

# FLRA

## Office of the General Counsel

***Town Hall Meeting Series***  
***Dallas, Texas***  
***March 2, 2011***



# OGC Mission, Function and Structure

- ❑ Office of General Counsel (OGC) is an independent component of the FLRA charged with investigating and prosecuting unfair labor practice cases and deciding representation cases.
- ❑ OGC is composed of a headquarters office in Washington, D.C. and seven regional offices.
- ❑ OGC employees interface with federal management and union representatives, employees, supervisors and managers on a daily basis, handling nearly 4,500 ULP cases and 300 Representation cases, and providing labor relations training, information and filing assistance to tens of thousands of individuals annually.

# First Term Goals and Priorities

1. Eliminate backlog of ULP complaint and appeals cases within first **180 days**.
2. Restore public information resources within the first **18 months**.
3. Improve timeliness in OGC core mission functions (i.e. Unfair Labor Practice and REP case processing) within the **first term**.

# FY 2010 Goals and Priorities in Context

- ❑ On August 17, 2009, General Counsel took office, after 18 month General Counsel and Deputy General Counsel vacancy.
- ❑ Programmatic consequences of GC and DGC vacancy substantial and significant. (Note: statutory scheme of CSRA and Vacancies Reform Act provide for continuity of FLRA/OGC operations through the appointment of Deputy GC)
- ❑ Consequently, first year's focus:
  - clearing ULP complaint and appeals case backlog caused by these key vacancies;
  - rebuilding lost information resources;
  - and positioning OGC to resume federal sector labor relations leadership

# First Term Goals and Priorities

- 1. Eliminate backlog of complaint and appeals cases within first 180 days.**
  - ✓ All 342 backlogged complaint cases settled, tried or scheduled for trial.
  - ✓ All 800 backlogged appeals cases completed on time.

# First Term Goals and Priorities

**2. Restore on-line information resources within first 18 months, in order to provide practical, accessible information to all federal managers, supervisors, union representatives and employees.**

- ✓ Updated web-based ULP manual and case law summary.
  - REP hearing officer guide, manual and case law summary *to be completed*
- ✓ All Training Materials Posted: Statutory; Representation, and Overview E.O. 13522.

# Live Training Courses

- Basic and Advanced Statutory Training
- Representation Case Training
- FLRA OGC/FMCS E.O. 13522 Training
- FLRA 7106(b)(1) Pilot Project Training
- OGC trained over **5,600 individuals** in FY 2010

# Web Based Interactive Training

- Through Interagency Agreement with VA, FLRA producing web based training:
  - E.O 13522 available mid-March 2011
  - 7106(b)(1) estimated availability May 2011
  - Basic Statutory Training estimated availability August 2011
  - Arbitration Training estimated availability October 2011
  - FSIP Training estimated availability December 2011



# First Term Goals and Priorities

3. Improve timeliness in **core mission functions** (i.e. Unfair Labor Practice and REP case processing) within the **first term**.

# *OGC Core Mission Functions*

## ***ULP and REP Case Processing***



# What is the OGC Core Mission?

To fairly and responsibly perform functions for which the OGC has EXCLUSIVE statutory or regulatory jurisdiction.

- Investigating and prosecuting Unfair Labor Practices
- Deciding Representation cases, including determining the scope of bargaining units and conducting secret ballot elections.

# First Term Goals and Priorities

## **Improve Unfair Labor Practice and REP case processing in relation to time targets**

- Current time target for ULP and REP cases 120 days. OGC meets target 52% for ULP and 65% REP.
- Management and Unions agree on the critical need for improvement.
- Essential to good government that OGC performance in relation to these targets improve.

# Evolution of Staffing/Time Targets

**1990-2004**

**Structure:** 7 Regional Offices

**Staffing Pattern:** Regional Director, Regional Attorney or DRD,  
11 Agents per office – Total of 77 Agents

**Time Target:** 90 days for ULP and REP

**Performance:** Not More than 15% of Pending ULP Cases Over 90  
Days Old at End of Month

**OGC structure, staffing, and core mission performance  
constant until mid-2000's**

# Evolution of Staffing/Time Targets

- **2004-2005** Reassessment: Assumed substantial caseload reduction due to proposed adoption of NSPS and DHS Personnel Systems
- **2005-08** FLRA Political Leadership allowed OGC staffing to drop to just 39 agents.
- When predicted caseload reduction failed to materialize, **OGC time targets were increased from 90 to 120 days** for ULP and REP cases
- Performance in relation to this longer target deteriorated due to understaffing.

