



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

**U.S. FEDERAL LABOR RELATIONS AUTHORITY  
CONGRESSIONAL BUDGET JUSTIFICATION**

Decisions of the  
FEDERAL  
LABOR  
RELATIONS  
AUTHORITY

20  
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**UNITED STATES  
FEDERAL LABOR RELATIONS AUTHORITY**



**Congressional Budget Justification  
Fiscal Year 2014**

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# **U.S. FEDERAL LABOR RELATIONS AUTHORITY**

## **BACKGROUND AND MISSION**

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The U.S. Federal Labor Relations Authority (FLRA) is responsible for establishing policies and guidance regarding the labor-management relations program for 2.1 million non-Postal, federal employees worldwide, approximately 1.2 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). The agency's real genesis, however, dates from the issuance of Executive Order 10988 by President Kennedy in 1962. In FY 2012, the FLRA celebrated the 50th anniversary of the Order, which established the first government-wide, labor-management relations program within the federal government. In 1970, President Nixon established the Federal Labor Relations Council by Executive Order 11491 to administer the federal labor-management relations program and to make final decisions on policy questions and major disputes arising under Executive Order 10988. Executive Order 11491, as amended, was the basis for President Carter's proposal to Congress to create the FLRA as an independent agency.

The Statute protects the rights of federal employees to form, join, or assist a labor organization or to refrain from such activity freely and without fear of penalty or reprisal. These rights include acting for a labor organization as a representative and, in that capacity, presenting the views of the organization. Employees also have the right to engage in collective bargaining with respect to conditions of employment through representatives chosen by the employees.

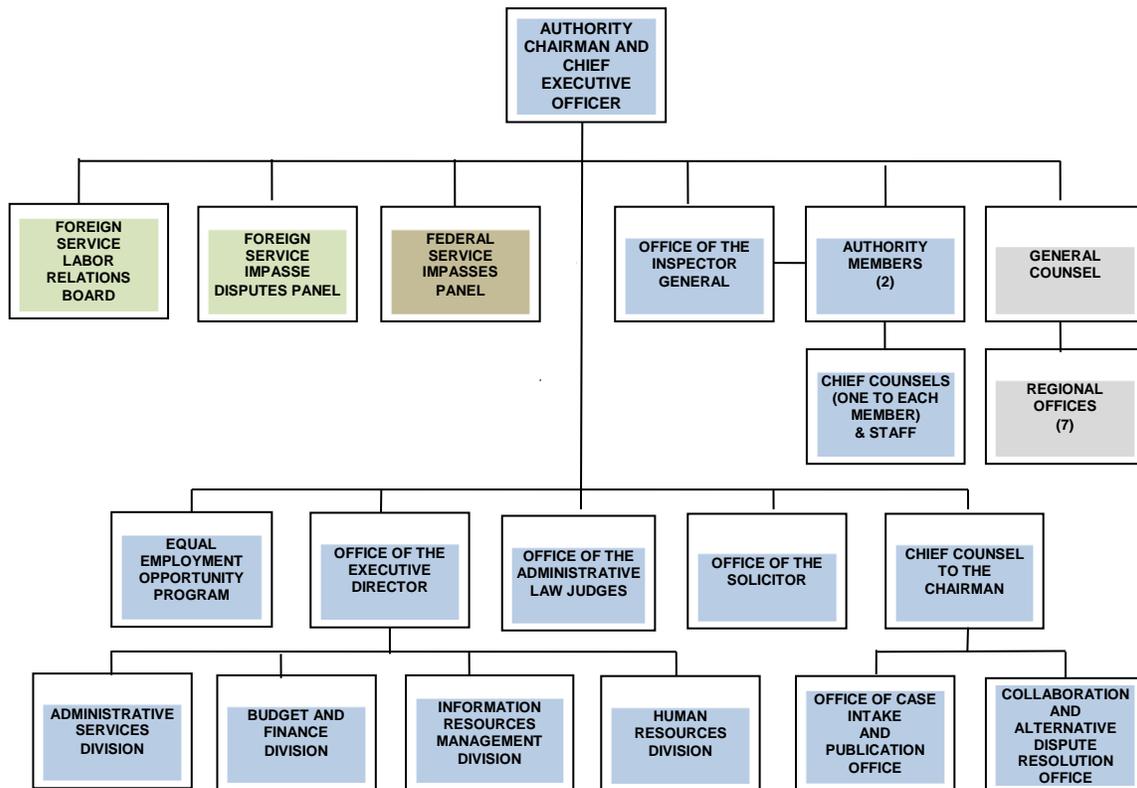
The mission of the FLRA is to promote stable, constructive labor-management relations in the federal government by resolving and assisting in the prevention of labor-management disputes in a manner that gives full effect to the collective-bargaining rights of employees, unions, and agencies. Although the FLRA is a small agency, accomplishing its mission, including the timely, quality resolution of disputes, is essential for program performance government-wide. If a labor-management dispute remains unresolved for too long, mission accomplishment likely will suffer.

## **ORGANIZATIONAL STRUCTURE**

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The FLRA consists of the Authority, the Office of the General Counsel, and the Federal Service Impasses Panel. The agency also provides full staff support to two other organizations, the Foreign Service Impasse Disputes Panel and the Foreign Service Labor Relations Board.

# U.S. Federal Labor Relations Authority



## The Authority

The Authority is composed of three full-time Members appointed by the President with the advice and consent of the Senate. The Members are appointed for five-year, staggered terms and one Member is designated by the President to serve as Chairman, who acts as the agency’s chief executive and administrative officer. The Authority is empowered to: resolve disputes over the negotiability of proposals made in collective bargaining; decide whether conduct alleged in a complaint constitutes an unfair labor practice (ULP); resolve exceptions to grievance arbitration awards; and review the decisions of Regional Directors in representation disputes over union elections and unit determinations.

The Authority Members appoint Administrative Law Judges (ALJs) to hear and prepare recommended decisions in cases involving alleged ULPs, as well as decisions involving applications for attorney fees filed pursuant to the Back Pay Act or the Equal Access to Justice Act. The Office of the Administrative Law Judges (OALJ) also provides settlement opportunities in all ULP cases. Decisions of the ALJs may be appealed to the Authority.

The Office of the Solicitor represents the FLRA in court proceedings before all United States courts, including the U.S. Supreme Court, U.S. Courts of Appeals, and Federal District Courts. In this connection, parties aggrieved by certain Authority decisions may institute an action for

judicial review within 60 days after the decision issues. The Authority may also seek enforcement of its orders, temporary relief, or restraining orders in the appropriate U.S. Courts of Appeals or Federal District Courts. The Office of the Solicitor also serves as the agency's in-house counsel, providing legal advice to all FLRA components, and performs various functions under the Freedom of Information Act and Privacy Act. The Solicitor also serves as the Designated Agency Ethics Official.

## **The Office of the General Counsel**

Appointed for a five-year term by the President with the advice and consent of the Senate, the General Counsel has independent statutory responsibility for investigating ULP charges and for filing and prosecuting ULP complaints. Pursuant to the Statute, the General Counsel has direct authority over, and responsibility for, all employees in the Office of the General Counsel (OGC), including those in the regions. The Regional Offices, on behalf of the General Counsel, investigate and resolve alleged ULPs, file and prosecute ULP complaints, and provide training and alternative dispute resolution (ADR) services. In addition, through delegation by the Authority, the Regional Offices process representation petitions and conduct secret ballot elections.

The General Counsel has a small staff in FLRA Headquarters, located in Washington, DC. Headquarters management staff provides administrative oversight; develops policies, guidance, procedures, and manuals that provide programmatic direction for the OGC's seven Regional Offices and training and education for the parties; and processes appeals from dismissal of ULP charges. Each Regional Office has a Regional Director who provides leadership and management expertise for the respective region.

[Atlanta Regional Office](#)

[Boston Regional Office](#)

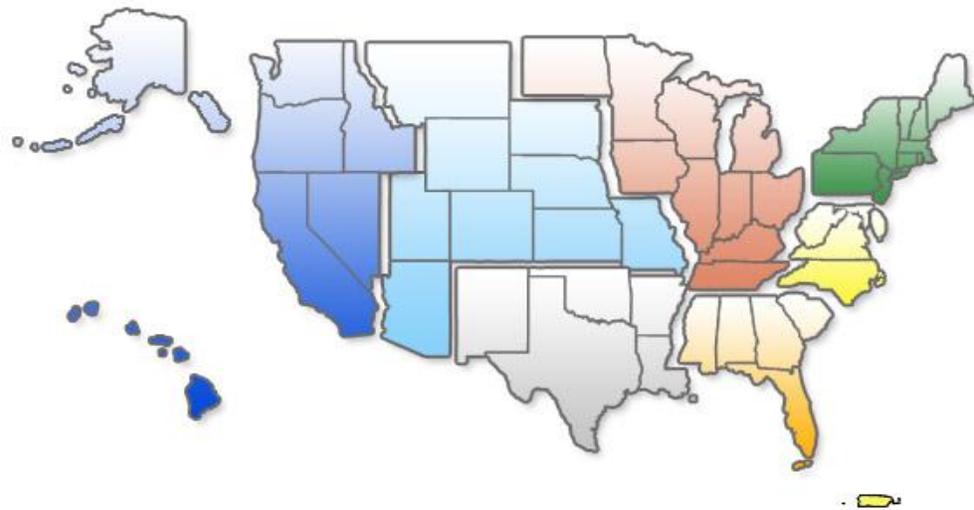
[Chicago Regional Office](#)

[Dallas Regional Office](#)

[Denver Regional Office](#)

[San Francisco Regional Office](#)

[Washington DC Regional Office](#)



## **The Federal Service Impasses Panel**

The Federal Service Impasses Panel (FSIP or the Panel) resolves impasses between federal agencies and unions representing federal employees arising from negotiations over conditions of employment under the Statute and the Federal Employees Flexible and Compressed Work Schedules Act. The Chairman and six other Members of the Panel are appointed by the President for five-year terms. If bargaining between the parties, followed by mediation assistance, does not result in a voluntary agreement, then either party or the parties jointly may request the FSIP's assistance.

Following a preliminary investigation by its staff, the Panel may determine to assert jurisdiction over the request. If jurisdiction is asserted, then the FSIP has the authority to recommend and/or direct the use of various ADR procedures. These include informal conferences, additional mediation, fact-finding, written submissions, and mediation-arbitration by Panel Members, the Panel's staff, or private arbitrators. If the parties still are unable to reach a voluntary settlement, then the FSIP may take whatever action it deems necessary to resolve the dispute, including imposition of contract terms through a final action. The merits of the FSIP's decision may not be appealed to any court.

