|  |
| --- |
| Photo of building columns from a perspective looking up, with blue sky above |

Labor Management Relations (LMR)

Title VII of the Civil Service Reform Act of 1978 also known as the Federal Service Labor-Management Relations Statute is published in 5 C.F.R. Chapter XIV, Sections 2420-2472. Executive Order 13522 of 2009 created the National Council on Federal Labor-Management Relations, consisting of senior central agency officials and representatives of unions and management organizations, responsible for: supporting the creation of agency-level labor/management forums and promoting partnership efforts between labor and management; developing measures for assessing their effectiveness; providing guidance on labor/management improvement efforts, including results achieved; using the expertise of individuals both within and outside the government to foster cooperative labor/management relations arrangements; and recommending ways to improve delivery of services to the public and advancing employee interests.

[Legend 2](#_Toc409433649)

[ALL AGENCIES 3](#_Toc409433650)

[Occupational Safety & Health Administration (OSHA) ALL AGENCIES 11](#_Toc409433651)

[Occupational Safety & Health Administration (OSHA) 13](#_Toc409433652)

[Mine Safety & Health Administration (MSHA) Albuquerque ALL AGENCIES 15](#_Toc409433653)

[Wage and Hour ALL AGENCIES 26](#_Toc409433654)

[Wage and Hour – Regional Office 30](#_Toc409433655)

[Wage and Hour – Region Wide (Dallas & Denver) 31](#_Toc409433656)

[Wage and Hour Division – District Office 34](#_Toc409433657)

[Wage and Hour Division – McAllen 36](#_Toc409433658)

[Wage and Hour Division – Denver and Salt Lake City 38](#_Toc409433659)

[Office of Workers Compensation ALL AGENCIES 40](#_Toc409433660)

[Office of Workers’ Compensation – Longshore 42](#_Toc409433661)

[Office of Workers’ Compensation – Denver 43](#_Toc409433662)

[Office of Workers’ Compensation – Dallas 44](#_Toc409433663)

[Employment & Training Administration (ETA) – OA ALL AGENCIES 48](#_Toc409433664)

[Employment & Training Administration (ETA) - OA 50](#_Toc409433665)

[Employment & Training Administration (ETA) – Mainline ALL AGENCIES 52](#_Toc409433666)

[Employment & Training Administration (ETA) – Mainline 54](#_Toc409433667)

[Office of Administration Law Judge (ALJ) ALL AGENCIES 55](#_Toc409433668)

[Office of Federal Contract Compliance Programs (OFCCP) – Dallas District Office ALL AGENCIES 58](#_Toc409433669)

[Office of Federal Contract Compliance Programs (OFCCP) – Dallas District Office 61](#_Toc409433670)

[Employee Benefits Security Administration (EBSA) ALL AGENCIES 64](#_Toc409433671)

[Office of the Assistant Secretary for Administration and Management (OASAM) 75](#_Toc409433672)

[Office of the Assistant Secretary for Administration and Management (OASAM) ALL AGENCIES 78](#_Toc409433673)

[SOL - ALL AGENCIES 82](#_Toc409433674)

[VETS - ALL AGENCIES 85](#_Toc409433675)

[Job Corps - ALL AGENCIES 87](#_Toc409433676)

#  Legend

**All Agencies responses are bold in black**

All Union responses and follow ups are bold in green

All Follow Up action is highlighted in yellow

Attachments are numbered in chronological numerical order and referenced in parenthesis

# ALL AGENCIES

**\*Questions #1, 3, 9 and 11 was stricken from the record. These questions were deemed National Labor Management Labor. However, during the course of discussion question #11 was answered by OASAM.**

1. NCFLL request that retirement benefits training is treated as mandatory training; some employees outside of the Dallas area are not aware of the training and that they can request agency time to attend.

2. What are your agency’s new hire FTE projections? If your agency is hiring, how many, what grade(s) and position(s)? Best case scenario, how feasible is your hiring projection? Worst case scenario, how feasible is your hiring projection?

3. Is your office/agency aware of OPM’s Phased Retirement? Has agency applied to participate in the Phased Retirement program? Will this be only for Management or will BUEs also be included? How will this affect the "high 3" rule?

1. If the phased retirement "program" is initiated for BUEs what are the staffing projections for FY2015 and how will the workload forecast be affected?
2. Please provide your agency’s written guidance on the criteria used to approve or deny phased retirement applications.

4. Please provide the NCFLL a copy of your agency's social media policy that applies to your bargaining unit employees whether they are on or off duty (if any).

a. If there is one, please tell the NCFLL if this policy is national, regional, or local.

b. How has this policy been implemented, how are BUEs advised of the policy?

c. How are said social media activities monitored? Have there been any violations committed by BUEs, if yes how were they handled?

d. How does your agency’s social media policy manage DOL’s social media outlets such as Yammer, Secretary Perez’s Twitter, Blog and Facebook?

5. Is your agency actively participating in DOL’s Repository of Opportunities – Assignments and Details (ROAD)? If no, are there future plans to do so?

6. Discuss how your agency notifies the NCFLL of formal discussions i.e. all employee (BUEs) meetings, including the method and timeframe given to respond to such notification.

7. Describe your DOL bargaining unit candidate hiring process.

8. Provide your agency’s policy regarding hours of work and BUEs request for Variable Week, Compressed Work Schedule and Flex Time (split shifts).

9. Booklet copies of the agreement between DOL and NCFLL should provide to each employee, please discuss issuance of the contract to new and transfer employees.

10. Please discuss your agency’s office dress code policy. NCFLL ask that management communicates the dress code policy or lack thereof to all staff members for consistency.

11. Please discuss your agency’s fiscal year 2014 performance bonus pay outs. Specifically address amount of pay out for: Meets/Effective, Exceeds/Highly Effective, and Outstanding/Exemplary.

Question #11 Payouts for ratings will be the same of last year.

Bureau of Labor Statistics (BLS) ALL AGENCIES

\*Agency responded to stricken question #1 Retirement benefits training when the employees request to training; out in the field they share information and yes provide information

1. What are your agency’s new hire FTE projections? If your agency is hiring, how many, what grade(s) and position(s)? Best case scenario, how feasible is your hiring projection? Worst case scenario, how feasible is your hiring projection?

**Response:** **National office in conjunction with the Social Security Administration (SSA) has established a new occupational requirement survey. SSA has asked BLS to come up with the job descriptions and requirements associated with disability request. This action has not taken place since the 1970’s and the industry has changed and evolved. The SSA will sponsor full time positions – 2 new fulltime economist; GS 7/9/11 positions and 1 support staff GS 6/7. There is a current DCC position in Kansas City; an announcement has been issued.**

Dyan Hutchins: How long will the SSA sponsorship last?

**Response:** **It’s on going for now.**

Robert Williams: How will the positions be announced; merit staffing or non-merit?

**Response:** **The positions will be announced both merit and non-merit; but BLS would prefer merit in hopes that someone in house qualifies**

1. Please provide the NCFLL a copy of your agency's social media policy that applies to your bargaining unit employees whether they are on or off duty (if any).
	1. If there is one, please tell the NCFLL if this policy is national, regional, or local.
	2. How has this policy been implemented, how are BUEs advised of the policy?
	3. How are said social media activities monitored? Have there been any violations committed by BUEs, if yes how were they handled?
	4. How does your agency’s social media policy manage DOL’s social media outlets such as Yammer, Secretary Perez’s Twitter, Blog and Facebook?

**Response:** **There are currently no issues and or concerns with social media. BLS does not have a direct social media policy, it utilizes the SOL guidance entitled Social Media & The Federal Ethics Rules; in the public policy there is a twitter account in which people can send messages**

Robert Williams: Have we proactively advised employees of the policy?

**Response:** **Just through ethics training; through the information security training**

Dyan Hutchins: Sometimes we have issues with the hatch act and people may be taking up for the agency. We don’t have the right to be the spokesperson. Can we just remind employees?

**Response:** **Yes. We can resend the SOL Guidance email.**

1. Is your agency actively participating in DOL’s Repository of Opportunities – Assignments and Details (ROAD)? If no, are there future plans to do so?

**Response:** **Yes the regional projects and plans to put together a position including a data collection position. There was a meeting with the managers to look at what how this process could work for the region.**

Robert Williams – Who was involved in this discussion?

**Response:** **All managers are meeting within each branch.**

Robert Williams – Are more opportunities available?

**Response:** **Yes we hope so it is an excellent opportunity to gain knowledge**

1. Discuss how your agency notifies the NCFLL of formal discussions i.e. all employee (BUEs) meetings, including the method and timeframe given to respond to such notification.
2. Describe your DOL bargaining unit candidate hiring process.

**Response:** **Hiring schedule delegated; merit staffing; veterans; schedule a; expectance**

1. Provide your agency’s policy regarding hours of work and BUEs request for Variable Week, Compressed Work Schedule and Flex Time (split shifts).

**Response:** **No issues with changing schedules; but everyone is mostly variable; one person tried 5/4/9 and they didn’t like; so no changing**

1. Please discuss your agency’s office dress code policy. NCFLL ask that management communicates the dress code policy or lack thereof to all staff members for consistency.

**Response:** **No dress code policy. Be properly attired to meet the public**

Jeff Darby: Has management sent anyone home to change clothes?

**Response:** **No. We have not had an incident of such.**

Bureau of Labor Statistics (BLS)

1. Commissioner Goshen recently sent a message to BLS employees promoting the use of Telework. There has still been no clear direction when it comes to Economic Assistants and their use of Telework in field collection and transmission. Specifically, no answer has been firm with regards to the delineation status of an EA and whether Economic Assistants will remain categorized as “mobile workers” or “teleworkers.” We would very much like to know if such decisions have been made and has it come down to the region to be implemented? There are concerns as to whether EAs as teleworkers would be subject to any kind of inspection at their home, either from inside or outside the agency? BLS’s confidentiality emphasis creates a conflict for safety or other inspections performed by anyone outside of the agency.
	1. Is the agency and region continuing its attempt to supply EAs with Blackberries in order to transmit and receive electronic communication in the field? Please provide a timeframe.

**Response:** **This is a national office for the answer; by definition telework and mobile workers are not mutual exclusive; field and mobile work are the same thing; when they go to their home to complete the process this is considered telework; safety inspection on a formal telework; if the employee or supervisor is concerned because of the telework agreement safety inspection is handled by OASAM.**

Dyan Hutchins: Are the economic assistance on a formal telework agree

**OASAM Response:** **It is split, so you have a formal and informal agreement.**

**Response:** **In order to be complaint with the law; there has to be a telework agreement signed.**

Jeff Darby: How many economic assistances are on formal telework agreement?

**Response:** **Economic Assistances (EAs) are on episodic telework only. They are not on a formal telework agreement; informal telework/ episodic**

Jeff Darby: So in essence there is no signed formal or informal telework agreement.

Robert Williams: We ran into this before with alternate work site. The individuals whose office is closed they were asked to sign a telework agreement. Based on the definition if they don’t have a site to go to they should not have a telework

**Response:** **It is the goal of BLS to put everyone on a telework agreement. In an effort to be in compliance with the law; we have asked all our employees to sign a telework agreement.**

**OASAM Response: Is this a national office concern?**

Jeff Darby: The national office has said all the EA’s are on informal telework.

**Response:** **Paul and Bob discussed this and has not issued a memorandum of understanding. After the union questioned the legality of issue, the district and regional office ordered a cease and decease order until further information is sought.**

1. Related to Item No. 1, is the agency and region continuing its attempt to supply EAs with Blackberries in order to transmit and receive electronic communication in the field and where does the deployment of those  devices stand? Is there an estimated timeline for new tablets for BUEs?

**Response:** **47% of staff has blackberries; more are expected in fiscal year 2015 and fiscal year 2016/December will complete coverage**

Dyan Williams: What type of blackberries?

**Response:** **Whatever national office has a contract for is what will be issued. The type of blackberries will depend on when it is received.**

Dyan Williams: Please note, the BlackBerry Z-10, may take a little training.

**Response:** **There is a training package that is sent along with the new BlackBerry.**

**Tablets are being upgraded about every three years because they fail; should be done by the end of this calendar year; done in waves about 7 people per week**

1. Over the past year, several BUEs mentioned they have asked for Government or leased vehicles, for traveling to their field work and other official destinations. The request falls under Art. 23(1) c of the CBA which says *“It is agreed and understood that no employee shall be required to provide a POV for use on Department business or to maintain a POV as a condition of employment.”* Some BUEs have been advised they are on a “waiting list” for GOVs. Is there a wait list? If yes please provide a copy of the list along with estimated fulfillment timeframes? Is management aware of any BUEs that have requested rentals?

**Response:** **All received rental request are fulfilled. GSA car request are evaluated on a case by case basis. Request are done in the beginning of the fiscal year. If there is a car available they provide one; look see if it’s feasible; will go back to AO and see if it is anyone waiting.**

Robert Williams/ **Follow up:** Please provide us with a copy of the “wait list” for GOVs.

**Response:** **Will do.**

Jeff Darby: NTEU request usage of private vehicle training for all employees.

**Response:** **There was training provided by SOL about 2 or 3 years ago. Follow up:** **We should redo the private vehicle training. We recognize there are a few disadvantages and some parts of the training which is not applicable to us.**

Jeff Darby: Providing the information and examples of the disadvantages of utilizing a POV because of all the issues and concerns is essential. Jim Cupps has provided great training in the past.

Sandra Boudloche: How many miles do employees put on the vehicles?

**Response:** **Some BUEs 100 miles and others 700. The average is about 300; they have 14 in the region.**

1. Lists of those PSUs which will be closed have been made available lately. There is confusion as to whether just the offices will be shut down or the entire unit operation. Will some BUEs remain on telework in some cases or will all those scheduled for closure be shuttered? If so, what is the standard operation with respect to job loss or having employment elsewhere? Will closures follow current procedures for layoffs in other DOL agencies? What about job possibilities for those BUEs working in counties adjacent to PSU continuing to operate? Has the PSU list changed?

**Response:** **No, unless there has been a change of the Consumer Price Index; as of right now the plan is to go forward and all the other things will be handled by national negotiation.**

Union advised will skip this question

1. Please provide an update on the construction work discussed during the April LMR? This is both for the RO and the field offices. Are there any upcoming or additional construction plans? If yes, please provide details.

