



U.S. FEDERAL LABOR RELATIONS AUTHORITY

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



# CONGRESSIONAL BUDGET JUSTIFICATION



2024



FLRA.GOV

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**UNITED STATES  
FEDERAL LABOR RELATIONS AUTHORITY**



**Congressional Budget Justification  
Fiscal Year 2024**

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## EXECUTIVE SUMMARY

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The U.S. Federal Labor Relations Authority (FLRA) is pleased to present its 2024 Congressional Budget Justification in the amount of \$33,737,000.

FLRA is an independent Federal agency created by Title VII of the Civil Service Reform Act of 1978, also known as the Federal Service Labor-Management Relations Statute (the Statute), 5 U.S.C. §§ 7101-7135. FLRA is a small agency with a large mission: overseeing the labor-management programs of most agencies in the Federal Government. Thus, FLRA is the rare type of agency whose performance actually affects other Federal agencies. Specifically, if FLRA is not able to resolve or help prevent agency and union labor disputes in a timely, effective manner, then that can have negative rippling effects on mission performance throughout the rest of the Federal Government.

In 2024, FLRA planned to be concluding a multiyear Agency restoration which began in 2021. This planned restoration was preceded by two decades of flat funding, at best, where inflation consistently reduced our ability to afford full-time equivalents (FTEs) – resulting in FLRA being down almost 100 FTEs from 20 years ago. For the last two years, FLRA has been dealing with:

- An inherited inventory of 494 complaints, created by the nearly four-year absence of an FLRA General Counsel (GC) and the resulting inability to issue unfair labor practice (ULP) complaints;
- The re-establishment of FLRA’s highly successful Collaboration and Alternative Dispute Resolution Office (CADRO), after it was dismantled in 2018;
- A lack of experienced OGC staff, due to departures when FLRA closed its Dallas and Boston Regional Offices; and
- An upsurge in new ULP and REP case filings.

FLRA’s multiyear restoration plan was designed so that, each year, FLRA would build on the prior year’s enacted budget at requested levels – with the ultimate result that, in FY24, FLRA would return to a normal state of operations and be able to provide the level of service that its parties expect and deserve.

The first year of the restoration plan – FY22 – was designed to enable FLRA to effectively “stop the bleeding” and address the four issues set forth above.

- *If funded at the requested level, FLRA estimated it could have afforded 131 FTEs in FY22.*

The second year of the restoration plan – FY23 – was intended to build on those efforts, enable the OGC to reduce the inherited inventory of complaints, as well as the backlog of newly-

authorized complaints,<sup>1</sup> and keep pace with the growing number of newly filed ULP charges and representation (REP) petitions, and for FLRA to further reverse delays in case processing.

- *If funded at the requested level, FLRA estimated it could have afforded 135 FTEs in FY23.*

The final year of the restoration plan – FY24 – was intended to be the year when FLRA returned to a fully-functioning state, with respect to not only FTEs, but also case processing, updating outdated regulations and information-technology systems, as well as providing more dispute-resolution services, training, and other educational tools to our parties. Minimal gains were realized because FLRA was funded at less than the requested levels each year, and inflation and employee pay raises exhausted most of the additional funding provided. FLRA has remained at the same FY21 FTE level – 116 – and has depended on hiring lags to afford even that number of FTEs.

Therefore, for FY24, we are effectively still in the “first year” of our restoration plan. FLRA is requesting \$33,737,000. If funded at this level, considering the continued rise in salaries and other costs, FLRA can afford only 125 FTEs (lower than what was requested in the FY22 CBJ).<sup>2</sup>

- *If funded at requested level, FLRA estimates it can afford 125 FTEs in FY24.*

The FLRA is in critical condition. It is more imperative than ever that FLRA receive its full FY24 request to restore staffing to a level at which FLRA can minimally function. Without this, OGC’s backlog of newly authorized complaints, which developed while it was dealing with the inherited inventory of 494 complaints, will continue to grow.

We have seen, and continue to anticipate, increases in new case filings in many areas. President Biden’s Executive Order 14003, “Protecting the Federal Workforce” and OPM’s “Guidance for Implementation of Executive Order 14003 - Protecting the Federal Workforce”, direct agencies to revise any collective bargaining agreements implementing Executive Order 13836. As a result of this and other factors, FLRA’s workload is surging, including significant increases in requests for training, facilitation, and relationship-building assistance.

