

Subj: HR Design News Corner: the Meet and Confer Process.

1. As the review continues of the more than 3,500 comments that were formally received on the proposed HR system, initial analysis is being focused on the comments received from employee representatives. The Homeland Security Act provides for consideration of these comments from employee representatives as part of a minimum 30-day "meet and confer" period. This critical period will help ensure that the new HR system meets employees' needs and supports the critical mission of the department.

2. What is the purpose of the meet and confer process? The objective of the meet and confer period is to discuss the comments submitted by employee representatives, seek clarification on certain issues, and explore options for possible modification of the proposed regulations. At the completion of this process, the Secretary may proceed with final regulations. The meet and confer process began June 14.

3. Who will be involved in the meet and confer process? The meet and confer process will involve individuals from the following groups:

A. One principal representative from each of the four largest DHS Unions: the American Federation of Government Employees (AFGE), the National Treasury Employees Union (NTEU), the National Association of Agriculture Employees (NAAE), and the National Federation of Federal Employees (NFFE).

B. One representative from one of the non-union employee associations with members in DHS that submitted official comment on the proposed regulations: Senior Executive Association (SEA), Federal Managers Association (FMA), Federally Employed Women (FEW)).

C. Four representatives from DHS including two senior staff members from the Office of the Chief Human Capital Officer and two senior line employees from other parts of DHS.

D. Two senior human resource advisors from the U.S. Office of Personnel Management (OPM).

4. The Federal Mediation and Conciliation Service (FMCS) has been asked to facilitate productive discussions during the meet and confer process.

5. What happens after the meet and confer process? After reviewing the analysis of all the comments made by the public, employees, employee representatives, and the recommendations derived from the meet and confer process, Secretary Ridge and OPM Director James will make decisions on the department's new HR system and ask DHS and OPM personnel experts to prepare the final Rule. The final Rule will outline the decisions made by

Secretary Ridge and Director James around the six personnel areas for which the Homeland Security Act provides flexibility: pay, classification, performance management, labor relations, adverse actions, and appeals. The final Rule will then be sent to the Office of Management and Budget's (OMB) Office of Information and Regulatory Affairs (OIRA) for review.

OIRA's role is to review the Rule from multiple perspectives before clearing it. Once cleared by OMB, DHS will notify congress, Secretary Ridge and Director James will sign the final Rule, and the Rule will be submitted to the Federal Register for publication. Details on final regulations will be communicated in the weekly DHS Today articles as well as the DHS internet and intranet sites. In addition, DHS plans to distribute another series of MAX^{HR} communications products such as brochures and toolkits to highlight the key facts of the final regulations.

6. What is the timeline for final regulations? Due to the uniqueness of each proposed Rule and the different timeframes for the review processes, it is difficult to determine the exact date final regulations will be published. However, publication is currently aimed at late summer or early fall of 2004. Once the Rule becomes final, DHS will propose that labor relations, adverse Actions, and appeal systems go into effect no sooner than 30 days later. Performance management and pay conversions will be phased in by component beginning in late 2004.

7. DHS leadership is committed to keeping all DHS employees informed throughout the regulatory process. If you have any ideas or suggestions about the proposed regulations or DHS communications, please email DHS at MAXHR@dhs.gov.

8. Internet release authorized.

9. Released by Ronald R. Kogut, Chief, Office of Civilian Personnel.