

## LABOR MANAGEMENT COOPERATION

### SECTION 1. INTRODUCTION:

**A. LMF Establishment:** In support of collaborative working relationships, the Parties agree to establish a Labor-Management Forum (LMF), in accordance with Executive Order 13522, "Creating Labor-Management Forums to Improve Delivery of Government Services" (December 9, 2009).

**B. LMF Charter:** The Parties agree to meet to develop and implement an LMF Charter within six months of the effective date of this CBA.

**C. Renewal:** In the event EO 13522 is revoked or modified, this Article shall remain in effect through the end of the year. If during this period either party wishes to terminate or modify this Article or the LMF, it shall provide the other party with notice no later than 1 December and negotiate as appropriate. In the absence of such notice the LMF and this Article will automatically renew on an annual basis.

### SECTION 2. OBJECTIVES:

**A. Purpose:** The LM Forum is established to help identify problems and propose solutions to better serve the public and the Agency mission. The LMF will make recommendations to the Agency leadership and monitor the progress of such actions. The Agency will provide the Union with an explanation for any recommendations which are not implemented.

**B. Agreements:** The purpose of the Forum is to reach agreements. Agreements reached by members of the Forum do not constitute a waiver of any right provided for by Title 5 USC Chapter 71. Where it is deemed necessary, and by mutual consent, the Parties may choose to fulfill collective bargaining obligations and memorialize such agreements by executing an MOU.

**C. Cooperative Model:** Forum participants will use a "strive for consensus" model in all of its activities, meaning the Parties will work to reach a position that all participants can live with. Each participant will have a responsibility to articulate their views in the process and to support the Forum's position if consensus is reached. Neither the Agency nor the Union is obligated to reach agreement on the issues addressed during such discussions through the LMF.

**D. Seeking Consensus:** If during the Forums meetings no consensus is reached on a particular issue, the Forum may:

1. Forward the issue to a dedicated working group,
2. Seek the services of a facilitator, or other options.
3. Determine that a consensus is not going to occur, and if so, the Parties shall retain their rights under applicable law and this CBA.

Agreed: Agency: (B) Union: VJW

Date: 7 SEP 10

**E. Additional Forums:** The Parties agree that an Advanced Provider Forum will be established at the Agency level to identify problems and propose solutions regarding matters of concern to civilian physicians, dentists and other providers. Representation on the Forum will include Agency and Union representatives from JPC, FBCH, DTHC, and WRNMMC. In addition, the LMF will assess the need for additional labor management committees at the MTF, clinic or other level. The LMF will promote and support the creation of additional labor management committees as appropriate. Appropriate documentation of the additional Forums will be maintained by the CHRC LMER Branch and made available to the Union. Recommendations and proposed solutions of the subordinate Forums will be reported to the LMF as appropriate.

**F. Communications:** The LMF will communicate and share the activities of the Forum with the employees as appropriate.

**SECTION 3. SCOPE:** Pursuant to Executive Order 13522 and this Agreement, the Union may engage the Agency through pre-decisional involvement in all workplace matters at the level of recognition, including permissive subjects, to the fullest extent practicable. By mutual agreement the Parties may elect to include topics on the LMF Forum Agenda without regard to whether those matters are negotiable subjects of bargaining under 5 USC § 7106.

**A. Discussions:** The Agency will provide the Union with formal notice when LMF recommendations are to be implemented. It is understood that the Union, in agreeing to the establishment of Labor Management Forums, does not waive any statutory or contractual rights in regard to the impact and implementation of such Management changes.

**B. Provision of Information:** The Agency shall provide adequate information on such matters expeditiously to Union representatives where not prohibited by law; and make a good-faith attempt to resolve issues concerning proposed changes in conditions of employment, including those involving the subjects set forth in 5 USC 7106(b)(1), through discussion in its Labor-Management Forums.

**SECTION 4. TRAINING:** To promote effective labor-management relationships, the Parties may determine the need for, and identify, appropriate training. Some types of training that may be appropriate include Alternative Dispute Resolution (ADR), work process improvement, group dynamics, and relationship by objectives.

Agreed: Agency:  Union: 

Date: 27 Sep 16



**SECTION 5. USE OF TIME:**

**A. Duty Time:** Union representatives who participate in the LMF Forum, will be granted official time to do so. To the extent possible, activities will be conducted during the normal duty hours of the participants. Committee members will be compensated in accordance with applicable law, e.g., in regards to any overtime incurred.

**B. Union Representatives:** The Union representatives to the Forum will be provided a reasonable amount of duty time to prepare for and attend Forum meetings, which shall be requested in accordance with this CBA.

**C. Availability:** Once an individual has been designated by the Union to participate in cooperative labor-management activities, that person will be made available for such participation, except under exigent circumstances.

**SECTION 6. EXPENSES:** For full LMF meetings conducted under this Article, the Agency will bear the travel and per diem expenses of participating bargaining unit members to the extent permitted under the Federal Travel Regulations.

Agreed: Agency: BN Union: VEFW  
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