Additionally, pursuant to Executive Order 14025 and the associated White House Task Force on Worker Organizing and Empowerment, FLRA has been working with the Federal Mediation and Conciliation Service to provide training and other services related to employee organizing. In FY24, FLRA anticipates a third surge of new REP petition filings due to OPM’s issuance of “Guidance on Implementation of EO 14025: Addressing Whether Non-Bargaining Unit Positions are Correctly Excluded from Bargaining Unit Coverage.” Only FLRA may determine bargaining units, including which positions are included, or not, in the unit. Inclusion in a bargaining unit entitles an employee to union representation. OGC Regional Offices, on delegation from the Authority, process petitions filed by employees, agencies, or labor organizations, to conduct elections to determine bargaining units or to clarify those units

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<sup>1</sup> While working on the inherited inventory of 494 complaints and necessarily prioritizing those over new complaints, a backlog of newly authorized complaints has developed.

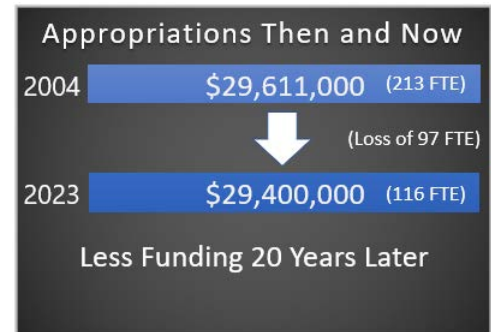
<sup>2</sup> The average annualized cost of an FTE at FLRA in FY23 is \$199,000 and FY24 is \$212,000.

already certified. This new surge in REP work, on top of eliminating the inherited inventory and newly authorized complaints, cries out for additional FTEs for the OGC.

CADRO – the Authority’s alternative-dispute-resolution office – will continue to play a vital role in many of these efforts, including resolving disputes that come before the FLRA and preventing future disputes from occurring. CADRO resolves matters in a manner that is often timelier and more cost-effective than traditional litigation. However, with only two FTE, CADRO will be unable to keep pace with the surge of work facing it. Therefore, in FY24, FLRA has made it a priority to restore a third FTE – that had been eliminated in 2017 – to CADRO.

In FY 2004, FLRA’s enacted budget was \$29,611,000; in FY23 it is \$29,400,000, *less* than almost twenty years ago and *much* less when adjusted for inflation.

Throughout these years, FLRA’s mission has remained the same, and its responsibilities and workload have only grown. FLRA has survived by virtually eliminating face-to-face interactions with the employee, agency, and union representatives that we serve; making, what were thought to be temporary, cost cuts in every budget area; closing two Regional Offices and losing FTEs from those Regions; and, in largest part, by reducing staff levels through attrition and not filling the vacated positions.



Initially, litigation of the complaints mentioned above was done virtually. However, post pandemic, more litigation is expected to be done in-person, which will require FLRA to pay travel expenses for Administrative Law Judges (ALJ), OGC trial attorneys, and witnesses appearing at trial before ALJs. In addition, FLRA has seen a surge in parties’ requests for in-person training. Although FLRA has again begun to provide such training for its parties, there are limitations on FLRA’s ability to accept travel reimbursement from some parties. FLRA’s limited travel budget does not currently fully support on-site trials or allow FLRA to keep up with the demand for training. Thus, fully funding FLRA’s travel budget will be vital to enable FLRA to enforce the Statute and provide these in-demand training services.

Still, FLRA’s greatest asset, and greatest cost, has always been its FTEs – about 80 percent of the agency’s annual budget – and, with enacted levels below the President’s Budget request, the Agency simply has not been able to afford the FTEs it needs to fully carry out its mission.

Despite the challenges our dedicated employees have faced, FLRA has seen its ranking in the Best Places to Work in the Federal Government rankings jump from the bottom two in 2018 and 2019 to the seventh best small agency to work for in 2021 – making FLRA the second-most-improved small agency in the Federal government.

At the same time, FLRA’s employees are pushed to their limits in a way that is unsustainable in the short and long term. This budget request is *crucial* if FLRA is to become an efficient agency again. Compared to the reduction in enacted FLRA funding over the course of the last twenty years, FLRA’s FY24 request is well below the funding level we would be at, even if only given yearly budget increases simply based on inflation. It is past time to make the proper investment in FLRA.