## **AGENCY TRENDS AND CHALLENGES**

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The Obama Administration has pursued a challenging agenda, cutting wasteful spending and programs that do not work, strengthening and streamlining those that do, leveraging technology to transform government operations to save money and improve performance, and making government more responsive and open to the needs of the American people. This challenging agenda has required – and continues to require – major changes having a significant impact on the federal workforce as well as the effectiveness and efficiency of agency operations. It has also presented an opportunity for federal agencies and federal employees and their labor representatives to realign, re-tool, and reassess how they do their work to bring about effective changes within government, and to engage in collaborative dispute resolution. In addressing these challenges, the FLRA has demonstrated a significant, marked improvement in its performance and service delivery, and has had a direct bearing on how well and quickly improvements in government operations have been effectuated. As such, it is an essential component to bringing about real change within the federal government. The nature of the services that the FLRA provides to its customers – in avoiding and resolving disputes that otherwise detract from mission performance – means that its vitality is important beyond its size.

With respect to its mission accomplishments, the FLRA has continued its significant improvement – which began in February 2009 – in providing customers with the timely and quality dispute resolution services that they deserve. The Authority opened FY 2013, having reduced its pending case inventory by 87 percent (from 394 to 50 cases), its overage case inventory by 100 percent (from 269 to zero cases), and the average age of pending cases by 81 percent (from 270 to 51 days). As a result of recent regulatory changes involving arbitration cases, the Authority has reduced the number of procedural deficiencies in the parties' filings, and clarified the grounds for the Authority's review and the applicable legal standards. The outcome has been that cases are now processed and resolved more expeditiously.

FY 2012 was also a successful year for the OGC, which continued to maintain its productivity increases by resolving 20 percent more cases than in FY 2009. In FY 2012, the office closed more than 4,300 ULP cases and held trials in over 35 cases. The OGC also closed nearly 300 representation cases and conducted over 50 elections. The OGC's work is of critical importance to federal agencies throughout the government right now – all agencies are restructuring, examining, implementing new or revised work processes and procedures, and leveraging technology in order to bring efficiency to their operations. As recognized by Executive Order 13522, *Creating Labor-Management Forums to Improve Delivery of Government Services*, labor-management relations is an essential element of effectuating those changes, as well as the legal rights and obligations provided by the Statute and enforced by the FLRA.

In many circumstances where agencies are restructuring to bring efficiency to their operations, the reorganization results in a dispute over whether a union will still represent the bargaining unit employees after the restructuring, and if more than one union is involved, which union is the representative. The OGC works to resolve these disputes expeditiously so that operations are not affected due to the uncertainty over bargaining obligations. For example, the Department of Defense created a Joint Base in Washington State, transferring some Army and Air Force employees who provide base-operations support to the Joint Base. The Air Force employees were represented by a union; the Army's were not. An election petition was filed by the Air Force employees' union, seeking to represent the 1,250 newly transferred employees of the Joint Base. The OGC quickly facilitated an election agreement with all involved parties, providing for a mail-ballot election with voting materials in three languages, English, Spanish, and Tagalog. Within four months, the election had taken place, and the question of representation was resolved shortly thereafter – the operations of the Joint Base were not affected by uncertainty over management's bargaining obligations.

In another case, the OGC's enforcement of the Statute helped an agency achieve transparency in its performance-management process, a result that boosts morale and ensures effective performance of an agency's mission. In that case, an arbitrator issued an award finding that the agency had consistently failed to give its employees timely (or in some cases any) performance appraisals or performance-based award determinations. The arbitration award required, among other things, the agency to take certain steps to ensure employees were appraised. The OGC determined that the agency was not complying with the arbitrator's award, in violation of the Statute, and as a result, the agency was directed to take specific, steps to ensure compliance with the award.

The OALJ also continued to resolve cases at an increased pace in FY 2012. Of significant import is that, with nearly 750 new cases on their docket in the last three years, the ALJs have continued to settle cases without a trial – in 80 percent of cases where parties participate in the OALJ Settlement Judge Program, agreement is reached.

The FSIP, which has experienced an increase in case filings every year since FY 2009 – including an increase of over 15 percent in FY 2012 – has also shown improved performance outcomes. In particular, over the last three years, the FSIP closed more cases each year than in FY 2009, and with its commitment to obtaining settlements rather than issuing decisions, returned to its original guiding philosophy that the voluntary settlement of bargaining impasses

using mediation-arbitration techniques is the most effective and efficient form of dispute resolution.

In managing its growing caseload, the FSIP prioritizes case processing to ensure that disruption to government operations and cost to the taxpayers is minimized. For example, in response to Administration initiatives, Region 7 of the Environmental Protection Agency (EPA) decided to relocate approximately 650 employees, grantees, and contractors to an office in the Kansas City area, which reduced total space by 20 percent. Subsequent negotiations between the EPA and its two exclusive representatives resulted in six requests for FSIP assistance starting in March 2012. The Panel's intervention resulted in an arbitration award by one of its Members involving two of the requests, and written decisions by the full Panel concerning the other four. Because of the Panel's prompt action in resolving the impasses, the EPA was able to complete the relocation in time to prevent taxpayers from having to pay rent at two locations while renovations to the facility were being completed. There currently is a similar request for assistance before the Panel involving the relocation of the EPA's Region 9, resolution of which will also require expedited treatment to minimize costs and disruption. In addition, as in previous years, the FSIP conducted mediation-arbitration proceedings in a number of cases to resolve impasses expeditiously between the Social Security Administration and its unions over the floor plans for newly-relocated field offices, preventing unnecessary taxpayer expenditures.

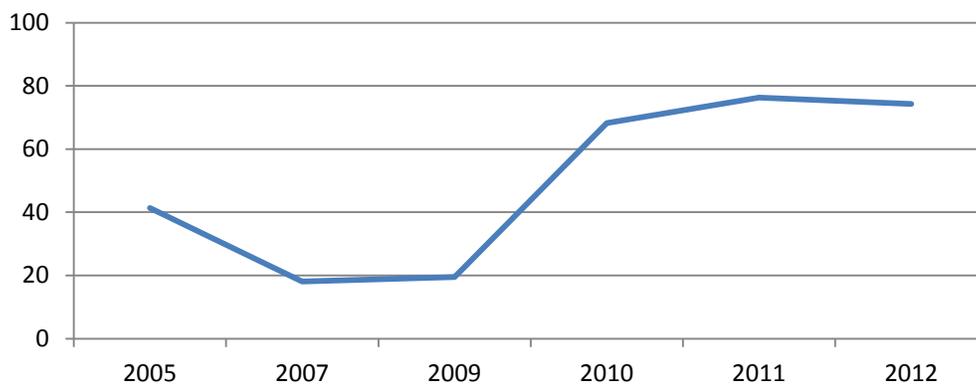
Also of significant import are the tremendous efficiencies gained through the OGC's use of collaboration techniques and ADR to minimize and resolve labor-management disputes. In FY 2012, the OGC resolved 97 percent of the ULP cases and 91 percent of the representation cases in which parties agreed to engage in ADR to collaboratively resolve their dispute. This resulted in over 490 cases being resolved without the need for further investigation and litigation.

The FLRA's Collaboration and Alternative Dispute Office (CADRO) also continued its work with parties to resolve or narrow their disputes in pending cases using ADR. Most noteworthy are a number of cases that involved complex, long-standing disputes – such as training issues regarding qualification to carry a firearm – that the parties had expended resources on for many years, and were able to resolve with the assistance of the CADRO. Consistent with settlement efforts of the OALJ, the OGC, and the FSIP, CADRO's outcomes confirm that working with parties to bring about a voluntary resolution or settlement of their dispute is the most effective and efficient form of dispute resolution – it gets the parties back to work, delivering government services to the American people.

Furthermore, the FLRA continued to build on its leadership role in labor-management relations by delivering hundreds of training, outreach, and facilitation sessions in FY 2012 to thousands of practitioners. The FLRA also continued its engagement with the labor-management community by issuing numerous press releases, conducting town halls – including the first-ever virtual town hall – and holding focus groups on agency processes and procedures. Among the external initiatives that have continued to be important in FY 2013 are training and education for labor and management representatives and others, including arbitrators. Indeed, requests for training are received daily in all of the FLRA's components, and this demand is expected to continue, if not increase. The FLRA will also continue to partner with federal agencies to identify training needs and resources to meet those needs.

In 2010, the FLRA was named the *Most Improved Small Agency* by the Partnership for Public Service. Building upon this success in 2011, the agency once again placed among the top of the *Most Improved Small Agencies*. In 2012, the FLRA continued its commitment to increasing employee satisfaction and morale, capturing the #8 small agency ranking overall in the *Best Places to Work in the Federal Government* survey, reflecting a dramatic and unprecedented improvement of over 280 percent since 2009. The FLRA's achievements are particularly noteworthy given that, just three years prior, the agency placed last in the 2009 survey. Most notable for 2012 are the FLRA's rankings for certain "Best in Class" categories – ranking third overall in both Teamwork and Effective Leadership, and fifth in Strategic Management, Work/Life Balance, and Training and Development.

### ***Best Places to Work Score***



In a 2012 report issued by the Partnership for Public Service, the FLRA was also recognized as the *Most Improved Small Agency on Innovation*. Moving up eight percentage points, the agency, which was ranked 24th out of 34 small agencies in 2010, was ranked 13th of 34 in 2011. The FLRA's 2011 innovation score of 67 percent exceeded the government-wide average of 63 percent. The report – which found that a 21st century federal government that effectively serves the needs of the American people must embrace transformation and inspire employees to seek continuous improvement – recognizes the importance of leaders empowering employees to initiate change and reward them for their achievements. Given today's budgetary constraints, federal employees and their agencies are being asked to deliver more with fewer resources, meaning that innovation will be a critical factor in achieving improved performance. The FLRA is pleased to be recognized for empowering its employees in this regard.

Furthermore, the FLRA continued its success in the Office of Personnel Management's 2012 Federal Employee Viewpoint Survey, with an employee response rate of 75 percent – significantly greater than the government-wide rate of 46 percent. The agency scored 78 percent in leadership and knowledge management, 70 percent in results-oriented performance culture, 70 percent in talent management, and 72 percent in job satisfaction – each exceeding the government-wide average.

<b>Human Capital Management Indices</b>	<b>2008 % Positive</b>	<b>2012 % Positive</b>	<b>Positive % Increase 2008-2012</b>
Leadership & Knowledge Management	35	78	123
Results-Oriented Performance Culture	43	70	63
Talent Management	39	70	80
Job Satisfaction	46	72	57

The FLRA's dramatic and sustained improvements reflect both the commitment of leadership to managing the agency with transparency and accountability and the engagement of employees at all levels, as well as the commitment and dedication of all FLRA employees. Consistent with the significant increase in employee morale and satisfaction has been the significant, marked improvement in the FLRA's mission performance and delivery of services to its customers.

