

*Thirty years – promoting and protecting labor management relations for effective, efficient government.*



THE FEDERAL LABOR RELATIONS AUTHORITY  
CONGRESSIONAL BUDGET SUBMISSION

20  
11

Decisions of the

FEDERAL

LABOR

RELATIONS

AUTHORITY

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**FY 2011 BUDGET REQUEST**  
**PROPOSED APPROPRIATION LANGUAGE**

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Number 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, and including official reception and representation expenses (not to exceed \$1,500), rental of conference rooms in the District of Columbia and elsewhere, [\$24,773,000] **\$26,000,000:** *Provided* That public members of the Federal Services Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

**Federal Labor Relations Authority**  
**Budget Object Classification of Obligations: FY 2009 - FY 2011**  
(Dollars in Thousands)

Budget Object Classification of Obligations	FY 2009 Actual*	FY 2010 Appropriation	FY 2011 President's Budget	% total BA (less Reimb)	Change FY 2010 to FY 2011
	(in thousands)	(in thousands)	(in thousands)	(in thousands)	(in thousands)
11.0 Personnel compensation	\$ 13,181	\$ 15,569	\$ 16,739	64.38%	1,170
12.0 Civilian personnel benefits	\$ 2,979	\$ 3,765	\$ 4,040	15.54%	275
13.0 Benefits to former personnel	\$ 18	-	\$ -	0.00%	-
21.0 Travel and transportation of persons	\$ 138	\$ 223	\$ 318	1.22%	95
22.0 Transportation of things			\$ 22	0.08%	22
23.1 Rental payments to GSA	\$ 2,400	\$ 2,517	\$ 2,406	9.25%	(111)
23.3 Communications, utilities and misc. charges	\$ 330	\$ 360	\$ 191	0.73%	(169)
24.0 Printing and reproduction	\$ 48	\$ 86	\$ 53	0.20%	(33)
25.0 Other services	\$ 2,596	\$ 1,936	\$ 1,900	7.31%	(36)
26.0 Supplies and materials	\$ 199	\$ 253	\$ 286	1.10%	33
31.0 Equipment	\$ 704	\$ 64	\$ 45	0.17%	(19)
32.0 Land & Structures	\$ -	\$ -	\$ -	0.00%	0
42.0 Tort Claims	\$ -	\$ -	\$ -	0.00%	0
<b>Subtotal, Direct Budget Authority</b>	<b>\$ 22,593</b>	<b>\$ 24,773</b>	<b>\$ 26,000</b>	<b>100%</b>	<b>1,227</b>
<b>Reimbursables</b>	<b>136</b>	<b>100</b>	<b>100</b>		<b>0</b>
<b>Total Budget Authority</b>	<b>22,729</b>	<b>24,873</b>	<b>26,100</b>		<b>1,227</b>

**Notes Concerning Selected Detailed Budget Object Classification Lines:**

**Object Classes 11.0 and 12.0:** The FY 2011 request represents an increase of \$1.170M and an additional 5 FTE, including funds necessary to annualize the FY 2010 pay raise and cover the projected 1.4 percent FY 2011 pay increase. The personnel benefits estimate includes Transit Subsidy (\$160.2K) and Workers' Compensation (\$113.1K). Funding at the requested level allows the agency to make needed progress and improvements in four critical areas: 1) attacking the backlog of overage cases; 2) improving employee satisfaction and morale; 3) encouraging the use of alternative dispute resolution and enhancing customer training, as well as facilitating outreach and facilitation efforts, and 4) addressing severe shortages of support staff.

**Object Class 13.0:** The agency anticipates that, unlike FY 2010, unemployment compensation payments will not be necessary in FY 2011.

**Object Class 21.0:** The FY 2011 request for travel funds is \$95K more than the FY 2010 President's Budget request. This increase is required to continue the FLRA's efforts to improve labor-management relations, resolve disputes through alternative dispute resolution, and to perform outreach and training activities.

**Object Class 22.0:** The FY 2011 request reflects an adjustment in the method the FLRA plans to account for Fedex services. Previously, the requirement was recorded in BOC 23.3.

**Object Class 23.1:** The GSA rental payment estimate is based on GSA's most current forecast that projects reduced requirements for space in FLRA Regional offices.

**Object Class 23.3:** The decrease of \$169K in this BOC corresponds with the decreased requirements for GSA leased space.

**Object Class 25.0:** The \$36K decrease in Other Services reflects the agency's effort to achieve economies and efficiencies by centrally managing funding for professional development training at the headquarters level.

**Object Class 31.0:** The \$19K decrease reflects implementation of a revised life cycle plan.

## FY 2011 PERFORMANCE BUDGET SNAPSHOT

<b>Federal Labor Relations Authority FY 2011 Budget by Program</b>							
(In thousands of dollars)							
Program	FY 2010 Appropriation		FY 2011 President's Budget		% BA (less Reimb)	Increase/Decrease	
	\$	FTE	\$	FTE		\$	FTE
<b>FLRA - AUTHORITY</b>	14,318	67	14,792	69	56.89%	474	2
<b>FLRA - FSIP</b>	795	5	893	6	3.43%	98	1
<b>FLRA- OGC</b>	9,660	69	10,315	71	39.67%	655	2
<b>Total FLRA</b>	<b>24,773</b>	<b>141</b>	<b>26,000</b>	<b>146</b>	<b>100%</b>	<b>1,227</b>	<b>5</b>

The Federal Labor Relations Authority's (FLRA) FY 2011 budget request of \$26,000,000 is \$1,227,000 (approximately 4.95%) above the FY 2010 enacted budget. The \$26,000,000 request will support 146 full-time equivalents (FTEs) to continue rebuilding agency infrastructure and staffing levels, and continue reducing the Authority's case backlog. Personnel costs account for approximately 80 percent of the FLRA's total budget. Consequently, any shortfall in staffing costs directly affects the FLRA's ability to fulfill its statutory mission through issuance of timely quality decisions to resolve disputes, in accordance with FLRA's performance goals.

The FY 2011 budget request of \$26,000,000 is based on the following assumptions:

- Case intake in the Authority and OGC will remain at projected FY 2010 levels.
- Case backlog will be addressed, and ultimately reduced, in accordance with the Corrective Action Plan (CAP) aligned with the FLRA strategic and performance goals.
- FLRA statutory mission and jurisdiction will remain unchanged.
- Attrition at FLRA will be the same as in previous years.

### Federal Labor Relations Authority FY 2011 Summary of Reimbursable Resources

(Dollars in Thousands)

	FY 2009		FY 2010		FY 2011		Increase/Decrease				
	Actual	136	Appropriation	100	President's	Budget					
<b>Total Budgetary Resources</b>	---	136	---	---	100	---	---	100	---	---	---

#### **Explanation of Increase/Decrease:**

Offsetting collections are for reimbursable travel expenses recouped from other Federal Agencies for whom FLRA employees conduct training. Most commonly, training is provided on: (1) case law and procedures concerning unfair labor practice (ULP) cases and representation cases (REP) filed under the Federal Service Labor-Management Relations Statute; and (2) mediation, interest-based problem solving, conflict resolution and facilitation. In FY 2009, FLRA Administrative Law Judges performed one-time work for other agencies as structured interview panelists and conducted hearings on their behalf.

**FEDERAL LABOR RELATIONS AUTHORITY  
FY 2011 BUDGET AUTHORITY & STAFFING BY ACTIVITY**

FLRA ACTIVITY	FY 2009 Actual		FY 2010 Appropriation		FY 2011 President's Budget	
	FTE	\$000	FTE	\$000	FTE	\$000
OFFICE OF THE CHAIRMAN (POPE)	8	1,329	11	1,535	11	1,508
OFFICE OF THE MEMBER (BECK)	7	979	9	1,219	9	1,283
OFFICE OF THE MEMBER (DUBESTER)	3	448	9	1,166	9	1,264
OFFICE OF THE EXECUTIVE DIRECTOR	0	177	1	278	1	238
OFFICE OF POLICY & PERFORMANCE MGMT	1	328	1	199	1	361
CASE INTAKE & PUBLICATION	6	597	6	634	6	645
OFFICE OF THE INSPECTOR GEN.	2	340	2	337	2	385
OFFICE OF ADMIN. LAW JUDGES	6	1,021	5	917	5	930
OFFICE OF THE SOLICITOR	5	774	5	777	5	789
HUMAN RESOURCES	1	461	3	638	3	656
BUDGET & FINANCE DIVISION	3	1,063	5	1,326	5	1,363
INFO. RESOURCES MGMT. DIV.	3	1,169	5	1,403	5	1,323
ADMINISTRATIVE SVCS. DIV.	4	4,434	3	3,630	4	3,603
COLLABORATION AND ALTERNATIVE DISPUTE RESOLUTION OFFICE	0	0	2	259	3	444
<b>TOTAL AUTHORITY</b>	<b>49</b>	<b>13,120</b>	<b>67</b>	<b>14,318</b>	<b>69</b>	<b>14,792</b>
FED. SERV. IMPASSES PANEL	3	547	5	795	6	893
<b>TOTAL FSIP</b>	<b>3</b>	<b>547</b>	<b>5</b>	<b>795</b>	<b>6</b>	<b>893</b>
OFFICE OF GENERAL COUNSEL	3	557	8	1,042	10	1,574
ATLANTA REGIONAL OFFICE	8	1,093	8	981	8	978
BOSTON REGIONAL OFFICE	7	949	7	960	7	963
CHICAGO REGIONAL OFFICE	11	1,578	11	1,597	11	1,597
DALLAS REGIONAL OFFICE	8	1,121	8	1,124	8	1,129
DENVER REGIONAL OFFICE	7	1,029	7	1,042	7	1,036
SAN FRAN. REGIONAL OFFICE	11	1,799	12	1,928	12	1,937
WASH. REGIONAL OFFICE	7	800	8	986	8	1,101
<b>TOTAL OGC</b>	<b>61</b>	<b>8,926</b>	<b>69</b>	<b>9,660</b>	<b>71</b>	<b>10,315</b>
<b>DIRECT BUDGET AUTHORITY</b>	<b>114</b>	<b>22,593</b>	<b>141</b>	<b>24,773</b>	<b>146</b>	<b>26,000</b>
<b>REIMBURSABLES</b>	<b>-</b>	<b>136</b>	<b>-</b>	<b>100</b>	<b>-</b>	<b>100</b>
<b>TOTAL, BUDGET AUTHORITY</b>	<b>114</b>	<b>22,729</b>	<b>141</b>	<b>24,873</b>	<b>146</b>	<b>26,100</b>

## FY 2011 FLRA OFFICE of the INSPECTOR GENERAL (OIG) BUDGET

Category	OIG FY 2009 Actual	OIG FY 2010 Appropriation	OIG FY 2011 President's Budget <sup>1</sup>	% Change FY2010 to FY 2011
<b>BOC 11/12 - IG Salary and Benefits<sup>2</sup></b>	178,582	160,317	198,760	23.98%
<b>BOC 11/12 - Admin. Asst. Salary and Benefits</b>	67,881	74,088	75,219	1.53%
<b>BOC 21 - Travel</b>	698	1,500	2,500	66.67%
<b>BOC 25 - Financial Statement Audit Contract</b>	46,300	47,743	49,232	3.12%
<b>BOC 25 - FISMA Audit Contract</b>	43,294	48,082	54,692	13.75%
<b>BOC 25 - IG Training</b>	1,553	2,500	2,500	0.00%
<b>BOC 25 - Administrative Assistant Training</b>	1,000	1,000	1,000	0.00%
<b>BOC 26 - Supplies<sup>3</sup></b>		500	500	0.00%
<b>Subtotal</b>	<b>339,308</b>	<b>335,731</b>	<b>384,403</b>	<b>14.50%</b>
<b>BOC 25 - .24% of OIG Budget for Inspector General Council of Integrity and Efficiency (Mandatory Contribution)</b>	<b>825</b>	<b>806</b>	<b>923</b>	<b>14.50%</b>
<b>Total</b>	<b>340,133</b>	<b>336,536</b>	<b>385,326</b>	<b>14.50%</b>

<sup>1</sup>The FLRA Office of the Inspector General requested \$385,326 in its original request to FLRA for FY 2011, the same amount reflected in this budget request.

