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Description of document: Federal Maritime Commission (FMC) Commission Orders, 2017 Managing Directives, 2017 and Workplace Improvement Plan, 2014

Requested date: 28-August-2017

Release date: 05-September-2017

Posted date: 18-March-2019

Source of document: FOIA Request
Secretary (FOIA)
Federal Maritime Commission
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From: FOIA <foia@FMC.gov>
Cc: FOIA <foia@FMC.gov>
Sent: Tue, Sep 5, 2017 11:03 am
Subject: FMC FOIA 17-031 acknowledgment/response

This acknowledges and responds to your Freedom of Information Act (FOIA) request below filed with the Federal Maritime Commission (FMC or Commission) on August 28, 2017 pursuant to the Commission rules at 46 C.F.R. §503.31-34. Your request, seeking a copy of the listing of Administrative Standard Operating Procedures and Administrative Policies from the FMC Intranet as described has been assigned FMC FOIA number 17-031.

There are no documents responsive to your request as written. However, the Commission has "Commission Orders" and "Managing Directives" and a "Workplace Improvement Plan" posted to the FMC intranet that may address your request. Attached are listings of the above listed documents posted to the FMC intranet. Please inform us by reply to this email before September 30, 2017 to let us know if this satisfies your request. If we do not hear back from you we will consider your request closed. If this does not satisfy your request, would you please provide us with additional details regarding the document(s) you are seeking?

There will be no charge for responding to your FOIA request. When corresponding with the Commission regarding this FOIA request, please refer to the assigned FMC FOIA number provided above. Administrative appeals should be submitted to the Chairman of the Federal Maritime Commission pursuant to 46 C.F.R. §503.32.

Feel free to contact Linda Hale of my staff or me at 202-523-5725 if you have any questions.

Sincerely,

Rachel E. Dickon
Assistant Secretary/FOIA Public Liaison
Federal Maritime Commission

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Commission Orders

Title	Body
How to use the Commission Order List	<p>(1) To view a particular document, click on the hyperlink (URL), i.e., CO 52</p> <p>(2) If you would like for your document to open in a separate browser window, hit the "Ctrl key, then click on the document name, i.e., Hold down the Ctrl key, then click the hyperlink (URL) CO 52</p> <p>(3) Also as this list grows, to make it easier to find a particular document, you can put a keyword in the Find a file dialog box located below. And once your results are returned, you can hit the X to return to the full list.</p>

All Documents Test

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Name	Commission Order Title	Checked Out To
CO 52	Equal Employment Opportunity	
CO 53	Guidelines Addressing Discrimination Based on Sexual Orientation	
CO 54	Clearance of Employee Accountability	
CO 55	Official Travel	
CO 56	Automated Information Security Program	
CO 58	Reasonable Accommodations	
CO 59	Occupational Safety & Health	
CO 60	Category Rating	
CO 61	Merit Staffing Program	
CO 62	Performance and Incentive Awards	
CO 63	Workforce Discipline and Adverse Actions	
CO 64	Employee Absence and Leave	
CO 65	Administrative Grievance System	
CO 66	Human Capital Accountability	
CO 67	Upward Mobility Program	
CO 69	Limited Personal Use of Office Equipment	
CO 70	SES Merit Staffing Plan	
CO 71	Telework Policy	
CO 72	Records Management Program	
CO 73	Managing Electronic Records	
CO 74	Fitness Program	
CO 75	Forms Control Program	
CO 76	Advisory Committees	
CO 77	Administrative Control of Funds	
CO 78	Collection of Erroneous Payments Made to or On Behalf of Commission Employees	
CO 79	Procedure for Publications of Documents in the Federal Register	
CO 80	Security	
CO 81	Peer to Peer Recognition Program	
CO 82	Position Management	
CO 84	Submission of Matters for Commission Action	
CO 85	Employee Assistance Program	
CO 87	Review, Discussion and Final Decision by the Commission in Formal Proceedings	
CO 88	Position Classification	
CO 89	Privacy Act Implementation	
CO 90	Emergency Preparedness Program	
CO 91	Employee Visitor Identification Program	
CO 92	Work Schedules	

