



Thirty-five 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

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**UNITED STATES
FEDERAL LABOR RELATIONS AUTHORITY**



**Congressional Budget Justification
Fiscal Year 2015**

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U.S. FEDERAL LABOR RELATIONS AUTHORITY

BACKGROUND AND MISSION

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 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.

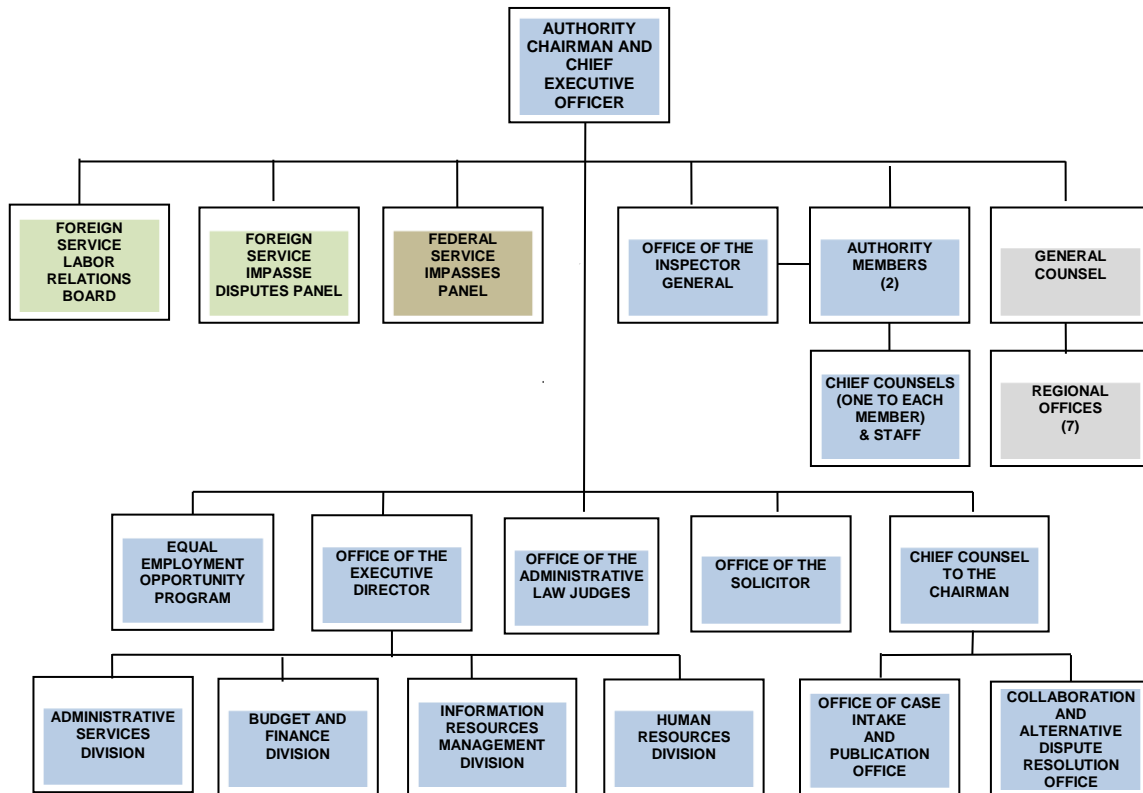
The Statute protects the rights of federal employees to form, join, or assist a labor organization or to refrain from such activity freely and without fear of penalty or reprisal. These rights include acting for a labor organization as a representative and, in that capacity, presenting the views of the 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, then mission accomplishment likely will suffer.

ORGANIZATIONAL STRUCTURE

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 orders may institute an action for judicial review within 60 days after the order 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](#)

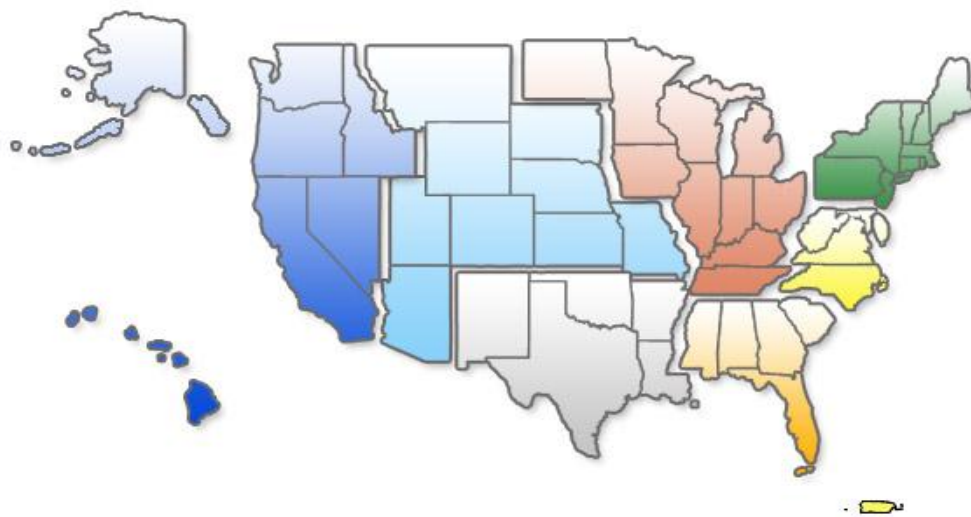
[Chicago Regional Office](#)

[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

FY 2013 presented virtually unprecedented challenges for the FLRA. To begin, each component of the FLRA – the Authority, the OGC, and the FSIP – experienced increased case filings. At the same time, the FLRA's FY 2013 funding level, which like other agencies was reduced significantly by sequestration, coupled with uncertainty about the FY 2014 funding level, impaired the agency's ability to fill key vacancies. These vacancies spanned across the agency, including case processing offices as well as the operational offices – Budget and Finance, Human Resources, Information Technology, and Administrative Services – which provide vital support services to ensure the basic functioning of the agency. And, perhaps most significantly, the Authority component lacked a quorum of Members from January 3, 2013, through the remainder of the fiscal year. This lack of quorum legally prevented the Authority component from discharging its key obligation under law: to issue decisions resolving labor-management disputes filed under the Statute.

These challenges, individually and collectively, posed obstacles to the agency's ability to do its work effectively. And that work is critically important to the effectiveness and efficiency of the federal government as a whole. This is because the FLRA's mission is to assist agencies, employees, and employee representatives to resolve disputes in order to effectuate the implementation of improvements in government operations. The FLRA is committed to fostering a productive and effective federal government, providing leadership in establishing policies and guidance related to federal sector labor-management relations, and ensuring compliance with the Statute.

