

Not Responsive

From: Maureen Gilman [mailto:maureen.gilman@nteu.org]
Sent: Friday, October 09, 2009 3:09 PM
To: Johnson, Justin R.; Liebman, Jeffrey B.; Tamarin, Nathanael P.
Subject: Partnership EO

Dear Justin, Jeff and Nate,

We've seen a draft EO that is apparently circulating among the agencies. While we have concerns about the substance of the draft, we are more concerned with the fact that we have repeatedly asked (as recently as the last week) for the opportunity to hear what concerns the Admin may have and be given a chance to respond and that has not happened. We understand that there will be issues that we disagree on, but we had hoped, especially on the issue of partnership, that our pre-decisional input would be welcomed. We would like to be constructive, problem solving partners, but when no one will engage with us that is impossible to do. We sincerely hope this draft is a starting point and that we can still have a positive impact on the final version.

Mo

Maureen Gilman
Legislative Director
National Treasury Employees Union
1750 H St. NW
Washington, D.C. 20006
202-572-5522
202-572-5642(FAX)
maureen.gilman@nteu.org

Schiller, Jill A.

From: Filler Michael [MFiller@teamster.org]
Sent: Tuesday, November 24, 2009 2:06 PM
To: Schiller, Jill A.
Subject: RE: Meeting with Shelley Metzenbaum

The pending draft executive order, which she should be able to get from Jeff Zients.

Michael B. Filler
Associate Director
Public Services Division
International Brotherhood of Teamsters
25 Louisiana Avenue, NW
Washington, DC 20001
202-624-8985 Office
202-359-3748 Cell
202-508-6456 Fax

From: Schiller, Jill A. [mailto:Jill_A_Schiller@omb.eop.gov]
Sent: Tuesday, November 24, 2009 2:03 PM
To: Filler Michael
Subject: RE: Meeting with Shelley Metzenbaum

No problem — I'm really sorry for all the changes! This appointment is basically set in stone. Is there anything she should review in advance? Thanks,
Jill

From: Filler Michael [mailto:MFiller@teamster.org]
Sent: Tuesday, November 24, 2009 2:01 PM
To: Schiller, Jill A.
Subject: RE: Meeting with Shelley Metzenbaum

That will make it worth the wait. Thanks for helping put this together.

Michael B. Filler
Associate Director
Public Services Division
International Brotherhood of Teamsters
25 Louisiana Avenue, NW
Washington, DC 20001
202-624-8985 Office
202-359-3748 Cell
202-508-6456 Fax

From: Schiller, Jill A. [mailto:Jill_A_Schiller@omb.eop.gov]
Sent: Tuesday, November 24, 2009 2:00 PM
To: Filler Michael
Subject: RE: Meeting with Shelley Metzenbaum

Great – you have a reservation for 12:30 at Primi Piatti, under Shelley's name. Thanks so much!

From: Filler Michael [mailto:MFiller@teamster.org]
Sent: Tuesday, November 24, 2009 11:56 AM
To: Schiller, Jill A.
Subject: RE: Meeting with Shelley Metzenbaum

Eating is always good. We could do something like Primi Piatti at 2013 I Street, NW, or any place that works. Just specify the time and location. Thanks.

Michael B. Filler
Associate Director
Public Services Division
International Brotherhood of Teamsters
25 Louisiana Avenue, NW
Washington, DC 20001
202-624-8985 Office
202-359-3748 Cell
202-508-6456 Fax

From: Schiller, Jill A. [mailto:Jill_A_Schiller@omb.eop.gov]
Sent: Tuesday, November 24, 2009 11:48 AM
To: Filler Michael
Subject: RE: Meeting with Shelley Metzenbaum

Hi Mike,
Would you be able to grab lunch with her beforehand? She's got a meeting directly after, but is free from noon until the start of the meeting.
Jill

From: Filler Michael [mailto:MFiller@teamster.org]
Sent: Tuesday, November 24, 2009 10:54 AM
To: Schiller, Jill A.
Subject: RE: Meeting with Shelley Metzenbaum

I will be in Denver on business on December 3. I will, however, be attending the Government Performance Coalition meeting on Friday (December 4) at GWU, so maybe we can meet after that.

Michael B. Filler
Associate Director
Public Services Division
International Brotherhood of Teamsters
25 Louisiana Avenue, NW
Washington, DC 20001
202-624-8985 Office
202-359-3748 Cell
202-508-6456 Fax

From: Schiller, Jill A. [mailto:Jill_A_Schiller@omb.eop.gov]
Sent: Tuesday, November 24, 2009 10:46 AM

To: Filler Michael
Subject: Meeting with Shelley Metzenbaum

Michael,
I'm so sorry for the inconvenience, but could we reschedule one last time to 3:30-4:30 on Thursday, December 3? Please let me know if this is convenient, and apologies again.
Have a great Thanksgiving!
Best,
Jill

Jill A. Schiller, Esq.
Office of Management and Budget
jschiller@omb.eop.gov
202.395.3151

Schiller, Jill A.

From: Schiller, Jill A.
Sent: Monday, December 07, 2009 8:12 AM
To: 'Michael Filler'
Subject: RE: Forward to Shelley

Of course -- I just sent it along. Have a great week!
Jill

From: Michael Filler [mailto:mikeatashburn@hotmail.com]
Sent: Saturday, December 05, 2009 4:48 AM
To: Schiller, Jill A.; mfiller@teamster.org
Subject: Forward to Shelley

Hi Jill

Thanks for setting up yesterday's lunch. It was time well spent. Since I am writing this e-mail from home, I don't have Shelley's work e-mail. I would appreciate it if you would forward this to her. Any response can be directed to my office address: mfiller@teamster.org.

Message for Shelley

Seventy years ago, Enrico Fermi split the first atom at Columbia University. I believe the significance of that important accomplishment can be replicated throughout the federal sector. With a "Manhattan Project" on Performance, much progress could be realized. But this initiative requires leadership and a passion for getting it done right.

I enjoyed our lunch discussion and thank you for taking the time to listen to some of my ideas. When you appeared before the Government Performance Coalition, though, I was very impressed with your ability to communicate on topics that might otherwise turn people off. Your words were simple but eloquent with an underlying passion for making the government perform better than it has. The more departmental officials and those doing the work can hear what you have to say (and the way you say it), the greater than chances of success.