Name	Commission Order Title	Checked Out To
CO 93	 Executive, Management, and Supervisory Development	
CO 94	 Pandemic Influenza Plan	
CO 95	 Executive Resources Board	
CO 96	 Senior Executive Service Pay Setting	
CO 97	 Probation Upon Initial Appointment to a Supervisory or Managerial Position	
CO 99	 Processing of Petitions	
CO 100	 Student Pathways Program	
CO 101	 Acceptance of Volunteer Services	
CO 102	 Recruitment, Relocation and Retention Incentives	
CO 103	 Management (Internal) Controls	
CO 105	 Official Passports	
CO 106	 Audit Follow-Up	
CO 107	 Cash Management	
CO 108	 Personal Property Management	
CO 109	 Transit Benefit Program	
CO 110	 Commission Performance of Commercial Activities	
CO 111	 Part-Time Career Employment Program	
CO 112	 Acquisitions	
CO 113	 Inspector General Activity	
CO 114	 Voluntary Annual Leave Transfer Program	
CO 115	 Performance Management System (Non-SES)	
CO 115	 This User Guide supplements Commission Order 115	
CO 116	 Drug-Free Workplace Plan	
CO 117	 Information Resources Management	
CO_119	 Senior Executive Service Candidate Development Program	
CO 120	 Senior Executive Service Performance Management System	
CO 121	 Financial Disclosure	
CO 122	 Records Disposition Program	
CO 122 attachment	 Records Disposition Schedules and Guide	
CO 123	 Reduction in Force in the Senior Executive Service	
CO 124	 Career Transition Assistance Plan	
CO 126	 Parking Operation Plan	
CO 127	 Vehicle Fleet and Home-to-Work Transportation Policy	
CO 128	 Anti-Harrassment Policy and Procedure	
CO 130	 Informal Complaints and Information Request	



Managing Directives

Title	Body
How to use the Managing Directives List	<p>(1) To view a particular document, click on the hyperlink (URL), i.e., 2011-1</p> <p>(2) If you would like for your document to open in a separate browser window, hit the "Ctrl key, then click on the document name, i.e., Hold down the Ctrl key, then click the hyperlink (URL) 2011-1</p> <p>(3) Also as this list grows, to make it easier to find a particular document, you can put a keyword in the Find a file dialog box located below. And once your results are returned, you can hit the X to return to the full list.</p>

All Documents Admin View

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Name	Managing Directive Title
2011-6	Remote Access Policy
2011-9	Homeland Security Presidential Directive (HSPD)-12 - Logical Access Implementation Policy
2010	Washington, DC Area Dismissal and Closure Procedures
2011-5	Personal Digital Assistant Policy
2011-5	Mobile Device Policy
MD Index - June 2013	Index to Managing Directives
MD-1 - Issuance of Managing Directives - Rev04-2017	
MD-2 - Information Security Incident Response Policy_Breach Notification Plan	
MD-3 - Rules of Behavior for Information Technology - Rev04-2017	
MD-4 - Information Technology Security for Personnel - Rev04-2017	
MD-5 - Mobile Device Policy	
MD-6 - Remote Access Policy_Rev08102017	
MD-7 - Qualifications Standards for Attorney and Law Clerk Positions - R...	
MD-8 - National Security Classified Information Guide with Attachment - ...	
MD-10 - Information Technology Advisory Board - Rev04-2017	
MD-11 - Privacy Impact Assessment Procedures - Rev04-2017	
MD-12 - Managment of Personal Files - Rev04-2017	
MD-13 - Information Technology Password Policy - Rev04-2017	
MD-14 - Collection of Debt and Transfer of Delinquent Debt to the Dept o...	
MD-15 - Professional Liability Insurance - Rev04-2017	
MD-16 - Promoting Efficient Spending - Travel and Conference Guide - Rev...	
MD-17 - Wireless Network Policy - Rev04-2017	
MD-18 - OIT Conference Room AV Equipment and Setup Policy	
MD-20 - Controlled Unclassified Information_withAttachment.docx	



