



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

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

Decisions of the  
FEDERAL  
LABOR  
RELATIONS  
AUTHORITY

20  
18

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**UNITED STATES  
FEDERAL LABOR RELATIONS AUTHORITY**



**Congressional Budget Justification  
Fiscal Year 2018**

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

## **BACKGROUND AND MISSION**

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The U.S. Federal Labor Relations Authority (FLRA) is responsible for establishing policies and guidance regarding the labor-management-relations program for 2.1 million non-Postal, Federal employees worldwide, approximately 1.2 million of whom are represented in 2,200 bargaining units. The FLRA was created by Title VII of the Civil Service Reform Act of 1978, also known as the Federal Service Labor-Management Relations Statute (the Statute). The agency's genesis dates from the issuance of Executive Order 10988 by President Kennedy in 1962. In 2012, the FLRA celebrated the 50th anniversary of the Order, which established the first Government-wide, labor-management-relations program within the Federal Government. In 1970, President Nixon established the Federal Labor Relations Council, by Executive Order 11491, to administer the Federal labor-management-relations program and to make final decisions on policy questions and major disputes arising under Executive Order 10988. Executive Order 11491, as amended, was the basis for President Carter's proposal to the Congress to create the FLRA as an independent agency.

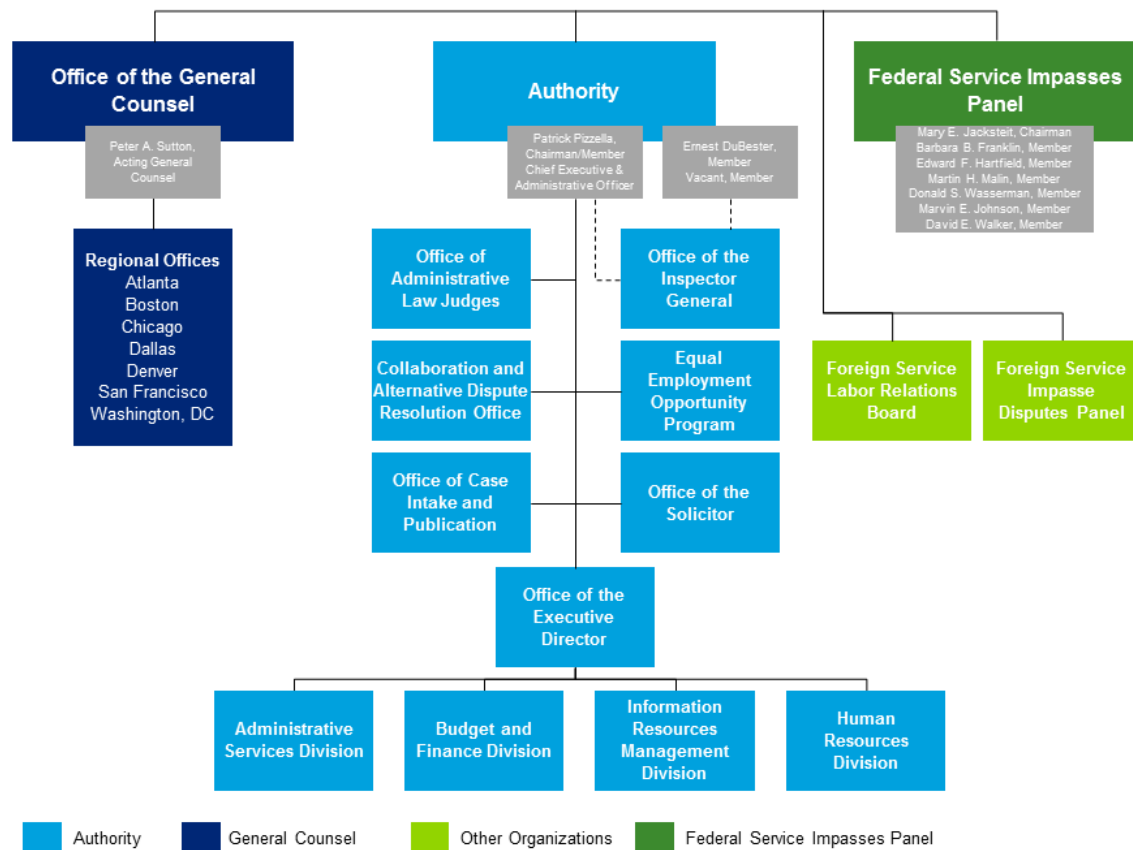
The Statute protects management's rights, employees' rights, and union rights. For example, the Statute protects the authority of agency management to determine, among other things, the agency's mission, budget, organization, number of employees, and internal security practices. It also protects the rights of Federal employees to form, join, or assist a labor organization, or to refrain from such activity, freely and without fear of penalty or reprisal. It is the role of the FLRA to provide leadership in establishing policies, guidance, and case law relating to all of these statutory rights and responsibilities.

The mission of the FLRA is to promote stable, constructive labor-management relations through the timely resolution and prevention of labor disputes in a manner that gives full effect to the collective-bargaining rights of employees, unions, and agencies. Although the FLRA is a small agency, accomplishing its mission – including timely, quality, and impartial resolution of labor-management disputes – is essential for program performance Government-wide.

## **ORGANIZATIONAL STRUCTURE**

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The FLRA is organized into three statutory components – the Authority, the Office of the General Counsel (OGC), and the Federal Service Impasses Panel (FSIP) – each with unique adjudicative or prosecutorial roles. The agency also provides full program and staff support to two other organizations – the Foreign Service Impasse Disputes Panel and the Foreign Service Labor Relations Board.



## The Authority

The Authority comprises three full-time, presidentially nominated and Senate-confirmed Members who are appointed for fixed, five-year, staggered terms. The President designates one Member to serve as Chairman. The Chairman acts as the agency’s chief executive and administrative officer.

The Authority is responsible for adjudicating unfair labor practice (ULP) complaints, determining whether to grant exceptions to arbitrators’ awards, resolving disputes over the negotiability of proposals and provisions made during collective bargaining, and reviewing representation decisions of Regional Directors in representation disputes over union elections and unit determinations.

Other program offices 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), and the Collaboration and Alternative Dispute Resolution Office (CADRO).

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

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

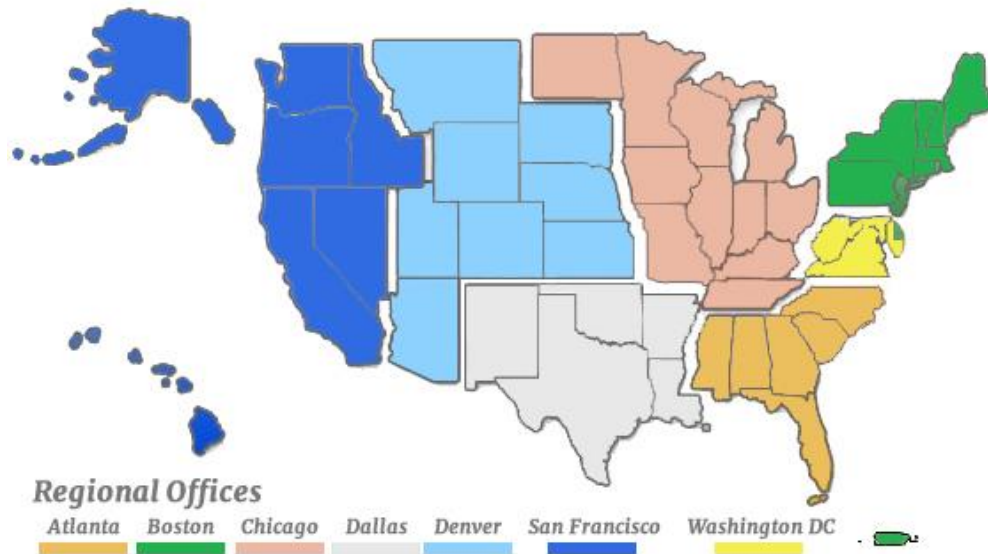
The Authority Members appoint Administrative Law Judges (ALJs) to hear and prepare recommended decisions in cases involving ULP complaints, as well as decisions involving applications for attorney fees filed pursuant to the Back Pay Act or the Equal Access to Justice Act. The OALJ – through its Settlement Judge Program administered by the CADRO – also provides alternative-dispute resolution (ADR) services in all ULP cases. Recommended Decisions of the ALJs may be appealed to the Authority.

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

The General Counsel, who is appointed by the President with the advice and consent of the Senate, has separate and independent responsibilities from the Authority. 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 General Counsel has direct authority over, and responsibility for, all employees in the OGC, including those in the FLRA's Regional Offices. Approximately 50 percent of the entire FLRA staff is employed in the regions, where all ULP charges and representation petitions are filed and investigated. The Regional Offices, on behalf of the General Counsel, investigate and resolve alleged ULPs, file and prosecute ULP complaints, effectuate compliance with settlement agreements and Authority Orders, and provide training and ADR services. In addition, through delegation by the Authority, the Regional Offices investigate and resolve representation cases and conduct secret-ballot elections.

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 the FLRA to develop and implement policy and strategic initiatives to accomplish the FLRA mission.





## The Federal Service Impasses Panel

The FSIP resolves impasses between Federal agencies and unions representing Federal employees arising from negotiations over conditions of employment under the Statute and the Federal Employees Flexible and Compressed Work Schedules Act. The FSIP normally comprises seven part-time Presidential appointees – a Chairman and six other Members – who are appointed for five-year terms.

If bargaining between the parties, followed by mediation assistance, does not result in a voluntary agreement, then either party or the parties, jointly, may request the FSIP's assistance. Following a preliminary investigation by its staff, the FSIP may determine to assert jurisdiction over the request. If the FSIP asserts jurisdiction, then it has the authority to recommend or direct the use of various ADR procedures, including informal conferences, additional mediation, fact-finding, written submissions, and mediation-arbitration by FSIP Members, the FSIP's staff, or private arbitrators. If the parties are still unable to reach a voluntary settlement, then the FSIP may take whatever action it deems necessary to resolve the dispute, including imposition of contract terms through a final action. Parties may not appeal the merits of the FSIP's decision to any court.

## AGENCY TRENDS AND CHALLENGES

The FLRA's mission is to promote stable, constructive labor-management relations through the timely and effective resolution and prevention of labor disputes in a manner that gives full effect to the collective-bargaining rights of employees, unions, and agencies. Accomplishing its mission in an effective and efficient manner contributes to enabling the Federal Government, as a whole, to adapt to changing circumstances, as necessary, to continue delivering the highest quality services to the American public.

### ***Mission – Case Processing & ADR***

With respect to its mission accomplishments, the FLRA as a whole has continued its significant improvement over the last seven and a half years in providing customers with timely and quality adjudication and dispute-resolution services. And it has done so against a backdrop of increased case filings and backlogs in certain components, and relatively flat funding and staffing levels. It also experienced a wave of key employee retirements and departures starting in FY 2013 and continuing into FY 2016. This left well over 10 percent of the FLRA’s already-small workforce vacant to start FY 2014, and the agency devoted significant effort to rebuilding its workforce throughout FY 2014, FY 2015, and FY 2016. But despite these challenges, in FY 2016, the FLRA overcame nearly all of these obstacles – meeting or exceeding nearly every mission-related performance goal.

Currently, in FY 2017, the agency has twenty vacant positions from FY 2016. Eighteen of those positions are career positions, with the majority resting within the Office of the Executive Director, which encompasses all of the agency’s support services offices. Consistent with the Administration’s goal of comprehensive Government reform and workforce reshaping, the agency is already well-experienced in “doing more with less,” and it is well-versed in undertaking a thorough evaluation and prioritization of every vacancy that it fills.

- ***Authority (including OALJ, CADRO)***

The Authority began FY 2016 with no “overage” cases due in large part to its successful implementation and completion of a case-issuance strategy (an action plan) in FY 2015. That achievement enabled the Authority to meet or exceed all of its case-processing performance goals in FY 2016. In this regard, the Authority’s FY 2016 goals were to issue 75 percent of arbitration, ULP, and negotiability cases within 180 days of assignment to Authority staff. The Authority met the 75 percent goal with respect to negotiability cases, and exceeded it with regard to ULP cases (89 percent) and arbitration cases (79 percent). In addition, as in previous years, the Authority continued to meet its goal – required by law to be 100 percent – of issuing decisions, within 60 days of appeal, as to whether to grant review of FLRA Regional Directors’ decisions in representation cases.