# U.S. FEDERAL LABOR RELATIONS AUTHORITY

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## BACKGROUND AND MISSION

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The U.S. Federal Labor Relations Authority (FLRA) and its small staff of 116 full-time equivalents (FTEs) 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 (60 percent) of whom are represented in 2,200 bargaining units. 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, which established the first government-wide, labor-management-relations program within the Federal Government. In 1970, President Nixon established the Federal Labor Relations Council, by Executive Order 11491, to administer the Federal labor-management-relations program and to make final decisions on policy questions and major disputes arising under Executive Order 10988. Executive Order 11491, as amended, was the basis for President Carter's proposal to Congress to create FLRA as an independent agency.

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

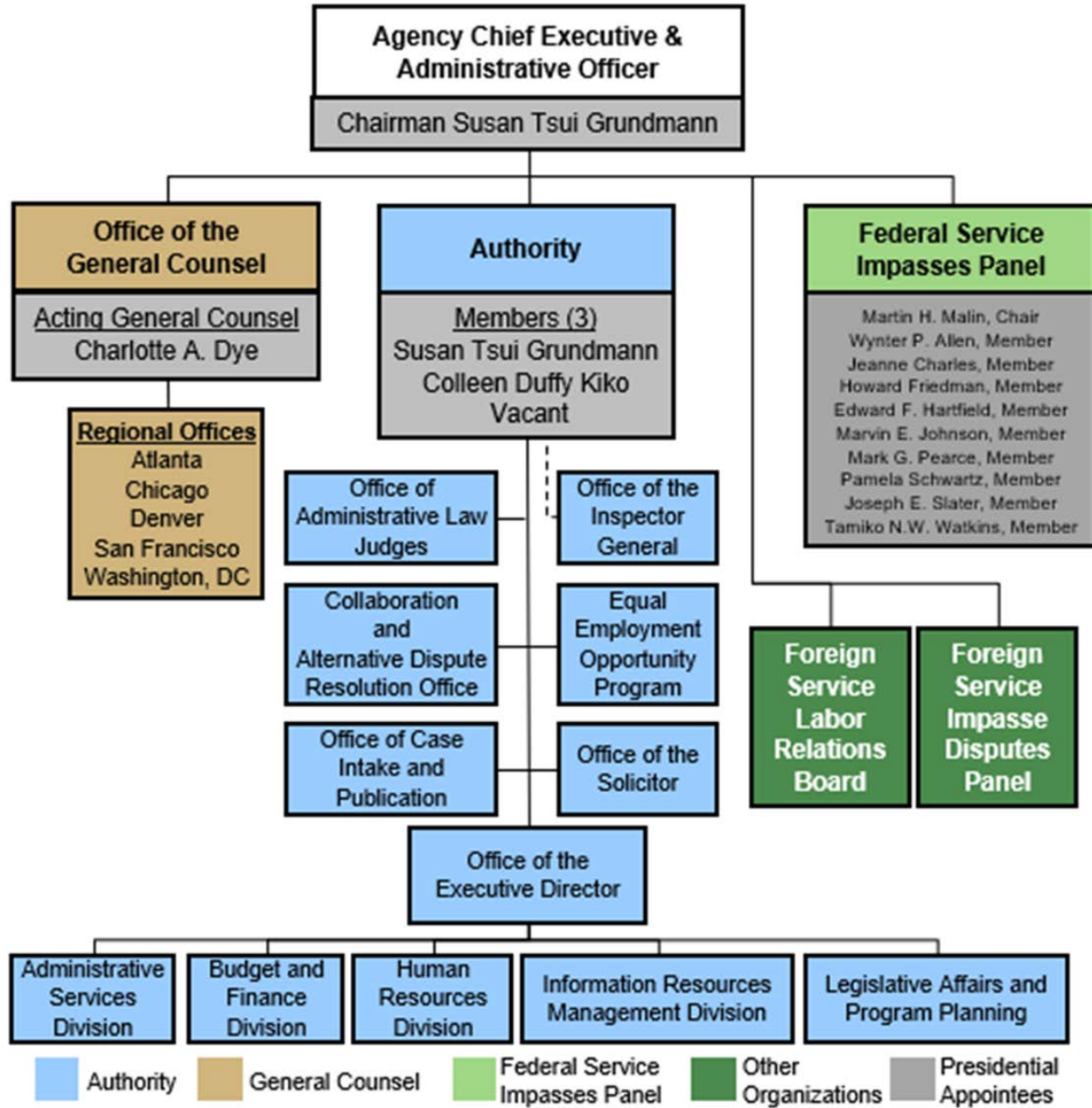
FLRA's mission is to exercise leadership in preventing and resolving labor-management disputes, giving full effect to the collective-bargaining rights of employees, unions, and agencies. Although FLRA is a small agency, accomplishing its mission in an effective and efficient manner is key to enabling the Federal Government, as a whole, to adapt to changing circumstances, as necessary, to continue delivering the highest quality services to the American public, and to deliver a nimbler, more innovative Federal Government. FLRA does not initiate cases; all proceedings before FLRA originate from filings by Federal agencies and employees, or labor organizations which represent federal employees. If a labor-management dispute remains unresolved for too long, then mission accomplishment at the affected agencies likely will suffer. In many ways, FLRA provides the grease for the wheels of government. As such, its influence is important beyond its size.

