

118TH CONGRESS  
2D SESSION

# S. 4039

To establish the Federal Labor-Management Partnership Council, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MARCH 21, 2024

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

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## A BILL

To establish the Federal Labor-Management Partnership Council, and for other purposes.

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 2024”.

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

3 (a) IN GENERAL.—Subchapter I of chapter 71 of title  
4 5, United States Code, is amended by adding at the end  
5 the following:

6 **“§ 7107. Federal Labor-Management Partnership**  
7 **Council**

8 “(a) ESTABLISHMENT.—There is established in the  
9 executive branch a council to be known as the ‘Federal  
10 Labor-Management Partnership Council’ (referred to in  
11 this section as the ‘Council’).

12 “(b) MEMBERSHIP.—The Council shall be composed  
13 of—

14 “(1) the Director of the Office of Personnel  
15 Management;

16 “(2) the Deputy Director for Management of  
17 the Office of Management and Budget;

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

22 “(4) the Chairman of the Federal Labor Rela-  
23 tions Authority;

24 “(5) the Director of the Federal Mediation and  
25 Conciliation Service;

1           “(6) 2 members who shall be appointed by the  
2 President to represent the respective labor organiza-  
3 tions representing (as exclusive representatives) the  
4 first and second largest numbers of employees sub-  
5 ject to this chapter or any other authority permit-  
6 ting employees to select an exclusive representative;

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

13           “(A) each of whom shall be selected giving  
14 due consideration to such factors as the relative  
15 numbers of employees represented by the var-  
16 ious organizations; and

17           “(B) not more than 2 of whom may, at  
18 any time, be representatives of the same labor  
19 organization or council, federation, alliance, as-  
20 sociation, or affiliation of labor organizations;

21           “(8) 1 member who shall be appointed by the  
22 President to represent the organization representing  
23 the largest number of senior executives (as that term  
24 is defined in section 3132(a)(3)); and

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

4           “(c) RESPONSIBILITIES AND FUNCTIONS.—The  
5           Council shall—

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

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

11          “(3) collect and disseminate information about  
12          and provide guidance on partnership efforts in the  
13          executive branch, including the results of those ef-  
14          forts; and

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

18          “(d) ADMINISTRATION.—

19          “(1) CO-CHAIRS.—The Director of the Office of  
20          Personnel Management and the Deputy Director for  
21          Management of the Office of Management and  
22          Budget shall serve as co-chairs of the Council.

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

1           “(3) OUTSIDE INPUT.—The Council—

2                   “(A) shall seek input from agencies not  
3           represented on the Council, particularly smaller  
4           agencies;

5                   “(B) may from time to time, in the discre-  
6           tion of the Council, invite experts from the pri-  
7           vate and public sectors to submit information;  
8           and

9                   “(C) shall seek input from companies, non-  
10          profit organizations, State and local govern-  
11          ments, employees, and customers of Federal  
12          services, as needed.

13           “(4) ASSISTANCE OF THE OFFICE OF PER-  
14          SONNEL MANAGEMENT.—Subject to the availability  
15          of appropriations, the Director of the Office of Per-  
16          sonnel Management shall, upon request, provide  
17          such staff, facilities, support, and administrative  
18          services to the Council as the Director considers ap-  
19          propriate.

20           “(5) NO COMPENSATION.—Members of the  
21          Council shall serve without compensation for their  
22          work on the Council.

23           “(6) COOPERATION OF OTHER AGENCIES.—  
24          Each agency shall, to the extent permitted by law,

1 provide to the Council such assistance, information,  
2 and advice as the Council may request.

3 “(e) GENERAL PROVISIONS.—

4 “(1) REPORTING TO CONGRESS.—Any reporting  
5 to or appearances before Congress that may be re-  
6 quired or required of the Council shall be made by  
7 a co-chair of the Council.

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

13 “(A) appointed for the unexpired term of  
14 the member replaced; and

15 “(B) chosen subject to the same conditions  
16 as applied with respect to the original appoint-  
17 ment.