As a result of these performance successes, and consistent with the FLRA’s 2015-2018 Strategic Plan, the Authority changed its performance measures beginning in FY 2017 to both shorten case-processing times – from 180 to 150 days in 75 percent of non-representation cases – and to develop measures for ensuring that the cases not “captured” by those 75 percent do not go significantly overage. In the latter regard, the Authority created new measures for ensuring that 95 percent of all cases issue within 365 days. In short, the Authority’s FY 2016 performance successes make it well positioned to more efficiently and expeditiously process all of its cases in FY 2017 and continuing into FY 2018.

But it is important to note that the Authority currently has only two of its three presidentially appointed and Senate-confirmed Members. Although the attorneys continue to prepare draft decisions, in the event that the two current Members are unable to reach consensus on the



disposition of a case, no decision may issue. As such, there is a small – but growing – backlog of Authority cases.

Moreover, in FY 2016, the Authority continued to update its training materials and other educational tools. Specifically, the Authority updated its comprehensive *Guide to Arbitration under the Statute*, which provides guidance to arbitrators and parties to arbitration cases – the most common case type filed with the Authority. Additionally, the Authority continued to review and make regular updates to its Comprehensive Arbitration Training program (including instructional slides, interactive exercises, and other handouts), which it presented to its parties several times throughout the year. Further, the Authority updated its Comprehensive Negotiability Training program and delivered several training sessions to the FLRA’s customers – and internal staff – in FY 2016. The currency of these materials and the provision of up-to-date, relevant training have resulted in parties being better educated about the Authority’s law and case-processing requirements, which has resulted in the Authority receiving higher-quality, better-drafted briefs. That, in turn, enables the Authority to more efficiently and expeditiously process those cases.

As for the OALJ, in FY 2016, that office had a performance goal of deciding 50 percent of its cases within 180 days of issuance of a ULP complaint by the OGC. The OALJ significantly exceeded that goal, issuing decisions on 80 percent of ULP complaints within 180 days. However, the OALJ fell slightly shy of its new, “overage” performance goal of deciding 98 percent of all ULP cases within 365 days of the complaint being issued – deciding 89 percent of its decisions within that timeframe. This is because the OALJ had an ongoing effort to eliminate “overage” cases, which meant that a larger number of significantly older cases were processed to completion during the course of FY 2016. With this focus on issuing overage cases, it made it difficult for the OALJ to achieve a 98 percent rate. But the OALJ ended FY 2016 with only a single case older than 365 days, which should enable the OALJ to meet its goal in FY 2017.

The OALJ has successfully resolved cases without the need for costly litigation involving a hearing or written decision through use of the OALJ Settlement Judge Program – with ADR services administered by the CADRO. In FY 2016, in over 74 percent of cases in which the parties participated in the Settlement Judge Program, they reached agreement and fully resolved their dispute. While this fell slightly short of the goal of partial or full resolution in 89 percent of cases, that is attributable to the 42 percent drop in the number of post-complaint ULP cases in which parties requested Settlement Judge services, and it was consistent with the 30 percent drop in total cases resolved by the OALJ during FY 2016. What remained for the Settlement Judge Program was a smaller universe of the most difficult cases to voluntarily resolve. Nevertheless, the program fully resolved 34 post-complaint ULP cases, which was only 5 cases short of the 85 percent goal.

This is real evidence that the delivery of ADR services at all stages of case processing results in more effective and cost-efficient program performance for the FLRA, as well as the timely resolution of disputes for its customers. As a result, the OALJ has seen a decrease in demand for hearings. For those cases that cannot be settled without a hearing, the ALJs continue to

encourage the parties to request a bench decision, where appropriate under the facts of the case, to reduce the need for final written decisions.

In addition to its highly successful work with the OALJ Settlement Judge Program, the CADRO continues to have great success in helping parties before the Authority to resolve significant disputes in pending cases, most significantly in negotiability cases, but also increasingly expanding to include arbitration cases. In FY 2016, 100 percent of CADRO negotiability cases resulted in full or partial resolution of the underlying dispute and closure of the pending case – exceeding the 90-percent goal in that category.

Additionally, in FY 2016, the CADRO had goals of offering ADR services in 50 percent of appropriate arbitration cases, and 75 percent of appropriate Authority ULP cases. These goals were premised on the notion that the Authority would develop criteria for assessing the appropriateness of offering ADR in particular arbitration and ULP cases, and that the CADRO would then proactively contact parties and offer its services in the specified percentages of each type of case. In arbitration cases, the CADRO often receives requests for assistance from parties – or requests from Authority Member offices to intervene – in cases that have not been screened for appropriateness for affirmatively offering ADR services. And CADRO has a separate goal of partial or total resolution in 75 percent of the arbitration cases in which does provide services. In FY 2016, it exceeded that goal by achieving full or partial resolution in 79 percent of those cases.

Overall, in FY 2016, the CADRO resolved 34 post-complaint ULP cases, 245 disputes over proposed or disapproved contract wording in 36 negotiability cases, and 11 arbitration-exceptions cases. Almost all of these cases would have otherwise required decisions by the Authority.

The value of the CADRO's services goes far beyond the staff hours and the taxpayer dollars that it saves. The stakeholders in these cases were able to solve difficult problems beyond their pending legal disputes. For example, in one negotiability case concerning nine disputed provisions of a Cabinet-level agency's national term contract, the agency and the union met with CADRO staff through a series of face-to-face and remote sessions. They not only resolved all negotiability questions in that particular case, but they also reached full agreement on all of the parties' outstanding collective-bargaining matters and signed off on a new labor agreement covering almost 90,000 employees. This was only one of several national term contracts that the CADRO helped parties complete during this fiscal year.

In another case, an agency and a union still had unresolved collective-bargaining disputes after conducting multiple mediation sessions with a Federal mediator from the FMCS. The union filed a ULP charge concerning the same negotiations and asked the FSIP to resolve the parties' stalled negotiations. The agency then declared 15 union proposals nonnegotiable, so the union filed a negotiability petition with the Authority. The union initially rejected the CADRO's offer of ADR services and expressed a desire proceed with litigation. The CADRO team did not give up, and the parties eventually agreed to try ADR. When the CADRO team finished, the union voluntarily withdrew 14 proposals and asked the Authority to rule on the negotiability of only the one remaining proposal.

And, in another case, the national office of a Federal-sector labor union contacted the CADRO concerning its petition before the FLRA to clarify the bargaining-unit status of about 30 positions in a cabinet-level agency. The formal FLRA procedure in such cases is for the agency and the union to participate in a hearing before a representative of the OGC, after which the OGC renders a determination. The union and the agency in this case jointly expressed a desire to instead use CADRO services to collaboratively resolve the status of the 30 disputed positions. CADRO staff obtained the concurrence and participation of the OGC, and it conducted a 2-day ADR session. At the conclusion, the agency and the union fully agreed on the bargaining-unit status of all thirty positions, and the OGC ratified their agreement by issuing an amended unit certification.

Additionally, as noted above, the Authority's Members sometimes ask the CADRO to invite arbitration-exception litigants to engage in ADR. The Authority did so on at least five occasions during FY 2016, and the CADRO was able to fully resolve all of those cases. In one such case, a union took exception to an arbitration award that both parties were confident would not be disturbed by the Authority. The arbitrator dismissed the grievance on procedural grounds. Neither party initially requested ADR assistance from the FLRA, but both parties agreed to use the CADRO's services after CADRO staff contacted them.

The parties universally reported that CADRO's ADR services improve their ability to resolve important problems, make critical decisions, and develop more successful problem-solving relationships. And the CADRO's efforts serve the dual purpose of preventing unnecessary and costly litigation before the FLRA and making case processing more effective and efficient. Moreover, the CADRO also delivers "prevention" services, teaching parties techniques for effectively resolving labor-management issues on their own, without the need for third-party involvement. These types of services have helped the parties develop constructive workplace relationships that promote more effective and efficient mission performance, as well as quality of work life – real evidence that the program works.

- *OGC*

The OGC continued delivering strong results in FY 2016. The OGC met its strategic performance goals for the timely resolution of ULP and representation cases (resolving over 70 percent of all ULP and representation cases within 120 days of the filing date) and continued closing cases at increased rates. The OGC closed over 4,100 ULP and 220 representation cases in FY 2016. In addition, the OGC conducted 49 secret-ballot representation elections.

In conjunction with the OGC's emphasis on resolving cases in a timely and high-quality manner, the OGC has expanded its use of voluntary ADR services to resolve cases. This is particularly important as the OGC has the largest case intake among all of the FLRA components (handling over three quarters of the FLRA's total case intake) and is the FLRA component with which the parties have the most direct contact. The beneficial effects of voluntary ULP settlements and representation agreements are obvious, and the OGC aggressively pursues them.

In FY 2016, the OGC resolved over 790 ULP cases by voluntary adjustment during the investigative process. In addition, the OGC resolved 95 percent of meritorious ULP cases and

over 98 percent of the representation cases in which the parties agreed to use the OGC's ADR services. These successful voluntary ADR efforts resulted in significant savings of Governmental staff and budgetary resources. For example, during FY 2016, an agency and a union asked the OGC to assist them in rehabilitating their relationship, which had become adversarial and dispute ridden. The OGC met with the parties on-site, engaged the parties in a collaborative effort to resolve their outstanding disputes, and provided both knowledge and skills-enhancement training. Through the OGC's assistance, the parties resolved their outstanding disputes and embarked on a new labor-management relationship based on cooperation and respect.

- *FSIP*

In FY 2016, the FSIP again exceeded all of its timeliness goals for assisting parties in resolving their bargaining-impasse disputes. The most common types of impasses involved impact-and-implementation negotiations over changes in agency policies or procedures, as well as negotiations over successor collective-bargaining agreements, which arise when the current collective-bargaining agreement has expired, or is about to expire. Both types of disputes are critical and time-sensitive. Impact-and-implementation-bargaining disputes often involve negotiations over agency changes to policy or procedure to improve efficiency in the delivery of its mission. Successful and timely resolution of the impasse allows the parties to move forward in implementing the proposed change.

Both the number and types of issues presented in requests for FSIP assistance can vary greatly from case to case. But the most common issues that the parties asked the FSIP to assist with in FY 2016 involved office-space-related matters: how much work space will be allocated to employees; office layout; and equipment. As discussed in more detail below, recognizing this trend in bargaining-impasse disputes, the FSIP participated in a number of cross-component (OGC, Authority, FSIP) and inter-agency (GSA, FMCS) to develop and deliver various trainings and webinars on collaborating and negotiating over space-related issues.

The FSIP is free to use whatever methods and procedures it considers appropriate for quickly and effectively resolving the dispute. The FSIP most commonly resolves impasse disputes using mediation-arbitration proceedings or informal conferences conducted by FSIP Members. Mediation-arbitration is a process that allows the assigned FSIP Member to begin work on the case as a neutral mediator seeking to help the parties reach voluntary resolution of their dispute – meeting with parties, conveying proposals and counterproposals, suggesting compromises, and otherwise seeking to bridge the gap between the parties. But if those mediation efforts are not successful in achieving a voluntary settlement, then the FSIP Member takes on the mantle of an arbitrator, conducting a hearing and issuing a final and binding Arbitration Opinion and Decision that resolves the bargaining impasse.

This approach is consistent with the FSIP's guiding philosophy that the voluntary settlement of bargaining impasses using mediation-arbitration techniques is the most effective and efficient form of dispute resolution. In fact, in cases where the FSIP used mediation-arbitration or informal conferences to resolve Federal-sector impasses, it obtained complete, voluntary settlements over 55 percent of the time. As a result of this high percentage of voluntary

settlements, in FY 2016, the FSIP Members imposed contract terms on the parties in only 12 cases – approximately 10 percent of the FSIP’s caseload. The remainder of the FSIP’s cases were voluntarily withdrawn or settled by the parties – achieving the most ideal solution while also minimizing the disruption to Government operations and costs to taxpayers.