## ORGANIZATIONAL STRUCTURE

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

# Federal Labor Relations Authority



## The Authority

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The Authority, FLRA's bipartisan, adjudicatory body, comprises three full-time Members appointed by the President with the advice and consent of the Senate. The Members are appointed for fixed, five-year, staggered terms, and the President designates one Member to serve as Chairman. The Chairman acts as the Agency's chief executive and administrative officer.

The Authority, first and foremost, is directed to "provide leadership in establishing policies and guidance" related to the purposes of the Statute. The Authority is specifically empowered to resolve disputes over the negotiability of proposals made in collective bargaining; resolve exceptions to grievance-arbitration awards; determine whether conduct alleged in a complaint constitutes an unfair labor practice (ULP); and review decisions of Regional Directors in representation (REP) disputes over bargaining unit determinations and elections. The Authority Members appoint Administrative Law Judges (ALJs) to hear and prepare recommended decisions in cases involving ULP complaints. The ALJs' recommended decisions may be appealed to the Authority.

Other offices and programs under the Authority's jurisdiction include the Office of the Executive Director, Office of the Solicitor, Office of Administrative Law Judges (OALJ), Collaboration and Alternative Dispute Resolution Office (CADRO), Office of Case Intake and Publication (CIP), and the Equal Employment Opportunity Program (EEO). The Office of Inspector General (OIG) stands as an independent entity within the Authority.

## Office of the General Counsel (OGC)

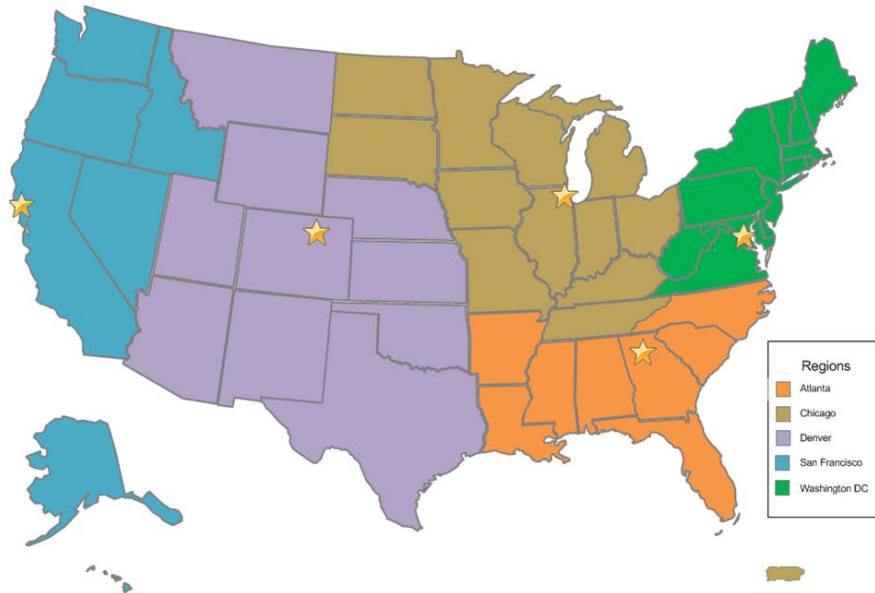
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The General Counsel, appointed by the President with the advice and consent of the Senate, has separate and independent responsibilities from the Authority. Under the Statute, the General Counsel has sole responsibility over the investigation and prosecution of ULP charges and complaints. 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 FLRA's Regional Offices.

The General Counsel has a small staff at FLRA Headquarters (4 FTE), located in Washington, D.C. Headquarters management provides administrative oversight; develops policies, guidance, procedures, and manuals, that provide programmatic direction for the Regional Offices; provides 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 their respective Regions.

