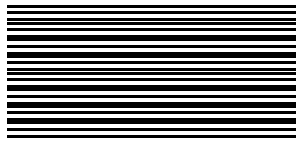


Working Paper #5

ALTERNATIVE DISPUTE
RESOLUTION SERIES



PARTNERSHIP COUNCILS: BUILDING SUCCESSFUL LABOR-MANAGEMENT RELATIONSHIPS

October 1994

IWR Working Paper 94-ADR-WP-5



*PARTNERSHIP COUNCILS:
BUILDING SUCCESSFUL
LABOR-MANAGEMENT RELATIONSHIPS*

**Alternative Dispute
Resolution Series**

Working Paper #5

Frank Carr
Chief Trial Attorney
U.S. Army Corps of Engineers

Assisted By:

Anne Marie Chapman
Chief, Labor and Employees Relations
U.S. Army Corps of Engineers

Buck Norton
Wilmington District
U.S. Army Corps of Engineers

***The Corps Commitment to
Alternative Dispute Resolution (ADR)***

This working paper is one in a series of publications describing techniques for Alternative Dispute Resolution (ADR). This series is part of a Corps program to encourage its managers to develop and utilize new ways of resolving disputes. ADR techniques may be used to prevent disputes, resolve them at earlier stages, or settle them prior to formal litigation. These working papers are a means of providing Corps managers with up-to-date information on the latest ADR processes, and the information here is designed to encourage innovation by Corps managers in the use of ADR techniques.

The ADR Program is carried out under the auspices of the U.S. Army Corps of Engineers, Office of Chief Counsel, Lester Edelman, Chief Counsel, and Frank Carr, Chief Trial Attorney. The program is under the guidance of the U.S. Army Corps of Engineers' Institute for Water Resources (IWR), Alexandria VA. Jerome Delli Priscoli, Ph.D., Senior Policy Analyst of IWR is currently supervising the program.

Other ADR case studies, pamphlets, and working papers available are listed at the end of this report.

For further information on the ADR Program and publications contact:

*Dr. Jerome Delli Priscoli
Institute for Water Resources
Casey Building
7701 Telegraph Road
Alexandria, VA 22315-3868
Telephone: (703) 355-2372
FAX: (703) 355-8435*

TABLE OF CONTENTS

FOREWORD	v
ACKNOWLEDGMENTS	vii
CHAPTER I. - INTRODUCTION	1
1. Blueprint For A New Relationship	1
2. National Performance Review's Partnership Recommendation	1
CHAPTER II. - EXECUTIVE ORDER 12871, "LABOR-MANAGEMENT PARTNERSHIPS"3	
1. Why a Partnership?	3
2. What Is a Partnership Council?	4
CHAPTER III. - PREPARATION FOR SUCCESS	5
1. Make It a Joint Design	5
2. Form the Partnership Design Team	5
3. Consider Partnership Characteristics	6
CHAPTER IV. - WORKING FOR SUCCESS	9
1. Development Workshop	9
2. Workshop Facilitation	11
CHAPTER V. - MAINTAINING SUCCESS	13
1. Follow-up Program	13
2. Training	14
CHAPTER VI. - CONCLUSION	15
APPENDICES	17
APPENDIX A - PARTNERSHIP CHARACTERISTICS EVALUATION FORM	19
APPENDIX B - PARTNERSHIP ISSUES EVALUATION FORM	21
APPENDIX C - CHARTER PARTNERSHIP COUNCIL	23



FOREWORD

The U.S. Army Corps of Engineers has traditionally sought to accomplish its missions in the most effective and efficient manner, and to explore better ways to do the Corps' business. In *Our Vision*, we pledge to forge improved relationships across a broad spectrum. During recent years, one innovation that has proven successful in improving performance is "partnering."

The essence of partnering is promoting cooperation, positive and mutually beneficial teamwork among two or more parties, and the active pursuit of common goals. Partnership creates a climate of trust.

