that furloughed Federal employees will file for unemployment. Simons said the Department and ETA were talking with the states about the impact of sequestration including the possible furloughs. Most Federal employees make too much money to get unemployment unless they live in a state that gives partial unemployment. Most states have a “waiting week” for which they will not receive unemployment compensation. There are exceptions.**

**Several states give “short-time compensation” or “worksharing” also known as “partial unemployment” for employees who are unemployed a few hours per week. See pages 4-11 and 4-12 of the Comparison book for the states which give it: Arizona, Arkansas, California, Colorado, Connecticut, DC, Florida, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Missouri, New Hampshire, New York, Oklahoma, Oregon, Pennsylvania, Rhode Island, Texas, Vermont, and Washington. In addition, Michigan and New Jersey may be able to give it as of 2013. Employers have to submit a plan to the state for approval. This is a big DOL priority.**

**9:45AM-10:45AM**

**MSHA**

|  |  |
| --- | --- |
| Kevin Stricklin | Administrator for Coal |
| Nancy Wilson | Management Officer, Metal |
| Jane Tarr | Management Officer, Coal |
| Nancy Crawford | Director, Human Resources Division |
| Jacquelyn Davis | Acting Branch Chief, Labor and Employee Relations |
| Ursula Frazier | Human Resources Specialist Labor and Employee Relations |
| Caitlin Wilkinson | Program Analyst – Employee Safety and Health |
| Peter Beil | Human Resources Specialist, ODLRN |
| Jacqueline Johnson | ODLRN Contractor |

**The NCFLL Executive Committee members present were the same as for ETA.**

1. Please discuss the methodology used in the calculation of employee performance award bonuses for FY 2012. (DL)

**Crawford said it was 1% of aggregate total salary. Each program area had their own methodology for distributing the bonuses based on the number of elements exceeded. The program head is the PDU (Coal, Metal, and Technical Centers). The entire bonus pool was paid out.**

1. Please discuss with the NCFLL what plans your agency has to deal with the impending sequestration.  Will these plans include furloughs or RIFs? (RS)

**This is being bargained.**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

1. Some MSHA bargaining unit employees have raised concerns with the requirements to

have a chest x-ray done as part of their routine physical examination.   Has MSHA done any type of study to evaluate the risk/reward aspect of routine chest X-rays? (DD)

**Wilkinson said MSHA has not studied it themselves, but NIOSH has done so and recommends a chest X-ray every three years for miners. The benefits outweigh the risks for a chest X-ray every three years. The X-ray is not considered a hazard.**

1. MSHA D9 is way understaffed.  What is MSHA planning to do to address this

issue? (DD)

**Stricklin said there are nine vacancies out of 96 FTEs. He wants to fill the DM first and then let the DM fill the other vacancies.**

1. Inspectors in the Rocky Mountain District are experiencing problems in having their

inter-station transfer requests approved. Please discuss. (DL)

**Frazier said interstation transfer requests are considered. Workload and location are looked at. Neither the person whose agenda item this was nor was a Metal representative here to have a full discussion.**

**Action item**: MSHA (Nancy Wilson) and the NCFLL to schedule a conference call to discuss problems being experienced in the Rocky Mountain District with having inter-station transfer requests approved.

**Response:** On 04/09/13, Peter Beil with ODLRN emailed RS Daryl Laurie with the following response from MSHA:

Inter-Station Transfer requests are exactly that-requests. These are not automatically approved. Many factors are in place- location and workload are two. Management may also decide to advertise. The District considers all requests prior to filling a position. The agency has a difficult time responding to this agenda item without knowing the specifics.

Please provide the agency a specific name or names so that further follow up can take place. However, if the District wants to make a selection outside of the transfer list, that is their call.

1. During the December 2012 National LMR Meetings, there was an agenda item on

upgrading the surface inspectors’ journey grade level to GS-12. The NCFLL asked and MSHA agreed to provide an Evaluation Statement used to determine that the Surface Inspector position is a journeyman level of GS-11 and the Evaluation Statement used to determine that the Surface Inspector position is not a journeyman level of GS-12.The NCFLL received Evaluation Statements for a GS-12 Underground Inspector and a GS-11 Surface Inspector; however, these evaluation statements did not provide the reason(s) that the Surface Inspector position is not a journeyman level of GS-12. Please explain and discuss. (BN)

