

***PARTNERSHIP AGREEMENT AND CHARTER  
FOR  
THE CENTER FOR FOOD SAFETY AND APPLIED NUTRITION (CFSAN), FOOD AND  
DRUG ADMINISTRATION (FDA)  
AND  
NATIONAL TREASURY EMPLOYEES UNION (NTEU)***

In the spirit of Executive Order 12871, which encourages agencies to form labor-management partnership relationships, CFSAN and NTEU jointly established a Local Labor-Management Partnership Committee (the Council). The parties recognize that a strong collaborative relationship based on mutual trust and respect between labor and management as true partners is essential in order for CFSAN to continue to work efficiently and effectively to better serve its stakeholders' needs. This partnership relationship is founded upon a commitment to the open sharing of information at the earliest pre-decisional stage creating an environment where knowledge is utilized to better meet the Agency's mission.

**PURPOSE**

The Committee's goal is to further the CFSAN's mission of protecting the public health by establishing a labor-management working environment that maximizes the full development and utilization of employees' skills, knowledge, and capabilities.

**OBJECTIVES**

In pursuit of this goal, the Committee will be actively engaged in achieving the following objectives:

- to enhance and/or establish guidelines and program improvement initiatives through pre-decisional involvement;
- to provide a forum from which to build mutual trust, respect and understanding between the parties;
- to share and discuss matters of concern and interest to both partners;
- to act as equal partners to address issues from an interest-based problem-solving perspective;
- to promote cooperative labor-management working relationships across the Agency;
- to establish programs and activities that enhance the quality of worklife of CFSAN employees;

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- to facilitate implementation of Food and Drug Administration's Labor-Management Partnership Council initiatives;
- to provide an open line of communication and information between the Committee and all employees; and
- to build an environment where all employees are responsible for developing and maintaining a productive and fulfilling workplace.

### SCOPE

The Committee is a decision making body for those issues the Committee decides to address, consistent with the preamble and objectives set forth in this charter. For those issues that are beyond the Committee's authority to make a decision, the Committee may decide to make a recommendation or to seek the authority to make a decision. Included within the scope of the Committee would be action to promote and support CFSAN issues.

The Committee recognizes that its work is not a substitute for collective bargaining obligations.

### STRUCTURE

Composition: The Committee will consist of six (6) members, three (3) NTEU representatives and three (3) management representatives. In addition, the FDA Partnership representatives will be considered ex-officio members of the Committee. There will be one alternate member from the three (3) CFSAN members appointed and identified by management and one alternate member from the three (3) members appointed and identified by NTEU to represent both sides. Alternates will attend committee meeting and will be allowed to participate and vote when they are serving in place of a voting member. Both entities will make every effort to appoint appropriately diverse representatives (considering ethnicity, gender, major program, professional management components, grade, etc.). All bargaining unit participants will be allocated appropriate official time to participate in Committee activities. Membership terms will be decided individually by each entity.

Co-Chairs: NTEU and the Center will each appoint a Committee Co-Chair for a term to be established individually by each entity. The Co-Chairs will alternate in chairing meetings of the Committee and put agendas together.

Outside Participants: Outside participants may only attend by the mutual agreement of the Co-Chairs. Participation of invited subject matter participants will be limited to their area of expertise. Observers may only be invited to attend by consensus of the Committee.

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Decision Making: All Committee members have equal status during Committee deliberations. The Committee has the authority to recommend and require action. A quorum exists when at least two (2) representatives from labor and two (2) representatives from management are present. When there is no quorum, meetings may still be held to discuss issues, however no decisions may be made.

All decisions shall be made by consensus. A consensus decision is one that each member of a partnership can "live with." Consensus presumes that all participants are satisfied that their concerns have been heard. It is a decision that, while perhaps not the preferred choice of each member, is one that all members can accept, understand and publicly support after the meeting. A fully developed item may be tabled for one additional meeting, unless the Committee mutually agrees to extend the length of time.

If consensus is not reached, each party may utilize its statutory and other rights as specified in "Preservation of Rights," described below. This decision making process will be evaluated by the Committee after one (1) full year of Committee operation.