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

24 “(4) NOT SPECIAL GOVERNMENT EMPLOY-  
25 EES.—A member who is not otherwise an employee

1 shall not be considered a special Government em-  
2 ployee for any purpose.

3 “(5) NO TERMINATION.—Section 1013(a)(2)  
4 shall not apply to the Council.

5 **“§ 7108. Implementation of labor-management part-**  
6 **nerships throughout the executive**  
7 **branch**

8 “The head of each agency that is subject to this chap-  
9 ter or any other authority permitting employees of the  
10 agency to select an exclusive representative shall take the  
11 following actions:

12 “(1) Create labor-management partnerships by  
13 establishing labor-management committees or coun-  
14 cils at appropriate levels or, if applicable, adapting  
15 existing committees or councils.

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

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

1           “(4)(A) Allow employees and employee rep-  
 2           representatives to have pre-decisional involvement in all  
 3           workplace matters to the fullest extent practicable,  
 4           without regard to whether those matters are nego-  
 5           tiable subjects of bargaining under section 7106.

6           “(B) Provide adequate information on the mat-  
 7           ters described in subparagraph (A) expeditiously to  
 8           employee representatives where not prohibited by  
 9           law.

10           “(C) Make a good-faith attempt to resolve  
 11           issues concerning proposed changes in conditions of  
 12           employment, including changes involving the sub-  
 13           jects set forth in section 7106(b)(1), through discus-  
 14           sions in the labor-management committees or coun-  
 15           cils established or adapted by the agency under  
 16           paragraph (1) of this subsection.

17           “(5) Evaluate progress and improvements in or-  
 18           ganizational performance resulting from the labor-  
 19           management partnerships described in paragraph  
 20           (1).”.

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

“7107. Federal Labor-Management Partnership Council.

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



1 **SEC. 3. IMPLEMENTATION OF LABOR-MANAGEMENT PART-**  
2 **NERSHIPS IN THE LEGISLATIVE BRANCH.**

3 (a) DEFINITION.—In this section, the term “covered  
4 legislative branch agency” means—

- 5 (1) the Office of the Architect of the Capitol;
- 6 (2) the Government Accountability Office; and
- 7 (3) the United States Capitol Police.

8 (b) LABOR-MANAGEMENT PARTNERSHIPS.—The  
9 head of each covered legislative branch agency shall take  
10 the following actions:

11 (1) Create labor-management partnerships by  
12 establishing labor-management committees or coun-  
13 cils at appropriate levels or, if applicable, adapting  
14 existing committees or councils.

15 (2) Involve employees and employee representa-  
16 tives as full partners with management representa-  
17 tives to improve the civil service to better serve the  
18 public and carry out the mission of the covered legis-  
19 lative branch agency.

20 (3) Provide systemic training of appropriate  
21 employees of the covered legislative branch agency  
22 (including line managers, first-line supervisors, and  
23 labor organization representatives) in consensual  
24 methods of dispute resolution, such as alternative  
25 dispute resolution techniques and interest-based bar-  
26 gaining approaches.

1           (4)(A) Allow employees and employee represent-  
2           atives to have pre-decisional involvement in all work-  
3           place matters to the fullest extent practicable, with-  
4           out regard to whether those matters are negotiable  
5           subjects of bargaining with respect to the covered  
6           legislative branch agency.

7           (B) Provide adequate information on the mat-  
8           ters described in subparagraph (A) expeditiously to  
9           employee representatives where not prohibited by  
10          law.

11          (C) Make a good-faith attempt to resolve issues  
12          concerning proposed changes in conditions of em-  
13          ployment, including changes involving the subjects  
14          described in section 7106(b)(1) of title 5, United  
15          States Code, through discussions in the labor-man-  
16          agement committees or councils established or  
17          adapted by the covered legislative branch agency  
18          under paragraph (1) of this subsection.

19          (5) Evaluate progress and improvements in or-  
20          ganizational performance resulting from the labor-  
21          management partnerships described in paragraph  
22          (1).

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