**Crawford stated that grades are determined in part by the complexity of the job. An underground inspector will find more complex items than will a surface inspector. Complexity is the key factor based on OPM classification standards regulations which were first set in 1949. EVP Weyrauch said this was basically unfair because OSHA CSHOs are GS-12 and run into the same things as a GS-11 MSHA surface inspector. VP Newberry pointed out that surface inspectors have to analyze mining plans and have complexity and responsibility to warrant a GS-12. He continued that both kinds of inspectors meet with miners, issue citations, and can shut down mines. MSHA needs to focus on how to make the surface inspectors GS-12s and not focus on how to keep them GS-11s. Crawford said she is looking at existing PDs and evaluation statements and has not had the opportunity to go into the field to see first-hand what the inspectors do. Stricklin said decisions were made years ago to have one GS-12 surface inspectors in each FO in order to handle the more complex inspections and investigate any accidents. About half of the surface inspectors are GS-12. EVP Weyrauch said the NCFLL worked with other agencies in the 1990s to upgrade many positions to GS-12 and can do the same here to upgrade the surface inspector to GS-12. VP Tracy gave the example of WH in the 1990s examining prior cases to see which cases were at the GS-12 level. Ultimately, WH upgraded the WHI to GS-12. He recalled that OPM regulations allowed for 25% or more work in mixed grade work to give an upgrade. Crawford said this would be a decision that Coal needs to make. Stricklin said he wishes the underground inspectors could be GS-13. Why would a GS-12 underground inspector want to stay underground if the surface inspector grade was GS-12? VP Newberry said an OASAM RA told him that, as a result of the MINER Act, underground inspectors could be GS-13. He continued by saying that surface mining is much more prevalent today than it was in the 1980s. Stricklin stated that some underground inspectors in District 7 (Barbourville, Kentucky) are doing surface work sporadically but they are remaining GS-12. VP Newberry asked about liability insurance for inspectors. Stricklin said that is on the table, and that DOJ lawyers are involved to try and modify the lawsuits currently against inspectors to convert them to lawsuits against MSHA and/or Stricklin.**

**Action item**: MSHA to provide updated information to the NCFLL on attempts being made on having current lawsuits against MSHA inspectors being modified and convert them to lawsuits against MSHA.

**Response:** On 04/09/13, Peter Beil with ODLRN emailed RS Daryl Laurie with the following response from MSHA:

The DOL Solicitors office would represent the employees named in the lawsuit**’**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**10:45AM- 11:00AM**

**Break**

**11:00AM- 12:00 Noon**

**BLS**

|  |  |
| --- | --- |
| Jay Mousa | Associate Commissioner Office of Field Operations |
| Michael Strople | Deputy Associate Commissioner of the OFO |
| Mike Allen | Labor Relations Officer |
| Jenna Carideo | Labor Relations Specialist |
| Ursula Oliver | Director of the Division Consumer Price Survey in the OFO |
| Peter Beil | Human Resources Specialist, ODLRN |

**The NCFLL Executive Committee members present were the same as for ETA.**

1. Please discuss the methodology used in the calculation of employee performance award

bonuses for FY 2012. (DL)

**Mousa said the employees got a bonus if they were rated Exemplary or Highly Effective based upon the number of elements exceeded. Exemplary was up to 2.45% of salary. Each region is the Pay Deciding Unit. All the bonus pool was paid out. The national office reviewed and approved each bonus.**

1. Please discuss with the NCFLL what plans your agency has to deal with the impending

sequestration.  Will these plans include furloughs or RIFs? (RS)

**Mousa said this is being bargained this week. BLS will not have any furlough days per an announcement from the Commissioner last week. Allen said that career ladder promotions and within-grade increases would not be impacted.**

1. Please discuss how BLS plans to implement Section 1B of the combined Article 25/27 in

the new contract as it applies to economic assistants.  In addition please discuss how BLS plans to implement Section 2A as it applies to economic assistants. (RS)

**Mousa said that Flexitime now applies to Economic Assistants. BLS requested that this be in the current Contract but they were not aware that Variable Week would be the plan. Mousa did say that BLS is working to comply with this new provision of our Contract. VP Sax asked for a more definitive answer because the EAs are pressuring the NCFLL for an answer. He asked Mousa for this answer by the end of March and proposed pre-decisional involvement. Mousa said he would provide VP Sax a follow-up by then.**

**Action item**: BLS to provide the NCFLL with its plans for complying with Articles 25 Sections 1B and 2A of the contract as it applies to Economic Assistants.

**Response**: On 04/10/13, Peter Beil with ODLRN emailed RS Laurie with the following response:

BLS management is finalizing its internal discussion.  Specifically, we are awaiting response from the BLS Division of Human Resources and Organization Management before we schedule a discussion with DOL.  We will provide an update in a couple of weeks and plan to schedule a meeting with the NCFLL as soon as possible thereafter.

1. Please give the NCFLL an update on the NCS ORS pilot. (RS)

**Mousa explained that about a year ago, the Social Security Administration approached BLS for information on how SSA can better administer the Disability Retirement provisions of Social Security. The parties signed an MOU. The BLS National Compensation Survey began the Occupational Requirement Survey in order to replace the Dictionary of Occupational Titles effective 1991. In FY 2013, BLS began three phases of testing. The first phase has been completed successfully due to the outstanding NCS staff. Phase two is ongoing. Part one of phase two has been completed. Phase three will begin around the end of April. He is confident that the testing phases will be completed in FY 2013. BLS will make the information public after they give the results to SSA. VP Sax asked if sequestration would impact this pilot. Mousa and Allen said they did not believe it would be based on statements from SSA.**

1. This is a follow-up from Agenda Item 101 during the December 2012 LMR which said:

"It is being reported that Economic Assistants are being scheduled for hours lower than they are currently expected to work.  Work is added to their assignment after the work schedule is established.  CPI management is unwilling to adjust work schedules to take this into account.  The additional work is not a one-time event.  It is an ongoing occurrence.  This causes them to have to be paying more for benefits than they should be paying.  The NCFLL would like to discuss with BLS how this situation can best be resolved." The NCFLL has learned this has been a problem in at least the Dallas/Kansas City Region. This practice causes the EAs to pay more for benefits than they should. Please Discuss. (JD)

**VPs Darby, Sax, and Tracy will discuss this in a conference call with Beil and Mousa after the NCFLL has had a chance to analyze the information requested below.**

**Action item**: The NCFLL and BLS will schedule a conference call after BLS has provided the scheduled tours of duty and actual tours of duty for all Economic Assistants as requested in agenda item #109 below.