<sup>2</sup> Reduction in IG salary projection reflects hire lag due to IG retirement in FY 2010.

<sup>3</sup> For FY 2009, OIG supply requirements reflected in the Administrative Services Division budget.

**FLRA Inspector General Francine Eichler's Comments on Proposed FY 2011 Budget:**

*"I approve the Inspector General's 2011 budget."*

Note: The above IG statement was received prior to the retirement of the IG in January 2010.

**Federal Labor Relations Authority  
FY 2011 Staffing Summary  
Full-Time Equivalent (FTE) by Grade**

(Actual Dollars)

Grades and Salary Ranges	FY 2009	FY 2010	FY 2011	FY 2010 to FY 2011
	Actual FTE	Appropriation FTE	President's Budget FTE	Change Total
<b>Total, EX</b>	<b>2</b>	<b>4</b>	<b>4</b>	<b>---</b>
Executive level I				---
Executive level II				---
Executive level III				---
Executive level IV	1	1	1	---
Executive level V	1	3	3	---
				---
<b>Total, SES</b>	<b>8</b>	<b>12</b>	<b>12</b>	<b>---</b>
				---
<b>SL</b>	<b>1</b>	<b>---</b>	<b>---</b>	<b>---</b>
				---
<b>Total, AL</b>	<b>4</b>	<b>4</b>	<b>3</b>	<b>(1)</b>
AL-1				---
AL-2	1	1	1	---
AL-3	3	3	2	(1)
				---
<b>Total, GS</b>	<b>99</b>	<b>121</b>	<b>127</b>	<b>133</b>
GS-15	15	18	18	---
GS-14	46	49	56	7
GS-13	7	10	11	1
GS-12	6	10	7	(3)
GS-11	11	17	19	2
GS-10	2	2	---	(2)
GS-9	7	8	8	---
GS-8	2	4	4	---
GS-7	3	3	3	---
GS-6			1	1
GS-5				---
GS-4				---
GS-3				---
GS-2				---
Other Graded Positions				---
Ungraded Positions				---
<b>Full-Time Equivalent Usage</b>	<b>114</b>	<b>141</b>	<b>146</b>	<b>5</b>
<b>Total Permanent Employment*</b>	<b>117</b>	<b>147</b>	<b>152</b>	<b>5</b>
<b>Average Salary - FLRA</b>	<b>115,622</b>	<b>110,413</b>	<b>114,651</b>	<b>4,238</b>
<b>Average ES Level</b>	<b>Range</b>	<b>Range</b>	<b>Range</b>	
<b>Average ES Salary</b>	\$ 156,506	\$ 159,145	\$ 165,623	6,478
<b>Average EX Level</b>	5	5	5	---
<b>Average EX Salary</b>	\$ 145,925	\$ 147,594	\$ 149,706	2,112
<b>Average SL Level</b>	---	---	---	---
<b>Average SL Salary</b>	\$ 161,404	\$ ---	\$ ---	---
<b>Average AL level</b>	3	0	0	---
<b>Average AL Salary</b>	\$ 162,900	\$ 164,700	\$ 167,036	2,336
<b>Average GS Grade</b>	13	13	14	1
<b>Average GS Salary</b>	\$105,395	\$102,777	\$107,021	4,244

\*There are seven Federal Service Impasses Panel employees who work intermittently and account for approximately one FTE.

## Justification for the FY 2011 President's Budget Request

The FLRA's request for \$26,000,000 for FY 2011, which will fund an FTE level of 146, will permit the agency to make needed progress/improvements in four important areas.

- First, the requested level will permit the Authority to continue to attack the backlog of overage cases, consistent with the FLRA's 2009 Corrective Action Plan (CAP). Building upon the strategic re-alignment and hiring of staff devoted to case processing in FYs 2009 and 2010, the agency's request will permit the hiring of four additional attorneys (one in the Federal Service Impasses Panel (FSIP), one in the Authority's Collaboration and Alternative Dispute Resolution Office (CADRO), and two in the Office of the General Counsel (OGC)).
- Second, the requested level is necessary to accomplish the objectives of Goal 7 to permit the FLRA to make improvements in employee satisfaction and morale, a matter of particular concern to the FLRA in light of it having placed last among all Government agencies in the last two Federal Human Capital surveys conducted by the Office of Personnel Management (OPM). In this regard, the FLRA will develop and implement a learning management system and work collaboratively with the Union of Authority Employees (UAE) to modernize human capital policies and address work life balance issues is necessary. Including the learning management system, \$231,500 is requested for training FLRA employees -- new and existing -- in skills development; this amount is necessary because this area of human capital management has been neglected for so many years.
- Third, the requested level will enable the OGC and Authority to maintain as well as hire necessary staff to fully accomplish the objectives set forth in Goal 8: to encourage use of Alternative Dispute Resolution (ADR) and to increase training, outreach, and facilitation efforts. Accomplishing these objectives is essential to assist parties throughout the Government to minimize and resolve labor-management disputes as well as to improve overall labor-management relations to accomplish Government operations more effectively and efficiently. The OGC intends to formally integrate mediation and ADR into all aspects of case processing. The FLRA will also continue its efforts to successfully execute the "Creating Labor-Management Forums to Improve Delivery of Government Services" Executive Order. Staff must be developed and trained to fully provide the services contemplated under Goal 8. In addition to the Authority, OGC and the FSIP partnering -- drawing on the expertise and experience of members of the FSIP and other agency leadership and career staff -- to provide necessary staff skills-building training, the agency must expend training funds to expand its ADR capacity.

Also necessary to fulfill Goal 8 as well as the case processing goals is \$318,349 in travel money to permit the FLRA to investigate and litigate cases, and deliver necessary ADR, education and other services to employees and agencies at locations throughout the world. While improved technology will be useful in accomplishing the goal with regard to training, some ADR and outreach activities are most successful in a face-to-face environment.

- Fourth, the FLRA has, to date, prudently focused its hiring on increasing attorneys in the Authority and the OGC. As a result, “central services,” which are essential to basic agency functioning, have suffered. The requested level would permit the hiring of a Senior Administrative Support Specialist in the Administrative Services Division.

## **Justification for Representation Funds**

The FLRA is requesting the authority to use funding in the amount of \$1,500 to support an official representation fund, the sole purpose of which is to establish and maintain the reputation and status of the FLRA and the United States. The official representation fund will be used for expenses properly incurred relating to official representation functions. This refers to a function held in this country and attended by domestic or foreign officials, the primary purpose of which is to explain or interpret the programs of the FLRA or a responsibility of the FLRA. The official representation fund will be controlled by the Office of the Chairman. Expenses for such official functions can be charged to this fund only upon advance approval or authorization of the Chairman or a designated official consistent with established policy.

The authorization for official representation is necessary because the Comptroller General prohibits the use of appropriated funds, without statutory authority, for the purpose of food, beverages and other entertainment expenses. As the FLRA has established relationships with a number of foreign embassies and dignitaries and regularly is called upon to provide briefings and information on the FLRA, our structure and our statutory responsibilities, the FLRA needs a corresponding fund to cover expenses related to those activities.

# An Overview of the Federal Labor Relations Authority

The FLRA is an independent administrative Federal agency and is *the* sole agency with the expertise and responsibility to establish policies and guidance relating to the labor-management relations program for 1.6 million non-Postal, Federal employees worldwide, approximately 1.1 million of whom are represented in 2,200 bargaining units. The FLRA was created by Title VII of the Civil Service Reform Act of 1978, also known as the *Federal Service Labor-Management Relations Statute* (the Statute).<sup>1</sup> The Statute defines and provides mechanisms for enforcement of the rights of Federal employees, labor organizations, and agencies. In addition, the Statute provides for facilitation, training, and outreach activities designed to enhance the ability of Federal agencies and unions representing Federal employees to manage their workplace disputes so as to increase and reflect the public interest demand for the highest standards of employee performance and the efficient accomplishment of the operations of the Government.<sup>2</sup>

All proceedings before the FLRA originate from filings by Federal employees, Federal agencies, or Federal labor organizations. The FLRA mission is to carry out five (5) primary statutory responsibilities as efficiently as possible and in a manner that gives full effect to the rights afforded under the Statute. These responsibilities include:

1. determining the appropriateness of units for labor organization representation;
2. investigating charges of, as well as prosecuting and resolving complaints of, unfair labor practices;
3. adjudicating exceptions to arbitrators' awards;
4. adjudicating legal issues relating to the duty to bargain (i.e., negotiability); and
5. resolving impasses during negotiations.

The FLRA conducts its case processing activities through three components: *the Authority* (which encompasses the three Member offices including the case-processing functions of the Office of the Chairman); the *Office of the General Counsel* (which includes seven regional offices); and the *Federal Service Impasses Panel*. Presidential appointees head all three components.<sup>3</sup> The three-Member Authority appoints Administrative Law Judges (ALJs) to hear and prepare decisions in cases involving alleged unfair labor practices, as well as decisions involving applications for attorney fees filed pursuant to the *Back Pay Act* or the *Equal Access to Justice Act*. The FLRA also provides full staff support to two other organizations - - the *Foreign Service Impasse Disputes Panel* and the *Foreign Service Labor Relations Board*.<sup>4</sup>

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<sup>1</sup> Public Law 95-454, 5 U.S.C. § 7101 *et seq.*

<sup>2</sup> See generally 5 U.S.C. § 7101(a)(2).