**Response:** **Has been ongoing for 2½ years the break room has been completed; new construction project depends on the data collected; upgrade cubical in the consumer price index area; trying to get information from GSA; as soon as received will provide to Robert Williams as soon as possible**

1. What is the status on the MOUs and the offices for the Pine Bluff and San Antonio PSUs

Union withdrew question

**Follow up:** Reminder of social media/hatch act; POV training; check on outstanding GOV request

# Occupational Safety & Health Administration (OSHA) ALL AGENCIES

\*Agency responded to stricken question #1 Retirement benefits training when the employees request to training; out in the field they share information and yes provide information

|  |  |
| --- | --- |
| John | OASAM Carmen |
| Jeff Darby | Robert Williams |
| Dyan Hutchins | Cosme Gutierrez |
| OASAM  | Sa’Mecha Echols |
| Richard Smith | Union Chris |
|  | Sandra Boudloche |

1. What are your agency’s new hire FTE projections? If your agency is hiring, how many, what grade(s) and position(s)? Best case scenario, how feasible is your hiring projection? Worst case scenario, how feasible is your hiring projection?

**Response:** **The 2014 ceiling is 262. As of today we are at 261.**

**There are some expected changes at the Regional office. Annabel and Lawanda**

**There are also some Compliance Officers 5, 7, 9, 11 (transfers).**

1. Please provide the NCFLL a copy of your agency's social media policy that applies to your bargaining unit employees whether they are on or off duty (if any).
	1. If there is one, please tell the NCFLL if this policy is national, regional, or local.
	2. How has this policy been implemented, how are BUEs advised of the policy?
	3. How are said social media activities monitored? Have there been any violations committed by BUEs, if yes how were they handled?
	4. How does your agency’s social media policy manage DOL’s social media outlets such as Yammer, Secretary Perez’s Twitter, Blog and Facebook?

**Response:** **The agency does not have a social media policy. Social media is addressed in the handbook and SOL memorandum.**

1. Is your agency actively participating in DOL’s Repository of Opportunities – Assignments and Details (ROAD)? If no, are there future plans to do so?

**Response:** **There are some ROAD activities, however they are only available at the national office at this time.**

1. Discuss how your agency notifies the NCFLL of formal discussions i.e. all employee (BUEs) meetings, including the method and timeframe given to respond to such notification.

**Response:** **As soon as there is notification of a meeting we send it to Chris who advises the LMR point of contact (POC)**

1. Describe your DOL bargaining unit candidate hiring process.

**Response:** **All available authorities are utilized during the hiring process.**

1. Provide your agency’s policy regarding hours of work and BUEs request for Variable Week, Compressed Work Schedule and Flex Time (split shifts).

**Response:** **We follow the National Agreement, Article 25. There is no split shift; did you ever get an answer regarding split shift?**

Jeff Darby: There was an incident, national office has told us, the supervisor can change the WebTa to cover core hours, if the BUE is working overnight and covering core hours. OASAM national office has stated the area director is authorized to make these changes and give permission to subordinates to change this.

1. Please discuss your agency’s office dress code policy. NCFLL ask that management communicates the dress code policy or lack thereof to all staff members for consistency.

**Response:** **There is no dress code policy. We do expect people to look “presentable” when dealing with the public.**

Robert Williams: Please discuss any issues, regarding the dress code.

**Response:** **We don’t have a dress code.**

# Occupational Safety & Health Administration (OSHA)

1. For the position of Area Office Assistant Administrator (the Area Director’s assistant) the NCFLL requests the following information for each area office. What is the title of the position? Does the employee report exclusively to the area director? Is the employee in that position inside or outside of the bargaining unit? What duties at each office does the employee perform on a daily and periodic basis?

**Response:** **GS-0303-07 is outside the bargaining unit; due to confidentiality, assistance to the Area Director, exposure to the budget, and time keeping.**

1. Employees would like to know or have training on how to use the WebTa system for work that is periodically performed in the field on 2nd and 3rd shifts. In this scenario, the employee would not go to work during the next business day and satisfy the core hours. How is the time worked overnight supposed to be entered to work around the core hour issue?

**Response:** **Previously addressed**

**Follow up:** **Carmen (OSAM): Will get with Gary to determine this or get assistance**

1. The Fort Worth Area Office has not had a CAS position since 2011. Most other area offices are staffed with a CAS and some offices have two CAS positions. Employees have been told it is a budget issue. When can employees in that office or other offices who would like to apply for the position anticipate it being announced?

**We took a hit of about 45 FTEs nationwide aimed at CAS positions. CAS positions are on hold and a status is unable, until the budget is determined. However, it should be noted that congress actually listed this as a budget elimination.**

Sandra Boudloche: Are there plans to remove others?

**Response:** **No.**

1. The Lubbock Area Office has not had a CAS position since February, 2014. Most other area offices have a CAS position and some have two. Presently, it is the understanding of Lubbock employees that Abraham Arzola, the El Paso Area Office CAS, will provide services for the Lubbock office. Can employees anticipate the opportunity of a CAS position for the Lubbock Area Office? Additionally, are there any plans for another VPP position? The Lubbock staff has been told that the VPP Specialist for the Fort Worth Area Office will assume responsibility for VPP in Lubbock.

**Response:** **CAS the same as above; the VPP cannot be back fielded, Fort Worth is handing the VPP duties**

1. Leave is a right of the employee and not a privilege however supervisors in the Austin Area Office are holding up BUE’s annual leave slips. When a BUE turns in a leave slip they are told that it will be “held pending completion of case files”. This has happened about four times in the last year that the Union knows of. Some requests have been submitted months in advance of the time leave is to commence. I am getting reports of management holding up BUE’s annual leave slips. This is the fourth instance in the last year I am aware of occurring. When a BUE turns in a leave slip they are told that it will be “held pending completion of case files” Both supervisors have been guilty of this (Slatten & Jarvis).

**Response:** **Upper management has spoken with the area office and advised they should act on the leave slip as soon as possible. Leave can always be cancelled if there is an emergency. This was a previous LMR issue and it was re-addressed with all area managers for consistency.**

1. Please discuss your practice with regards to equitably rotating exempt and non-exempt BUEs assignment during off duty emergencies, i.e. Saturday. Are these BUEs provided overtime? If no, are these employees earning credit time?

**Response:** **The process for off duty emergencies is simple. We call in whoever we can get a hold of during the emergencies; there is no way to earn credit time on Saturday.**

# Mine Safety & Health Administration (MSHA) Albuquerque ALL AGENCIES

**Management:**

**OASAM: Chris Jones**

|  |  |
| --- | --- |
| Joe Steichen | Robert Williams |
| Jeff Darby | Cosme Gutierrez |
| Dyan Hutchins | Sa’Mecha Echols |
| OASAM Chris Jones | Union Chris |
| Richard Smith | Sandra Boudloche |

\*Agency responded to stricken question #1 Retirement benefits training when the employees request to training; out in the field they share information and yes provide information

1. What are your agency’s new hire FTE projections? If your agency is hiring, how many, what grade(s) and position(s)? Best case scenario, how feasible is your hiring projection? Worst case scenario, how feasible is your hiring projection?

**Response:** **There are currently 7 inspector vacancies – we are just not receiving applicants for positions announced as GS 7 – 12; There are needs for 1 inspector in Norman, OK; 3 inspectors in Denim Springs, LA; 3 inspectors in New Mexico. Also, there is a need for underground mining positions; there will be openings in about 6 months; need assistances; the positions have been renounced several times**

1. Please provide the NCFLL a copy of your agency's social media policy that applies to your bargaining unit employees whether they are on or off duty (if any).
	1. If there is one, please tell the NCFLL if this policy is national, regional, or local.
	2. How has this policy been implemented, how are BUEs advised of the policy?
	3. How are said social media activities monitored? Have there been any violations committed by BUEs, if yes how were they handled?
	4. How does your agency’s social media policy manage DOL’s social media outlets such as Yammer, Secretary Perez’s Twitter, Blog and Facebook?

**Response:** **The agency does not have a specific policy in regards to social media; we rely on DOL’s policy and procedures.**

1. Is your agency actively participating in DOL’s Repository of Opportunities – Assignments and Details (ROAD)? If no, are there future plans to do so?

**Response:** **No knowledge of that program and would be better directed to national office**

1. Discuss how your agency notifies the NCFLL of formal discussions i.e. all employee (BUEs) meetings, including the method and timeframe given to respond to such notification.

**Response:** **Most of this is done through OASAM; with the exception for the field office, they have staff meetings every Monday and this is not shared with the union**

Jeff Darby: What do they discuss new or old business?

**Response:** **Both**

**Follow up:** Jeff Darby: We need notification of all staff meetings. We request notification to be sent accordingly.

1. Describe your DOL bargaining unit candidate hiring process.

**Response:** **Whatever authority is available for us.**

1. Provide your agency’s policy regarding hours of work and BUEs request for Variable Week, Compressed Work Schedule and Flex Time (split shifts).

**Response:** **We follow the contract**

Williams: With exception to first 40, all working variable?

**Response:** **Depends on the agency mission and the employee mission**

Jeff Darby: What’s the agency mission schedule? Is this clerical?

**Response:** **Someone has to be there to answer the phones.**

Does it have to be a clerical employee answering the phone? Couldn’t it be a member of management?

**Response:** **I am not sure. We must have office coverage.**

Jeff Darby: Article 25; All DOL field organizations, except for the Mine Safety Health Administration employees who work a first 40-hour tour of duty will come under a Variable Week work schedule except that any employee may work a standard workday/workweek schedule or a compressed work schedule. Supervisory approval will not be required for an employee to opt out of the variable work schedule to a compressed or standard work schedule. However, the specific fixed hours and days to be worked are subject to the approval of the supervisor. Explained the contract and the need for an office coverage and advised this does not have to be clerical; but the issue is there are clerical issues concerning employees not being able to work a variable work instead of you have to be here from 7 am to 3:30 pm every day.

**Response:** **That’s fine**

Robert Williams: Do we need to discuss Article 25 with any other offices

Cosme: The district is the only location for this issue

**Follow up:** Jeff Darby: If there has not been a discussion with the union representatives then, Williams and Cosme can meet with Joe to discuss.

1. Please discuss your agency’s office dress code policy. NCFLL ask that management communicates the dress code policy or lack thereof to all staff members for consistency.

**Response:** **No office dress code policy; however our offices are professional workplaces and in the public eye we ask that the office staff dress appropriately.**

Cosme: What’s considered appropriate?

**Response: Joe: In a business office a professional dress is appreciated**

Robert Williams: Has there been any dress code issues?

**Response:** **Haven’t been aware of that**

1. Has the South Central District Manager decided to take away the Inspectors privileges by denying them the right to decide on the termination deadlines on all 104a citations selected with (Reasonably Likely) in the Gravity section of the citations?

**Response:** **No inspectors are expected to determine termination times as dependent upon risk of the hazard.**

Cosme: Reason for this agenda item is that the Albuquerque Field Office supervisor recently directed all the inspectors to allow Mine Operators only 25 or less minutes on all 104a citations inspectors issue, where the inspectors selected (Reasonably Likely) in the Gravity section of the 104a citations.  In the past the inspectors would select the termination time on a case by case basis.

**Response:** **No.**

Williams: If this is something taking place in the field, how does the district office anticipate handling it?

**Response:** **It is not a termination timeframe**

1. An Albuquerque field office supervisor, advised laundry expense is an unacceptable reimbursement. This expense is an entitlement that has long been a chargeable expense item. What is MSHA’s understanding of this chargeable expense item?

**Response:** **Laundry expenses are covered in the travel regulations.**

Jeff Darby: NO, we must take another look at the cause of the laundry expense, after a 4 day time period; the hazard material is a safety and health issue.

Robert Williams: The IME, safety and health has regulations and procedures as well.

Jeff Darby: What about an exposure to acid issue. Is acid an exception to the rule? Are there exceptions to the laundry expense rule?

**Response** /**Follow up: I will have to check into that**

Robert Williams: Is there a specific way we need to handle this situation?

**Response** **Chris OASAM: There is an appeal process under the travel regulations, for this item; the supervisor should advice and the employee why the expense is being denied and this issue should be taken to the chief finical officer for reconsideration.**

Dyan Hutchins: I think Joe is saying the district office should be advised of the denial, so the request can be reviewed.

**Response Joe: Has there been anyone else denied the travel/laundry expense item**

Cosme Gutierrez: This was specific to me and not sure of anyone else. Is it your opinion this is a chargeable or non-chargeable expense.

**Response Joe: I will go with what Chris (OASAM) just said. We will review them on a case by case basis**

Jeff Darby: The inspectors have been entrusted by Department of Labor (DOL), Secretary as representatives at mines, surely we can trust the inspectors to handle this

**Response** /**Follow up:** Chris: We will look into this, because we don’t want to deny anyone their rights while executing or carrying out security missions

1. In the Albuquerque field office the inspectors have been asking for safety utility vests with pockets for over 6 months and to this day we have not received the safety vest. The pockets on the vest are an essential part of the PPE so inspectors can carry all the items required for their inspections and to have their hands free. Management’s first line supervisors have stated that the vests were too expensive therefore would not purchase them. Cost of the vests in question range from ($79.95 to $89.95), prices found on internet. The bulk price for all offices would be a lot less. Is this an unreasonable request of PPE for BUEs safety? VISIUAL

**Response** **Joe: I was with him during that inspection and he got one from the mine’s safety inspector.**

Cosme Gutierrez: Yes he did, however he returned the vest because, we didn’t want it to be considered a gift over $20

Sandra Boudloche: This is an issue if it is snagged and what not; the person is an electric safety inspector and this can cause several safety violations

Robert Williams: Is there a requirement for inspectors to wear a safety vest?

**Response**: **No**

Sandra Boudloche: In OSHA we have been told we should be a good steward of the industry.

**Response** **Chris: Is he exposed to live parts and is there special equipment?**

Sandra Boudloche, Cosme, Chris: Discussed the various safety issues PAE 73/NPA70-e; ARC rating for the incident energy. Suggestions given regarding several concerns regarding the need

Jeff Darby: How many electrical inspectors do you have in this district?

**Response**: 2**-3 people**

Jeff Darby: OSHA, how long do we give private sector to make such corrections?