One particularly challenging case involved the Office of the Comptroller of the Currency (OCC) and the National Treasury Employees Union (NTEU). As one of the few Federal agencies that may negotiate over employee pay, the OCC was unable to reach agreement with NTEU over the issues of merit-pay increases and locality-pay increases. The parties each submitted voluminous evidence to support their respective positions and, when the parties were not able to voluntarily resolve their dispute, the FSIP Member then served as an arbitrator and crafted an Arbitration Opinion and Decision. Ultimately, his timely decision found a balance between the parties’ expressed interests while timely resolving the dispute.

### ***Mission Accomplishment – Providing Training and Education across the Federal Government***

Consistent with its strategic goals, in FY 2016, the FLRA continued to promote stability in the Federal labor-management community by providing leadership and guidance through education and reference resources, including the launch of its redesigned website ([www.FLRA.gov](http://www.FLRA.gov)), web-based and in-person trainings, and the release and update of substantive guides and manuals.

With the launch of its redesigned website – including improvements to the site’s appearance, organizational structure, and revision of all substantive content – the FLRA now provides a truly user-friendly, empowering resource for parties to FLRA cases and the broader Federal-sector labor-management community. Addressing feedback from both internal and external customers that they were often unable to locate the case-related information that they were seeking or that it took too many mouse clicks to access, the FLRA developed a more intuitive, user friendly, and accessible organizational structure based on the case types that the various program offices within the FLRA process. That is, rather than site visitors having to know which office does what and at which particular stage during a case, now they have only to search by the case type, and they will find descriptions of each office’s unique functions in that context. The new site is fully “integrated”: Every FLRA training opportunity, written guide, or manual is now available on one centralized page, rather than on office-specific pages. And there is even an online tool that allows customers, for the first time, to register for all FLRA training events directly through the website. The organization around case types, rather than individual office functions, allows users to navigate to the pages they want to access most – and in fewer mouse clicks. Additionally, as part of this initiative, the FLRA made electronically available to its customers relevant “archival” and other materials (e.g., decisions of predecessor agencies, legislative history of the Agency’s implementing Statute, decisions of the Foreign Service Labor Relations Board) that had previously been unavailable outside of the FLRA’s physical library location. Feedback on the new site is universally positive, and the agency has reaped – and will continue to reap – dividends from the improvement to the overall customer experience for years to come.

The FLRA continued to provide web-based and in-person training nationwide to members of the Federal-sector labor-management community – union representatives, agency representatives,

and neutrals – in all aspects of its case law and processes. In FY 2016, the FLRA, as a whole, provided 280 training, outreach, and facilitation sessions to over 8,400 participants. Over the last 6 years, the FLRA has provided nearly 1,700 such sessions to nearly 50,000 participants worldwide. The Authority, the OGC, and the FSIP provided training at several nationwide, annual conferences, including the Society of Federal Labor and Employee Relations Professionals (SFLERP) symposium and the Federal Dispute Resolution (FDR) conference. These sessions included presentations of newly prepared materials of current relevance, as well as updated materials for more standard sessions.

In addition, the Authority sponsored its own training programs, including several, full-day sessions of Comprehensive Arbitration Training and Comprehensive Negotiability Training using, as noted above, updated training materials (including instructional slides, interactive exercises, and other handouts). In particular, because negotiability cases have the highest rate of procedural dismissals of any type of case filed with the Authority, the negotiability training is intended to meet the goals of helping the parties to: comply with the Authority’s regulatory procedural requirements (thus reducing case-processing time); file their cases in a different, appropriate forum when necessary; and use ADR to avoid costly litigation. The overwhelmingly positive feedback received from participants in these sessions indicates that these trainings produced the desired results and will further the above goals in future cases. Moreover, the Authority Members all personally conducted various training sessions on arbitration cases and other topics of interest to the Federal-sector labor-management community, including in conjunction with SFLERP, FDR, the FMCS, and the National Academy of Arbitrators (NAA). For example – recognizing that arbitration cases make up the vast majority of cases that come before the Authority, and that many arbitrators who primarily hear private-sector cases lack significant experience in Federal-sector disputes and need training – Member DuBester provided targeted training to arbitrators at NAA gatherings in both Atlantic City, New Jersey, and New Orleans, Louisiana. In fact, for the New Orleans training, Member DuBester enlisted the assistance of two experienced Federal-sector arbitrators, who assisted with communicating to the arbitrators “in their own language” the differences between private-sector and Federal-sector arbitration.

The OGC continued to focus its training efforts on the front lines, where the work is done and where its efforts can have immediate and lasting effect. By bringing its training services directly to the parties, the OGC educates management and labor representatives on their rights and responsibilities under the Statute, thereby empowering them to more effectively and efficiently avoid – and if necessary, resolve – workplace disputes at the lowest level.

The OGC continued – and expanded – its efforts to provide timely and effective training in support of OMB’s and the GSA’s ongoing “Reduce the Footprint” initiative. A two-day cross-component (OGC, Authority, FSIP) and inter-agency (FMCS and GSA) workshop, conducted in July 2015, focused on resolving labor-relations issues associated with the “Reduce the Footprint” policy, office moves, and relocations in a cooperative and collaborative manner. Because this program was so successful and demand was so great, the OGC collaborated with the FMCS and the GSA to design and conduct similar two-day workshops on space management and labor relations in Boston, Chicago, Denver, and Los Angeles in FY 2016. These workshops – held in the spring of 2016 and made available at no charge to participants – featured:



- a tour of a redesigned Federal space;
- an overview by GSA of its owned- and leased-space project lifecycle and key opportunities for employee engagement and labor-management collaboration;
- a review by the OGC of the statutory duty and scope of bargaining related to office moves, as well as opportunities for pre-decisional involvement (PDI) during office moves;
- training on collaborative problem-solving skills training and resources by the FMCS to support effective PDI and collective bargaining; and
- discussions with agencies and labor organizations that had recently gone through office moves about their experiences and lessons learned.

Although registration exceeded capacity for each session, more than 500 individuals participated in the workshops. Significantly, 40 percent of the attendees participated in the workshops jointly with their union or labor counterparts as “labor-management pairs.” The OGC also assisted in developing web-based versions of the training materials, and provided specialized training on office moves and relocations to labor and management representatives in a number of agencies.

The OGC has continued to provide the parties with training on their rights and responsibilities under the Statute, delivering over 100 sessions and reaching over 4,300 participants in FY 2016, including several sessions on the comprehensive *Guidance on Meetings* that it issued in FY 2015. This is a key strategic ADR and education activity as it reduces and prevents disputes through active education. The OGC also continued providing the parties with up-to-date and topical web-based resources, including revisions to its *Representation Case Law Outline*. The OGC’s web-based resources – particularly the *ULP Case Law Outline* – are go-to resources for the parties, and they have elicited much favorable feedback.

### ***Employee Engagement***

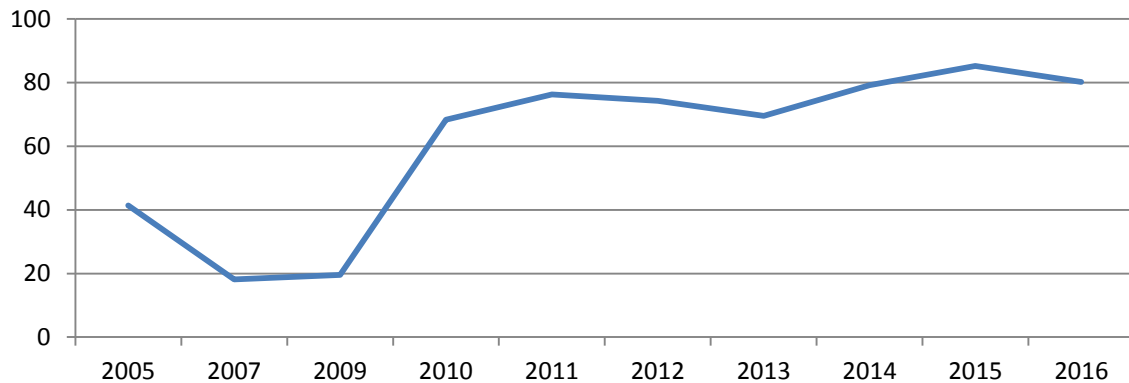
The FLRA is a leader in creating a culture of operational excellence and employee engagement to enable higher mission performance.

In FY 2016, the FLRA captured the #1 small-agency ranking in two important indices in the 2016 Federal Employee Viewpoint Survey (FEVS) – Employee Engagement and New IQ – up from #2 in both in 2015. The FEVS Engagement Index measures the engagement potential of an agency’s work environment, including three sub-factors – Leaders Lead, Supervisors, and Intrinsic Work Experience. In addition to scoring #1 overall, the FLRA was also a top scorer with respect to Leaders Lead – which reflects employees’ perceptions about their leaders’ integrity and behaviors with respect to communication and workforce motivation – and Intrinsic Work Experience – which reflects employees’ feelings of motivation and competency related to their role in the workplace. The “New IQ” index provides insights into employee perceptions of the inclusiveness of their agencies by looking at twenty questions that measure the five “Habits of Inclusion” – Fair, Open, Cooperative, Supportive, and Empowering. In addition to scoring #1 overall, the FLRA was a top scorer in *all five* habits of inclusion.

And, for the third consecutive year, the FLRA was recognized as a Top Five small agency in the 2016 Best Places to Work in the Federal Government rankings. With an overall index score of 80.2,

the FLRA ranks #5 among 29 small agencies, and its index score is over 20 points higher than the Government-wide average of 59.4. The rankings also measure employee attitudes regarding 10 workplace categories. The FLRA ranks #1 in 7 of 10 categories – Effective Leadership; Strategic Management; Teamwork; Work-Life Balance; Support for Diversity; and Performance-Based Rewards and Advancement. In addition, the FLRA ranks #1 in the Effective Leadership – Empowerment sub-category, and #2 in the Pay category and the Effective Leadership – Empowerment sub-category. The FLRA also continues to make steady progress in the Innovation category, ranking #5 this year – up from #6 in 2015 and #8 in 2014.

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



The FLRA’s dramatic and sustained improvement with respect to employee engagement and satisfaction over the last seven and a half years reflects the commitment of leadership – at all levels and throughout the agency – to manage the agency with transparency and accountability and to engage employees. It also demonstrates the commitment and dedication of FLRA employees. Concurrent with the agency’s significant increase in employee morale and satisfaction since 2009, there has been a marked improvement in the FLRA’s mission performance and the delivery of services to its customers.

# BUDGET JUSTIFICATION

## APPROPRIATION LANGUAGE

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### FEDERAL LABOR RELATIONS AUTHORITY SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, and including hire of experts and consultants, hire of passenger motor vehicles, and including official reception and representation expenses (not to exceed \$1,500) and rental of conference rooms in the District of Columbia and elsewhere, \$26,200,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further*, That, notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

## FY 2018 FUNDING REQUEST

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The FLRA requests \$26,200,000 in FY 2018 to fund employee salaries and related operating expenses necessary to meet its annual performance targets. The agency's FY 2018 request would fund 121 full-time equivalents (FTEs).

(In thousands of dollars)

Program Activity	FY 2016 Actual	FY 2017 Estimated	FY 2018 Request	Change from FY 2017
Authority	\$14,493	\$14,382	\$14,377	\$0
Office of the General Counsel	10,660	10,721	10,749	0
Federal Service Impasses Panel	999	1,047	1,074	0
<b>Direct Obligations</b>	<b>\$26,152</b>	<b>\$26,150</b>	<b>\$26,200</b>	<b>\$0</b>
<b>FTEs</b>	<b>129</b>	<b>129</b>	<b>121</b>	<b>0</b>

The requested FY 2018 funding level incorporates cost-savings measures initiated over the past several years to increase program effectiveness and to reduce fragmentation, overlap, and duplication. The previous FLRA Headquarters lease in Washington, D.C., for example, expired in FY 2013, and, in response to growing participation in the agency telework program, the FLRA reduced the size of its Headquarters location by approximately 12,000 square feet, commencing with the new lease term.