Best of luck to you in your position at OMB. I pray you have the stamina for this marathon at a time when our government needs to improve its image and deliver a better product to its citizens. I will keep you informed as to what labor is up to. This is a golden opportunity for action--to generate a lot of energy around a "Manhattan Project" on Performance.

Michael B. Filler

Chat with Messenger straight from your Hotmail inbox. [Check it out](#)

Weiss, Margaret E.

From: Maureen Gilman [maureen.gilman@nteu.org]
Sent: Tuesday, December 08, 2009 10:34 AM
To: Tamarin, Nathanael P.; mfiller@teamster.org; jceballos@natcad.org; Randy Erwin; Mark Roth; Dan Soblen; Matthew S. Biggs; Jeremy Smith; abernstein@passnational.org; Ron Ault; CPugh@nea.org; Johnson James; Burton, Bruce G.; HTNguyen@nea.org; Albertani, Bevin Power
Cc: Johnson, Justin R.; Kaplan, Elaine; Weiss, Margaret E.; Zients, Jeffrey D.; Berry, John
Subject: RE: Labor-Management Executive Order

Thanks Nate. We appreciate all your hard work on this.

*Maureen Gilman
Legislative Director
National Treasury Employees Union
1750 H St. NW
Washington, D.C. 20006
202-572-5522
202-572-5642(FAX)
maureen.gilman@nteu.org*

From: Tamarin, Nathanael P. [mailto:Nathanael_P._Tamarin@who.eop.gov]
Sent: Tuesday, December 08, 2009 10:27 AM
To: mfiller@teamster.org; jceballos@natcad.org; Randy Erwin; Maureen Gilman; Mark Roth; Dan Soblen; Matthew S. Biggs; Jeremy Smith; abernstein@passnational.org; Ron Ault; CPugh@nea.org; Johnson James; Burton, Bruce G.; HTNguyen@nea.org; Albertani, Bevin Power
Cc: Johnson, Justin R.; Kaplan, Elaine; Weiss, Margaret E.; Zients, Jeffrey D.; Berry, John
Subject: Labor-Management Executive Order

Dear Friends:

I want to begin by thanking everyone for working with us in the process to develop an executive order creating labor-management forums. We're excited about the opportunities it presents and appreciate the hard work and thoughtfulness with which you've approached it. I'm pleased to advise you that the order will be signed tomorrow. We will send you the order first thing in the morning, and advise you once it has been signed (time TBD). Please do not share this news externally; nothing will be public until the order is signed. Let me know if you have any questions, and thank you again.

Nate

Weiss, Margaret E.

From: Matthew S. Biggs [MBiggs@ifpte.org]
Sent: Tuesday, December 08, 2009 11:10 AM
To: Tamarin, Nathanael P.; mfiller@teamster.org; jceballos@natcadec.org; Randy Erwin; Maureen Gilman; Mark Roth; Dan Sobien; Jeremy Smith; abernstein@passnational.org; Ron Ault; CPugh@nea.org; Johnson James, Burton, Bruce G.; HTNguyen@nea.org; Albertani, Bevin Power
Cc: Johnson, Justin R.; Kaplan, Elaine; Weiss, Margaret E.; Zients, Jeffrey D.; Berry, John
Subject: RE: Labor-Management Executive Order

THANKS, Nate. On behalf of IFPTE President Junemann, and the membership of IFPTE, I would like to express our appreciation to you, and your colleagues at OPM for your hard work in crafting the Executive Order, and for your willingness to work with labor in a meaningful and productive way.

IFPTE looks forward to a productive working relationship with you, and the Obama Administration overall, for the next 7 years.

Cheers,
Matt

Matthew S. Biggs,
Assistant to the President/Legislative & Political Director
International Federation of Professional
and Technical Engineers (IFPTE), AFL-CIO, CLC
501 3rd Street, NW, Suite 701
Washington, DC 20001
w-(202) 239-4880
f- (202) 239-4881
c- (240) 535-3321

From: Tamarin, Nathanael P. [mailto:Nathanael_P._Tamarin@who.eop.gov]
Sent: Tuesday, December 08, 2009 10:27 AM
To: mfiller@teamster.org; jceballos@natcadec.org; Randy Erwin; Maureen Gilman; Mark Roth; Dan Sobien; Matthew S. Biggs; Jeremy Smith; abernstein@passnational.org; Ron Ault; CPugh@nea.org; Johnson James; Burton, Bruce G.; HTNguyen@nea.org; Albertani, Bevin Power
Cc: Johnson, Justin R.; Kaplan, Elaine; Weiss, Margaret E.; Zients, Jeffrey D.; Berry, John
Subject: Labor-Management Executive Order

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Nate

Weiss, Margaret E.

From: HTNguyen@nea.org
Sent: Tuesday, December 08, 2009 10:45 AM
To: Tamarin, Nathanael P.; mfiller@teamster.org; jceballos@natcad.org; rerwin@nffe.org; maureen.gilman@nteu.org; ROTHM@afge.org; dansobien@verizon.net; mbiggs@ifpte.org; Jeremy.Smith@seiu.org; abernstein@passnational.org; rault@afcio.org; CPugh@nea.org; jjohnson@iaff.org; Bruce_Burton@IBEW.org; Bpoweralbertani@liuna.org
Cc: Justin.Johnson@opm.gov; Elaine.Kaplan@opm.gov; Weiss, Margaret E.; Zients, Jeffrey D.; John.Berry@opm.gov
Subject: RE: Labor-Management Executive Order

Thank you, Nate. Your hard work is greatly appreciated!

H.T. Nguyen

Executive Director/General Counsel
Federal Education Association, NEA
1201 16th Street, N.W., Suite 117
Washington, D.C. 20036
Phone: (202) 822-7854
Fax: (202) 822-7867
Email: htnguyen@nea.org
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From: Tamarin, Nathanael P. [mailto:Nathanael_P._Tamarin@who.eop.gov]
Sent: Tuesday, December 08, 2009 10:27 AM
To: mfiller@teamster.org; jceballos@natcad.org; Randy Erwin; Maureen Gilman; Mark Roth; Dan Sobien; Matthew S. Biggs; Jeremy Smith; abernstein@passnational.org; Ron Ault; Pugh, Carrie [NEA]; Johnson James; Burton, Bruce G.; Nguyen, H.T. [FEA]; Albertani, Bevin Power
Cc: Johnson, Justin R.; Kaplan, Elaine; Weiss, Margaret E.; Zients, Jeffrey D.; Berry, John
Subject: Labor-Management Executive Order

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Nate

Only the individual sender is responsible for the content of the message, and the message does not necessarily reflect the position or policy of the National Education Association or its affiliates.