Workplace Improvement Plan

Title	Body
Workplace Improvement Process Plan	<p>The purpose of the Commission's Workplace Improvement Plan is to identify and communicate the projects or initiatives the Senior Executives, working with the approval and guidance of the Chairman, have already or are considering to undertake to improve and support a positive and effective working environment and engaged employees.</p> <p>This Plan will be updated annually. These updates to the Plan, incorporating input from all levels of the agency, as well as marking the addition, revision, and completion of specific projects and initiatives, will help ensure that the senior leadership's performance under the Principles are demonstrated, measured and evaluated and that this performance is communicated transparently to all FMC employees.</p> <p>Listed below are documents associated with the Commission's ongoing Workplace Improvement Plan including the latest updates to the Project Charter/Plans for our approved 2015 and 2016 initiatives.</p>

All Documents

Custom

WorkbookView



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Title	Name	
Chairman Letter on Workplace Improvement	Chairman_Workplace_Improvement_Ltr	
Performance Narratives	Chart_Plan_Performance_Narratives_8_2017	
Crucial Conversations	Charter_Plan_Crucial_Conversations_10_18_16	
Appraisal Process Training	Charter_Plan_Appraisal_Process_Tmng	
Annual Diversity Training	Charter_Plan_Diversity_Training_07_18_2017	
Employee Handbook	Charter_Plan_Employee_Handbook_3_8_2016	
Fitness Program	Charter_Plan_Fitness_Program_3_15_2016_final	
Peer Recognition Program	Charter_Plan_Peer_Recognition_Program_5_16_17	
Social Interaction/Events Program	Charter_Plan_Social_Events_Program_7-18-2017	
Training Needs Survey	Charter_Plan_Training_Needs_02-27	
Women's Issues Group	Charter_Plan_Women's_Issues_Group	
Peer Recognition Program	Charter_PlanPeerRecognitionProgram_Final	
Telework Program CO 71	CO 71 Review Charter Plan Telework Update	
Employee Suggestion Program	Employee Suggestion Program 1-18-2017	
Employee Suggestion SOP	Employee Suggestion SOP	
Employee Suggestion SOP_old	Employee Suggestion SOP_old	
FMC 101 Training	FMC 101 Training Charter_Plan 5-16-2017	
Project Charter Plan Template	Proj_Charter_Plan_Template	
Project Charter - Added FEVS Questions 2017	Project Charter - Added FEVS Questions 2017	
Project Charter Template	Project Charter Template	
Plan of Action	Statement of Principles 2-13-2017	
Project Charter & Plan	Training needs survey	
Workplace Improvement Plan Final	Workplace Improvement Plan Final	

FMCS Mediator Code of Conduct

The Federal Mediation and Conciliation Service ("FMCS" or "the Service") is an independent agency of the federal government established by Congress in 1947 to help employers and unions avoid costly work stoppages through mediation and collective bargaining. The FMCS has a history of successful and innovative advances in labor-management collaboration, joint problem-solving and the resolution of major collective bargaining disputes. In 1996, Congress recognized this record for pioneering dispute resolution techniques and highly skilled professional mediators and called upon the FMCS to help other federal agencies minimize costly litigation by resolving disputes, such as employment discrimination and public policy dialogues, arising under their jurisdictions.

The FMCS Mediator Code of Conduct restates the important principles set forth in the Code of Professional Conduct for Labor Mediators in the Appendix to Part 1400 of the Code of Federal Regulations (CFR), a set of standards created by the Association of Labor Relations Agencies (ALRA), with special support from FMCS, for all labor mediators serving member organizations. This FMCS Mediator Code of Conduct revises and updates earlier FMCS Mediator Codes of Conduct to cover the full range of FMCS mediator duties.

I. Mediator Responsibilities to the Parties

a. To help them settle their disputes

Collective bargaining mediation is a voluntary process which occurs when a third party neutral helps labor and management reach agreement in contract negotiations for initial or renewal collective bargaining agreements.