In addition, the initial launch of the FLRA’s modernized website in 2009, and continual enhancements to the site, including a 2016 redesign, have allowed the agency to provide timely and accurate information to its customers – other Federal agencies, Federal unions, Federal employees, and neutrals – including FLRA decisions, legal guidance and memorandums, policy documents, legal training and resources, and difficult-to-find archival materials.

The requested level also reflects a sustained 20 percent decrease in IT spending since FY 2014. The FLRA has achieved this savings by strengthening its in-house capacity to develop and manage large-scale, agency-wide projects, such as development and implementation of electronic case-management and case-filing systems. It also highlights the agency’s successful efforts in long-term strategic IT planning.

## **CHANGE FROM FY 2017**

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The requested funding level for FY 2018 includes no increase over FY 2017.

### **Personnel Compensation and Benefits**

The FY 2018 request reflects the statutory pay raises of 2.1 and 1.9 percent in January 2017 and January 2018, respectively. Further, FLRA benefits costs, as a percentage of compensation, continue to rise as the percentage of the agency’s workforce under the Federal Employees Retirement System (FERS) increases. As those in the Civil Service Retirement System (CSRS) retire or transfer to other agencies, they are generally replaced by those under the FERS. FERS benefits cost the FLRA, on average, twice as much as CSRS benefits, per employee. The agency’s personnel-benefits estimate, therefore, assumes that the ongoing, Government-wide transition to the FERS will cost the FLRA an additional \$150,000 in FY 2018.

### **Rent**

The FLRA makes rental payments to the GSA for office space in Atlanta, Boston, Chicago, Dallas, Denver, San Francisco, and Washington, D.C. An additional \$75,000 will be necessary in FY 2018 to cover the agency’s annual, inflationary rent increase over FY 2017.

Since 2009, the agency has placed an emphasis on telework, and it seeks to consolidate space wherever possible in an effort to reduce operating costs. Since implementation of the telework program in January 2010, approximately 80 percent of the FLRA’s workforce has engaged in some form of telework, with roughly half of teleworkers engaged “regularly” and the other half engaged “periodically.” Telework has also contributed to increased employee morale, as measured in the OPM’s FEVS. The opportunity to telework has proven useful as a recruitment and retention tool, as it has been the deciding factor in job acceptance and has encouraged several employees to stay with the agency. In response to growing participation in the FLRA telework program, and consistent with Government-wide direction and guidelines, the agency is systematically “reducing its footprint” – in recent years reducing the size of its Headquarters location by approximately 12,000 square feet in early FY 2014, as well its Boston, Chicago, San Francisco, and Denver Regional Offices over the last three years. These reductions in space have, in some instances, reduced annual costs, and, in others, allowed the FLRA to avoid the

costs of what would have otherwise been significant rent increases. The FLRA's Dallas Regional Office lease expires in September 2017, and, at that time, the FLRA will again seek to reduce its space.

## **PROGRAM AND FINANCING SCHEDULE**

(In thousands of dollars)

	<b>FY 2016 Actual</b>	<b>FY 2017 Estimate</b>	<b>FY 2018 Request</b>
<b>Budgetary resources:</b>			
Unobligated balance (total)	1,341	1,341	1,341
Appropriation, discretionary (total)	26,200	26,150	26,200
Spending authority from offsetting collections, discretionary (total)	20	100	0
Total budgetary resources	27,561	27,591	27,541
<b>Status of budgetary resources:</b>			
Direct obligations (total)	26,226	26,150	26,200
Reimbursable obligations (total)	21	100	0
New obligations and upward adjustments (total)	26,247	26,250	26,200
Unobligated balance, end of year	1,314	1,314	1,314
Total budgetary resources	27,561	27,564	27,514
<b>Change in obligated balance:</b>			
Obligated balance, start of year	1,836	3,132	3,132
Obligated balance, end of year	3,132	3,132	3,132
<b>Budget authority and outlays, net:</b>			
Budget authority, gross	26,200	26,200	26,200
Outlays, gross (total)	26,000	26,000	26,000
Offsets against gross budget authority and outlays (total)	(31)	(31)	0
Additional offsets against budget authority only (total)	10	10	0
Budget authority, net (discretionary)	26,200	26,200	26,200
Outlays, net (discretionary)	26,000	26,000	26,000

## OBJECT CLASSIFICATION SCHEDULE

(In thousands of dollars)

	FY 2016 Actuals	FY 2017 Estimate	FY 2018 Request
Direct obligations:			
Personnel compensation:			
Full-time permanent	\$14,496	\$14,382	\$14,415
Other than full-time permanent	539	532	571
Other personnel compensation	<u>385</u>	<u>380</u>	<u>407</u>
Total personnel compensation	15,420	15,294	15,393
Civilian personnel benefits	4,649	4,732	4,771
Travel and transportation of persons	195	165	165
Transportation of things	12	12	12
Rental payments to GSA	2,606	2,662	2,737
Communications, utilities, and misc. charges	315	322	325
Printing and reproduction	16	14	14
Other services from non-federal sources	878	845	895
Other goods and services from Federal sources	1,722	1,800	1,580
Operation and maintenance of facilities	4	4	4
Operation and maintenance of equipment	84	89	93
Supplies and materials	161	121	121
Equipment	<u>90</u>	<u>90</u>	<u>90</u>
Direct obligations	\$26,152	\$26,150	\$26,200
Reimbursable obligations:			
Travel and transportation of persons	<u>21</u>	<u>100</u>	<u>    </u>
Reimbursable obligations	<u>21</u>	<u>100</u>	<u>    </u>
Total new obligations	\$26,173	\$26,250	\$26,200

## EMPLOYMENT SUMMARY SCHEDULE

	FY 2016 Actual	FY 2017 Estimate	FY 2018 Request
Direct civilian full-time equivalent employment	129	129	121



## **INSPECTOR GENERAL RESOURCES**

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

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

The FLRA's FY 2018 funding request includes \$602,856 for the OIG. The funding level requested by the IG, including \$8,000 for training and \$1,803 to support the Council of the Inspectors General on Integrity and Efficiency (CIGIE) has been funded in total. The IG has certified that the FLRA's funding request for the OIG satisfies all training requirements for FY 2018.



INSPECTOR GENERAL

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

April 4, 2017

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

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

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

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

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

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

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

Following the requirements as specified above, the Federal Labor Relations Authority Inspector General submits the following information relating to the OIG's requested budget for FY 2018:

- The aggregate budget request for the operations of the OIG is \$602,856,
- The portion of this amount needed for OIG training is \$8,000, and
- The portion of this amount needed to support the CIGIE is \$ 1,803.

I certify as the IG of the Federal Labor Relations Authority that the amount I have requested for training satisfies all OIG training needs for FY 2018.



Inspector General  
Federal Labor Relations Authority

# ANNUAL PERFORMANCE PLAN

## STRATEGIC AND PERFORMANCE-PLANNING FRAMEWORK

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Through comprehensive review of its operations, staffing, work processes, resource allocations, and performance, the FLRA has established strategies and goals that are designed to maximize the delivery of agency services throughout the Federal Government. The FLRA engages in continuous strategic assessment of performance and other data to ensure that it is accomplishing its mission effectively and efficiently.

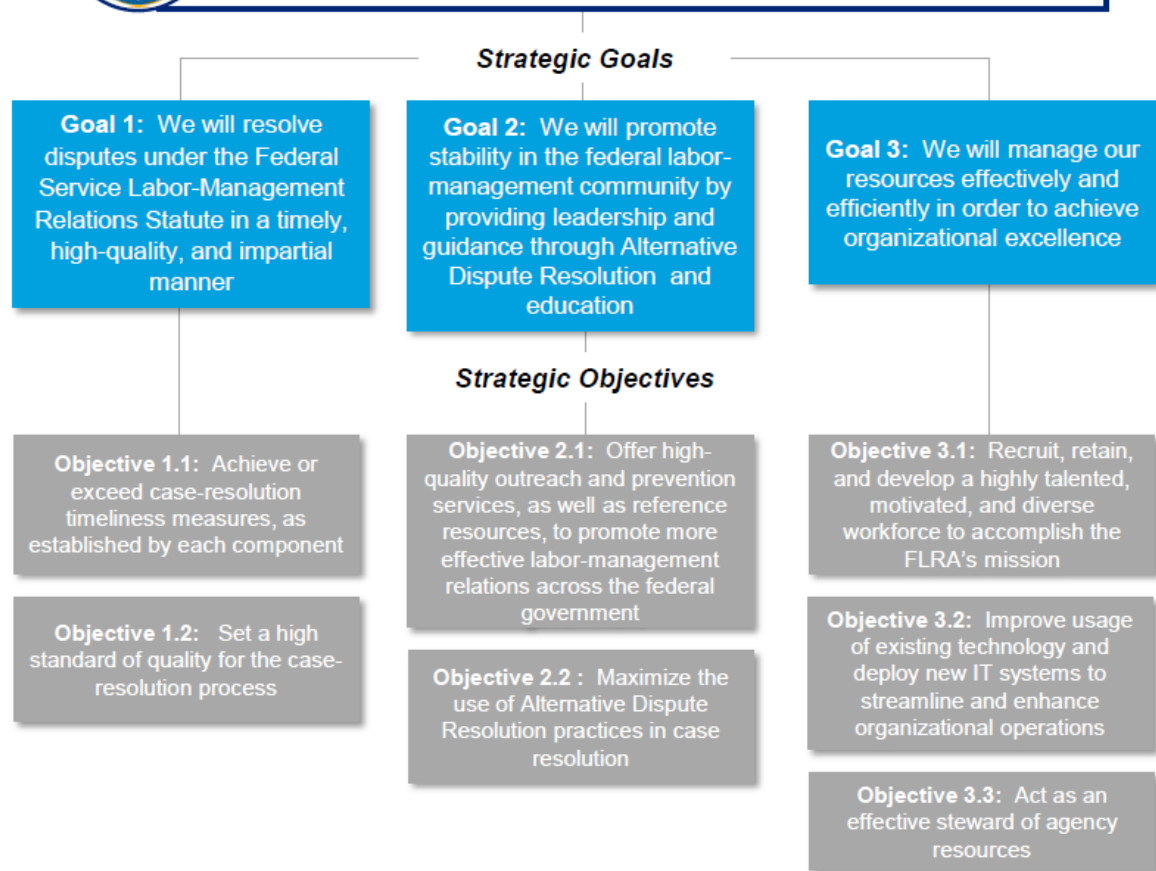
The FLRA's FY 2018 strategic performance-planning framework is currently based on the agency's FY 2015 - 2018 Strategic Plan, and it is supported by the agency's Annual Performance Plan, which establishes the agency's annual performance goals and measures. The Annual Performance Plan reflects the agency's commitment to establishing meaningful metrics that will assist in assessing performance outcomes, aligning resources, and effectively identifying staffing and training needs. Consistent with the Government Performance and Results Act (GPRA) Modernization Act of 2010, in FY 2017, the FLRA will begin development of a new strategic plan – that runs at least through 2022 – in order to comply with the Monday, February 5, 2018 deadline for issuing a new strategic plan following a change in Administration.

Consistent with ongoing Government-wide efforts to leverage data to facilitate agencies' programmatic work, the FLRA continually and strategically monitors its progress in accomplishing the goals and measures set forth in the Annual Performance Plan. This ongoing, agency-wide review is conducted on a monthly basis with distribution of the Monthly Analysis of Performance and Status (MAPS) Report, which contains statistical case and performance data derived from the FLRA's Case Management System (CMS) and agency management. The agency examines the data contained in the MAPS Report in a variety of forums, and it shares the agency's status toward meeting its case-processing performance goals with all employees on a monthly basis. At the component and office levels, there are also daily performance assessments using a variety of reports, including: case-filing reports, which track the number and age of cases; case-status reports, which track the status of all assigned *pending* cases within the Authority, the OGC, and the FSIP; and monthly disposition reports, which track the number, age, and resolution type of every *closed* case within the Authority and the OGC.

The analysis and assessment of these reports drive, among other things: decisions to target services (including training, facilitations, and on-site investigations) to certain parties or geographical locations; adjustments in workload through case transfers at the national, regional, and office levels; and reallocation of resources, including use of details, contract support, and temporary hires. As to the latter point, in FY 2016, in recognition of the upcoming retirement of one of the three FLRA ALJs, the FLRA again targeted resources, utilizing cross-component details to assist in prioritizing the caseload of the OALJ and ensuring full resolution of the retiring ALJ's case docket.