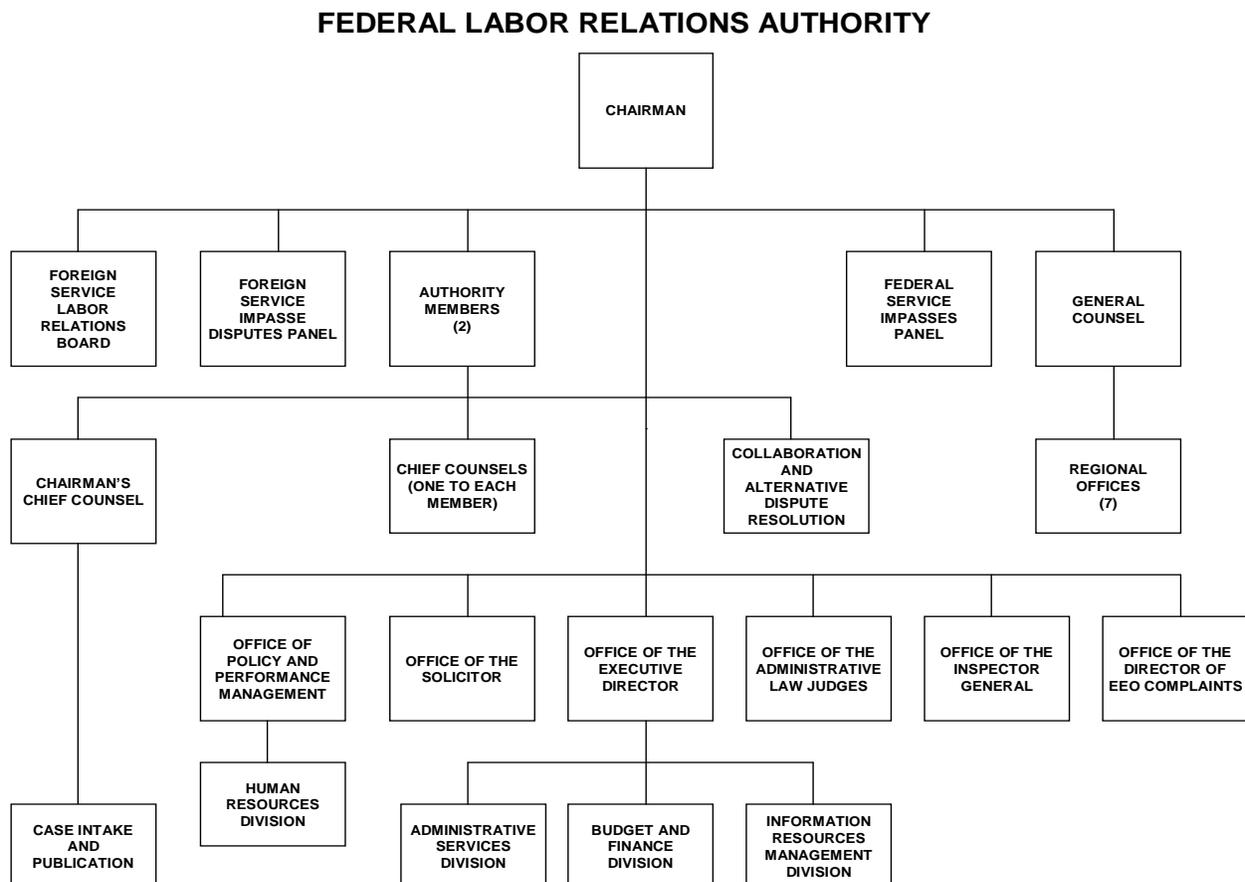
<sup>3</sup> The Authority Members are full-time Presidential appointees, subject to Senate confirmation, and serve five-year terms. The General Counsel, also a full-time Presidential appointee confirmed by the Senate, serves a five-year term at the pleasure of the President. The Panel Members are part-time, appointed by the President (without Senate confirmation), and also serve at the pleasure of the President.

<sup>4</sup> Created by the Foreign Service Act of 1980, the FSIDP is a five-member board, chaired by the FLRA Chairman that resolves bargaining impasses between Federal agencies and Foreign Service personnel. Under the same Act, the three-member FSLRB administers the labor-management relations program for covered Foreign Service employees.

Each FLRA component exercises statutorily independent responsibilities, either prosecutorial or adjudicative. The FLRA’s annual congressional appropriation is a single line item. The immediate staffs of Authority Members, the General Counsel of the Authority, and the Federal Service Impasses Panel are under the general, day-to-day, supervision of their respective Members or component head. The Authority, General Counsel, and FSIP maintain their respective headquarters offices at a common site in Washington, DC. The Office of the General Counsel also maintains a network of seven regional offices and one satellite office in the following locations: Atlanta, GA; Boston, MA; Chicago, IL; Dallas, TX; Denver, CO; San Francisco, CA (with one two-person *satellite office* located in Diamond Bar, CA); and Washington, DC.

Although the FLRA components have distinct roles with respect to various legal proceedings, the Statute requires the President to designate one Authority Member to serve also as the FLRA Chairman, i.e., the Agency Head. The FLRA Chairman is statutorily responsible for agency-wide administrative functions such as purchasing; staffing, performance, and training; budgeting and finance; information technology; leasing of office space; and agency-wide performance management.

The FLRA’s organization is reflected in the following chart:



## Highlights of FY 2009 Accomplishments

In fiscal year FY 2009, the FLRA began a multi-year effort to rebuild the agency's capacity to fulfill its mission and accomplish its performance goals. Evidence of the progress made toward this rebuilding effort includes: a dramatic increase in numbers of decisions issued; filling key vacancies in program and support positions; and participation in training and outreach activities. Employees interviewed for the agency's new on-line newsletter "FLRA in Session" repeatedly remarked on positive effects of the new leadership and the increased energy evident throughout the agency. Most significant, employee responses to the FLRA's internal 2009 Annual Employee Satisfaction Survey were overwhelmingly positive, and represented a significant increase in employee satisfaction from that reported in the Office of Personnel Management's 2008 Federal Human Capital Survey – where the FLRA ranked last among Federal agencies for the second time in a row. The striking increase in certain positive responses – ranging from 50 to 99 percent -- reflect the fact that the FLRA took substantial steps in FY 2009 to address the serious Human Capital and employee morale issues that had developed over many years at the FLRA.

However, it is important to note that, despite the efforts highlighted below, to fill key vacancies, the FLRA was not able to fully fund the target of 124 FTE, completing the year with 114 FTE. This is because, for nearly all of FY 2009, key positions, including Presidential appointees and accompanying senior career staff positions, remained unfilled.

The FLRA's FY 2009 *Annual Performance Plan* consists of 19 component specific performance goals under the single strategic goal of the agency's FY 2004-2009 Strategic Plan, which is to resolve disputes impartially and promptly. The goals incorporate the objectives of: (1) the Office of Policy & Performance Management (OPPM); (2) the Authority and its Case Intake and Publication Office (CIP); (3) the Office of the General Counsel (OGC); (4) the Office of the Administrative Law Judges (OALJ); and (5) the Federal Service Impasses Panel (FSIP or Panel).

These six performance goal categories are as follows:

1. Provide timely adjudication of cases through E-filing and case tracking.
2. Provide timely review and disposition of Unfair Labor Practice (ULP) cases.
3. Provide timely review and disposition of Representation (REP) cases.
4. Provide timely review and disposition of Arbitration (ARB) cases.
5. Provide timely review and disposition of Negotiability (NEG) cases.
6. Provide timely review and disposition of Bargaining Impasse cases.

For several reasons previously set forth in various documents, including the FLRA's April 2009 Corrective Action Plan (CAP) and the FY 2010 Congressional Budget Justification (CBJ), the FLRA's FY 2009 performance goals were largely unattainable. As a result, the FLRA established percentage target performance levels for each of the FY 2009 goals, which were included in the FLRA's FY 2010 CBJ and applied during the remainder of FY 2009. The target performance levels, which were developed with input from key staff and which are discussed in more detail below, were challenging, ambitious and outcome-oriented.

In addition, the FLRA embarked on a number of initiatives, including the following:

- Increasing attention to all aspects of employee work life, including: restoring decision and budget authority to career managers, instituting regular presidential and career management meetings, holding the first all employee town hall meeting in 30 years, reestablishing a collaborative relationship with Union of Authority Employees (UAE) and increasing internal communication between and among employees at all levels.
- Establishing and implementing the CAP, which, in addition to reducing the backlog of overage cases and improving the timeliness of newly-filed cases, will have a positive impact on customer satisfaction and employee morale.
- Increasing the number of attorneys staffing case resolution functions in the Member Offices and the OGC. In FY 2009, the Authority hired attorneys for Member staffs and in its Regional Offices and at HQ.
- Filling key positions responsible for agency-wide support services, including Budget and Finance Director and the Chief Information Officer.
- Changing the organizational structure of the Member Offices, including the case-resolution part of the Chairman's Office, so that attorneys are now assigned to individual Members.
- Contacting parties in its oldest cases to determine whether a formal decision was still warranted or whether either withdrawal of a case and/or use of FLRA-provided alternative dispute resolution techniques were appropriate.
- Modifying the process for reviewing cases to reinstitute a "screening team" with the function to identify cases susceptible to expedited processing before those cases are formally assigned to the Chairman and Members for adjudication.
- Aggressively pursuing opportunities to provide training to customers and staff, which provides dividends not only in terms of labor-management disputes that are avoided altogether but also in terms of improved quality of the presentations by filers, which assists the components in more timely resolving disputes.
- Increasing emphasis on FLRA-provided alternative dispute resolution services to assist parties in resolving disputes without the need for formal decision-making.
- Developing and implementing an agency telework policy to recognize the cost-reduction and productivity benefits of telework.
- Establishing a Technology Council, comprised of representations from all components including the UAE, to review innovative work strategies and technology investments.

## Highlights of FY 2010 Goals

In FY 2010, the FLRA will continue the effort to rebuild and revitalize the agency. In this regard, with the confirmations in August 2009 of General Counsel Julia Akins Clark and Member Ernest DuBester, and President Obama's appointment on September 14, 2009, of the seven members of the Federal Service Impasses Panel, the FLRA now has the leadership necessary for sustained performance improvement and employee development.

With regard to cases, the Authority will focus on reducing the backlog of overage cases, consistent with the CAP. The OGC will focus on resolving the bottleneck of ULP complaints and appeals that resulted from 17 months during which there was no GC or Deputy GC. Similarly, the FSIP will address the impasses that could not be resolved because there was no Panel in place. In addition, the FLRA will implement initiatives designed to leverage technology for internal and external customers, and effectively to launch a new human capital goal designed to address morale and other issues that have plagued the FLRA in recent years.

FY 2010 initiatives include:

- Completion of a user-friendly case tracking/e-filing system.
- Collaborative development and implementation of a new Strategic Plan (replacing the most recent Plan, which expired in 2009, and which was developed in 2004 without appropriate stakeholder input), and engage in performance management planning.
- Elimination of the bottleneck of ULP complaint and appeals that resulted from 17-month absence of GC and Deputy GC.
- Review and revision of regulations governing arbitration cases, which comprise nearly 65 percent of the Authority's case intake.
- Development and implementation of training targeted at arbitrators and party advocates in arbitration.
- Development and implementation of web-based statutory training modules to expand delivery of services.
- Placing increased emphasis on effective interaction between the parties and Authority representatives during the "post-petition conferences" that take place following the filing of a negotiability petition so as to encourage modification of proposals/provisions to overcome negotiability objections.
- Serving as a critical resource for both labor and management in executing the "Creating Labor-Management Forums to Improve Delivery of Government Services" Executive Order, providing information, education and tools necessary for the successful execution of the Executive Order's requirements and principles.

- Establishment of collaborative workgroups designed to tackle employee morale issues.
- Increase employee development and training programs, including succession planning and supervisor training.
- Begin updating internal agency policies (with remaining policies to be updated in FY 2011).
- Completing and implementing an Employee Satisfaction Action Plan.
- Completing the Inventory of Health and Wellness programs.
- We will comply with all OMB Circular A-11 requirements for Exhibit 53, Enterprise Architecture, and leverage our IT investments by mapping lines of business with performance and strategic goals.

## Fiscal Years 2009 and 2010 Performance Goals

### **Goal 1 - IT**

Chief Information Officer  
FY2009 / FY2010

***FY 2009 Goal: Provide timely adjudication of cases through E-filing and case tracking.***

***Objective: Enhance customer ease of filing cases and tracking case status through web based case filing system***

In 2009 the FLRA made substantial progress toward completion of this goal. A Chief Information Officer (CIO) was hired to manage this goal. The FLRA conducted and delivered a requirements analysis, identified a design solution, developed test plans and a project plan. In addition, the CIO will implement a new agency web site and launch telework by the end of FY2009. In support of the President's transparency initiative, these investments have been published and can be tracked on OMB's itspending.gov website.