# ANNUAL PERFORMANCE PLAN

## STRATEGIC AND PERFORMANCE PLANNING FRAMEWORK

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The FLRA’s performance planning framework is based on the FY 2010 – 2015 Strategic Plan, and is supported by the Annual Performance Plan. The FLRA Performance Plan reflects the agency’s commitment to establishing measures that will enable it to assess performance outcomes, align resources, and effectively identify staffing and training needs for future years. The agency performance plan also demonstrates the FLRA’s on-going commitment to organizational excellence.

Over the last four years, the agency has continued to assess and evaluate its performance outcomes to ensure that it is accomplishing its important mission of providing guidance in resolving labor-management disputes in the federal sector. Through a comprehensive agency-wide review of its operations, staffing, work processes, resource allocations, and performance with agency leadership, employees, and the Union of Authority Employees (UAE) – the employees’ representative organization – the FLRA is more fully prepared to comprehensively and strategically plan for its future and establish aggressive and challenging mission initiatives and performance indicators, maximizing the delivery of agency services throughout the federal government.

<b>FLRA Strategic Goals</b>
<b>1.</b> Achieve superior customer service.
<b>2.</b> Develop leaders at every level to meet goals and position the agency for the future.
<b>3.</b> Advance performance through organizational and management excellence.
<b>4.</b> Develop, empower, and engage FLRA employees to meet program needs and improve job satisfaction.

The agency seeks to achieve its strategic goals primarily through the timely review and disposition of cases. The FLRA supplements these efforts with a focus on reducing litigation and its attendant costs by helping the parties resolve their own disputes through collaboration, alternative dispute resolution (ADR), and labor-management cooperation activities. These efforts are further supported by the FLRA’s focus on internal improvements in information technology (IT) and more effective and efficient use of human capital.

## **FY 2014 Performance Goals**

- 1.** Provide timely review and disposition of unfair labor practice cases.
- 2.** Provide timely review and disposition of representation cases.
- 3.** Provide timely review and disposition of arbitration cases.
- 4.** Provide timely review and disposition of negotiability cases.
- 5.** Provide timely review and disposition of bargaining impasse cases.
- 6.** Use collaboration techniques and alternative dispute resolution services to minimize and/or resolve labor-management disputes.
- 7.** Modernize agency information technology business systems to support and enhance program achievement.
- 8.** Develop, manage, and utilize the FLRA's human capital to meet program needs.

## **Timeliness**

Improvements in the timeliness of case dispositions further the FLRA's critical role in facilitating orderly, efficient, and effective change within the federal government. The core purpose of the Statute is to promote collective bargaining as a means of fostering improved employee performance and government operations. It is indisputable that productive and effective labor-management relations are necessary for designing and implementing the comprehensive changes required to reform government, and that effective labor-management relations is dependent on the timely resolution of disputes and the engagement and participation of federal employees and their union representatives as essential sources of front-line ideas and information about improvements to the delivery of government services.

The FLRA facilitates improvements in performance government-wide that will inevitably impact employee working conditions and implicate the bargaining rights of the more than 1.2 million employees represented by a labor organization. Unless management and labor can timely reach agreements or, failing that, have their disagreements resolved expeditiously, mission performance will suffer. This is particularly relevant now as federal agencies are making significant adjustments and changes in how they perform their missions in response to the budgetary and policy challenges that they are facing.

## **Alternative Dispute Resolution and Education**

Throughout the years, the Authority, the Office of the General Counsel (OGC), and the Federal Service Impasses Panel (FSIP or the Panel), recognizing the tremendous benefits and cost-savings associated with using ADR to resolve workplace disputes, have integrated ADR techniques into all aspects of their case processing. Offering ADR services in pending unfair labor practice (ULP), representation, negotiability, and bargaining impasse disputes at every step – from investigation and prosecution to the adjudication of cases and resolution of bargaining impasses – results in parties having faster, mutually agreeable, and effective resolutions of their disputes. More than 15 years ago, the FLRA established the Collaboration and Alternative Dispute Resolution Program to place even greater and more formalized emphasis on the use of ADR in the agency.

Throughout the years, all of the FLRA's offices -- Collaboration and Alternative Dispute Resolution Office (CADRO), OGC, FSIP, and the Office of the Administrative Law Judges (OALJ) -- have successfully conducted interventions and engaged in settlement efforts in thousands of cases pending before the agency. In well over 80 percent of FLRA cases in FY 2012 -- and in some offices close to 100 percent -- these activities resulted in the full resolution of the underlying dispute and closure of the pending case. To date, the FLRA has leveraged existing staff and resources to increase its ADR reach, partnering with other agencies -- such as the Federal Mediation and Conciliation Service and the Veterans Administration -- training large numbers of practitioners, and supporting labor-management forums. The demand from the community is growing, and further expansion of the FLRA's ADR efforts will result in disputes being resolved more timely and expeditiously -- facilitating ongoing, collaborative labor-management relations.

In addition, expansion of the FLRA's training initiative is intended to make case processing more effective and efficient and to better serve agency customers by providing meaningful and clear guidance on statutory rights and responsibilities to increase dispute avoidance, and as necessary, elucidate litigation of unresolved disputes. Timely and efficient case processing is furthered by FLRA customers being educated and knowledgeable about their rights and obligations under the Statute as well as agency case law, regulations, and case processing procedures. The FLRA delivers its educational materials through a variety of means -- in-person training sessions, on-line meetings and training sessions, and various on-line resources -- such as newly-launched web-based training modules, as well as outlines, manuals and guides developed to assist members of the federal labor-management relations community with issues and cases arising under the Statute. Using collaboration and ADR techniques along with other training, outreach, and facilitation services to assist parties in minimizing and resolving labor-management disputes significantly reduces the need for litigation and its attendant costs, and gets the parties back to work accomplishing their missions and delivering effective and efficient government services.

## **Information Technology**

IT and automation are fundamental to ensuring the efficiency and effectiveness of the FLRA and to meeting the agency's timeliness goals. The agency continues to improve its efficiency and the customer-service experience by engaging in new and innovative ways to conduct business, successfully introducing electronic case filing (eFiling) in all agency components in FY 2012. The FLRA's eFiling system, which was developed to provide easier, more user-friendly, and complete access to the FLRA and its services, is an important e-government initiative. More specifically, eFiling is expected to increase efficiency by reducing procedural-filing errors and resulting processing delays, and is another example of the agency's ongoing efforts to better serve its customers and to provide current, useful online tools for federal employees, the unions that represent them, and federal agencies for resolving issues under the Statute. The agency-wide, cloud-based system is built on the FLRA Case Management System (CMS), which was implemented in FY 2011, and which will provide the platform for the agency to develop an "end-to-end" electronic case file -- enabling increased use of telework and further reducing agency space rental costs.

The FLRA's ADR intervention efforts in pending negotiability cases have also been greatly enhanced through the use of technology, allowing staff to resolve large, complex negotiability cases with minimal cost. For example, in one case during FY 2012, a Department of Defense agency declared dozens of union proposals non-negotiable while the parties were renegotiating their term contract, and the union filed a negotiability petition with the Authority. In a case of this magnitude, the parties normally would appear in person at a multi-day Post-Petition Conference, followed by formal legal submissions, extensive Authority research and analysis of each issue, and a complex array of briefings and actions by Authority Members and their staffs. The parties in this case were located more than 4,000 miles from FLRA Headquarters, a distance that normally would further complicate and lengthen the dispute resolution process. But in this case, the parties agreed to use the agency's ADR services and various forms of technology that enabled them to overcome barriers of time and distance. The Authority used a combination of audio conferencing, video conferencing, secure-online data sharing, and remote document viewing and editing. As a result, no one traveled outside their commuting area, some sessions were conducted from telecommuting locations, and after just six half-day sessions, the parties executed a complex, 20-page document reflecting full agreement on some issues, resolution of negotiability disputes concerning all other issues, and withdrawal of the negotiability petition.

In another large, complex case, an agency declared more than 30 contract proposals non-negotiable during term-contract bargaining. The parties agreed to utilize the FLRA's ADR services and brought 15 bargaining team members to the table, some from more than 1,500 miles away, for several days of face-to-face negotiations. The parties made substantial progress before agreeing to continue CADRO-facilitated ADR discussions using FLRA-hosted audio conferencing, online data sharing, and remote document viewing and editing services. The 15 negotiators logged in from more than twelve independent locations over the course of two days, and the parties reached a full resolution of the case without the need for a decision of the Authority.

The FSIP also relies heavily on technology to increase efficiency in resolving cases. During FY 2012, consistent with the practice it has adopted in previous years, the Panel conducted four of its seven business meetings via teleconference, linking Panel Members in the San Francisco, Chicago, and Detroit areas with their colleagues and staff in Washington, DC, saving thousands of dollars in travel costs and per diem expenses. In addition, Panel Members routinely conducted mediation-arbitration proceedings by telephone and/or video conference where on-site visual inspection of a facility was unnecessary to resolve impasses, avoiding the need for a Panel Member to travel to the location of a dispute or for the parties to send their representatives to the Panel's offices.

The OGC has incorporated technology into all aspects of its ULP and REP case processing activities. The OGC frequently uses telephone and available video conferencing in case investigations and settlement discussions. When voters are dispersed in a REP case election, the OGC uses internet/telephone balloting procedures providing employees with round the clock access to voting. The OGC also uses video or telephone conferencing in REP case hearings involving remote or unavailable witnesses. Finally, the OGC has established web-based training modules on the Statute and Executive Order 13522 and a web-based hyperlinked Case Law Outline providing the parties with easy access to key training and educational materials.

The agency has used technology in delivering other services as well. For example, all government agencies look to the FLRA as one of the lead training agencies concerning President Obama's Executive Order 13522, *Creating Labor-Management Forums to Improve Delivery of Government Services*, and the CADRO has helped them overcome some of the initial hurdles in implementing the Order. The CADRO recently assisted representatives from labor and management that were dispersed in many locations across 1,500 miles. As a precursor to face-to-face meetings, the CADRO office hosted an online meeting that enabled more than a dozen key leaders to engage in some basic training concerning the Order, share critical information, identify barriers preventing forward movement, agree to develop a labor-management forum charter, and schedule future meetings. As a result, communications were enhanced, travel costs were reduced, and the parties' collaborative labor-management relationship strengthened. And efforts are underway with the parties to work together to develop ways to improve their mission performance.