In many respects, the FLRA was able to both overcome its obstacles and to excel in its performance. In response to the demands of its customers and its own fiscal limitations, the

agency has examined what works – both with respect to its own internal management and processes and its delivery of services – and continues to demonstrate a significant, marked improvement in its performance and program delivery. Without question, the FLRA’s performance has had a direct bearing on how well and quickly improvements in government operations have been effectuated. The nature of the services that the agency 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. As a result of a comprehensive review of arbitration case processing, the Authority implemented regulatory changes in FY 2013 involving those cases. The evidence demonstrated that regulatory changes were necessary to reduce the number of procedural deficiencies in the parties’ filings, and to clarify for its customers the grounds for the Authority’s review and the applicable legal standards. There were real performance improvement outcomes from these changes – arbitration cases are now processed and resolved more expeditiously. With proven evidence that training its customers results in case-processing efficiencies and faster resolution of disputes, the Authority expanded its efforts, launching a comprehensive negotiability training program, including the issuance of a guide addressing negotiability terms and concepts, case-processing procedures, and substantive legal issues that frequently arise in negotiability disputes.

As to the FLRA’s strategic goals of providing timely review and disposition of ULP and representation cases, OGC performance during FY 2013 was very successful, marked by increases in productivity along with improvements in the timely resolution of cases. Despite an increase in case filings, the OGC continued its productivity increases by resolving nearly 25 percent more cases than in FY 2009, exceeded its goal for timely resolution of ULP cases by eight percent, and met its goal for timely processing of representation cases. The OGC closed over 4,570 ULP cases and held trials involving roughly 40 ULP complaints. The OGC also closed 248 representation cases, conducting 48 representation elections, and held 16 hearings.

The OGC’s work is of critical importance to federal agencies throughout the government right now – all agencies are dealing with budgetary reductions and are restructuring operations (including conducting layoffs), examining and 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*, harmonious labor-management relations is an essential element in the successful implementation of these necessary and difficult changes, and the work of the OGC plays a vital role in ensuring productive and efficient labor-management relations.

During these uncertain budgetary times, the OGC has redoubled its use of ADR techniques and services to resolve cases. The beneficial effects of ULP settlements and representation agreements are obvious and are aggressively pursued by the office. In this regard, significant savings of government staff and budgetary resources result from the early resolution of ULP and representation cases. To assist the parties, the OGC actively offers ADR throughout the processing of its cases and the parties welcome this service.

In FY 2013, the OGC successfully resolved over 900 ULP cases during the investigative process, including 189 cases where a formal complaint had been authorized. The OGC also successfully resolved 207 complaint cases before hearing. These successful ADR efforts resulted in significant savings of governmental budgetary resources.

The OALJ also continued to resolve cases at an increased pace in FY 2013, with over 40 complaints resolved by written decision as compared to 20 in FY 2012. With over 1,000 new cases on their docket in the last four years, the OALJ has successfully resolved cases without the need for costly litigation involving a hearing or written decision. In this regard, in 78 percent of cases in which parties participate in the OALJ's Settlement Judge Program, agreement is reached, fully resolving the parties' dispute. This is real evidence that the delivery of ADR services at all stages of case processing results in more effective and efficient program performance for the FLRA, as well as the timely resolution of disputes for its customers. The OALJ has seen an increase in demand for its services, as the number of complaints and the number of hearings required continue to rise – both exceeding those in FY 2012. To reduce the need for final written decisions, the ALJs are encouraging the parties to volunteer for bench decisions when the matter is not settled prior to hearing and a bench decision is appropriate under the facts of the case.

With respect to the FLRA's strategic goal concerning the review and resolution of bargaining impasse cases, the FSIP experienced an increase in case filings for the fifth consecutive year, including over 40 requests for assistance concerning bargaining over the impact and implementation of agency decisions to furlough employees due to sequestration. Its small professional staff did its best to investigate the unexpected influx of furlough-related cases, while maintaining timeliness in regard to the processing of non-furlough cases, recommending dispute resolution procedures to the Panel Members that maximized the possibility of voluntary settlements rather than imposing contract terms. In turn, the Members continued to obtain high rates of voluntary settlement, consistent with the FSIP's guiding philosophy that the voluntary settlement of bargaining impasses using mediation-arbitration techniques is the most effective and efficient form of dispute resolution. In this regard, in cases where mediation-arbitration was used to resolve federal sector impasses, the Panel obtained complete voluntary settlements close to 65 percent of the time.

In balancing the use of its limited resources to meet the growing demands of its customers, the FSIP continued to prioritize case processing to ensure that disruption to government operations and cost to the taxpayers is minimized. For example, in response to Administration initiatives, Region 9 of the Environmental Protection Agency (EPA) decided to relocate approximately 500 bargaining unit employees represented by two different labor organizations to a more energy efficient office in San Francisco, which reduced space by 20 percent. Using the expertise of one of its Panel Members in interest-based problem solving, a mediation-arbitration proceeding was convened where the parties were able to reach voluntary settlements on what appeared to be numerous intractable issues, permitting the EPA to complete the relocation without requiring taxpayers to pay rent at two locations. In another impasse involving the relocation of Region 7 of the Department of Education in Kansas City, the Panel's intervention resulted in an arbitration award by one of its Members, also preventing unnecessary taxpayer expenditures. As in

previous years, the FSIP also 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 and renovated field offices. In addition, the Panel acted within the 60-day deadline established in the Federal Employees Flexible and Compressed Work Schedules Act by terminating the 4/10 compressed work schedules of civilian police officers at Portsmouth Naval Shipyard after the agency met its statutory burden by demonstrating that the schedules were causing unnecessary increases in overtime costs.

As to the FLRA's strategic goal of using collaboration techniques and alternative dispute resolution services to minimize and/or resolve labor-management disputes, the FLRA's CADRO continues to help parties resolve significant disputes in cases pending before the Authority. The CADRO also delivers "prevention" services, teaching parties techniques for effectively resolving their labor-management issues on their own, without needing third-party involvement. Both of these types of services have helped parties develop constructive workplace relationships that promote better mission performance as well as quality of work-life – real evidence that the program works.