***FY 2010 Goal: Provide timely adjudication of cases through E-filing and case tracking.***

***Objective: Enhance customer ease of filing cases and tracking case status through web based case-filing system.***

In FY 2010, the agency will implement an easy-to-use case tracking/e-filing system. The agency will have Software as a Service (SaaS) framework for application development and be close to 100% server virtualization, lowering the total cost of ownership and allows the agency to have one baseline framework for all application development.

## Goal 2 – ULP

Unfair Labor Practices  
FY2009

**FY 2009 Goal: Provide timely review and disposition of Unfair Labor Practice (ULP) cases.**

**Objective: Remedy all ULP cases in a timely manner.**

<p><b>OUTCOME A</b> All ULP Charges will result in the issuance of complaint, withdrawal dismissal, or settlement of the charge within 120 days from the date filed. (Target 70%)</p>	<p><b>OUTCOME B</b> Issue substantiated appeals within 60 days of receipt of appeal of the Regional Director's dismissal of charge. (Target 80%)</p>	<p><b>OUTCOME C</b> All ULP complaints will receive a hearing within 90 days or be otherwise settled. (Target 90%)</p>	<p><b>OUTCOME D</b> Within 60 days of close of a hearing the Office of Administrative Law Judges (OALJs) will issue a decision. (Target 50%)</p>	<p><b>OUTCOME E</b> Upon completion of filing requirements, pursuant to FLRA regulation, all ULP cases will be assigned to an Authority Member staff with in 5 working days or be otherwise disposed. (Target 75%)</p>	<p><b>OUTCOME F</b> Within 90 days of assignment, a final ULP decision will be issued. (Target 0%)</p>
<p><b>PERFORMANCE A</b> The Office of General Counsel successfully met and exceeded this performance level resolving 74% of charges within 120 days.</p>	<p><b>PERFORMANCE B</b> The OGC issued 4% of appeals decisions within 60 days.</p>	<p><b>PERFORMANCE C</b> Due to absence of GC until August 2009, the OALJs held no hearings in FY2009.</p>	<p><b>PERFORMANCE D</b> Due to absence of GC until August 2009, the OALJs held no hearings and issued no decisions in FY2009.</p>	<p><b>PERFORMANCE E</b> Case Intake Processing (CIP) exceeded target, assigning 100% of ULP cases to an Authority Member staff within 5 working days.</p>	<p><b>PERFORMANCE F</b> The Authority issued 1 ULP decision within 90 days, reaching the goal in 6% of cases, and issued 16 ULP decisions in cases older than 90 days.</p>

## Goal 2 – ULP

Unfair Labor Practices  
FY2010

**FY 2010 Goal: Provide timely review and disposition of Unfair Labor Practice (ULP) cases.**

**Objective: Remedy all ULP cases in a timely manner.**

<p><b>OUTCOME A</b> OGC will resolve 75% of ULP charges (issuance of a complaint) withdrawal, dismissal, or settlement of the charge) within 120 days from the date filed.</p>	<p><b>OUTCOME B</b> OGC will issue 80% of decisions on appeals within 60 days of receipt of the appeal of the Regional Director's dismissal of the charge.</p>	<p><b>OUTCOME C</b> OGC/OALJ will hold a hearing or otherwise settle 100% of cases within 90 days of the issuance of complaint.</p>	<p><b>OUTCOME D</b> OALJ will close records and issue a decision in 100% of cases within 90 days of the hearing completion date.</p>	<p><b>OUTCOME E</b> Upon completion of all filing requirements pursuant to FLRA regulations, 100% of ULP cases will clear the screening team and be assigned to professional case production staff within 5 working days.</p>	<p><b>OUTCOME F</b> The Authority will decide 20% of ULP cases within 180 days of assignment to an Authority Member staff.</p>
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### Goal 3 – REP

Representation Cases  
FY2009

**FY 2009 Goal: Provide timely review and disposition of Representation (REP) cases.**

**Objective: Remedy all REP cases in a timely manner.**

<p><b>OUTCOME A</b> Issue Decision &amp; Order (D&amp;O) or approve withdrawal of petition within 90 days of filing of petition with OGC, where no election or hearing is necessary. (Target 65%)</p>	<p><b>OUTCOME B</b> Conduct election within 90 days from the date of filing of petition with the OGC, where no hearing is necessary. (Target 55%)</p>	<p><b>OUTCOME C</b> Issue D&amp;O in all Rep cases in 180 days, where a hearing is necessary. (Target 25%)</p>	<p><b>OUTCOME D</b> Upon completion of filing requirements pursuant to FLRA regulations, all REP cases will be assigned to an Authority Member staff within 2 work days or be otherwise disposed. (Target 100%)</p>	<p><b>OUTCOME E</b> Within 50 days of assignment of a REP case to an Authority Member staff, a decision whether to grant review will issue. (Target 15%)</p>
<p><b>PERFORMANCE A</b> OGC nearly met issuing D&amp;Os or approving withdrawals of petitions in 60% of the cases within 90 days.</p>	<p><b>PERFORMANCE B</b> The OGC exceeded its target performance, conducting elections within 90 days in 63% of the cases.</p>	<p><b>PERFORMANCE C</b> The OGC did not meet its target performance issuing D&amp;Os within 180 days in 10% of cases.</p>	<p><b>PERFORMANCE D</b> CIP met, assigning REP cases to an Authority Member staff within 2 work days in 100% of cases.</p>	<p><b>PERFORMANCE E</b> The Authority exceeded its target performance level, meeting the goal in 50% of the cases.</p>

### Goal 3 – REP

Representation Cases  
FY2010

**FY 2010 Goal: Provide timely review and disposition of Representation (REP) cases.**

**Objective: Remedy all REP cases in a timely manner.**

<p><b>OUTCOME A</b> OGC will resolve 70% of REP cases by withdrawal of petition, conducting of election, or issuance of a D&amp;O within 120 days of filing of the petition.</p>	<p><b>OUTCOME B</b> Upon completion of all filing requirements pursuant to FLRA regulations, 100% of REP cases will be assigned to professional case production, or otherwise disposed of, within 2 work days.</p>	<p><b>OUTCOME C</b> Upon assignment to an Authority Member staff, a decision whether to grant review will issue by day 60 and a final decision will issue by day 90 in 90% of REP cases.</p>
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### Goal 4 – ARB

Arbitration Cases  
FY2009/2010

**FY 2009 Goal:** Provide timely review and disposition of Arbitration (ARB) cases.

**Objective:** Remedy all ARB cases in a timely manner.

<p><b>OUTCOME A</b> Upon completion of filing requirements pursuant to FLRA regulations, all ARB cases will be assigned to an Authority Member staff within 5 work days or be otherwise disposed. (Target 75%)</p>	<p><b>OUTCOME B</b> Within 90 days of assignment to an Authority Member staff, a final ARB decision will issue. (Target 15%)</p>
<p><b>PERFORMANCE A</b> CIP nearly met, assigning ARB cases to an Authority Member staff within 5 working days in 69% of cases.</p>	<p><b>PERFORMANCE B</b> The Authority exceeded its target, issuing an ARB decision within 90 days in 23% of cases. In addition, the Authority issued 110 decisions in cases older than 90 days.</p>

**FY 2010 Goal:** Provide timely review and disposition of Arbitration (ARB) cases.

**Objective:** Remedy all ARB cases in a timely manner.

<p><b>OUTCOME A</b> Upon completion of all filing requirements pursuant to FLRA regulations, 100% of ARB cases will clear the screening team and be assigned to professional case production staff, or otherwise resolved, within 5 work days.</p>	<p><b>OUTCOME B</b> 20% of ARB cases will be decided within 180 days of assignment to an Authority Member staff.</p>
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### Goal 5 – NEG

Negotiability Cases  
FY2009/2010

**FY 2009 Goal:** Provide timely review and disposition of Negotiability (NEG) cases.

**Objective:** Remedy all NEG cases in a timely manner.

<p><b>OUTCOME A</b> Upon completion of filing requirements pursuant to FLRA regulations, all NEG cases will be assigned to an Authority Member staff within 5 work days or be otherwise disposed. (Target 75%)</p>	<p><b>OUTCOME B</b> Within 100 days of assignment (reflecting reasonable time period for a post-petition conference) to an Authority Member staff, a final NEG decision case will issue. (Target 15%)</p>
<p><b>PERFORMANCE A</b> CIP met and this goal in 50% of NEG cases.</p>	<p><b>PERFORMANCE B</b> The Authority issued NEG decision within 100 days in 8% of cases. In addition, the Authority issued 13 NEG decisions in cases older than 90 days. This contributed to the backlog reduction effort.</p>

**2010 Goal:** Provide timely review and disposition of Negotiability (NEG) cases.

**Objective:** Remedy all NEG cases in a timely manner.

<p><b>OUTCOME A</b> Upon completion of filing requirements pursuant to FLRA regulations, 100% of NEG cases will clear the Screening Team and be assigned to professional case production staff or otherwise resolved, within 5 work days.</p>	<p><b>OUTCOME B</b> 20% of NEG cases will be decided within 180 days of assignment to an Authority Member staff (reflecting reasonable time for a post-petition conference).</p>
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**Goal 6 – FSIP**

Bargaining Impasse Cases  
FY2009

**FY 2009 Goal: Provide timely review and disposition of Bargaining Impasse (FISP) cases.**

**Objective: Remedy all FSIP cases in a timely manner.**

<p><b>OUTCOME A</b> Timely (90 calendar days of filing a request) investigation of requests for assistance. (Target 79%)</p>	<p><b>OUTCOME B</b> Timely (20 calendar days of determination/request to withdraw) notification to parties when jurisdiction is declined or the filing party withdraws its request for assistance. (Target 98%)</p>	<p><b>OUTCOME C</b> Timely (120 days after jurisdiction is asserted) closing of the substantive case record after the FISP has asserted jurisdiction over a request for assistance. (Target 93%)</p>	<p><b>OUTCOME D</b> Timely (30 calendar days) resolution of impasses through the issuance of FSIP Decisions and Orders. (Target 76%)</p>
<p><b>PERFORMANCE A</b> FISP made jurisdictional determinations in 19 requests for assistance from the parties. It met its goal of making determinations within 90 calendar days of the filing of a request 79% of the time.</p>	<p><b>PERFORMANCE B</b> FSIP met its goal of issuing the closing letter to the parties within 20 calendar days of determination/request to withdraw in 100% of cases.</p>	<p><b>PERFORMANCE C</b> FISP met its goal of closing the substantive case record within 120 days after the jurisdiction is asserted 100% of the time.</p>	<p><b>PERFORMANCE D</b> FSIP met its goal of issuing D&amp;Os within 30 calendar days of the FISP Members' decision in 85% of the cases (11 out of 13 requests for assistance)</p>

**Goal 6 – FSIP**

Bargaining Impasse Cases  
FY2010

**FY 2010 Goal: Provide timely review and disposition of Bargaining Impasse (FISP) cases.**

**Objective: Remedy all FSIP cases in a timely manner.**

<p><b>OUTCOME A</b> Upon completion of filing requirements pursuant to FSIP regulations, and FMCS action, in 79% of cases the Panel will assert jurisdiction or decline to assert jurisdiction within 90 days.</p>	<p><b>OUTCOME B</b> 98% of cases in which the FSIP declines to assert jurisdiction or which a party/ies' request/s to withdraw, prior to a jurisdictional determination, will close within 20 days of determination/request to withdraw.</p>	<p><b>OUTCOME C</b> In 93% of cases, the substantive case record will close within 120 days once the Panel asserts jurisdiction over the parties' request for assistance.</p>	<p><b>OUTCOME D</b> 76% of cases that the Panel resolves through a D&amp;O, or otherwise, will be closed within 30 days of the Panel's decision.</p>
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## **Goal 7 – Human Capital**

Human Capital  
New goal in FY 2010

***FY 2010 Goal: Develop, manage and utilize FLRA's human resources to meet program needs.***

***Objective: Recruit, develop and retain a multi-skilled, well-trained, highly performing, culturally diverse workforce that meets program needs and is collaboratively involved in workforce matters.***

<b>OUTCOME A</b>	<b>OUTCOME B</b>	<b>OUTCOME C</b>	<b>OUTCOME D</b>
Establish 50% of necessary collaborative internal workgroups to address technology issues, strategic planning, and other agency and workforce issues.	Improve employee morale, increasing employee job satisfaction by 50% toward approaching the agency's objective.	Issue updated versions of 50% of internal FLRA policy instructions.	Increase staffing levels to funded FTE levels.