## **Human Capital**

The FLRA made major gains in FY 2012 in improving all aspects of employee work-life balance and leveraging its highly engaged workforce to address agency matters, ranging from performance management, budget, space, and information technology. Continuing its commitment to communicating and involving employees in all aspects of mission performance and agency operations, the FLRA has established a true link between employee engagement and agency performance outcomes. In FY 2012, the agency accomplished a critical component of its succession planning, rebuilding its Regional Office management structure and maximizing the talent and skills cultivated through a series of developmental details offered over the last two years. With a commitment to increasing diversity and inclusion (D&I), the agency developed a D&I Strategic Plan and metrics for assessing D&I success, reaffirming the FLRA's commitment to fostering a workplace where employees from all backgrounds are recruited, retained, and developed for successful performance and career progression. Targeted hiring of student interns from underrepresented groups has bolstered the FLRA's diversity and is part of the agency's effort to develop a more diverse full-time workforce.

Maximizing its training resources and leveraging the wealth of institutional knowledge within its own workforce, the agency instituted a large-scale, agency-wide, leadership-development and succession planning initiative that includes executive training and developmental details throughout all offices. The details support individual development and help the FLRA strategically balance workloads and performance outcomes through the realignment of internal resources. Ongoing training initiatives include formally assessing employee training needs, which will enable the agency to target training resources accordingly. The FLRA also engages its employees through monthly educational "brown bag" series and various multi-cultural programs. An FLRA educational alliance with the University of Maryland University College (UMUC) provides employees and their families with training support in the form of tuition discounts for the UMUC's undergraduate, graduate, and certificate programs.

Working in tandem with the FLRA's Labor-Management Forum, the agency also established a number of issue-specific forums to engage employees in resolving various mission, operational,

and workforce development issues. A new Administrative Forum was created with the primary goal of fostering a supportive and collaborative environment to aid administrative professionals in their career development and daily work-life. A Space Management Forum and a Technology Council were also created to facilitate effective and efficient utilization of FLRA space and IT resources, resulting in a quality working environment for employees, managers, and agency leadership, and a more targeted application of agency IT resources. In addition, the FLRA expanded its alternative work schedule program to help employees find an appropriate work-life balance – increasing participation to 65 percent.

A notable agency achievement, accomplished in full collaboration with the UAE, was the development and implementation of a five-tiered performance management system for General Schedule employees and an accompanying awards policy, intended to drive timely and quality performance throughout all offices of the agency. The FLRA was also one of the first small agencies to take part in early implementation of a new, government-wide Senior Executive Service performance appraisal system. These performance improvements allow for a more accurate assessment and recognition of employee work.

**GOAL 1: PROVIDE TIMELY REVIEW AND DISPOSITION OF UNFAIR LABOR PRACTICE CASES.**

The General Counsel has responsibility for the investigation, settlement, and prosecution of ULP charges. All ULP proceedings originate with the filing of a charge in a Regional Office by an employee, labor organization, or agency. Once a charge has been filed, Regional Office staff will investigate the charge to determine if it has merit. If the Regional Director determines that the charge has merit, then he or she will, absent settlement, issue and prosecute a complaint before an Administrative Law Judge (ALJ). If the Regional Director determines that the charge lacks merit, then the charging party is entitled to a written explanation, and if not satisfied, may appeal the decision to the General Counsel in Washington, DC. If the dismissal is upheld, then the case is closed. The Authority has appointed ALJs to hear ULP cases prosecuted by the General Counsel. Decisions of the ALJs are transmitted to the Authority and may be affirmed, modified, or reversed in whole or in part. If no exceptions are filed, then a decision by the ALJ is adopted by the Authority.

OGC	2009	2010	2011	2012	2013 Est.	2014 Est.
Cases pending, start of year	1,237	1,587	1,811	1,453	1,488	1,388
Charges filed	<u>3,954</u>	<u>4,398</u>	<u>4,094</u>	<u>4,375</u>	<u>4,300</u>	<u>4,300</u>
<b>Total caseload</b>	<b>5,191</b>	<b>5,985</b>	<b>5,905</b>	<b>5,828</b>	<b>5,788</b>	<b>5,688</b>
Charges withdrawn/settled	2,455	3,141	3,425	3,377	3,400	3,400
Charges dismissed	1,075	751	812	732	750	750
Complaints issued	<u>74</u>	<u>282</u>	<u>215</u>	<u>231</u>	<u>250</u>	<u>250</u>
<b>Total cases closed</b>	<b>3,604</b>	<b>4,174</b>	<b>4,452</b>	<b>4,340</b>	<b>4,400</b>	<b>4,400</b>
<b>Cases pending, end of year</b>	<b>1,587</b>	<b>1,811</b>	<b>1,453</b>	<b>1,488</b>	<b>1,388</b>	<b>1,288</b>

OALJ	2009	2010	2011	2012	2013 Est.	2014 Est.
Cases pending, start of year	0	67	54	72	115	154
Cases received from the OGC	<u>74</u>	<u>282</u>	<u>234</u>	<u>240</u>	<u>280</u>	<u>252</u>
<b>Total caseload</b>	<b>74</b>	<b>349</b>	<b>288</b>	<b>312</b>	<b>395</b>	<b>406</b>
Settlements before hearing	7	275	191	176	211	193
Settlements during hearing	0	0	0	1	0	0
Cases closed by decision	<u>0</u>	<u>20</u>	<u>25</u>	<u>20</u>	<u>30</u>	<u>25</u>
<b>Total cases closed</b>	<b>7</b>	<b>295</b>	<b>216</b>	<b>197</b>	<b>241</b>	<b>218</b>
<b>Cases pending, end of year</b>	<b>67</b>	<b>54</b>	<b>72</b>	<b>115</b>	<b>154</b>	<b>188</b>

Authority	2009	2010	2011	2012	2013 Est.	2014 Est.
Cases pending, start of year	32	14	14	6	2	7
Exceptions filed	<u>1</u>	<u>18</u>	<u>17</u>	<u>20</u>	<u>19</u>	<u>19</u>
<b>Total caseload</b>	<b>33</b>	<b>32</b>	<b>31</b>	<b>26</b>	<b>21</b>	<b>26</b>
Cases closed procedurally	0	9	13	16	12	14
Cases closed based on merits	<u>19</u>	<u>9</u>	<u>12</u>	<u>8</u>	<u>2</u>	<u>7</u>
<b>Total cases closed</b>	<b>19</b>	<b>18</b>	<b>25</b>	<b>24</b>	<b>14</b>	<b>21</b>
<b>Cases pending, end of year</b>	<b>14</b>	<b>14</b>	<b>6</b>	<b>2</b>	<b>7</b>	<b>5</b>

**Measure 1.1:** The percentage of ULP charges resolved by the OGC by complaint, withdrawal, dismissal, or settlement within 120 days of filing of the charge.

Results				Targets	
FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
71%	49%	54%	61%	60%	62%

The OGC has revised its FY 2013 target for this measure from 55 percent to 60 percent, based on actual performance in FY 2012.

**Measure 1.2:** The percentage of decisions on an appeal of a Regional Director's dismissal of a ULP charge issued within 60 days of the date filed, and in no case more than 120 days.

Results				Targets	
FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
2%	31%	97%/100%	99%/100%	90%/100%	90%/100%

In FY 2011, an additional target was established to measure the percentage of decisions on appeal issued within 120 days (100 percent).

**Measure 1.3:** The percentage of ULP complaints issued by the General Counsel resolved or decided in the OALJ within 180 days of the complaint being issued.

Results				Targets	
FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
N/A	N/A	95%	90%	90%	90%

This measure was established in FY 2011, as a consolidation of two previous 90-day measures into one of 180 days.

**Measure 1.4:** The percentage of ULP cases decided within 180 days of assignment to an Authority Member.

Results				Targets	
FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
5%	18%	31%	75%	80%	80%

## **GOAL 2: PROVIDE TIMELY REVIEW AND DISPOSITION OF REPRESENTATION CASES.**

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The Statute sets out a specific procedure for employees to petition to be represented by a labor union and to determine which employees will be included in a “bargaining unit” that a union represents. Implementing this procedure, the FLRA conducts secret-ballot elections for union representation and resolves a variety of issues related to questions of union representation of employees. These issues include, for example, whether particular employees are managers or “confidential” employees excluded from union representation, whether there has been election misconduct on the part of agencies or unions, and whether changes in union and agency organizations affect existing bargaining units. Representation cases are initiated by the filing in a Regional Office of a petition by an individual, labor organization, or agency. After a petition is filed, the Regional Director conducts an investigation to determine the appropriateness of a unit or other matter related to the petition. After concluding such investigation, the Regional Director may issue a Decision and Order determining the appropriate unit, directing an election, dismissing the petition, or making other disposition of the matter. The Regional Director’s Decision and Order is final unless an application for review is filed with the Authority.

OGC	2009	2010	2011	2012	2013 Est.	2014 Est.
Cases pending, start of year	140	104	102	82	70	70
Petitions filed	<u>275</u>	<u>278</u>	<u>267</u>	<u>271</u>	<u>245</u>	<u>245</u>
<b>Total caseload</b>	<b>415</b>	<b>382</b>	<b>369</b>	<b>353</b>	<b>315</b>	<b>315</b>
Petitions withdrawn	142	113	126	115	75	75
Cases closed based on merits	<u>169</u>	<u>167</u>	<u>161</u>	<u>168</u>	<u>170</u>	<u>170</u>
<b>Total cases closed</b>	<b>311</b>	<b>280</b>	<b>287</b>	<b>283</b>	<b>245</b>	<b>272</b>
<b>Cases pending, end of year</b>	<b>104</b>	<b>102</b>	<b>82</b>	<b>70</b>	<b>70</b>	<b>59</b>

Authority	2009	2010	2011	2012	2013 Est.	2014 Est.
Cases pending, start of year	3	5	6	6	0	8
Applications for review	<u>17</u>	<u>15</u>	<u>12</u>	<u>6</u>	<u>10</u>	<u>9</u>
<b>Total caseload</b>	<b>20</b>	<b>20</b>	<b>18</b>	<b>12</b>	<b>10</b>	<b>17</b>
Cases closed procedurally	1	1	0	0	0	0
Cases closed based on merits	<u>14</u>	<u>13</u>	<u>12</u>	<u>12</u>	<u>2</u>	<u>9</u>
<b>Total cases closed</b>	<b>15</b>	<b>14</b>	<b>12</b>	<b>12</b>	<b>2</b>	<b>9</b>
<b>Cases pending, end of year</b>	<b>5</b>	<b>6</b>	<b>6</b>	<b>0</b>	<b>8</b>	<b>8</b>

**Measure 2.1:** The percentage of representation cases resolved by the OGC through withdrawal, election, or issuance of a Decision and Order within 120 days of the filing of a petition.