The Regional Offices (44 FTE, including 27 professionals), on behalf of the General Counsel, investigate and resolve alleged ULP charges, file and prosecute ULP complaints at trials before an ALJ, effectuate compliance with settlement agreements and Authority Orders, and provide training and alternative dispute resolution services. In addition, through delegation from the Authority, the Regional Offices investigate and resolve REP petitions and conduct secret-ballot elections. Currently, 44 percent of FLRA staff are employed in the Regional Offices, where all ULP charges and REP petitions are filed.

There are five Regional Offices located in Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; San Francisco, California; and Washington, D.C.



### Federal Service Impasses Panel (FSIP)

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

## AGENCY TRENDS & CHALLENGES

### Introduction

The primary challenge facing the Agency is understaffing, especially within the OGC. FLRA needs to bring staffing back to a level at which it can accomplish its mission.

**Base**

**Adjustment.....\$2,051,000**

Pay Inflation + \$2 million

Funds are requested to account for a 5.2 percent pay raise effective January 2024. This percentage was based on the inflation factor that was provided by the Office of Management and Budget. Base adjustment also covers inflationary cost for rent, communications, utilities, etc.

**Program Increases.....\$2,286,000**

Increase Staff in the Office of General Counsel + \$1.7 million

Funds are requested to hire 8 FTEs for the OGC.

Increase Staff in the Collaboration & Alternative Dispute Resolution Office + \$0.2 million

Funds are requested to hire 1 FTE for CADRO.

IT initiatives + \$0.3 million

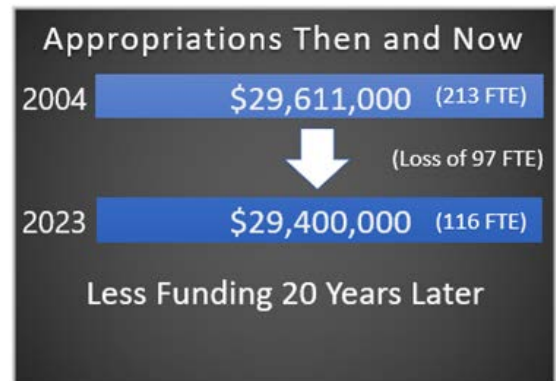
Funds are requested to fund cybersecurity enhancements, an IT refresh, and advancement of the OMB required records digitization effort.

Anticipated Travel Increases + \$0.1 million

Funds are requested to fund an anticipated increase in travel.

FLRA’s recent history, is one of doing much more with much less. Consider our recent challenges:

- Significant budget cuts and flat budgets – from \$29,611,000 in 2004, currently at \$29,400,000
- Significant FTE cuts – from 213 in 2004 to 116 in FY23
- Long Vacancies in key positions:
  - Chairman and Authority Members
  - General Counsel and Deputy General Counsel, including no General Counsel from November 2017 to March 2021 (nearly four years)
  - Panel Members
  - Solicitor
  - Executive Director
  - Human Resources Director
  - Five of the Regional Directors (of the then-seven Regional Offices)
- FEVS ranking as one of the worst small agencies to work for in 2018 (27 of 29) and 2019 (27 of 28)
- OMB Corrective Action Plan in April 2009



Over the last seven years, excessively tight budgets necessitated that we squeeze every spare penny we could, using whatever means available, such as not purchasing needed equipment and delaying filling positions (hiring lags). While FLRA has no “fat” in our small agency budget, we are well past fat-cutting and have even moved to amputation (the closure of two Regional Offices in 2018 and 2019) to attempt to fund FTE and other needs. While increasing costs are not unique to FLRA, being a very small agency, we have less financial latitude to absorb cost inflation than other agencies. At this point, FLRA has exhausted its ability to absorb inflation through staff attrition and operational efficiencies.

Even when FLRA did see some meager budget increases, they were not enough to keep up with inflation over the last 20 years, let alone fund FLRA, in FY24, at a level at which the ability to discharge our statutory responsibilities is not severely compromised. If FLRA does

not see an actual program-line increase in its budget for FY24 to hire additional staff, we may well have to reduce the small staff we currently have.<sup>3</sup>

Through the prudent management of resources, as well as the incredible, exhaustive efforts of the very limited number of professionals we currently have, FLRA has been able to meet, in most areas, its minimum performance level under the Statute. FLRA is a smartly-managed organization that makes the most of its passionate staff to complete FLRA's mission and all that entails. But the intense enthusiasm and excitement our employees have for FLRA's mission can only go so far when OGC is dealing with significantly increased numbers of ULP and REP case filings, as well as a massive increase in its litigation responsibilities. Indeed, while the employees break their backs to complete the mission at all costs, the caseloads continue to grow, quality suffers, and cases become more and more untimely. This means we will fail in our mission when agencies, labor organizations, and employees seek our expertise in resolving their labor-management disputes.

