



VA NATIONAL PARTNERSHIP COUNCIL

Ideas On Using Pre-decisional Involvement To Enhance Partnership Councils

We don't pretend to have all the answers in the VANPC, and like any partnership we have our highs, lows and growing pains. As we grow, one of the things that we keep coming back to as partners is the issue of pre-decisional involvement and how to actually successfully accomplish it. Here are some of our thoughts on pre-decisional involvement and how we are accomplishing it. We hope this helps local partnerships and other pre-decisional groups in their quest for more effective collaboration.

What is "pre-decisional involvement?" "Pre-decisional involvement" is a term that represents those activities where employees, through their union (their elected exclusive representative), are given the opportunity to help shape decisions in the workplace which impact their work. Executive Order No. 12871, LABOR-MANAGEMENT PARTNERSHIPS (October 1, 1993), is the cornerstone of the movement toward greater pre-decisional involvement. However, the Executive Order does not define the term "involvement," nor does it establish at what stage of the decision-making process this "involvement" should occur, or how this "involvement" should be accomplished. These matters are left for the participants, through their partnership councils, to deliberate and decide. Parties should not engage in a pre-decisional involvement processes unless they have addressed what pre-decisional involvement means for them, how it will be accomplished, what they hope to get out of the process, and what actions will occur upon the conclusion of the process.

We have spent a lot of time discussing predecisional involvement in the VANPC. For the VANPC, members decided that "predecisional involvement" meant "involving union partners at the beginning, when the organization first has the idea that it wants to consider or implement a new policy." We also define "policy" broadly as including new programs and initiatives. As an active partnership, the VANPC uses pre-decisional involvement as a way to address national issues, i.e., those affecting more than one facility. We also agree that union partners should be involved and participate in the groups' decision making process as opposed to merely providing input after a decision is formulated.

Thus, we try to involve our union partners on work groups at the formation stage (prior to a recommendation or decision being made) where they help to "weigh the options" as opposed to merely being asked to "give a stamp of approval".

To use pre-decisional involvement successfully, it is critical that all parties to the relationship:

- Have a common understanding of what pre-decisional involvement, as they themselves define it, means.
- Understand the scope of the group's charge.
- Share a mutual appreciation of why it is in their own best interest to engage in pre-decisional involvement.
- Have similar expectations of the results they seek to obtain from pre-decisional involvement.
- Agree on what actions should occur after pre-decisional involvement has concluded.

To structure an effective pre-decisional involvement process, the partners (or another pre-decisional group), should openly discuss and come to a common understanding on the following matters:

- The issues or types of issues that are appropriate for pre-decisional involvement.
- The information that the agency will provide to the union when the pre-decisional involvement process is triggered.
- The factors that the union will evaluate to determine whether it will engage in pre-decisional involvement.
- Whether the group will make recommendations or has been delegated final decision-making authority.
- The process to follow to engage in predecisional involvement.
- The constraints of the respective participants when engaging in pre-decisional involvement, particularly those associated with time and authority.

The VANPC recognizes that unions must select the individuals who will represent their interests in any group utilizing pre-decisional involvement, and that union representatives engaging in partnership activities are doing so on duty time. We also understand that the more notice a union has of the need for representative(s) the more likely it will be able to have qualified union representatives assigned. We

agree that our union partners have the right to decide the issues and groups in which they have a particular interest and to assign representatives accordingly. Thus, there may be groups in which the unions do not send a representative and others where greater representation is desired. We worked together to develop and structure a process to facilitate obtaining adequate union representation to accomplish pre-decisional involvement. VANPC's process involves a designated management point of contact liaising with a designated labor point of contact to obtain union representatives for groups and, as they arise, to work out other issues associated with pre-decisional involvement. Our ultimate goal is to eliminate, or at least reduce, and tailor the need for traditional bargaining.

Ideally, when engaging in individual pre-decisional processes, partners (or another pre-decisional group) should jointly reach a common understanding on additional matters such as:

- Their charge, including the scope of the charge.
- Matters that are "on" or "off the table."
- Size and membership of the group.
- Roles of group members.
- Expectations of group members.
- Limitations of group members.
- The means of making the decision, i.e., consensus, majority.
- Time limitations of group members.
- Standards that any solution must meet.
- Interests that any solution must meet.
- A method of operation for the group.
- The commitment to the task.
- Information and resources needed.
- The format of final work product.
- Confidentiality within the group.
- Group member skills needed.

Does pre-decisional involvement expand or reduce the number of subjects over which there is a duty to bargain under the Federal Service Labor-Management Relations Statute (Statute)? No. It does not expand the topics that are mandatorily negotiable under the Statute. Predecisional involvement and bargaining are different processes.

