



U.S. FEDERAL LABOR RELATIONS AUTHORITY

*Promoting and protecting labor-management relations for
effective, efficient Government.*



ANNUAL PERFORMANCE REPORT



2019



FLRA.GOV



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MESSAGE FROM THE CHAIRMAN



I am pleased to submit the 2019 Annual Performance Report (APR) for the Federal Labor Relations Authority (FLRA). Although this has been a challenging year with a key leadership vacancy remaining, it was also another successful and productive year.

FLRA, in one small agency, serves as investigator, prosecutor, adjudicator, and interest arbitrator for labor-management disputes involving 1.2 million Federal employees worldwide. The agency is committed to fostering an efficient and effective Federal Government, providing leadership in establishing policies and guidance related to federal-sector labor-management relations, and ensuring compliance with the Federal Service Labor-Management Relations Statute (the Statute), which it enforces.

In fiscal year (FY) 2019, FLRA transitioned to the Strategic Plan put in place for 2018-2022. In the Strategic Plan, we reaffirmed our commitment to chart the course of federal-sector labor-management relations through impartial, clear, and timely actions based on the Statute. We also renewed our focus on the legislative foundation enabling FLRA to serve as a responsible leader in this arena. In addition, FLRA began implementing the new and expanded performance measures set out in the Annual Performance Plan in the FY 2020 Congressional Budget Justification.

With respect to mission performance, 2019 was another strong year for FLRA, particularly given staffing and budget challenges. The Authority issued a total of 92 merits decisions. Staff shortages during much of the year made it difficult to reduce the backlog of pending cases. As the Authority worked to clear its oldest cases, many of the decisions the Agency issued in 2019 were already “overage.” As a result, the Authority missed some of its 2019 targets.

As part of FLRA’s commitment to providing clear, understandable guidance to its customers, the Authority launched its initiative to publish case-summary digests online. The Authority intends for these summaries to be a valuable tool for researchers and members of the Federal labor-management community to allow them to more quickly and efficiently identify decisions of interest to them.

In 2019, the Federal Service Impasses Panel (the FSIP) received 77 filings (approximately six new filings per month). The FSIP exceeded most of its timeliness measures for assisting parties in resolving negotiation impasses.

FLRA has been without a presidentially-nominated, Senate-confirmed General Counsel (GC) since January 20, 2017. Despite the challenges this vacancy created, the Office of General Counsel (OGC) delivered strong results in 2019. Without a GC, no unfair labor practice (ULP) complaints could issue. Nevertheless, the OGC exceeded its strategic performance goals for the timely resolution of ULP cases, resolving nearly 90 percent of such cases by withdrawal, dismissal, or settlement of the ULP charge within 120 days of the charge’s filing date. It also exceeded its performance goals for timely resolution of representation cases, resolving 82

percent of representation petitions by withdrawal, election, or issuance of a Decision and Order within 120 days of filing.

The Agency continues to make tremendous strides toward advancing our new and improved case management system to allow for integration with our Document Management System and our new eFiling 3.0.

FLRA's many successes and accomplishments could not have been achieved without the extraordinary efforts of our dedicated, diverse, and talented workforce who continue to deliver for our stakeholders and the American people. I look forward to working with all the employees of FLRA, my fellow Authority Members, and our stakeholders to continue providing high quality products and service to the labor-management relations community and federal agencies as we do our part in promoting an effective and efficient government.



Colleen Duffy Kiko, Chairman
Federal Labor Relations Authority
January 10, 2020

MANAGEMENT'S DISCUSSION AND ANALYSIS

Background and Mission

The FLRA is an independent administrative Federal Agency created by Title VII of the Civil Service Reform Act of 1978, also known as the Federal Service Labor-Management Relations Statute (the [Statute](#)), 5 U.S.C. §§ 7101-7135. The Statute prescribes certain rights and obligations to employees of the Federal Government and establishes procedures designed to meet the special requirements and needs of the Government. *Id.* § 7101(b). The provisions of the Statute are to be interpreted in a manner consistent with the requirement of an effective and efficient Government. *Id.*

FLRA applied its Federal-sector expertise to execute its mission primarily by carrying out the following statutory responsibilities:

1. Conduct hearings and resolve complaints of unfair labor practices (ULPs) under § 7118 of the Statute. *Id.* § 7105(a)(2)(G). FLRA is responsible for investigating, prosecuting, and adjudicating claims that an Agency or a labor organization has failed to uphold its legal obligations under the Statute.
2. Determine the appropriateness of units for labor-organization representation under the Statute, and supervise or conduct elections to determine whether a labor organization has been selected as an exclusive representative by a majority of employees in an appropriate unit. *Id.* § 7105(a)(2)(A). FLRA also resolves disputes about which employees may be included in bargaining units under the Statute. *Id.* § 7105(a)(2)(B).
3. Resolve exceptions to grievance-arbitration awards under § 7122 of the Statute. *Id.* § 7105(a)(2)(H). FLRA adjudicates appeals – known as exceptions – to arbitration awards that result from grievances filed by employees, labor organizations, or agencies under parties' negotiated grievance procedures. FLRA reviews those awards to assess whether they are contrary to any law, rule, or regulation, or are deficient on other grounds similar to those applied by Federal courts in private-sector labor-management disputes.
4. Resolve issues relating to the duty to bargain in good faith under § 7117(c) of the Statute. *Id.* § 7105(a)(2)(E). FLRA resolves negotiability disputes that arise during bargaining under two circumstances – when an Agency claims that a contract proposal is outside the duty to bargain and when an Agency head disapproves a negotiated agreement claiming that it contains provisions that are contrary to law, rule, or regulation.
5. Provide assistance in resolving negotiation impasses between Federal agencies and exclusive representatives. *Id.* § 7119.

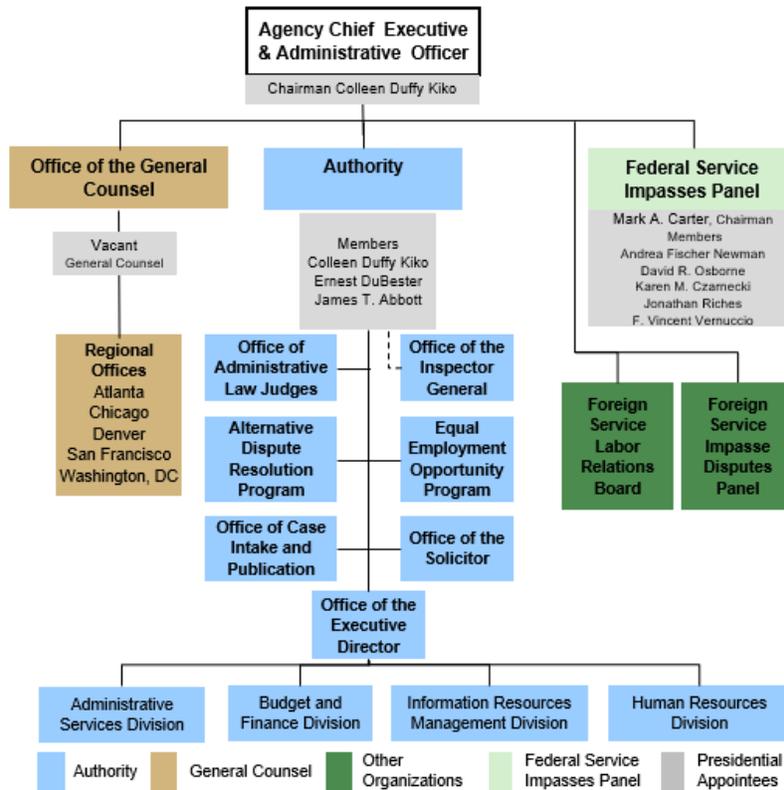
In addition, Congress directed FLRA to prescribe criteria and resolve issues relating to the granting of national consultation rights under § 7113 of the Statute; prescribe criteria and resolve issues relating to determining compelling need for Agency rules or regulations under § 7117(b) of the Statute; prescribe criteria relating to the granting of consultation rights with respect to

conditions of employment under § 7117(d) of the Statute; and take such other actions as are necessary and appropriate to effectively administer the provisions of the Statute.

Moreover, FLRA is to “provide leadership in establishing policies and guidance” related to matters under the Statute. *Id.* § 7105(a)(1). FLRA satisfies this directive primarily through its written determinations, but also by offering training and other services.

Organizational Structure

Headquartered in Washington, D.C., FLRA has three statutory components – the Authority, the Office of the General Counsel (OGC), and the Federal Service Impasses Panel (the FSIP or the Panel) – each with unique adjudicative or prosecutorial roles. The Agency also provides full program and staff support to two other organizations – the Foreign Service Labor Relations Board and the Foreign Service Impasse Disputes Panel, pursuant to the Foreign Service Act of 1980, 22 U.S.C. §§ 4101-4118.



Chief Executive and Administrative Officer

The President of the United States designates one Member as Chairman who serves as FLRA’s chief executive and administrative officer. 5 U.S.C. § 7104(b).

The Authority

The Authority – FLRA’s adjudicatory body – is led by three full-time, presidentially nominated and Senate-confirmed Members who are appointed to fixed, staggered five-year terms.

The Authority is responsible for adjudicating ULP complaints, ruling on exceptions to arbitrators’ awards, resolving disputes over the negotiability of collective-bargaining proposals and provisions, and deciding applications for review of Regional Directors’ decisions in representation disputes. The Authority Members appoint Administrative Law Judges (ALJs) to hear and prepare recommended decisions that may be appealed to the Authority in cases involving ULP complaints.

Other offices and programs under the jurisdiction of the Authority include the Office of the Solicitor, the Office of Administrative Law Judges (OALJ), the Office of Case Intake and Publication (CIP), the Alternative Dispute Resolution Program, and the Equal Employment Opportunity Program. Standing as an independent entity within the Authority is the Office of Inspector General.

The Office of the General Counsel

The Office of the General Counsel (OGC) is led by a presidentially nominated and Senate-confirmed General Counsel who has direct authority over, and responsibility for, all employees in the OGC, including those in FLRA’s Regional Offices.