Results				Targets	
FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
60%	65%	60%	62%	60%	60%

**Measure 2.2:** The percentage of representation cases in which a decision whether to grant review is issued within 60 days of assignment to an Authority Member.

Results				Targets	
FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
N/A	100%	100%	100%	100%	100%

This measure was established in FY 2010 to be consistent with the time limitation provided for in the Statute.

### GOAL 3: PROVIDE TIMELY REVIEW AND DISPOSITION OF ARBITRATION CASES.

Either party to grievance arbitration may file with the Authority an exception (or appeal) to an arbitrator's award. The Authority will review an arbitrator's award to which an exception has been filed to determine if the award is deficient because it is contrary to any law, rule, or regulation or on grounds similar to those applied by federal courts in private-sector, labor-management relations.

Authority	2009	2010	2011	2012	2013 Est.	2014 Est.
Cases pending, start of year	298	247	173	66	40	73
Exceptions filed	<u>157</u>	<u>134</u>	<u>110</u>	<u>107</u>	<u>108</u>	<u>108</u>
<b>Total caseload</b>	<b>455</b>	<b>381</b>	<b>283</b>	<b>173</b>	<b>148</b>	<b>181</b>
Cases closed procedurally	43	31	22	24	22	23
Cases closed based on merits	<u>165</u>	<u>177</u>	<u>195</u>	<u>109</u>	<u>53</u>	<u>119</u>
<b>Total cases closed</b>	<b>208</b>	<b>208</b>	<b>217</b>	<b>133</b>	<b>75</b>	<b>142</b>
<b>Cases pending, end of year</b>	<b>247</b>	<b>173</b>	<b>66</b>	<b>40</b>	<b>73</b>	<b>39</b>

**Measure 3.1:** The percentage of arbitration cases decided within 180 days of assignment to an Authority Member.

Results				Targets	
FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
22%	30%	33%	58%	80%	80%

### GOAL 4: PROVIDE TIMELY REVIEW AND DISPOSITION OF NEGOTIABILITY CASES.

A federal agency bargaining with a union may claim that a particular union proposal cannot be bargained because it conflicts with federal law, a government-wide rule or regulation, or an agency regulation for which there is a compelling need. In these cases, a union may petition the Authority to resolve the negotiability dispute.

Authority	2009	2010	2011	2012	2013 Est.	2014 Est.
Cases pending, start of year	51	39	22	15	8	5
Petitions filed	<u>43</u>	<u>52</u>	<u>39</u>	<u>45</u>	<u>24</u>	<u>36</u>
<b>Total caseload</b>	<b>94</b>	<b>91</b>	<b>61</b>	<b>60</b>	<b>32</b>	<b>41</b>
Cases closed procedurally	41	46	33	38	22	31
Cases closed based on merits	<u>14</u>	<u>23</u>	<u>13</u>	<u>14</u>	<u>5</u>	<u>10</u>
<b>Total cases closed</b>	<b>55</b>	<b>69</b>	<b>46</b>	<b>52</b>	<b>27</b>	<b>41</b>
<b>Cases pending, end of year</b>	<b>39</b>	<b>22</b>	<b>15</b>	<b>8</b>	<b>5</b>	<b>0</b>

**Measure 4.1:** The percentage of negotiability cases decided within 180 days of assignment to an Authority Member (reflecting reasonable time for a post-petition conference).

Results				Targets	
FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
6%	17%	29%	50%	80%	80%

## **GOAL 5: PROVIDE TIMELY REVIEW AND DISPOSITION OF BARGAINING IMPASSE CASES.**

In carrying out the right to bargain collectively, it is not uncommon for a union representative and a federal agency to simply not agree on certain issues and for the bargaining to reach an impasse. Several options are available by which the parties may attempt to resolve the impasse. The parties may: decide, on their own, to use certain techniques to resolve the impasse, but may proceed to private binding arbitration only after the FSIP approves the procedure; seek the services and assistance of the Federal Mediation and Conciliation Service; or seek the assistance of the FSIP in resolving the negotiation impasse, only after the previous attempts have failed.

FSIP	2009	2010	2011	2012	2013 Est.	2014 Est.
Cases pending, start of year	22	69	36	53	38	63
Impasses filed	<u>136</u>	<u>143</u>	<u>152</u>	<u>176</u>	<u>185</u>	<u>194</u>
<b>Total caseload</b>	<b>158</b>	<b>212</b>	<b>188</b>	<b>229</b>	<b>223</b>	<b>257</b>
<b>Cases closed</b>	<b><u>89</u></b>	<b><u>176</u></b>	<b><u>135</u></b>	<b><u>191</u></b>	<b><u>160</u></b>	<b><u>190</u></b>
<b>Cases pending, end of year</b>	<b>69</b>	<b>36</b>	<b>53</b>	<b>38</b>	<b>63</b>	<b>67</b>

**Measure 5.1:** The percentage of bargaining impasse cases in which jurisdiction is declined closed within 140 days of the date filed.

Results				Targets	
FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
N/A	N/A	64%	92%	80%	80%

The performance measures for the FSIP were completely revised in FY 2011 to concisely set forth timeliness targets for the Panel’s three most important categories of case disposition.

**Measure 5.2:** The percentage of bargaining impasse cases voluntarily settled after jurisdiction has been asserted within 160 days of the date filed.

Results				Targets	
FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
N/A	N/A	79%	86%	70%	70%

**Measure 5.3:** The percentage of bargaining impasse cases resolved through a final action closed within 200 days of the date filed.

Results				Targets	
FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
N/A	N/A	65%	77%	70%	70%

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**GOAL 6: USE COLLABORATION TECHNIQUES AND ALTERNATIVE DISPUTE RESOLUTION SERVICES TO MINIMIZE AND/OR RESOLVE LABOR-MANAGEMENT DISPUTES.**

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The FLRA has integrated ADR and consensus decision-making into virtually all of its processes, and significantly expanded its training, outreach, and facilitation activities since FY 2011. ADR is an informal process that allows parties to discuss and develop their interests in order to resolve the underlying issues and problems in their relationship. This includes interest-based conflict resolution and intervention services in pending ULP cases, representation cases, arbitration cases, negotiability appeals, and bargaining impasse disputes. The agency also provides facilitation and training to help labor and management develop collaborative relationships. Many of the FLRA’s training programs are now available as web-based training modules, bringing educational tools and resources directly to agency customers at their desks to further assist them in resolving labor-management disputes.

This performance goal was established in FY 2011 to emphasize the importance of using collaboration and ADR techniques along with other training, outreach, and facilitation services to assist the parties in minimizing and resolving labor-management disputes. The goal encompasses all three FLRA components.

**Measure 6.1:** Percentage of ULP cases in the OGC in which an offer of ADR services is accepted by the parties that are partially or totally resolved.

Results				Targets	
FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
N/A	N/A	87%	97%	90%	90%

The OGC has revised its FY 2013 target for this measure from 85 percent to 90 percent, based on actual performance in FY 2012.

**Measure 6.2:** Percentage of ULP cases in the OALJ in which an offer of Settlement Judge services is accepted by the parties that are partially or totally resolved.

Results				Targets	
FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
N/A	N/A	88%	80%	80%	85%

**Measure 6.3:** Percentage of representation cases in the OGC in which an offer of ADR services is accepted by the parties that are partially or totally resolved.

Results				Targets	
FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
N/A	N/A	93%	91%	90%	90%

The OGC has also revised its FY 2013 target for this measure from 85 percent to 90 percent, based on actual performance in FY 2012.

**Measure 6.4:** Percentage of arbitration cases in which an offer of ADR services is accepted by the parties that are partially or totally resolved.

Results				Targets	
FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
N/A	N/A	100%	N/A	50%	75%

In FY 2012, there was only one arbitration case in which an offer of ADR services was accepted by the parties. The ADR process concerning that case was still ongoing at the end of the fiscal year. As a result, this performance measure, which tracks the partial or total resolution of accepted cases, did not apply in FY 2012.

**Measure 6.5:** Percentage of negotiability cases in which an offer of ADR services is accepted by the parties that are partially or totally resolved.

Results				Targets	
FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
N/A	N/A	87%	100%	80%	90%

**Measure 6.6:** Percentage of bargaining impasse cases in which an offer of ADR services is accepted by the parties that are partially or totally resolved.

Results				Targets	
FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
N/A	N/A	29%	32%	30%	30%

The FSIP has revised its FY 2013 target for this measure from 25 percent to 30 percent, based on actual performance in FY 2012.

**Measure 6.7:** The number of training, outreach, and facilitation activities conducted.

Results				Targets	
FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
N/A	N/A	332	221	175	200

**Measure 6.8:** The number of participants involved in training, outreach, and facilitation activities.

Results				Targets	
FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
N/A	N/A	11,975	8,933	5,000	6,000

The demand for training, outreach, and facilitation activities has continued to grow, with much of the demand in FY 2011 for overview training on instituting forums and pre-decisional involvement under Executive Order 13522. Since this training is now available through a web-based training course, and since forums should be well-established by the end of FY 2013, the FLRA expects the focus of its training, outreach, and facilitation services in FY 2014 to be on supporting the successful operation of these forums and further developing the skills for a successful labor-management relationship. In addition, the FLRA expects to have additional web-based training courses available to the parties in FY 2013 – including comprehensive arbitration, representation, and statutory training – that has otherwise been provided in-person. The targets for both training measures reflect in-person training only, and as such, are lower than the results for FY 2011 and FY 2012 as the FLRA has increased the delivery of its training through no-cost, web-based services.

**GOAL 7: MODERNIZE AGENCY INFORMATION TECHNOLOGY  
BUSINESS SYSTEMS TO SUPPORT AND ENHANCE  
PROGRAM ACHIEVEMENT.**

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The FLRA’s CMS was implemented in FY 2011, and since that time, the agency has steadily built the necessary capacity for eFiling in all agency components, as well as development of a complete electronic case file. The FLRA met its key milestones, and therefore anticipates increased customer use of the agency’s eFiling system in FY 2014, significantly enhancing the quality of the parties’ filings and reducing procedural deficiencies. In addition, the FLRA intends to begin implementing an end-to-end electronic case file in FY 2014, streamlining the internal processing and handling of agency case files.