In collective bargaining mediation, FMCS mediators ideally are in contact with both parties before negotiations actually begin. In some cases, however, the contact is triggered by the legally required notice of intent to open a collective bargaining agreement. In both collective bargaining and ADR workplace and employment disputes, mediators convene and may conduct joint and separate meetings of the parties, using their knowledge of the parties and their issues to guide them through potential deadlocks to a mutually acceptable settlement.

Federal mediators have an absolute commitment to neutrality and confidentiality in collective bargaining. They know that if their commitment to confidentiality and neutrality is compromised, they are not likely to be effective or acceptable to the parties. For this reason, federal mediators must never convey information without the express permission of the party who conveyed the information. Mediators may make suggestions and offer procedural or substantive recommendations with the agreement of both parties. However, they have no authority to impose settlements. Their only tool is the power of persuasion. The FMCS mediator's effectiveness derives from his/her acceptability to the parties, his/her broad knowledge and experience in the process of collective bargaining and dispute resolution and the status of FMCS mediators as respected workplace dispute resolution professionals.

b. To inform them regarding the FMCS

The usefulness of the Service to both the labor-management and government ADR communities is advanced by the use of Education, Advocacy and Outreach (EAO). FMCS mediators are expected to inform representatives of labor and management and the general public regarding the jurisdiction, coverage, assistance, services, programs and training provided by the Service.

c. To help them in their efforts to determine the causes of poor labor-management and workplace relations and to assist in the elimination of those problems

In today's highly competitive and changing global economy, good workplace relationships are more important than ever. Strong, positive working relationships between management and labor are essential to the ability of both private sector companies and governments to achieve organizational excellence and success. The Labor-Management Cooperation Act of 1978 authorized and directed the FMCS to offer services to improve economic development, job security and organizational effectiveness. FMCS mediators provide a variety of workplace training programs and services to help break down barriers and build better working relationships in the federal, public and private sectors.

d. To inform them regarding the FMCS policies and procedures on arbitration

Mediation is a process by which a third party neutral assists parties to reach their own resolution of a dispute. By contrast, arbitration is a process by which a third party neutral actually decides how the dispute should be resolved. Federal mediators do not arbitrate, but the Service meets the mandate of the National Labor Relations Act by *"promoting the settlement of issues between employers and employees through the process of conference and collective bargaining...the settlement of issues through collective bargaining may be advanced by making available full and adequate government facilities for conciliation, mediation and **voluntary arbitration**."* For disputes that cannot be resolved through mediation, federal mediators advise parties regarding arbitration procedures and policies, including the services of the FMCS Arbitration Program.

e. To give information and suggestions on a variety of labor relations problems

Mediators make themselves available to labor-management and ADR parties in connection with requests for information and suggestions regarding workplace conflict management issues. If a question is one which more properly should be referred to another agency or individual, that is what the mediator must do. As a general rule, mediators should always consider first suggesting that the parties seek guidance from their counsel. When a mediator knows that the question should be referred to another agency, however, he or she may certainly make this suggestion. For example, if the question is one concerning wage and overtime issues governed by the Fair Labor Standards Act, the mediator refers the party to the U. S. Department of Labor. If the question is one of union recognition or unfair labor practices, the party is referred to the National Labor Relations Board.

Even if a mediator has a law degree, mediators are cautioned not to provide legal advice while in the role of a neutral. The mediator is neither advocate nor judge and the wrong advice or the parties' misinterpretation of that advice could greatly compromise the mediator's future effectiveness with one or both of the parties. Parties should always be referred to an appropriate source for the information they are seeking.

II. Mediator Responsibilities to Other Legally Constituted Mediation Agencies

Federal mediators, along with State and local mediators, have one common objective – labor and workplace dispute resolution. It is incumbent upon the federal mediator to cooperate with other mediators, as appropriate, in the pursuit of their common goal without wasting the resources of either agency through unnecessary duplication of services. FMCS maintains a long-standing liaison relationship with the Association of Labor Relations Agencies (ALRA) in furtherance of this objective. All of the member agencies of several states are signatories to the Mediator's Code of Professional Conduct which governs mediator cooperation.