**CACUS evoked**

**Follow up/**Jeff Darby: Cosme, Sandra Boudloche, and Chris will be working with you. They will get a list and numbers for your office. They will discuss and get back with you in two weeks, November 12, 2014

Sandra Boudloche: Do you see a problem with that time period?

**Response**: **Will discuss. The PPE is down at the national office**

Jeff Darby: Yes but the purchase is down at the district level. If one of the mine inspectors is caught in a vest like this:



Cosme: This vest is a violation of safety

**Response**: T**here is no work done on the mine. There is no danger to the inspector. The inspector can request the necessary equipment from the mine operators. Mines provide certain equipment for safety anyway.**

**Response**/OASAM Chris: The inspector is in danger due to open live parts.

Jeff Darby: Inspectors are sent to watch for proper procedures and that safety protocol is adhered to by the mine operators, and yet our inspectors are not provided proper safety equipment to execute the mission of the agency.

4. The first aid kits bought by MSHA several years back are very small and do not have Latex gloves and CPR/Rescue masks. Please correct this oversight.

**Response**: **Should be completed with the supply requisitions, go through the proper channels**

Cosme: This has been done and it has not been received

**Response**: **The employees should ask for these items through their supervisors**

**Response**/**OASAM Chris: Is there a safety check list?**

Sandra Boudloche: Where is the first aid kit located?

**Response**: In the car

Sandra Boudloche: Is it meant for the inspectors on personal use or are they designated first aid employee?

**Response**: **personal usage only**

Sandra Boudloche: If they are rendering aid only to themselves they may not need to do this

Cosme: If the BUEs are paired for an inspection and one is injured, does the employee not render aid?

**Response OASAM Chris: Is there a vehicle safety inspection?**

Sandra Boudloche: Is there a vehicle safety checklist?

**Response**: **Inspectors do their own vehicle safety inspection**

**Response OASAM Chris: Does management sign off on this?**

**Response**: **Yes**

**Response OASAM Chris: Are there any federal regulations around first aid kits**

Sandra Boudloche: Locations and hazards make that determination of what’s needed in the first aid

**Response Joe: Go through normal purchase channels**

Cosme: Cap is $500.00 including supplies such as printer’s cartridge

**Response: They should be requested through the proper channels**

Jeff Darby: Safety and health issues are responsibility of the employer (contract)

Sandra Boudloche: Combine 4 and 5 questions together

5. The blood born pathogen’s kits issued to the MSHA inspectors, BUEs, and carried in the GOV’s in Albuquerque are 10 years old and the latex, disposable gown, shoe covers, absorbent towels, mask with eye shields are weathered and no longer useable. We need new ones can you accommodate this request?

**Response OASAM Chris:** What is the purpose of this kit?

Cosme: In areas where they are rural areas you are required by law to render aid

**Response OASAM Chris:** Haven’t we discussed these issues earlier this year

Cosme: For many years with no resolution

Robert Williams: Weren’t these items given years ago and these items are expired and/or out of compliance. I am hearing that management provides but are not maintaining the safety products used by the inspectors, daily. From our understanding it would be easier for management to provide the equipment versus the BUE’s having to ask for these items. Sometimes managers just need to have the district office reinforce that it’s okay to purchase safety equipment.

**Response**: **Never heard of management turning down replacement of the gloves**

Jeff Darby: (Moves vest) Example



Sandra Boudloche: That is the purpose of LMR to resolve issues that have not been resolved at the local level

6. In Rolla Missouri, BUE Francean Lott has ask/request Robert Seelke to be put on Variable work week and he has denied her request numerous times. In order to prevent formal filings we ask, Management override Mr. Seelke denial and grant Mrs. Lott her wish to be able to work variable work weeks as stated in the AFGE National Agreement, Article 25 – Section 2.

7. The Albuquerque field office does not have an AED (Automatic Emergency Defibulator). This is the fifth time that this issue has been brought up in the LMR agenda items. Why has the Albuquerque office not received one? As a safety concern can we make this a priority?

**Response OASAM Chris: This is a national safety issue**

**Response:** **We go with what Chris says**

**Response OASAM Chris:** **We will discuss this with Jean**

8. In the past MSHA Albuquerque field office inspectors received 8 hours of first aid training. Two years ago under the supervision of Benny Lara, the classes were reduced to 6 hours. The week of August 4, 2014 under the supervision of Mark Williams acting supervisor he further reduced the training time to 4 hours. To prevent sacrificing the integrity of the class and to obtain the full scope of the first-aid class, 8 hours are needed. Please provide your views contrary to what is mentioned above.

**Response:** Provided by certified instructors and the instructors offer the certification based on the needs of the class.

Cosme: The instructor is being directed by MSHA (management); He offers the classes based on the direction of management

Robert Williams: If the instructor is advising more time is needed to complete the training could we not give the 8 hours.

**Response OASAM Chris:** **What do you feel are lacked during the first aid training**

Cosme: He altered the course in order to accommodate the time restraints

**Response OASAM Chris:** **Who speaks with the instructor?**

**Response:** Field Supervisors

Chris: Would management be willing to discuss this directly with the instructor to identify opportunists and areas of suggested training?

**Response/ Follow up:**  **Yes. Cosme provide the name, address and telephone number and we will speak with him**

# Wage and Hour ALL AGENCIES

|  |  |
| --- | --- |
| Betty Campbell | Robert Williams |
| Cynthia | Cosme Gutierrez |
| Jeff Darby | Sa’Mecha Echols |
| Dyan Hutchins | Union Chris |
| OASAM Chris | Russell – Regional Operations Officer |
| Richard Smith | Sandra Boudloche |
| Tim Dibbles |  |

\*Questions #1, 3, 9 and 11 was stricken from the record. These questions were deemed National Labor Management Labor. However, during the course of discussion question #11 was answered by OASAM.

1. NCFLL request that retirement benefits training is treated as mandatory training; some employees outside of the Dallas area are not aware of the training and that they can request agency time to attend.

2. What are your agency’s new hire FTE projections? If your agency is hiring, how many, what grade(s) and position(s)? Best case scenario, how feasible is your hiring projection? Worst case scenario, how feasible is your hiring projection?

**Response: FTE projections 324 is the cap; currently 300 on board; 24 FTEs in the process of advertisement and announcement. 1st quarter 46 positions majority investors in the field, these positions have been filled. Anticipating funding for 324 staff members.**

3. Is your office/agency aware of OPM’s Phased Retirement? Has agency applied to participate in the Phased Retirement program? Will this be only for Management or will BUEs also be included? How will this affect the "high 3" rule?

a. If the phased retirement "program" is initiated for BUEs what are the staffing projections for FY2015 and how will the workload forecast be affected?

b. Please provide your agency’s written guidance on the criteria used to approve or deny phased retirement applications.

4. Please provide the NCFLL a copy of your agency's social media policy that applies to your bargaining unit employees whether they are on or off duty (if any).

a. If there is one, please tell the NCFLL if this policy is national, regional, or local.

b. How has this policy been implemented, how are BUEs advised of the policy?

c. How are said social media activities monitored? Have there been any violations committed by BUEs, if yes how were they handled?

d. How does your agency’s social media policy manage DOL’s social media outlets such as Yammer, Secretary Perez’s Twitter, Blog and Facebook?

**Response: Wage and Hour Memorandum No.2011-6 dated October 6, 2011; attached**

Robert Williams: Have all BUEs been advised/notified of this policy?

**Response: A refresher email will be sent to all employees with the Wage and Hour Memorandum No.2011-6 dated October 6, 2011; attached**

5. Is your agency actively participating in DOL’s Repository of Opportunities – Assignments and Details (ROAD)? If no, are there future plans to do so?

**Response: WHD has many details available.**

Dyan Hutchins: Are there positions available within the National Office?

**Response: Only one, Personnel issues arise with details. There are more details available with in the office. We favor anything that broadens the employee’s knowledge base and depth; we are not opposed to it.**

6. Discuss how your agency notifies the NCFLL of formal discussions i.e. all employee (BUEs) meetings, including the method and timeframe given to respond to such notification.

**Response: Notifications go through the Labor Relations Officer.**

Jeff Darby: There have been late notifications; the Regional Office is good about notification. The disconnect is with the District Office and Regional Offices

**Response: Management will advise an adequate amount of time is needed, a reminder will be sent.**

7. Describe your DOL bargaining unit candidate hiring process.

**Response: Follows OASAM policy; positions are announced for 14 days on USAjobs. Interviews and notification of hire take place in the field with the hiring official.**

8. Provide your agency’s policy regarding hours of work and BUEs request for Variable Week, Compressed Work Schedule and Flex Time (split shifts).

**Response: Policy based on Article 25.**

Jeff Darby: Two different things with respect to office coverage for variable work week – for assistance/tech – there maybe two or three “y’all work it out”; the issue is where there is one BUEs coverage of office hours. Some push back with the issues of one person. This would not be a variable work week.

**Response: There are only one or two offices with only one tech**

Robert Williams: There are still issues in New Mexico; variable/credit time. We are working on gathering specifics

**Response: We would hope there is some flexibility. We will circle back to management about credit time.**

Jeff Darby: This is not limited to the techs but also to investigators.

Robert Williams: If anyone needs wants to change their schedule is there a problem?

**Response: No**

9. Booklet copies of the agreement between DOL and NCFLL should provide to each employee, please discuss issuance of the contract to new and transfer employees.

10. Please discuss your agency’s office dress code policy. NCFLL ask that management communicates the dress code policy or lack thereof to all staff members for consistency.

**Response: There is no dress code policy. We want people to dress in a manner that is representative of their position. We do not want appearance to become a distraction.**

Chris: What is an example?

**Response: If a person wears a low cut shirt and a high skirt it could be distracting.**

Jeff Darby: “Professionalism” is a critical element? If so, note Article 4 –Section 2 –A. Notice of Change and Request to Bargain For efficient and uniform communication between the parties to facilitate regional midterm bargaining, on the effective date of this Agreement, the NCFLL President or designee will submit to each of the six regional Offices of the Assistant Secretary for Administration and Management (OASAM) the NCFLL’s regional representatives to whom management will send notifications of changes which may impact working conditions of bargaining unit employees. The designated Union representatives will not exceed 50 nationwide in totality and will not exceed 10 for any single regional OASAM. Is there an issue with jeans?

**Response: We don’t have an issue with jeans; we just want a professional attire.**

Robert Williams: So, are blue jeans acceptable or not?

**Response: Professional attire.**

Jeff Darby: So, what about employees who never interface with the public.

**Response: There is an entire array. All employees are called upon to serve as the front door.**

11. Please discuss your agency’s fiscal year 2014 performance bonus pay outs. Specifically address amount of pay out for: Meets/Effective, Exceeds/Highly Effective, and Outstanding/Exemplary.

Question #11 Payouts for ratings will be the same of last year.

# Wage and Hour – Regional Office

1. Some managers are having BUEs submit emails to them to inform them that they are working Credit Time. And some managers will reply with Approved. Then some managers request a detailed list of specific items that the BUEs will work on. Then request a completed work update at the end of Credit Hours. For consistency purposes please provide clarification of the preferred method.

**Response: Will follow Article 25; regarding credit time/hours; issued a memorandum on the issue of credit time. Special project – assignments completed on earing credit time. Notification sent email or verbal**

1. It has been stated the Dress Code within the Regional Office is Business Casual and Blue Jeans are not authorized. However, some managers advise “colored” denim is acceptable. While other managers advise all denim including colored jeans aren’t authorized. However this DOL does not have a Dress Code. Please explain.

**Response: Answered previously**

1. Please discuss your fair labor practice with regards to equitably rotating exempt and non-exempt BUEs assignment during off duty emergencies, i.e. Saturday. Are these BUEs provide overtime? If no, are these employees earning credit time.

**Response: When the agency determines a need for overtime it will be distributed based on the type of work needed. Any office directive and knowledge level is considered**

Robert Williams: Are any BUEs forced to work overtime**?**

**Response: No**

# Wage and Hour – Region Wide (Dallas & Denver)

1. The required timeliness placed upon Wage and Hour Investigators has been reduced by 60% over the past 25 years, however management’s expectation is to increase workload. Investigators are forced to complete investigations under extreme pressure from management which is evident during all staff meetings. Discuss the effects of employee performance in relation to the low morale, caused by management, amongst the various offices.

**Response: We expect investigators to work effect and efficiently; expect people to use their time management; received the employee viewpoint survey and is aware of the issues. Cynthia and management has a few ideas will implement. Second part of the training – Larry mediation training with all employees/three parts. There has been one phase completed and phase two with Larry is to be completed today.**

Jeff Darby: No email discussed Wednesday, so he isn’t there.

Robert Williams: Any other things you will do?

**Response: Recognizing people and other things have been discussed; Houston has sat down and brain stormed; some things are uncontrollable. Any suggestions?**

Robert Williams: Just open the dialogue and discussion with BUEs, what would BUEs like to see, share the ideas with all BUEs and representatives. These are something’s we are thinking about. As managers, we understand the office atmosphere maybe low but sometime we don’t have a clue why. Asking the BUEs is a huge, free, and stress-free benefit.

Jeff Darby: The changing of the investigators expectations of 90 days, is the sort of thing that causes morale issues.

**Response: That is part of the performance standards**

Jeff Darby: Yes; a lot of time BUEs hear what’s going wrong from management and not what’s going right, appreciation.

**Response: We’ve asked management to provide positive feedback.**

Jeff Darby: The disconnect comes from the Regional Office and the District Offices. You have 11 different people hearing and stating 11 different things

**Response: That’s why the Regional Office steps out to the District Office twice a year. Consistency is sought from the District Office. Some issues have reached the Regional Office, like standards.**

Jeff Darby: You have control over the way the standards are implemented.

**Response: Common issues – standardize format issues /composition; if there are specific situations we should look at, please advise. We can use teleconference to have more of a presence.**

Jeff Darby: I like that idea.

**Response: We can use this method to introduce additional staff and to open the floor for suggestions.**

Chris: When was the last time you were in Denver’s District Office?

**Response: June**

Chris Union: When is your next visit? January?

**Response: All managers meeting with employee viewpoint survey discussion**

Sandra Boudloche: Issues need to be tailored for that office. The usual dog and pony show will tune BUEs out.