<b>Measure 7.1: The percentage of cases filed electronically with the FLRA.</b>	
<b>Results</b>	
<b>FY 2009</b>	Awarded a contract for CMS development using a cloud solution.
<b>FY 2010</b>	Implemented the new CMS in all three FLRA components.
<b>FY 2011</b>	Began developing an electronic case filing solution. Completed development of customer registration and FSIP eFiling capability.
<b>FY 2012</b>	Completed development of Authority and OGC eFiling capability. Began testing eFiling capability with customers.
<b>Targets</b>	
<b>FY 2013</b>	25% of all cases will be filed electronically.
<b>FY 2014</b>	50%

<b>Measure 7.2: The percentage of cases processed electronically end-to-end.</b>	
<b>Results</b>	
<b>FY 2009</b>	N/A
<b>FY 2010</b>	N/A
<b>FY 2011</b>	N/A
<b>FY 2012</b>	Enhanced the CMS to provide the structure to support end-to-end electronic case processing.
<b>Targets</b>	
<b>FY 2013</b>	Conduct a pilot program on end-to-end case processing.
<b>FY 2014</b>	Migrate one FLRA component to end-to-end electronic case processing.

This measure was established in FY 2012 to serve as an indicator of success in developing and implementing an end-to-end electronic case file.

**GOAL 8: DEVELOP, MANAGE, AND UTILIZE THE FLRA’S HUMAN CAPITAL TO MEET PROGRAM NEEDS.**

The FLRA, in consultation with the Labor-Management Forum, made major gains in FY 2012 in terms of developing, managing, and utilizing human capital. Expansion of the alternative work schedule program allows employees to better balance their personal lives with the demands of their work. Implementation of an electronic time and attendance system, expected later in FY 2013, will make time and attendance recording and submission more accurate and efficient.

Succession planning continues to be a major area of concern for the FLRA. Recently implemented developmental details for attorneys, both in Headquarters and in the OGC Regional Offices, will allow for the individual development of those who participate, and will also allow the agency to manage workloads and succession planning more strategically. The agency’s performance management and awards policies have also been revised to reflect a move from a pass-fail review system to one that assesses employee performance on a five-tiered scale. These revisions will make performance review more meaningful, and will ensure that awards are distributed on the basis of merit. A training needs assessment has also been conducted, with a high rate of response from agency attorneys and their supervisors in mission-critical positions. The results from that assessment have played a role in targeting training funds to the areas employees and supervisors deem most in need of development.

<b>Measure 8.1:</b> Program managers ensure that the right employees are in the right place to achieve results.	
<b>Results</b>	
<b>FY 2009</b>	N/A
<b>FY 2010</b>	Increased staffing levels in each program area. Improved employee work-life balance through implementation of a robust telework program and video-conferencing, thereby reducing travel costs and time away from family. Implemented an employee leadership developmental initiative in the OGC. Implemented a Student Temporary Employment Program. Began human capital e-initiatives to improve hiring through USA Staffing, an automated hiring system that engages the hiring manager in all aspects of the hiring process, reduces time-to-hire metrics, and improves applicants’ federal hiring experience.
<b>FY 2011</b>	Continued to focus on employee engagement through the Labor-Management Forum by increasing flexibility within the alternative work schedule program, beginning work on recognizing diversity through special emphasis programs, and initiating efforts to update employee awards programs. Formed a joint labor-management workgroup to design new performance management systems for both General Schedule and Senior Executive Service employees. Developed a training needs assessment that will be used to create individual development plans to address areas needing skills improvement and to further increase mission-critical competencies. Supported employee ideas, initiatives, and programs, such as “Bring Your Child to Work” day, Public

	Service Recognition Week, a health benefits fair, and a blood drive. Initiated brown-bag programs and an educational series to inform and develop employees in a casual setting. Continued human capital e-initiatives through implementation of USA Staffing, additional reporting tools, and electronic employee personnel records.
<b>FY 2012</b>	Expanded developmental offerings, including attorney details within other FLRA components and offices, competency-based training and career-ladder programs, and human resources workshops and educational brown-bags. Launched a Diversity and Inclusion Strategic Plan to make the FLRA a more inclusive and inviting workplace for employees. Hired summer student interns, in some cases using targeted minority hiring strategies to increase the agency's diversity.
<b>Targets</b>	
<b>FY 2013</b>	Update the agency's Human Capital Strategic Plan. Implement a web-based time and attendance system.
<b>FY 2014</b>	Focus on succession planning, including diversity and inclusion, in light of current retirement projections. Continue to develop employees strategically in accordance with agency needs and individual development plans. Assess progress to date on the overall agency human capital plan and its initiatives.

This measure was established in FY 2010 to be consistent with the FLRA Human Capital Strategic Plan.

# BUDGET JUSTIFICATION

## FY 2014 APPROPRIATION LANGUAGE

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### SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, and including hire of experts and consultants, hire of passenger motor vehicles, and including official reception and representation expenses (not to exceed \$1,500) and rental of conference rooms in the District of Columbia and elsewhere, [\$24,723,000] \$25,490,000: *Provided*, That public members of the Federal Service 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 in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further*, That 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.

## APPROPRIATION REQUEST

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The FLRA requests \$25,490,000 in FY 2014 to fund employee salaries and related expenses necessary to meet its annual performance targets. The agency's FY 2014 request would fund 134 full-time equivalents (FTEs).

(In thousands of dollars)

Program Activity	FY 2012 Actual	FY 2013 Estimate	FY 2014 Request	Change from FY 2013
Authority	\$13,815	\$13,688	\$13,997	\$309
Office of the General Counsel	10,062	10,403	10,581	178
Federal Service Impasses Panel	809	814	912	98
<b>Direct Obligations</b>	<b>\$24,686</b>	<b>\$24,905</b>	<b>\$25,490</b>	<b>\$585</b>
<b>FTEs</b>	<b>130</b>	<b>129</b>	<b>134</b>	<b>5</b>

Note: FY 2013 includes \$31,000 in prior-year carryover.

The requested FY 2014 funding level incorporates printing and information technology (IT) cost-savings measures initiated over the past few years. Until FY 2011, for example, the FLRA printed loose-leaf reports of case decisions (RCDs) on a monthly basis. The RCDs set forth the draft version of the decision as it would appear in the bound volume and would provide practitioners with the final pagination of decisions for citation purposes, allowing an opportunity for correcting typos and other edits prior to final publication of the bound volume. The launch of

the FLRA's modernized website and continual enhancements to the site have allowed the agency to post the bound volume version of its decisions within 24 hours of issuance, and edits are made to the decisions as they are discovered and reported. As such, the RCDs are no longer necessary for providing the final pagination and an opportunity to make edits prior to publication of the bound volume.

The agency has also historically provided free of charge to its customers – other federal agencies and federal unions – pocket-size copies of the Federal Service Labor-Management Relations Statute (the Statute) and the Back Pay Act. These “pocket Statutes” are used internally by FLRA staff and by practitioners of federal labor-management relations law. The agency no longer supplies the pocket Statute to its customers because other federal agencies are now able to purchase them from the Government Printing Office. In addition, the FLRA posts an electronic version of the pocket Statute on its website for download by external users.

Furthermore, the requested funding level reflects an approximate 40 percent reduction in IT spending in FY 2014, as compared to the average spent on IT investments from FY 2010 through FY 2012. The FLRA has achieved this savings by strengthening its in-house capacity to develop and manage large-scale, agency-wide projects, such as development and implementation of its electronic case management and case filing systems. It also highlights the agency's successful efforts in long-term strategic IT planning.

## **CHANGE FROM FY 2013**

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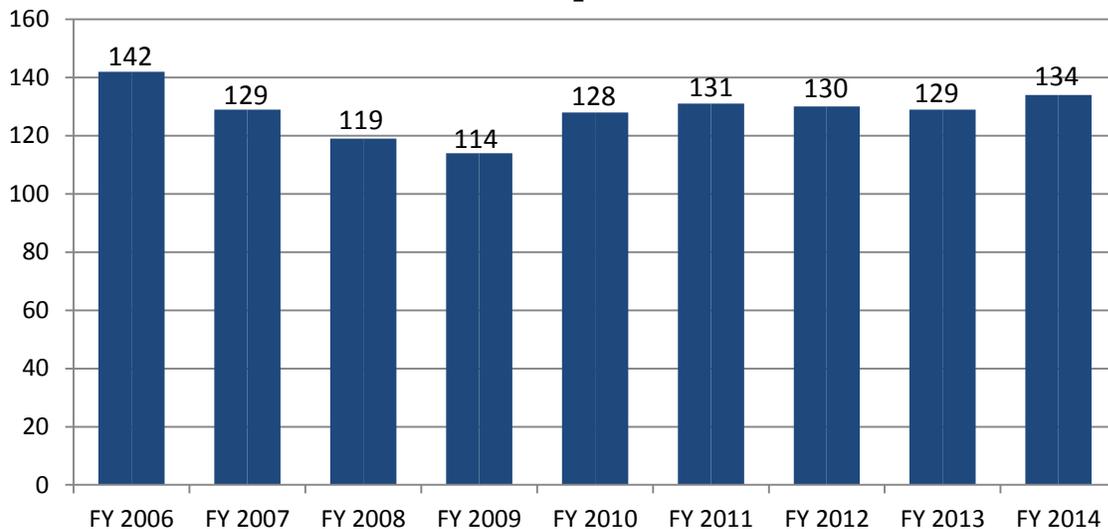
The FY 2014 request includes an increase of \$797,000 over FY 2013 to cover rising employee compensation and benefit costs and office rent, and to provide for five additional FTEs – two in the Office of the General Counsel (OGC), one in the Federal Service Impasses Panel (FSIP or the Panel), one in the Office of the Administrative Law Judges (OALJ), and one in the FLRA Administrative Services Division (ASD). The requested increase has been partially offset by \$212,000 in reduced contract support costs in FY 2014. The total increase over FY 2013, therefore, is only \$585,000. It is noted that, based on improvements in productivity from streamlining, creative use of technology, and elimination of low priority tasks and programs, the FLRA intends to absorb all inflationary price increases for FY 2014 contractual goods and services within current resource levels.

## **Personnel Compensation and Benefits**

Nearly 80 percent of the FLRA's funding is dedicated to employee compensation and benefits. In FY 2009, the agency embarked on a multi-year rebuilding effort to achieve sorely needed performance and employee morale improvements. Through the reallocation of existing funds, the FLRA was able to adequately staff the Authority to ensure that appropriate resources were available to address its case backlog at the time. As vacancies arose throughout FY 2010, the agency reallocated additional resources to rebuild capacity in the OGC and its management support offices. The reallocation of resources has in part resulted in the FLRA meeting or substantially meeting its organizational performance goals for the last two fiscal years. As reduced funding levels become the norm in the federal government, the FLRA will continue to assess the status of resources throughout the agency and to strategically reallocate funding to

maximize organizational and program performance. The agency's ability to reallocate staffing resources in order to make additional performance gains or to address infrastructure needs, however, has been significantly hampered.