**Mission:** The FLRA promotes stable, constructive labor-management relations through the resolution and prevention of labor disputes in a manner that gives full effect to the collective-bargaining rights of employees, unions, and agencies.



The FLRA seeks to achieve its strategic goals primarily through the timely, high-quality, and impartial review and disposition of cases. The agency supplements these efforts with a focus on reducing litigation and its attendant costs by helping parties to resolve their own disputes through collaboration, ADR, education, and labor-management-cooperation activities. Further supporting these efforts is the FLRA's focus on internal improvements in IT and more effective and efficient use of human capital.

## **FY 2018 Performance Goals**

**1.1.1: Produce Timely Review and Disposition of Unfair-Labor-Practice Cases**

**1.2.1: Resolve Overage Unfair-Labor-Practice Cases in a Timely Fashion**

**1.1.2: Produce Timely Review and Disposition of Representation Cases**

**1.2.2: Resolve Overage Representation Cases in a Timely Fashion**

**1.1.3: Produce Timely Review and Disposition of Arbitration Cases**

**1.2.3: Resolve Overage Arbitration Cases in a Timely Fashion**

**1.1.4: Produce Timely Review and Disposition of Negotiability Cases**

**1.2.4: Resolve Overage Negotiability Cases in a Timely Fashion**

**1.1.5: Produce Timely Review and Disposition of Bargaining-Impasse Cases**

**2.1.1: Provide Targeted Access to Training, Outreach, and Facilitation Activities within the Labor-Management Community**

**2.2.1: Successfully Resolve a Significant Portion of FLRA Cases through ADR**

**3.1.1: Recruit, Retain, and Develop a Highly Talented, Motivated, and Diverse Workforce to Accomplish the FLRA's Mission**

**3.1.2: Improve Use of Existing Technology and Deploy New IT Systems to Streamline and Enhance Organizational Operations**

## **Timeliness and Quality**

Continued improvements in the timeliness of case disposition further the FLRA's critical role in facilitating orderly, effective, and efficient change within the Federal Government. In large part, the FLRA exists to promote effective labor-management relations that, in turn, permit improved employee performance and Government operations. Timely resolution – or avoidance – of FLRA cases is critical to this endeavor. And effective case resolution includes not only timeliness, but also: 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.

The agency facilitates improvements in performance, Government-wide, that have inevitable effects on employee working conditions and that implicate the bargaining rights of the more than 1.2 million employees represented by labor organizations. Unless management and labor can collaboratively resolve their disputes and avoid litigation or – failing that – have their disagreements adjudicated expeditiously by the FLRA, mission performance will suffer. This is particularly relevant now as Federal agencies are making significant adjustments and changes in how they perform their missions in response to the budgetary and policy challenges that they are facing.

## **Alternative Dispute Resolution and Education**

Throughout the years, the Authority, the OGC, and the FSIP have not only recognized the many benefits associated with using ADR to resolve workplace disputes, but they have also integrated



ADR techniques into all aspects of case processing. Put simply, offering ADR services in every case, at every step, results in faster, more effective outcomes for the parties and the FLRA. For this reason, the agency continues to leverage existing staff and resources to increase its ADR reach. This includes partnering with other agencies and entities – such as the Federal Mediation and Conciliation Service (FMCS), the Federal Executive Boards, and the General Services Administration (GSA) – to train large numbers of practitioners.

In addition, the FLRA’s training initiatives are intended to make case processing more effective and efficient, and to better serve the FLRA’s customers by providing meaningful and clear guidance on statutory rights and responsibilities. Timely and efficient case processing is furthered by FLRA customers being knowledgeable about their rights and obligations under the Statute, as well as FLRA case law, regulations, and case-processing procedures. The FLRA delivers its educational materials through a variety of means, such as: in-person training sessions; comprehensive, web-based training modules; and case outlines, manuals, and subject-matter guides that are easily accessible on [www.FLRA.gov](http://www.FLRA.gov). All of these materials have been developed to assist members of the Federal labor-management-relations community with issues and cases arising under the Statute. Using collaboration and ADR techniques – alone or in conjunction with other training, outreach, and facilitation services – to assist parties in minimizing or resolving labor-management disputes significantly reduces the need for litigation and its attendant costs, and it gets the parties back to work accomplishing their missions and delivering effective and efficient Government services.

## **Information Technology (IT)**

Consistent with the FLRA’s Strategic Plan, IT and automation of agency processes are key areas of focus for the agency. Both are fundamental for ensuring the cost-effectiveness and efficiency of the FLRA, as measured by the agency’s ability to meet its annual performance goals. The agency continues to improve its overall effectiveness and efficiency, as well as the customer-service experience, by engaging in new and innovative ways to conduct business, such as through electronic case filing (eFiling). In addition, the agency has placed significant emphasis on IT modernization to ensure that its IT equipment and infrastructure enable it to maximize gains in efficiency that can be achieved through use of technology.

In FY 2016, the FLRA launched its redesigned website – [www.FLRA.gov](http://www.FLRA.gov). This effort, which included input from key internal and external stakeholders, was highly collaborative, and it engaged employees across all components and offices of the agency to develop improvements in the FLRA’s website to promote innovative change in how the FLRA delivers its online information and services to customers. The new site is significantly more user friendly, allowing visitors to find the information that they need more quickly – with fewer mouse clicks. And it is more intuitive through improved organization of content. The new site also provides users with integrated access to all FLRA training information and other educational materials in one centralized location. And the agency implemented an online tool that allows customers, for the first time, to register for all FLRA training events directly through the website, creating efficiencies for both customers and FLRA administrative staff, who support the Agency-wide performance goal of providing, in FY 2017, 275 training sessions to over 7,000 participants annually.

The FLRA will also continue to work towards its long-term goal of implementing end-to-end electronic case files throughout the FLRA and complying with the OMB-mandated target of having fully electronic files by 2019. Increasing eFiling is critical to achieving this goal. In this regard, the more case-related information that the FLRA receives electronically – rather than in hard copy – from the outset, the easier it is to convert that information into an electronic case file, without the need for FLRA staff to manually scan documents. In recognition of this, the agency continues to execute the four-year, four-phase plan that it initially developed and launched in FY 2015 to accomplish the transition to fully electronic case files.

Phase 1 was completion of the implementation of an eFiling System – eFiling 1.0 – for all FLRA offices that accept case filings, and the refinement and improvement of that system – based on user experience and feedback – through implementation of eFiling 2.0. The FLRA’s eFiling System is an important E-Government initiative that was developed to provide easier and more user-friendly access to the FLRA and its services. Every FLRA office that receives case filings – the FSIP, the Authority, the OGC, and the OALJ – is capable of receiving those filings electronically. But during Phase 1, the agency recognized that users were slow to adopt the new eFiling system, and the agency began actively seeking feedback regarding the eFiling interface and its usability. Based on that user feedback, the agency continued in FY 2016 to focus on developing, testing, and implementing eFiling 2.0 with a new user interface (in Ruby on Rails) that was more intuitive, user-friendly, and visually appealing.

The new and improved eFiling 2.0 interface also serves as the catalyst for Phase 2, which – using the same Ruby on Rails user interface – will provide a similar, more user-friendly and intuitive interface for the agency’s electronic Case-Management System. Phase 2 also includes the implementation of an agency-wide Document Management System – an electronic, cloud-based “filing cabinet” that provides a framework for organizing digital and paper documents. The Document Management System will not only replace all existing network drives and folders and allow for quick access to any document, file, or email through use of its sophisticated search engines, but it will also provide the necessary storage capacity and technological platform for the eventual integration of all electronic case-processing systems so that the agency can realize its vision of having fully electronic case files. Consistent with its multi-year plan, in FY 2016, the FLRA procured a Document Management System – iManage – and it is on track to complete the design and implementation of this new IT system by the end of FY 2017.

Phase 3, which is targeted for completion in FY 2018, is the integration of the automated connection between the Case Management System, the eFiling System, and the Document Management System. And Phase 4 is the complete transition to 100 percent electronic case files throughout the agency, with a goal of FY 2019 for completion.

In addition, the FLRA continues to leverage the Video Teleconferencing (VTC) System implemented in FY 2015 and to transition to business cable, gaining efficiencies and cost savings in travel and network costs. The VTC System saves agency travel funds and offers alternative methods for achieving agency-wide training, outreach, and intervention goals. And with the ongoing transition to business cable, the agency is achieving 5 to 10 percent savings annually for network services and reinvesting those savings to provide a back-up, secondary system for the Regional Office networks. It has also yielded faster connections for the FLRA’s Regional

Offices, increasing network speeds by 50 to 80 percent. Both initiatives are key components in the agency's effort to achieve efficiencies through use of innovative technology.

## **Human Capital**

The FLRA continues its overall success and improvement as measured by the Federal Employee Viewpoint Survey (FEVS), leaving no doubt that the FLRA's investments in the recruitment, retention, and skills and leadership development of its employees continues to produce a highly engaged workforce that is dedicated to the accomplishment of its mission. The results of the survey reflect the agency's continuous growth in overall employee satisfaction, as demonstrated by the FLRA ranking in FY 2016 as the #1 small agency in two important indices – Employee Engagement and New IQ – and the increase in 2016 positive ratings in 19 items from 2015. In addition, the FLRA has 66 identified strengths (items with 65 percent or higher positive ratings) and no identified challenges (items with 35 percent or higher negative ratings). And the agency's scores are above the Government-wide average in 69 out of 71 questions. Of particular note is that: 97 percent of FLRA respondents report that they are held accountable for achieving results; 96 percent positively rate the overall quality of the work done by their work unit; 96 percent indicate that they are willing to put in extra effort to get a job done; 94 percent know how their work relates to the agency's goals and priorities; 94 percent think that the people they work with cooperate to get the job done; 94 percent believe that the agency is successful at accomplishing its mission; 93 percent find that the workforce has the job-relevant knowledge and skills necessary to accomplish organizational goals; 92 percent indicate that their supervisors regularly communicate with them about their performance; and 91 percent state that employees in their work unit share job knowledge with each other.

These results show that employees at all levels understand the mission of the FLRA, understand their role in achieving the mission, and see themselves as an integral part of achieving agency-wide success. The agency continues to credit its mission-performance successes to its high level of employee engagement.

As to the Employee Engagement Index, it is a measure of the conditions conducive to engagement – that is, the engagement potential of the agency's work environment. It is composed of three sub-factors: Leaders Lead, Supervisors, and Intrinsic Work Experience. Not only is the FLRA the #1 ranked small agency overall, but it is also the top-scoring agency in two of the three sub-factors – Leaders Lead and Intrinsic Work Experience.

And the FLRA's #1 small-agency ranking in terms of the "New Inclusion Quotient" (New IQ) Index provides insights into employee perceptions of the inclusiveness of the agency by looking at twenty questions that measure the five "Habits of Inclusion" – Fair, Open, Cooperative, Supportive, and Empowering. The FLRA is the top-ranking small agency for *each* of the five habits of inclusion, with scores averaging 15 percent – and as much as 21 percent – higher than the average scores for all small agencies.

Consistent with Government-wide diversity and inclusion initiatives, the FLRA uses the FEVS to develop and implement a data-driven, forward-looking human-capital-management strategy. Focusing on key drivers of employee engagement, the FLRA has developed strategies, including

the New IQ, for employees to build and cultivate key skills that lead to greater individual and organizational performance and job satisfaction. In this connection, in FY 2016, the FLRA continued to invest in its employees through classroom training, rotational details, cross-component learning, challenging assignments, and leadership-development trainings and opportunities to enhance and broaden employees' skills. Employees at all levels – both professional and administrative-support staff – delivered positive agency outcomes and led numerous mission-related initiatives, including: the development and implementation of the FLRA's eFiling System; the FLRA website redesign; the streamlining of internal case-processing procedures; and the development and regular updating of Authority and OGC training materials, guides, and manuals – many of which are web-based – to educate the FLRA's customers about the Statute, applicable legal standards and FLRA precedent, and the agency's case-processing procedures.