Jeff Darby: The training in McAllen was great, Cynthia and Betty

1. Please provide an update of any construction projects either planned or ongoing in the Dallas/Denver Region.

**Response: Two offices El Paso and OKC currently has pending construction. Currently awaiting funding for OKC; El Paso pending GSA**

**Chris OSAM/Response: No MOU because we haven’t received finalization from OASAM and GSA**

1. Are employees that are hired under the requirement to have a second language (e.g., Spanish, Chinese, etc...), compensated for that skill like they are in other agencies? If the answer is no, then why not?   Now in other agencies, the bilingual employees have been compensated with a bonus due to the use of that skill.

**Response: It is a requirement and expected of the employee as per National Office.**

Jeff Darby: Covered in the contract, Article 44- Sections 1 - C When Management uses bargaining unit employees’ special skills (such as a second language) that are not already included in his/her official duties, Management should give consideration to rewarding these employees using all available award categories. Is there a certain recognition for bilingual BUEs?

**Response: We don’t give special assistance or recognition for these skills; it is factored into the BUEs appraisals; recognition through Secretary Achievement Award**

Jeff Darby: This has been addressed in the contract since the 2002 contract

**Response: We will give attention in the performance review**

Jeff Darby: The language is written out in the contract

Robert Williams: More morale issues.

Sandra Boudloche: Resentment for those who have a second language, effects morale.

**Response: They are on a separate position description but not performance appraisal**

Robert Williams: Please consider what we’ve said

#

# Wage and Hour Division – District Office

1. With recent Windows 7 upgrades, will this time be reduced from the rating period? Several of the WHI’s have been out of a computer from several days to several weeks. This is time that did not allow them to perform their duties

**Response: Consideration is given that the downtime occurred**

Robert Williams: What should we consider and advise BUEs?

**Response: No comments were attached due to this issue.**

Jeff Darby: We encourage all BUEs to include comments, ALL.

1. Since an internal audit occurred in the Dallas DO 3 years ago, MGMT has continued to return cases to make changes in the narrative. Several of the WHI’s feel this is an item of concern due to the fact that MGMT wants to be more specific in the narrative. Previously, WHI’s were trained in a certain manner to write narrative and as a result of the audit, MGMT has slowly integrated a method adding more to the narrative than previously trained.

**Response: Must follow Field Operations Handbook and ensure quality.**

Robert Williams: Is this adding more to a case file based on adding to a narrative?

**Response: Can be.**

Jeff Darby: What the FOH states and the standard narrative is different.

**Response: Each case stands on its on merit; each case merits the review of the accountability review. There were probably so defiance based on the accountability review. During management staff meetings trends are discussed to assist in identifying.**

Jeff Darby: Is the accountability review being implemented into the FOH in order to define and assure consistency?

**Response: No; the accountability review clearly states the issues**

Jeff Darby: Consistency is needed with FOH and narrative requirements

1. As a result of more specifics, MGMT continues to discuss the quantity of cases that a WHI should be performing. DD Poer has stated in his meetings with the Dallas DO that MGMT will not judge but that based on the number of hours for enforcement and the number of hours that takes to perform a case should be the gauge for where a WHI should be.

**Response: See #4**

1. This method is an indirect agenda of MGMT to continue to perform same number of cases when here recently MGMT continues to request more information in the narrative that takes a significant amount of time. To summarize the point, MGMT wants to continue to produce the same number of cases but are instructing to add more details not taking the time constraints of the request.

**Response: We don’t ask for a certain amount of cases. Our position is we want to verify consistency. We see anywhere from 11 cases to 50 cases. If a manager see’s the employee using his or her time efficiently (gave example of diary sheet) than that supports consistency. The rolling bag, includes the printer and blackberry, helps the BUEs utilize time more effectively and effective.**

# Wage and Hour Division – McAllen

1. We understand new blackberries will be provided to MCDO. Will BUEs receive training on these new phones? How will these affect our performance standards?

**Response: Blackberries issued on a phased process and the process is ongoing.**

Robert Williams: Will training be provided?

**Response: Dyrek is available for Teleconference**

1. BUEs are reporting system issues with laptops and phones since Windows Migration. Specifically, since the migration the Harlingen Field Office has experienced connectivity and technical issues regarding the laptops. Will the lack of laptops, printers, and BB issues be considered when conducting performance appraisals? Some employees have had to travel to MCDO to be able to use laptops. Will management consider the additional time on case work due to traveling?

**Response: We don’t ask for a certain amount of cases. Our position is we want to verify consistency. We see anywhere from 11 cases to 50 cases. If a manager see’s the employee using his or her time efficiently (gave example of diary sheet) than that supports consistency. The rolling bag, includes the printer and blackberry, helps the BUEs utilize time more effectively and effective.**

1. Discuss management’s notification process regarding space issues.

**Response: Previously discussed**

1. Harlingen Field Office has experienced many issues with the a/c, elevator and bull pen style layout. What is the current budget for private offices and what is the estimated date of the office space project completion? When does the contract expire at the Harlingen Field Office?
2. What is the current budget for cubicles at the Laredo Field Office? What is the estimated date of the private offices project completion?
3. The NCFLL has requested bargaining for these issues being raised for the Laredo and Harlingen offices. We would like to get a date to begin negotiations.

**Response: (#4, #5, #6 are combined) We have been notified; it’s difficult to get GSA to make changes. Harlingen Field Office elevator is a building issue.**

Jeff Darby: The evaluator is public domain. – Caucus Evoked –

Robert Williams: Bargaining has been requested; we have asked for date

**Response: We will send a couple dates to Chris (OASAM) for consideration**

# Wage and Hour Division – Denver and Salt Lake City

1. Management has encouraged BUEs to use their POVs for travel but has not told BUEs that by using their POVs they may be required to obtain extra auto insurance. Please discuss and ensure the Union that notification will be provided to all field staff that using their POVs for official business may violate their insurance policy opening them up to personal liability. Please discuss

**Response: During staff meetings this has been discussed. We have not encouraged staff to use their POVs for travel. We will put this on the agenda for training.**

1. Managers in the Denver DO are continuing to pressure workers to work off the clock to make their numbers/goals. One BUE reports being told they can’t “charge ‘X’ amount of hours on a case and must put those hours elsewhere”. That is an order to commit fraud. Please discuss.

**Response: No one on has been encouraged to work off hours. There was a lesson learned about completing work after 40 hours. Specific issues are requested; when did this happen and with whom. This needs to be addressed immediately**

Chris: This is an issues to discuss during staff meetings

1. In February WHIs in the Billings, MT field office requested administrative leave due to severe weather conditions. This leave was denied from Salt Lake City, UT (500 miles southwest of Billings) initially by ADD Milton and again by DD Doolin. This denial was given despite both the ADD and the DD being informed that 12” of snow had already fallen, 7” more was expected that day and authorities were urging people not to drive. The two WHIs took personal leave since most roads were impassable and when they arrived at work the following day they found out that the Billings Occupational SAFETY and Health Administration office had closed the previous day due to inclement weather. This lack of respect for field employee’s judgment is another example of WHD’s micromanagement and culture of employee – management hostility. Please discuss.

**Response: This was addressed during a previous LMR**

1. Have all Denver and Salt Lake City WHD employees who are eligible for telework been offered telework training and do those employees who are teleworking have a written telework agreement in place? How many WHD employees in Denver and Salt Lake City have formal telework agreements and how many have informal agreements? Please discuss.

**Response: Salt Lake City 16 BUEs, 10 have received training; Denver 20 BUEs, 20 have received training; all informal agreements. Training provided via Learning Links.**

# Office of Workers Compensation ALL AGENCIES

Dean Woodard

1. What are your agency’s new hire FTE projections? If your agency is hiring, how many, what grade(s) and position(s)? Best case scenario, how feasible is your hiring projection? Worst case scenario, how feasible is your hiring projection?

**Response:**  **6 claims examiner’s short in Dallas as far as being authorized. The plan is to fill all these in the Dallas Office**

**Denver is at the level; 100.**

2. Please provide the NCFLL a copy of your agency's social media policy that applies to your bargaining unit employees whether they are on or off duty (if any).

a. If there is one, please tell the NCFLL if this policy is national, regional, or local.

b. How has this policy been implemented, how are BUEs advised of the policy?

c. How are said social media activities monitored? Have there been any violations committed by BUEs, if yes how were they handled?

d. How does your agency’s social media policy manage DOL’s social media outlets such as Yammer, Secretary Perez’s Twitter, Blog and Facebook?

**Response: Notification was sent and a copy provided, Social Media & the Federal Ethics Rules, SOL Guidance**

3. Is your agency actively participating in DOL’s Repository of Opportunities – Assignments and Details (ROAD)? If no, are there future plans to do so?

**Response: Yes, were actively participating via National Office. Two posting.**

4. Discuss how your agency notifies the NCFLL of formal discussions i.e. all employee (BUEs) meetings, including the method and timeframe given to respond to such notification.

**Response: Request Bryan give a formal notification; also request Union VP be notified right then**

5. Describe your DOL bargaining unit candidate hiring process.

**Response: Certifications initiated by District Directors (DD); DD may have supervisor gather the information and the DD makes the final decision via panel; merit staffing, schedule A’s**

6. Provide your agency’s policy regarding hours of work and BUEs request for Variable Week, Compressed Work Schedule and Flex Time (split shifts).

**Response: Employees are on a flexi time schedule**

7. Please discuss your agency’s office dress code policy. NCFLL ask that management communicates the dress code policy or lack thereof to all staff members for consistency.

**Response: Management’s policy we have to maintain a professional policy; typically it’s pretty liberal.**

Union: any issues, is it business casual

**Response:** **It’s casual Friday’s**

Sa’Mecha: Are shorts permitted?

**Response:** Not to thrill with shorts and the problem with shorts the issue would be length.

Jeff Darby: If there is a problem with the weather and the building policy

**Response OSAM/Bryan: There is no documented policy and any issues will be addressed directly**

Office of Workers’ Compensation – Longshore

1. Over 2 years ago, a Request for Interest proposal (RFI) was listed to test the possibility of contracting out the Nurse, Vocational Rehabilitation and Medical Advisor Services for the OWCP FECA and Longshore Programs. One former director reported the following statement; “DOL is conducting market research to determine feasibility for a potential procurement requirement. The purpose of the attached notice is to obtain information from industry vendors regarding their interest, capabilities, and recommendations in developing proposal for the Office of Workers’ Compensation Programs’ (OWCP) medical case file review, nurse case management, and vocational rehabilitation services.”

**Response:** **Pending in National Office**.

Robert Williams: Is there any plan to make these jobs federal jobs and part of the process OWCP rehabilitation process?

**Response:** **I haven’t heard that. Lately it has been the opposite of that**

2. We would like to know the status of the (RFI) as we have been prohibited Nationwide from re-certifying vocational rehabilitation counselors (RC) under the Rehabilitation Specialist supervision. The original (RC) 5 year agreement term expired in 2012.

**Response: Contracts are being extended until RFI**

3. Staff assigned to the Houston Longshore Office is authorized to telework one day per pay period. Why, this is not cohesive to DOL policy and Secretary Thomas E. Perez’s telework efforts.

**Response: They are going to 2 telework days per pay period; takes effect in the next couple of months. The limitations were due to system issues. Soon as the exact date is available we will share it with the BUEs**

Robert Williams: Who is controlling when and who can participate in tele-work?

Jeff Darby: National level

Robert Williams: Staff gets the memorandums from Secretary Perez and the staff are frustrated by the issues.

**Response:** **There are system issues and Longshore just got new monitors**

# Office of Workers’ Compensation – Denver

1. Sometimes inclement weather closures or delays are announced as late as 6:00, the beginning of core hours. This is extremely inconvenient for those workers whose work shift starts at 6:00 and may not get the notice until an hour after their vanpool, carpool or personal commute starts. With the sophisticated weather forecasting we have today why are DOL officials waiting so late to make closure or delay decisions? Please discuss.

**Response: Try to coincide with Denver school district but there are areas beyond the local Denver area.**

**Response/OASAM Bryan: The Regional Council is making the announcement as soon as possible. There are problems with the process especially if you’re commuting early.**

**Response:** We are aware but we are attempting to make changes.

# Office of Workers’ Compensation – Dallas

1. New hire orientation: District NCFLL stewards are not provided 15 minutes to address new employees. The NCFLL is not officially advised of new hire or transfer employee start date. During new hire orientation and/or training the union is requesting to address new employees and/or transfer employees directly.

**Response: Few formal orientation sessions. The way the process is done they are trickle in one or two at a time.**

Brent Reed: He has been able to get a few moments.

Sa’Mecha: Haven’t seen any new hire orientation discussion time made available to the union.

1. What are the forecasted hiring efforts for FY 2015? Many BUEs within the workforce are eligible to retire within 2-5 years. What is the projected contingency plan? Also, we are losing employees during the probation period, within the past 3-4 months Dallas experienced a loss of three new claims examiners, what, if any, retention efforts are being implemented?

**N/A discussed**

1. Are additional career ladder promotions available for the support staff, via support staff cross training and leadership programs?

**Response:** No career ladder promotions for support staff; cross training was discussed with Sa’Mecha Echols. Bottom line there has to be inventive

**Response OSAM Bryan**: If you cross train BUEs may think they are being given extra work.

1. How many Rehabilitation Specialist (RS) are assigned to the Dallas District office? How many certified Rehabilitation Counselor (RC) are assigned to the Dallas District office?

**Response:** We have RS 2; RC 7 in Dallas and La, 25 Texas, 4 OK they are all contract positions.

1. Are “on the spot” awards available for exemplary service, or action; example if the employee receives a written or verbal commendation.

**Response:** Yes….time off awards. Across the region 15 -20 approved within the last 30 days (mostly 1; some 2 days); Employees have advised employees that they are receiving time off award.

**Response OSAM Bryan**: Supervisor talk to employees about 1 year to use

1. Is there a management trainee program, for upper level management opportunities? What promotion potential is available on the Regional level?