During FY 2013, more than 80 percent of parties to negotiability cases filed with the FLRA voluntarily chose to resolve their differences using the CADRO's services. Those parties successfully reached partial or total resolution in 100 percent of the cases that they brought to the FLRA, eliminating the need for the Authority to formally issue decisions to resolve nearly all of those cases. The CADRO also helped parties resolve exceptions to arbitration awards, sensitive collective-bargaining disputes, and other complex matters – some with far-reaching national implications. In one Department of Defense case, the parties presented the FLRA with 37 disputed collective bargaining proposals. Using the FLRA's online technology for secure video conferencing, document review, caucusing, and other critical functions, the CADRO successfully facilitated a full resolution of the case, working with parties in four locations in three states that were separated by 4,500 miles. And the resolution was accomplished quickly. In another case involving a civilian federal agency with significant national security responsibilities, through a series of face-to-face meetings, the CADRO assisted the parties in resolving a very complex and sensitive dispute involving 31 negotiability issues. In addition to the value of the substantive solutions achieved through the CADRO, both parties and the FLRA conserved significant resources as a result of this success.

In addition, during FY 2013, recognizing the significant success of both the OALJ's Settlement Judge Program and the FLRA's Collaboration and Alternative Dispute Resolution Program, the agency linked the two programs by aligning these important functions within one office. The CADRO now conducts settlement activities in ULP cases pending in the OALJ, and conducts interventions in negotiability and arbitration cases pending in the Authority, as well as continuing its facilitation and training work. In doing so, the CADRO resolved nearly 80 percent of ULP complaints in which parties chose to avail themselves of ADR services under the OALJ Settlement Judge Program. Noteworthy ULP and negotiability cases during FY 2013 included those that helped parties better focus resources on protecting the nation's homeland, supporting our combat troops, serving veterans, preparing for national emergencies, maintaining safe skies, managing nuclear-weapon systems, furthering space exploration, providing immigration

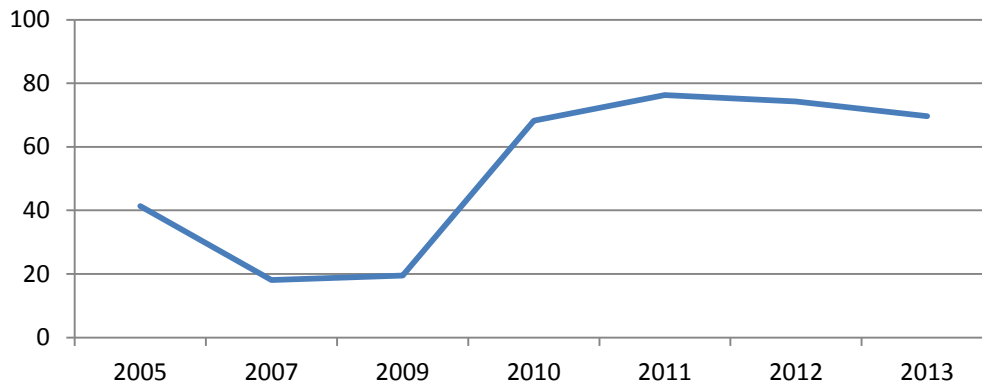
services, ensuring environmental protection, securing dangerous criminals, and protecting the food supply.

Evidence from agencies and employee representatives continue to reaffirm that FLRA investment in ADR services that are delivered by the OALJ, the OGC, the FSIP, and the CADRO is a very cost-effective way to help parties improve the quality of work-life and prevent workplace problems from interfering with the delivery of government services to the American people. ADR reduces the need for costly litigation, improves labor-management relationships, and enhances agency performance by advancing the agency's mission and increasing effectiveness and efficiency.

Another key strategy resulting in more effective and efficient program performance for the FLRA, as well as the timely resolution of disputes for its customers, was the agency's delivery of hundreds of training, outreach, and facilitation sessions in FY 2013 to thousands of practitioners. The agency also continued its engagement with the labor-management community by issuing numerous press releases sharing important information with its customers, participating in local and national forums informing the public about the FLRA and its significant contributions to making government work more effectively and efficiently, and holding focus groups on agency processes and procedures to assist in evaluating new and existing approaches to program delivery. Among the external initiatives that continued to be important in FY 2013 were training and education for labor and management representatives and others. 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's innovative use of technology to deliver its training, outreach, and facilitation services has enabled the agency to maximize the delivery of its services, reaching hundreds of its customers right at their desks for free. The FLRA also continues to partner with federal agencies to identify training needs and resources to meet customer demands.

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 and 2013, the FLRA continued to meet 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 2013 were the FLRA's rankings for certain "Best in Class" categories – ranking second overall in both Teamwork and Strategic Management, and third in Effective Leadership of Senior Leaders and Training and Development. The FLRA also ranks first with respect to Pay, and fifth in Performance-Based Rewards and Advancement.

Best Places to Work Score



In a 2012 report issued by the Partnership analyzing agency’s 2011 scores, the FLRA was also recognized as the *Most Improved Small Agency on Innovation*. 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.

Empowering employees is a key component of effective leadership, and in 2013, the FLRA was recognized by the Partnership in its *Federal Leadership Snapshot* as the #3 small agency for its effective leadership in the federal government. The FLRA’s score of 70 far exceeded the government-wide average of 53. Effective leadership is not only important for directing an organization’s operations and motivating the workforce, but also in guiding an organization through tough decisions about how to meet increased demand for services in a constrained resource environment. The FLRA’s leadership has played a pivotal role in advancing the agency’s mission results and increasing program effectiveness and efficiency.

In 2013, the FLRA also continued its success in the Federal Employee Viewpoint Survey, with an employee response rate of 84 percent – significantly greater than the government-wide rate of 48 percent. The agency scored 73 percent in leadership and knowledge management, 66 percent in results-oriented performance culture, 72 percent in talent management, and 71 percent in job satisfaction – each exceeding the government-wide average. Consistent with an agency-wide focus on targeting challenges identified in the survey, the FLRA has renewed its commitment to address areas of weakness or concern in full collaboration with its employees at all levels.

The FLRA’s dramatic and sustained improvements over the last four and half years reflect the commitment of leadership to managing the agency with transparency and accountability and engaging employees at all levels, as well as the commitment and dedication of FLRA employees. Consistent with the significant increase in employee morale and satisfaction accomplished since

2009 has been a significant, marked improvement in the FLRA's mission performance and delivery of services to its customers.