### Full-Time Equivalents



The timeliness in which the FLRA resolves unfair labor practice (ULP) and representation cases directly affects the pace of government change. The Statute generally obligates management to maintain the status quo during negotiations and the pendency of a representation proceeding. Furthermore, the quality of case dispositions and the extent to which agents are able to take full advantage of dispute resolution opportunities also directly affects the pace of government change. In this regard, the FLRA has a direct bearing on how well and how quickly changes proposed by agencies can be implemented by resolving – among other things – disputes involving collective bargaining matters and questions concerning the labor representation of federal employees. The OGC also trains management and labor representatives on their rights and responsibilities under the Statute, thereby empowering the parties to more effectively and efficiently avoid – and if necessary, resolve – disputes over these matters.

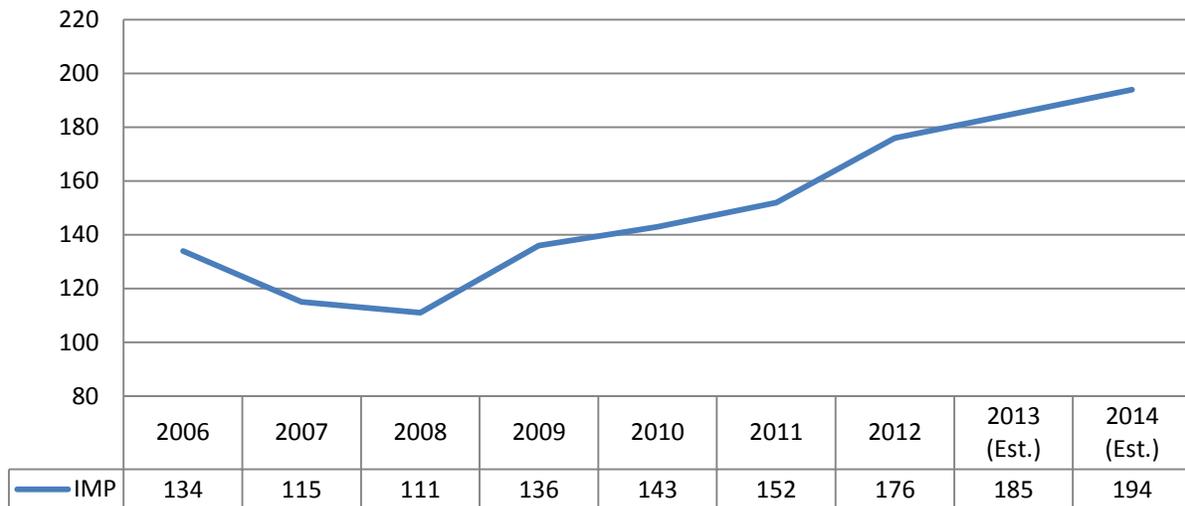
ULP filings in the OGC have increased by approximately 20 percent since FY 2008. The earlier increases were attributable, at least in part, to the absence of a General Counsel and Deputy General Counsel for a 17-month period between March 2008 and August 2009, a period when no authority was in place to issue complaints. The increase in ULP filings is expected to continue in FY 2014, albeit at a slower rate of less than one percent. The many management changes that will inevitably result from passage of the Budget Control Act of 2011 and President Obama's plan to reorganize the federal government will be accompanied by an increased incidence of bargaining obligations, which normally results in the parties filing more ULP charges.

Timely case resolution is critical to the successful accomplishment of the agency's mission. Performance data shows that the ratio of cases filed to the number of field agents is the most reliable predictor of performance. As such, as the number of cases per agent increases, the percentage of cases resolved within the OGC's case processing time targets decreases

significantly. Simply put, the OGC’s current staffing level permits timely case resolution in only slightly more than half of all ULP and representation cases. The OGC, therefore, is requesting an additional \$175,000 to establish two additional entry-level agent positions to keep pace with its projected increase in case filings and to continue to improve performance in relation to its 120-day ULP time target, which has been increased from 60 to 62 percent in FY 2014.

Moreover, delay in resolving federal labor-management impasses frequently costs taxpayers money. For example, every year the leases of many federal offices expire, and it is not unusual for the parties to reach bargaining impasse when these offices relocate. If the FSIP is unable to provide prompt resolution, then the federal government may be forced to pay rent at two locations, costing taxpayers thousands of dollars. The FSIP also has jurisdiction over agency determinations that existing alternative work schedules are causing reductions in productivity, diminishment in the level of services furnished to the public, and/or unnecessary increases in cost. The law requires the Panel to resolve such impasses in 60 days.

### Bargaining Impasses



The FSIP received nearly 60 percent more requests for assistance in FY 2012 than in FY 2008. Given the recent trend in case filings, the Panel expects the number of requests to increase by another five percent in both FY 2013 and FY 2014. In addition, the number of multiple-issue requests, primarily those involving impasses over successor collective bargaining agreements, will continue to increase proportionally. There currently are three such mega-impasses pending before the Panel. Such requests are extremely labor intensive, both to investigate and to resolve on the merits, and require extensive staff support of the Panel Members. Finally, as caseload increases, the demand for training on the Panel's processes also rises, as reflected in the number of requests received from unions, agencies, and conference providers in FY 2012. These opportunities are particularly important in educating the FSIP’s customers regarding the increased use of mediation-arbitration by Panel Members, as well as private facilitation and fact-finding, to resolve impasses.

The FSIP requests an additional \$86,000 in FY 2014 to establish one new entry-level attorney position to keep pace with rising workload demands. The addition of a new entry-level staff attorney is also necessary to ensure that agency succession planning efforts are successful. In this connection, FSIP staff retirements are expected in the near future, and given the office's limited staffing, the FLRA needs to develop immediately current staff prepared to handle the Panel's growing caseload.

FY 2014 also provides an opportunity for the FLRA Collaboration and Alternative Dispute Resolution Office (CADRO) to broaden its case-related alternative dispute resolution (ADR) efforts, increasing its involvement in arbitration cases and assuming settlement judge duties for the OALJ. With respect to the former, the CADRO intends to become more active in arbitration cases – currently the office only contacts the parties in arbitration cases where they affirmatively assert an interest in CADRO services. In FY 2014, the CADRO intends to contact the parties in every arbitration case, as it does in negotiability cases, and thus expects an increase in the percentage of arbitration cases resolved using ADR – from 50 to 75 percent. As with negotiability cases, this would reduce the number of cases requiring a decision from the Authority, thereby reducing the Authority's docket and allowing for faster resolution of arbitration cases.

Settlement judge responsibilities in the OALJ would also transition to the CADRO upon the retirement of the OALJ's current settlement judge. This would appropriately align an important aspect of the agency's ADR work within one office. The CADRO would thus be responsible for ULP settlement cases in the OALJ and negotiability and arbitration intervention cases in the Authority, as well as continuing its facilitation and training work. With the additional involvement of the CADRO, the OALJ anticipates a five percent increase in ADR settlement performance in FY 2014. Transitioning the settlement judge position to the CADRO, however, would require additional staff for drafting OALJ decisions – duties that the settlement judge currently performs – and accordingly, the OALJ requests an additional \$87,000 in FY 2014 to establish a new entry-level attorney position. The position would be responsible for drafting OALJ decisions only, similar to attorneys on the Authority Members' staffs, and is expected to increase timeliness with respect to the closure of OALJ cases requiring a decision after trial.

Agency administrative operations include procurement, leasing, renovation and repairs, mail and records management, as well as providing overall logistical support to the agency. In addition, the ASD is responsible for managing physical and personal security, directing employee safety programs, and ensuring agency emergency preparedness. The FLRA currently supplements its administrative staff with an annual contract for laborer/customer service support, such as answering telephones, reserving and setting up conference rooms for meetings and workgroups, stocking and delivering office supplies, and fixing/assembling agency equipment.

The demands for basic administrative services have grown along with the FLRA's increase in the delivery of services, training, and facilitation. The agency, therefore, requests an additional \$87,000 to convert its current contract for administrative services to a new entry-level support services specialist position in FY 2014. The position would provide support across all offices and accordingly, would be more appropriately integrated into the FLRA's long-term staffing

plan. The additional cost would be nearly offset by terminating the agency's current support contract, discussed more fully below.

The FY 2014 requested level also includes an additional \$247,000 to cover statutory pay raises of a half percent in FY 2013 and one percent in FY 2014. Furthermore, FLRA benefit costs, as a percentage of compensation, continue to rise as the percentage of the agency's workforce under the Federal Employees Retirement System (FERS) increases. As those in the Civil Service Retirement System (CSRS) retire or transfer to other agencies, they are generally replaced by those under the FERS. FERS employees cost the FLRA, on average, twice as much in benefits as CSRS employees. The agency's personnel benefits estimate, therefore, assumes that the on-going, government-wide transition to the FERS will cost the FLRA an additional \$35,000 in FY 2014.

## **Rent**

Since implementation of the telework program in January 2010, over 65 percent of the FLRA's workforce has engaged in some form of telework, with roughly half of teleworkers engaged "regularly" and the other half engaged "periodically." Telework has also contributed to increased employee morale, as measured in the Federal Employee Viewpoint Survey. Feedback from staff indicates that, due to a lack of disruptions, commuting time, and stress, participating employees believe that they are more productive and that they have fewer unscheduled absences. Furthermore, the opportunity to telework has proven useful as a recruitment tool, as it has been the deciding factor in job acceptance and has encouraged several employees to stay with the agency. In response to growing participation in the FLRA telework program, the agency intends to reduce the size of its Headquarters by approximately 11,700 square feet by the end of FY 2013. Despite reducing its overall space footprint, however, an additional \$80,000 will still be necessary in FY 2014 to cover rising market rates in the Washington, DC area.

## **Contractual Services**

As previously mentioned, the agency has requested additional funding to convert its annual administrative contract to a full-time federal employee. Terminating the FLRA's current support contract in FY 2014 would generate savings of \$70,000. The agency also expects to incur an additional \$142,000 in build-out and other move-related costs in FY 2013, associated with its Headquarters consolidation and the relocation of the Denver Regional Office, that will not be necessary in FY 2014. The total decrease in FLRA contract support from FY 2013 is thus \$212,000.