**Response:** All training is under review by Vince Alforize

1. Please discuss management’s collective, not individual, issues with expanding telework.

**Response: If there is a concern with the employee being off work the day after the telework day. Part of it is the electronic signatures. How do we get information to the public? If we can get that solved, electronic signatures.**

Transmitted immediately

Robert Williams: Is it we have purchased the technology to do that

**Response: There is disagreement with the level of technology need to have it done**

1. Who is responsible for tracking computer downtime and outages with comparison to loss production hours?

**Response:**  **IT tracks IT downtime, management is not tracking the time frame.**

1. Discuss managements consideration of BUEs Performance Management Plan (Adjudication CE Element 1; Element 2, Element 3, Element 3 Sub element 1, 2, &3; Element 4 Sub-element 1, 2, 3, 4, & 5; Element 5 QCM CE Element 1; Element 2, Element 3; Element 4 Sub-element 2 & 5; Element 5) with the astronomical amount of loss production time caused by the following:
2. computer down time, due to the Windows 7 Migration, March 7 - 21
3. countless system upgrades and outages, principally prior to and during the Cloud Migration and Windows 7 Migration
4. lack of application upgrades, i.e. outdated Internet Explorer, Java disturbed BUEs during completion of the mandatory Information Systems Security and Privacy Awareness Security 2014 training found in Learning Links
5. lack of operable printers caused by outdated hardware (some printer routers are held together by rubber bands) printer ink. Please note at this time there are only two operable printers in Room 100, this currently hinders production for approximately 40 – 55 BUEs who print an average of 10 to 25+ a time sensitive documents day

**Response: Not able to replace a printer; there will be large scale printer**

1. the amount of cases assigned to BUEs and managements case shifting (transitional periods encountered 10.09.2013, 11.07.2013, 01.13.2014, 05.05.2014, 06.04.2014 07.21.2014 & 09.03.2014. Discuss the “ideal” number block for each BUE, considering current staff and not future staff projections. Please provide a list to all claims examiner of the cases assigned to them, active cases and dormant cases.

**Response: There has only been one major transitional period and only small transitional employees. The consideration is given to the case file and to the BUEs with respect to the timeliness issues. Situations with transitions will be considered via the timeliness. The mess left by one individual will be considered for future concurrence.**

Brent Reed: What is the ideal number block? The current case load is a 77 number block; we would like to see the ideal number block. We believe the ideal number block is 50; Jacksonville has a case load of 12 – 13 number block; but Jacksonville works cases from beginning to the end.

**Response:** **There is some reconstructions coming about**

**Response/ OASAM Bryan: Let us know if we can assist**

1. Please discuss claimant and/or representative walk-ins influences on loss production time. If the central mail room scans in documents what is the purpose of walk-ins?

**Response: Walk-ins we will still have them in the Dallas office. And yes most of the documentations are scanned. Walk-ins will be accepted**

1. OWCP Procedure Manual, Part 4 Chapter 4-0300 states, *Regular accountability reviews provide national, regional, and district office management with an objective analysis of operations and the information they need to measure performance and eliminate potential problem areas. Each program has quantitative standards and qualitative standards that ensure that each office within a program is reviewed on the same basic criteria. Qualitative standards are usually tied to specific written procedures.* BUEs Performance Management Plan emphasizes quantitative standards, rather than qualitative standards. Accountability Review, Guidance of the Timeliness Standards, recognizes that not all actions of the same category can be completed within the same timeframe. Considering, the Accountability Review findings of 2010, 2011, 2012, and 2013, is it safe to assume the over focusing of timeliness is the root cause of the District’s continued Accountability Review failure?

**Response: It is not the only measure but it is the piece of the puzzle we have to review. Every AR has been challenged by the DD’s the cases they select the conclusion is different from what the CE has found. In the end the back and forth makes everyone think about the issues. There is a focus on both timeliness and quality.**

1. Please provide the maximum and minimum error rate associated with the case sample size utilized for BUEs performance measurements. Also, please describe the method of random case sample selection and selection size used to measure BUEs performance.

**Response: There is no max/min error rate. The sample selection and size. We should take more samples to determine the error rate. Pushing for larger sample size, TQN is it located in that one area and not the true sample size.**

**Response/ OASAM Bryan:** Article 43 Section 7; Supervisors have to consider the certain circumstances

# Employment & Training Administration (ETA) – OA ALL AGENCIES

|  |  |
| --- | --- |
| Jeff Darby | Robert Williams |
| Dyan Hutchins | Cosme Gutierrez |
| OASAM Chris | Sa’Mecha Echols |
| Richard Smith | Union Chris |
|  | Sandra Boudloche |

1. What are your agency’s new hire FTE projections? If your agency is hiring, how many, what grade(s) and position(s)? Best case scenario, how feasible is your hiring projection? Worst case scenario, how feasible is your hiring projection?

**Response: FY 2015 – I don’t know.**

Robert Williams: Are you currently below your ceiling?

**Response: It shifts and is adjusted by notification of national; was approved for the Houston position; no expected staff increase if the direction changes national will advise him; will find out about 30 days**

Robert Williams: Was a position posted for Houston?

**Response:**  **yes posted; used merit staffing and delegated; normally post inside and outside**

1. Please provide the NCFLL a copy of your agency's social media policy that applies to your bargaining unit employees whether they are on or off duty (if any).
	1. If there is one, please tell the NCFLL if this policy is national, regional, or local.
	2. How has this policy been implemented, how are BUEs advised of the policy?
	3. How are said social media activities monitored? Have there been any violations committed by BUEs, if yes how were they handled?
	4. How does your agency’s social media policy manage DOL’s social media outlets such as Yammer, Secretary Perez’s Twitter, Blog and Facebook?

**Response: Only in the state directors call in posted on the intranet and it was sent to all employees in an email; copy provided**

1. Is your agency actively participating in DOL’s Repository of Opportunities – Assignments and Details (ROAD)? If no, are there future plans to do so?

**Response: Yes at the national level there are positions posted on there now. 4 special assistances; there are not housed here and there is not anticipation of it being handled in the regional office**

1. Discuss how your agency notifies the NCFLL of formal discussions i.e. all employee (BUEs) meetings, including the method and timeframe given to respond to such notification.

**Response: Through Chris or Tom; there are not a lot of all staff meetings a lot of the information is on webinar and most of it is at a higher level and trickles down;**

1. Describe your DOL bargaining unit candidate hiring process.

**Response: All available**

1. Provide your agency’s policy regarding hours of work and BUEs request for Variable Week, Compressed Work Schedule and Flex Time (split shifts).

**Response: Employee sends a request to manager and it’s approved or if the manager can’t approve it send it to the regional and they will decide.**

**This is for Dallas and Denver most employees work variable week**

1. Please discuss your agency’s office dress code policy. NCFLL ask that management communicates the dress code policy or lack thereof to all staff members for consistency.

**Response: No formal dress; expect employees to dress appropriately for the occasion**

Robert Williams: Any issue?

**Response:**  **no issues**

**Response OASAM Chris**: **Can you define appropriately**

**Response**: **The situation or where you are going depends on what your attire is associated with**

# Employment & Training Administration (ETA) - OA

1. The OA Texas State Director position (GS-14) was recently filled by transferring a GS-13 from Arkansas. Other OA State Directors have commented to the Union about this and would like to know why this position was not filled competitively. High grade positions within OA do not open often and qualified applicants are passed over when these positions are filled administratively without a fair competition open to all. Please discuss.

**Response**: **Filled through appointing authority (schedule A) disabled**

1. In remote OA locations there is no designated DOL official to make inclement weather closure decisions. In the case of cities like Pierre, SD and Cheyenne, WY that official is in sunny Dallas TX where it usually doesn’t snow 11 inches overnight in May. Lacking a local DOL official to make the closure call we would like a directive to follow for closures. Benchmarks could be school, state or local government closures. Please discuss.

**Response**: **There is an emergency dismissal coordinator assigned and only in Pierre is it not one; the office contacts him direct and he makes a decision based on the information available to him**

**Response OSAM Chris:** Has there been any issues in the past?

**Response**: **No**

**Response OSAM Chris:** **Has an employee contacted you and requested leave during inclement weather?**

**Response**: **No**

Robert Williams: Was there inclement weather when you turned down? The example given?

**Response**: **I am not sure of the reason but child day care closing is not an inclement weather issue**

Robert Williams: We need a benchmark for this

**Response:** I would be open to a benchmark it would keep me from having to make that decision

Robert Williams: Are all your employees on a telework agreement?

**Response:** **Yes**

**Response OASAM Chris: how often do you get out to these remote cities?**

**Response:** Not often. Maybe about 2 or 3 years; North Dakota – not often; why he doesn’t travel; limited travel budget and he gives the travel money to the employees to handle their travel needs

**Response OASAM Chris:** **Video conference or webinar**

**Response: Not often; only webinar is national level; I would like to meet with the employees more often but the budget is too restrictive**

**Response OASAM Chris:** Furloughs?

**Response:**  **Yes we had furloughs and 16 hours shut down**

# Employment & Training Administration (ETA) – Mainline ALL AGENCIES

|  |  |
| --- | --- |
| Nick | Robert Williams |
| Greg Program Manager | Cosme Gutierrez |
| Jeff Darby | Sa’Mecha Echols |
| Dyan Hutchins | Union Chris |
| OASAM Chris | Frank Program Manager |
| Richard Smith | Sandra Boudloche |

1. What are your agency’s new hire FTE projections? If your agency is hiring, how many, what grade(s) and position(s)? Best case scenario, how feasible is your hiring projection? Worst case scenario, how feasible is your hiring projection?

**Response:**  **Ceiling of BUEs – 44 (43 is on staff)**

**Openings – 1 internal opening (closes tonight at midnight); maybe a position coming in Greg’s office which would put the office at the limit**

**Announcement –1 internal opening (closes tonight at midnight); gs-14 position**

**Timeframe – stay at the levels approved at last FY year; right at ceiling**

**Did quite a bit of internal promotions and hired 3 outside; brought on a new hire through scholars program**

Robert Williams: Any potential for career 11 or career 12 opportunity’s for promotion?

**Response:**  Nick we follow the process

1. Please provide the NCFLL a copy of your agency's social media policy that applies to your bargaining unit employees whether they are on or off duty (if any).
	1. If there is one, please tell the NCFLL if this policy is national, regional, or local.
	2. How has this policy been implemented, how are BUEs advised of the policy?
	3. How are said social media activities monitored? Have there been any violations committed by BUEs, if yes how were they handled?
	4. How does your agency’s social media policy manage DOL’s social media outlets such as Yammer, Secretary Perez’s Twitter, Blog and Facebook?

**Response:**  **No concerns and ETA follows the guide posted on the intranet posted by SOL; most employees stay away from any issues on the office. Think we should advised employees directly and a little outreach to make sure everyone is aware of it (handle during the all employee meeting); include hatch act**

Dyan Hutchins: Example of well-meaning individual

1. Is your agency actively participating in DOL’s Repository of Opportunities – Assignments and Details (ROAD)? If no, are there future plans to do so?

**Response:**  **Wants to participate with the program; was involved with the development; have two employees in the eta emerging leaders program; wants to participate in the opportunities. Yes will be taking advantage of this program.**

**Robert worked will with us last year on training dollars and we want to share**

1. Discuss how your agency notifies the NCFLL of formal discussions i.e. all employee (BUEs) meetings, including the method and timeframe given to respond to such notification.

**Response:**  **Normal process notify Robert and LMR rep in OASAM**

1. Describe your DOL bargaining unit candidate hiring process.

See above

1. Provide your agency’s policy regarding hours of work and BUEs request for Variable Week, Compressed Work Schedule and Flex Time (split shifts).

**Response:**  **Not aware of any request to change any schedule; employee speaks with the first line supervisor**

1. Please discuss your agency’s office dress code policy. NCFLL ask that management communicates the dress code policy or lack thereof to all staff members for consistency.

**Response:**  **No dress code policy. There have been no concerns with attire. Staff has been very professional.**

# Employment & Training Administration (ETA) – Mainline

1. For tele-work what is the policy on office coverage? Does any unit in ETA require certain employees to be in the office before others can tele-work?

**Response:**  **No there are no functions and office coverage for requirements that hinder tele-work; this is an issue for an AdHoc if there is a situation Nick request his managers to explain this information.**

Robert Williams: we had this discussion previously and since the discussion as not been an issue.

# Office of Administration Law Judge (ALJ) ALL AGENCIES

|  |  |
| --- | --- |
| PJ Soto | Robert Williams |
| Ano Hill Perez | Cosme Gutierrez |
| Jeff Darby | Sa’Mecha Echols |
| Dyan Hutchins | Union Chris Mathewson |
| OASAM Chris Jones | Russell – Regional Operations Officer |
| Richard Smith | Sandra Boudloche |
| Karen Putman |  |

**AGENCY Update Chief Judge retiring at the end of this week.**

1. What are your agency’s new hire FTE projections? If your agency is hiring, how many, what grade(s) and position(s)? Best case scenario, how feasible is your hiring projection? Worst case scenario, how feasible is your hiring projection?

**Response:**  **Covington – hiring for 2 Legal Assist 7/8; no decision yet; BUE all other positions have been filled; vacant judge slot (BUE support) est. budget does not allow for filling this now.**

**OPM Phased Retirement: aware but not sure what the agency plans to complete as of yet.**

Jeff Darby: The council has asked for bargaining

1. Please provide the NCFLL a copy of your agency's social media policy that applies to your bargaining unit employees whether they are on or off duty (if any). If there is one, please tell the NCFLL if this policy is national, regional, or local. How has this policy been implemented, how are BUEs advised of the policy? How are said social media activities monitored? Have there been any violations committed by BUEs, if yes how were they handled? How does your agency’s social media policy manage DOL’s social media outlets such as Yammer, Secretary Perez’s Twitter, Blog and Facebook?

**Response:**  **There is no social media policy at the agency level. Does not use social media as part of the work requirements; employees can use Yammer if they choice to but not part of the job**

1. Is your agency actively participating in DOL’s Repository of Opportunities – Assignments and Details (ROAD)? If no, are there future plans to do so?

**Response:**  **Participating at the national office level; where there are more administrative positions; at Covington there is not a lot of participation. The first time the advertised did not receive any one qualified.**

Robert Williams: local participation?

**Response:**  **No**

1. Discuss how your agency notifies the NCFLL of formal discussions i.e. all employee (BUEs) meetings, including the method and timeframe given to respond to such notification.

**Response:**  The Covington district office advises OSAM and they notify the union

1. Describe your DOL bargaining unit candidate hiring process.

**Response:**  **Merit Staffing and delegated examining**

1. Provide your agency’s policy regarding hours of work and BUEs request for Variable Week, Compressed Work Schedule and Flex Time (split shifts).