Corps headquarters will continue to develop guidance, training, and other processes necessary to implement partnering as the standard for Corps business relationships. All members of our team should apply the principles of partnering at every appropriate opportunity and across every facet and activity of our organization, both internally and externally.

Arthur E. Williams
Lieutenant General, U.S. Army
Commanding
Policy Memorandum 4
31 March 1993



ACKNOWLEDGMENTS

Our thanks to the following individuals who helped in the development of this pamphlet at the March 1994 USACE Partnership Planning Meeting.

Linda Beckles
Jim Butler
Tom Verna
Mary Day
Judy Davis
Timothy Elmore
Sharon Ferguson
David Helmer
Paul Ponder
Mike McClure
George Mefford
Mary Miller
Steve Lingenfelter

Raymona Ramsey
Ray Schmitz
Bill Thornton
Col. William Brown
Steve Browning
Frank Waldron
Michael Zullo
Florence Edgington
Arthur Henderson
Dan Carpenter
Sue Devries, Facilitator
Sharon Harvey, Facilitator
Tina Anderson, Facilitator



CHAPTER I.

INTRODUCTION

1. Blueprint For A New Relationship

In most organizations, the establishment of a Partnership Council institutes a dramatic change from a traditional adversarial culture to a new cooperative relationship. The quality of this new relationship will stem from mutual trust, honest communications, and teamwork. The effort the partners put into the relationship will be reflected in the lasting results achieved. Building an effective relationship takes understanding and time, but most of all it takes commitment to the mutual goals and vision of the partnership.

This pamphlet is designed to assist organizations in establishing Partnership Councils. Creating a successful Partnership Council is a collaborative endeavor that involves labor and management focusing on their common interests. This pamphlet is intended to be a blueprint for all partners to use in establishing a new labor-management partnership for their organization.

2. National Performance Review's Partnership Recommendation

The National Performance Review (NPR) has developed recommendations to create a federal government that works better and costs less. The key principles that guided the NPR study were: cutting red tape, putting customers first, empowering employees to achieve results, and getting back to basics. Empowering employees to achieve results was the underlying principle for the NPR's recommendation that the federal government form labor-management partnerships. The NPR recognized that transforming labor - management relations will require a significant change in the relationship of the partners.



**CHAPTER II.
EXECUTIVE ORDER 12871,
“LABOR-MANAGEMENT PARTNERSHIPS”**

Acting on the NPR partnership recommendation, the President issued Executive Order 12871 of October 1, 1993. The order states that the involvement of federal employees and their union representatives in a partnership is essential to achieving the NPR’s reform objectives. As partners in the design and implementation of comprehensive change, federal employees will transform agencies “into organizations capable of delivering the highest quality services to the American people.” To do this, agencies are directed to do the following: create labor-management partnerships by forming councils; involve employees and their union representatives as full partners with management; provide training in consensual methods of dispute resolution and interest-based bargaining; negotiate over the subjects in 5 U.S.C. 7106 (b)(1); and evaluate progress in organizational performance.

LABOR-MANAGEMENT RELATIONS

We can only transform government if we transform the adversarial relationship that has dominated most federal union-management interaction into a partnership for reinvention and change.

Executive Order 12871

1. Why a Partnership?

The simple answer to the question, “Why form a partnership?” is that it is necessary to comply with the National Performance Review and President Clinton’s Executive Order. But beyond meeting these requirements, creating a labor- management partnership makes good business sense. It is logical to involve all parties in reshaping the organizational culture, finding better ways to prevent and resolve differences, and establishing a relationship to meet the needs of the partners, the Army, and the American people.



2. What Is a Partnership Council?

A Partnership Council is an internal group composed of labor and management officials and reflecting a new relationship among the partners. In an organization that has several bargaining units, the organization may have more than one Partnership Council or a single Partnership Council with several bargaining unit members. Regardless of how many Partnership Councils are established, the partners decide the way that an individual partnership develops and the final form that it takes. Each partnership will be different and should be tailored to meet the needs of the partners and satisfy their common interests. Specific details such as the number of members, the level of membership, and the formality of the meetings will depend on the partners.