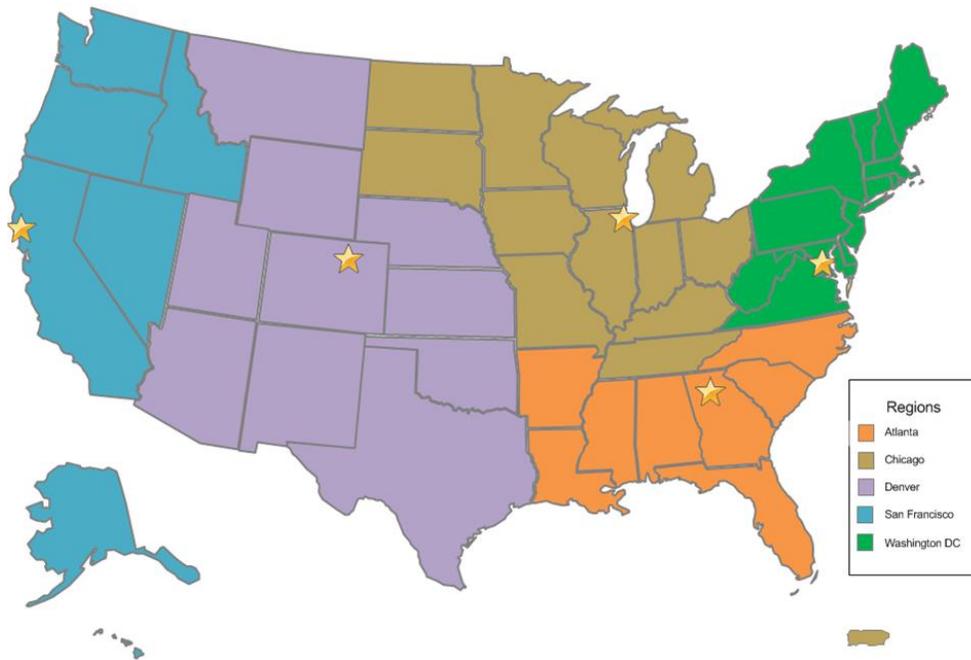
Under the Statute, the General Counsel has sole responsibility – independent of the Authority – over the investigation and prosecution of ULP cases. The General Counsel’s determinations in these matters are final and unreviewable. The OGC investigates and resolves ULP charges, files and prosecutes ULP complaints, and provides training, as appropriate. In addition, through delegation by the Authority, the Regional Offices investigate and resolve representation (REP) cases and conduct secret-ballot elections.

An external challenge beyond FLRA’s control is the absence of a presidentially appointed, Senate-confirmed General Counsel (GC). Absent a GC throughout 2019, no ULP complaints or ULP appeal decisions have issued. In the absence of a GC, the Regional Offices may investigate ULP charges and dismiss those found to lack merit, but for those cases the Regional Director recommends that a complaint be issued, no complaint can issue – preventing the complaint from moving forward to a merits hearing before an ALJ. In addition, only the GC can decide appeals from a Regional Director’s dismissal of a charge.

The General Counsel has a small staff at FLRA Headquarters, located in Washington, D.C. Headquarters management provides administrative oversight; develops policies, guidance, procedures, and manuals that provide programmatic direction for the Regional Offices and training and education for the parties; and processes appeals from the Regional Offices’ dismissals of ULP charges. Each Regional Office is headed by a Regional Director who provides leadership and management expertise for the respective region. Collectively, the

Regional Directors work with senior management throughout FLRA to develop and implement policy and strategic initiatives to accomplish the FLRA mission.

With the closure of the Dallas Regional Office on September 30, 2018, and the Boston Regional Office on November 30, 2018, in accordance with the Agency Reform Plan, there are five Regional Offices in Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; San Francisco, California; and Washington, D.C.



The Federal Service Impasses Panel

The FSIP is composed of part-time Presidential appointees – a Chairman and other Members – who are appointed to fixed, staggered five-year terms. The FSIP provides assistance in resolving negotiation impasses between Federal agencies and labor organizations representing Federal employees that arise from collective-bargaining negotiations under the Statute and the Federal Employees Flexible and Compressed Work Schedules Act.

Strategic and Performance-Planning Framework

FLRA established strategies and goals designed to maximize the delivery of Agency services throughout the Federal Government through a comprehensive review – by leadership at all levels throughout the Agency – of its operations, staffing, work processes, resource allocations, and performance. Throughout 2019, FLRA engaged in a continuous assessment of performance and other data to ensure that it accomplished its mission effectively and efficiently, and that it promoted innovation throughout the Agency.

FLRA’s fiscal year 2019 performance-planning framework was initially based on the Agency’s 2019 Annual Performance Plan, which established the Agency’s annual performance goals and measures. The Annual Performance Plan reflects the Agency’s commitment to meaningful metrics to assist in assessing performance outcomes, aligning resources, and effectively identifying staffing and training needs. The 2019 Annual Performance Plan, as set forth in the 2019 Congressional Budget Justification, was developed in 2018 to implement the 2015-2018 Strategic Plan.

However, in 2018, FLRA also issued its new 2018-2022 Strategic Plan, which revised some of the strategic objectives. In 2019, when FLRA prepared its Annual Plan for 2020, the Agency developed new performance measures based on the 2018-2022 Strategic Plan. These measures will take full effect in 2020, but the Annual Performance Plan in the Congressional Budget Justification for 2020 included performance measures for 2019. **NOTE:** This report shows the FLRA’s 2019 performance as measured against the new strategic plan and the 2019 measures contained in the 2020 Annual Performance Plan.

2018-2022 Strategic Plan

The 2018-2022 Strategic Plan established strategies and goals designed to maximize the delivery of Agency services throughout the Federal Government. In addition, FLRA identified performance goals that allowed the Agency to both monitor progress towards achieving its strategic goals and to recalibrate strategies, as necessary, for maximum mission performance. This continued FLRA’s increased focus on targeted data collection and data-driven leadership and decision-making. In developing the strategic plan, FLRA referenced evidence-based performance and resource trends. Data collected was intended to measure progress against this strategic plan and overall mission performance and effectiveness.

FLRA’s vision, which drives achievement of its mission, is: *Charting the course of Federal-sector labor-management relations through impartial, clear, and timely actions by dedicated and accountable employees.* Three strategic goals, each supported by several strategic objectives, guide FLRA’s pursuit of its vision and achievement of its mission.

FLRA developed this strategic plan against a canvas of strengths and challenges that can affect overall mission delivery. The source of FLRA’s internal strengths is its skilled workforce guided by the Agency’s values of transparency and accountability, along with its increasing focus on the innovative use of information technology (IT) and data-driven analysis. Challenges arise from

budget uncertainty and Presidential-appointee vacancies. The goals and objectives in this plan support FLRA's mission in light of these strengths and challenges. FLRA sought to achieve its strategic goals primarily through the timely, high-quality, and impartial review and disposition of cases. The Agency supplemented these efforts with a focus on reducing litigation and its attendant costs by helping parties to resolve their own disputes through improved labor-management relationships. Further supporting these efforts in 2019 was FLRA's continued focus on more effective and efficient use of human capital and internal improvements in IT.

Performance Overview

Strategic Goal 1 – We will ensure quality, timely, impartial, and consistent investigative and decision-making processes with determinations that are clearly articulated

Continued improvements in the timeliness of case disposition further FLRA's critical role in facilitating orderly, effective, and efficient change within the Federal Government. In large part, FLRA exists to promote effective labor-management relations that, in turn, permit improved employee performance and Government operations. Timely resolution of FLRA cases is critical to this endeavor. Effective case resolution includes quality issues: effective process execution; clear communication with the parties around case processes; and the issuance of well-written and understandable decisions that provide deliberate, impartial, and legally sound analyses and consideration of the issues in dispute.

With respect to mission accomplishment, FLRA as a whole has shown tremendous ability to provide its customers with timely and quality adjudication, while adapting to fluctuations in the number of case filings that it receives and staffing changes. In 2019, FLRA met or exceeded many mission-related performance goals, as it did in 2018.

- **Authority**

Consistent with the Strategic Plan, the Authority changed its performance measures in 2019 to measure case age based on the date of filing, rather than the date a case is assigned to a Member office for decision. This determination led the Authority to decide to predominantly focus its efforts on issuing decisions on the oldest cases in its inventory.

However, in early 2019, significant staff turnover (11 attorneys or 61 percent) dramatically reduced the Authority's ability to process cases. During that time (August 2018-June 2019), an average of 8 merits decisions a month were issued. In contrast, in 2018, the Authority averaged approximately 12 merits decisions a month.

As the Authority worked to clear its oldest cases, many of the decisions the Agency issued in 2019 were already "overage." This resulted in the Authority missing some of its 2019 targets. In only 37 percent (32/87 cases) of arbitration cases did the Authority meet its case-processing target of 210 days.

The Authority's concerted effort to clear the oldest cases in its inventory by the end of 2019 is reflected in its performance meeting its outer targets. For example, in 75 percent (6/8) of ULP cases and 83 percent (30/36) of negotiability cases the Authority met its 300-day target. And in 92 percent (33/36) of negotiability cases, 88 percent (7/8) of ULP cases, and 84 percent (73/87) of arbitration cases it met its outer 365-day target.

Further, the Authority continues to meet the statutory requirement to determine whether to grant review in 100 percent of representation cases within 60 days of filing of an application for review from a Regional Director's determination. Where the Authority has granted applications for review, it met its 210-day target in 75 percent (6/8) of cases and met its outer 365-day target in 88 percent (7/8) of cases.

In short, staff vacancies during much of the year have made it difficult to reduce the backlog of pending cases, and the Authority is currently focusing its efforts on processing the oldest cases in inventory. With a growing number of staff now on board, the Authority expects to eliminate, or significantly reduce, the backlog in 2020.

- **Authority – OALJ**

The OALJ, also part of the Authority, completed all of its remaining ULP cases (remands) and continued performing work for other agencies on a reimbursable basis through the ALJ Loan Program. In addition, to support the Authority due to attrition and staff reductions, the OALJ helped draft decisions in accordance with regulations on matters other than ULP cases. Because there was no Presidentially nominated and Senate-confirmed General Counsel in 2019, there were no new filed ULP complaints with the OALJ.

- **OGC**

FLRA has been without a presidentially-nominated, Senate-confirmed General Counsel since January 20, 2017. Because the General Counsel's position is subject to the Federal Vacancies Reform Act (Vacancies Act), the career Deputy General Counsel served as Acting General Counsel from that date until November 16, 2017, the statutory maximum under the Vacancies Act. In the absence of a General Counsel, the OGC's Regional Directors may investigate ULP charges and dismiss those found to lack merit, but they cannot issue ULP complaints in cases in which they find merit, a power reserved by the Statute exclusively to the General Counsel. In addition, only the General Counsel can decide appeals of a Regional Director's dismissal of a ULP charge.