Why should employees be involved in the decision-making process? Isn't that management's job and responsibility? The ultimate responsibility for making

management decisions rests with management. Management manages the agency and unions represent bargaining unit employees. However, management decisions on how work should be performed must be implemented - and it is employees who perform those work tasks. Also some decisions may be delegated to a group. Employees have valuable suggestions on matters as to ways to work better and cost less, achieve significant results for the money spent, provide value to customers and stakeholders, deliver products and services on time, bring recognition to the agency for the services it provides and foster a productive and constructive labor-management relationship. By using pre-decisional involvement as a mechanism to making these decisions, an organization can take better advantage of its assets.

Why is it necessary to deal with the union if it is the employees who have the suggestions? When employees are in bargaining units under the Statute they have selected that union as their exclusive representative to represent their interests in workplace matters.

Does pre-decisional involvement require either the union or the agency to waive or give up any rights under the Statute? Pre-decisional involvement does not waive management's statutory right to make decisions under the Statute, nor does it waive a labor organization's right to engage in bargaining prior to implementation to the extent required by the Statute. The decision to engage in a pre-decisional involvement process should not disadvantage the agency or the union with respect to any statutory rights. However, successful pre-decisional involvement may eliminate the need for other bargaining under the Statute, or it may limit statutory bargaining to the areas where consensus was not reached. It is important that the parties understand that bargaining under the Statute might have to occur after pre-decisional involvement. Both parties should fully recognize the possibility that it may indeed be necessary to engage in some statutory bargaining after pre-decisional involvement and prior to implementation of a change which otherwise triggers a duty to bargain under the Statute. Conflict can occur when the participants do not have a common understanding of this concept.

Some basic principles of pre-decisional involvement include:

- The process begins early when ideas are forming.
- The participants have common expectations.
- Information is freely shared throughout the process.
- The participants have a common understanding on confidentiality of the information and the process.
- The participants utilize a problem solving approach founded on interest-based principles.
- The participants adapt a team approach to their activities.
- The participants demonstrate a high degree of commitment to the process and to achieving their shared expectations.

Pre-decisional involvement is necessary for improved decisions and a best practice in management that fits well with the practice of continuous quality management (CQI). Inclusion of employees and stakeholders early in the development of policies, plans and strategies is also a key part of the High Performance Development Model (HPDM) which is in the process of being rolled out to employees and managers. In the context of CQI and HPDM, it is important to note that decision-making and the related quality of decisiveness (timeliness) should require a business reason to object and is not a bureaucratic, regulatory or legal process. HPDM core competencies

include systems thinking, creative thinking and flexibility, all of which improve with increased responsible participation. Participation is greatly enhanced through pre-decisional involvement.

Properly executed, pre-decisional involvement results in better decisions, faster and full implementation, and less conflict, even if bargaining is still required. If, as part of the pre-decisional process, the parties recognize and articulate their respective interests and set forth the standards that any solution must meet, there is a high possibility that the group members will be able to produce options which provide the basis for the best solution.

The benefits of pre-decisional involvement include:

- Better decisions.
- Fuller implementation of decisions.
- Greater support of the decisions.
- More timely implementation.
- Any subsequent collective bargaining will be facilitated.

The risks of pre-decisional involvement include:

- Increased investment of time.
- Increased administrative costs.
- Collective bargaining under the Statute may still be necessary.

For more information:

Executive Order No. 12871, Labor-Management Partnerships , 58 Fed. Reg. 52,201 (October 1, 1993).

Executive Summary, FLRA GENERAL COUNSEL'S MEMORANDUM TO REGIONAL DIRECTORS ON PRE-DECISIONAL INVOLVEMENT: A TEAM-BASED APPROACH UTILIZING INTEREST-BASED PROBLEM SOLVING PRINCIPLES (July 15, 1997)

(<http://www.fpmi.com/FLRA/ogcinfo/pdiq-a.html>).

Guidance Memorandum, FLRA GENERAL COUNSEL'S MEMORANDUM TO REGIONAL DIRECTORS ON PRE-DECISIONAL INVOLVEMENT: A TEAM-BASED APPROACH UTILIZING INTEREST-BASED PROBLEM SOLVING PRINCIPLES (July 15, 1997) (<http://www.fpmi.com/FLRA/ogcinfo/Pdinvolve.html>).

FLRA News, GENERAL COUNSEL ISSUES PRE-DECISIONAL INVOLVEMENT POLICY (July 15, 1997). (<http://www.fpmi.com/FLRA/info/pr113-97.html>).

FLRA News, GENERAL COUNSEL ISSUES GUIDANCE ON THE CREATION AND OPERATION OF EMPLOYEE MANAGEMENT WORK GROUPS (<http://www.fpmi.com/lerpress/groups.html>).

Guidance Memorandum, FLRA GENERAL COUNSEL'S MEMORANDUM TO REGIONAL DIRECTORS ON DUTY TO BARGAIN OVER PROGRAMS ESTABLISHING EMPLOYEE INVOLVEMENT AND STATUTORY OBLIGATIONS WHEN SELECTING EMPLOYEES FOR WORK GROUPS (August 8, 1995)