ANNUAL PERFORMANCE PLAN

STRATEGIC AND PERFORMANCE PLANNING FRAMEWORK

Over the last four and a half years, through an on-going, comprehensive, agency-wide review of its operations, staffing, work processes, resource allocations, and performance by agency leadership and the Union of Authority Employees – the employees’ representative organization – the FLRA has strategically planned for its future, and has established aggressive and challenging mission initiatives and performance indicators, maximizing the delivery of agency services throughout the federal government. The agency has continually improved its program performance by assessing and evaluating its performance outcomes to ensure that it is accomplishing its important mission of providing guidance in resolving labor-management disputes in the federal sector.

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.

FLRA Strategic Goals

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

The FLRA seeks to achieve its strategic goals primarily through the timely review and disposition of cases. The agency supplements these efforts with a focus on reducing litigation and its attendant costs by helping 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 2015 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 disposition further the FLRA's critical role in facilitating orderly, efficient, and effective change within the federal government. The core purpose of the Federal Service Labor-Management Relations Statute (the Statute) is to promote collective bargaining as a means of fostering improved employee performance and government operations. It is clear 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 are dependent on both the timely resolution of disputes and the engagement of federal employees and their union representatives as essential sources of front-line ideas and information about improvements in the delivery of government services.

The FLRA facilitates improvements in performance government-wide that will inevitably have an impact on 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 reach timely 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 practices (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 resolution 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 – the Collaboration and Alternative Dispute Resolution Office (CADRO), the OGC, the 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 2013, these activities resulted in 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 – to train large numbers of practitioners, and supporting labor-management forums pursuant to Executive Order 13522, *Creating Labor-Management Forums to Improve Delivery of Government Services*.

In addition, 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. Timely and efficient case processing is furthered by FLRA customers being 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 comprehensive 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 in meeting the agency’s performance goals. The agency continues to improve its efficiency and the customer-service experience by engaging in new and innovative ways to conduct business, such as implementing electronic case filing (eFiling). 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 over time by reducing procedural-filing errors and resulting processing delays, and is yet another example of the FLRA’s ongoing efforts to better serve its customers and provide current, useful online tools for federal employees, the unions that represent them, and federal agencies for resolving issues under the Statute. The system will also provide the platform for agency development of an “end-to-end” electronic case file.

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, the CADRO used Adobe Connect and other appropriate collaborative technology tools to enable video and audio conferencing, document sharing, and other functions for remote parties. As a result, the CADRO was able to successfully resolve disputes that involved parties who were in remote locations (including various locations in Alaska) without requiring either the CADRO representatives or the party representatives to travel. This innovative use of technology for parties in remote locations enabled the parties (and the FLRA) to achieve faster and higher-quality resolutions, while also resulting in significant savings to both the FLRA and the participating parties, and contributing to the efficient and effective accomplishment of the agency’s mission.

The FSIP also relies heavily on technology to increase efficiency in resolving cases. During FY 2013, consistent with the practice it has adopted in previous years, the Panel conducted five of its eight business meetings via teleconference, linking Panel Members in the Chicago and Detroit areas with their colleagues and staff in Washington, DC, saving thousands of dollars in travel 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.

Moreover, the OGC has incorporated technology into all aspects of its ULP and representation case investigations. The OGC frequently uses telephone and video conferencing in case investigations and settlement discussions. When voters are dispersed in a representation case election, for example, the OGC uses internet/telephone balloting procedures providing employees with around-the-clock access to voting. The office also uses video and telephone conferencing in representation case hearings involving remote or unavailable witnesses.

In addition, the OGC has established a variety of web-based interactive training programs for the parties addressing such frequently raised topics as basic rights and responsibilities under the Statute, the impact of reorganizations on bargaining units, the statutory exclusions from bargaining units, and Executive Order 13522. The OGC has also established comprehensive, web-based case outlines for ULP and representation cases to go along with its operating manuals, policies, and guidance memoranda. These on-line materials provide the parties with ready access to the same materials that office staff rely on to process cases, promoting transparency and efficiency in the investigative process.

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 Executive Order 13522, and the OGC and the CADRO have helped them overcome some of the initial hurdles of implementation. In FY 2013, the FLRA 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 hosted an online meeting that enabled more than a dozen key leaders to obtain 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. The parties are working together to develop ways to improve their mission performance.

Human Capital

The FLRA has made major gains in improving all aspects of employee work-life balance and in leveraging its highly engaged workforce to address agency matters ranging from the strategies and processes for the delivery of program services to internal agency operations, including performance management, IT, budgetary resources, and office space. Continuing its commitment to communicating and involving employees in mission performance and agency operations, the FLRA has established a true link between employee engagement and agency performance outcomes.

Employee feedback received through various mediums, including the Office of Personnel Management's (OPM) Federal Employee Viewpoint Survey, continues to inform FLRA leaders about agency wellness from the perspective of its most valuable resource – its workforce. Employees understand the mission of the FLRA, understand their role in fulfilling the mission, and see themselves as an integral piece of achieving agency-wide success. By investing in its employees through classroom training, rotational details, cross-component learning, challenging assignments, and leadership development, FLRA employees continue to sharpen and broaden their skills. In this connection, employees at all levels led and engaged in numerous mission-related initiatives, including: the development of the FLRA's bilingual webpages; a decision-writing initiative intended to strengthen the quality of the Authority's decisions; and the development of Authority and OGC training materials, guides, and manuals to educate and inform parties on the Statute and applicable legal standards, as well as the FLRA's case processing procedures.

With respect to performance management, employee recognition, accurate assessments, and ongoing meaningful discussions with supervisors are paramount to achieving agency performance results. To that end, the agency established better metrics to measure performance and productivity, and increased its use of non-monetary incentive awards to recognize employee achievement. FLRA managers and employees worked collectively to implement the agency's new, multi-tier General Schedule Performance Management System, including implementation of an employee-facilitated ADR program for resolving performance management disputes and training on aspects of the system. Additionally, the FLRA was an early implementer of the government-wide Senior Executive Service performance appraisal system and received provisional certification of its system from the OPM. With implementation of the two new performance management systems, agency mission and goals are directly linked to performance from top to bottom.