Despite these challenges, the OGC continued delivering strong results in 2019. The OGC exceeded its strategic performance goals for the timely resolution of ULP cases, resolving 88 percent (or 1,867 of 2,134) of ULP cases by the withdrawal, dismissal or settlement of the ULP charge, within 120 days of the charge's filing date. It also exceeded its performance goals for timely resolution of representation cases, resolving 77 percent (or 205 of 266) of representation petitions by withdrawal, election or issuance of a Decision and Order within 120 days of filing.

The OGC has also continued to resolve cases through voluntary settlement during the investigative process. The OGC has the largest case intake among all FLRA components, and is FLRA component with which the parties have the most direct contact. The beneficial effects of voluntary resolutions are obvious, and they advance the effective and efficient utilization of Government resources.

In 2019, the OGC resolved over 385 ULP cases by voluntary settlement during the investigative process. The OGC also used its resources to facilitate resolution of complex representation petitions. For example, in response to a representation petition seeking clarification of 80 positions, an OGC attorney met with the parties telephonically several times, pursuant to section 2422.13(b) of the Authority's regulations, and resolved the status of 79 positions. The OGC attorney assisted the parties in drafting stipulations to reflect these agreements, resulting in only one position remaining in dispute. By working cooperatively with the parties, the OGC was able to narrow the issues in dispute quickly and effectively.

- **FSIP**

President Trump appointed the most recent Panel in July 2017, with two reappointments in May 2019. Although in previous years the Panel received an average of 140 assistance requests each year (averaging close to 11 new filings per month), in 2019 the Panel received only 77 new filings (an average of six new filings each month).

Beginning with the issuance of President Trump's Executive Orders in May 2018 regarding timely and effective resolution of collective bargaining (E.O. 13836), case filings have begun to increase from a low of four new cases per month in October 2018 to an average of 6-7 new cases in September 2019 (Note: In May 2019, case filing jumped to 10 new cases).

In 2019, the FSIP exceeded most of its timeliness measures for assisting parties in resolving their negotiation impasses. Specifically, it issued decisions to decline jurisdiction on cases not appropriately before the Panel within 140 days of the filing date in 90 percent (10/11) of the cases. It assisted the parties in achieving voluntary settlement within 160 days of the filing date in 100 percent (15/15) of cases. And, it issued its final order within 200 days of the filing date in 100 percent (24/24) of cases.

While the number of cases decreased, the complexity of issues involved in the impasses have become more complex and the interest of the parties to voluntarily resolve the impasse has decreased, resulting in the need for the Panel to issue final orders to resolve the impasse. For example, in 2017, the Panel issued a final order in 12 cases, which was 10 percent of the cases filed. In 2019, the number of cases where the Panel issued a final decision doubled to 24 cases – 33 percent of the cases resolved.

Strategic Goal 2 – We will develop and provide tools and resources to enable the parties to effectively and efficiently resolve their labor-relations disputes and improve their labor-management relationships

FLRA speaks first through its decisions. Consistent with the President’s Management Agenda, the Agency emphasized Improving the Customer Experience by providing more meaningful information to parties about case-processing timelines. For example, starting in 2019, the Authority began measuring case age starting from the date that the case is filed until the date that a decision is issued. In addition, the Agency began reporting “average ages” of closed cases within all FLRA components and offices, which will provide the parties with the average amount of time that it takes to process each case type. Making all of this information available to the parties will help them reach better, more informed decisions regarding their litigation options. It also provides them with more realistic expectations around case processing.

FLRA also provides valuable education and training tools to the Federal labor-management-relations community in all aspects of its case law and processes. Providing meaningful and clear guidance on statutory rights and responsibilities so that its customers are knowledgeable furthers timely and efficient case processing and is an important function of FLRA under the Statute. FLRA delivers its educational materials through a variety of means, such as: in-person training sessions; web-based training modules; and case outlines, manuals, and subject-matter guides that are easily accessible on www.flra.gov.

In 2019, FLRA, as a whole, provided over 95 training sessions to nearly 5,000 participants. The Authority, the OGC, and the FSIP provided in-person case-law updates and training at several nationwide, annual conferences. These sessions included presentations of newly prepared materials of current relevance, as well as updated materials for more standard sessions. The OGC consistently provided statutory training courses across the country.

However, these numbers are significantly lower than in prior years. For example, in 2016 and 2017, FLRA conducted 280 and 273 training, outreach, and facilitation activities, respectively. In 2018, FLRA conducted only 124. Due to staffing challenges, the Authority limited its external training offerings in 2019 to ensure that all available staff was working to process cases. Similarly, the number of participants reached through these activities has decreased from over 8,000 in 2015 through 2017 to 4,289 in 2018, but increased to 4,807 in 2019. In 2020, FLRA plans to increase customer engagement by, among other things, offering more training sessions to parties appearing before the Authority and reaching more participants through newly-developed online training and greater use of social media.

Many of the trainings FLRA provided in 2019 were “Case Law Updates,” to provide training on topics where the case law has been changing. For example, the Authority presented training on management rights and procedural arbitrability. During 2019, the Authority also began publishing case-summary “digests” to provide additional, easy-to-understand guidance to its customers.

In addition, due to budget uncertainty, the OGC scaled back its provision of training that required FLRA-funded travel. Consistent with the 2018-2022 Strategic Plan, FLRA is

developing creative ways to provide educational material in new, innovative, and more cost-effective ways that allow for wider reach and less travel. In 2020 and 2021, FLRA will develop training videos that anyone can easily access from the Agency website. FLRA is also exploring options to live stream training sessions. Moreover, the Authority and the OGC will continue to update online educational tools, including guides and manuals.

In order to serve its customers and fulfill its statutory obligation to expedite negotiability appeals to the extent practicable, the Authority signed a memorandum of understanding (MOU) with the Federal Mediation and Conciliation Service (FMCS) creating a new pilot procedure for resolving negotiability appeals at no cost to the parties. Under its terms, FMCS developed a unique cadre of mediators, who received specialized training from the Authority, to assist the parties in the resolution of negotiability appeals through mediation. Under the pilot program, before a negotiability appeal is considered by the Authority's Members for a decision, the Authority may refer such appeals to FMCS, either on the Authority's own initiative or based upon a request from the parties. The negotiability-appeal-mediation procedure is expected to take between 30 and 60 days.

Strategic Goal 3 – We will manage our resources effectively and efficiently, and recognize that our dedicated workforce is critical to the prevention and resolution of labor-relations disputes

Information Technology Modernization

Consistent with the President's Management Agenda (PMA) Cross-Agency Priority Goal 1, *Modernize IT to Increase Productivity and Security*, and the Agency's strategic plan, FLRA continued its ongoing efforts to expand its IT capabilities to enhance mission performance by improving the quality and effectiveness of its internal- and external-customer-facing services – including increased use of cloud-based solutions, such as email, Case Management, and Document Management.

In 2019, FLRA continued to execute its multi-year, four-phase plan to achieve its long-term goal of implementing end-to-end electronic case files throughout the Agency and complying with OMB mandates.

1. Phase 1 was implementation of upgraded eFiling 3.0. Addressing customer feedback, and after refining its approach, the Agency launched a more user-friendly and intuitive user interface that is built on a new, cloud-based technical platform that will better support the Agency's long-term needs. This was completed in 2018.
2. Phase 2 is to provide a similar, more user-friendly and intuitive user interface for the Agency's internal electronic Case Management System (CMS). Phase 2 also includes implementation of an Agency-wide Document Management System (DMS) – an electronic, cloud-based “filing cabinet” that provides a framework for organizing digital and paper documents. The DMS also provides the necessary storage capacity and IT platform for the eventual integration of eFiling, CMS, and DMS. The Agency has already implemented the DMS, and in 2019 initiated the first pilot of the CMS with the Authority component. The Agency expects to complete development for the Office of

General Counsel in 2020 and to fully implement the new CMS across all components by the end of calendar-year 2021.

3. Phase 3 is the integration of the automated connection between eFiling, CMS, and DMS, which is currently underway, with completion anticipated by the end of 2021.
4. Phase 4 is the transition to 100 percent electronic case files throughout the Agency, with a goal of September 30, 2022, for completion. Also, in 2019 the Agency continued to maintain its lifecycle for Agency computer hardware, completing an Agency refresh of all laptops and specific data center hardware.

The Agency has relied on an agile development approach, both in how the systems are developed and with how the project is funded. As such, timelines associated with the four-phase plan have shifted over time, but the Agency still remains within target, and its overall costs are well *below* industry standards for similar undertakings. Further, despite the evolving nature of the approach, the goal and the results have remained the same: implementation of fully electronic case files throughout the Agency to enable FLRA to increase its overall efficiency and effectiveness.

Successful achievement of this goal will enable implementation of additional external and internal case-processing improvements that will further maximize the use of technology and eliminate many of the labor-intensive, manual case processes that are currently in place. These case-processing improvements include: reducing the time and expense that FLRA staff spends copying, scanning, mailing, and entering data; eliminating outdated facsimile service; reducing U.S. Mail costs by implementing electronic service of case-related documents by FLRA on the parties; reducing or eliminating Fed Ex costs for transferring paper case files between FLRA components; implementing a pilot program that would mandate FLRA parties to file all case-related documents electronically, and eventually mandating eFiling for all FLRA case filings. The greatest benefit will be the ability to redirect staff hours currently used to perform manual administrative tasks to perform other mission-critical functions.

In addition, FLRA continues to embrace its “cloud-first” approach. All of the Agency’s major technical components – email, DMS, CMS, and eFiling – are hosted in the cloud. FLRA is planning to move its Video Conferencing (VTC) system to the cloud in 2020 and Voice over Internet Protocol (VoIP) in 2021.

People: Developing A Workforce for the 21st Century

The mission accomplishments cited above are particularly noteworthy because, in 2019, FLRA has operated with as many as 16 vacant positions – well below its estimated 125 FTEs.

In order to improve performance management, the Agency is currently working with the Office of Personnel Management’s (OPM) to implement the USA Performance automated performance-management system in 2020. Automating the performance-management process using a tool that is compliant with all Federal performance-management regulations and OPM recommendations will assist Agency managers – and the Agency as a whole – in increasing performance accountability. FLRA also completed a review of its performance-management

systems and individual employee performance plans for alignment with the Strategic Plan, and Agency leadership is evaluating recommended revisions of performance plans to pilot in 2020.

OPM's Federal Employee Viewpoint Survey (FEVS) provides employees an opportunity to influence change by submitting feedback about their work environment, Agency leadership, and other important factors affecting morale and employee satisfaction. As in 2018, in 2019, the FLRA FEVS responses declined for certain measures and improved in others.