Again, in FY 2016, internal developmental details have accomplished two strategic objectives: (1) development of future leaders to facilitate succession planning; and (2) cross-training to allow for the reassignment of employees to positions that are more closely matched to their career interests – and to the agency's needs. Position descriptions have continued to be updated and now allow for greater growth and advancement opportunities within the agency, and employees readily volunteered for collateral-duty assignments, new initiatives, and projects. And, in FY 2016, FLRA employees continued to receive discounted tuition at the University of Maryland University College (UMUC) for self-directed study pursuant to a memorandum of understanding between the agency and UMUC.

In order to further fulfill the FLRA's mission, the agency focuses on succession planning by identifying its future human-resources needs, potential organizational and skills gaps, and vulnerabilities, and then setting goals to address them. With respect to succession planning, in FY 2016, the FLRA continued a training initiative designed to assist senior, high-potential employees identify and strengthen critical leadership skills in preparation for eventually transitioning to formal leadership positions. To strengthen and support the FLRA's new cadre of first-time managers and supervisors, the agency identified a series of trainings geared towards developing strategic thinking and other critical skills in preparation for effective leadership at the FLRA. And the FLRA continued to develop and provide high-level, mission-based training for its attorneys – nearly 20 percent of whom are new to the FLRA – that built upon their existing legal, technical, and ADR skills to improve and maximize performance. These training initiatives crossed components, bringing together future agency leaders from all offices to enhance their skills and encourage ongoing collaboration among peers.

The FLRA continued to engage its workforce around improving work processes, resulting in the FLRA's continual climb in its "Innovation" rankings. The innovation category measures employee perceptions of efforts to improve the way work is done, including their own personal motivation to promote change, and the support and rewards that they receive for promoting new ideas. The FLRA's commitment to rewarding creativity and provision of forums for employees to share and promote learning and coordination between components and offices have clearly demonstrated that learning more about the work going on across the agency sparks creativity and collaboration. These efforts have produced real results.

For example, during FY 2016, the Authority component engaged its employees in the development and implementation of a pilot program for the electronic circulation of Member-office decisions and votes on pending cases. As a result of the pilot, the Authority will no longer physically circulate hard or paper copies of all decisions and votes. Not only did this process improvement result in increased efficiencies, it facilitated increased staff telework and awareness of pending issues by providing them the opportunity to review all circulating decisions. In addition, it began the transition to an increasingly electronic “case-file universe,” in anticipation of the FLRA’s electronic-case-file initiative.

The FLRA is committed to fostering a workplace where employees from all backgrounds are recruited, retained, and developed for successful performance and career progression. Since FY 2014, and continuing throughout FY 2016, the agency achieved greater diversity in its workforce by increasing strategic and targeted recruitment and posting job opportunities with career-planning and placement services, local colleges and universities, and professional affinity-group organizations. And the FLRA has consistently used data to help identify and eliminate barriers to recruiting and hiring the diverse talent that it needs. In this respect, the FLRA’s ongoing focus on increasing ethnic and gender diversity in its Senior Executive Service corps yielded small, but meaningful, gains in FY 2016. The FLRA also continued to utilize both Student Pathways and summer-externship programs to accomplish mission-related initiatives throughout the agency. Finally, serving as one of three Small Agency Council (SAC) representatives on the Diversity and Inclusion in Government Council (DIG), the FLRA is participating in Government-wide discussions aimed to create and foster a Federal workforce that includes and engages Federal employees and reflects all segments of society.

***STRATEGIC GOAL 1: WE WILL RESOLVE DISPUTES UNDER THE  
STATUTE IN A TIMELY, HIGH-QUALITY, AND IMPARTIAL MANNER***

**PERFORMANCE GOAL 1.1: PRODUCE TIMELY REVIEW AND  
DISPOSITION OF UNFAIR-LABOR-PRACTICE CASES.**

The General Counsel has independent responsibility for the investigation, settlement, and prosecution of ULP charges. ULP cases originate with the filing of a charge in a Regional Office by an employee, a labor organization, or an agency. Once a charge has been filed, the Regional Office will investigate the charge to determine whether it has merit. If the Regional Director determines that the charge has merit, then he or she will, absent settlement, issue and prosecute a complaint before an ALJ. If the Regional Director determines that the charge lacks merit, then the charging party is entitled to a written explanation, and, if not satisfied, may appeal that decision to the General Counsel in Washington, D.C. If the General Counsel upholds the dismissal, then the case is closed. The Authority has appointed ALJs to hear ULP cases prosecuted by the General Counsel. The OALJ transmits recommended decisions of the ALJs to the Authority, which may affirm, modify, or reverse them in whole or in part on exceptions. If no exceptions are filed to an ALJ's decision, then the Authority adopts the decision without precedential significance.

OGC	2013	2014	2015	2016	2017 Est.	2018 Est.
Cases pending, start of year	1,488	1,570	1,425	1,178	1,333	963
Charges filed	<u>4,659</u>	<u>4,696</u>	<u>4,418</u>	<u>4,345</u>	<u>4,000</u>	<u>4,000</u>
<b>Total caseload</b>	<b>6,147</b>	<b>6,266</b>	<b>5,843</b>	<b>5,523</b>	<b>5,333</b>	<b>4,963</b>
Charges withdrawn/settled	3,646	3,779	3,662	3,268	3,400	3,100
Charges dismissed	673	809	800	749	790	720
Complaints issued	<u>258</u>	<u>253</u>	<u>203</u>	<u>173</u>	<u>180</u>	<u>180</u>
<b>Total cases closed</b>	<b>4,577</b>	<b>4,841</b>	<b>4,665</b>	<b>4,190</b>	<b>4,370</b>	<b>4,000</b>
<b>Cases pending, end of year</b>	<b>1,570</b>	<b>1,425</b>	<b>1,178</b>	<b>1,333</b>	<b>963</b>	<b>963</b>
OALJ	2013	2014	2015	2016	2017 Est.	2018 Est.
Cases pending, start of year	115	120	105	62	60	40
Cases received from the OGC	<u>271</u>	<u>260</u>	<u>222</u>	<u>179</u>	<u>200</u>	<u>200</u>
<b>Total caseload</b>	<b>386</b>	<b>380</b>	<b>327</b>	<b>241</b>	<b>260</b>	<b>240</b>
Settlements before hearing	223	245	187	130	200	200
Cases closed by decision	<u>43</u>	<u>30</u>	<u>78</u>	<u>51</u>	<u>20</u>	<u>14</u>
<b>Total cases closed</b>	<b>266</b>	<b>275</b>	<b>265</b>	<b>181</b>	<b>220</b>	<b>214</b>
<b>Cases pending, end of year</b>	<b>120</b>	<b>105</b>	<b>62</b>	<b>60</b>	<b>40</b>	<b>26</b>



Authority	2013	2014	2015	2016	2017 Est.	2018 Est.
Cases pending, start of year	2	12	13	24	24	24
Exceptions filed	<u>27</u>	<u>27</u>	<u>62</u>	<u>45</u>	<u>32</u>	<u>32</u>
<b>Total caseload</b>	<b>29</b>	<b>39</b>	<b>75</b>	<b>69</b>	<b>56</b>	<b>56</b>
Cases closed procedurally	16	18	37	51	28	28
Cases closed based on merits	<u>1</u>	<u>8</u>	<u>14</u>	<u>14</u>	<u>4</u>	<u>4</u>
<b>Total cases closed</b>	<b>17</b>	<b>26</b>	<b>51</b>	<b>51</b>	<b>32</b>	<b>32</b>
<b>Cases pending, end of year</b>	<b>12</b>	<b>13</b>	<b>24</b>	<b>24</b>	<b>24</b>	<b>24</b>

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

Results				Targets	
FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
68%	67%	72%	71%	74%	70%

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

Results				Targets	
FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
100%/100%	98%/100%	98%/100%	100%/100%	95%/100%	95%/100%

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

Results		
FY 2013	FY 2014	FY 2015
86%	91%	77%

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

Results	Targets		*Clarified measure beginning in FY 2016
FY 2016	FY 2017	FY 2018	
80%	90%	80%	

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

Results			
FY 2013	FY 2014	FY 2015	FY 2016
100%	50%	57%	89%

**Measure 1.4:** The percentage of ULP cases decided within 150 days of assignment to an Authority Member.

Targets		*New measure beginning in FY 2017
FY 2017	FY 2018	
75%	75%	

**PERFORMANCE GOAL 2.1: RESOLVE OVERAGE  
UNFAIR-LABOR-PRACTICE CASES IN A TIMELY FASHION.**

As part of its 2015-2018 Strategic Plan, the FLRA developed new performance measures for FY 2016 and FY 2017 to ensure that cases in which the primary timeliness goal is not met are sufficiently targeted and do not go significantly overage.

**Measure 2.1:** The percentage of ULP charges resolved by the OGC by complaint, withdrawal, dismissal, or settlement within 240 days of filing of the charge.\*

Results	Targets		*New measure beginning in FY 2016
FY 2016	FY 2017	FY 2018	
95%	98%	95%	

**Measure 2.2:** The percentage of ULP complaints issued by the General Counsel decided in the OALJ within 365 days of the complaint being issued.\*

Results	Targets		*New measure beginning in FY 2016
FY 2016	FY 2017	FY 2018	
89%	98%	98%	

**Measure 2.3:** The percentage of ULP cases decided within 365 days of assignment to an Authority Member.\*

Targets		*New measure beginning in FY 2017
FY 2017	FY 2018	
95%	95%	

## PERFORMANCE GOAL 1.2: PRODUCE TIMELY REVIEW AND DISPOSITION OF REPRESENTATION CASES.

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

OGC	2013	2014	2015	2016	2017 Est.	2018 Est.
Cases pending, start of year	89	89	65	70	112	117
Petitions filed	<u>253</u>	<u>235</u>	<u>225</u>	<u>265</u>	<u>225</u>	<u>225</u>
<b>Total caseload</b>	<b>342</b>	<b>324</b>	<b>290</b>	<b>335</b>	<b>337</b>	<b>342</b>
Petitions withdrawn	106	118	95	112	105	105
Cases closed based on merits	<u>147</u>	<u>141</u>	<u>125</u>	<u>111</u>	<u>115</u>	<u>115</u>
<b>Total cases closed</b>	<b>253</b>	<b>259</b>	<b>220</b>	<b>223</b>	<b>220</b>	<b>220</b>
<b>Cases pending, end of year</b>	<b>89</b>	<b>65</b>	<b>70</b>	<b>112</b>	<b>117</b>	<b>122</b>
Authority	2013	2014	2015	2016	2017 Est.	2018 Est.
Cases pending, start of year	0	9	7	2	0	0
Applications for review	<u>11</u>	<u>13</u>	<u>16</u>	<u>6</u>	<u>7</u>	<u>7</u>
<b>Total caseload</b>	<b>11</b>	<b>22</b>	<b>23</b>	<b>8</b>	<b>7</b>	<b>7</b>
Cases closed procedurally	1	2	2	0	0	0
Cases closed based on merits	<u>1</u>	<u>13</u>	<u>19</u>	<u>8</u>	<u>7</u>	<u>7</u>
<b>Total cases closed</b>	<b>2</b>	<b>15</b>	<b>21</b>	<b>8</b>	<b>7</b>	<b>0</b>
<b>Cases pending, end of year</b>	<b>9</b>	<b>7</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Measure 1.5:** The percentage of representation cases resolved by the OGC through withdrawal, election, or issuance of a Decision and Order within 120 days of the filing of a petition.

Results				Targets	
FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
60%	66%	72%	73%	70%	70%

**Measure 1.6:** The percentage of representation cases in which the Authority issued a decision whether to grant review within 60 days of the filing of an application for review.

Results				Targets	
FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
100%	100%	100%	100%	100%	100%

**PERFORMANCE GOAL 2.2: RESOLVE OVERAGE REPRESENTATION CASES IN A TIMELY FASHION.**

As part of its 2015-2018 Strategic Plan, the FLRA developed new performance measures for FY 2016 and FY 2017 to ensure that cases in which the primary timeliness goal is not met are sufficiently targeted and do not go significantly overage.