## PROGRAM AND FINANCING SCHEDULE

(In thousands of dollars)

	FY 2012 Actual	FY 2013 Estimate	FY 2014 Request
<b>Obligations by program activity:</b>			
Authority	\$13,821	\$13,955	\$13,997
Office of the General Counsel	10,101	10,231	10,581
Federal Service Impasses Panel	<u>810</u>	<u>819</u>	<u>912</u>
Total new obligations	24,732	25,005	\$25,490
<b>Budgetary resources:</b>			
Unobligated balance:			
Nonexpenditure transfers:			
Unobligated balance transfers between expired and unexpired accounts	27	31	0
Budget authority:			
Appropriations, discretionary:			
Appropriation	24,723	24,874	25,490
Spending authority from offsetting collections (gross)	<u>46</u>	<u>100</u>	<u>0</u>
Total budgetary resources available	24,796	25,005	25,490
<b>Change in obligated balance:</b>			
Unpaid obligations:			
Unpaid obligations, brought forward, Oct. 1	3,285	2,693	2,693
Obligations incurred, unexpired accounts	24,732	25,005	25,490
Outlays (gross)	(24,740)	(25,005)	(25,490)
Recoveries of prior-year unpaid obligations, expired	<u>(584)</u>	<u>0</u>	<u>0</u>
Unpaid obligations, end of year	2,693	2,693	2,693
<b>Budget authority and outlays, net:</b>			
Discretionary:			
Budget authority, gross	24,796	25,005	25,490
Outlays, gross:			
Outlays from new discretionary authority	22,325	22,506	22,991
Outlays from discretionary balances	<u>2,415</u>	<u>2,499</u>	<u>2,499</u>
Outlays, gross (total)	24,740	25,005	25,490
Budget authority, net (total)	24,750	24,905	25,490
Outlays, net (total)	\$24,694	\$24,905	\$25,490

## OBJECT CLASSIFICATION SCHEDULE

(In Thousands of dollars)

	FY 2012 Actual	FY 2013 Estimate	FY 2014 Request
Direct obligations:			
Personnel compensation:			
Full-time permanent	\$14,218	\$14,424	\$14,848
Other than full-time permanent	853	726	844
Other personnel compensation	<u>221</u>	<u>291</u>	<u>301</u>
Total personnel compensation	15,292	15,441	15,993
Civilian personnel benefits	4,004	4,207	4,372
Benefits for former personnel	4	0	0
Travel and transportation of persons	209	220	220
Transportation of things	11	10	10
Rental payments to GSA	2,544	2,624	2,704
Rental payments to others	18	21	21
Communications, utilities, and misc. charges	336	390	390
Printing and reproduction	27	30	30
Other services from non-federal sources	845	583	513
Other goods and services from federal sources	863	1,008	866
Operation and maintenance of facilities	4	5	5
Operation and maintenance of equipment	104	111	111
Supplies and materials	98	106	106
Equipment	<u>327</u>	<u>149</u>	<u>149</u>
Direct obligations	24,686	24,905	25,490
Reimbursable obligations:			
Travel and transportation of persons	<u>46</u>	<u>100</u>	<u>0</u>
Reimbursable obligations	<u>46</u>	<u>100</u>	<u>0</u>
Total new obligations	\$24,732	\$25,005	\$25,490

## EMPLOYMENT SUMMARY SCHEDULE

	FY 2012 Actual	FY 2013 Estimate	FY 2014 Request
Direct civilian full-time equivalent employment	130	129	134

## **INSPECTOR GENERAL RESOURCES**

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The Office of the Inspector General (OIG) provides independent and objective assessments of the FLRA's efficiency, effectiveness, and compliance with laws and regulations. This is accomplished through proactive evaluations of agency operational processes. In addition to striving to prevent and detect fraud, waste, and abuse of the FLRA's resources, a key goal of the Inspector General (IG) is to serve as a catalyst for improving operations and maximizing the efficiency and integrity of agency programs.

In fulfilling these responsibilities and objectives, the IG conducts and supervises investigations, internal reviews, audits, and evaluations of the programs and operations of the agency. The IG communicates the results of these investigations and assessments to FLRA management, the Congress, other oversight entities, and the public as appropriate. Generally, results are communicated in formal reports and contain findings and recommendations aimed at correcting any deficiencies identified and promoting efficiency and effectiveness in agency programs and operations. The IG also manages a hotline to provide employees and the public with a direct means for communicating information on potential fraud, waste, or abuse.

The FLRA's FY 2014 funding request includes \$403,000 for the OIG. The funding level requested by the IG, including \$5,000 for training and \$1,000 to support the Council of the Inspectors General on Integrity and Efficiency, has been funded in total. The IG has certified that the FLRA's funding request for the OIG satisfies all training requirements for FY 2014.



UNITED STATES OF AMERICA  
**FEDERAL LABOR RELATIONS AUTHORITY**  
WASHINGTON, D.C. 20424-0001

**INSPECTOR GENERAL**

July 12, 2012

The Inspector General Reform Act (Pub. L. 110-149) was signed by the President on October 14, 2008. Section 6(f) (1) of the Inspector General Act of 1978, 5 U.S.C. app. 3, was amended to require certain specifications concerning Office of Inspector General (OIG) budget submissions each fiscal year (FY).

Each inspector general (IG) is required to transmit a budget request to the head of the establishment or designated Federal entity to which the IG reports specifying:

- The aggregate amount of funds requested for the operations of the OIG,
- The portion of this amount requested for OIG training, including a certification from the IG that the amount requested satisfies all OIG training requirements for the fiscal year, and
- The portion of this amount necessary to support the Council of the Inspectors General on Integrity and Efficiency (CIGIE).

The head of each establishment or designated Federal entity, in transmitting a proposed budget to the President for approval, shall include:

- An aggregate request for the OIG,
- The portion of this aggregate request for OIG training,
- The portion of this aggregate request for support of the CIGIE, and
- Any comments of the affected IG with respect to the proposal.

The President shall include in each budget of the U.S. Government submitted to Congress.

- A separate statement of the budget estimate submitted by each IG,
- The amount requested by the President for each OIG,
- The amount requested by the President for training of OIGs ,
- The amount requested by the President for support of the CIGIE, and
- Any comments of the affected IG with respect to the proposal if the IG concludes that the budget submitted by the President would substantially inhibit the IG from performing duties of the OIG.

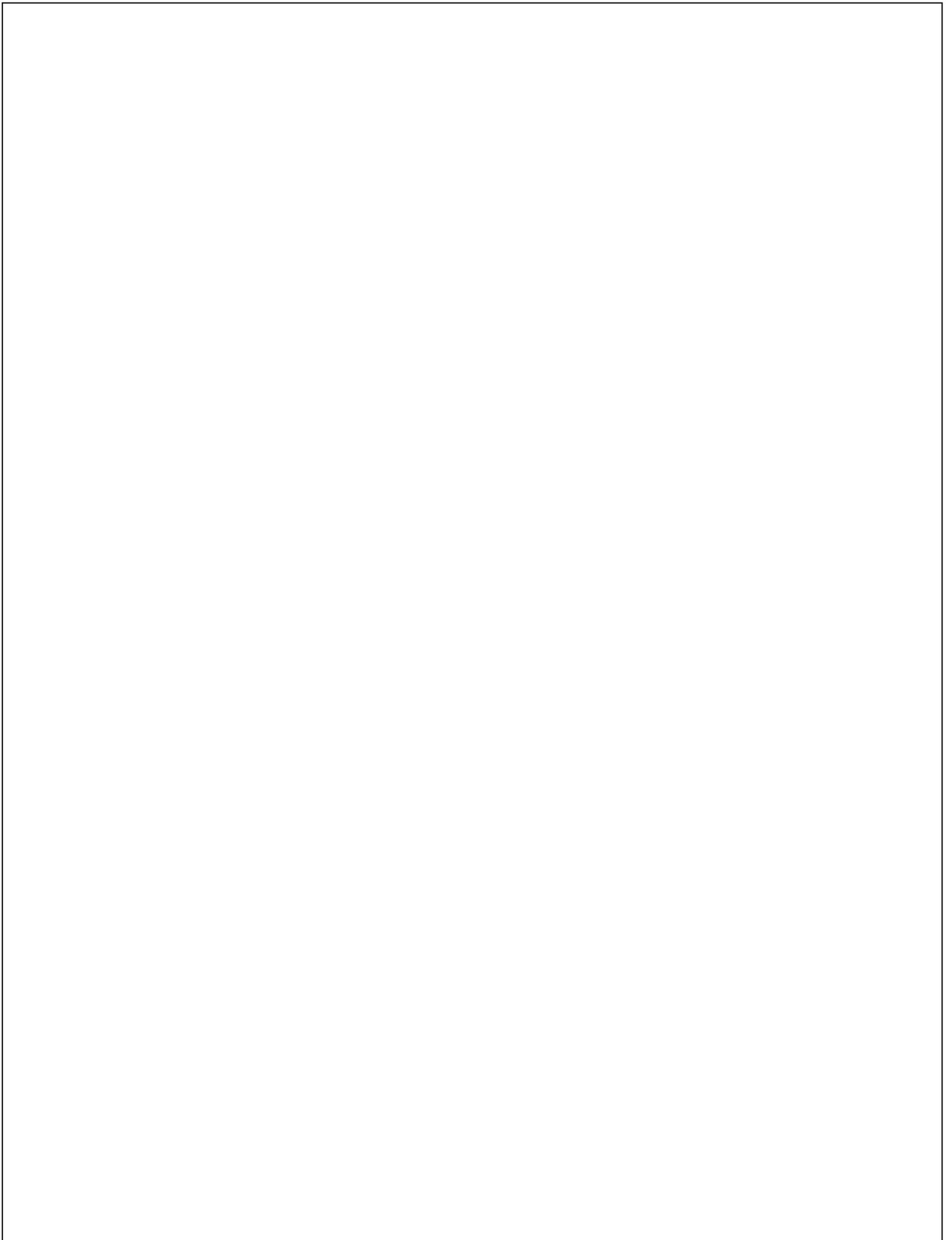
Following the requirements as specified above, the Federal Labor Relations Authority Inspector General submits the following information relating to the OIG's requested budget for FY 2014:

- The aggregate budget request for the operations of the OIG is \$402,571.
- The portion of this amount needed for OIG training is \$5,000, and
- The portion of this amount needed to support the CIGIE is \$1,125.

I certify as the IG of the Federal Labor Relations Authority that the amount I have requested for training satisfies all OIG training needs for FY 2014.

A handwritten signature in cursive script, reading "Dana S. Rooney-Foster".

Inspector General  
Federal Labor Relations Authority



**U.S. FEDERAL LABOR RELATIONS AUTHORITY**  
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**Washington, DC 20424**  
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