
PRESIDENTIAL EXECUTIVE ORDER No 12871

Dated: 10-01-93

LABOR-MANAGEMENT PARTNERSHIPS

The involvement of federal Government employees and their union representatives is essential to achieving the National Performance review's Government reform objectives. Only by changing the nature of Federal labor-management relations so that managers, employees, and employees' elected union representatives serve as partners will it be possible to design and implement comprehensive changes necessary to reform Government. Labor-management partnerships will champion change in Federal Government agencies to transform them into organizations capable of delivering the highest quality services to the American people. By the authority vested in me as President by the Constitution and the laws of the United States, including section 301 of title 3, United States Code, and in order to establish a new form of labor-management relations throughout the Executive Branch to promote the principles and recommendations adopted as a result of the National Performance Review, it is hereby ordered:

Section 1: The National Partnership Council

a. Establishment and Membership

There is established the National Partnership Council ("Council"). The Council shall comprise the following members appointed by the President:

1. Director of the Office of Personnel Management ("OPM");
2. Deputy Secretary of Labor;
3. Deputy Director for Management, Office of Management and Budget;
4. Chair, Federal Labor relations Authority;
5. Federal Mediation and Conciliation Director;
6. President, American Federation of Government Employees, AFL-CIO;
7. President, National Federation of federal Employees;
8. President, National Treasury Employees Union;
9. Secretary-Treasurer of the Public Employees Department, AFL-CIO; and

10. A deputy Secretary or other officer with department- or agency-wide authority from two executive departments or agencies (hereafter collectively "agency"), not otherwise represented on the Council.

Members shall have 2-year terms on the Council, which may be extended by the President.

b. Responsibilities and Functions:

The Council shall advise the President on matters involving labor-management relations in the executive branch. Its activities shall include:

1. supporting the creation of labor-management partnerships and promoting partnership efforts in the executive branch, to the extent permitted by law;
2. proposing to the President by January 1994 statutory changes necessary to achieve the objectives of this order, including legislation consistent with the National Performance Review's recommendations for the creation of a flexible and responsive hiring system and the reform of the General Schedule classification system;
3. collecting and disseminating information about, and providing guidance on, partnership efforts in the executive branch, including results achieved, to the extent permitted by law;
4. utilizing the expertise of individuals both within and outside the Federal Government to foster partnership arrangements; and
5. working with the President's Management Council toward reform consistent with the National Performance Review's recommendations throughout the executive branch.

c. Administration:

1. The President shall designate a member of the Council who is a full-time Federal employee to serve as the Chairperson. The responsibilities of the Chairperson shall include scheduling meetings of the Council.
2. The Council shall seek input from nonmember Federal agencies, particularly smaller agencies. It also may, from time to time, invite experts from the private and public sectors to submit information. The Council shall also seek input from companies, nonprofit organizations, State and local governments, Federal Government employees, and customers of Federal Government services, as needed.

3. To the extent permitted by law and subject to the availability of appropriations, OPM shall provide such facilities, support, and administrative services to the Council as the Director of OPM deems appropriate.
4. Members of the Council shall serve without compensation for their work on the Council, but shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law, for persons serving intermittently in Government service.
5. All agencies shall, to the extent permitted by law, provide to the Council such assistance, information, and advice as the Council may request.

d. General.

1. I have determined that the Council shall be established in compliance with the Federal advisory Committee Act, as amended (5 U.S.C. App. 2).
2. Notwithstanding any other executive order, the functions of the President under the Federal Advisory Committee Act, as amended, except that of reporting to the Congress, that are applicable to the Council, shall be performed by the Director of OPM, in accordance with guidelines and procedures issued by the Administrator of General Services.
3. The Council shall exist for a period of 2 years from the date of this order, unless extended.
4. Members of the Council who are not otherwise officers or employees of the Federal Government shall serve in a representative capacity and shall not be considered special Government employees for any purpose.

Sec. 2. Implementation of Labor-Management Partnerships Throughout the Executive Branch.

The head of each agency subject to the provisions of chapter 71 of title 5, United States Code shall:

- a. create labor-management partnerships by forming labor- management committees or councils at appropriate levels, or adapting existing councils or committees if such groups exist, to help reform Government;
- b. involve employees and their union representatives as full partners with management representatives to identify problems and craft solutions to better serve the agency's customers and mission;

- c. provide systemic training of appropriate agency employees (including line managers, first line supervisors, and union representatives who are Federal employees) in consensual methods of dispute resolution, such as alternative dispute resolution techniques and interest-based bargaining approaches;
- d. negotiate over the subjects set forth in 5 U.S.C. 7106(b) (1), and instruct subordinate officials to do the same; and
- e. evaluate progress and improvements in organizational performance resulting from the labor-management partnerships.

Section 3: No Administrative or Judicial Review

This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right to administrative or judicial review, or any other right, substantive or procedural, enforceable by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

William J. Clinton

THE WHITE HOUSE