CHAPTER III. PREPARATION FOR SUCCESS

We, in the Corps of Engineers, have long prided ourselves on our teamwork in responding to emergencies such as Hurricane Andrew, the Mississippi River flood, and the Los Angeles earthquake. At times like these, we have pulled together to meet a common goal. Executive Order 12871, Labor-Management Partnerships, gives us an opportunity to put our team-building expertise to work to build better relationships between union and management officials. Together, we can work to make the Corps a more efficient, effective, and enjoyable place in which to work.

Susan Duncan
Director of Human Resources
U.S. Army Corps Engineers

1. Make It a Joint Design

The Partnership Council should be collaboratively designed by labor and management. When the partnership is being established, there should be no one-sided objectives or hidden agendas. The partners need to work together to create a Partnership Council to better serve the organization and its employees and to meet the organization's mission. Within the guidelines expressed in the NPR and Executive Order 12871, the partnership should reflect a "we" relationship with common interests and mutual goals.

2. Form the Partnership Design Team

One way to create a Partnership Council is to begin by forming a design team that consists of representatives from labor and management. Full participation by each partner on the design team will significantly increase the chances of success for the Partnership Council since



the partners will share ownership in the new relationship that results from their joint endeavor. The members of the design team may be the same individuals who will initially serve on the Partnership Council and may include union members and officers, senior managers, human resources officials, and an attorney. The level of representation for management will depend on the extent of bargaining unit representation in the activity.

3. Consider Partnership Characteristics

The Partnership Design Team should incorporate the following characteristics of successful partnerships when designing the Partnership Council:

- Attitude** — Each partner adopts a positive attitude that reflects the change in attitude from confrontational to cooperative.
- Commitment** - Each partner pledges to act and fulfill all duties necessary to make the partnership successful.
- Respect** — The partners recognize and acknowledge that individual personalities and organizational structures can differ, yet are entitled to respect.
- Communications** - The partners dedicate themselves to open and honest communications that involve speaking freely and frankly and listening actively.
- Sharing** - Each partner is willing to share necessary information voluntarily without engaging in positional bargaining.
- Trust** - Trust is earned over time by the partners' actions being consistent with their words.
- Goals** - Mutual goals are jointly established by the partnership, which also sets objectives to reach those goals.
- Consensus** - Solutions to issues are jointly developed by all partners, are acceptable to all partners, and are supported by all partners.
- Responsibility** - All partners accept responsibility for the change in the relationship, feel responsible for the success or failure of the partnership, and act accordingly.



- ❑ **Synergy** - All partners work together to achieve a synergistic partnership in which the totality is greater than the sum of the individual parts.



CHAPTER IV. WORKING FOR SUCCESS

The most successful negotiations occur when the parties have a common understanding of interest-based bargaining principles and they begin by identifying their individual interests.

Lester Edelman
Chief Counsel
U.S. Army Corps of Engineers

1. Development Workshop

The Partnership Design Team can use a facilitated workshop to develop the partnership. The development workshop should establish open communications, create a team spirit, and enhance commitment to the partnership. To ensure success at the development workshop, the Partnership Design Team should meet for several days soon after the team is formed in order to design the development workshop. During the workshop, the following steps can be useful.

a. Assess Current Relationship

An important activity for the design team is learning from the past. The team should recognize positive and negative aspects of their existing relationship. Specifically, they should identify sources of past conflict that caused disputes and created barriers between the partners, as well as sources of agreement that fostered better relationships. This assessment requires an honest evaluation of the relationship.

b. Discuss Partner Expectations

The partners need to put their expectations for the Partnership Council on the table. Expectations need to be discussed in order to set realistic limits and avoid disappointment and frustration.



c. Identify Common Interests

The workshop can help the partners identify their common interests in a partnership. These interests are often expressed in simple statements such as “reducing tension,” “building better communications,” “creating a safer workplace,” or “improving relationships.” By taking the time at the beginning of the workshop to identify common interests, the partners will establish the foundation for a successful Partnership Council.