FY 2013 was a challenging year for the federal workforce, and FLRA employees faced the challenges head on, continuing to fulfill the FLRA's mission. The FLRA was subject to sequestration like all agencies, yet at the same time, experienced an increase in demand for its services. The agency successfully managed sequestration, handling its increased caseload and reduced staffing levels by using creative, immediate solutions to address the challenges. The agency used self-directed work teams, collateral-duty assignments, and details from sister-agencies. The agency also realigned offices, developed staff internally for anticipated vacancies, made use of voluntary reassignments, updated position descriptions, developed career-ladder positions, and recruited internally and externally to meet long-term work requirements. In addition, the agency established a Student Pathways Policy for student internships, and partnered with the University of Maryland's Federal Semester Program to offer unpaid internships to students.

With a commitment to increasing diversity and inclusion (D&I), the agency has implemented its D&I Strategic Plan and metrics for assessing D&I success, reaffirming the FLRA's dedication to fostering a workplace where employees from all backgrounds are recruited, retained, and developed for successful performance and career progression. Employee health and wellness programs have also continued at the FLRA. Employees are engaged in the community through

pro-bono work, as well as various multi-cultural programs. The FLRA hosts a weekly yoga class, as well as monthly on-site nurse visits that include vision testing, cardiac risk profiling, blood pressure screening, and annual flu and whooping-cough shots. “Lunch & Learn” sessions on a variety of topics such as diabetes, acupuncture, and heart disease are offered to employees, and periodic wellness tips are shared through the agency’s weekly internal newsletter, *In-Session*. Human resources e-initiatives in FY 2013 included the successful implementation of a web-based time and attendance system to more efficiently capture employee time and attendance and electronic approval of personnel actions.

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	2010	2011	2012	2013	2014 Est.	2015 Est.
Cases pending, start of year	1,587	1,811	1,453	1,488	1,570	1,570
Charges filed	<u>4,398</u>	<u>4,094</u>	<u>4,375</u>	<u>4,659</u>	<u>4,600</u>	<u>4,600</u>
Total caseload	5,985	5,905	5,828	6,147	6,170	6,170
Charges withdrawn/settled	3,141	3,425	3,377	3,646	3,634	3,634
Charges dismissed	751	812	732	673	690	690
Complaints issued	<u>282</u>	<u>215</u>	<u>231</u>	<u>258</u>	<u>276</u>	<u>276</u>
Total cases closed	4,174	4,452	4,340	4,577	4,600	4,600
Cases pending, end of year	1,811	1,453	1,488	1,570	1,570	1,570

OALJ	2010	2011	2012	2013	2014 Est.	2015 Est.
Cases pending, start of year	67	54	72	115	120	78
Cases received from the OGC	<u>282</u>	<u>234</u>	<u>240</u>	<u>271</u>	<u>201</u>	<u>201</u>
Total caseload	349	288	312	386	321	279
Settlements before hearing	275	191	176	222	237	237
Settlements during hearing	0	0	1	1	0	0
Cases closed by decision	<u>20</u>	<u>25</u>	<u>20</u>	<u>43</u>	<u>6</u>	<u>6</u>
Total cases closed	295	216	197	266	243	243
Cases pending, end of year	54	72	115	120	78	36

Authority	2010	2011	2012	2013	2014 Est.	2015 Est.
Cases pending, start of year	14	14	6	2	12	3
Exceptions filed	<u>18</u>	<u>17</u>	<u>20</u>	<u>27</u>	<u>6</u>	<u>6</u>
Total caseload	32	31	26	29	18	9
Cases closed procedurally	9	13	16	16	9	5
Cases closed based on merits	<u>9</u>	<u>12</u>	<u>8</u>	<u>1</u>	<u>6</u>	<u>4</u>
Total cases closed	18	25	24	17	15	9
Cases pending, end of year	14	6	2	12	3	0

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 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
49%	54%	61%	68%	65%	65%

The OGC has increased its FY 2014 target for this measure from 62 percent to 65 percent, based on actual performance in FY 2013.

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 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
31%	97%/100%	99%/100%	100%/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 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
N/A	95%	90%	86%	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 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
18%	31%	75%	100%	60%	60%

The Authority was without a quorum of Members to decide cases from January 2013 through November 2013. As a result, it will begin FY 2014 with a much larger number of pending cases than previously expected. As the full Authority attempts to issue the “oldest” pending cases in FY 2014, however, a number of other cases will likely go “overage” in the process. To take this situation into account, the Authority has reduced its FY 2014 target for this measure from 80 percent to 60 percent.

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

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 conduct a hearing to resolve disputed factual matters. The Regional Director then issues 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	2010	2011	2012	2013	2014 Est.	2015 Est.
Cases pending, start of year	104	102	82	70	62	62
Petitions filed	<u>278</u>	<u>267</u>	<u>271</u>	<u>240</u>	<u>240</u>	<u>240</u>
Total caseload	382	369	353	310	302	302
Petitions withdrawn	113	126	115	106	103	103
Cases closed based on merits	<u>167</u>	<u>161</u>	<u>168</u>	<u>142</u>	<u>137</u>	<u>137</u>
Total cases closed	280	287	283	248	240	240
Cases pending, end of year	102	82	70	62	62	62

Authority	2010	2011	2012	2013	2014 Est.	2015 Est.
Cases pending, start of year	5	6	6	0	9	9
Applications for review	<u>15</u>	<u>12</u>	<u>6</u>	<u>11</u>	<u>21</u>	<u>21</u>
Total caseload	20	18	12	11	30	30
Cases closed procedurally	1	0	0	1	6	6
Cases closed based on merits	<u>13</u>	<u>12</u>	<u>12</u>	<u>1</u>	<u>15</u>	<u>15</u>
Total cases closed	14	12	12	2	21	21
Cases pending, end of year	6	6	0	9	9	9

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 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
65%	60%	62%	60%	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 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
100%	100%	100%	100%	100%	100%

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	2010	2011	2012	2013	2014 Est.	2015 Est.
Cases pending, start of year	247	173	66	40	123	102
Exceptions filed	<u>134</u>	<u>110</u>	<u>107</u>	<u>124</u>	<u>72</u>	<u>72</u>
Total caseload	381	283	173	164	195	174
Cases closed procedurally	31	22	24	19	18	18
Cases closed based on merits	<u>177</u>	<u>195</u>	<u>109</u>	<u>22</u>	<u>75</u>	<u>75</u>
Total cases closed	208	217	133	41	93	93
Cases pending, end of year	173	66	40	123	102	81

Measure 3.1: The percentage of arbitration cases decided within 180 days of assignment to an Authority Member.					
Results				Targets	
FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
30%	33%	58%	91%	60%	60%

From January 2013 through November 2013, the Authority was without a quorum of Members to decide cases. As a result, it will begin FY 2014 with a much larger number of pending cases than previously expected. As the full Authority attempts to issue the “oldest” pending cases in FY 2014, however, a number of other cases will likely go “overage” in the process. To take this situation into account, the Authority has reduced its FY 2014 target for this measure from 80 percent to 60 percent.