In response to the 2018 FEVS feedback, the Agency has enhanced its efforts to actively engage employees at all levels in Agency processes and to seek their opinions. For example, building on the Agency's efforts in 2018 to develop an employee-driven 2018-2022 Strategic Plan, FLRA launched several internal Strategic Plan Implementation Teams, which have operated throughout 2019. The teams, each of which includes both managers and non-managers, are:

- (1) Professional Development Team
- (2) Performance Communication Teams (Authority, OGC and Non-Attorney)
- (3) Customer Engagement Team
- (4) Digests Team
- (5) Employee Engagement Team
- (6) Diversity and Inclusion Team

The employee-led teams have focused on a variety of issues including revisions to performance plans for critical positions, expansion of customer engagement, and improvements to professional development opportunities. These employee-led teams have recommended, for example, new performance standards for the majority of positions in the Agency, completion of individual development plans by employees to identify their training needs, purchasing of online legal and professional educational training, and production of educational video clips to be made available on the website. Many of the teams' recommendations have been accepted and will be implemented in 2020. This process has allowed employees to be engaged in the stewardship of the Agency and to offer innovative and creative solutions to problems they see in the workplace or its processes.

ANNUAL PERFORMANCE GOALS, MEASURES, AND RESULTS

Strategic Goal 1: We will ensure quality, timely, impartial, and consistent investigative and decision-making processes with determinations that are clearly articulated.

This strategic goal concerns the core statutory activities of FLRA. The Statute charges FLRA with responsibility for protecting rights and facilitating stable labor-management relationships in the federal sector. To achieve that mandate, FLRA must provide the Federal labor-management community with quality, timely, impartial, and consistent investigations and determinations. Further, FLRA must convey those determinations clearly and enforce them effectively. All FLRA components must help to achieve this goal in order to attain overall Agency success.

Strategic Objective 1a: Establish and attempt to surpass (1) case-processing productivity goals, and (2) timeliness measures that are meaningful to the parties.

Parties often have time-sensitive interests at stake in matters pending before FLRA. Delays in the resolution of those matters can impede the ability of the parties to fulfill their missions effectively and efficiently. So, to properly serve the Federal labor-management community and accomplish FLRA's own mission, the Agency must satisfy internal case-processing productivity goals that enable it to investigate and resolve cases in a timely fashion.

Parties are best served when they have a clear understanding of how long it might take FLRA to process cases. Therefore, in 2019, FLRA set its standards for timeliness in a way that gives parties a reasonable expectation as to the duration of the FLRA determination process. This requires the use of simple, straightforward metrics for understanding how long it might take to resolve a given matter before the Agency. The measurement is from date of filing rather than date of assignment to a Member's Office for decision.

<i>Authority</i> Arbitration Cases	2015	2016	2017	2018	2019
Cases pending, start of year	90	50	42	73	73
Exceptions filed (Intake)	<u>99</u>	<u>87</u>	<u>103</u>	<u>105</u>	<u>135</u>
Total caseload	189	137	145	178	208
Cases closed procedurally	15	20	16	11	15
Cases closed based on merits	<u>124</u>	<u>75</u>	<u>56</u>	<u>94</u>	<u>72</u>
Total cases closed (Output)	139	95	72	105	87
Cases pending, end of year	50	42	73	73	121

Measure 1a-1 – New Measure	2019		
The average age of arbitration exceptions decided by the Authority.	Target	Actual	Result
	247 days	261 days	Not Met

Measure 1a-2 – New Measure	2019		
The percentage of arbitration cases decided by the Authority within 210 days <i>of the filing of exceptions</i> .	Target	Actual	Result
	75%	37% 32/87	Not Met

Measure 1a-3 – New Measure	2019		
The percentage of arbitration exceptions decided by the Authority within 365 days <i>of the filing of exceptions</i> .	Target	Actual	Result
	90%	84% 73/87	Not Met

Authority Negotiability Cases	2015	2016	2017	2018	2019
Cases pending, start of year	17	23	27	11	23
Petitions filed (Intake)	<u>54</u>	<u>55</u>	<u>40</u>	<u>43</u>	<u>30</u>
Total caseload	71	78	67	54	53
Cases closed procedurally	40	47	52	25	30
Cases closed based on merits	<u>8</u>	<u>4</u>	<u>4</u>	<u>6</u>	<u>6</u>
Total cases closed (Output)	48	51	56	31	36
Cases pending, end of year	23	27	11	23	17

Measure 1a-4 – New Measure	2019		
The average age of negotiability cases decided by the Authority.	Target	Actual	Result
	119 days	169	Not Met

Measure 1a-5 – New Measure	2019		
The percentage of negotiability cases decided by the Authority within 300 days <i>of the filing of a petition for review.</i>	Target	Actual	Result
	75%	83% 30/36	Met

Measure 1a-6 – New Measure	2019		
The percentage of negotiability cases decided by the Authority within 365 days <i>of the filing of a petition for review.</i>	Target	Actual	Result
	75%	92% 33/36	Met

<i>OALJ</i> ULP Cases	2015	2016	2017	2018	2019
Cases pending, start of year	104	60	52	49	0
Complaints received (Intake)	<u>222</u>	<u>179</u>	<u>197</u>	<u>44</u>	<u>0</u>
Total caseload	326	239	249	93	0
Settlements before hearing	188	136	176	66	1
Cases closed by decision	<u>78</u>	<u>51</u>	<u>24</u>	<u>27</u>	<u>1</u>
Total cases closed (Output)	266	187	200	93	2
Cases pending, end of year	60	52	49	0	0

Measure 1a-7 – New Measure	2019		
The average age of ULP complaints decided by the OALJ.	Target	Actual	Result
	124 days	90 days	Exceeded

Measure 1a-8	2019		
The percentage of ULP complaints issued by the General Counsel resolved or decided in the OALJ within 180 days of the complaint being issued.	Target	Actual	Result
	80%	N/A	N/A

Previous Years Data (Actual)			
FY 2015	FY 2016	FY 2017	FY 2018
77%	80%	93%	77%
205/266	150/187	186/200	72/93

Measure 1a-9	2019		
The percentage of ULP complaints issued by the General Counsel decided in the OALJ within 365 days of the complaint being issued.	Target	Actual	Result
	95%	N/A	N/A

Previous Years Data (Actual)			
FY 2015	FY 2016	FY 2017	FY 2018
93%	89%	97%	90%
	166/187	196/200	84/93

Authority ULP Cases	2015	2016	2017	2018	2019
Cases pending, start of year	13	24	9	8	10
Cases filed (Intake)	<u>62</u>	<u>45</u>	<u>23</u>	<u>19</u>	<u>4</u>
Total caseload	75	69	32	27	14
Cases closed procedurally	37	51	22	9	1
Cases closed based on merits	<u>14</u>	<u>9</u>	<u>2</u>	<u>8</u>	<u>7</u>
Total cases closed (Output)	51	60	24	17	8
Cases pending, end of year	24	9	8	10	6

Measure 1a-10 – New Measure	2019		
The average age of ULP exceptions decided by the Authority.	Target	Actual	Result
	165 days	238 days	Not Met

Measure 1a-11 – New Measure	2019		
The percentage of ULP cases decided by the Authority within 300 days <i>of issuance of an OALJ decision.</i>	Target	Actual	Result
	75%	75% 6/8	Met

Measure 1a-12 – New Measure	2019		
The percentage of ULP cases decided by the Authority within 365 days <i>of issuance of an OALJ decision.</i>	Target	Actual	Result
	90%	88% 7/8	Not Met

<i>Authority</i> Representation Cases	2015	2016	2017	2018	2019
Cases pending, start of year	7	2	0	6	5
Applications for review (Intake)	<u>16</u>	<u>6</u>	<u>12</u>	<u>6</u>	<u>5</u>
Total caseload	23	8	12	12	10
Cases closed procedurally	2	0	1	0	1
Cases closed based on merits	<u>19</u>	<u>8</u>	<u>5</u>	<u>7</u>	<u>7</u>
Total cases closed (Output)	21	8	6	7	8
Cases pending, end of year	2	0	6	5	2

Measure 1a-13 – New Measure	2019		
The average age of representation cases decided by the Authority.	Target	Actual	Result
	107 days	194 days	Not Met

Measure 1a-14 – New Measure	2019		
The percentage of representation cases <i>decided by the Authority</i> within 210 days of the filing of an application for review.	Target	Actual	Result
	75%	75% 6/8	Met

Measure 1a-15 – New Measure	2019		
The percentage of representation cases decided by the Authority within 365 days of the filing of an application for review.	Target	Actual	Result
	95%	88% 7/8	Not Met

OGC ULP Cases	2015	2016	2017	2018	2019
Cases pending, start of year	1,425	1,178	1,133	882	682
Charges filed (Intake)	<u>4,418</u>	<u>4,345</u>	<u>3,655</u>	<u>2,860</u>	<u>2,235</u>
Total caseload	5,843	5,523	4,988	3,742	2,917
Charges withdrawn/settled	3,662	3,268	3,130	2,343	1,755
Charges dismissed	800	749	786	674	379
Complaints issued	<u>203</u>	<u>173</u>	<u>190</u>	<u>43</u>	<u>0</u>
Total cases closed (Output)	4,665	4,190	4,106	3,060	2,134
Cases pending, end of year	1,178	1,333	882	682	783

*The OGC was unable to issue decisions on appeals or issue complaints in the absence of a General Counsel after November 16, 2017. Those cases are currently held in abeyance.

Measure 1a-16 – New Measure	2019		
The average age of ULP charges resolved by the OGC.	Target	Actual	Result
	99 days	68 days	Exceeded

Measure 1a-17	2019		
The percentage of ULP charges resolved by the Office of the General Counsel by complaint, withdrawal, dismissal, or settlement within 120 days of filing of the charge.	Target	Actual	Result
	70%	88% 1,867/2,134	Exceeded

Previous Years Data (Actual)			
FY 2015	FY 2016	FY 2017	FY 2018
72% 3,373/4,665	71% 2,973/4,190	73% 2,984/4,106	88% 2,682/3,060

Measure 1a-18	2019		
The percentage of ULP charges resolved by the OGC by complaint, withdrawal, dismissal, or settlement within 240 days of filing of the charge.	Target	Actual	Result
	95%	99% 2,114/2,134	Exceeded

Previous Years Data (Actual)			
FY 2015	FY 2016	FY 2017	FY 2018
NA	95% 3,963/4190	95% 3,883/4,106	99% 3,039/3,060

OGC ULP Appeals	2015	2016	2017	2018	2019
Appeals pending, start of year	34	33	26	22	181
Appeals filed (Intake)	<u>220</u>	<u>238</u>	<u>192</u>	<u>180</u>	<u>122</u>
Total caseload	254	271	218	202	303
Appeals closed (Output)	<u>221</u>	<u>245</u>	<u>196</u>	<u>21*</u>	<u>0*</u>
Appeals pending, end of year	33	26	22	181	303

*The OGC was unable to issue decisions on appeals in the absence of a General Counsel after November 16, 2017. Those cases are currently held in abeyance.