III. Mediator Responsibilities to Other Governmental Agencies

Mediators should always be mindful of the statutory independence and autonomy of the FMCS and its importance on the parties' perception of agency and mediator neutrality. In order to effectively and fully assist the parties, however, mediators should develop working relationships with other U.S governmental agencies that deal with labor, management and workplace issues, such as the Department of Labor, the National Labor Relations Board, the Federal Labor Relations Authority, the Equal Employment Opportunity Commission, the National Mediation Board, and others. In addition, the mediator develops familiarity with state and local government agencies handling labor-management issues in addition to mediation agencies.

IV. Mediator Responsibilities to the Public

"It is the policy of the United States that sound and stable industrial peace and the advancement of the general welfare, health and safety of the Nation and of the best interests of employers and employees can most satisfactorily be secured by the settlement of issues between employers and employees through the process of conference and collective bargaining." 29 USC § 151.

"The Service may make its services available to Federal agencies to aid in the resolution of disputes Functions performed by the Service may include assisting the parties to disputes related to administrative programs, training persons in skills and procedures employed in alternative means of dispute resolution, and furnishing officers and employees of the Service to act as neutrals." 29 USC § 173(f).

The mediator is the FMCS as far as the public is concerned. He/she informs the public of the activities, the objectives, and the reasons for its existence. The Service, therefore, expects the mediator to mingle with the members of and become an integral part of the labor-management and workplace communities. The mediator must know them well, and they must know the mediator. The FMCS regards attendance at forums, conferences, labor-management events, and events involving federal workplace dispute resolution issues as part of a mediator's duties. The mediator participates in and joins professional

and civic groups. The mediator gets to know the representatives of the press and develops a professional working relationship with them. This provides an opportunity to educate an opinion maker about the Service, its role in the collective bargaining and workplace dispute resolution processes, fundamental facts about the mediation process, as well as other programs, activities and services offered by the Service. It is through these contacts that the mediator develops the confidence of the public in themselves and the FMCS, thus, providing greater service to the public.

V. Mediator Responsibilities to Other Mediators

A mediator should not enter any dispute which is being mediated by another mediator or mediators without first conferring with the person or persons conducting such mediation and his/her supervisor. The mediator should not intercede in a dispute merely because another mediator may also be participating. Conversely, it should not be assumed that the lack of mediation participation by one mediator indicates a need for participation by another mediator.

In those situations where more than one mediator is participating in a particular case, each mediator has a responsibility to keep the other informed of developments which are essential to a cooperative effort and should extend every possible courtesy to his/her fellow mediator.

The mediator should carefully avoid any appearance of disagreement with, or criticism of, his fellow mediator. Discussions as to what positions and actions mediators should take in particular cases should be carried on solely between or among the mediators.

VI. Mediator Responsibilities to Themselves

The mediator should realize his/her capabilities to the fullest extent by:

a. Developing their professional background

Issues and approaches to mediating labor-management and other workplace disputes are dynamic not static. The skill set and technologies necessary for assisting parties in collective bargaining and ADR are continually changing. Mediators must grow with the profession or find that the profession has outgrown them, all of which implies a flexible mediator, who is constantly learning and knowledgeable about the broad field of labor-management relations and conflict resolution.

b. Maintaining their professional standards

Throughout their career, mediators may face situations in which one or both parties will try to use them to further their own ends. True, the mediator exists to serve the parties. But the mediator must always bear in mind that the limits of that service are reached when attempts are made to have him/her depart from the basic standards of neutrality, honesty and integrity. Carefully read the Code of Professional Conduct for Labor Mediators. Its principles apply to all FMCS work – both collective bargaining and ADR – and live by its high standards.

c. Maintaining a Whole Relationship Perspective

Mediators must be knowledgeable about events involving the workplace and the customers we serve in the private, federal and public sectors. In their interactions with bargaining committees and people involved in workplace disputes, FMCS mediators come in contact with a wide spectrum of people and personalities and learn a great deal about the products or services they provide. The mediator is attentive to the value systems, thinking and decision-making styles of his/her customers. Value these experiences as learning experiences and don't be afraid to share your own pertinent experiences, while being mindful to avoid judging the experiences, styles, or value systems of others. Mediation is a dynamic human process and is most effective when it is conducted in those terms as opposed to being treated as an academic exercise. The effective mediator has no trouble relating with most of those with whom they come in contact. The effective mediator is a person with excellent interpersonal skills and broad cultural, recreational, and familial interests.