While the small staff of Regional Office professionals, to their immense credit, increased their productivity in FY21 and FY22 by 30% and 13%, respectively, the staff can no longer keep up with the increasing workload. The number of ULP filings increased 51% over the same period and the number of REP filings increased by 49%. Additional professionals to handle the cases is critical.

FLRA is at a watershed moment. FLRA's FY22 and 23 Budget Requests would have funded 135 FTEs. Because the enacted budgets were under the requested levels, the FLRA could not afford an increase in FTEs, and could only afford to reach 116 FTEs because of hiring lags. Even as OGC, OALJ, and CADRO, caseloads exploded, no new FTEs were funded to meet the new reality.

To effectively accomplish its important mission of resolving and helping prevent workplace disputes, FLRA itself needs a first-in-class workforce. Understaffing FLRA, especially on the heels of the significant and painful downsizing that had already taken place within the OGC, undermines FLRA's ability to complete its mission and recruit, professionally develop, and retain top performers.

As a small agency primarily employing highly-educated attorneys, personnel compensation and benefits account for the largest share of FLRA's overall budget: nearly 80 percent in FY23. The requested FTE funding increase for FY24 is to bring back the professional labor that is essential to carrying out the Agency's mission of investigations, settlement, litigation, adjudication, and improvement of workplace relationships, so sorely needed by our parties. FLRA is its people; without the appropriate cadre of professionals, FLRA cannot function and its mission, critical to the government as a whole, is left undone.

Certainly, the highest priority must be FTEs, but the lack of funding has also stymied FLRA's efforts to finance much needed IT investments to replace antiquated programs and hardware and bring FLRA's cyber security footing up to date. To address all of these challenges, protect

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<sup>3</sup> Reducing through attrition is a best-case scenario. Even reducing through attrition will cripple the agency and make it, practically, impossible to carry out the FLRA mission while also ensuring quality and timeliness.

the Statutory right to engage in collective bargaining, and provide a more constructive approach to labor-management relations in the Federal sector, urgent action must be taken.

## Office of the General Counsel

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The OGC plays a fundamental role in facilitating orderly, efficient, and effective change within the Federal Government. Inadequate staffing interferes with the OGC's ability to promptly investigate and resolve ULP charges and REP petitions. Given the high rate of unionization in the Federal Government, workplace change frequently requires collective bargaining or a representation proceeding, or both. Indeed, the vast majority of ULP and REP cases are filed in response to a management-initiated change in conditions of employment. One only need look at the effect of the pandemic on government-wide operations to imagine the complex nature of negotiations between agencies and the labor organizations that represent their employees. The OGC has highly sought-after Statutory expertise on these matters that agencies and labor organizations often lack.

The pace at which the OGC resolves these ULP and REP cases directly affects the pace of government change. The Statute generally requires management to maintain the *status quo* during negotiations and during the pendency of a representation proceeding. The core purpose of the Statute is to promote collective bargaining as a means of fostering improved employee performance, quality of work life, and government operations. Hence, the quality and timeliness of OGC case investigations and dispositions, and the extent to which OGC agents are able to take full advantage of dispute resolution opportunities, directly impact the effectiveness and efficiency of government change. The OGC cannot reasonably be expected to fully complete its mission at the increased levels of case filings without a commensurate increase in FTEs.

The OGC saw a 50% increase in ULP charges filed in FYs 2021 and 2022, and conservatively projects a 20% increase in charges filed in FYs 2023 and 2024. This will bring the number of ULP charges filed to what they were prior to 2017, when case filings began to fall precipitously in the absence of a GC. Similarly, REP petitions filed have also risen, by 33% just in FY22. The OGC conservatively estimates a 20% increase in petitions filed in FYs 2023 and 2024, bringing the number of REP petitions filed to what they were prior to 2017. Concomitant with this increase in filings, the professional staff saw their caseloads<sup>4</sup> drastically increase.

In 2018, the OGC employed 42 professionals: in 2023, 27. A normal ULP/REP investigatory caseload for OGC professionals is between 25-30 ULP and REP cases per month. In February 2021, ULP charge and REP petition filings began to significantly increase. At that time, had the OGC still had 42 professionals in the Regions, the caseloads would have been at 31 ULP/REP cases per professional/month by the end of FY22: high, but manageable.