# Evolution of Staffing/Time Targets

## **FY 2011 Status and Challenge**

- Time targets remain at 120 for ULP and REP
- OGC meeting target 52% for ULP and 65% REP
- Staffing: 7 Regional Directors, 2 Regional Attorneys 1 Deputy RD, and 43 Agents

# Federal Labor Relations Authority Office of the General Counsel

## ***2003-2011 ULP and REP Case Intake: Workload Statistics and Impact on Performance***





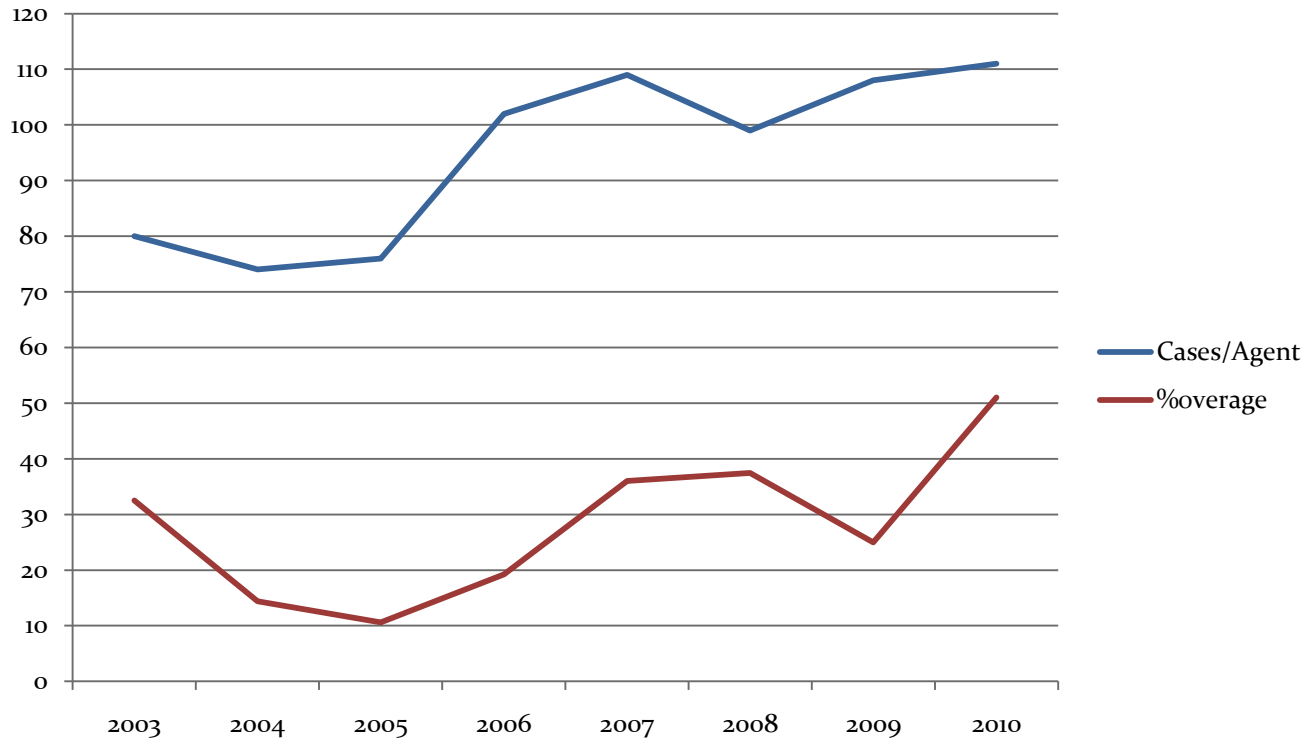
# OGC Work Load Projected to Increase

- ❑ OGC experienced a 23% increase in ULP filings during past two fiscal years.
- ❑ ULP filing rate continues to increase.
- ❑ Agency budget constraints will likely result in management changes that will increase collective bargaining, and therefore the demand for dispute resolution during the next two fiscal years.

# ULP and REP Cases Filed/Agent Ratio Analysis

| Fiscal Year       | 2003 | 2004 | 2005 | 2006* | 2007* | 2008 | 2009 | 2010 | 2011 (proj.) |  |
|-------------------|------|------|------|-------|-------|------|------|------|--------------|--|
| ULP Cases Filed   | 5129 | 4551 | 4036 | 4421  | 3935  | 3569 | 3954 | 4398 | 4620         |  |
| REP Cases Filed   | 309  | 347  | 285  | 276   | 297   | 289  | 275  | 278  | 285          |  |
| Total Cases Filed | 5438 | 4898 | 4321 | 4697  | 4232  | 3858 | 4229 | 4676 | 4905         |  |
| Total Agents      | 68   | 66   | 57   | 46    | 39    | 39   | 39   | 42   | 42           |  |
| Cases/Agent       | 80   | 74   | 76   | 102   | 109   | 99   | 108  | 111  | 117          |  |

# Case/Agent Ratio Compared to Percent of Cases in Overage Status



% Overage Cases based on the number of cases where dispositive action was taken in more than the current 120 day performance time target

# Case Process Improvement

- ❑ Implementing case processing improvements:
  - Incorporated pre-complaint ADR into ULP Regulations
  - E-filing
  - Remote Access Voting
  - Web-based conferences to facilitate stipulations settlement, pre-hearing preparations
  - Video REP hearings.
- ❑ Rebuilding OGC staff levels as quickly as resources permit.
- ❑ Optimal staffing level – Experienced Agents can reasonably be expected to handle, on average, 80 cases per year in a manner that yields timely, high-quality results.
- ❑ The OGC is currently 19 Field Agents short of optimal staffing.