**Measure 2.3:** The percentage of representation cases resolved by the OGC through withdrawal, election, or issuance of a Decision and Order within 365 days of the filing of a petition.\*

Results	Targets		*New measure beginning in FY 2016
FY 2016	FY 2017	FY 2018	
98%	98%	95%	

**Measure 2.4:** The percentage of representation cases in which the Authority grants review, where the Authority will issue a decision on review, or reach other final resolution of the case, within 365 days of the filing of the application for review.\*

Targets		*New measure beginning in FY 2017
FY 2017	FY 2018	
95%	95%	

**PERFORMANCE GOAL 1.3: PRODUCE TIMELY REVIEW AND DISPOSITION OF *ARBITRATION* CASES.**

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

Authority	2013	2014	2015	2016	2017 Est.	2018 Est.
Cases pending, start of year	40	123	90	50	40	62
Exceptions filed	124	89	99	86	110	110
<b>Total caseload</b>	<b>164</b>	<b>212</b>	<b>189</b>	<b>136</b>	<b>150</b>	<b>172</b>
Cases closed procedurally	19	16	15	21	20	20
Cases closed based on merits	22	106	124	75	68	68
<b>Total cases closed</b>	<b>41</b>	<b>122</b>	<b>139</b>	<b>96</b>	<b>88</b>	<b>88</b>
<b>Cases pending, end of year</b>	<b>123</b>	<b>90</b>	<b>50</b>	<b>40</b>	<b>62</b>	<b>84</b>

**Measure 1.7:** The percentage of arbitration cases decided within 180 days of assignment to an Authority Member.

Results			
FY 2013	FY 2014	FY 2015	FY 2016
91%	34%	40%	79%

**Measure 1.7:** The percentage of arbitration cases decided within 150 days of assignment to an Authority Member.

Targets		*New measure beginning in FY 2017
FY 2017	FY 2018	
75%	75%	

**PERFORMANCE GOAL 2.3: RESOLVE OVERAGE ARBITRATION CASES IN A TIMELY FASHION.**

As part of its 2015-2018 Strategic Plan, the FLRA developed new performance measures for FY 2016 and FY 2017 to ensure that cases in which the primary timeliness goal is not met are sufficiently targeted and do not go significantly overage.

**Measure 2.5:** The percentage of arbitration cases decided within 365 days of assignment to an Authority Member.

Targets		*New measure beginning in FY 2017
FY 2017	FY 2018	
95%	95%	

**PERFORMANCE GOAL 1.4: PRODUCE TIMELY REVIEW AND DISPOSITION OF *NEGOTIABILITY* CASES.**

A Federal agency bargaining with a union may claim that a particular union proposal cannot be bargained because it conflicts with Federal law, a Government-wide rule or regulation, or an agency regulation for which there is a compelling need. In both of these situations, a union may petition the Authority to resolve the negotiability dispute. In addition, agency heads may disapprove collective-bargaining agreements if those agreements are contrary to law, and a union may petition the Authority to resolve the negotiability dispute.

Authority	2013	2014	2015	2016	2017 Est.	2018 Est.
Cases pending, start of year	8	9	17	23	27	0
Petitions filed	<u>30</u>	<u>43</u>	<u>54</u>	<u>55</u>	<u>42</u>	<u>42</u>
<b>Total caseload</b>	<b>38</b>	<b>52</b>	<b>71</b>	<b>78</b>	<b>69</b>	<b>42</b>
Cases closed procedurally	27	29	40	47	67	40
Cases closed based on merits	<u>2</u>	<u>6</u>	<u>8</u>	<u>4</u>	<u>2</u>	<u>2</u>
<b>Total cases closed</b>	<b>29</b>	<b>35</b>	<b>48</b>	<b>51</b>	<b>69</b>	<b>42</b>
<b>Cases pending, end of year</b>	<b>9</b>	<b>17</b>	<b>23</b>	<b>27</b>	<b>0</b>	<b>0</b>

**Measure 1.8:** The percentage of negotiability cases decided within 180 days of assignment to an Authority Member.

Results			
FY 2013	FY 2014	FY 2015	FY 2016
80%	60%	50%	75%

**Measure 1.8:** The percentage of negotiability cases decided within 150 days of assignment to an Authority Member.

Targets		*New measure beginning in FY 2017	
FY 2017	FY 2018		
75%	75%		

**PERFORMANCE GOAL 2.4: RESOLVE OVERAGE *NEGOTIABILITY* CASES IN A TIMELY FASHION.**

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As part of its 2015-2018 Strategic Plan, the FLRA developed new performance measures for FY 2016 and FY 2017 to ensure that cases in which the primary timeliness goal is not met are sufficiently targeted and do not go significantly overage.

**Measure 2.6:** The percentage of negotiability cases decided within 365 days of assignment to an Authority Member.\*

Targets		*New measure beginning in FY 2017	
FY 2017	FY 2018		
95%	95%		

**PERFORMANCE GOAL 1.5: PRODUCE TIMELY REVIEW AND DISPOSITION OF *BARGAINING-IMPASSE* CASES.**

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



FSIP	2013	2014	2015	2016	2017 Est.	2018 Est.
Cases pending, start of year	38	40	28	33	41	40
Impasses filed	<u>194</u>	<u>134</u>	<u>139</u>	<u>142</u>	<u>130</u>	<u>130</u>
<b>Total caseload</b>	<b>232</b>	<b>174</b>	<b>167</b>	<b>175</b>	<b>171</b>	<b>170</b>
<b>Cases closed</b>	<b><u>192</u></b>	<b><u>146</u></b>	<b><u>134</u></b>	<b><u>134</u></b>	<b><u>131</u></b>	<b><u>131</u></b>
Cases pending, end of year	40	28	33	41	40	39

**Measure 1.9:** The percentage of bargaining-impasse cases in which jurisdiction is declined closed within 140 days of the date filed.

Results				Targets	
FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
95%	89%	100%	100%	80%	80%

**Measure 1.10:** The percentage of bargaining-impasse cases voluntarily settled after jurisdiction has been asserted within 160 days of the date filed.

Results				Targets	
FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
97%	68%	100%	100%	70%	70%

**Measure 1.11:** The percentage of bargaining-impasse cases resolved through a final action closed within 200 days of the date filed.

Results				Targets	
FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
87%	61%	100%	100%	70%	70%

***STRATEGIC GOAL 2: WE WILL PROMOTE STABILITY IN THE  
FEDERAL LABOR-MANAGEMENT COMMUNITY BY PROVIDING  
LEADERSHIP AND GUIDANCE THROUGH ADR AND EDUCATION***

Key to the FLRA’s ADR objectives is to offer high-quality outreach and preventive services, as well as resources, to promote more effective labor-management relations across the Federal Government. In furtherance of that objective, the FLRA has integrated ADR and consensus decision-making into virtually all of its processes, and it has significantly expanded its training, outreach, and facilitation activities. ADR is an informal process that allows parties to discuss and develop their interests in order to resolve the underlying issues and problems in their relationships. This includes interest-based conflict resolution and intervention services in pending ULP cases, representation cases, arbitration cases, negotiability appeals, and bargaining-impasse disputes. The agency also provides facilitation and training to help labor and management develop collaborative relationships. Many of the FLRA’s training programs are now available as web-based training modules, bringing educational tools and resources directly to agency customers at their desks to further assist them in resolving labor-management disputes. The FLRA’s goals include delivering outreach, training, and facilitation services that significantly contribute to the mission of the FLRA, and ensuring that training participants evaluate FLRA training as highly effective.

**PERFORMANCE GOAL 1.1: PROVIDE TARGETED ACCESS TO TRAINING, OUTREACH, AND FACILITATION ACTIVITIES WITHIN THE LABOR-MANAGEMENT COMMUNITY.**

<b>Measure 1.1:</b> The number of training, outreach, and facilitation activities conducted.					
<b>Results</b>				<b>Targets</b>	
<b>FY 2013</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>
302	225	306	280	275	275

<b>Measure 1.2:</b> The number of participants involved in training, outreach, and facilitation activities.					
<b>Results</b>				<b>Targets</b>	
<b>FY 2013</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>
5,976	5,114	8,294	8,440	7,000	7,000

**PERFORMANCE GOAL 2.1: SUCCESSFULLY RESOLVE A SIGNIFICANT PORTION OF FLRA CASES THROUGH ADR.**

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

**Measure 2.1:** The percentage of ULP cases in the OGC in which an offer of ADR services is accepted by the parties that are partially or totally resolved.

Results				Targets	
FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
98%	98%	96%	98%	95%	95%

**Measure 2.2:** The percentage of ULP cases in the OALJ in which an offer of Settlement-Judge services is accepted by the parties that are partially or totally resolved.

Results				Targets	
FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
78%	96%	87%	74%	85%	85%

**Measure 2.3:** The percentage of representation cases in the OGC in which an offer of ADR services is accepted by the parties that are partially or totally resolved.

Results				Targets	
FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
100%	100%	96%	100%	95%	95%

**Measure 2.4:** The percentage of appropriate ULP cases in the Authority in which ADR services are offered.\*

Results	Targets		*New measure beginning in FY 2016
FY 2016	FY 2017	FY 2018	
N/A	80%	80%	

**Measure 2.5:** The percentage of ULP cases in the Authority in which ADR services are provided that are partially or totally resolved.\*

Results	Targets		*New measure beginning in FY 2016
FY 2016	FY 2017	FY 2018	
N/A	85%	85%	

**Measure 2.6:** The percentage of appropriate arbitration cases in which ADR services are offered.\*

Results	Targets		*New measure beginning in FY 2016
FY 2016	FY 2017	FY 2018	
N/A	55%	55%	

**Measure 2.7:** The percentage of arbitration cases in which an offer of ADR services is accepted by the parties that are partially or totally resolved.

Results				Targets	
FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
100%	80%	43%	79%	75%	75%

**Measure 2.8:** The percentage of appropriate negotiability cases in which ADR services are offered.\*

Results	Targets		*New measure beginning in FY 2016
FY 2016	FY 2017	FY 2018	
100%	100%	100%	

**Measure 2.9:** The percentage of proposals or provisions – in negotiability cases in which an offer of ADR services is accepted by the parties – that are partially or totally resolved.

Results		
FY 2013	FY 2014	FY 2015
100%	100%	100%

**Measure 2.9:** The percentage of negotiability cases in which ADR services are provided that are partially or totally resolved.\*

Results	Targets		*New measure beginning in FY 2016
FY 2016	FY 2017	FY 2018	
100%	90%	90%	

**Measure 2.10:** The percentage of bargaining-impasse cases in which an offer of ADR services is accepted by the parties that are partially or totally resolved.

Results		
FY 2013	FY 2014	FY 2015
28%	27%	39%

**Measure 2.10:** The percentage of bargaining-impasse cases in which parties' disputes are totally resolved voluntarily.\*

Results	Targets		*New measure beginning in FY 2016
FY 2016	FY 2017	FY 2018	
27%	30%	30%	

***STRATEGIC GOAL 3: WE WILL MANAGE OUR RESOURCES EFFECTIVELY AND EFFICIENTLY IN ORDER TO ACHIEVE ORGANIZATIONAL EXCELLENCE***

The FLRA's ability to fulfill its core mission under the Statute depends on excellent management of the organization and its resources. The organizational-excellence goal emphasizes how the agency's employees, IT infrastructure, and allocation of resources are central to achieving all of the strategic goals and objectives outlined in the strategic plan.

The landscape of the Federal workplace and workforce continues to evolve, as do the needs of the parties that the FLRA serves. Approximately 40 percent of the FLRA's workforce has been with the agency for five years or less, and many of the agency's most experienced employees are currently eligible to retire. In light of these facts, it is crucial for the FLRA to simultaneously focus on developing the workforce of the future, while retaining valuable institutional knowledge.

The agency is prepared to meet ever-changing business demands through the innovative use of IT to best manage the workload and interact with parties. The FLRA continues to be an effective steward of taxpayer dollars, with a renewed focus on maximizing the use of data to inform decision making. The agency's future operational approaches are designed to foster nimble and seamless deployment of resources coupled with cost-avoidance strategies to support productive labor-management relations across the Federal Government. And, consistent with the PMA, the FLRA has a comprehensive, forward-looking plan to increase quality and value in its administrative functions, continue efforts to enhance productivity and achieve cost savings, unlock the full potential of its workforce, and build the FLRA's workplace and workforce for the future.

