

110TH CONGRESS
1ST SESSION

H. R. 3892

To establish the Federal Labor-Management Partnership Council.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 18, 2007

Mr. DAVIS of Illinois (for himself, Mr. CUMMINGS, Mr. WYNN, Mr. KUCINICH, Mr. MORAN of Virginia, Ms. NORTON, Mr. JEFFERSON, Mr. SARBANES, Mr. LYNCH, and Mr. BRALEY of Iowa) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

A BILL

To establish the Federal Labor-Management Partnership Council.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Labor-Man-
5 agement Partnership Act of 2007”.

6 **SEC. 2. FEDERAL LABOR-MANAGEMENT PARTNERSHIP**
7 **COUNCIL.**

8 (a) ESTABLISHMENT.—There is established a council
9 to be known as the Federal Labor-Management Partner-

1 ship Council (hereinafter in this Act referred to as the
2 “Council”). The Council shall be composed of—

3 (1) the Director of the Office of Personnel
4 Management;

5 (2) the Deputy Director for Management of the
6 Office of Management and Budget;

7 (3) a deputy secretary (or other officer with
8 agency-wide authority) from each of 2 agencies not
9 otherwise represented on the Council, who shall be
10 appointed by the President;

11 (4) the Chairman of the Federal Labor Rela-
12 tions Authority;

13 (5) the Director of the Federal Mediation and
14 Conciliation Service;

15 (6) 2 members who shall be appointed by the
16 President to represent the respective labor organiza-
17 tions representing (as exclusive representatives) the
18 first and second largest numbers of Federal employ-
19 ees subject to chapter 71 of title 5, United States
20 Code, or any other authority permitting such em-
21 ployees to select an exclusive representative;

22 (7) 4 members who shall be appointed by the
23 President to represent labor organizations rep-
24 resenting (as exclusive representatives) substantial
25 numbers of Federal employees subject to chapter 71

1 of title 5, United States Code, or any other author-
2 ity permitting such employees to select an exclusive
3 representative—

4 (A) each of whom shall be selected giving
5 due consideration to such factors as the relative
6 numbers of Federal employees represented by
7 the various organizations; and

8 (B) not more than 2 of whom may, at any
9 time, be representatives of the same labor orga-
10 nization or council, federation, alliance, associa-
11 tion, or affiliation of labor organizations;

12 (8) 1 member who shall be appointed by the
13 President to represent the organization representing
14 the largest number of senior executives; and

15 (9) 1 member who shall be appointed by the
16 President to represent the organization representing
17 the largest number of Federal managers.

18 (b) RESPONSIBILITIES AND FUNCTIONS.—The Coun-
19 cil shall advise the President on matters involving labor-
20 management relations in the executive branch. Its activi-
21 ties shall include—

22 (1) supporting the creation of local labor-man-
23 agement partnership councils that promote partner-
24 ship efforts in the executive branch;

1 (2) collecting and disseminating information
2 about and providing guidance on partnership efforts
3 in the executive branch, including the results of
4 those efforts;

5 (3) using the expertise of individuals, both in-
6 side and outside the Federal Government, to foster
7 partnership arrangements in the executive branch;
8 and

9 (4) proposing statutory changes to improve the
10 civil service to better serve the public and carry out
11 the mission of the various agencies.

12 (c) ADMINISTRATION.—

13 (1) CHAIRPERSON.—The President shall des-
14 ignate a member of the Council who is a full-time
15 Federal employee to serve as the Chairperson. The
16 Council shall meet at the call of the Chairperson or
17 a majority of its members.

18 (2) OUTSIDE INPUT.—The Council shall seek
19 input from agencies not represented on the Council,
20 particularly smaller agencies. It may also from time
21 to time, in the discretion of the Council, invite ex-
22 perts from the private and public sectors to submit
23 information. The Council shall also seek input from
24 companies, nonprofit organizations, State and local

1 governments, Federal employees, and customers of
2 Federal services, as needed.

3 (3) ASSISTANCE OF THE OFFICE OF PER-
4 SONNEL MANAGEMENT.—To the extent permitted by
5 law and subject to the availability of appropriations,
6 the Director of the Office of Personnel Management
7 shall, upon request, provide such staff, facilities,
8 support, and administrative services to the Council
9 as the Director considers appropriate.

10 (4) NO COMPENSATION.—Members of the
11 Council shall serve without compensation for their
12 work on the Council.

13 (5) COOPERATION OF OTHER AGENCIES.—All
14 agencies shall, to the extent permitted by law, pro-
15 vide to the Council such assistance, information, and
16 advice as the Council may request.

17 (d) GENERAL REQUIREMENTS.—

18 (1) REPORTING TO CONGRESS.—Any reporting
19 to or appearances before Congress that may be re-
20 quested or required of the Council shall be made by
21 the Chairperson of the Council.

22 (2) TERMS OF MEMBERSHIP.—A member under
23 paragraph (3), (6), (7), (8), or (9) of subsection (a)
24 shall be appointed for a term of 3 years, except that
25 any individual chosen to fill a vacancy under any of

1 those paragraphs shall be appointed for the unex-
2 pired term of the member replaced and shall be cho-
3 sen subject to the same conditions as applied with
4 respect to the original appointment.

5 (3) SERVICE AFTER EXPIRATION OF TERM.—A
6 member under paragraph (3), (6), (7), (8), or (9) of
7 subsection (a) may serve after the expiration of such
8 member's term until a successor has taken office,
9 but for not more than 60 days after such term ex-
10 pires.

11 (4) NOT SPECIAL GOVERNMENT EMPLOYEES.—
12 A member who is not otherwise a Federal employee
13 shall not be considered a special Government em-
14 ployee for any purpose.

15 **SEC. 3. IMPLEMENTATION OF LABOR-MANAGEMENT PART-**
16 **NERSHIPS THROUGHOUT THE EXECUTIVE**
17 **BRANCH.**

18 The President shall direct the head of each agency
19 which is subject to chapter 71 of title 5, United States
20 Code, or any other authority permitting employees of such
21 agency to select an exclusive representative to take the fol-
22 lowing actions:

23 (1) Create labor-management partnerships by
24 forming labor-management committees or councils at

1 appropriate levels, or adapting existing committees
2 or councils if such groups exist.

3 (2) Involve employees and employee representa-
4 tives as full partners with management representa-
5 tives to improve the civil service to better serve the
6 public and carry out the mission of the agency.

7 (3) Provide systemic training of appropriate
8 agency employees (including line managers, first-line
9 supervisors, and labor organization representatives)
10 in consensual methods of dispute resolution, such as
11 alternative dispute resolution techniques and inter-
12 est-based bargaining approaches.

13 (4) Negotiate, at the request of the labor orga-
14 nization, on the subjects set forth in section
15 7106(b)(1) of title 5, United States Code, and in-
16 struct subordinate officials to do the same.

17 (5) Evaluate progress and improvements in or-
18 ganizational performance resulting from such labor-
19 management partnerships.

20 **SEC. 4. DEFINITIONS.**

21 For purposes of this Act—

22 (1) the terms “agency” and “labor organiza-
23 tion” have the meanings set forth in section 7103(a)
24 of title 5, United States Code;

1 (2) the term “Federal employee” means an em-
2 ployee, as defined by section 7103(a)(2) of title 5,
3 United States Code;

4 (3) the term “Federal manager” means a man-
5 agement official, as defined by section 7103(a)(11)
6 of title 5, United States Code; and

7 (4) the term “senior executive” has the mean-
8 ing given such term by section 3132(a)(3) of title 5,
9 United States Code.

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