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<sup>4</sup> A "caseload" is the number of ULP and REP cases a professional is assigned to investigate and bring to a final action. Investigations often take months of work, gathering evidence and obtaining testimony from witnesses, before a final action can be taken by the Regional Director, on behalf of the General Counsel. As investigations are occurring and final actions are taken on some cases, more cases are assigned to the professional on a daily basis.

However, the OGC had only 26 professionals in February 2021, and never rose above 27 professionals in any month thereafter. As a result, the agents had caseloads that rose to 49 cases per professional/month by the end of FY22. Currently, the professionals are carrying almost double the normal caseload, while also litigating the highest inherited inventory of complaint cases in the history of the OGC, as well as newly authorized complaints. And the filing of REP petitions is expected to grow even greater due to OPM's issuance of "Guidance on Implementation of EO 14025: Addressing Whether Non-Bargaining Unit Positions are Correctly Excluded from Bargaining Unit Coverage." Only FLRA may determine bargaining units, including which positions are included in, or excluded from, those units. OGC Regional Offices, on delegation from the Authority, process these petitions.

We are not merely asking our professionals to work a bit harder for a limited amount of time until we are over a rough spot. We are asking them to do an overwhelming workload, do it well and in a timely manner, for the foreseeable future, with no relief in sight. Since this cannot be sustained, the OGC will likely not meet its goals for FY23 or FY24.

During the 3½ years without a General Counsel, an unprecedented inherited inventory of 494 complaints developed. Historically, the OGC settles or litigates, on average, about six complaints per attorney per year (about 250 in total per year, with 42 attorneys<sup>5</sup>). Since an Acting GC was named in March 2021, the OGC resolved 242, issued complaint in 223, and expects to resolve or litigate the remaining 29 inherited complaints in FY 2023. The Acting GC made working on the complaints which had been pending since 2017 a priority for the OGC professionals and they more than rose to the challenge laid down for them – completing the herculean task in just under two years (247 per year, with 27 employees). The professionals did this even while, for the first time in OGC history, learning to litigate through virtual trials.

While working on the inherited inventory of 494 complaints, however, the professionals continued to investigate the *newly-filed*<sup>6</sup> ULP charges assigned to them and the number of complaints on those charges grew, creating a backlog of newly authorized complaint cases, which is currently at 301 cases. OGC staff have worked to resolve or issue complaint on these new complaint recommendations, but it continues to grow by about 25 complaints each month. As with the inherited inventory of 494 complaint cases, there are simply not enough attorneys to resolve or litigate the complaints on the newly-filed charges. And prioritizing the complaints over other work will necessarily result in a backlog of investigations of newly filed ULP and REP cases. The result will be a significant increase in the number of untimely ULP and REP decisions.

To have any chance of getting to a place where there are neither complaint nor investigation backlogs and the OGC is meeting its performance goals for quality and timeliness, the OGC must rebuild to 35 attorneys in the Regions, which is still under the number on board in March 2018.

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<sup>5</sup> Forty-two was the number of attorneys in the OGC when the last complaint, issued under the prior GC and then Acting GC, was litigated in March 2018.

<sup>6</sup> The newly authorized complaint backlog is on ULP charges which were filed after the March 23, 2021, designation of an Acting General Counsel.



Ultimately, an “all-hands-on-deck”-like effort is simply not sustainable in the long term and cannot be expected of the staff year after year. Continuing to expect 27 OGC professionals to do the work of 42, has led some to seek employment elsewhere and will likely lead others to do the same. This represents a waste of dedicated OGC time and resources, over several years, intensively training each new professional to understand the nature of the Federal government, FLRA, and Statute, and how to investigate and litigate the ULP charges and REP petitions filed with the OGC.

## Authority

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As discussed above, the Authority comprises the three FLRA Members, each of whom has a staff. Unlike some other quasi-judicial agencies that have centralized staffs to process cases (such as the Merit Systems Protection Board), the Authority – similar to still other quasi-judicial agencies (such as the National Labor Relations Board) – processes cases out of the Member-staff offices. Thus, while the Member offices are currently fully staffed, it is imperative to continue to fully fund them so that the Authority can continue to process cases.

In addition to the Member staffs, there are several other offices and programs under the Authority’s jurisdiction, including the Office of the Executive Director, Office of the Solicitor, Office of Administrative Law Judges (OALJ), Office of Case Intake and Publication (CIP), Collaboration and Alternative Dispute Resolution Office (CADRO), and the Equal Employment Opportunity Program (EEO).