**PERFORMANCE GOAL 1.1: RECRUIT, RETAIN, AND DEVELOP A HIGHLY TALENTED, MOTIVATED, AND DIVERSE WORKFORCE TO ACCOMPLISH THE FLRA’S MISSION.**

Over the last seven and a half years, the FLRA has demonstrated significant and marked improvement in its performance and service delivery, and it has continued to rank among the top ten small agencies in the *Best Places to Work in the Federal Government Survey*. These results demonstrate the agency’s commitment to empowering and developing a highly engaged and effective workforce. The success of FLRA employees is instrumental to its success as an agency. It is within this spirit that the FLRA actively manages its human-capital programs.

<b>Measure 1.1:</b> Program managers ensure that the right employees are in the right place to achieve results.		
<b>FY 2013</b>	<b>Results</b>	Implemented a web-based T&A system to increase efficiency and accuracy of reporting. Obtained provisional certification of the FLRA’s SES Performance-Management System from OPM. Established an ADR process for resolving performance-management issues. As part of its strategic workforce planning efforts, continued employee development, including attorney details to other offices; ADR-facilitator training; and leadership-development and other workforce training. Established a Student Pathways Policy for student internships and partnered with the University of Maryland’s Federal Semester Program to offer unpaid internships to students.
<b>FY 2014</b>	<b>Results</b>	Focused on succession planning by increasing targeted attorney recruitment. Renewed agreement with the University of Maryland for discounted tuition for agency employees. Increased agency resources through recruitment, staffing, and placement. Utilized the Student Pathways and Summer Externship programs to increase resources for casework and administrative initiatives throughout the agency. Realigned functions within the agency’s Office of the Executive Director to allow for improved efficiencies and customer service to agency employees. Worked extensively with managers to hold employees accountable for performance and development. Updated Attorney Recruitment Policy in order to allow managers greater hiring flexibility of the agency’s mission-critical occupation and to streamline the recruitment process. In collaboration with the Partnership for Public Service’s Excellence in Government Fellows program, developed and piloted an Employee Onboarding Handbook to improve the onboarding process and increase employee engagement.
<b>FY 2015</b>	<b>Results</b>	Implemented a fully automated and integrated electronic system for personnel actions. Developed a more robust onboarding process through increased use of technology and piloted implementation of an Employee Onboarding Handbook.

		<p>Updated certain human-resources policies and procedures. Continued to build internal capacity for handling the major human-resources functional areas. Position descriptions continued to be updated and now allow for greater growth and advancement opportunities within the agency, and employees readily volunteered for collateral-duty assignments, new initiatives, and projects. The agency also renewed its agreement with a local university to offer discounted tuition to FLRA employees for self-directed study. Improved office customer service by improving the quality of advice provided to managers and employees. Worked with managers to educate them about and increase diversity and inclusion when seeking new agency talent. The agency achieved greater diversity in its workforce in FY 2015 by increasing strategic and targeted recruitment and posting job opportunities with career-planning and placement services, local colleges and universities, and professional affinity-group organizations. With respect to succession planning, the FLRA continued to offer cross-component developmental details and its training initiative designed to assist higher-graded employees identify and strengthen critical leadership skills in preparation for eventually transitioning to formal leadership positions. To strengthen and support the FLRA's new cadre of first-time managers and supervisors, the agency identified a series of trainings geared towards developing strategic thinking and other critical skills in preparation for executive leadership at the FLRA. These training initiatives crossed components, bringing together future agency leaders from all offices to enhance their skills and encourage collaboration among peers.</p>
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**Measure 1.1: Demonstrate strong recruitment and retention practices.**

**\*New measure beginning in FY 2016**

<b>FY 2016</b>	<b>Results</b>	<p>Strengthened the agency's diversity and inclusion recruitment efforts, establishing and implementing a process for sharing job announcements with relevant affinity groups. The FLRA is continuing to enhance its strategic and targeted recruitment and posting job opportunities with career-planning and placement services, local colleges and universities, and professional affinity-group organizations. The FLRA is also using data to help identify and eliminate barriers to recruiting and hiring the diverse talent that it needs.</p> <p>The FLRA is working to strengthen its operational offices, seeking feedback through semi-annual and point-of-service surveys. Efforts are underway to revise and implement a robust agency-wide onboarding program, which will include briefings</p>
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		<p>and continuing educational opportunities for employees to strengthen their knowledge of the FLRA.</p> <p>The FLRA strengthened its recognition and promotion of cultural-based celebrations, establishing an employee-driven initiative to develop and promote events and activities. The FLRA targeted efforts to educate managers about, and increase diversity and inclusion when, seeking new agency talent, and it continued efforts to train agency staff at all levels on key diversity and inclusion issues. And manager performance plans have been revised to include diversity-and- inclusion-focused metrics. Much of the FLRA’s success is reflected in its #1 small-agency ranking in terms of the “New IQ” Index, which provides insights into employee perceptions of the inclusiveness of the agency by looking at twenty questions that measure the five “Habits of Inclusion” – Fair, Open, Cooperative, Supportive, and Empowering. The FLRA is the top-ranking small-agency for <i>each</i> of the five habits of inclusion, with scores averaging 15 percent – and as much as 21 percent – higher than the average scores for all small agencies. And in the 2015 Best Places to Work in the Federal Government rankings, the FLRA was ranked #2 out of 28 small agencies in its support for diversity.</p>
<b>FY 2017</b>	<b>Target</b>	<p>Achieve 90 percent positive scores on internal survey questions that relate to work-life balance.</p> <p>Retain 85 percent of employees who joined the FLRA since 2014 at the agency for five years.</p>
<b>FY 2018</b>	<b>Target</b>	<p>Maintain 90 percent positive scores on internal survey questions that relate to work-life balance.</p> <p>Continue to retain 85 percent of employees who joined the FLRA since 2014 at the agency for five years.</p>

**Measure 1.2: Maintain and grow agency expertise through employee development.**

**\*New measure beginning in FY 2016**

<b>FY 2016</b>	<b>Results</b>	<p>Successfully implemented numerous cross-component developmental opportunities for employees, including workgroups to encourage innovation, the development and delivery of training, and more than ten detail opportunities at all levels and offices within the agency.</p> <p>Continued its robust training initiative focusing on leadership and skills development. It addressed temporary mission needs, maximizing Student Pathways and student-internship programs,</p>
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		<p>and utilizing developmental details within its existing workforce. All new managers and supervisors were provided with leadership-training opportunities, and the FLRA’s executive-training plans are ongoing and are aimed at developing executive-level talent among the FLRA’s existing workforce.</p> <p>Continued its overall success and improvement as measured by the FEVS, leaving no doubt that the FLRA continues to have a highly engaged workforce that is dedicated to the accomplishment of its mission. The results of the survey reflect the agency’s continuous growth in overall employee satisfaction, as demonstrated by the FLRA ranking as the #1 small agency in two important indices – Employee Engagement and New IQ – and the increase in 2016 positive ratings in 19 items from 2015. In addition, the FLRA has 66 identified strengths (items with 65 percent or higher positive ratings) and no identified challenges (items with 35 percent or higher negative ratings). And the agency’s scores are above the Government-wide average in 69 out of 71 questions. Of particular note is that: 97 percent of FLRA respondents report that they are held accountable for achieving results; 96 percent positively rate the overall quality of the work done by their work unit; 96 percent indicate that they are willing to put in extra effort to get a job done; 94 percent know how their work relates to the agency’s goals and priorities; 94 percent think that the people they work with cooperate to get the job done; 94 percent believe that the agency is successful at accomplishing its mission; 93 percent find that the workforce has the job-relevant knowledge and skills necessary to accomplish organizational goals; 92 percent indicate that their supervisors regularly communicate with them about their performance; and 91 percent state that employees in their work unit share job knowledge with each other. Moreover, the agency maintained its sustained growth of positive responses to the question “supervisors in my work unit support employee development” – increasing by nearly 9.5 percent over 2015.</p>
<p><b>FY 2017</b></p>	<p><b>Target</b></p>	<p>Building on the agency’s evolving succession plan – which is designed to lessen the impact of institutional-knowledge loss as employees retire or leave and to maximize current talent utilization by closing leadership staffing and competency gaps/deficiencies – develop a formal agency developmental-detail program, establishing cross-component detail opportunities to provide employees with training and developmental experiences that will enhance their skills and increase their understanding of the agency’s mission and operations across program lines, as well as the relevance of their work to the mission and programs of the FLRA.</p>

		<p>Managers will assess annually 100 percent of employees on their developmental needs and provide at least one targeted developmental opportunity to each of their staff members per year.</p> <p>Maintain sustained growth of positive responses to the OPM FEVS question “supervisors in my work unit support employee development.”</p>
<b>FY 2018</b>	<b>Target</b>	<p>Implement a formal cross-component detail program.</p> <p>Managers will assess annually 100 percent of employees on their developmental needs and provide at least one targeted developmental opportunity to each of their staff members per year.</p> <p>Maintain sustained growth of positive responses to the OPM FEVS question “supervisors in my work unit support employee development.”</p>

**PERFORMANCE GOAL 2.1: IMPROVE USE OF EXISTING TECHNOLOGY AND DEPLOY NEW IT SYSTEMS TO STREAMLINE AND ENHANCE ORGANIZATIONAL OPERATIONS.**

The FLRA began accepting eFilings in FY 2013, and, as of FY 2015, eFiling is available for all FLRA offices that receive case filings. The FLRA is continuing to work towards implementing the agency’s long-term goal of sharing end-to-end electronic case files throughout the FLRA, as well as the OMB-mandated target of having fully electronic files by 2019. Increasing eFiling is critical to achieving this goal. In this regard, the more case-related information that the FLRA receives electronically – rather than in hard copy – from the outset, the easier it is to convert that information into an electronic case file, without the need for FLRA staff to manually scan documents. In recognition of this, in FY 2015, the agency developed and launched a plan to accomplish the transition to fully electronic case files in 4 agile phases over 4 years.

<b>Measure 2.1: Expand the use of eFiling.</b>	
<b>Results</b>	
<b>FY 2013</b>	10% of cases eFiled.
<b>FY 2014</b>	12% of cases eFiled.
<b>FY 2015</b>	17% of cases eFiled.
<b>FY 2016</b>	22% of cases eFiled.
<b>Targets</b>	
<b>FY 2017</b>	50% of cases eFiled.

<b>FY 2018</b>	75% of cases eFiled.
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<b>Measure 2.2: Electronic end-to-end case processing.</b>	
<b>Results</b>	
<b>FY 2013</b>	Conducted a pilot program on end-to-end case processing.
<b>FY 2014</b>	Migrated the CADRO to an end-to-end electronic case file.
<b>FY 2015</b>	Made eFiling available for OALJ cases, resulting in eFiling being available for all offices that accept case filings. As a result, completed full integration of the CMS and eFiling systems, enabling end-to-end electronic case processing throughout the agency.
<b>FY 2016</b>	With the full completion of the eFiling objective, the CMS has the structure in place to receive and store electronically filed cases. The applications have been merged, creating bridges between the two systems, to support end-to-end electronic case-processing capability. The FLRA neared completion of improving the eFiling user interface, which builds upon the existing system, making the eFiling system more user-friendly and intuitive. And efforts are underway to implement a Document Management System. This effort will span into FY 2017, and it is a critical step in accomplishing the FLRA's multi-year electronic-case-file plan.
<b>Targets</b>	
<b>FY 2017</b>	<p>Incorporating internal and external customer feedback, complete implementation of improvements to the eFiling user interface in order to increase use of eFiling.</p> <p>Lay the foundation for modernizing the infrastructure for the agency's electronic CMS and eFiling by transitioning to a new backend product that will allow for a more user friendly and complete integration of the CMS, the eFiling system, and the Document Management System.</p> <p>Complete the initial deployment of an agency-wide, cloud-based Document Management System, replacing the current network shares with an integrated document and email communications system that will facilitate document sharing and electronic case-processing initiatives.</p>
<b>FY 2018</b>	Integrate the CMS and eFiling systems with the agency Document Management System, enabling end-to-end electronic case processing throughout the agency.

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