

## How to Minimize I&I Pain - Agency Perspective

If success is measured in implementation of management-generated initiatives, the [I&I Bargaining Flowchart](#) demonstrates that implementation is the most likely outcome although it can take quite a while to get there. I have also included an [I&I Bargaining Record](#) that seeks to capture what happened for the record. If you negotiate I&I and don't keep good records, shame on you. You will pay for it sooner or later. Also if you fail to document, you had better supervise your successor or he/she will talk about you like a dog otherwise. The record is pretty easy to complete.

Back to the flow of the I&I process. It works like a trigger of a stimulus/response reaction. In other words, management actions trigger union responses or not. Either way, the process moves forward if management stays the course. The "ins and outs" of this are unique to the Federal sector. What's critical is that management keep putting the ball in the union's court.

The first step is the change notice. Unions, if they want to avoid the change (and after all most do), will try a delaying tactic such as ground rules or information requests. We've discussed this in earlier articles and there are ways to minimize these delays in the long run. At some point absent agreement, the next trigger is to notice implementation on a date certain. If there's no response, implement. If an unfair labor practice is filed, also implement as the union has moved into the wrong forum.

If the union wants to continue to bargain they must request mediation which may halt implementation unless the agency has a critical mission need to go forward. I will hold off on talking about bargaining overrides until a later article. One way to speed up the process is to call your local mediator as you begin negotiation ([follow this link](#)) and let the "Commissioner" know that they may be needed. You will have to be on heavy drugs or be a radical optimist not to be able to tell fairly early on whether you'll reach a mutual agreement in this century.

If the mediator can broker a deal, that's terrific. If not, you again notice the union of your intent to implement and they may not respond or call the Federal Service Impasses Panel. If they invoke the services of the Panel, you must generally hold up implementation except, for example, in the case of global nuclear war. In that case, implement anything you want.

While using the Panel can be risky business, you should know that ahead of time by researching their decisions. Historically, the Panel has made decisions that allow the implementation of an agency initiative. It just costs you more if the Panel was appointed by the Democrats. (Kidding, I think!)

If you are trying to follow this article and looking at the flowchart and record, you may be saying to yourself, "What a convoluted, anti-progress, anti-flexibility, crazy process that only Uncle Sam could allow to operate". If that's the case, remember that the DoD and DHS legislated labor relations flexibilities were supposed to address this madness. Also remember that the DC Federal Courts have tanked that effort as a result of lawsuits filed by the Federal unions. The status quo is alive and well in the Federal sector.

On a brighter side, keep in mind the tortoise and the hare. If you are patient and persistent enough, change may be accomplished. If you're smarter than the other guy, it might just happen a bit faster. Get smart.