## **FY 2011 Performance Goals and Linkage of Budget to Performance Goals**

During FY 2011, the FLRA will devote its resources to reducing the case backlog and implementing a new goal of increasing training, outreach, and facilitation activities. The latter initiative is intended to facilitate increased emphasis throughout the Government on improved labor-management relations and increased efficiency and effectiveness of Government operations. The FLRA also will expand efforts to improve its human capital infrastructure and employee morale. New initiatives accompanying the FLRA's eight goals are set forth below. However, at the outset, we note certain assumptions underlying these goals, including: (1) level case intake in the Authority and OGC; (2) an increase in the size of the Federal workforce, and (3) no change in the FLRA's jurisdiction.

**GOAL 1:** PROVIDE TIMELY ADJUDICATION OF CASES THROUGH E-FILING AND CASE TRACKING.

**OBJECTIVE:** ENHANCE CUSTOMER EASE OF FILING CASES AND TRACKING CASE STATUS THROUGH WEB BASED CASE-FILING SYSTEM.

### **Chief Information Officer**

Enhancing agency information technology in support of case processing and program achievement will remain a critical part of the FLRA's performance plan through FY 2011. In FY 2010 the agency will have delivered case tracking and e-filing, using Software as a Service (SaaS) framework. The age of the FLRA's technology has delayed and hindered efficiencies in critical programs as well as compliance with the Electronic Government Act of 2002. In addition, other areas requiring attention include network capacity and end of life hardware, application development, information assurance, and hardware/ software refresh as legacy applications and processes are replaced using SaaS framework. When updated tools are in place, the agency information technology goals will materialize faster and enable efficiencies in other agency areas. Further, the agency will demonstrate a reduction in the Total Cost of Ownership (TCO). In FY 2011 the FLRA will have an opportunity to invest this savings in the network transport for users, increasing bandwidth and leveraging the speed of delivery of these services. Toward the end of FY 2011 the FLRA will have adopted OMB's direction for agency cloud computing. This will significantly reduce operating costs and redirect IT staff away from administration of hardware / software and toward assisting users in the use of the adopted framework. This goal will enhance our ability to assist both internal and external customers.

## Goal 1 - IT

Chief Information Officer  
FY2011

**FY 2011 Goal: Modernize agency information technology (IT) business systems to support and enhance program achievement.**

**Objective: Improve agency program efficiencies through leveraging technology for internal and external customers.**

<p><b>OUTCOME A</b></p> <p>Establish Shared Service model for voice, email, applications and IT helpdesk.</p>	<p><b>OUTCOME B</b></p> <p>Embrace virtual desktop provisioning which will protect the data enterprise while at the same time leverage the availability of the anywhere / anytime environment.</p>	<p><b>OUTCOME C</b></p> <p>Assess, revise and implement an agency IT life cycle plan.</p>	<p><b>OUTCOME D</b></p> <p>Enhanced integration for agency-wide e-filing and case management.</p>	<p><b>OUTCOME E</b></p> <p>Reduce total enterprise IT computing costs.</p>
<p><b>MEASURE A</b></p> <p>Percentage enterprise applications utilizing Software as a Service (SaaS) and Platform as a Service (PaaS). (Target 90%)</p>	<p><b>MEASURE B</b></p> <p>Percentage of user computers utilizing virtual desktop provisioning. (Target 95%)</p>	<p><b>MEASURE C</b></p> <p>Percentage of user computers refreshed in the FY. (Target 33%)</p>	<p><b>MEASURE D</b></p> <p>Percent completeness of integration between systems that face the customer and the FLRA employee. (Target 100%)</p>	<p><b>MEASURE E</b></p> <p>Percent reduction of IT Enterprise Total Cost of Ownership (TCO). (Target 40%)</p>

Measure	Component/ Office	FY 2009 Actual		FY 2010 Budgeted		FY 2011 Request	
		FTE	\$ (000)	FTE	\$ (000)	FTE	\$ (000)
						0	
Enhance customer ease of filing cases and tracking case status through web-based case filing systems	IRMD	3.25	1,169.00	5.00	1,403.00	5.00	1,323.00
<b>Subtotal Goal # 1</b>		<b>3.25</b>	<b>1,169.00</b>	<b>5.00</b>	<b>1,403.00</b>	<b>5.00</b>	<b>1,323.00</b>

**GOAL 2:** PROVIDE TIMELY REVIEW AND DISPOSITION OF UNFAIR LABOR PRACTICE (ULP) CASES.

**OBJECTIVE:** REMEDY ALL ULP CASES IN A TIMELY MANNER.

The Office of the General Counsel (OGC), Office of Administrative Law Judges (OALJ), and the Authority have established targets to ensure that, during FY 2010 and FY 2011, significant progress is made toward achieving timely case processing of all ULP cases. In this regard, ULP cases involve alleged violations of union or management statutory rights and are at the heart of the FLRA's mission.

#### **Office of General Counsel**

The OGC has a goal of resolving ULP cases (issuance of a complaint, withdrawal, dismissal or settlement of charge) within 120 days of filing. During FY 2011, the OGC intends to resolve 75 percent of ULP cases within 120 days. Although the OGC projects a level ULP case intake, the OGC's ULP initiatives that include an emphasis on providing ADR, training, and outreach and facilitation, represents a significant increase in workload. In addition, the OGC expects an increase in sustained litigation, resulting from the continued appointment of a General Counsel.

The OGC has also set a goal of deciding appeals from Regional Director's ULP dismissal determinations within 60 days of receipt of the appeal, and in no case more than 120 days. During FY2011, the OGC intends to resolve 90 percent of all appeal cases within 60 days. This represents a 10 percent increase over the FY 2010 goal.

#### **Office of Administrative Law Judges**

The OALJ has refined and combined its previous goals into a single goal with a single measure in FY 2011: "All complaint cases forwarded to the OALJ will be resolved within 180 days of issuance of the complaint."

#### **Authority**

In addition to resolving already-old ULP cases, the Authority intends to resolve, during FY 2011, 50 percent of such cases before they become old. This is a substantial increase over the FY 2010 goal of resolving 20 percent of such cases.

## Goal 2 – ULP

Unfair Labor Practices  
FY2011

**FY 2011 Goal:** Provide timely review and disposition of Unfair Labor Practice (ULP) cases.

**Objective:** Remedy all ULP cases in a timely manner.

OUTCOME A	OUTCOME B	OUTCOME C	OUTCOME D
OGC will resolve 75% of ULP charges (issuance of a complaint) withdrawal, dismissal, or settlement of the charge) within 120 days from the date filed.	In 90% of cases, OGC will issue decisions on appeals from Regional Director's dismissal of ULP charges within 60 days of receipt of the appeal, and in no case more than 120 days.	90% of cases in which a complaint is issued and forwarded to OALJ will be resolved within 180 days of the issuance of complaint.	Decide 50% of ULP cases within 180 days of assignment to an Authority Member Staff.

Measure	Component/ Office	FY 2009 Actual		FY 2010 Budgeted		FY 2011 Request	
		FTE	\$ (000)	FTE	\$ (000)	FTE	\$ (000)
Provide timely review and disposition of Unfair Labor Practice (ULP) Cases	OGC	46.07	6,694.80	51.95	7,245.00	53.10	7,736.25
	ALJ	5.50	959.74	4.70	861.98	4.70	874.20
	Authority	5.74	1,521.08	7.72	1,635.30	7.80	1,661.70
	<b>Subtotal Goal # 2</b>	<b>57.31</b>	<b>9,175.62</b>	<b>64.37</b>	<b>9,742.28</b>	<b>65.60</b>	<b>10,272.15</b>

GOAL 3: PROVIDE TIMELY REVIEW AND DISPOSITION OF REPRESENTATION (REP) CASES.

OBJECTIVE: REVIEW ALL REP CASES IN A TIMELY MANNER.

Representation cases, which are filed in the Regional Offices of the OGC and, in certain circumstances are appealable to the Authority, determine whether unions should be certified as exclusive representatives of units of employees as well as whether individual employees or groups of employees may be included in those units. When Government agencies reorganize, which occurs frequently, on both small and large scales, representation cases result.

#### **Office of General Counsel**

During FY 2011, the OGC intends to resolve 70 percent of all REP cases within 120 days of filing. In addition, the OGC will place special emphasis on resolving all election cases within 120 days. Election cases go to the foundation of the Statute (the right of employees to determine representation) and conducting representation elections in a timely manner will remain a high priority for the OGC in FY 2011.

#### **Authority**

The Statute provides that, unless the Authority resolves an appeal of a Regional Director's decision in a REP case within 60 days, the Regional Director's decision becomes the decision of the Authority by operation of law. Accordingly, the Authority places a premium on quick turnaround in REP cases, and devotes significant resources and efforts towards the processing of REP cases immediately after they are filed. During FY 2011, the Authority intends to decide whether to grant review in all REP cases within 60 days of filing.

**Goal 3 – REP**

Representation Cases  
FY2011

**FY 2011 Goal: Provide timely review and disposition of Representation (REP) cases.**

**Objective: Remedy all REP cases in a timely manner.**

OUTCOME A	OUTCOME B
<p>OGC will resolve 70% of REP cases by withdrawal of petition, conducting of election, or issuance of a D&amp;O within 120 days of filing of the petition.</p>	<p>Upon assignment to an Authority Member staff, a decision whether to grant review in a REP case will issue by day 60 in 100% of REP cases.</p>

Measure	Component/ Office	FY 2009 Actual		FY 2010 Budgeted		FY 2011 Request	
		FTE	\$ (000)	FTE	\$ (000)	FTE	\$ (000)
Provide timely review and disposition of Representation (REP) cases	OGC	9.21	1,338.96	10.39	1,449.00	10.62	1,547.25
	Authority	3.82	1,014.05	5.15	1,090.20	5.20	1,107.80
<b>Subtotal Goal # 3</b>		<b>13.04</b>	<b>2,353.01</b>	<b>15.54</b>	<b>2,539.20</b>	<b>15.82</b>	<b>2,655.05</b>

GOAL 4: PROVIDE TIMELY REVIEW AND DISPOSITION OF ARBITRATION (ARB) CASES.

