

**FINAL**

**November 29, 2011**

DWR  
11/29/11  
DWR  
11/29/11

## **ARTICLE XXXIX - CONSULTATIVE MANAGEMENT**

### **Section 1.**

The Parties are committed to the mutually beneficial consultative management (CM) philosophy in which both managers and staff engage in open, two-way communications on issues at the earliest possible stage. While the full success of any CM effort is ultimately dependent on the extent to which all participants engage in the process, the commitment is genuine and the goal is to achieve full consideration of all viewpoints with consensus wherever possible.

For purposes of this Agreement, consensus is reached when a single alternative is agreed upon and all those participating in the CM process can accept this alternative whether or not it is their preferred choice.

### **Section 2.**

- A. Consultative management is defined as "consulting with employees on problems, solutions, and decisions; sharing information about the results; and implementing operational changes as a result of the consultative process."
- B. Consultative management is:
  - 1. maximum appropriate involvement of staff in deliberations on problems, solutions and decisions;
  - 2. a means of resolving issues in the work place;
  - 3. a mutually beneficial philosophy and process to improve the quality of work life, to contribute to the mission and goals of the Library of Congress, and to demonstrate respect for and recognition of individual perspectives and points of view.
  - 4. a commitment to open, two-way communications;
  - 5. a joint and cooperative effort between labor and management; and
  - 6. a method of working collegially together to find ways that work can be accomplished in a more effective and efficient manner.
- C. Consultative management is not:
  - 1. an abrogation by management of its responsibility to develop plans, proposals, and initiatives;
  - 2. a prohibition against independent analysis prior to the CM process;
  - 3. an abrogation by management of the final authority for decision-making following a CM discussion with staff; nor is it a way of avoiding management responsibility for the consequences of decisions;

4. a process that binds the parties to enforceable obligations; only a signed agreement which following consultation is binding and that agreement is binding only to resolve the specific issue(s).
5. a replacement for collective bargaining nor a substitute for the grievance procedure; or
6. formal negotiation between management and staff comparable to negotiations between the Parties under the Federal Service Labor-Management Relations Statute; instead it is an informal process of mutual listening and sharing of information and concerns with the goal of reaching consensus, and, in the absence of consensus, open discussion of decisions and their rationale by management to staff.

### **Section 3.**

The Library and the Association endorse implementation of consultative management (CM) to facilitate two-way communications at all levels for the purpose of promoting greater staff involvement in identifying and resolving concerns and promoting a better flow of information on issues affecting staff.

### **Section 4.**

The Library and the Association will encourage staff at all levels to provide input and exercise initiative in the CM process.

### **Section 5.**

Management, staff and CREA, using the CM process may reach a consensus on how to resolve issues in a particular division/office. However, no division/office consensus reached is binding if it changes the terms and conditions of employment as set forth in the CBA or adds new terms and conditions, not specifically covered in the CBA, that would require the mutual consent of the Library and CREA. Any signed agreement reached following the consultative process must be reviewed annually and be mutually agreed upon by division/office management and CREA during January of every year or the past agreement is void. The Library will contact CREA no later than the 15<sup>th</sup> of January to set up a meeting to discuss the agreements.

### **Section 6.**

- A. CM is a communication process. It relies on the good will of supervisors and staff to share information and ideas for the betterment of CRS.
- B. Staff will not be penalized for initiating the CM process, participating in and exercising initiative throughout the CM process, including the ability of staff to request consultation.

- C. CM does not add to nor subtract from existing legal rights of management, CREA and staff, consistent with law and this contract, as CM is not a replacement for collective bargaining or a substitute for the grievance procedure.
- D. CM cannot be the subject of a grievance, except that the failure to establish, implement, and maintain a CM mechanism(s) is grievable.

#### **Section 7.**

Each division/office and the Service shall document within 90 days following the execution of this Agreement a process to utilize CM that leads to ongoing verbal face-to-face two-way communication. Each division/office's process shall be posted online. At the initiative of either management or the Association in any division or office, or at least every three years, a team consisting of at least one management official, one union representative, and one other member of a division/office staff, may be formed to review the experience of CM within that division/office. The team will have the authority to report any findings and/or recommendations for consideration by staff and management in a manner consistent with the division/office's established CM mechanism. The team will have the authority to report any findings to the assistant/associate director or office head, the Director of CRS, and the President of CREA. In the absence of a consensus, any member of the team has the authority to submit a separate report.