Not Responsive

From: Jeremy Smith [mailto:Jeremy.Smith@seiu.org]
Sent: Tuesday, December 08, 2009 11:02 AM
To: Tamarin, Nathanael P.
Subject: Fwd: Labor-Management Executive Order

Are we on the list? Has it been finalized? As you know this will be a big deal for us. At DoI but will call you.

Jeremy Smith
SEIU
(202) 714-8098

Sent from my iPhone

Begin forwarded message:

From: Anna Burger <anna.burger@seiu.org>
Date: December 8, 2009 10:58:50 AM EST

To: Jeremy Smith <Jeremy.Smith@seiu.org>, Jon Youngdahl <Jon.Youngdahl@seiu.org>
Subject: Fwd: Labor-Management Executive Order

Call Patrick. This is a big problem

Sent from my iPhone

Begin forwarded message:

From: "David Holway" <dholway@nace.org>
Date: December 8, 2009 10:51:12 AM EST
To: "Jeremy Smith" <Jeremy.Smith@seiu.org>
Cc: "Andy Stern" <astern@seiu.org>, "Anna Burger" <anna.burger@seiu.org>, "Eileen Kirlin" <Eileen.Kirlin@seiu.org>, "Rahna Epting" <Rahna.Epting@seiu.org>
Subject: RE: Labor-Management Executive Order
Reply-To: <dholway@nace.org>

we have talked to the White House and NAGE is not named in the executive order even though a union who represents fewer employees and is new to the list is - thank you for your efforts

From: Jeremy Smith [mailto:Jeremy.Smith@seiu.org]
Sent: Tuesday, December 08, 2009 10:37 AM
To: Dave Holway
Cc: Andy Stern; Anna Burger; Eileen Kirlin; Rahna Epting
Subject: Fwd: Labor-Management Executive Order

Dave,

See below, they are signing the Exec Order tomorrow.

Jeremy

Jeremy Smith
SEIU
(202) 714-8098

Sent from my iPhone

Begin forwarded message:

From: "Tamarin, Nathanael P." <Nathanael.P.Tamarin@who.eop.gov>
Date: December 8, 2009 10:27:17 AM EST
To: <mfiller@teamster.org>, <jceballos@natcad.org>, "Randy Erwin" <rerwin@nffe.org>, "Maureen Gilman" <maureen.gilman@nteu.org>, "Mark Roth" <ROTHM@afge.org>, "Dan Sobien" <dansobien@verizon.net>, "Matthew S. Biggs" <mbiggs@ifptc.org>, "Jeremy Smith" <Jeremy.Smith@seiu.org>, <abernstein@passnational.org>, "Ron Ault" <rault@afcio.org>, <CPugh@nea.org>, "Johnson James" <jjohnson@iaff.org>.

"Burton, Bruce G." <Bruce_Burton@IBEW.org>,
<HTNguyen@nea.org>, "Albertani, Bevin Power"
<Bpoweralbertani@liuna.org>

Cc: "Johnson, Justin R." <Justin.Johnson@opm.gov>, "Kaplan,
Elaine" <Elaine.Kaplan@opm.gov>, "Weiss, Margaret E."
<Margaret_E.Weiss@omb.eop.gov>, "Zients, Jeffrey D."
<Jeffrey_D.Zients@omb.eop.gov>, "Berry, John"
<John.Berry@opm.gov>

Subject: Labor-Management Executive Order

Dear Friends:

I want to begin by thanking everyone for working with us in the process to develop an executive order creating labor-management forums. We're excited about the opportunities it presents and appreciate the hard work and thoughtfulness with which you've approached it. I'm pleased to advise you that the order will be signed tomorrow. We will send you the order first thing in the morning, and advise you once it has been signed (time TBD). Please do not share this news externally; nothing will be public until the order is signed. Let me know if you have any questions, and thank you again.

Nate

This email has been scanned by the SEIU/NAGE/IBPO Email Security System for viruses and spam. For questions or more information please call the IT Department at (617) 376-7272

This email has been scanned by the SEIU/NAGE/IBPO Email Security System for viruses and spam.

Not Responsive

From: Beth Moten [mailto:MOTENB@afge.org]
Sent: Tuesday, December 08, 2009 9:03 AM
To: Tamarin, Nathanael P.; Johnson, Justin R.
Subject: final draft press release E.O. on partnership

Nate and Justin,

Got your message, Justin. Here is the final draft of our press release which will be issued when the E.O. is issued.

Thanks for the heads up.

Beth

In response to the issuance of the XXX E.O. issued today by the White House, AFGE National President John Gage said, "While it's not everything we wanted, it is a start. Our locals are ready to develop good relationships with their management counterparts. AFGE's focus will be in working through issues so that the agencies will be able to advance their missions more effectively.

The Executive Order sends a clear message to both political and career managers in each agency that President Obama wants a real change. We understand this Executive Order to herald an end to the confrontational, anti-union approach to labor relations of the last nine years. It will be up to the White House to hold agencies accountable for making the 180 degree turn quickly. We will be holding the Obama Administration to its promise to work with us to get America's work done.

The success of any government reform effort depends not only on ideas from top officials, but also from the frontline workers who are expected to put these ideas to practice. Through their elected representatives, workers on the front lines can have meaningful input into how work can be done in the most efficient and effective way possible. The Executive Order on pre-decisional involvement is but a means to an end—and the desired end is a transformation of how government services can be most effectively delivered, and an energized work environment where people feel they are making a difference.

The Administration's decision not to make b(1) bargaining mandatory, is, of course, a disappointment. But we believe it's time to fish or cut bait. AFGE has been waiting nine years to talk to federal managers who truly believe in the importance and ability of government programs to make a difference in Americans' lives. As the Executive Order illustrates, significant improvements in the agencies' performance will depend upon how well the managers engage with the unions that represent roughly 80% of the rank and file government workforce."

Not Responsive

-----Original Message-----

From: Beth Moten [mailto:MOTENB@afge.org]
Sent: Tuesday, December 08, 2009 3:11 PM
To: Tamarin, Nathanael P.
Subject: 2nd draft of press release on e.o.