OBJECTIVE: REMEDY ALL ARB CASES IN A TIMELY MANNER.

**Authority**

Arbitration cases, which result when an agency or a union timely appeals an arbitration award, account for nearly 65 percent of the Authority’s case filings and inventory. As these cases necessarily follow the conclusion of a grievance arbitration procedure, they often present disputes that have been ongoing for years. Accordingly, they deserve prompt resolution.

During FY 2011, the Authority intends to increase the percentage of cases resolved before they become old to 40 percent (from 20 percent in FY 2010) as well as continue to eliminate the backlog of old cases.

**Goal 4 – ARB**  
Arbitration Cases  
FY2011

*FY 2010 Goal: Provide timely review and disposition of Arbitration (ARB) cases.*  
*Objective: Remedy all ARB cases in a timely manner.*

**OUTCOME**

Decide 40% of ARB cases within 180 days of assignment to an Authority Member Staff.

Measure	Component/ Office	FY 2009 Actual		FY 2010 Budgeted		FY 2011 Request	
		FTE	\$ (000)	FTE	\$ (000)	FTE	\$ (000)
Provide timely review and disposition of Arbitration (ARB) Cases	Authority	22.94	6,084.30	30.88	6,541.20	31.20	6,646.80
<b>Subtotal Goal # 4</b>		<b>22.94</b>	<b>6,084.30</b>	<b>30.88</b>	<b>6,541.20</b>	<b>31.20</b>	<b>6,646.80</b>

GOAL 5: PROVIDE TIMELY REVIEW AND DISPOSITION OF NEGOTIABILITY (NEG) CASES.

OBJECTIVE: PROVIDE TIMELY REVIEW AND DISPOSITION OF NEGOTIABILITY (NEG CASES).

**Authority**

A negotiability case arises when a union appeals an agency's declaration that proposal for bargaining (or a contract provision that was agreed upon by local parties but disapproved by agency heads) is unlawful or conflicts with Government-wide and/or certain agency regulations. A negotiability appeal virtually stops the bargaining process, sometimes involving entire collective bargaining agreements and sometimes involving single issue agreements. Thus, timely resolution of negotiability disputes is critical to enable parties to manage their workplace disputes.

In FY 2011, the Authority intends to continue its backlog reduction efforts and increase the percentage of incoming cases that are resolved within 180 days to 45 percent. A new initiative is planned to assist achieving this goal:

- During FY 2011, the Authority will undertake a pilot project designed to provide parties in negotiability cases with procedures, including a fact finding hearing before an Administrative Law Judge, otherwise available only in ULP cases. This project is intended to determine whether requiring parties to establish factual records and substantiate assertions will facilitate amicable resolution and/or decision-making.

**Goal 5 – NEG**

Negotiation Cases  
FY2011

**2011 Goal:** Provide timely review and disposition of Negotiability (NEG) cases.

**Objective:** Remedy all NEG cases in a timely manner.

**OUTCOME**

Decide 45% of NEG cases within 180 days of assignment to an Authority Member Staff.

Measure	Component/ Office	FY 2009 Actual		FY 2010 Budgeted		FY 2011 Request	
		FTE	\$ (000)	FTE	\$ (000)	FTE	\$ (000)
Provide timely review and disposition of Negotiability (NEG) cases.	OALJ	0.35	61.26	0.30	55.02	0.30	55.80
	Authority	3.82	1,014.05	5.15	1,090.20	5.20	1,107.80
<b>Subtotal Goal #5</b>		<b>4.18</b>	<b>1,075.31</b>	<b>5.45</b>	<b>1,145.22</b>	<b>5.50</b>	<b>1,163.60</b>

GOAL 6: PROVIDE TIMELY REVIEW AND DISPOSITION OF BARGAINING IMPASSE CASES.

OBJECTIVE: REVIEW ALL FSIP CASES IN A TIMELY MANNER.

### **Federal Service Impasses Panel**

FSIP is the Federal sector substitute for the private sector right of labor unions to strike and employers to lock out their unionized employees when collective bargaining results in an impasse. FSIP accomplishes its mission successfully when it provides timely review and resolution of bargaining impasses.

During FY 2011, the Panel will employ a three-part initiative designed to: (1) expedite initial investigations; (2) direct employers to maintain the *status quo* in situations where an employer may otherwise implement changes in conditions of employment pending Panel action; and (3) increase the use of mediation-arbitration by Panel representatives to resolve impasses. These interrelated actions will allow many investigations to be concluded more quickly and, by providing for prompt resolution by Panel Members and staff, will provide a disincentive for employers unilaterally to implement changes in conditions of employment. With regard to the latter point, unilateral implementation frequently results in the filing of ULP charges by labor organizations. Thus, the increased use of FSIP's authority to order employers to maintain the *status quo*, coupled with expedited resolution of impasses, should also reduce the number of union-filed ULP charges and increase the number of voluntary withdrawals and dismissals of such charges by the FLRA's Regional Offices.

**Goal 6 – FSIP**

Bargaining Impasse Cases  
FY2011

*FY 2011 Goal: Provide timely review and disposition of Bargaining Impasse (FISP) cases.*

*Objective: Remedy all FSIP cases in a timely manner.*

OUTCOME A	OUTCOME B	OUTCOME C
90% of FSIP cases where jurisdiction is declined will close within 100 days of filing.	80% of FSIP cases voluntarily settled after jurisdiction is asserted will close within 120 days of filing.	80% of FSIP cases resolved through a final action will be closed within 150 days of filing.

Measure	Component/ Office	FY 2009 Actual		FY 2010 Budgeted		FY 2011 Request	
		FTE	\$ (000)	FTE	\$ (000)	FTE	\$ (000)
Provide timely review and disposition of Bargaining Impasse (BARG) cases.	FSIP	3.08	547.00	5.00	795.00	6.00	893.00
<b>Subtotal Goal #6</b>		<b>3.08</b>	<b>547.00</b>	<b>5.00</b>	<b>795.00</b>	<b>6.00</b>	<b>893.00</b>

GOAL 7: DEVELOP, STRATEGICALLY DEPLOY AND MANAGE FLRA'S HUMAN RESOURCES TO MEET PROGRAM AND ORGANIZATIONAL PERFORMANCE GOALS.

OBJECTIVE: RECRUIT, DEVELOP AND RETAIN A MULTI-SKILLED, WELL-TRAINED, HIGHLY PERFORMING, CULTURALLY DIVERSE WORKFORCE THAT MEETS PROGRAM NEEDS AND IS COLLABORATIVELY INVOLVED IN WORKFORCE MATTERS.

### **Office of Policy and Performance Management**

This goal reflects the current leadership's commitment to rebuild its workforce by working collaboratively with employees and their representative, in order to promote effective organizational and individual performance. Consistent with this commitment, in FY 2011, the FLRA will focus on continued improvement in employee satisfaction and productivity. In this regard, the FLRA scored the lowest of all Federal agencies in the 2006 and 2008 Federal Human Capital Surveys conducted by OPM, with particularly low scores in areas concerning satisfaction with training opportunities and performance management. In FY 2009, the FLRA made significant strides with respect to improving employee satisfaction, and will continue to build upon that growth by institutionalizing and formally integrating policies and programs directed at addressing the agency's human capital needs.

In this regard, in FY 2011, the agency will operate under an effective and dynamic strategic human capital plan that is being collaboratively developed and implemented in FY 2010. The agency's strategic plan and its human capital plan will include a focus on succession planning that involves employee and leadership development and the preservation of institutional knowledge. In FY 2011, the agency also will complete its review and revision of internal agency policies. Also in FY 2011, the FLRA will operate as a continuous learning organization through utilization of a broad spectrum of learning methodologies to support current and future skills and development and career paths. In particular, a learning management system will be implemented that will be reflected in employees' individual development plans. In FY 2011, the FLRA's investment in its human capital will result in increased employee satisfaction and performance.

## Goal 7 – Human Capital

Human Capital  
New goal in FY 2010

**FY 2010 Goal: Develop, manage and utilize FLRA's human resources to meet program needs.**

**Objective: Recruit, develop and retain a multi-skilled, well-trained, highly performing, culturally diverse workforce that meets program needs and is collaboratively involved in workforce matters.**

<b>OUTCOME A</b> Operate as a continuous learning organization using a broad spectrum of learning methodologies to support current and future skills development and career paths.	<b>OUTCOME B</b> Operate with an effective and dynamic Human Capital Plan.	<b>OUTCOME C</b> Improved employee job satisfaction	<b>OUTCOME D</b> High functioning performance management system.
<b>MEASURE A</b> Employees will have current individual development plans (IDPs).  Delivery of training through a coordinated agency-wide training program.	<b>MEASURE B</b> 100% of internal HR policy instructions will be reviewed and revised as necessary.  100% of components will have succession plans, that include employee and leadership development and institutional knowledge preservation, have been implemented.  Development of a comprehensive recruitment strategy to hire and retain highly talented and diverse employees. Percentage of vacancies filled in a timely manner, utilizing a user-friendly application process that is clear and understandable, consistent with OPM directives and modern technology.	<b>MEASURE C</b> Employee job satisfaction will increase in all targeted areas, as measured by the FHCS and agency annual employee survey.  Health and Wellness programs will be available to all employees.	<b>MEASURE D</b> 100% of employee will have position descriptions, Performance Work Plans (PWP's), progress reviews and appraisals that are current and timely.  Recognize exceptional performance, through an agency-wide performance based appraisal system, and address poor performance through improved performance management.  Operate under a certified SES system.  Employee performance elements and standards are clearly aligned with positions and grades, the agency's mission and strategic goals. The performance appraisal system is revised to reflect current agency policy.

Measure	Component/ Office	FY 2009 Actual		FY 2010 Budgeted		FY 2011 Request	
		FTE	\$ (000)	FTE	\$ (000)	FTE	\$ (000)
Develop, strategically deploy and manage FLRA's human resources to meet program and organizational performance goals.	OPPM/HR	1.77	789.00	3.74	837.00	4.00	1,017.00
<b>Subtotal Goal # 7</b>		<b>1.77</b>	<b>789.00</b>	<b>3.74</b>	<b>837.00</b>	<b>4.00</b>	<b>1,017.00</b>

**GOAL 8:** PROMOTE PROGRAM EFFECTIVENESS AND PUBLIC ACCOUNTABILITY TO IMPROVE LABOR-MANAGEMENT RELATIONS.

**OBJECTIVE:** ASSIST PARTIES IN MINIMIZING AND RESOLVING LABOR –MANAGEMENT DISPUTES.

This Goal is new in FY2011 and is established to emphasize not only the importance of backlog reduction efforts in the Authority, but also using collaborative and ADR techniques along with other training, outreach, and facilitation services to assist parties in minimizing and resolving labor-management disputes.

### **Office of General Counsel**

During FY 2011, the OGC, through its use of ADR, intends to resolve (partially or totally) 50 percent of ULP and REP cases in which an offer of ADR services is accepted by the parties. This will assist the OGC in meeting its overarching goal of timely review and disposition of ULP and REP cases. The OGC also intends to increase its ADR/Statutory training and outreach efforts to enable parties to manage and resolve their workplace disputes on their own thereby resulting in a reduction in case filings. To successfully implement this new initiative the OGC intends to design and implement an internal skills training program for OGC employees on effective use of ADR to resolve ULP and REP cases and effective presentation of ADR and Statutory training sessions for agency and union representatives.