Measure 1a-19 – New Measure	2019		
The average age of ULP appeals decided by the General Counsel.	Target	Actual	Result
	45 days	N/A	N/A

Measure 1a-20	2019		
The percentage of decisions on an appeal of a Regional Director’s dismissal of a ULP charge issued by the General Counsel within 60 days of the date filed.	Target	Actual	Result
	95%	N/A	N/A

Previous Years Data (Actual)			
FY 2015	FY 2016	FY 2017	FY 2018
98%	100%	96%	100%
217/221	245/245	188/196	21/21

Measure 1a-21	2019		
The percentage of decisions on an appeal of a Regional Director’s dismissal of a ULP charge issued by the General Counsel within 120 days of the date filed.	Target	Actual	Result
	100%	N/A	N/A

Previous Years Data (Actual)			
FY 2015	FY 2016	FY 2017	FY 2018
100%	100%	100%	100%
221/221	245/245	196/196	21/21

OGC Representation Cases	2015	2016	2017	2018	2019
Cases pending, start of year	65	70	112	58	64
Petitions filed (Intake)	<u>225</u>	<u>265</u>	<u>208</u>	<u>245</u>	<u>249</u>
Total caseload	290	335	320	303	313
Petitions withdrawn	95	112	130	110	126
Cases closed based on merits	<u>125</u>	<u>111</u>	<u>132</u>	<u>129</u>	<u>140</u>
Total cases closed (Output)	220	223	262	239	266
Cases pending, end of year	70	112	58	64	47

Measure 1a-22 – New Measure	2019		
The average age of representation cases resolved by the OGC through withdrawal, election, or issuance of a Decision and Order.	Target	Actual	Result
	114 days	92 days	Exceeded

Measure 1a-23	2019		
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.	Target	Actual	Result
	70%	77% 205/266	Exceeded

Previous Years Data (Actual)			
FY 2015	FY 2016	FY 2017	FY 2018
72% 158/220	73% 163/223	68% 179/262	82% 195/239

Measure 1a-24	2019		
The percentage of cases resolved by the OGC through withdrawal, election, or issuance of a Decision and Order within 365 days of the filing of a petition.	Target	Actual	Result
	95%	99% 259/266	Exceeded

Previous Years Data (Actual)			
FY 2015	FY 2016	FY 2017	FY 2018
NA	98% 219/223	95% 250/262	100% 236/239

FSIP Impasses	2015	2016	2017	2018	2019
Cases pending, start of year	28	33	42	17	23
Impasses filed (Intake)	<u>139</u>	<u>143</u>	<u>97</u>	<u>92</u>	<u>77</u>
Total caseload	167	176	139	109	100
Panel Decision	15	24	12	21	24
Panel declined jurisdiction	17	9	23	11	11
Settled with Panel assistance	25	22	25	7	15
Voluntarily withdrawn	77	79	62	47	22
Cases closed total (Output)	<u>134</u>	<u>134</u>	<u>122</u>	<u>86</u>	<u>72</u>
Cases pending, end of year	33	42	17	23	28

Measure 1a-26 – New Measure	2019		
The average age of bargaining-impasse cases in which the FSIP declines jurisdiction.	Target	Actual	Result
	90 days	95	Not Met

Measure 1a-27	2019		
The percentage of bargaining-impasse cases in which the FSIP declines jurisdiction within 140 days of the date filed.	Target	Actual	Result
	90%	90% 10/11	Met

Previous Years Data (Actual)			
FY 2015	FY 2016	FY 2017	FY 2018
100% 17/17	100% 9/9	95% 21/22	100% 11/11

Measure 1a-28	2019		
The percentage of bargaining-impasse cases that are voluntarily settled, after the FSIP asserts jurisdiction, within 160 days of the date filed.	Target	Actual	Result
	90%	100% 15/15	Exceeded

Previous Years Data (Actual)			
FY 2015	FY 2016	FY 2017	FY 2018
84% 21/25	100% 22/22	92% 22/24	86% 6/7

Measure 1a-29 – New Measure	2019		
The average age of bargaining-impasse cases that the FSIP resolves through final action.	Target	Actual	Result
	146 days	140	Exceeded

Measure 1a-30	2019		
The percentage of bargaining-impasse cases that the FSIP resolves through final action that are closed within 200 days of the date filed.	Target	Actual	Result
	80%	100% 24/24	Exceeded

Previous Years Data (Actual)			
FY 2015	FY 2016	FY 2017	FY 2018
100% 15/15	88% 21/24	77% 9/12	100% 21/21

Strategic Objective 1b: *Ensure excellence in investigations and clearly articulated written work products by establishing and attempting to surpass case-processing quality goals that build upon the Agency’s longstanding traditions of impartiality and consistent determinations that are clearly articulated.*

Excelling at FLRA’s core functions requires the Agency to perform thorough investigations and produce clearly articulated written products. From informal communications, to FLRA determinations, to information on the FLRA website, FLRA’s written work is one of the primary means by which the Agency communicates with parties and the federal labor-management community.

FLRA’s ability to achieve its mission depends on its ability to issue impartial and consistent determinations that are clearly articulated. Even *the appearance* of partiality can cause parties to lose trust in the FLRA’s determinations, and ultimately, in FLRA as an institution.

PERFORMANCE GOAL 1b-1: CONDUCT HIGH-QUALITY INVESTIGATIONS AND PRODUCE HIGH-QUALITY WRITTEN WORK PRODUCTS

Measure 1b-1: Establish and surpass case-processing quality goals.	
2019 Target	Result
<ul style="list-style-type: none"> ▪ Develop and pilot use of internal tool(s) throughout the Agency to establish case-processing quality goals (e.g., quality-assessment checklist) ▪ Solicit feedback on and assess the effectiveness of pilot internal tool(s) to measure quality. ▪ Make necessary adjustments to make new internal tool(s) more effective. ▪ Formally implement use of new internal tool(s) in order to surpass established case-processing quality goals. ▪ Develop and administer internal survey(s) to assess baseline case-processing quality. 	<p>Developed internal tools to establish agency case quality goals and identify areas where improvement is needed, to be used in conjunction with performance reviews.</p>

PERFORMANCE GOAL 1b-2: IMPLEMENT EFFECTIVE METHODS TO MAINTAIN AND IMPROVE THE QUALITY OF FLRA INVESTIGATIONS AND WRITTEN WORK PRODUCTS, INCLUDING FLRA STAFF TRAINING AND INTERNAL EDUCATION RESOURCES

Measure 1b-2: Train FLRA staff and provide internal educational resources to improve the quality of investigations and written work products.

2019 Target	Result
<ul style="list-style-type: none"> ▪ Develop internal training programs and other educational tools Agency-wide in order to improve the quality of investigations and written work products (e.g., component-specific mentoring programs, Agency-wide or component-specific brown bag sessions, Agency-wide dissemination of decisions and other relevant legal opinions). ▪ Develop and administer internal surveys or other measures to assess the effectiveness of pilot internal training programs and educational tools. ▪ Make necessary adjustments to make internal training programs more effective. ▪ Formally implement those internal training programs and educational tools that are deemed effective in order to improve the quality of investigations and written work products. 	<ul style="list-style-type: none"> ▪ Developed and instituted Agency-wide informal training program using brown bag sessions. ▪ Developed and administered internal survey on training. ▪ Encouraged employees to increase awareness of Authority decisions by using electronic distribution tool for Agency-wide dissemination of decisions. ▪ Implemented Individual Development Plans for each staff member to identify training needs.

PERFORMANCE GOAL 1b-3: ENSURE EXTERNAL STAKEHOLDER CONFIDENCE IN FLRA’S ABILITIES.

Measure 1b-3: Customer perceptions about FLRA’s impartiality.

2019 Target	Result
<ul style="list-style-type: none"> ▪ Develop and administer an external survey(s) to assess the parties’ perceptions of FLRA’s impartiality. 	<ul style="list-style-type: none"> ▪ Developed a survey to assess parties’ perceptions of FLRA’s impartiality.

Strategic Goal 2: We will develop and provide tools and resources to enable the parties to prevent or more effectively and efficiently resolve their labor-relations disputes and improve their labor-management relationships.

FLRA is specifically empowered and obligated to “provide leadership in establishing policies and guidance” related to matters arising under the Statute. 5 U.S.C. § 7105(a)(1). Educating parties regarding statutory obligations promotes FLRA’s mission of protecting rights and facilitating stable labor-management relationships while advancing an effective and efficient Government. FLRA accomplishes this goal first through its written determinations and by providing parties with quality educational resources through FLRA’s website; by identifying, and offering targeted assistance to, parties with significant labor-management challenges; and by offering external training to Federal agencies and labor organizations regarding their rights and obligations under the Statute.

Strategic Objective 2a: *Maintain and expand educational resources on www.flra.gov.*

Offering high-quality educational resources through FLRA’s website is a key component of promoting stability in the Federal labor-management community. Parties who are better informed about their rights and obligations under the Statute are less likely to pursue frivolous matters or defenses, and they are more likely to approach their labor-management relations in a manner that is consistent with the Statute.

The Agency will continue to explore ways to supplement and enhance the educational resources on its website, such as expanding parties’ access to statutory and other training, online training modules, and short animated training videos.

Performance Goal 2a-1: Routinely review and update educational resources on the FLRA website.

Performance Goal 2a-2: Develop a growing library of online training modules on the FLRA website.

Performance Goal 2a-3: Develop and maintain case digests of new Authority decisions on the FLRA website.

Measure 2a: Expand the relevancy, currency, and reach of educational tools.

2019 Target	Result
<ul style="list-style-type: none"> ▪ Update at least 3 guides or manuals Agency-wide. ▪ Establish a mechanism to live stream trainings online or offer pre-recorded trainings on the www.flra.gov website. ▪ Offer at least 5 training sessions online Agency-wide. ▪ Begin publishing case digest summaries for all Authority decisions. OGC and FSIP to evaluate doing the same for their decisions. 	<ul style="list-style-type: none"> ▪ Began publishing digests on a quarterly basis. ▪ Acquired animation software to begin developing short animated training videos. ▪ Piloted desktop video teleconferencing to expand capabilities for providing interactive external training online. ▪ Developed 5 pre-recorded training modules in preparation for posting. ▪ Updated OGC Unfair Labor Practice Case Law Outline.