**Response:** On 04/10/13, Peter Beil with ODLRN provided the following response:

We would like to schedule a meeting with the NCFLL during the week of April 29.

1. Please provide the scheduled tours of duty and the actual tours of duty for all EAs for the

last three years. (JD)

**BLS is compiling this and will try to have it ready by the end of March.**

**Action item** BLS to provide the NCFLL with Please provide the scheduled tours of duty and the actual tours of duty for all EAs for the last three years.

**Response:** On 03/29/13, Peter Beil provided RS Laurie the following information via email: BLS management is still in the process of gathering the data.  We need a few more weeks to respond to this data request.

**Follow-up**: BLS to provide the NCFLL with the scheduled tours of duty and the actual tours of duty for all EAs for the last three years.

**Response:** On 05/09/13, Peter Beil emailed RS Laurie with Microsoft spreadsheet attachments which show the average tour hours (weekly hours) and the actual work hour (per pay period) for CPI Economic Assistants during fiscal years 2010, 2011 and 2012. The first worksheet in each file shows the average weekly tour hours by “Employee #”. The second sheet shows the actual hours worked by “Employee #” and pay period for the given fiscal year. Mr. Beil stated that once the information is reviewed by the NCFLL to let him know and he will reach out to BLS and up a mutually agreeable date for a conference call to discuss any concerns.

(**Note:** A copy of the BLS spreadsheets will be emailed to local presidents)

**12 Noon- 1:00 PM**

**Lunch**

**1:00PM- 2:00PM**

OWCP: Presentation on OWCP Imaging System (OIS). Susan Wool, Christy Long, and Mike Tyllas were from OWCP. Earsie Johnson was from ODLRN.

**The NCFLL Executive Committee officers present was Treasurer Newberry and VPs Darby, England, Sax, Tracy, Tucker, and Walters. President DeMay, RS Laurie, and VP Nolan were at sequestration bargaining. EVP Weyrauch had departed for home.**

**Christy Long provided a handout entitled “OWCP Imaging System”. Johnson will e-mail it to the NCFLL officers not present.**

**OIS will be used in all divisions of OWCP.**

**All mail room employees are currently contractors. Even with the electronic system, OWCP does not propose to bring this work in-house (done by DOL employees).**

**The only change impacting on OWCP employees is that the file can be seen by multiple users at one time. There will be no change in workload. The case management system for each component of OWCP will remain the same. The adjudication process will not change. The user will be able to access the case file from any location, thus lending assistance in making the CE position telework-eligible. Customer service quality will increase and the disruptions to the OWCP employee will decrease.**

**DFEC has a different imaging system. Black Lung, Longshore, and Energy will use OIS.**

**(Note: An electronic copy of the OWCP Imaging System (OIS) presentation will be emailed to local presidents.)**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**2:00 PM – 3:00 PM**

OASAM/HRC – Presentation on changes to LearningLink by Yaisa Reeves, LearningLink Project Manager and LaVeen Thompson, Acting Director of the Office of Training and Development. Earsie Johnson and Peter Beil represented ODLRN.

**The NCFLL Executive Committee members were Treasurer Newberry and VPs Darby, England, Sax, Tracy, Tucker, and Walters. EVP Weyrauch had left DC. President DeMay, RS Laurie, and VP Nolan were at sequestration bargaining.**

**Reeves and Thompson gave the NCFLL a hand entitled “LearningLink Union Briefing”.**

**In the first quarter of FY 2014, People Power will be replaced by the HR Connect system from the U. S. Department of the Treasury. HR Connect will not capture training data. LearningLink will become the official system of record for all DOL training data. Any training by about June 2013 (or when HR Connect is implemented) will be preserved on CDs at the training officer for each agency and at the OASAM RO. The LearningLink password will be good for two years instead of 90 days.**

**Employees will use LearningLink to register for internal training, and an electronic SF-182 in LearningLink to request, record, and approve external training. The DL-101 will no longer be used. OPM has mandated the use of the SF-182 throughout the government. LearningLink will submit training data to OPM for all DOL training as required.**

**The Department is preparing DPR 410 for this new system. It will be patterned after 5 CFR 410.**

**There will be a LearningLink pilot within OIG from February 25 to March 15. OASAM will send the NCFLL formal notice after the OIG pilot is complete.**

**VPs Darby and Tracy told ODLRN that formal bargaining would be likely.**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**