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	2010	2011	2012	2013	2014 Est.	2015 Est.
Cases pending, start of year	39	22	15	8	9	45
Petitions filed	<u>52</u>	<u>39</u>	<u>45</u>	<u>30</u>	<u>57</u>	<u>57</u>
Total caseload	91	61	60	38	66	102
Cases closed procedurally	46	33	38	27	21	21
Cases closed based on merits	<u>23</u>	<u>13</u>	<u>14</u>	<u>2</u>	<u>0</u>	<u>0</u>
Total cases closed	69	46	52	29	21	21
Cases pending, end of year	22	15	8	9	45	81

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 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
17%	29%	50%	100%	60%	60%

The Authority was without a quorum of Members to decide cases from January 2013 through November 2013. As a result, it will begin FY 2014 with a much larger number of pending cases than previously expected. As the full Authority attempts to issue the “oldest” pending cases in FY 2014, however, a number of other cases will likely go “overage” in the process. To take this situation into account, the Authority has reduced its FY 2014 target for this measure from 80 percent to 60 percent.

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, but only after the previous attempts have failed.

FSIP	2010	2011	2012	2013	2014 Est.	2015 Est.
Cases pending, start of year	69	36	53	38	40	30
Impasses filed	<u>143</u>	<u>152</u>	<u>176</u>	<u>194</u>	<u>150</u>	<u>158</u>
Total caseload	212	188	229	232	190	188
Cases closed	<u>176</u>	<u>135</u>	<u>191</u>	<u>192</u>	<u>160</u>	<u>160</u>
Cases pending, end of year	36	53	38	40	30	28

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 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
N/A	64%	92%	95%	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 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
N/A	79%	86%	97%	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 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
N/A	65%	77%	87%	70%	70%

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

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 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
N/A	87%	97%	98%	95%	95%

The OGC has increased its FY 2014 target for this measure from 90 percent to 95 percent, based on actual performance in FY 2013.

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 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
N/A	88%	80%	78%	80%	80%

The OALJ has reduced its FY 2014 target for this measure from 85 percent to 80 percent, based on actual performance in FY 2013.

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 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
N/A	93%	91%	100%	95%	95%

The OGC has increased its FY 2014 target for this measure as well, based on actual performance in FY 2013, from 90 percent to 95 percent.

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 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
N/A	100%	N/A	100%	75%	80%

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 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
N/A	87%	100%	100%	90%	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 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
N/A	29%	32%	28%	30%	30%

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

Results				Targets	
FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
N/A	332	221	302	200	200

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

Results				Targets	
FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
N/A	11,975	8,933	5,976	6,000	6,000

Much of the demand for training, outreach, and facilitation activities in FY 2011 and FY 2012 was 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 are now well-established, the FLRA expects the focus of its training, outreach, and

facilitation services in FY 2014 and FY 2015 to be on supporting the successful operation of these forums and further developing the skills for a successful labor-management relationship.

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

The FLRA’s Case Management System (CMS) was implemented in FY 2011, and since that time, the agency has steadily built the capacity for eFiling) in all agency components, as well as development of a complete electronic case file. The FLRA has met its key milestones, and it is poised to have its customers maximize use of the eFiling system, significantly enhancing the quality of parties’ filings and reducing procedural deficiencies. In addition, the FLRA intends to fully implement an “end-to-end” electronic case file, streamlining the processing and handling of agency case files.

Measure 7.1: The percentage of cases filed electronically with the FLRA.	
Results	
FY 2010	Implemented the new Case Management System for all three FLRA components.
FY 2011	Began developing an eFiling solution. Completed development of customer registration and FSIP eFiling capability.
FY 2012	Completed development of Authority and OGC eFiling capability. Began testing eFiling capability with customers.
FY 2013	10%
Targets	
FY 2014	25%
FY 2015	50%

The FY 2014 target for this measure has been revised based on experience following the first full year in which eFiling was available to customers. Moving forward, consistent with integration of the CMS and eFiling systems, the FLRA will explore strategies for encouraging and increasing customer use of the system.

Measure 7.2: The percentage of cases processed electronically end-to-end.	
Results	
FY 2010	N/A
FY 2011	N/A
FY 2012	Enhanced the Case Management System to provide the structure that supports end-to-end electronic case processing.
FY 2013	Conducted a pilot program on end-to-end case processing.

Targets	
FY 2014	Migrate one FLRA component to end-to-end case processing.
FY 2015	Complete full integration of the CMS and eFiling systems, enabling end-to-end electronic case processing throughout the agency.

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 FLRA Labor-Management Forum, has continued to make major gains in terms of developing, managing, and utilizing human capital. Continued growth in the use 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 resulted in time and attendance recording and submission more accurate and efficient. Succession planning continues to be a major area of concern for the FLRA. Developmental details for attorneys allow for the individual development of those who participate, and also allow the agency to manage workloads, reduced staffing, and succession planning more strategically. The agency’s performance management and awards policies were revised, and the agency now assesses employee performance on a five-tiered scale rather than a pass-fail. The policy revisions have continued to make performance review more meaningful, and ensured that awards are distributed on the basis of merit. The FLRA is continually assessing the training needs of its workforce, focusing not only on mission-critical skills, but also on human capital and performance management development. The results from these assessments have played a role in targeting training funds to the areas employees and supervisors deem most in need of development.

Measure 8.1: Program managers ensure that the right employees are in the right place to achieve results.

Results	
FY 2010	Increased staffing levels in each program area; improved employee worklife balance through implementation of a robust telework program and video-conferencing, which reduces travel costs and time away from family; implemented an employee leadership developmental initiative in the OGC; and implemented a Student Temporary Employment Program. Also began human capital e-initiatives to improve hiring through the purchase of USAStaffing (an automated hiring system), which engages the hiring manager in all aspects of the hiring process, reduces time-to-hire metrics, and improves applicants’ Federal hiring experience.