This is gage's rewrite.

Sent from my AT&T Windows Mobile phone.

-----Original Message-----

From: Beth Moten <MOTENB@afge.org>
Sent: Tuesday, December 08, 2009 2:56 PM
To: Beth Moten <MOTENB@afge.org>
Subject: 2nd draft of press release on e.o.

In response to the issuance of the Executive Order on Labor-Management Forums issued today by the White House, AFGE National President John Gage said, "The Executive Order clearly demonstrates to the political and career managers in each agency that the President wants a real change away from the confrontational, anti-union labor relations approach that has been practiced by the managers and labor relations officials over the last nine years. It will be up to the White House to hold agencies accountable for making the 180 degree turn quickly. We will be holding the Obama Administration to their promise to work with us to get America's work done.

The success of any government reform effort depends on pressure not only from the top officials pushing their ideas down but from the frontline workers, through their elected representatives, having meaningful input into how the people's work can best be done. The Executive Order on pre-decisional involvement is not an end, but a means to an end—the goal is the transformation of how government services can be more effectively delivered in an energized work environment where people feel they are making a difference.

The Administration's decision not to make b(1) bargaining mandatory, is, of course, a disappointment. But our locals are ready to develop good relationships with their management counterparts. AFGE's focus will be in working through issues so that the agencies will be better able to advance their missions. As the Executive Order illustrates, significant improvements in the agencies' performance will be directly related to how well the managers engage with the unions which represent approximately eighty percent of the non-managerial eligible government workforce.

Not Responsive

From: Matthew S. Biggs [mailto:MBiggs@ifpte.org]
Sent: Tuesday, December 08, 2009 1:28 PM
To: Johnson, Justin R.
Cc: Candace M. Rhett; Tamarin, Nathanael P.
Subject: RE: Labor-Management Executive Order

Hi Justin,

Here is a look at what our Press Release will look like. I've added Nate here as well so he is the loop.

Feel free to let Candace and I know if you have any concerns with this.

FOR IMMEDIATE RELEASE

Wednesday, December 9, 2009

Contact: Matt Biggs
(202) 239-4880

President Obama Signs Labor/Management Executive Order IFPTE Applauds Obama Administration Order as "Historic"

WASHINGTON, DC – President Obama signed Executive Order Number ____ today, mandating Labor/Management Forums throughout the Federal Government. In signing this historic Executive Order, President Obama has named IFPTE as one of four unions to hold a permanent labor seat on the *National Council on Federal Labor-Management Relations*.

The National Council of Federal Labor-Management Relations will include a total of seven labor organizations, whose seats will be held by national union presidents. There will also be a seat for the Federal Managers Association (FMA) and one for the Senior Executive Association (SEA). The Council will be rounded out by management and will include government officials from the Office of Management and Budget (OMB), the Office of Personnel Management (OPM), the Federal Labor Relations Authority (FLRA), and the Federal Mediation and Conciliation Service (FMCS).

Executive Order ____ improves on the Clinton era Partnership Order by putting in place concrete mechanisms to create an environment where productive labor/management relations can occur. Among the IFPTE backed provisions included in the Executive Order are:

- The allocation of seven labor seats on the National Council;
- The creation of pilot projects throughout the federal government that will mandate bargaining over subjects described in 5 U.S.C. 7106(b)(1);
- The ability of the National Council to determine where the pilot projects will occur;
- The ability of agencies to voluntarily enter into bargaining over subjects described in 5 U.S.C. 7106(b)(1);
- Mandates pilots begin within 150 days following today's signing of the Executive Order;
- The ability to elevate discussions to the National Council if agency and/or component level partnership discussions stall for any reason, and;
- The requirement that workers and their unions be provided with meaningful pre-decisional information and involvement in all workplace matters, whether they are negotiable under 5 U.S.C. 7106(b)(1) or not.

International Federation of Professional and Technical Engineers (IFPTE) President, Gregory J. Junemann, provided the following statement in strong support of today's Executive Order signing:

"IFPTE applauds President Obama and his team for crafting this excellent Executive Order. Needless to say, we are appreciative that the President allotted one of the four labor seats on the national council to IFPTE. Our union is proud that the President has recognized the unique contributions that our members can contribute to the council's important work.

"Equally important is that President Obama's team has crafted an Executive Order that will create an environment in which meaningful and positive change can occur to benefit not only the American taxpayer, but also benefit the dedicated workers that are our federal employees. In other words, this Executive Order has 'teeth in it'. Among the several important provisions of this Executive Order are that it mandates that pilots calling for bargaining on permissive subjects

begin no more than 150 days from today, provides that pre-decisional information be made available to unions and their members, and ensures that management at all levels engage in these forums in a good faith way by allowing for stalled agency and component level talks to be elevated to the National Council. Through the National Council, IFPTE will work particularly hard to have permissive subject pilots put in place at NASA, the Social Security Administration and the Army Corps of Engineers, where there continues to be little appetite by management to have productive working relationships with their unions.

"IFPTE is also pleased that this Executive Order does not preclude agencies or components from voluntarily engaging in permissive subject bargaining through these labor/management forums. This is critical because of the fine work of the Metal Trades Department, which has helped IFPTE and other NAVSEA represented unions cultivate a productive collaboration between unions and management."