Strategic Objective 2b: *Identify and offer targeted assistance to parties with significant labor-management challenges.*

In situations where parties experience labor-management challenges, targeted assistance can promote stable labor-management relationships by educating the parties regarding their statutory rights and obligations. It can also promote effective and efficient Government by assisting parties in addressing their disputes without necessarily resorting to formal filings.

As part of the Agency’s strategic commitment to develop and provide tools and resources to enable the parties to prevent or more effectively and efficiently resolve their labor-relations disputes and improve their labor-management relationships, the Authority signed an MOU with the FMCS creating a new pilot procedure for resolving negotiability appeals at no cost to the parties. Under its terms, the Authority trained a unique cadre of FMCS mediators so that they may assist the parties in the resolution of negotiability appeals through mediation. Under the pilot program, before a negotiability appeal is considered by the Authority’s Members for a decision, the Authority may refer such appeals to FMCS, either on the Authority’s own initiative or based upon a request from the parties. The negotiability-appeal-mediation procedure is expected to take between 30 and 60 days. The Authority anticipates that this will reduce case-processing time in negotiability appeals as well as provide opportunities for parties to expeditiously resolve appropriate negotiability disputes without the need for a formal Authority decision.

Additional targeted assistance may take various forms, including offering training to parties on particular topics that have given rise to frequent ULP charges, negotiability disputes, or arbitration exceptions. Other types of assistance might be most appropriate for parties experiencing broader labor-management challenges. For parties involved in complex representational matters, targeted assistance can include conducting conferences with the parties to assist them in identifying and, if feasible, resolving relevant issues.

For example, OGC conducted 72 training sessions to more than 25 federal agencies and labor organizations in 2019. These sessions were requested by the organizations based on their

perceived needs in the Federal labor-management relations area. FLRA staff tailored each session to meet the individualized needs of the particular group and received consistent positive feedback from the participants. The targeted training sessions focused on a range of issues, including unfair labor practices and representation matters.

Performance Goal 2b-1: Identify and evaluate parties with significant labor-management challenges.

Performance Goal 2b-2: Refer appropriate parties to suitable resources.

Performance Goal 2b-3: Implement highly effective targeted assistance programs and associated materials.

Measure 2b: Develop and implement a highly effective, totally voluntary targeted assistance program and related procedures.

2019 Target	Result
<ul style="list-style-type: none"> ▪ Develop the criteria for identifying parties with significant labor-management challenges. ▪ Develop procedures for offering targeted assistance to identified parties or referring such parties to appropriate resources. ▪ Pilot a targeted-assistance program. ▪ Identify metrics for evaluating the program’s success. ▪ Formally implement a targeted-assistance program with appropriately ambitious measures to assess its effectiveness. 	<ul style="list-style-type: none"> ▪ Collaborated with FMCS on a pilot program for mediation of appropriate negotiability disputes. ▪ Addressed specific requests of parties for targeted training.

Strategic Objective 2c: *Maintain and expand our external training programs to enable the parties to better understand their rights and obligations under the Statute.*

Agency components have traditionally provided training on statutory principles governing ULPs, representational issues, negotiability disputes, and arbitration exceptions. Providing such external training to federal agencies and labor organizations regarding their rights and obligations under the Statute directly promotes FLRA’s mission of protecting rights and facilitating stable labor-management relationships while advancing an effective and efficient government. For this reason, it is essential that FLRA maintain and, where possible, expand these external training programs.

Performance Goal 2c-1: Exceed an annual target number of highly rated in-person training programs for a target number of participants concerning the full range of statutory matters.

Performance Goal 2c-2: Find additional ways to deliver real-time and pre-recorded external trainings that have been successfully developed and implemented utilizing appropriate technology and participant-friendly best practices.

Performance Goal 2c-3: Exceed an annual target number of highly rated training programs for a target number of participants regarding procedures for filing and processing FLRA cases.

Measure 2c-1 The number of <i>in-person statutory training</i> programs delivered.	2019		
	Target	Actual	Result
	50	95	Exceeded

Previous Years Data (Actual)			
FY 2015	FY 2016	FY 2017	FY 2018
	280	273	100

Measure 2c-2 The number of participants who receive <i>in-person statutory training</i> .	2019		
	Target	Actual	Result
	2,500	4807	Exceeded

Previous Years Data (Actual)			
FY 2015	FY 2016	FY 2017	FY 2018
	8,440	8,122	2,574

Measure 2c-3 The percentage of participants who highly rate the statutory training that they received.	2019		
	Target	Actual	Result
	Develop evaluations	In Development	N/A

Measure 2c-4 The number of training programs delivered regarding procedures for filing and processing FLRA cases.	2019		
	Target	Actual	Result
	40	72	Exceeded

Measure 2c-5	2019		
The number of participants who receive training regarding procedures for filing and processing FLRA cases.	Target	Actual	Result
	2,000	3,082	Exceeded

Measure 2c-6	2019		
The percentage of participants who highly rate the training that they received regarding procedures for filing and processing FLRA cases.	Target	Actual	Result
	Develop evaluations	In Development	N/A

Measure 2c-7	2019		
The number of real-time and pre-recorded online training programs developed and implemented.	Target	Actual	Result
	5	5	Met

Measure 2c-8	2019		
The percentage of participants who highly rate the real-time and pre-recorded online training that they received.	Target	Actual	Result
	Develop evaluations	In Development	N/A

Strategic Goal 3: We will manage our resources effectively and efficiently, and recognize that our dedicated workforce is critical to the resolution of labor-relations disputes.

FLRA honors the trust that the public has placed in it to use Agency resources wisely on behalf of the American taxpayer. Recognizing that trust, FLRA has always focused its resources on carrying out its mission. It will continue to do so.

In 2019, FLRA provided high quality performance and service delivery. The Agency continued a commitment to empowering and developing a highly engaged and effective workforce. The success of FLRA employees is instrumental to its success as an Agency. The staff-driven Strategic Plan 2018-2022 created in 2018 demonstrates the spirit that FLRA actively manages in its human-capital programs.

FLRA continued to explore ways to manage its workforce effectively and efficiently. A key component of that commitment is to continue developing IT systems, with the goal of enabling FLRA employees to spend more time on mission-critical, substantive work. FLRA also reexamined its performance-management systems to ensure that they align with the goals in the Strategic Plan, that individual employee standards reflect organizational goals, and that the Agency appropriately recognizes employee achievements in support of these goals. Finally, FLRA continued to encourage employee growth, development, and innovation.

Strategic Objective 3a: Ensure that FLRA's performance-management systems are synchronized with and support the Agency's strategic goals.

At the foundation of the Agency's 2018-2022 Strategic Plan is FLRA's renewed commitment to developing the most effective ways to evaluate Agency performance, as well as the contributions of the Agency's components and individual employees. To do this, employee performance-management targets should be adapted to support Agency goals. This will help ensure that the evaluation of FLRA employees will include consideration of how well they assist the Agency to achieve its strategic and performance goals.

Performance Goal 3a-1: FLRA employees perceive that the Agency's performance-management systems, and their individual performance plans, directly align with achieving this strategic plan.

Performance Goal 3a-2: FLRA employees have a clear understanding of how their individual achievement contributes to achievement of Agency priorities and successful implementation of FLRA strategic goals.

Performance Goal 3a-3: FLRA employees perceive that their performance recognition and rewards are also directly linked to their contribution to the successful achievement of FLRA's strategic goals.

Measure 3a-1: Align performance-management systems and individual performance plans with current Strategic Plan.

2019 Target	Result
<ul style="list-style-type: none"> ▪ Develop communications strategies, educational tools, and other materials to successfully implement the new systems. ▪ Develop and administer an internal survey(s) to assess whether employees perceive that performance management systems (GS and SL/SES) and individual employee performance plans align with the Strategic Plan. 	<ul style="list-style-type: none"> ▪ Evaluated Agency performance-management systems and individual employee performance plans for alignment with the Strategic Plan. ▪ Formed Strategic Implementation Teams for the three types of positions--(1) OGC Attorneys, (2) Non-OGC attorneys, (3) Non-Attorneys--and tasked those teams with offering recommended revisions to employees' standards and elements. ▪ Strategic Implementation Teams have provided Agency leadership with recommended revisions of performance plans to pilot in 2020.

Measure 3a-2: Employees understand how their individual performance contributes to overall Agency strategic goals.

2019 Target	Result
<p>Develop and administer an internal survey(s), or use existing survey instruments (e.g., FEVS), to assess whether FLRA employees understand how their individual achievements contribute to Agency priorities and successful implementation of FLRA strategic goals. (E.g., FEVS Question #12, "I know how my work relates to the agency's goals and priorities"; FEVS Question #16, "I am held responsible for achieving results.")</p>	<p>FLRA did not administer a separate survey, but relied on data provided through FEVS.</p>

Measure 3a-3: Employees believe that there is alignment between the recognition and rewards that they receive and their individual contributions towards achieving the FLRA’s strategic goals.

2019 Target	Result
<p>Develop and administer an internal survey(s), or use existing survey instruments (e.g., FEVS), to assess whether employees believe that recognition and rewards relate to their contribution toward achievement of FLRA strategic goals. (E.g., FEVS Question #24, “In my work unit, differences in performance are recognized in a meaningful way”; FEVS Question #25, “Awards in my work unit depend on how well employees perform their jobs”; FEVS Question #32, “Creativity and innovation are rewarded.”)</p>	<p>FLRA did not administer a separate survey, but relied on data provided through FEVS.</p>

Strategic Objective 3b: *Continue to expand FLRA’s technological capabilities to enable employees to deliver mission results more effectively and efficiently.*

FLRA’s IT systems have provided, and will continue to provide, a key means by which the FLRA will more effectively and efficiently deliver quality services and increase internal efficiencies. For example, the Agency has connected all FLRA components in ways that improve internal communication, and FLRA staff works more efficiently by using a cloud-based Document Management System that allows for simplified document management and internal collaboration.

The Agency implemented a new and improved version of its eFiling system in 2018 that provides a more intuitive, user-friendly customer experience. This improved eFiling experience allows the parties to submit ULP, representation, arbitration, and negotiability filings in an electronic format. The Agency is currently using the same software and agile methodology to develop a more user-friendly electronic Case Management System. FLRA will integrate these three systems — document management, eFiling, and case management — to fully implement electronic case file capability throughout the Agency.