<p>FY 2011</p>	<p>The FLRA continued to focus on employee engagement in FY 2011. Its Labor-Management Forum updated the Alternative Work Schedule policy, which increased flexibility within the program, began work on recognizing diversity through special emphasis programs, and initiated efforts to update employee awards programs. The agency also formed a joint labor-management workgroup to design a new Performance Management System for General Schedule employees for Office of Personnel Management (OPM) approval and agency implementation; an employee workgroup also designed and submitted to OPM for approval a revised Senior Executive Service (SES) appraisal system. Consistent with the Human Capital Strategic Plan, FLRA developed a training needs assessment, which will be used to create individual development plans to address areas needing skills improvement and to further increase mission-critical competencies. Additionally, the agency supported employee ideas, initiatives, and employee-focused programs, such as “Bring Your Child to Work” day, Public Service Recognition Week, a health benefits fair, and a blood drive. FLRA also initiated brown-bag programs and an educational series to inform and develop employees in a casual setting. Human capital e-initiatives continued with the successful implementation of USAStaffing, NBC’s DataMart reporting tool, and employee eOPFs.</p>
<p>FY 2012</p>	<p>Enhanced development offerings to include competency-based training, career-ladder developmental programs, and continuation of HR workshops and educational brown-bags. A Diversity and Inclusion Strategic Plan was launched to make the agency a more inclusive and inviting workplace for all of its employees. Hiring of summer student interns, in some cases using targeted minority hiring strategies, also increased the FLRA’s diversity. Developmental offerings were expanded to include attorney details within the FLRA.</p>
<p>FY 2013</p>	<p>Implemented a web-based T&A system to increase efficiency and accuracy of reporting. Obtained provisional certification of the FLRA’s SES Performance Management System. Established an ADR process for resolving performance issues. As a part of its strategic workforce planning efforts, continued employee development, including attorney details to other offices, ADR facilitator training, leadership development and other workforce training. Established a Student Pathways Policy for student internships, and partnered with the University of Maryland’s Federal Semester Program to offer unpaid internships to students.</p>
<p>Targets</p>	
<p>FY 2014</p>	<p>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.</p>
<p>FY 2015</p>	<p>Implement a fully automated and integrated system for personnel actions. Build internal capacity for handling the major human resources functional areas. Improve office customer service by improving the quality of advice provided to managers and employees and reducing employee response times</p>

	to general inquiries. Work with managers to increase diversity in targeted occupations.
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BUDGET JUSTIFICATION

FY 2015 APPROPRIATION LANGUAGE

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, [\$25,500,000] \$25,548,000: *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. (*Financial Services and General Government Appropriations Act, 2014.*)

APPROPRIATION REQUEST

The FLRA requests \$25,548,000 in FY 2015 to fund employee salaries and related operating expenses. The agency's FY 2015 request would fund 134 full-time equivalents (FTEs), the same level as in FY 2014.

(In thousands of dollars)

Program Activity	FY 2013 Actual	FY 2014 Estimate	FY 2015 Request	Change from FY 2014
Authority	\$12,771	\$13,696	\$13,704	\$8
Office of the General Counsel	9,876	10,909	10,915	6
Federal Service Impasses Panel	747	928	929	1
Direct Obligations	\$23,394	\$25,533	\$25,548	\$15
FTEs	120	134	134	0

Note: FY 2013 includes an across-the-board rescission of \$49,446 and sequester of \$1,243,715. The FY 2013 and FY 2014 estimates include \$31,000 and \$33,000, respectively, in carryover funding from the prior year.

The requested FY 2015 funding level incorporates printing and information technology (IT) cost-savings measures initiated over the past few years. The launch of the FLRA's modernized

website and continual enhancements to the site have allowed the agency to provide timely and accurate information to its customers – other federal agencies and federal unions – including FLRA decisions, legal guidance and memorandums, policy documents, and legal training and resources. Providing this information historically involved costly printing and publication costs, which have since been eliminated.

Furthermore, the requested FY 2015 funding level reflects a nearly 60 percent decrease in IT spending since FY 2010. 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 electronic case management and case filing systems. It also highlights the agency's successful efforts in long-term strategic IT planning.

The agency also places an emphasis on telework, and it seeks to consolidate space wherever possible in an effort to reduce operating costs. 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." Consistent with the growing participation in the FLRA telework program, the agency intends to reduce the size of its Headquarters by approximately 12,000 square feet by the end of FY 2014. Despite reducing its overall space footprint, however, no savings is expected, as the Washington, DC market rate continues to rise.

CHANGE FROM FY 2014

The FY 2015 request includes an increase of \$294,000 over FY 2014 to provide for one percent employee pay raises in January 2014 and January 2015, and to cover the agency's ongoing transition to the Federal Employees Retirement System (FERS). Additional FY 2015 personnel costs have been virtually offset, however, by \$196,000 in anticipated savings from backfilling vacant positions over the next two years at lower levels. An additional \$83,000 in savings is expected from terminating the FLRA's current contract for administrative support services. The net increase over FY 2014, therefore, is only \$15,000.

It is also 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 other FY 2015 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 Office of the General Counsel (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 four 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, would be significantly hampered if forced to absorb a reduction in funding in FY 2015.

Unfair Labor Practice (ULP) filings have increased by 30 percent in the OGC since FY 2008. The many management changes that have resulted from passage of the Budget Control Act and President Obama's efforts to reorganize the federal government have been accompanied by an increased incidence of bargaining obligations, which has resulted in parties filing more ULP charges. A reduction in funding in the OGC would likely result in delays or denials of the office's ability to timely and effectively resolve labor-management relations disputes.

In addition, OGC agents are directly involved in providing parties with alternative dispute resolution (ADR) and educational services. These functions play a key role in resolving cases timely, as well as preventing and reducing future disputes. The OGC's ability to provide these services would be hampered by a loss in funding, given the already small number of agents available to provide these important services.

Since FY 2008, there has also been a 75 percent increase in the number of requests for assistance from the Federal Service Impasses Panel (FSIP or the Panel). The trend accelerated in FY 2013, as the Panel received over 40 requests for assistance over the impact and implementation of administrative furloughs due to sequestration, in addition to its normal caseload. A reduction in funding in the FSIP would severely inhibit its ability to react quickly to disputes where delay can be costly, and require the Panel to decline invitations to provide vitally necessary training to its customers.

In certain types of cases, such as office relocations, a delay in processing times can have immediate economic effects on agencies and taxpayers, such as having to pay rent at two locations while waiting for the Panel to resolve the impasse. In another large category of cases, the Panel is obligated under the Federal Employees Flexible and Compressed Work Schedules Act (the Act) to resolve impasses over the termination of alternative work schedules within 60 calendar days. A reduction in funding in the FSIP would mean delays in resolving other cases while the Panel strives to meet the Act's 60-day mandate. 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.