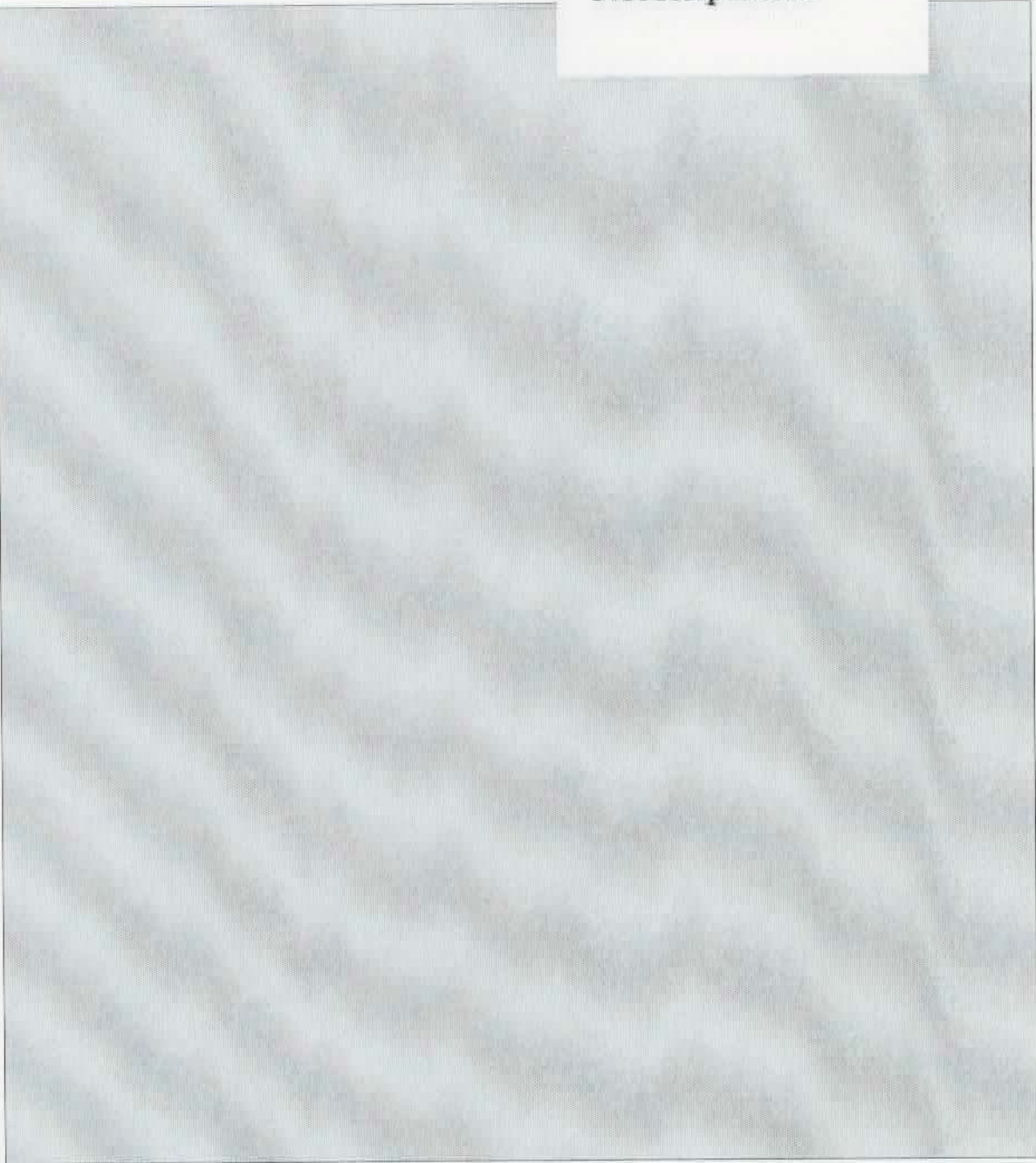
"We at IFPTE applaud President Obama for signing this Executive Order and look forward to an expeditious start to the Labor/Management Forum discussions."

Full text of Executive Order _____ can be found at www.ifpte.org.

###

Matthew S. Biggs,
Assistant to the President/Legislative & Political Director
International Federation of Professional
and Technical Engineers (IFPTE), AFL-CIO, CLC
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c- (240) 535-3321

Not Responsive



From: Maureen Gilman [mailto:maureen.gilman@nteu.org]
Sent: Tuesday, December 08, 2009 4:24 PM
To: Johnson, Justin R.
Subject: FW: DRAFT NTEU Release

Here is a draft.

*Maureen Gilman
Legislative Director
National Treasury Employees Union
1750 H St. NW
Washington, D.C. 20006
202-572-5522*

202-572-5642(FAX)
maureen.gilman@nteu.org

From: Dina Long
Sent: Tuesday, December 08, 2009 4:23 PM
To: Maureen Gilman
Subject: DRAFT NTEU Release

Mo,
We are still waiting for Colleen's final approval but here is the draft.
Thanks
Dina

DRAFT

NTEU Successful in Securing Executive Order on Labor-Management

Washington, D.C.—The leader of the National Treasury Employees Union (NTEU) today applauded a White House executive order setting the stage for the meaningful pre-decisional involvement of frontline federal employees in the operations of their agencies and paving the way for longer-term gains for taxpayers. NTEU played a lead role in encouraging the Obama Administration to adopt this program.

"Based on our extensive knowledge of what works to improve the delivery of federal services, NTEU took the lead in calling for a more collaborative approach to federal workplace labor-management relations," said NTEU President Colleen M. Kelley. "Now we look forward to working with agencies on the effective implementation and growth of this program." NTEU will have a seat on the program's National Council.

Kelley added: "This executive order, establishing labor-management forums, sends a positive message of change to both federal workers and managers, and represents a welcome, more productive way of doing business that will benefit taxpayers and our country."

The Obama order creates a variety of federal sector labor-management forums—including a national-level advisory body—that uses an *important and proven technique for dealing with labor relations and operational issues in a less adversarial, more constructive setting*. "This step by President Obama is about addressing problem-solving directly, with labor and management working together to improve processes at the front lines where the work is being done," President Kelley said.

"Workplace collaboration works," she added. "Experts from outside the government and within it know it is in the best interests of the public for federal agencies to take full advantage of

the views of frontline employees. Their expertise is an indispensable tool in the effective functioning of their agencies.”

The NTEU leader pointed to a very successful drug interdiction program called Operation Brass Ring, launched more a decade ago, that was the result of collaboration between NTEU and the then-U.S. Customs Service. The program used an unprecedented level of labor-management cooperation, generating a wide range of innovative and unpredictable enforcement techniques leading to a 45 percent increase in narcotics seizures over a six-month period.

She emphasized, in addition, that a collaborative approach likely would result in a reduction in labor-management disputes, including grievances, unfair labor practices and court cases. “When employees are included at the beginning of the process, with meaningful pre-decisional involvement, both parties take ownership of the issue, making implementation easier,” the NTEU leader said.

NTEU made reestablishing collaborative labor-management mechanisms a key part of the union’s transition recommendations to the administration.

“We now have an opportunity to redefine federal labor relations, to encourage constructive conversations between employees, their representatives and managers that have been stifled—to the serious detriment of their agencies and the country—for nearly a decade,” said President Kelley.