The new ADR tasks are an integral component of the OGC's overall approach to the effective enforcement of the Statute as it provides for the timely resolution of disputes. In addition, the new training initiative promotes efficient utilization of the OGC's resources as it will result in reduced filings.

### **Authority**

Operating consistent with the CAP, the Authority intends to reduce its backlog by 75 percent (compared to the backlog in FY 2010) in FY 2011, resulting in only approximately 50 overage cases pending at the end of the year. The remaining overage cases would then be eliminated in FY 2012.

With regard to use of collaboration techniques and ADR services, the Authority makes such services available to parties in all negotiability cases through its Collaboration and Alternative Dispute Resolution Office (CADRO) -- an office that was designed to offer support and resources agency-wide for the delivery of ADR services.

Consistent with the pilot program intended for FY 2011 in which parties in negotiability cases will be provided with procedures, including a fact-finding hearing before an Administrative Law Judge, the Authority's goal is to resolve, partially or fully, 80 percent of negotiability cases in which an offer of ADR

assistance is accepted. The Authority also intends to examine whether it is feasible to offer ADR in certain arbitration cases. In particular, the Authority will establish criteria for identifying arbitration cases that appear susceptible to resolution through collaboration and ADR and experiment with use of those techniques in such cases.

Finally, the Authority intends to expand its training, outreach, and facilitation activities during FY 2011. In this regard, it is anticipated that request for these services will increase as the agency rebuilds and as Government-wide initiatives aimed at increased labor-management cooperation take hold. Through CADRO, the FLRA will serve as a critical resource for both labor and management in executing the “Creating Labor-Management Forums to Improve Delivery of Government Services” Executive Order, providing information, education and tools necessary for the successful execution of the Executive Order’s requirements and principles. In addition, recognizing the need to make greater use of modern technology, the Authority intends to make available to parties in FY 2011 not only traditional activities involving face-to-face meetings and facilitations, but also to make web-based training and other services available.

#### **Federal Service Impasses Panel**

FSIP’s target under Goal 8 is to partially or totally resolve 30 percent of its cases without the need for a Panel final action. FSIP has strongly believed since its inception in 1970 that voluntary settlements of Federal sector bargaining impasses are in the best interests of the parties and the public. Its efforts to achieve voluntary settlements occur at every stage of case processing, from the initial investigation where FSIP’s staff explores alternative approaches to meet each side’s interests, through the selection of procedures to resolve issues that incorporate the use of collaborative and ADR techniques.

**Goal 8 – BACKLOG  
REDUCTION, OUTREACH &  
ADR**

FY2011

**FY 2011 Goal: Promote program effectiveness and public accountability to improve labor-management relations.**

**Objective: Assist parties in minimizing and resolving labor-management disputes.**

<p><b>OUTCOME A</b> Reduce backlog of overage cases (pending before Authority Members for more than 180 days from the date of assignment to a Member staff) by 75% such that, at the end of FY2011, no more than 50 cases are overage.</p>	<p><b>OUTCOME B</b> Use collaboration techniques and ADR services to minimize and/or resolve labor-management disputes.</p>	<p><b>OUTCOME C</b> Expand training, outreach and facilitation activities to improve effectiveness of agency operations and provide parties with tools to constructively management workplace disputes.</p>
<p><b>MEASURE A</b> No more than 50 pending cases that are overage.</p>	<p><b>MEASURE B</b> Percentage of negotiability cases in which offer of ADR assistance is accepted by parties that are partially or totally resolved. (Target 80%)  Percentage of ULP cases in OALJ where offer of settlement judge services is accepted by parties that are partially or totally resolved. (Target 70%)  Percentage of FSIP cases that are partially or totally resolved without Panel final action. (Target 30%)  Percentage of ULP and REP cases in which an offer of ADR services is accepted by the parties that are partially or totally resolved. (Target 50%)</p>	<p><b>MEASURE C</b> Number of training, outreach, and facilitation activities conducted. (Target 175)  Number of participants in training, outreach, and facilitation activities. (Target 5000)</p>

Measure	Component/ Office	FY 2009 Actual		FY 2010 Budgeted		FY 2011 Request	
		FTE	\$ (000)	FTE	\$ (000)	FTE	\$ (000)
Promote program effectiveness and public accountability to improve labor-management relations. (ADR)	Authority	1.91	507.03	2.57	545.10	2.60	553.90
	OGC	6.14	892.64	6.93	966.00	7.08	1,031.50
	CADRO	0.00	0.00	2.00	259.00	3.00	444.00
<b>Subtotal Goal # 8</b>		<b>8.06</b>	<b>1,399.67</b>	<b>11.50</b>	<b>1,770.10</b>	<b>12.68</b>	<b>2,029.40</b>

## **Government Performance and Results Act (GPRA)**

The FY 2011 budget request is based on the FLRA's GPRA Strategic Plan for FY 2004 through FY 2009, and supported by the FY 2011 Performance Plans included in this submission. The FLRA will continue to work closely with Congress, the Office of Management and Budget and its stakeholders to ensure that its strategic goals, objectives, and measures continue to provide relevant information. The agency strategic plan will be updated in FY 2010 and will include organizational values and vision which is not included in the current plan but will be critical to the agency's success in rebuilding.

## APPENDIX A

### WORKLOAD STATISTICS

#### Unfair Labor Practice Caseload

##### Office of the General Counsel (OGC)

Unfair Labor Practice (ULP) cases enter the FLRA through the *Office of the General Counsel of the Authority (OGC)* as a charge. OGC Regional Office staff investigates the charges filed. If there is a potential violation of the Statute, then the Regional Director issues a complaint. The OGC then prosecutes the complaint before an Administrative Law Judge (ALJ).

	<b>FY2005</b>	<b>FY2006</b>	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>
Charges pending, start of year	914	1,164	1,705	2,300	1,237
Charges Filed	<u>4,036</u>	<u>4,788</u>	<u>4,677</u>	<u>3,569</u>	<u>3,593</u>
Total Charges	4,950	5,952	6,382	5,869	4,830
Charges Closed:					
Charges Withdrawn/ Settled	2,758	2,979	2,920	2,648	2,250
Charges Dismissed	952	1,008	1,038	1,941	1,002
Complaints Issued	<u>86</u>	<u>271</u>	<u>134</u>	<u>46</u>	<u>20</u>
Total Charges Closed	3,796	4,258	4,092	4,635	3,272
Charges Pending, end of year	1,164	1,705	2,300	1,237	1,690

##### Office of Administrative Law Judges

Upon issuance of a complaint, the ULP case proceeds to the *Office of Administrative Law Judges (OALJ)* where it may settle prior to or at the hearing, or be closed by decision.

	<b>FY2005</b>	<b>FY2006</b>	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>
Cases Pending, start of year	118	18	32	25	0
Case Intake	<u>88</u>	<u>271</u>	<u>134</u>	<u>46</u>	
Total Caseload	206	289	166	71	
Case Closings:					
Cases closed before hearing	134	216	114	59	0
Cases closed at hearing	0	2	0	0	0
Cases closed by decision	<u>54</u>	<u>39</u>	<u>27</u>	<u>12</u>	<u>0</u>
Total Case Closings	188	257	141	71	0
Cases Pending, End of Year					
Awaiting Hearing	3	25	19	0	20
Awaiting Decision	<u>15</u>	<u>7</u>	<u>6</u>	<u>0</u>	<u>0</u>
Total Cases Pending, end of year	18	32	25	0	20
ULPs pending, end of year	16	21	34	30	15

## Representation (REP) Caseload

### Office of the General Counsel

Representation (REP) cases originate with the filing of a petition in one of the OGC Regional Offices.

	<b>FY2005</b>	<b>FY2006</b>	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>
Petitions Pending, start of year	119	123	160	156	140
Petitions Filed	<u>285</u>	<u>276</u>	<u>297</u>	<u>289</u>	<u>256</u>
Total Petitions	404	399	457	445	396
Petitions Closed					
Petitions Withdrawn	121	99	136	132	92
Merit Determinations	<u>160</u>	<u>140</u>	<u>165</u>	<u>173</u>	<u>154</u>
Total Petitions Closed	281	230	301	305	246
Petitions Pending, end of year	123	159	156	140	156

### Authority

Within the *Authority*, unlike other types of cases, there is a statutory time requirement to complete a REP case. Such cases are given priority in order to meet the statutory requirement.

	<b>FY2005</b>	<b>FY2006</b>	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>
Cases Pending, start of year	1	1	1	4	3
Case Intake	<u>11</u>	<u>12</u>	<u>13</u>	<u>14</u>	<u>16</u>
Total REP	12	13	14	18	19
Case Closings					
Procedural	1	1	0	1	1
Merits	<u>10</u>	<u>11</u>	<u>10</u>	<u>14</u>	<u>14</u>
Total Closings	11	12	10	15	15
REPs, pending end of year	1	1	4	3	4

## Arbitration (ARB) Caseload

	<b>FY2005</b>	<b>FY2006</b>	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>
Cases Pending, start of year	62	58	108	216	298
Case Intake	<u>138</u>	<u>136</u>	<u>162</u>	<u>126</u>	<u>150</u>
Total ARB Caseload	200	194	270	342	448
Case Closings					
Procedural	18	13	18	12	38
Merits	<u>124</u>	<u>73</u>	<u>36</u>	<u>32</u>	<u>155</u>
Total ARB Closings	142	86	54	44	193
ARBs pending, end of year	58	108	216	298	255

## Negotiability (NEG) Caseload

	<b>FY2005</b>	<b>FY2006</b>	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>
Cases Pending, start of year	14	22	24	40	48
Case Intake	<u>66</u>	<u>68</u>	<u>52</u>	<u>38</u>	<u>37</u>
Total NEG Caseload	80	90	76	78	85
Case Closings					
Procedural	38	53	30	22	39
Merits	<u>20</u>	<u>13</u>	<u>6</u>	<u>8</u>	<u>10</u>
Total Closings	58	66	36	30	49
Cases pending, end of year	22	24	40	48	36

## Bargaining Impasse Caseload

The *Federal Service Impasses Panel* (FSIP) resolves impasses between Federal agencies and unions representing Federal employees arising from negotiations over conditions of employment under the Federal Service Labor-Management Relations Statute and the Federal Employees Flexible and Compressed Work Schedules Act. If bargaining between the parties, followed by mediation assistance, proves unsuccessful, the FSIP recommends procedures and takes action it deems necessary to resolve the impasse.

	<b>FY2005</b>	<b>FY2006</b>	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>
Cases Pending,					
start of year	48	45	34	23	22
Impasses Received	<u>146</u>	<u>134</u>	<u>115</u>	<u>111</u>	<u>120</u>
Total Caseload	194	179	149	134	144
Impasses Resolved	<u>149</u>	<u>145</u>	<u>126</u>	<u>112</u>	<u>84</u>
Cases pending,					
end of year	45	34	23	22	60

## APPENDIX B

### LEGAL AUTHORITIES

The legal authorities of the Federal Labor Relations Authority are set forth in the following:

Reorganization Plan No. 2 of 1978, consolidated the central policy-making functions in Federal labor-management relations under the Federal Labor Relations Authority, an independent agency. Previously, these functions had been divided between the Federal Labor Relations Council and the Assistant Secretary of Labor for Labor-Management Relations.

Civil Service Reform Act of 1978, as amended by the Civil Service Miscellaneous Amendments Act of 1983, established the Federal labor-management relations program under a statute administered by the Federal Labor Relations Authority.

