

115TH CONGRESS
2D SESSION

S. 2340

To establish the Federal Labor-Management Partnership Council.

IN THE SENATE OF THE UNITED STATES

JANUARY 25, 2018

Mr. SCHATZ (for himself, Mr. BROWN, Ms. WARREN, and Mr. CARDIN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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 2018”.

6 **SEC. 2. ESTABLISHMENT OF FEDERAL LABOR-MANAGE-**
7 **MENT PARTNERSHIP COUNCIL.**

8 (a) IN GENERAL.—Subchapter I of chapter 71 of title
9 5, United States Code, is amended by adding at the end
10 the following:

1 **“§ 7107. Federal Labor-Management Partnership**
2 **Council**

3 “(a) ESTABLISHMENT.—There is established a coun-
4 cil to be known as the ‘Federal Labor-Management Part-
5 nership Council’ (referred to in this section as the ‘Coun-
6 cil’).

7 “(b) MEMBERSHIP.—The Council shall be composed
8 of—

9 “(1) the Director of the Office of Personnel
10 Management;

11 “(2) the Deputy Director for Management of
12 the Office of Management and Budget;

13 “(3) a deputy secretary (or other officer with
14 agency-wide authority) from each of 2 agencies not
15 otherwise represented on the Council, who shall be
16 appointed by the President;

17 “(4) the Chairman of the Federal Labor Rela-
18 tions Authority;

19 “(5) the Director of the Federal Mediation and
20 Conciliation Service;

21 “(6) 2 members who shall be appointed by the
22 President to represent the respective labor organiza-
23 tions representing (as exclusive representatives) the
24 first and second largest numbers of employees sub-
25 ject to this chapter or any other authority permit-
26 ting employees to select an exclusive representative;

1 “(7) 4 members who shall be appointed by the
2 President to represent labor organizations rep-
3 resenting (as exclusive representatives) substantial
4 numbers of employees subject to this chapter or any
5 other authority permitting employees to select an ex-
6 clusive representative—

7 “(A) each of whom shall be selected giving
8 due consideration to such factors as the relative
9 numbers of employees represented by the var-
10 ious organizations; and

11 “(B) not more than two of whom may, at
12 any time, be representatives of the same labor
13 organization or council, federation, alliance, as-
14 sociation, or affiliation of labor organizations;

15 “(8) 1 member who shall be appointed by the
16 President to represent the organization representing
17 the largest number of senior executives (as that term
18 is defined in section 3132(a)(3)); and

19 “(9) 1 member who shall be appointed by the
20 President to represent the organization representing
21 the largest number of management officials.

22 “(c) RESPONSIBILITIES AND FUNCTIONS.—The
23 Council shall—

24 “(1) advise the President on matters involving
25 labor-management relations in the executive branch;

1 “(2) support the creation of local labor-manage-
2 ment partnership councils that promote partnership
3 efforts in the executive branch;

4 “(3) collect and disseminate information about
5 and provide guidance on partnership efforts in the
6 executive branch, including the results of those ef-
7 forts; and

8 “(4) use the expertise of individuals, both inside
9 and outside the Federal Government, to foster part-
10 nership arrangements in the executive branch.

11 “(d) ADMINISTRATION.—

12 “(1) CO-CHAIRS.—The Director of the Office of
13 Personnel Management and the Deputy Director for
14 Management of the Office of Management and
15 Budget shall serve as co-chairs of the Council.

16 “(2) MEETINGS.—The Council shall meet quar-
17 terly and at the call of the co-chairs or a majority
18 of the members of the Council.

19 “(3) OUTSIDE INPUT.—The Council—

20 “(A) shall seek input from agencies not
21 represented on the Council, particularly smaller
22 agencies;

23 “(B) may from time to time, in the discre-
24 tion of the Council, invite experts from the pri-

1 vate and public sectors to submit information;
2 and

3 “(C) shall seek input from companies, non-
4 profit organizations, State and local govern-
5 ments, employees, and customers of Federal
6 services, as needed.

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

14 “(5) NO COMPENSATION.—Members of the
15 Council shall serve without compensation for their
16 work on the Council.

17 “(6) COOPERATION OF OTHER AGENCIES.—
18 Each agency shall, to the extent permitted by law,
19 provide to the Council such assistance, information,
20 and advice as the Council may request.

21 “(e) GENERAL PROVISIONS.—

22 “(1) REPORTING TO CONGRESS.—Any reporting
23 to or appearances before Congress that may be re-
24 quested or required of the Council shall be made by
25 a co-chair of the Council.

1 “(2) TERMS OF MEMBERSHIP.—A member ap-
2 pointed under paragraph (3), (6), (7), (8), or (9) of
3 subsection (b) shall be appointed for a term of 3
4 years, except that any individual chosen to fill a va-
5 cancy under any of those paragraphs shall be—

6 “(A) appointed for the unexpired term of
7 the member replaced; and

8 “(B) chosen subject to the same conditions
9 as applied with respect to the original appoint-
10 ment.

11 “(3) SERVICE AFTER EXPIRATION OF TERM.—
12 A member appointed under paragraph (3), (6), (7),
13 (8), or (9) of subsection (b) may serve after the ex-
14 piration of that member’s term until a successor has
15 taken office, but for not more than 60 days after the
16 term expires.

17 “(4) NOT SPECIAL GOVERNMENT EMPLOY-
18 EES.—A member who is not otherwise an employee
19 shall not be considered a special Government em-
20 ployee for any purpose.

21 “(5) NO TERMINATION.—Section 14(a)(2) of
22 the Federal Advisory Committee Act (5 U.S.C.
23 App.) shall not apply to the Council.

1 **“§ 7108. Implementation of labor-management part-**
2 **nerships throughout the executive**
3 **branch**

4 “The head of each agency that is subject to this chap-
5 ter or any other authority permitting employees of the
6 agency to select an exclusive representative shall take the
7 following actions:

8 “(1) Create labor-management partnerships by
9 forming labor-management committees or councils at
10 appropriate levels, or adapting existing committees
11 or councils if such groups exist.

12 “(2) Involve employees and employee represent-
13 atives as full partners with management representa-
14 tives to improve the civil service to better serve the
15 public and carry out the mission of the agency.

16 “(3) Provide systemic training of appropriate
17 agency employees (including line managers, first-line
18 supervisors, and labor organization representatives)
19 in consensual methods of dispute resolution, such as
20 alternative dispute resolution techniques and inter-
21 est-based bargaining approaches.

22 “(4)(A) Allow employees and employee rep-
23 resentatives to have pre-decisional involvement in all
24 workplace matters to the fullest extent practicable,
25 without regard to whether those matters are nego-
26 tiable subjects of bargaining under section 7106.

1 “(B) Provide adequate information on the mat-
2 ters described in subparagraph (A) expeditiously to
3 employee representatives where not prohibited by
4 law.

5 “(C) Make a good-faith attempt to resolve
6 issues concerning proposed changes in conditions of
7 employment, including those involving the subjects
8 set forth in section 7106(b)(1), through discussions
9 in the labor-management committees or councils es-
10 tablished or adapted by the agency under paragraph
11 (1) of this section.

12 “(5) Evaluate progress and improvements in or-
13 ganizational performance resulting from the labor-
14 management partnerships described in paragraph
15 (1).”.

16 (b) TECHNICAL AND CONFORMING AMENDMENT.—
17 The table of sections for chapter 71 of title 5, United
18 States Code, is amended by inserting after the item relat-
19 ing to section 7106 the following:

“7107. Federal Labor-Management Partnership Council.

“7108. Implementation of labor-management partnerships throughout the execu-
tive branch.”.

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