The Obama order creates a National Council on Federal Labor-Management Relations involving officials from the Office of Personnel Management, Office of Management and Budget and Federal Labor Relations Authority, as well as leaders of federal employee unions, manager groups and others.

The order further directs agencies to establish labor-management forums at appropriate levels, or to adapt existing councils or committees, if such groups exist, to help change government.

President Kelley said NTEU looks forward to participating in pilot programs authorized by the order to evaluate negotiations over so-called ‘permissive’ bargaining subjects. These subjects—the numbers, types and grades of employees assigned to perform work and the means, methods and technology of performing work—are matters agencies can choose, but are not required, to bargain over. Kelley said she is confident such pilots will produce constructive outcomes and improvements.

“Creating these labor-management forums,” Kelley added, “will provide the kind of positive environment necessary for a meaningful discussion about solutions to workplace issues and their potential impact on an agency, its employees and the public.” She said it is particularly

important to get effective forums operating promptly and effectively at the workplace level.
"There are many, many issues at the local level that will benefit from this program."

As the largest independent federal union, NTEU represents 150,000 employees in 31 agencies and departments.

Schiller, Jill A.

From: Metzenbaum, Shelley H.
Sent: Wednesday, December 09, 2009 3:45 PM
To: 'Filler Michael'
Subject: RE: Executive Order: Creating Labor-Management Forums To Improve Delivery of Government Services

Thanks much.

From: Filler Michael [mailto:MFiller@teamster.org]
Sent: Wednesday, December 09, 2009 3:37 PM
To: Metzenbaum, Shelley H.
Subject: FW: Executive Order: Creating Labor-Management Forums To Improve Delivery of Government Services

This is what we discussed the other day.

Michael B. Filler
Associate Director
Public Services Division
International Brotherhood of Teamsters
25 Louisiana Avenue, NW
Washington, DC 20001
202-624-8985 Office
202-359-3748 Cell
202-508-6456 Fax

From: Tamarin, Nathanael P. [mailto:(b)(6)]
Sent: Wednesday, December 09, 2009 2:39 PM
To: undisclosed-recipients
Subject: Executive Order: Creating Labor-Management Forums To Improve Delivery of Government Services

The Executive Order has been signed and is now public.

THE WHITE HOUSE
Office of the Press Secretary

FOR IMMEDIATE RELEASE
December 9, 2009

Attached is an executive order signed by the President today regarding creating labor-management forums to improve delivery of government services.

##

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

December 9, 2009

EXECUTIVE ORDER

CREATING LABOR-MANAGEMENT FORUMS TO IMPROVE DELIVERY
OF GOVERNMENT SERVICES

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to establish a cooperative and productive form of labor-management relations throughout the executive branch, it is hereby ordered as follows:

Section 1. Policy. Federal employees and their union representatives are an essential source of front-line ideas and information about the realities of delivering Government services to the American people. A nonadversarial forum for managers, employees, and employees' union representatives to discuss Government operations will promote satisfactory labor relations and improve the productivity and effectiveness of the Federal Government. Labor-management forums, as complements to the existing collective bargaining process, will allow managers and employees to collaborate in continuing to deliver the highest quality services to the American people. Management should discuss workplace challenges and problems with labor and endeavor to develop solutions jointly, rather than advise union representatives of predetermined solutions to problems and then engage in bargaining over the impact and implementation of the predetermined solutions.

The purpose of this order is to establish a cooperative and productive form of labor-management relations throughout the executive branch.

Sec. 2. The National Council on Federal Labor-Management Relations. There is established the National Council on Federal Labor-Management Relations (Council).

(a) Membership. The Council shall be composed of the following members appointed or designated by the President:

- (i) the Director of the Office of Personnel Management (OPM) and Deputy Director for Management of the Office of Management and Budget (OMB), who shall serve as Co-Chairs of the Council;
- (ii) the Chair of the Federal Labor Relations Authority;
- (iii) a Deputy Secretary or other officer with department- or agency-wide authority from each

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of five executive departments or agencies not otherwise represented on the Council, who shall serve for terms of 2 years;

- (iv) the President of the American Federation of Government Employees, AFL-CIO;
- (v) the President of the National Federation of Federal Employees;
- (vi) the President of the National Treasury Employees Union;
- (vii) the President of the International Federation of Professional and Technical Engineers, AFL-CIO;
- (viii) the heads of three other labor unions that represent Federal employees and are not otherwise represented on the Council, who shall serve for terms of 2 years;
- (ix) the President of the Senior Executives Association; and
- (x) the President of the Federal Managers Association.

(b) Responsibilities and Functions. The Council shall advise the President on matters involving labor-management relations in the executive branch. Its activities shall include, to the extent permitted by law:

- (i) supporting the creation of department- or agency-level labor-management forums and promoting partnership efforts between labor and management in the executive branch;
- (ii) developing suggested measurements and metrics for the evaluation of the effectiveness of the Council and department or agency labor-management forums in order to promote consistent, appropriate, and administratively efficient measurement and evaluation processes across departments and agencies;
- (iii) collecting and disseminating information about, and providing guidance on, labor-management relations improvement efforts in the executive branch, including results achieved;

- (iv) utilizing the expertise of individuals both within and outside the Federal Government to foster successful labor-management relations, including through training of department and agency personnel in methods of dispute resolution and cooperative methods of labor-management relations;
- (v) developing recommendations for innovative ways to improve delivery of services and products to more

the public while cutting costs and advancing employee interests;

- (vi) serving as a venue for addressing systemic failures of department- or agency-level forums established pursuant to section 3 of this order; and
- (vii) providing recommendations to the President for the implementation of several pilot programs within the executive branch, described in section 4 of this order, for bargaining over subjects set forth in 5 U.S.C. 7106(b) (1).

(c) Administration.

- (i) The Co-Chairs shall convene and preside at meetings of the Council, determine its agenda, and direct its work.
- (ii) The Council shall seek input from nonmember executive departments and agencies, particularly smaller agencies. It also may, from time to time, invite persons from the private and public sectors to submit information. The Council shall also seek input from Federal manager and professional associations, companies, nonprofit organizations, State and local governments, Federal employees, and customers of Federal services, as needed.
- (iii) To the extent permitted by law and subject to the availability of appropriations, OPM shall provide such facilities, support, and administrative services to the Council as the Director of OPM deems appropriate.
- (iv) Members of the Council shall serve without compensation for their work on the Council, but may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in Government service (5 U.S.C. 5701-5707), consistent with the availability of funds.
- (v) The heads of executive departments and agencies shall, to the extent permitted by law, provide to the Council such assistance, information, and advice as the Council may require for purposes of carrying out its functions.