VII. Mediator Responsibilities to FMCS

a. To carry out assignments

The mediator's most important responsibility to the FMCS is to fulfill all the critical elements of his/her job with competence and professionalism. And, while collective bargaining mediation (CBM) remains a major aspect of our work, mediators are expected to perform, with equal excellence, the full range of services we offer to parties including but not limited to mediation. At FMCS, mediation is a broad term embracing a wide variety of activities and skills which a mediator must perform to be effective in carrying out FMCS' mission. In addition to playing the critical role of neutral third party called in to assist in the resolution of a collective bargaining or workplace dispute, the effective FMCS mediator is the consultant, the educator, the advisor and the skilled trainer to whom the parties are able to turn for all their relationship and dispute resolution needs. Whether it is mediating a collective bargaining dispute, a grievance or employment matter, conducting relationship development training or facilitating a public policy dialogue for a sister government agency, FMCS mediators have the broad experience, process skills, impartiality and objectivity to help parties – in a variety of contexts – resolve or reduce conflict.

b. To prepare written/electronic reports on activities

It is a fundamental requirement of any job to fulfill the administrative duties connected with that job. This basic requirement is even more essential in the case of the FMCS mediator because timely and accurate reports are fundamental to the overall status and success of the Service. Case reports keep regional and national office managers apprised of the status of the mediator's assignments. Through these reports, other federal mediators, regional and national leaders with a need-to-know are informed quickly and easily of the progress of cases. They are also the keystone on which research is built and statistics gathered for budgeting, staffing and strategic planning determinations. In order to demonstrate that allocated agency resources are efficiently and effectively utilized, timely and accurate case reporting is required of all FMCS mediators.

c. To keep informed of FMCS policies and procedures

Mediators are expected to keep informed and updated on all FMCS policies and procedures both on a national and regional level. This means reading emails from agency leadership, reviewing internal newsletters and regularly visiting the FMCS internal and external websites. Such awareness is an essential prerequisite to continuing effective representation of the Service and lack of knowledge of a widely disseminated policy or procedural requirement is not an acceptable excuse.

d. To effectively utilize FMCS resources

In very few organizations is the use of resources – the mediator's time, travel, telephone and office services – left as much to the employee's judgment and discretion as in the case of the FMCS mediator. This independence is based on the premise that the mediator is a mature person of unquestioned integrity. It is the mediator's responsibility to make certain that assumption is never legitimately questioned.

e. To improve the operations of the Service

Much has been said and much has been written about the value of a "bottom-up" as opposed to a "top down" approach to management. The FMCS embraces the idea that the best suggestions for the improvement of agency operations are likely to come from the individuals who deliver FMCS services – the mediators and managers. On a routine basis, mediators are asked to join work groups or task forces designed to evaluate and make recommendations regarding new training materials, issues and service delivery approaches.

Mediators are encouraged by their supervisors to make whatever suggestions occur to them for the improvement of the Service. Those who have the interests of the Service at heart take this invitation seriously and regard their responsibilities broadly. When they see something in the Service which they believe should be improved, they suggest these improvements rather than simply complaining about the issue.

f. To always conduct him/herself in a manner that brings credit to the Service

The FMCS mediator's conduct is under public scrutiny and subject to criticism at all times – not just when the mediator is engaged in professional work. The mediator, therefore, is one whose personal conduct should always command the respect of the community and bring credit to the Service. FMCS mediators are expected to demonstrate mature judgment, high ethical and moral values, and, in general, demonstrate the personality and reputation that FMCS labor-management and workplace dispute resolution customers have come to respect and trust.