Section 903 of the Civil Service Reform Act of 1978, provides permanent authorization for the Federal Labor Relations Authority to be appropriated "... such sums as may be necessary to carry out the provisions of this Act."

Panama Canal Act of 1979, expanded the jurisdiction of the Federal Labor Relations Authority to employees, including foreign nationals, of the Panama Canal Commission and U.S. agencies in the Panama Canal area. The jurisdiction to resolve labor-management disputes involving the Panama Canal Commission and other U.S. Government agencies located in what was the Canal Zone of the Republic of Panama, and the exclusive representatives of their employees under the Statute, ended as of July 1, 1998, pursuant to recent Congressional amendments to 22 U.S.C. § 3701 et seq.

Foreign Service Act of 1980, established a labor-management relations program for the members of the Foreign Service and established the Foreign Service Labor Relations Board and the Foreign Service Impasse Disputes Panel, which are supported by the Federal Labor Relations Authority.

Federal Employees Flexible and Compressed Work Schedules Act of 1982, as converted into permanent authority by the Act to Convert the Temporary Authority to Allow Federal Employees to Work on a Flexible or Compressed Schedule under Title 5, U.S. Code, into Permanent Authority, granted the Federal Service Impasses Panel jurisdiction over negotiation impasses regarding alternative work schedules.

Section 291 of the Federal Crop Insurance Program and Department of Agriculture Reorganization Act of 1994, Pub. L. No. 103-354, assigns the Authority specific responsibilities concerning the certification of new or modified bargaining units resulting from reorganizations within the Department of Agriculture.

Presidential and Executive Office Accountability Act, Pub. L. No. 104-331, applies various civil rights, labor and employment laws, including Chapter 71 of U.S. Code, to employees of the Executive Office of the President. Section 431 of the Act requires the Federal Labor Relations Authority to promulgate regulations to include the newly covered employees.

## **APPENDIX C**

### **FEDERAL LABOR RELATIONS AUTHORITY PERFORMANCE PLAN FY 2011**

Increase to eight (8) goals:

1. Modernize agency information technology (IT) business systems to support and enhance program achievement.
2. Provide timely review and disposition of Unfair Labor Practice (ULP) cases.
3. Provide timely review and disposition of Representation (REP) cases.
4. Provide timely review and disposition of Arbitration (ARB) cases.
5. Provide timely review and disposition of Negotiability (NEG) cases.
6. Provide timely review and disposition of bargaining impasse (FSIP) cases.
7. Develop, manage and utilize FLRA's human resources to meet program needs.
8. Promote program effectiveness and public accountability to improve labor-management relations.

**FY 2011 PERFORMANCE PLAN**

**Performance Goal 1 - Modernize agency information technology (IT) business systems to support and enhance program achievement.**

*Objective: Improve agency program efficiencies through leveraging technology for internal and external customers.*

<b>Outcome</b>	<b>Measure</b>	<b>Target</b>	<b>Component/Office</b>
A. Establish Shared Service model for voice, email, applications and IT helpdesk.	A. Percentage enterprise applications utilizing Software as a Service (SaaS) and Platform as a Service (PaaS)	A. 90%	A. IRMD
B. Embrace virtual desktop provisioning which will protect the data enterprise while at the same time leverage the availability of the anywhere / anytime environment.	B. Percentage of user computers utilizing virtual desktop provisioning.	B. 95%	B. IRMD
C. Assess, revise and implement an agency IT life cycle plan.	C. Percentage of user computers refreshed in the FY.	C. 33%	C. IRMD
D. Enhanced integration for agency-wide e-filing and case management.	D. Percent completeness of integration between systems that face the customer and the FLRA employee	D. 100%	D. IRMD
E. Reduce total enterprise IT computing costs.	E. Percent reduction of IT Enterprise Total Cost of Ownership (TCO)	E. 40%	E. IRMD

## FY 2011 PERFORMANCE PLAN

### Performance Goal 2 - Provide timely review and disposition of cases.

*Objective: Remedy all ULP cases in a timely manner.*

Outcome	Measure	Target	Component/Office
A. Resolve all ULP charges (issuance of a complaint, withdrawal, dismissal, or settlement of the charge) within 120 days from the date filed.	A. Percentage of ULP charges resolved within 120 days from the date filed.	A. 75%	A. OGC
B. Issue decisions on appeals from Regional Director's dismissal of ULP charges within 60 days of receipt of the appeal, and in no case more than 120 days.	B. Percentage of decisions on appeals issued within 60 days.	B. 90%	B. OGC
C. All cases in which a complaint is issued and forwarded to OALJ will be resolved within 180 days of the issuance of complaint.	C. Percentage of cases resolved within 180 days of the issuance of the complaint.	C. 90%	C. OALJ
D. Decide all ULP cases within 180 days of assignment to an Authority Member Staff.	D. Percentage of ULP cases decided within 180 days of assignment to an Authority Member staff.	D. 50%	D. Authority

**FY 2011 PERFORMANCE PLAN**

**Performance Goal 3 - Provide timely review and disposition of Representation (REP) cases.**

*Objective: Review all REP cases in a timely manner.*

<b>Outcome</b>	<b>Measure</b>	<b>Target</b>	<b>Component/Office</b>
A. Representation cases will be resolved by withdrawal of petition, conducting of election, or issuance of Decision and Order within 120 days of filing of the petition.	A. Percentage of representation cases resolved within 120 days from the filing of the petition.	A. 70%	A. OGC
B. Upon assignment to an Authority Member staff, a decision whether to grant review in a REP case will issue by day 60.	B. Percentage of REP cases in which a decision whether to grant review issued by day 60.	B. 100%	B. Authority

**FY 2011 PERFORMANCE PLAN**

**Performance Goal 4 - Provide timely review and disposition of Arbitration (ARB) cases.**

*Objective: Remedy all ARB cases in a timely manner.*

<b>Outcome</b>	<b>Measure</b>	<b>Target</b>	<b>Component/Office</b>
A. Decide all ARB cases within 180 days of assignment to an Authority Member Staff.	A. Percentage of ARB cases decided within 180 days of assignment to an Authority Member staff.	A. 40%	A. Authority

**FY 2011 PERFORMANCE PLAN**

**Performance Goal 5 - Provide timely review and disposition of Negotiability (NEG) cases.**

*Objective: Review all NEG cases in a timely manner.*

<b>Outcome</b>	<b>Measure</b>	<b>Target</b>	<b>Component/Office</b>
A. Decide all NEG cases within 180 days of assignment to an Authority Member Staff.	A. Percentage of NEG cases decided within 180 days of assignment to an Authority Member staff (reflecting reasonable time for a post-petition conference).	A. 45%	A. Authority

**FY 2011 PERFORMANCE PLAN**

**Performance Goal 6 - Provide timely review and disposition of Bargaining Impasses (FSIP) cases.**

*Objective: Review all FSIP cases in a timely manner.*

<b>Outcome</b>	<b>Measure</b>	<b>Target</b>	<b>Component/Office</b>
A. FSIP cases where jurisdiction is declined will close within 100 days of filing.	A. Percentage of declined cases closed within 100 days of filing.	A. 90%	A. FSIP
B. FSIP cases voluntarily settled after jurisdiction is asserted will close within 120 days of filing.	B. Percentage of voluntarily settled cases closed within 120 days of filing.	B. 80%	B. FSIP
C. FSIP cases resolved through a final action will be closed within 150 days of filing.	C. Percentage of final action cases closed within 150 days of filing.	C. 80%	C. FSIP

**FY 2011 PERFORMANCE PLAN**

**Performance Goal 7 - Develop, manage and utilize FLRA’s human resources to meet program needs.**

***Objective:** Recruit, develop and retain a multi-skilled, well-trained, highly performing, culturally diverse workforce that meets program needs and is collaboratively involved in workforce matters.*

<b>Outcome</b>	<b>Measure</b>	<b>Target</b>	<b>Component/Office</b>
A. Operate as a continuous learning organization using a broad spectrum of learning methodologies to support current and future skills development and career paths.	A. Employees will have current individual development plans (IDPs).  Delivery of training through a coordinated agency-wide training program.	A. 100%  100% of employees receiving training through program.	A. OPPM
B. Operate with an effective and dynamic Human Capital Plan	B. Percentage of internal HR policy instructions that have been reviewed and revised as necessary.  Percentage of components where succession planning, that includes employee and leadership development and institutional knowledge preservation, has been implemented.  Develop a comprehensive recruitment strategy to hire and retain highly talented and diverse employees.	B. 100%  100%	B. OPPM

Outcome	Measure	Target	Component/Office
<p><b>Performance Goal 7 (Con't)</b></p> <p>C. Improved employee job satisfaction</p> <p>D. High functioning performance management system.</p>	<p>Percentage of vacancies filled in a timely manner, utilizing a user-friendly application process that is clear and understandable, consistent with OPM directives and modern technology.</p> <p>C. Employee job satisfaction in targeted areas increase, as measured by the FHCS and agency annual employee survey.</p> <p>Health and Wellness programs will be available to all employees.</p> <p>D. Percentage of position descriptions, Performance Work Plans (PWP's), progress reviews and appraisals that are current and timely.</p> <p>Recognize exceptional performance, through an agency-wide performance based appraisal system, and address poor performance through improved performance management.</p>	<p>100%</p> <p>C. Improvement will occur in all targeted areas.</p> <p>100%</p> <p>D. 100%</p> <p>Effective for 100% of employees</p>	<p>C. OPPM</p> <p>D. OPPM</p>

Outcome	Measure	Target	Component/Office
<p><b>Performance Goal 7 (Con't)</b></p>	<p>Operate under a certified SES system.</p> <p>Employee performance elements and standards are clearly aligned with positions and grades, the agency's mission and strategic goals. The performance appraisal system is revised to reflect current agency policy.</p>	<p>100% of SES employees will be covered by a certified system</p> <p>100% of employees will be covered by an up to date performance appraisal system.</p>	

**FY2011 PERFORMANCE PLAN**

**Performance Goal 8 - Promote program effectiveness and public accountability to improve labor-management relations.**

*Objective: Assist parties in minimizing and resolving labor-management disputes.*

Outcome	Measure	Target	Component/Office
A. Reduce backlog of overage cases (pending before Authority Members for more than 180 days from the date of assignment to a Member staff) by 75% such that, at the end of FY2011, no more than 50 cases are overage.	A. Number of pending cases that are overage.	A. No more than 50 cases.	A. Authority
B. Use collaboration techniques and ADR services to minimize and/or resolve labor-management disputes.	B. Percentage of negotiability cases in which offer of ADR assistance is accepted by parties that are partially or totally resolved.	B. 80%	B. Authority
	Percentage of ULP cases in OALJ where offer of settlement judge services is accepted by parties that are partially or totally resolved.	70%	OALJ
	Percentage of FSIP cases that are partially or totally resolved without Panel final action.	30%	FSIP

Outcome	Measure	Target	Component/Office
<p><b>Performance Goal 8 (Con't)</b></p> <p>C. Expand training, outreach and facilitation activities to improve effectiveness of agency operations and provide parties with tools to constructively management workplace disputes.</p>	<p>Percentage of ULP and REP cases in which an offer of ADR services is accepted by the parties that are partially or totally resolved.</p>	<p>50%</p>	<p>OGC</p>
	<p>C. Number of training, outreach, and facilitation activities conducted.</p>	<p>C. 175</p>	<p>C. OGC, Authority, and FSIP</p>
	<p>Number of participants in training, outreach, and facilitation activities.</p>	<p>5000</p>	