(vi) Insofar as the Federal Advisory Committee Act, as amended (5 U.S.C. App.), may apply to the Council, any functions of the President under that Act, except that of reporting to the Congress, shall be performed by the Director of OPM in accordance with the guidelines that have been issued by the Administrator of General Services.

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(d) Termination. The Council shall terminate 2 years after the date of this order unless extended by the President.

Sec. 3. Implementation of Labor-Management Forums Throughout the Executive Branch.

(a) The head of each executive department or agency that is subject to the provisions of the Federal Service Labor-Management Relations Act (5 U.S.C. 7101 et seq.), or any other authority permitting employees of such department or agency to select an exclusive representative shall, to the extent permitted by law:

- (i) establish department- or agency-level labor-management forums by creating labor-management committees or councils at the levels of recognition and other appropriate levels agreed to by labor and management, or adapting existing councils or committees if such groups exist, to help identify problems and propose solutions to better serve the public and agency missions;
- (ii) allow employees and their union representatives to have pre-decisional involvement in all workplace matters to the fullest extent practicable, without regard to whether those matters are negotiable subjects of bargaining under 5 U.S.C. 7106; 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 U.S.C. 7106(b)(1), through discussions in its labor-management forums; and
- (iii) evaluate and document, in consultation with union representatives and consistent with the purposes of this order and any further guidance provided by the Council, changes in employee satisfaction, manager satisfaction, and organizational performance resulting from the labor-management forums.

(b) Each head of an executive department or agency in which there exists one or more exclusive representatives shall, in consultation with union representatives, prepare and submit for approval, within 90 days of the date of this order, a written implementation plan to the Council. The plan shall:

- (i) describe how the department or agency will conduct a baseline assessment of the current state of labor relations within the department or agency;
- (ii) report the extent to which the department or agency has established labor-management forums, as set forth in subsection (a)(i) of this section,--or may participate in the pilot projects described in section 4 of this order;

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- (iii) address how the department or agency will work with the exclusive representatives of its employees through its labor-management forums to develop department-, agency-, or bargaining unit-specific metrics to monitor improvements in areas such as labor-management satisfaction, productivity gains, cost savings, and other areas as identified by the relevant labor-management forum's participants; and
- (iv) explain the department's or agency's plan for devoting sufficient resources to the implementation of the plan.

(c) The Council shall review each executive department or agency implementation plan within 30 days of receipt and provide a recommendation to the Co-Chairs as to whether to certify that the plan satisfies all requirements of this order. Plans that are determined by the Co-Chairs to be insufficient will be returned to the department or agency with guidance for improvement and resubmission within 30 days. Each department or agency covered by subsection (b) of this section must have a certified implementation plan in place no later than 150 days after the date of this order, unless the Co-Chairs of the Council authorize an extension of the deadline.

Sec. 4. Negotiation over Permissive Subjects of Bargaining.

(a) In order to evaluate the impact of bargaining over permissive subjects, several pilot projects of specified duration shall be established in which some executive departments or agencies elect to bargain over some or all of the subjects set forth in 5 U.S.C. 7106(b)(1) and waive any objection to participating in impasse procedures set forth in 5 U.S.C. 7119 that is based on the subjects being permissive. The Council shall develop recommendations for establishing the pilot projects, including (i) recommendations for evaluating such pilot projects on the basis, among other things, of their impacts on organizational performance, employee satisfaction, and labor relations of the affected departments or agencies; (ii) recommended methods for evaluating the effectiveness of dispute resolution procedures adopted and followed in the course of the pilot projects; and (iii) a recommended timeline for expeditious implementation of the pilot programs.

(b) The Council shall present its recommendations to the President within 150 days after the date of this order.

(c) No later than 18 months after implementation of the pilot projects, the Council shall submit a report to the President evaluating the results of the pilots and recommending appropriate next steps with respect to agency bargaining over the subjects set forth in 5 U.S.C. 7106(b)(1).

Sec. 5. General Provisions.

(a) Nothing in this order shall abrogate any collective bargaining agreements in effect on the date of this order.

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(b) Nothing in this order shall be construed to limit, preclude, or prohibit any head of an executive department or agency from electing to negotiate over any or all of the subjects set forth in 5 U.S.C. 7106(b)(1) in any negotiation.

(c) Nothing in this order shall be construed to impair or otherwise affect:

- (i) authority granted by law to an executive department, agency, or the head thereof; or
- (ii) functions of the Director of OMB relating to budgetary, administrative, or legislative proposals.

(d) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(e) This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right to administrative or judicial review, or any other right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA

THE WHITE HOUSE,
December 9, 2009.

#

Schiller, Jill A.

From: Filler Michael [MFiller@teamster.org]
Sent: Wednesday, December 09, 2009 4:01 PM
To: Matthew S. Biggs; Ron Ault; rpurcell@iluna.org; fcarelli@iamaw.org; McGill, Chico; HTNguyen@nea.org; Johnson James
Cc: cmerchant@att.net; Marick Masters; Bob Tobias
Subject: Teamster Press Release on Executive Order
Attachments: 12 09 09 Teamster Release on Obama Executive Order .doc

Being sent to DC media outlets and posted on IBT web site.

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TEAMSTERS NEWS

International Brotherhood
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of Teamsters
202-624-6911 • fax: 202-624-6918

For Immediate Release
Dec. 9, 2009

Contact:
Galen Munroe (202) 624-6904
gmunroe@teamster.org

TEAMSTERS SUPPORT FEDERAL PARTNERSHIP EXECUTIVE ORDER

Public Service A Priority in Obama Administration

(Washington, D.C.)—The Teamsters praised President Obama for establishing a new commitment today enabling federal employees, through their labor organizations, to improve government processes that will enhance the quality of service to the public.

In signing today's Executive Order, Obama recognizes the valuable role unions should play in designing and implementing changes to make agencies operate in a more productive and effective manner. In 2001, a comparable Executive Order issued by President Clinton had been summarily revoked by President Bush as part of an eight-year anti-union effort.

Teamsters General President James P. Hoffa praised Obama for promoting the use of labor-management partnerships to drive performance improvement efforts.