d. Establish Partnership Functions

The partners need to clarify what they want the Partnership Council to accomplish. The general functions can be to share information, prevent disputes, build consensus, and identify training opportunities.

e. Commit to Bargain Over Discretionary Items

Since the Executive Order established that bargaining over the subjects in 5 U.S.C. S 7106(b)(1) is mandatory, the partners need to commit to bargain in good faith. These negotiations should be well-planned and use interest-based bargaining principles.

f. Designate Action Teams

Identify action items that can assist in preventing or resolving problems and designate joint Action Teams to solve those problems. Action items may include traditional subjects such as “collective bargaining negotiations,” or new areas such as “training opportunities,” and “workplace partnership activities.” Action Teams that focus on these subjects should consist of subgroups of the Partnership Council.

g. Develop Future Vision

The partnership should have a joint vision that articulates what the organization will be like in the future as a result of the Partnership Council’s positive relationship.

h. Set Mutual Goals

Setting mutual goals establishes what the partners want to accomplish within their vision for the partnership. To achieve these goals, the partners also need to establish performance measures to indicate progress that can be reviewed at future Partnership Council meetings.



i. Fix Meeting Procedures

The Partnership Council should have simple, fair, and efficient procedures. Establishing procedures early during the process prevents later disputes over process. Procedures can cover subjects such as establishing membership on the Partnership Council, selecting meeting locations, setting schedules, establishing the agenda format, and recording meeting minutes.

j. Create Partnership Charter

At the conclusion of the development workshop, the design team needs to create a charter to guide the partnership throughout its relationship. The charter is not a contractual agreement between labor and management, nor does it affect or change any collective bargaining agreements. Rather, the charter expresses the intent of the Partnership Council to work together in a cooperative relationship.

The charter should be a concise written document that consists of the partnership vision and a list of jointly developed goals. Typically, the charter comprises one or two pages and is signed by all members of the design team as an expression of their commitment to the partnership.

2. Workshop Facilitation

The Partnership Design Team may want to use a professional facilitator to lead the development workshop. A facilitator is a neutral and impartial third party who can assist diverse groups in conducting joint meetings. As an expert in persuading diverse groups to work together effectively, the facilitator can assume responsibility for the process so that the design team can focus on the content of the meeting. In selecting a facilitator, the design team should look for an individual who has skills in team building and communications.



CHAPTER V. MAINTAINING SUCCESS

1. Follow-up Program

After the design team has conducted the development workshop, signed a charter, and formed the Partnership Council, it is time to initiate the follow-up program. This program consists of regularly scheduled meetings of the Partnership Council and special meetings of the Action Teams. Additionally, partnership training should be part of the program.

a. Partnership Council Meetings

Partnership Council meetings are essential to sustaining a cooperative relationship. Meetings should be held as needed, but at the beginning of the partnership they should probably be held frequently, perhaps monthly at first and later quarterly. The matter of scheduling is an item for the partners to decide.

The meetings should be flexible and encourage full participation by the partners. At the meetings, the partners can introduce new members, share information, discuss training needs, review Action Team reports, identify new problems, and evaluate the relationship. These sample agenda items are explained below.

b. Agenda Items

Introducing a new member to the partnership can be done easily. In addition to a simple introduction at the meeting, the new member needs to be provided a copy of the charter and the opportunity to sign it.

Sharing information is the responsibility of all partners. Management needs to share information that can impact bargaining unit employees. Similarly, labor must share the attitudes of bargaining unit members on issues.

Discussing training needs is necessary to provide the partners with the tools required to build the relationship. Training needs and the opportunities to satisfy those needs will be discussed in a later publication.

Reviewing Action Team reports ensures that problems are being addressed in a timely manner. The partners can review what has been done and offer suggestions on plans for resolution.



Identifying new problems is a responsibility of all partners. Recognizing that the identification of issues is a joint responsibility brings problems into the open, permits statements to be made on interests, and allows the partners to form Action Teams if necessary.