Meeting Schedule and Logistics: The Committee will meet quarterly (or more often if necessary and by mutual agreement). The Committee will normally meet at CFSAN Headquarters in College Park, MD, but may also meet at another location, by mutual agreement. If a Committee member is unable to physically attend a meeting, they may participate by video conferencing or teleconferencing, by mutual agreement. Each member and alternate member shall notify the Executive Secretary in a timely manner if they cannot attend a scheduled meeting. Members participating by video conferencing or teleconferencing do count as part of the quorum. The date and time for any meetings will be established by mutual agreement. Committee meetings may be held in conjunction with other meetings where it is deemed cost-effective.

Workgroups: The Committee has the authority to form workgroups that may include individuals from outside of the Committee. Committee members will serve as liaisons to each workgroup. Any such workgroups will be given their charge and/or responsibilities from the Committee in writing. Non-Committee member bargaining unit participants of such groups will be allocated appropriate official time to participate in Committee activities.

Support: The Committee will utilize the services of a facilitator trained in interest-based bargaining techniques at meetings, when mutually agreed otherwise. The Committee will be supported at meetings and between meetings by the staff and resources of the FDA-NTEU Chapter 282 and OMS. Such support shall include creation and dissemination of meeting agendas and minutes, announcements of meetings, travel arrangements, and other matters as determined by the Co-Chairs.

Agenda Development and Dissemination: All potential agenda items will be submitted to the CFSAN OMS Coordinator. This representative will forward the items to the Co-Chairs who will then mutually establish the formal agenda for the next Committee meeting. The formal agenda

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will be distributed to all Committee members three (3) working days prior to the next Committee meeting. For issues that will require an action decision by the Committee, all proposals or other materials related to that issue will be distributed to Committee members no later than seven (7) calendar days prior to the meeting at which the decision will need to be made.

Travel Costs for NTEU Members: In accordance with the collective bargaining agreement CFSAN will reimburse local travel costs.

Communication: The Committee will communicate its meeting summaries and other partnership information to all CFSAN employees.

Ground Rules: All Committee members and Committee guests shall abide by the attached ground rules during Committee meetings and activities (*see attached*). Co-chairs shall be responsible for enforcing the ground rules.

### **EVALUATION**

The Committee will prepare an annual summary of accomplishments on an annual basis. It will determine whether to renew its procedures and/or to make changes in any aspect of the partnership.

### **PRESERVATION OF RIGHTS**

Partnership is not intended to supplant the decision-making authority, or to usurp the responsibility, of agency management, but to involve NTEU in developing agency decisions through the active and systemic participation of all of those performing the Agency's work. This partnership is based on the belief that NTEU participation in Agency decision-making will promote decisions of such a nature that the need for formal bargaining will be reduced, and where bargaining becomes necessary, will inform and facilitate the negotiations.

Subject to statute and the collective bargaining agreement, FDA/CFSAN reserves the right to determine whether to implement recommendations and decisions arising from the partnership endeavor, and NTEU Chapter 282 reserves the right to bargain concerning the substance, impact and implementation of final CFSAN decisions prior to implementation. CFSAN recognizes its statutory, regulatory, and/or contractual obligations to provide notification to NTEU.

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**MODIFICATIONS, DURATION, AND EFFECTIVE DATE**

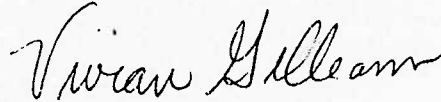
This Partnership Agreement shall be effective upon the date all parties have signed it. The partners may amend or supplement this Agreement at any time.

Executed in accordance with Executive Order 12871 at College Park, MD on this 18th day of January 2012.

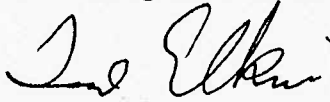
*[signatures and titles of all members]*



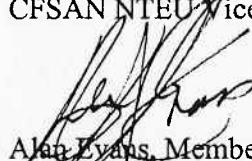
Denise Knox Riley, Co-Chair  
Senior Management Advisor, OCD



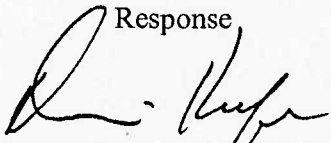
Vivian Gilliam, Co-Chair  
CFSAN NTEU Vice President



Ted Elkin, Member  
Director, Office of Food Defense,  
Communication and Emergency  
Response



Alan Evans, Member  
CFSAN NTEU Vice President



Dennis Keefe, Alternate Member  
Director, Office of Food Additives Safety



Robin Y. Smith, Alternate Member  
CFSAN NTEU Vice President