"Unions and their members are eager to bring the process of restoring America's faith in public service," Hoffa said. "This is an excellent opportunity to ensure innovative solutions from labor representatives and employees throughout the federal sector."

Founded in 1903, the International Brotherhood of Teamsters represents 1.4 million hardworking men and women in the United States, Canada and Puerto Rico, including over 220,000 in government and public service jobs.

Schiller, Jill A.

From: Filler Michael [MFiller@teamster.org]
Sent: Monday, December 14, 2009 3:08 PM
To: Metzenbaum, Shelley H.
Subject: RE: Phone Call Info

I will need time to get numbers and locations.

Michael B. Filler
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202-624-8985 Office
202-359-3748 Cell
202-508-6456 Fax

From: Metzenbaum, Shelley H. [mailto:Shelley_H._Metzenbaum@omb.eop.gov]
Sent: Monday, December 14, 2009 2:00 PM
To: Filler Michael
Subject: RE: Phone Call Info

Where are their members working? How big a bunch at each?

Thanks much.

From: Filler Michael [mailto:MFiller@teamster.org]
Sent: Monday, December 14, 2009 9:09 AM
To: Metzenbaum, Shelley H.
Subject: Phone Call Info

Shelley

Not sure if your focus is personal or organizational, so I will try to provide a little of both.

Ron Ault of the Metal Trades understands the value of performance and is able to look beyond (b)(1) issue in the Executive Order that some have expressed concerns about.

Bob Purcell of the Laborers also supports the need to improve performance and doing more than merely labor-management relations.

Frank Carelli of the Machinists and Chico McGill of IBEW also have a broader view on things, but maybe don't have the same knowledge base on the performance piece at this point in time. FYI: The Machinists are affiliated with NFFE (already named in the EO) and IBEW are members of the Metal Trades.

This is the best quick assessment I can offer in response to your question. Hope it is helpful. If you have any questions, give me a call on my cell. Good luck.

Michael B. Filler
Associate Director
Public Services Division

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Not Responsive

From: Christy Hoffman <Christy.Hoffman@SEIU.ORG>
To: Gordon, Daniel
Cc: Liebman, Jeffrey B.
Sent: Thu Jan 28 15:48:27 2010
Subject: High road and "responsibility" database

Dan-

You had previously offered to get together to discuss our procurement reform efforts. I know that this is an especially busy time for you, but since we are now assessing our priorities for 2010, I'd like to touch base with you at your convenience. I'd also like to get an update on the thinking on the "High Road" proposal, which probably falls to Jeff - Perhaps a joint meeting would be best..

I am relatively available next week and the following. If you can suggest some times, I will be very accommodating.

Thanks, Christy Hoffman

Christy Hoffman
Assistant to the President for Federal Initiatives
Director, Global Organizing Partnerships
Service Employees International Union
Office: 1-202-730-7607
Mobile: 1-202-615-7647

Gordon, Daniel

From: Christy Hoffman [Christy.Hoffman@SEIU.ORG]
Sent: Friday, December 18, 2009 4:58 PM
To: Gordon, Daniel; Liebman, Jeffrey B.
Cc: Cooper, Ryan H.; Pappas, Louis S.
Subject: RE: definition of inherently governmental

Dan- We've decided to take a pass on your offer to weigh in on this topic. There are many other unions with significant policy expertise and perspective and it isn't an area in which we've concentrated. But I would like to take you up on your offer to meet in January.

Thanks for the opportunity,

Christy

Christy Hoffman
Assistant to the President for Federal Initiatives
Director, Global Organizing Partnerships
Service Employees International Union
Office: 1-202-730-7607
Mobile: 1-202-615-7647

From: Gordon, Daniel [mailto:Daniel_Gordon@omb.eop.gov]
Sent: Friday, December 18, 2009 3:46 PM
To: Christy Hoffman; Liebman, Jeffrey B.
Cc: Cooper, Ryan H.; Pappas, Louis S.
Subject: RE: definition of inherently governmental

Christy, The short-fuse topic is upcoming draft OMB guidance on work that needs to be reserved for performance by federal employees. If you don't want to discuss that at this point, we would still be happy to meet, of course, but it could wait till later in the new year. It's really your call – just let us know. Dan

From: Christy Hoffman [mailto:Christy.Hoffman@SEIU.ORG]
Sent: Friday, December 18, 2009 12:19 PM
To: Gordon, Daniel; Liebman, Jeffrey B.
Cc: Cooper, Ryan H.; Pappas, Louis S.
Subject: RE: definition of inherently governmental

Dan and Jeff,

I would very much look forward to meeting with you on procurement issues. However, I'm still having some internal discussions about whether SEIU wants to weigh in on the "inherently governmental" issue. As you know, it hasn't been our priority in the procurement discussion. However, we do have a large membership among public employees, including some at the federal level. If you'd like to go ahead and schedule a meeting for next week, I'd be happy to do so since procurement is certainly very high on our radar and I'll be around. However, if you want to exclusively focus on the "inherently governmental" topic, I'd like some additional time to explore internally and I will come back to you later today.

Thanks very much,

Christy Hoffman

From: Gordon, Daniel [mailto:Daniel_Gordon@omb.eop.gov]
Sent: Fri 12/18/2009 10:55 AM
To: Liebman, Jeffrey B.; Christy Hoffman
Cc: Cooper, Ryan H.; Pappas, Louis S.
Subject: RE: definition of inherently governmental

Christy, Let me second Jeff's words. I look forward to meeting you as soon as possible, both to introduce myself and to hear SEIU's views on these important issues. Best regards, Dan Gordon

Daniel I. Gordon
Administrator for Federal Procurement Policy
Office of Management & Budget
(202)395-5802

From: Liebman, Jeffrey B.
Sent: Friday, December 18, 2009 9:59 AM
To: Christy Hoffman
Cc: Gordon, Daniel; Cooper, Ryan H.
Subject: definition of inherently governmental

Christy,
We are starting to work on the "inherently governmental" issue, and I wanted to check in and see if this is an issue that you and your colleagues have views on. If so, it would be very helpful if Dan Gordon (our new OFPP administrator) and I could meet with you either early next week or the first week of January.

Happy Holidays,

Jeff

Jeffrey Liebman
Executive Associate Director and Chief Economist
Office of Management and Budget
(202) 395-5873