Evaluating the relationship may be the most important function of the Partnership Council meetings. The evaluation process can be expedited by developing a checklist of partnership characteristics for each partner to rate.

c. Meeting Minutes

Since the Partnership Council will be involved in a number of diverse activities, minutes of the meetings will be valuable to record what happened and also to set the agenda for the next meeting. The responsibility for recording the minutes can be rotated among the partners.

d. Action Team Meetings

Action Team meetings are separate meetings for the members of the Action Team and others that the team decides to include. The meetings provide the members with the opportunity to focus their full attention on a particular issue. The Action Team will normally engage in a fact-finding process and then make recommendations in a report to the Partnership Council. The frequency and length of the meetings depend upon the difficulty of the problem and the desires of the members.

2. Training

In most Partnership Councils, the partners will need training. The partners should actively participate in these joint exercises. The main training areas will probably concern relationships and consensual methods of dispute resolution. Relationship training may include instruction in communication skills and team building. Training in consensual methods of dispute resolution should center on interest-based bargaining and the techniques of alternative dispute resolution (ADR). After the Partnership Council decides that training is needed, the activity training officer should be contacted to assist in finding training resources.

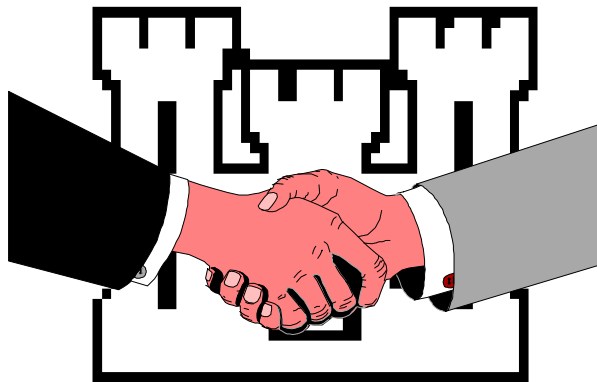


CHAPTER VI.

CONCLUSION

The time has arrived to develop better labor-management relationships. The creation of a Partnership Council is a giant step in this direction.

To establish a successful Partnership Council within an organization requires considerable preparation and careful planning. Although the task may seem formidable, it does not have to be. This pamphlet provides a practical approach to accomplish it. By forming a Partnership Design Team and using a development workshop, a foundation for success can be built for the Partnership Council.





APPENDICES



APPENDIX A
PARTNERSHIP CHARACTERISTICS EVALUATION FORM

This form is for use in evaluating how well our partnership is meeting the characteristics of a successful relationship. Each characteristic is rated separately and can be scored from 1 (lowest) to 5 (highest).

CHARACTERISTIC	1	2	3	4	5
Attitude					
Commitment					
Respect					
Communications					
Sharing					
Trust					
Goals					
Consensus					
Responsibility					
Synergy					

(Check one)

Labor _____

Management _____



APPENDIX B
PARTNERSHIP ISSUES EVALUATION FORM

This form is for use in evaluating how well our partnership is doing in handling significant issues identified by the Partnership Council. Each issue is rated separately and can be scored from 1 (lowest) to 5 (highest).

ISSUE	1	2	3	4	5
(Action Team Subject)					
(Action Team Subject)					
(Action Team Subject)					
Training					
Negotiations					
Alternative Dispute Resolution					

(Check one)

Labor _____

Management _____



APPENDIX C
CHARTER
PARTNERSHIP COUNCIL

___ District and Local # _____ , _____

We, the partners to this Charter, have a vision that working together in a trusting cooperative partnership will greatly improve our relationship and will significantly benefit bargaining unit employees, the Army Corps of Engineers, and the American public. To implement this vision, the partners will seek to:

1. Make partnership part of the organizational culture.
2. Respect each partner.
3. Accept responsibility and accountability for the success of the partnership.
4. Meet regularly as agreed by the partners.
5. Share information of interest with all partners.
6. Identify partnership training opportunities.
7. Reach solutions to problems through consensus decision-making.
8. Use interest-based bargaining principles.
9. Establish dispute resolution alternatives.
10. Ensure appropriate resources are available to address action items.