Thereafter, as resources permit, FLRA continues to enhance and leverage these technological capabilities. Work has begun to fully implement electronic case files, to encourage the widest uses of eFiling and to serve FLRA-generated case documents on the parties electronically—saving time, human-capital resources, and postage costs.

Performance Goal 3b-1: Implement a new and improved FLRA electronic case-management system. Integrate the case-management system with FLRA document management and eFiling systems in order to fully implement electronic case file capability throughout the Agency.

Performance Goal 3b-2: FLRA employees and parties understand how to make the most effective use of FLRA’s electronic systems.

Performance Goal 3b-3: Enhance the positive impact of technological advancements on the customer experience.

2019		
Measure 3b-1: Expand the use of eFiling.		
Target		Result
<ul style="list-style-type: none"> ▪ 50% of cases eFiled Agency-wide. ▪ 10% increase in eFiling in each component – the OGC, the Authority, and the FSIP. ▪ Amend FLRA’s regulations to eliminate the use of facsimile service for case filings throughout the Agency. 		<ul style="list-style-type: none"> ▪ Agency-wide: 46% ▪ Authority 80% eFiled ▪ OGC 43% eFiled ▪ FSIP 78% eFiled ▪ Authority and FSIP exceeded target of 10% increase
FY 2018	Actual	35% eFiled
FY 2017	Actual	35% eFiled
FY 2016	Actual	22% eFiled

2019		
Measure 3b-2: Implement end-to-end electronic case files.		
Target		Result
Develop and fully implement the new and improved CMS in at least one FLRA component.		Developed CMS for the Authority component. Developed electronic case file structure in the DMS and initial planning to automate creating the electronic folders from the CMS.
FY 2018	Actual	Developed and launched eFiling 3.0, which both internal and external users report is significantly more user-friendly and intuitive. Began development of a new and improved CMS that, over time, will provide significant (\$100,000 annually) cost savings and allow for more efficient integration of the CMS and eFiling systems with the DMS, enabling end-to-end electronic case processing throughout the Agency. Identified the basic structure of electronic case files for each component/office in the DMS. Completed transition of all major IT functions – CMS, DMS, eMail – to the cloud, which improves both IT security, consistent with the PMA, and Agency continuity of operations plans.
FY 2017	Actual	Deployed an Agency-wide, cloud-based DMS, which replaced the existing network shares with an integrated document and email communications system that will facilitate document sharing and electronic case-processing initiatives. Adopted a new, more cost-effective approach to achieving end-to-end electronic case files. Using agile methodology and open-source code, and responding to user feedback, completed initial development of a brand new, user-friendly eFiling application (eFiling 3.0) with a Ruby on Rails user interface and a Postgres backend database that is housed in Amazon Web Services – a cloud-based solution. The new application will be launched in 2018 once final testing and additional enhancements are completed. Began modernizing the infrastructure of the Agency’s

		electronic CMS and eFiling by transitioning to a new cloud-based, backend product – Postgres database housed in Amazon Web Services – that will allow for a more user friendly and complete integration of the CMS, the eFiling system, and the DMS.
FY 2016	Actual	With the merger of the eFiling and Case Management System (CMS) applications complete, and the bridge between the two systems in place to support end-to-end electronic case-processing capability, enhanced the available features for the integration of the eFiling and CMS applications. eFiled cases are routinely automatically entered into the CMS. Neared completion of an improved eFiling user interface (eFiling 2.0) to make the application more user-friendly and intuitive. Began efforts to implement a Document Management System, which is a critical step in accomplishing FLRA’s multi-year electronic-case-file plan.

2019	
Measure 3b-3: Internal and external customer perceptions of the eFiling System.	
Target	Result
<ul style="list-style-type: none"> ▪ Develop a communications strategy for sharing with internal and external customers the benefits and advantages of eFiling (e.g., notice to go out with all Authority decisions). ▪ Develop and administer internal and external survey tools to assess customer perceptions of the eFiling System. ▪ Develop online, pop-up eFiling surveys that appear while users are logged into the eFiling System. 	<ul style="list-style-type: none"> ▪ Received feedback from external users via the provided engagement email address. Implemented suggestions and replied to customer feedback. ▪ Developed and distributed notices to customers promoting the use of eFiling.

2019

Measure 3b-4: Assess how internal and external customers perceive the effectiveness of the Agency's IT modernization efforts.

Target	Result
<ul style="list-style-type: none">▪ Develop and administer internal and external survey(s) to assess: (1) whether FLRA employees and customers know how to maximize available technology; and (2) how FLRA employees and customers perceive the effectiveness of the Agency's IT modernization efforts.▪ Develop and implement appropriate communications to promote and enhance these efforts.	<ul style="list-style-type: none">▪ Developed and administered internal surveys to assess how FLRA employees perceive the effectiveness of the Agency's IT modernization efforts, and the results are being evaluated.

Strategic Objective 3c: *Recruit, retain, and develop a diverse, respected workforce in an environment that fosters employee input and satisfaction and makes the best use of FLRA resources.*

FLRA's charge to uphold and administer the Statute relies on its employees. Accordingly, FLRA's success relies on the expertise and engagement of its workforce. A key component of attracting and retaining an effective workforce is creating a positive work environment in which employees see themselves as stakeholders and innovators. FLRA continued to assess the skills and professional education/training needs of its workforce, and seek new, cost-effective ways to cultivate employee development and commitment. FLRA provided opportunities for experienced employees to share their institutional knowledge by providing internal training and through other means. FLRA's continued focus on human-capital development will help ensure continued mission accomplishment and leadership of the federal-sector labor-management relations program.

Performance Goal 3c-1: Internal and external survey respondents perceive that diverse and respected FLRA employees demonstrate expertise in federal-sector labor-management relations; minimal gaps exist in succession plans; and the Agency develops nontraditional resources for employee education and development.

Performance Goal 3c-2: The FLRA workforce expresses a stable and improving level of overall job satisfaction, as well as satisfaction with the manner in which internal problem-solving occurs.

Performance Goal 3c-3: FLRA managers and employees perceive that the Agency appropriately uses telework and technology to promote employee efficiency and a healthy work-life balance.

2019

Measure 3c-1: Recruit, retain, and develop a diverse, respected workforce. – New Measure

Target	Result
<ul style="list-style-type: none">▪ Review Agency performance-management systems and individual performance plans to ensure that they align directly with the 2018-2022 Strategic Plan.▪ Conduct a comprehensive, Agency-wide position classification review to confirm that all Agency positions reflect the actual duties of the position.▪ Assess time-to-hire results for Agency positions by reviewing recruitment and staffing processes and procedures.▪ Issue a revised Reasonable Accommodation Policy – including Personal Assistive Device policy – that is fully compliant with recent EEOC regulatory amendments and guidance.▪ Ensure compliance with Government-wide goals for Schedule A hiring.	<ul style="list-style-type: none">▪ Reviewed a portion of Agency performance-management systems and individual performance plans to ensure that they align directly with the 2018-2022 Strategic Plan.▪ Completed review of all position descriptions Agency-wide, to ensure that all Agency positions reflect the actual duties of the position.▪ Issued a revised Reasonable Accommodation Policy – including Personal Assistive Device policy – that is fully compliant with recent EEOC regulatory amendments and guidance.▪ Ensured compliance with Government-wide goals for Schedule A hiring.▪ Expanded recruitment efforts to target persons with disabilities.▪ Formed Diversity and Inclusion Team to develop programs to highlight and celebrate the diversity of Agency employees.

2019

Measure 3c-2: Maintain and grow Agency expertise through employee development.

Target	Result
<ul style="list-style-type: none"> ▪ Develop and implement use of nontraditional resources for employee education and development (e.g., component-specific mentoring programs, Agency-wide or component-specific brown bag sessions, Agency-wide dissemination of decisions and other relevant legal opinions). ▪ Develop and administer survey(s) to solicit feedback on and assess the effectiveness of nontraditional resources for employee education and development. ▪ Maintain sustained growth of positive responses to FEVS Question #47 – “Supervisors in my work unit support employee development. 	<ul style="list-style-type: none"> ▪ Held 3 component specific brown bag sessions (Authority, FSIP, OALJ). ▪ Developed and administered surveys to solicit feedback on employee education and development. ▪ Provided promotional opportunities for internal agency staff prior to advertising key leadership positions externally.

FY 2018	Actual	<ul style="list-style-type: none"> ▪ Offered cross-component details to provide employees with training and developmental experiences that will enhance their skills and increase their understanding of the Agency’s mission and operations. ▪ Managers assessed annually employees on their developmental needs and provided appropriate training and developmental opportunities. ▪ Maintained sustained growth of positive responses to the OPM FEVS question “supervisors in my work unit support employee development” (Q. 47).
FY 2017	Actual	<ul style="list-style-type: none"> ▪ Managers assessed employees’ developmental needs and provided at least one targeted developmental opportunity to each, many of those in-house (e.g., details, workgroups, and special projects). ▪ In the 2017 FEVS, had 55 identified strengths (items with 65 percent or higher positive ratings) and no identified challenges (items with 35 percent or higher negative ratings). Continued to rank in the top ten among small agencies (those with 100-999 employees) in two important indices – Employee Engagement and New IQ – with #6 and #5 rankings, respectively. ▪ 78 percent of FLRA employees responded positively to the OPM FEVS question “supervisors in my work unit support employee development” (Q. 47), which is 5 percent above the small-agency score of 73 percent, and 10 percent above the Government-wide score of 68 percent.

2019

Measure 3c-3: Internal and external perceptions about the workforce. – New Measure

Target	Result
<ul style="list-style-type: none"> ▪ Develop and administer an <i>internal</i> survey(s), or use existing survey instruments (e.g., FEVS), to assess whether employees believe that FLRA employees: are diverse, are respected, and demonstrate expertise in Federal sector labor-management relations (e.g., FEVS FEVS Question #29 – “The workforce has the job-relevant knowledge and skills necessary to accomplish organizational goals.”) ▪ Develop and administer an <i>external</i> survey(s) to assess whether external respondents perceive that FLRA employees: are diverse, are respected, and demonstrate expertise in Federal sector labor-management relations. 	<ul style="list-style-type: none"> ▪ FLRA did not administer a separate survey, but relied on data provided through FEVS.

2019

Measure 3c-4: Internal perceptions about succession plans. – New Measure

Target	Result
<ul style="list-style-type: none"> ▪ Develop and administer an internal survey(s), or use existing survey instruments (e.g., FEVS), to assess whether employees believe that minimal gaps exist in succession planning (e.g., FEVS Question #68 – “How satisfied are you with your opportunity to get a better job in your organization?”). 	<ul style="list-style-type: none"> ▪ FLRA did not administer a separate survey, but relied on data provided through FEVS.