Furthermore, the Collaboration and Alternative Dispute Resolution Office (CADRO) has increased its involvement in arbitration cases in FY 2014, and assumed settlement judge duties for the Office of the Administrative Law Judges (OALJ). With respect to the former, the CADRO has become more active in arbitration cases – previously the office only contacted parties in arbitration cases where they affirmatively asserted an interest in CADRO services. The office now contacts parties in every arbitration case, as it does in negotiability cases. As

with negotiability cases, this will 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.

OALJ settlement judge responsibilities transitioned to the CADRO in FY 2013, aligning an important aspect of the agency's ADR work within one office. The CADRO is now 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. Transitioning the settlement judge position to the CADRO requires additional staff for drafting OALJ decisions – duties that the settlement judge previously performed – and accordingly, the FLRA intends to establish a new entry-level attorney position in the OALJ in FY 2014. The position will be responsible for drafting OALJ decisions only, similar to attorneys on the Authority Members' staffs. The agency's increased involvement of the CADRO in arbitration cases will need to be reassessed, if funding to sustain the initiative was not provided in FY 2015.

The FY 2015 requested level includes an additional \$203,000 to cover statutory pay raises of one percent in both FY 2014 and FY 2015. Furthermore, FLRA benefit costs, as a percentage of compensation, continue to rise as the percentage of the agency's workforce under the 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 \$91,000 in FY 2015, including the scheduled increase in agency contributions. As previously mentioned, these additional FY 2015 compensation and benefit costs have been virtually offset by \$196,000 in expected savings from backfilling future vacancies at lower levels.

Contractual Services

The demands for basic administrative services continue to grow along with the FLRA's increased delivery of services, training, and facilitation. The agency intends to convert its current contract for administrative services to a new entry-level support services specialist position in FY 2014. The position will provide support across all offices and, accordingly, will be more appropriately integrated into the agency's long-term staffing plan. The additional salary and benefit costs are expected to be offset by \$83,000 in FY 2015 by terminating the FLRA's current contract for administrative support services.

Without the funding to sustain the new position in FY 2015, however, mission employees would be forced to assume the requirements of the position themselves. Furthermore, the FLRA intends to consolidate its Headquarters office space from three to two floors by the end of FY 2014. Moving furniture and files internally would likely require contractual moving services, potentially negating any further savings from eliminating the full-time support services position.

PROGRAM AND FINANCING SCHEDULE

(In thousands of dollars)

	FY 2013 Actual	FY 2014 Estimate	FY 2015 Request
Obligations by program activity:			
Authority	\$12,799	\$13,721	\$13,704
Office of the General Counsel	9,898	10,979	10,915
Federal Service Impasses Panel	<u>747</u>	<u>933</u>	<u>929</u>
Total new obligations	23,444	25,633	25,548
Budgetary resources:			
Unobligated balance:			
Nonexpenditure transfers:			
Unobligated balance transfers between expired and unexpired accounts	31	33	0
Budget authority:			
Appropriations, discretionary:			
Appropriation	24,723	25,500	25,548
Appropriation permanently reduced	(1,293)	0	0
Spending authority from offsetting collections (gross)	<u>50</u>	<u>100</u>	<u>0</u>
Total budgetary resources available	23,511	25,633	25,548
Change in obligated balance:			
Unpaid obligations:			
Unpaid obligations, brought forward, Oct. 1	2,693	2,588	2,588
Obligations incurred, unexpired accounts	23,444	25,633	25,548
Outlays (gross)	(23,320)	(25,633)	(25,548)
Recoveries of prior-year unpaid obligations, expired	<u>(229)</u>	<u>0</u>	<u>0</u>
Unpaid obligations, end of year	2,588	2,588	2,588
Budget authority and outlays, net:			
Discretionary:			
Budget authority, gross	23,477	25,633	25,548
Outlays, gross:			
Outlays from new discretionary authority	21,086	23,070	22,993
Outlays from discretionary balances	<u>2,234</u>	<u>2,563</u>	<u>2,555</u>
Outlays, gross (total)	23,320	25,633	25,548
Budget authority, net (total)	23,430	25,533	25,548
Outlays, net (total)	\$23,262	25,533	25,548

OBJECT CLASSIFICATION SCHEDULE

(In Thousands of dollars)

	FY 2013 Actual	FY 2014 Estimate	FY 2015 Request
Direct obligations:			
Personnel compensation:			
Full-time permanent	\$13,358	\$14,767	\$14,796
Other than full-time permanent	579	840	848
Other personnel compensation	<u>4</u>	<u>232</u>	<u>236</u>
Total personnel compensation	13,941	15,839	15,880
Civilian personnel benefits	3,791	4,388	4,445
Benefits for former personnel	1	0	0
Travel and transportation of persons	185	220	220
Transportation of things	11	11	11
Rental payments to GSA	2,555	2,664	2,664
Rental payments to others	9	19	19
Communications, utilities, and misc. charges	378	357	357
Printing and reproduction	8	11	11
Other services from non-federal sources	1,018	650	567
Other goods and services from federal sources	1,067	966	966
Operation and maintenance of facilities	4	5	5
Operation and maintenance of equipment	102	146	146
Supplies and materials	86	102	102
Equipment	<u>238</u>	<u>155</u>	<u>155</u>
Direct obligations	23,394	25,533	25,548
Reimbursable obligations:			
Total personnel compensation	23	0	
Travel and transportation of persons	<u>27</u>	<u>100</u>	<u>0</u>
Reimbursable obligations	<u>50</u>	<u>100</u>	<u>0</u>
Total new obligations	\$23,444	\$25,633	\$25,548

EMPLOYMENT SUMMARY SCHEDULE

	FY 2013 Actual	FY 2014 Estimate	FY 2015 Request
Direct civilian full-time equivalent employment	120	134	134

INSPECTOR GENERAL RESOURCES

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 2015 funding request includes \$416,000 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 2015.



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

INSPECTOR GENERAL

July 12, 2013

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 2015:

- The aggregate budget request for the operations of the OIG is \$415,700.
- The portion of this amount needed for OIG training is \$5,000, and
- The portion of this amount needed to support the CIGIE is \$1,200.

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 2015.



Inspector General
Federal Labor Relations Authority

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