**Response:**  **Covington allows the employees to participate in the variable work week or compressed work schedule. The BUE emails the manager and the time keepers retain information and updates WebTa with the change. The employees are not required to complete the process. This tends to be an issue with new hires. Because of the limitations on WebTa.**

Jeff Darby: variable week has been the default schedule. Does the individual agency have to schedule the default?

**Response:**  **For new hires I have found that it does require the WebTa change.**

Jeff Darby: it’s a default schedule, so I am concerned with the approval

**Response:**  **It is a default schedule but during the new hires training the employees request a schedule and then it’s approved by the supervisor and add to the schedule.**

Jeff Darby: we want to insure the words we are using are matching the contract

**Response:**  **The approval for our office we use an approval process to verify the timekeeper and supervisor is aware and know what type of work schedule to utilize**

Jeff Darby: How about acknowledgement, notification

**Response:**  **We can look into that. That’s a good suggestion we will discuss that**

1. Please discuss your agency’s office dress code policy. NCFLL ask that management communicates the dress code policy or lack thereof to all staff members for consistency.

**Response: No dress code policy**

1. In ALJ some individuals are receiving preferential management practices and/or treatment. These practices include actions taken by management designed to give preference in promotion to a predetermined individual as such assigning an employee special assignments to more difficult duties with the intent of training them for higher grade work. This is happening in the series of Legal Assistant – Paralegal Specialist (GS-0905).

**Response:**  **There are no specific and we need to know what kind of the work assignment how did it happen and we need examples. If we are going to have a discussion we need something more specific and tangible.**

Williams: As far as you know there is no preferential treatment?

**Response:**  **There is no preferential treatment; everyone is asked the same questions for promotions and more specific information is required for us discuss.**

# Office of Federal Contract Compliance Programs (OFCCP) – Dallas District Office ALL AGENCIES

|  |  |
| --- | --- |
| Melissa Spear (Regional Director) | Robert Williams |
| Antonio Mendez (Director of Support) | Cosme Gutierrez |
| Jeff Darby | Sa’Mecha Echols |
| Dyan Hutchins | Union Chris Mathewson |
| OASAM Chris Jones | Russell – Regional Operations Officer |
| Richard Smith | Sandra Boudloche |

1. What are your agency’s new hire FTE projections? If your agency is hiring, how many, what grade(s) and position(s)? Best case scenario, how feasible is your hiring projection? Worst case scenario, how feasible is your hiring projection? Ceiling of FTEs?

**Response:**  **No projected openings; 10-14 under FTE; 80 on board; ceiling low 90’s; had two buy outs and attrition; Filing some crucial management positions 1 or 2**

Robert Williams: Petition to DC for these positions

**Response:**  **No we are appropriated funds and we are 80 people. As far as I know we are good with budget but no projections**

1. Please provide the NCFLL a copy of your agency's social media policy that applies to your bargaining unit employees whether they are on or off duty (if any).
	1. If there is one, please tell the NCFLL if this policy is national, regional, or local.
	2. How has this policy been implemented, how are BUEs advised of the policy?
	3. How are said social media activities monitored? Have there been any violations committed by BUEs, if yes how were they handled?
	4. How does your agency’s social media policy manage DOL’s social media outlets such as Yammer, Secretary Perez’s Twitter, Blog and Facebook?

**Response:**  **Following the DOL social media policy; no problems with social media; there have been several people on board’s we are reviewing their bio’s to make sure they are not using the DOL title in representing**

**I have not shared the policy but during our meetings we will be sharing the policy to the BUEs**

**Remind the BUEs of the responsibility of the social media; will discuss the hatch act as well**

1. Is your agency actively participating in DOL’s Repository of Opportunities – Assignments and Details (ROAD)? If no, are there future plans to do so?

**Response:**  **National office and Atlanta regional office will be posting some. Considering training for liaison and allow them to rotate for assist district director; will have the opportunity to gain experience in order to further their career efforts. Opportunities to rotate into management positions**

1. Discuss how your agency notifies the NCFLL of formal discussions i.e. all employee (BUEs) meetings, including the method and timeframe given to respond to such notification.

**Response:**  **Notify upper management to advise OASAM for union notification; there are not many all employee staff meeting. but state of the swarm regional meetings**

Jeff Darby: We do need to know of these kinds of meetings; via Jose

**Response:**  **Will do**

Williams: We would like to be notified if there is training for issues like harassment in your workplace

**Response:**  We have webinar provided by OASAM

1. Describe your DOL bargaining unit candidate hiring process.

**Response:**  **If we were filling compliance officers/investigators (grades 5-9); we would use schedule a and delegates and all the others offered by OASAM**

1. Provide your agency’s policy regarding hours of work and BUEs request for Variable Week, Compressed Work Schedule and Flex Time (split shifts).

**Response:**  **Most of the people in our office use variable week; employees use compressed and flex schedule**

**The issue of working over 8 hours have been taken care of and as far as she knows there has been no additional concerns**

1. Please discuss your agency’s office dress code policy. NCFLL ask that management communicates the dress code policy or lack thereof to all staff members for consistency.

**Response:**  **No dress code policy; must dress appropriate for the situation; causal for the office; never had that situation**

Chris: **W**hat’s a non-appropriate example

**Response:**  **Low cut blouse with short skirts may be inappropriate**

# Office of Federal Contract Compliance Programs (OFCCP) – Dallas District Office

1. Does management have to approve a leave request before it is taken or have a certain time period to do so whether the leave has been already taken or not? There has been many times where a leave request has not been approved until few days or week after it has been taken.

**Response: They have been waiting to the Thursday before close out; it’s a system issue they can approve leave and reopens the time sheet;**

Jeff Darby: How do you do leave request

**Response:**  **Request WebTa but any way they wish (email; paper leave request)**

**It depends on the particular situation because the manger has been notified the employee will be making changes; it’s a WebTa issue. WebTa will reopen the timesheet if the leave is approved /validated; we will verbally or email the approval of the leave; advised if they put a request in far in advance and they have lose or use first; the plan is when the first person buts in there use or lose; we solicit the leave from everyone and sometimes it’s based on seniority**

Robert Williams: Do you approve all leave?

**Response: No I do not. The regional office has to be aware of anything over 3 weeks and we also have to approve any advanced sick leave**

Robert Williams: Article 36-Sections 1- Annual leave is a right of the employee and not a privilege. Consistent with the needs of the Department, annual leave which is requested in advance will be approved. It will be the joint responsibility of both the employee and supervisor to schedule annual leave. Management will act on all requests for annual leave in a timely manner, and the approval or denial of such leave will be made as soon as possible. Approvals of leave requests in a timely manner benefit both employees and management. Leave requests that require an expedited response should be given priority attention by the supervisor. In the event an employee’s leave is denied, the supervisor will give an explanation to the employee for such denial. If any employee has a projected use or lose annual leave balance after Labor Day, the employee and the supervisor will discuss the use of leave to prevent the unintended loss of annual leave at the end of the year.

**Response**: **Yes, but we have had to tell someone they couldn’t have the day due to coverage for the day after Thanksgiving. But the management is the person who usually is there and sometimes with a BUE.**

1. EEO information in the Dallas District Office break room is not updated. It was discussed before that it would be updated; however, nothing has been done.

**Response: Region and District corrected today and yesterday.**

Chris (Union): Have employees been updated?

**Response**: **We can discuss during “State of Swarm” staff meeting or send an email**

1. Compliance Officers are not getting similar assignments and duties. There are compliance officers who are considered "specialized" in certain types of cases. Also, certain compliance officers are given more opportunities to travel than others. Many times assignments that require travel an employee can earn many credit hours and collect per diem.

**Response: Are there any examples of this because upward mobility for a compliance officer is Liaison or District Director? The only issue management can think of would be the employees who are bilingual only; PD requirement**

Robert Williams: We can discuss this during the staff meeting.

**Response:** **There are many Compliance Officers with the bilingual skills**. **Can we get some specifics?**

Robert Williams: No we cannot get to specific but we need sites of where this is occurring. We can ask Jose to provide additional information in Houston for basic requirement.

1. Compliance Officers have to consistently provide reminders (verbal/email) to management to respond on case issues in order to move forward.

**Response: We do a lot of desk audits that does not end in decimation; typically they all close the 3rd month in the quarter/ do they want more information about case closure**

Robert Williams: It sounds like a communication issue. Please disseminate

**Response:** **We can do that**

Jeff Darby: We think it could be a both ways.

**Response:** **It is not reflected in appraisal – work management element**

Sandra Boudloche: Is there a generational issue

**Response**/Jeff Darby: No it’s a mixture of diverse people

1. We are spending more time on training our supervisor and advising our supervisor in order to do their job to provide guidance to us. How can a supervisor rate on performance when he/she is not experienced on particular areas themselves?

**Response: They are all in the same boat; there are new 2 regulations; policy changed; the new compliance manual (Aug. 2012) has changed; the process has completely changed the only one that has not changed is the executive order; however, it may be changing; constructions regulations are changing; there was front line supervisor training at the end of September; it was mandatory training for about 12 weeks one day a week; management and BUEs; only exception administrative**

**It’s becoming very statistical; the fundamentals of discrimination have not changed but the way to complete it has changed**

Chris (Union): How often do you go to the District Office?

**Response:** **Visit each office every other quarter and I was in Denver earlier this year and Houston in September**

# Employee Benefits Security Administration (EBSA) ALL AGENCIES

|  |  |
| --- | --- |
| Debra Perry – Deputy Director EBSA | Robert Williams |
|  | Cosme Gutierrez |
| Jeff Darby | Sa’Mecha Echols |
| Dyan Hutchins | Union Chris Mathewson |
| OASAM Chris Jones | Russell – Regional Operations Officer |
| Richard Smith | Sandra Boudloche |

1. NCFLL request that retirement benefits training is treated as mandatory training; some employees outside of the Dallas area are not aware of the training and that they can request agency time to attend.
2. What are your agency’s new hire FTE projections? If your agency is hiring, how many, what grade(s) and position(s)? Best case scenario, how feasible is your hiring projection? Worst case scenario, how feasible is your hiring projection?

**Response: Fully staffed with 68 positions – 1 posting 3 people starting on Monday; there is authority to replace the 1 leaving on Monday.**

Robert Williams: Only one opening, what’s the posting?

**Response: Debra GS-9 auditor**

1. Is your office/agency aware of OPM’s Phased Retirement? Has agency applied to participate in the Phased Retirement program? Will this be only for Management or will BUEs also be included? How will this affect the "high 3" rule? If the phased retirement "program" is initiated for BUEs what are the staffing projections for FY2015 and how will the workload forecast be affected? Please provide your agency’s written guidance on the criteria used to approve or deny phased retirement applications.
2. Please provide the NCFLL a copy of your agency's social media policy that applies to your bargaining unit employees whether they are on or off duty (if any). If there is one, please tell the NCFLL if this policy is national, regional, or local. How has this policy been implemented, how are BUEs advised of the policy?

**Response: Debra provided policy via Social Medial and The Federal Ethics Rules**

1. Is your agency actively participating in DOL’s Repository of Opportunities – Assignments and Details (ROAD)? If no, are there future plans to do so?

**Response: There is a posting currently open; however there have been other positing’s for example, Supervisor 5 month rotation. There is another detail via temporary assignments.**

1. Discuss how your agency notifies the NCFLL of formal discussions i.e. all employee (BUEs) meetings, including the method and timeframe given to respond to such notification.

**Response: Was previously done incorrectly, but have learned. The notification now has to be sent via three contact, LMR. Eliminate the usage of the office stewards**

1. Describe your DOL bargaining unit candidate hiring process.

**Response: Usually the manager or Associate Regional Director who makes the decisions is the interview process since they are the hiring manager. The Director advises as well she may be included in the interview process but more often it is the manager or Associate Regional Director.**

Robert Williams: When hiring those with special skills, Spanish speaking

**Response:** **No**

Jeff Darby: Article 44 section 1 c When Management uses bargaining unit employees’ special skills (such as a second language) that are not already included in his/her official duties, Management should give consideration to rewarding these employees using all available award categories. Manager: We have provided time off awards when the employee utilizes the special skills regarding special events and request.

1. Provide your agency’s policy regarding hours of work and BUEs request for Variable Week, Compressed Work Schedule and Flex Time (split shifts).

**Response: Most employees request flex schedule/but we have had individuals who have requested to change their schedules such as compressed work schedule, 5/4/9. There have been those who ask for it**

1. Booklet copies of the agreement between DOL and NCFLL should provide to each employee, please discuss issuance of the contract to new and transfer employees.
2. Please discuss your agency’s office dress code policy. NCFLL ask that management communicates the dress code policy or lack thereof to all staff members for consistency.

**Response: There is not a dress code policy; but about 12-13 years ago. The practice is business casual Monday –Thursday and Jeans on Friday.**

Jeff Darby: We understand the different practices because of the onsite investigation verses a day when you are just putting together a file in the office. Why aren’t blue jeans allowed?

**Response: We think business casual is the best practice. An exception is the support staff not being in the office or cleaning the office**

Jeff Darby: You have a De Facto policy?

**Response**: **Yes**

Jeff Darby: We have a problem with the de facto policy. Union is saying dress the part. These are professionals.

**Response:** **I don’t think jeans is professional.**

Robert Williams: That’s a dress code.

**Response/OASAM:** **If everyone was as professional as we elude them to be we would be out of the office**

**Response:** **There are people who come into the office**

Jeff Darby: This is where we coming from, DOL does not have a dress code but agencies advised practices, that is dress code policy

**Response/OASAM:** Can we get back to this issue?

Jeff Darby: Yes, it’s called bargaining

1. This is focused on the new 2014 standards. It's believed that there are two conditions to be met by the investigator in Element #3 "Timeliness", which should not be there because the action item to be completed is outside the control of the investigator.
2. Item #2 of this Element is titled "Statute of Limitations" - The last sentence of this item states, "Referrals to the Solicitor’s Office are made at least 6 months prior to the expiration of the statute of limitations date." This action item is outside the control of the investigator. The investigator has control over the submission of the referral to the supervisor, but has no control as to when the referral is submitted to the Solicitor's Office and should be removed from the investigators' performance element.
3. Item #3 of this Element is titled "Overage" - The first sentence of this states, "Unless otherwise agreed to by the supervisor, dispositive action, such as the issuance of the Voluntary Compliance letter, referral to the Solicitor’s Office or Prosecutor, or case closing, should be taken within 12 months of opening a fiduciary case or a conversion of a limited review." Again, dispositive action is outside the control of the investigator; it is strictly a function of management and should be removed from the investigators' performance element.
4. In conclusion, if there are at least two erroneous conditions for the performance evaluation, might there be more? If there are at least two, perhaps these two are enough to cancel the applicability of these performance standards for 2014. With the proven existence of two errors, it certainly puts the notion out there that there more errors could exist in the performance elements, and with the possibility for more errors, just the possibility of more errors should cancel these performance standards for 2014.