2019	
Measure 3c-5: Overall employee job satisfaction. – New Measure	
Target	Result
<ul style="list-style-type: none"> ▪ Develop and administer an internal survey(s), or use existing survey instruments (e.g., FEVS), to assess whether employees believe that FLRA employees: are diverse, are respected, and demonstrate expertise in Federal sector labor-management relations (e.g., FEVS Global Satisfaction Index; FEVS Question #69 – “Considering everything, how satisfied are you with your job?”) 	<ul style="list-style-type: none"> ▪ FLRA formed an employee engagement Team and began conducting focus groups with all employees to better understand all aspects of job satisfaction. ▪ FLRA will continue to rely on data provided through FEVS.

2019	
Measure 3c-6: Internal satisfaction with the manner in which internal problem-solving occurs. – New Measure	
Target	Result
<ul style="list-style-type: none"> ▪ Develop and administer an internal survey(s), or use existing survey instruments (e.g., FEVS), to assess employee satisfaction with internal problem-solving practices. 	<ul style="list-style-type: none"> ▪ FLRA did not administer a separate survey, but relied on data provided through FEVS.

2019	
Measure 3c-7: Internal perceptions about use of technology to promote employee efficiency and work-life balance. – New Measure	
Target	Result
<ul style="list-style-type: none"> ▪ Develop and administer an internal survey(s), or use existing survey instruments (e.g., FEVS), to assess internal perceptions about the use of technology to promote efficiency and work-life balance (e.g., FEVS Question #42 – “My supervisor supports my need to balance work and other life issues.”) 	<ul style="list-style-type: none"> ▪ FLRA did not administer a separate survey, but relied on data provided through FEVS.

Verification and Validation of Performance Data

The CMS is used by FLRA offices to track and manage caseload. Each office enters information on case filings into the CMS, and is accountable for quality control of the data entered into the system. Case-performance data verification and validation was performed using information from the CMS.

**INSPECTOR GENERAL: TOP MANAGEMENT
AND PERFORMANCE CHALLENGES FOR
FISCAL YEAR 2020**



INSPECTOR GENERAL

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

MEMORANDUM

DATE: October 28, 2019

TO: Colleen Duffy Kiko
Chairman

Ernest DuBester
Member

James Abbott
Member

FROM: Dana Rooney
Inspector General

SUBJECT: Top Management and Performance Challenges for Fiscal Year 2020 (MC-20-01)

Each Inspector General (IG) is required by law, the *Reports Consolidation Act of 2000*, to provide the Agency head with a statement that summarizes the “most serious management and performance challenges facing the Agency” and to assess the Agency’s progress in addressing those challenges. The law states that the “Agency head may comment on the IG’s statement, but may not modify the statement.” By statute this statement should be included in the Federal Labor Relations Authority’s (FLRA) “Performance and Accountability Report” (PAR).

The FLRA Office of Inspector General’s (OIG) statement is based on specific OIG reviews and other reports, as well as our general knowledge of the FLRA programs and operations. Our analysis considers the accomplishments the FLRA reported as of September 5, 2019.

Accordingly, the attached document describes the most serious management and performance challenges facing the FLRA along with a brief assessment and management’s progress in addressing them. These ongoing challenges include: information technology security; and records management.

The above challenges were also noted in the Agency’s Fiscal Year (FY) 2018 PAR. FLRA has made substantial progress in addressing these challenges as further described in the attachment. Further, management has taken sufficient action to effectively mitigate the Closure of Open Recommendations Outstanding for More than 1 Year identified challenge that was reported in the FY 2018 PAR. We appreciate management’s strong commitment in addressing these challenges and welcome comments to our assessment.

Attachment



Office of Inspector General Federal Labor Relations Authority

Information Technology Security

The Federal Information Security Modernization Act of 2014 (FISMA) requires the Authority to develop, document, and implement an information security program to protect its information systems and data. The Federal Labor Relations Authority (FLRA) depends on information systems to function, and the security of these systems is vital. These systems are always at risk and the FLRA must remain vigilant in establishing a control environment to continuously monitor potential Information Technology (IT) risks, threats, vulnerabilities, mitigation and implementation plans.

As in prior years, the FLRA has either new or repeated weaknesses in its IT program. The Office Inspector General's (OIG) annual FISMA review in Fiscal Year 2018 identified five new weaknesses in IT. The 2018 review closed the only open finding from Fiscal Year (FY) 2015.

The FLRA's ability to effectively manage its IT program has improved greatly over the past few years, providing corrective action plans in response to our recommendations. While the FLRA has had two consecutive clean audits, IT security still remains a management challenge. In our FY 2019 FISMA review, we plan to evaluate the IT deficiencies and the actions taken to correct these weaknesses.

Information Security

Since the passage of the FISMA, the OIG has annually reviewed the FLRA's information security program. The FISMA requires the FLRA OIG to prepare a report summarizing the review findings and submit it to the Office of Management and Budget (OMB). The most recent FISMA evaluation found that management continues to make progress by closing the remaining open recommendation from FY 2015.¹ There were five new recommendations in the FY 2018 review.

Progress in Addressing the Challenge

The FLRA has taken corrective action to resolve the only open finding from FY 2015 reported in the FY 2018 Performance and Accountability Report. FLRA had five new IT security findings from its FY 2018 FISMA review. The FLRA expects to fully mitigate the open FISMA findings by the end of Calendar Year 2019. The impact of this effort will be assessed during the FY 2019 FISMA review.

¹ This is based on the FY 2018 FISMA review; the FY 2019 FISMA review had not been completed at the time this document was drafted.



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What Needs to Be Done

The FLRA should continue to address and resolve the five FISMA weaknesses identified by the OIG in 2018. Although the FLRA has closed its only open recommendation, the Agency must be diligent in continuing to monitor and assess its information security to ensure proper IT security controls are in place.

Key OIG Resources

- U.S. Federal Labor Relations Authority Performance and Accountability Report 2018;
- OIG Report, Evaluation of the Federal Labor Relations Authority Compliance with the Federal Information Security Modernization Act of 2014 for Fiscal Year 2018 (MAR-19-01) October 2018
- OIG Report, Evaluation of the Federal Labor Relations Authority Compliance with the Federal Information Security Modernization Act of 2014 for Fiscal Year 2017 (MAR-18-01), October 2017

Comply with Records Management

Agencies are required to comply with all Federal records management laws, regulations, and policies. In 2011, Presidential Memorandum, *Managing Government Records*, requires Federal agencies to manage both permanent and temporary email records in an electronic format by the end of 2016. By the end of 2019, agencies are directed by the Office of Management and Budget (OMB) and U.S. National Archives and Records Administration (NARA) jointly issued Memorandum M-12-18, *Managing Government Records Directive* to manage all permanent records in an electronic format.

NARA is set to stop accepting paper-based records at the end of 2022, and OMB has issued M-19-21, *Transition to Electronic Records* to help agencies meet this deadline.

The memo states, “The Federal Government spends hundreds of millions of taxpayer dollars and thousands of hours annually to create, use, and store Federal records in analog (paper and other non-electronic) formats. Maintaining large volumes of analog records requires dedicated resources, management attention, and security investments that should be applied to more effectively managing electronic records.”

OMB is directing agencies, to “ensure that all Federal records are created, retained, and managed in electronic formats, with appropriate metadata,” and develop plans to close Agency-operated



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storage facilities for paper and other, analog records, and transfer those records to Federal Records Centers operated by NARA or commercial storage facilities.”

The OMB guidelines require that all agencies “manage all permanent electronic records in an electronic format” by December 31, 2019. By December 31, 2022 this requirement extends to all permanent records as well as temporary records,” to the fullest extent possible.” December 31, 2022 is also the deadline for agencies to close their Agency-operated record centers, and transition all records to Federal or commercial centers.

The memo states, “Beginning January 1, 2023, all other legal transfers of permanent records must be in electronic format, to the fullest extent possible, regardless of whether the records were originally created in electronic formats. After that date, agencies will be required to digitize permanent records in analog formats before transfer to NARA.”

FLRA has made progress to comply with the records management directive by developing an electronic case-management system (CMS) to properly handle Agency case files and records. This is an excellent step forward using technology to enhance operational efficiencies. However, system automation is only one part of a comprehensive approach to address the challenge of managing permanent records. Industry practices dictate that along with implementing new technology, it is imperative that a complete oversight or governance process be established to include documenting Agency policies, procedures and processes that address all hard copy and electronic records proper handling. Although new automated systems offer increased capabilities, they also present new internal (management) control challenges. The FLRA needs to ensure various roles (e.g., system administrator); related authorities and capabilities are properly assigned, documented, managed and monitored. Such written documentation should be maintained as this need becomes increasingly critical as additional functionality and enhancements are added to the system. Further, although, certain types of records do not have legal retention requirements; the policies, processes and procedures should, clearly and specifically, instruct staff on the proper handling. Further, management should periodically verify that such policies are being followed.

Progress in Addressing the Challenge

FLRA provided the following management challenge update:

“During FY 2019, the FLRA continued its efforts to use technology to automate current paper-based manually intensive processes. This included the continued development of the electronic CMS and that will further the Agency’s efforts to transition to paperless case files and records.

The FLRA recognizes in addition to an electronic case management system , it must also update or develop policies, processes, and procedures to provide staff with clear guidance for handling



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records and ensuring all current OMB and NARA requirements are reviewed and in compliance with Agency requirements. The FLRA was able to fill the Records Manager (RM) role this past year, providing a dedicated RM to ensure that appropriate oversight and governance processes are established, including reviewing/updating Agency policies, procedures, and processes that address the proper handling and storage of all hard-copy and electronic records.”

What Needs to Be Done

FLRA has worked diligently to transition from maintaining hard copy records to capturing them electronically. This transformation isn't easy. FLRA needs to continue making an effort to comply with upcoming records management standards to successfully achieve compliance with the OMB deadlines.

Key OIG Resources

- President Memorandum, *Managing Government Records*, signed on November 28, 2011
- OMB Directive M-12-18, *Managing Government Records Directive*, issued August 24, 2012
- OMB/NARA Memorandum M-14-16, which included NARA Bulletin 2014-06, *Guidance on Managing Email* issued September 14, 2014
- NARA Memorandum, *Records Management Priorities for 2017*, issued March 15, 2017
- OMB Memorandum M-19-21, *Transition to Electronic Records*, signed on June 28, 2019

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