**Response:** **National bargaining issues**

1. In reference to training opportunities for the staff - In the past it was well known that the obligation to provide training for staff was solely the requirement of management. Historically, management has pushed these responsibilities onto staff, making it easier for the managers to meet their performance requirements while utilizing the office staff to do their work for them.

**Response:** **Management is concerned about training and national office; NY finical institutions, for quarterly training management puts on ½ the training; each BA group, once a quarter, the group with that manager provides part of the training it is not required. The investigators asked and it’s voluntary that they participate**

Robert Williams: Mandatory?

**Response:** **No it is not**

**In addition, at year-end, in preparation for the POP, management always asks the staff to let them know what kind of training they desire. Instead of solely asking us for what we need, they should know what might be useful and provide a list of the types of training that is available and approved in other regions. Asking us what we want is good, but it should be in addition to what they know is available, useful, and will be paid for.**

**If the employees ask for it we advise, we discuss CEBs which allows for certification. We do ask and try to provide alternative training and many depends on how much money we have**

Robert Williams: The employees want to know and to have information how what’s available.

**Response:** **Email sent soliciting training from everyone that information is gathered and shared correlated with Kim Watkins, training officer.**

**Management, not staff, should also be planning and presenting all four Quarterly meetings that are designated as training.**

Robert Williams: Management, historically, has established a consistent pattern of passing their work responsibilities downhill.

1. It's believed that the point system is totally slanted against the BUE, and its sole purpose is to require the BUE's to turn more cases than to meet POP goals (quality of investigations).

**Response: Negotiated at a national level**

Jeff Darby: Union cannot negotiate the performance standards

**Response: But they are being removed for 2015.**

Jeff Darby: It is much more difficult to close cases now because of additional documents required to prove correction and the lengthy and ambiguous health plan check-sheets that we have not been properly trained to complete. We are judged by the time that we use to close a case. There are people closing ESOP investigations in less than two days, which is, totally impossible if you are actually doing the work to review an ESOP; in addition this skews the average case time down. It's been said that investigators are having to take work home with them and work off the clock to keep up with current point system demands, making those that don't work off the clock appear apathetic to the job. Instead of improving the training received by investigators to keep up with regulatory changes, management requires the investigator to seek out their own training and present it to management for inclusion in the POP. Quarterly training for the most part has been a waste of time, and not very relevant to what the focus should be, which is on health plans, if that is what the agency says is the new priority.

**Response: They should not be doing over hours work. Management is not been informed of this.**

Jeff Darby: There is overt and covert pressure to do more. We preach that BUEs can only work 80 hours per pay period.

Robert Williams: In order to complete the process of obtaining the objectives, people do take work home to achieve the goals

**Response: What is it that you want me to do? If I am not aware and I’ve been told no one is doing it**

Robert Williams: Let’s reinforce the message.

Cosme: We should speak up when we see it occurring and management is aware. It can be identified and we must do something about besides just saying don’t do it

Robert Williams: It’s not an accurate assessment of work or workload due to the undocumented hours. Monthly case reviews are another impediment to production, because we have to stop what we are working on to catch up on our cases for these reviews. It's believed that quarterly reviews are more than sufficient, and maybe that is even too much. The above requirements are not realistic.

**Response: This is not going to change. This is a normal process and allows us remain vigilant**

1. As many of us expressed our concerns, disagreements, and dissatisfaction when we learned of the new point schedule in our new standards for FY 2014, we know that the reasons for our fears are now realized. The National Office has now recognized that this flawed point schedule has pushed the investigators to work less complicated cases ("low-hanging fruit", as I call them) in order to merely meet management's minimum expectations of them. Consequently, the National Office has stated in their POP guidance for FY 2015 that the Agency failed to fulfill its mission in FY 2014.

We investigators did not do this; the National Office did this to themselves by implementing the new point schedule. We tried to tell them that it was not a good idea to implement the new point schedule, but as is typical of their style, they would not listen to us. Not only does the new point schedule reduce the points for the monetary results cases (the "bread and butter" cases), the minimum satisfactory points of 140 requires the investigators to close seven cases at 20 points each, instead of the previous four cases at 25 points. This is an increase from four cases to seven cases, or an increase of 75%! And on top if that, they have the audacity to tell us we will be rated as needs improvement if we are below 140 points. It is unprofessional, insulting, and outrageous!

Since the National Office has recognized during FY 2014 that the new point system in place for FY 2014 will not be used for FY 2014 because it has caused our Agency to fail our mission for FY 2014, it should also be eliminated as a rating tool for FY 2014. No employee should fail or rated as need improvement.

We are constantly being told to do more work because of the increased laws and regulations that are passed and given over to us to administer. Because of these new laws and enforcement requirements, the National Office and Regional Offices come up with all kinds of work products to complete during our investigations, thus taking longer to complete them, thereby closing fewer cases during the year. There are still only 8 work hours in a day, as there were in every previous work year.

Since the investigators are required to do more and earn fewer points for their work, some investigators are taking work home with them over the weekend and in the evenings. For example, last Friday, I was talking with a co-worker, while watching them having difficulty trying to stuff her tiny lap top into their rolling bag or their other audit bag because they had too many work files already stuffed into them. They were not going into the field she was back in the office on Monday.

This has to stop! Management has chosen to ignore it because they get more closed cases that way. It is illegal. It is a violation of the Fair Labor Standards Act. How I know that management knows it is going on is that they approve work items on EMS that have submission dates that are weekend dates. And, those managers that have been ignoring it should be, minimally, reprimanded. There are very serious consequences to violate the Fair Labor Standards Act, including fines and termination. It is not only unfair for those investigators who feel forced to work this way in order to meet the new standards, it is also unfair for those investigators that choose to not work at home off the clock because they are oftentimes criticized for not completing as much work as those that are working at home.

1. The Department of Labor does not have such a thing called "dress code", so why is management in the Dallas Regional office trying to enforce one? We are only allowed to wear jeans on Friday, and if we meet certain office goals (i.e. reaching a certain % rate for completing questionnaires, etc...).
2. Please discuss how the agency promotes and implements workplace fitness.

**Response:** Participate in paying the gym; subside to work a bike

Robert Williams: Does the agency do any promotion with workplace fitness.

**Response:** We send out information about flu shots and health (FOH Nurse Visit)

Robert Williams: Ebola information sent

**Response:** **Yes, CDC fact sheet**

1. Please discuss how the agency is becoming more of an automated office (E-claims, e-files, etc...).

**Response**: **TAIS (technical assistance inquiry system) was advanced in the automation process. Added another tab that added load, email documents**

**Investigators systems are being provided to improve the abilities to load from the l drive and uploaded or electronically into OTIS. OTIS is working on some different software that allows for automation and less visual/manual documents**

Robert Williams: Is this improving the work times?

**Response:** **I think it does allow for more work time directly to the case instead of relying on paper so much**

1. This is referencing the Enforcement Program Operating Plan Guidance for Fiscal Year 2015:
2. Agency Performance Measures and Performance Indicators
3. Introduction - Based on its analysis, the Agency has concluded that existing performance metrics-specifically measures based on the raw number of civil cases processed have had a detrimental impact on ERISA enforcement.

Concern: New performance metrics were implemented effective FY 2014 requiring EBSA investigators to close a significantly larger number of cases per year. Since the performance metrics have been considered “detrimental”, will investigators be held accountable to meet this requirement?

**Response:** **Removal due to FY 2014 grievance and FY 2015 removal of the points system**

1. FY 2015 Performance Measurement one - Major Case Time - EBSA needs to increase the skills of its field investigators to conduct complex, financial, and resource intensive driven cases.

Concern: Any training involving complex, financial, and resources intensive driven cases needs to be provided by individuals familiar with the procedures of EBSA investigations. While it may be helpful to receive information from specialists in the market place, it is most important that the trainer be able to relate where the information needs to be coming from, how to interpret the findings and relate them to possible violations of ERISA.

**Response:** **Training is available. Maybe it was not completed in the front or provided correctly**

Robert Williams: If someone ask for additional or specific training will you be respective to this request

**Response: Additional training is being provided as soon as possible. Because there is so many changes and for example outside trainers of affordable health care plan.**

Robert Williams: Can this training be provided by someone familiar with the program?

**Response:** **If it is possible**

 b. Planning the Enforcement Program

 i. Major Case Enforcement Program

To assist in conducting focused investigations, the following items will be implemented in FY 2015:

Investigative Plans: be required to upload an investigative plan in EMS within 30 days of designation. The investigative plan shall be an adaptable document that is modified and updated as the investigation progresses.

Concern: Investigations sometimes move fast and at times they are at a standstill. It is very time consuming for investigators to be constantly completing reports, Investigative plans, monthly and quarterly summaries for managers on the status of each case. The investigative Plan has previously been a requirement for some supervisors on other types of cases. This requirement has proven to be redundant and just another Form requirement which was copied with the same information and attached to each case. It is the investigator’s job to manage case based on their education and experience. However, in the last few years, more time is spent responding to agency questions than working cases. It seems cases are just worked and then pass on to be reworked again through every step of this agency. It is exhausting trying to get anything resolved.

**Response:** **On major case there has to be an investigative plan. As you go along you will have to adjust the investigative plan. This week they are testing the PDF to windows to assist in streamlining this process**

Jeff Darby: Looking at the questions and the next question it looks like there is micro management

**Response:** **We only have 8-12% of major cases and cases in litigation that are reviewed by National Office.**

Jeff Darby: It looks like the responsibility to do everything right is left on the investigator

**Response: It’s usually a sentence or two with the summary of the case file**

1. We have too many levels of review for all of our work submitted; three levels here, and then, finally, by the National Office. These many levels of review cause the progression of our work to get bogged down, resulting in fewer cases closed and fewer other work products, such as VC Letters and referrals. In addition, the submitted work at the investigative level is returned too many times, at any or all three of these levels of review.

One review or touch (but no more than two touches) and the work moves forward. Each review level requires the need for the reviewer to understand the work before the work can be reviewed and approved and that causes delay as well.

1. We are tired of hearing senior level management tell us that we are not allowed to have access to the building Mon thru Fri before 6am or after 7pm - or anytime on the weekends because they think we may decide to work during those hours. Why does lower level management have access to the building during those hours? Are they not held to the same DOL standards? Senior level management needs to understand this thing called, "the honor system." There have been a number of incidents where individuals have left their cell phone(s), key(s), or other personal belongings and were denied access into the building at those times. It seems crazy that we can be trusted with badges, computers, etc... , but we are not allowed to enter the building to retrieve keys or a phone outside of "set hours". In most cases, an individual's cell phone may be the only phone they have. So, if they live alone or their car breaks down, how do they call the police or 911?

**Response:** **Why do they need it? There is a process for this, the guards can let them in the building to pick up anything they left**

Jeff Darby: There are instances that occurred, where they are traveling on a Monday morning and need a case file cannot come by and pick up a document

Robert Williams: why is this is an issue? Do you just not want them back in the office?

**Response:** **No I don’t. There are senior level employees who will come into the office and go through people’s stuff and what not.**

# Office of the Assistant Secretary for Administration and Management (OASAM)

|  |  |
| --- | --- |
| Kelly Petti | Robert Williams |
| Jean | Cosme Gutierrez |
| Jeff Darby | Sa’Mecha Echols |
| Dyan Hutchison | Chris - union |
|  |  |

1. The Denver Federal Safety and Health Council meet quarterly and as far as we can tell no DOL managers or employees attend the meetings. Why is attendance not being supported by DOL managers in Denver and other metropolitan areas? Please discuss.

**Response:** **The Denver area is divided into two areas. Each area may receive different instructions for the various areas. OASAM Regional Administrator makes the call. But, a designated office official now makes the call, John Ringwater or Janay Remy.**

**Instructional memos are posted on Labor Net.**

1. Sometimes inclement weather closures or delays are announced as late as 6:00, the beginning of core hours. This is extremely inconvenient for those workers whose work shift starts at 6:00 and may not get the notice until an hour after their vanpool, carpool or personal commute starts. With the sophisticated weather forecasting we have today why are DOL officials waiting so late to make closure or delay decisions? Please discuss.

Chris Union: When does the weather line get updated?

**Response: The line is updated as early as possible. Employees have the option of requesting leave. If an employee works an early schedule it is suggested the employee doesn’t set out until a decision is made.**

Chris Union: Some people have an hour commute and they want to come to work.

**Response: The decision is made as early as possible.**

Chris Union: Is there a written protocol?

**Response: Instructional memos are posted on Labor Net. Kelly just signed a new one yesterday**

Chris Union: Can we get a copy

Robert Williams: When will the new one go out?

**Response: As soon as it’s posted on Labor Net, which is as soon as possible.**

Robert Williams: So, in essence we hear you saying, sit tight until word is given.

 **Response: There will be times when it is too dangerous for an employee to come into the office. It is at this time the employee needs to telework, utilize liberal leave and/or credit time.**

Robert Williams: If the situation is worse enough shouldn’t administrative leave be given to the employees on a case by case basis.

**Response: People should be aware of their safety**

Jeff Darby: If you are discussing the area around the building, what is the circumference of said area?

**Response: The community area.**

Dyan Hutchison: People may be directed to come to work regardless and they are also may be threaten with AWOL.

**Response: Report any behavior that differs**

Jeff Darby: In this office no issues. But, New Mexico, Oklahoma City, and Little Rock issues are arising due to icy conditions every winter.

1. In many remote DOL locations there is no designated DOL official to make inclement weather closure decisions. In the case of cities like Pierre, SD and Cheyenne, WY that official is in sunny Dallas TX where it usually doesn’t snow 11 inches overnight in May. Lacking a local DOL official to make the closure call we would like a directive to follow for closures. Benchmarks could be school, state or local government closures. Please discuss.

**Response: I am aware of the Question 3; but it has to be addressed directly with the agency, it does not fit into the overall plan. But one agency changing is no issue.**

Jeff Darby: Steve will not work with us on this issue. This is the fifth year, SD and WY, has had this issue. If the state agency is shut down for the day then the federal agency should not second guess that decision.

**Response: That situation has to be addressed with the agency.**

1. OASAM Memo “Department of Labor Emergency Advisory Plan Outside Dallas/Ft. Worth and Denver” dated 10.30.13 specifies the OSHA Area Director in every OSHA Region 6 office location as the designated official to make weather closure decisions. The list does not list one OSHA Area office in OSHA Region 8 leaving all of Montana, North Dakota, South Dakota or Wyoming without a designated official. We would like to see the OSHA ADs in Billings MT and Bismarck ND designated into this role. Please discuss.

**Response: There is no one designated employee in the area. There are multiple POCs. They tend to deal with their weather issues primarily via OSAH and if it’s not working a designee is needed, if something is working, when we combined will leave alone.**

Jeff Darby: OASAM is the spokes agency for the department as pertains to the contract. OASAM enacts the one contract; covered by page 110-112 of the contract. We understand OPM wants less government shutdowns; but the person making the decision needs to have one policy because there is one contract.

**Response: For the cities that have been named we will look at the old Denver Region, outside of Denver, such as SD, ND, WY, MT. Will speak with Greg Baster and ask is it to have a designated weather officials as we have here is Dallas.**

Chris Union: Greg Baster has been gone for quite a while

**Response: They are good at providing coverage.**

Chris Union: Do you know when a decision is made?

**Response: The emergency official post it as soon as possible.**

Chris Union: What happens if employees don’t have leave for flexibility?

**Response: There is flexibility with in the policy.**

Jeff Darby: Lets have consistency, there is one policy now and 15 other weather policy.

**Response: There is only one policy**

Jeff Darby: Let’s get the Area Directors involved who are closer to the scene

**Response: What I am proposing is to discuss this with Greg Baster and suggest we complete like Dallas.**

1. Personnel action reports have not been provided to the Union for months. What is the status and when can we expect to again receive them? Please discuss.

**Response: National office – we haven’t received them since the transition to HR Connects**

Jeff Darby: National office has been advised; BUEs records retention training

Chris Union: Transparency of records is needed

**Response: It just a reporting issue, there are missing reports.**

Robert Williams: What is the time frame for correction of this issue?

**Response: Defer to the national office.**

# Office of the Assistant Secretary for Administration and Management (OASAM) ALL AGENCIES

\*Questions #1, 3, 9 and 11 was stricken from the record. These questions were deemed National Labor Management Labor. However, during the course of discussion question #11 was answered by OASAM.

1. NCFLL request that retirement benefits training is treated as mandatory training; some employees outside of the Dallas area are not aware of the training and that they can request agency time to attend.

**Response: A decision has not been made at this level; your interest has been noted; send notification through the appropriate AO. On-sight training is available in Dallas and Denver. Remote locations can utilize WebEx**

Robert Williams: Email notifications only reach the Regional Office and not the Field Offices.

Jeff Darby: The Field Offices are being left out.

**Response: Will discuss with Deonta; some training is not applicable to everyone but will send a boarder distribution**

Cosme Gutierrez: Is there a certain number of employees required to justify a trainer coming out to a remote location?

Dyan Hutchins: How many is enough for in-person retirement benefits training?

**Response: The employees will have to commit to attend**

Cosme Gutierrez: This was discussed previously; it was an issue with 15 BUEs committed and we were advised, that wasn’t enough.

Robert Williams: Can an agency pay the travel for a trainer to come to an area for training purposes?

**Response: They can. I prefer that we handle our own budget.**

Robert Williams: What type of FY 2015 money is available for training?

**Response: We don’t have a budget; but the money has to be divided according to priorities.**

2. What are your agency’s new hire FTE projections? If your agency is hiring, how many, what grade(s) and position(s)? Best case scenario, how feasible is your hiring projection? Worst case scenario, how feasible is your hiring projection?

**Response: No hiring there is a full house in OASAM**

3. Is your office/agency aware of OPM’s Phased Retirement? Has agency applied to participate in the Phased Retirement program? Will this be only for Management or will BUEs also be included? How will this affect the "high 3" rule?

1. If the phased retirement "program" is initiated for BUEs what are the staffing projections for FY2015 and how will the workload forecast be affected?
2. Please provide your agency’s written guidance on the criteria used to approve or deny phased retirement applications.

**Response: National office will complete and administrate the program locally**

4. Please provide the NCFLL a copy of your agency's social media policy that applies to your bargaining unit employees whether they are on or off duty (if any).

a. If there is one, please tell the NCFLL if this policy is national, regional, or local.

b. How has this policy been implemented, how are BUEs advised of the policy?

c. How are said social media activities monitored? Have there been any violations committed by BUEs, if yes how were they handled?

d. How does your agency’s social media policy manage DOL’s social media outlets such as Yammer, Secretary Perez’s Twitter, Blog and Facebook?

**Response: Based on Department of Labor policy.**

5. Is your agency actively participating in DOL’s Repository of Opportunities – Assignments and Details (ROAD)? If no, are there future plans to do so?

**Response: Two ROAD opportunities for HR Assistant in Atlanta; another one coming soon in January.**

6. Discuss how your agency notifies the NCFLL of formal discussions i.e. all employee (BUEs) meetings, including the method and timeframe given to respond to such notification.

**Response: Meetings are advised to the Labor Liaison**

7. Describe your DOL bargaining unit candidate hiring process.

**Response: Selecting official makes a selection after the 6th day of the cut off. Face to face interviews are preferred; selecting official conducts the interview**

8. Provide your agency’s policy regarding hours of work and BUEs request for Variable Week, Compressed Work Schedule and Flex Time (split shifts).

**Response: BUEs may request a change at any time. I am not aware of anyone being denied a request to change.**

9. Booklet copies of the agreement between DOL and NCFLL should provide to each employee, please discuss issuance of the contract to new and transfer employees.

**Response: There was only one initial printing for the BUEs on staff at the time of the print. There has been no additional printing. All BUEs joining the workforce after the initial printing have to utilize the online version. This is not a Regional issue but a National issue.**

National Agreement 58 Section 1

10. Please discuss your agency’s office dress code policy. NCFLL ask that management communicates the dress code policy or lack thereof to all staff members for consistency.

**Response: OASAM does not have a formal or informal policy.**

11. Please discuss your agency’s fiscal year 2014 performance bonus pay outs. Specifically address amount of pay out for: Meets/Effective, Exceeds/Highly Effective, and Outstanding/Exemplary.

Question #11 Payouts for ratings will be the same of last year.

# SOL - ALL AGENCIES

Connie Ackerman Deputy Regional Director

Chris OASAM

1. What are your agency’s new hire FTE projections? If your agency is hiring, how many, what grade(s) and position(s)? Best case scenario, how feasible is your hiring projection? Worst case scenario, how feasible is your hiring projection?

No. there are just a few times a year for hiring from national office and they all place a bid for the employees; 7 BUEs

Denver is 3 BUEs

1. Please provide the NCFLL a copy of your agency's social media policy that applies to your bargaining unit employees whether they are on or off duty (if any).
	1. If there is one, please tell the NCFLL if this policy is national, regional, or local.
	2. How has this policy been implemented, how are BUEs advised of the policy?
	3. How are said social media activities monitored? Have there been any violations committed by BUEs, if yes how were they handled?
	4. How does your agency’s social media policy manage DOL’s social media outlets such as Yammer, Secretary Perez’s Twitter, Blog and Facebook?

No issues with the social media issue. We don’t have a separate social media policy other than the sol’s release

During ethics discussion this is discussed

1. Is your agency actively participating in DOL’s Repository of Opportunities – Assignments and Details (ROAD)? If no, are there future plans to do so?

It’s still in the developmental stages; It has been announced it exist but no participating in Dallas and Denver…

Robert Williams: if it is implemented can u notify through Chris

Response: yes

1. Discuss how your agency notifies the NCFLL of formal discussions i.e. all employee (BUEs) meetings, including the method and timeframe given to respond to such notification.

Send an email to Chris; he notifies the union; this year we are going to try to have more formal and regular meetings; will notify Chris

1. Describe your DOL bargaining unit candidate hiring process.

Legal assistance hiring delegated and merit staff and use of special hiring authorities

1. Provide your agency’s policy regarding hours of work and BUEs request for Variable Week, Compressed Work Schedule and Flex Time (split shifts).

The legal assistance have pretty set schedules because there are only 2 and they have to cover the office

Paralegals are very flexible along the line of the attorney; pretty flexible

Jeff Darby: what hours do they work?

**Response:** One has to work 8-4:30 and they rotate that. The person not at the front desk they come and go as they wish

Jeff Darby: so they rotate that schedule on their own and they work variable based on their own accord

**Response**: yes

Williams: can they work a variable week based on the front desk coverage

**Response**: What is a variable work week?

 Jeff Darby: Describes the variable work week

**Response:** Having heard that, I say yes

Chris (Union): Denver have any issues or does it work the same

**Response: I am not 100% sure but it works about the same they decided on it**

Please discuss your agency’s office dress code policy. NCFLL ask that management communicates the dress code policy or lack thereof to all staff members for consistency.

**Response: No dress code; no issues**

# VETS - ALL AGENCIES

Jerry Popper;

1. What are your agency’s new hire FTE projections? If your agency is hiring, how many, what grade(s) and position(s)? Best case scenario, how feasible is your hiring projection? Worst case scenario, how feasible is your hiring projection?

Ceiling is 38 FTEs; processing in posting senior investigator position GS 13

Will not bring up to the ceiling

Certificate: internal and external; merit staffing (for managerial)

1. Please provide the NCFLL a copy of your agency's social media policy that applies to your bargaining unit employees whether they are on or off duty (if any).
	1. If there is one, please tell the NCFLL if this policy is national, regional, or local.
	2. How has this policy been implemented, how are BUEs advised of the policy?
	3. How are said social media activities monitored? Have there been any violations committed by BUEs, if yes how were they handled?
	4. How does your agency’s social media policy manage DOL’s social media outlets such as Yammer, Secretary Perez’s Twitter, Blog and Facebook?

**Response: Follow the social media handbook; had an issue last year with a person who misrepresent herself on Facebook; but it was handled via resignation verses termination**

Dyan: Hatch act reminder

**Response: Discuss with people not to get involved with religion and politics. Forward emails from national office. Most employees are not on social media; LinkedIn is used for manager profile review**

1. Is your agency actively participating in DOL’s Repository of Opportunities – Assignments and Details (ROAD)? If no, are there future plans to do so?

Do not at this time. We would utilize it if had issues fulfilling a position. This could happen

1. Discuss how your agency notifies the NCFLL of formal discussions i.e. all employee (BUEs) meetings, including the method and timeframe given to respond to such notification.

Advises OASAM; have some space issues; as soon as its appropriate OASAM will be advised for union notification.

Robert: as soon as there is a plan for space we would like to be notified to eliminate the process

**Response**: **The current plans is just for the cost purposes. It is still in the infant stages.**

Jeff Darby: We are going to get Robert involved

**Response**: **Labor has advice to increase the footprint. Going towards offices, in order to accommodate longevity**.

Jeff Darby: for the record, you are the first agency going to office setting

1. Describe your DOL bargaining unit candidate hiring process.

Answered above

1. Provide your agency’s policy regarding hours of work and BUEs request for Variable Week, Compressed Work Schedule and Flex Time (split shifts).

**Response: No one in the Dallas region is on a schedule they don’t want to be one; in the field they speak with their manager; if someone wanted change, as long as it meets the operational need it has to this point it is changed**

1. Please discuss your agency’s office dress code policy. NCFLL ask that management communicates the dress code policy or lack thereof to all staff members for consistency.

**Response: No there is a dress code policy, not even an informal policy; its situational based location; no issues, no complaints; never had to pull anyone in on dress code**

**Case by case basis if needed**

# Job Corps - ALL AGENCIES

Dr. Linda Solis;

1. What are your agency’s new hire FTE projections? If your agency is hiring, how many, what grade(s) and position(s)? Best case scenario, how feasible is your hiring projection? Worst case scenario, how feasible is your hiring projection?

**Response:** **Currently under continuing resolution and must verify if we will be operating after 12.11.2014 (end of CR). Currently have 18 staff (2 managers 11 project managers and assistance)**

1. Please provide the NCFLL a copy of your agency's social media policy that applies to your bargaining unit employees whether they are on or off duty (if any).
	1. If there is one, please tell the NCFLL if this policy is national, regional, or local.
	2. How has this policy been implemented, how are BUEs advised of the policy?
	3. How are said social media activities monitored? Have there been any violations committed by BUEs, if yes how were they handled?
	4. How does your agency’s social media policy manage DOL’s social media outlets such as Yammer, Secretary Perez’s Twitter, Blog and Facebook?

**Response: We utilize DOL’s policy**

1. Is your agency actively participating in DOL’s Repository of Opportunities – Assignments and Details (ROAD)? If no, are there future plans to do so?

**Response: This is a National Office decision; if flushed to the office we will participate**

1. Discuss how your agency notifies the NCFLL of formal discussions i.e. all employee (BUEs) meetings, including the method and timeframe given to respond to such notification.

**Response:** **We work with Ms. Porter and Mr. Haywood to verify information is disseminated**

1. Provide your agency’s policy regarding hours of work and BUEs request for Variable Week, Compressed Work Schedule and Flex Time (split shifts).

**Response:** **Most work telework; some episodic but most of them are on permanent. They all work variable work week.**

1. Please discuss your agency’s office dress code policy. NCFLL ask that management communicates the dress code policy or lack thereof to all staff members for consistency.

**Response:** **No dress code; we ask for business friendly attire**

"A well balanced labor relations program will increase the efficiency of the Government by providing for meaningful participation of employees in the conduct of business in general and the conditions of their employment." Rep. William Clay (123 Cong. Rec. E333, January 26, 1977)