Beginning in FY17, the Authority began to see increases in the number of arbitration appeals filed, with significant increases occurring in FYs 2019 and 2020. Additionally, in FY20, the Authority saw a near-doubling of the number of petitions filed in negotiability cases – often the most complex, time-consuming cases that the Authority resolves. At the same time, there was significant turnover in Authority staff, including the loss of some of the most experienced Authority staff. Further, CADRO – which assists parties in voluntarily resolving their arbitration and negotiability cases – was eliminated, thereby requiring the Authority to devote significant time and resources to issuing formal decisions in those cases. Largely due to these factors, the numbers of pending cases, and the age of those cases at disposition, began to increase, while the FLRA’s parties awaited resolution of their disputes.

Since February of 2021, the Authority has successfully focused most of its efforts on reducing these caseloads. In FY21, the Authority closed more cases than it closed in any of the prior five years, and substantially more than it had closed in FY18, FY19, and FY20. In FY22, the Authority continued that trend, ending the year with 100 pending cases – fewer than half of the 217 cases pending at the end of FY20. The Authority’s ability to significantly reduce its pending caseload has been due, in large part, to the restoration of CADRO – discussed further below.

At the same time, the Authority is continuing to receive a higher-than-average number of negotiability appeals. Additionally, as the OGC and the OALJ continue to litigate and decide the unprecedented inherited inventory of ULP complaints, as well as the newly authorized complaint cases, the Authority anticipates an increase in the number of ULP exceptions filed. Further, as the OGC anticipates resolving an increased number of REP cases, the Authority expects to see an increase in the number of REP appeals filed.

Moreover, while the Authority has continued to issue decisions at a relatively steady pace, since early January 2023, the Authority has lacked a full complement of Members. Although the Members continue to agree on most cases and issue decisions accordingly, they do not agree on every case. Therefore, the absence of a third Member to “break the tie” threatens to result in the development of a new case backlog if not rectified expeditiously.

Unfortunately, as the Authority has focused its efforts on reducing its caseloads, it has kept the Authority from being able to carry out other important initiatives. The Authority has been unable to devote time or resources to implementing much-needed, long-overdue updates to its regulations, including its negotiability regulations and its procedural regulations. For example, the Authority’s regulations currently limit what the parties may file, and what the Authority may formally serve to parties, electronically. Revisions are vitally needed to keep up with the realities of the 21<sup>st</sup> Century workplace.

Additionally, the Authority’s caseload-reduction focus has severely curtailed the Authority’s ability to provide training to FLRA parties, at a time when party requests for arbitration and negotiability training – including in-person training – are surging. Further, the Authority has been unable to devote staff time to developing and updating its training materials and guidance documents. For example, the *Guide to Arbitration*, which summarizes the Authority’s precedent and practices in the type of case that makes up most of the Authority’s caseload, has not been updated since 2016, and the *Guide to Negotiability* has not been updated since its initial creation nearly a decade ago. The lack of training and current educational materials has resulted in there being fewer useful – and much-needed – educational tools available to FLRA’s parties. Less-informed parties often are more prone to engage in unnecessary, timely, and costly litigation – thereby further adding to the Authority’s decisional caseload.

Despite these needs and challenges, FLRA anticipates that, with current staffing levels, the Authority will be able to undertake some of these vital initiatives while maintaining reasonable caseloads, avoiding the development of new case backlogs, and issuing more timely decisions. Therefore, FLRA is not requesting funding for additional FTEs in the Member offices, CIP, the Office of the Solicitor, or the EEO program. However, the Authority’s ability to successfully carry out these functions and meet the parties’ needs will depend on, among other things, funding a third position in CADRO. As discussed further below, that will help parties voluntarily resolve their disputes in ULP, negotiability, and arbitration cases, without requiring the Member offices and CIP to devote their time and resources to issuing formal, written decisions, as well as providing the other critically important services discussed above. Further, as requests for in-person training continue to surge, FLRA needs its travel budget to be fully funded, because FLRA is limited in its ability to seek travel reimbursement from many of its parties.

### Office of Administrative Law Judges (OALJ)

Significant progress has been made by the OALJ toward resolving the unprecedented backlog of complaints triggered by the lack of a General Counsel for 3½ years. In July 2022, the OALJ filled a vacancy for a third Administrative Law Judge (ALJ), which will also contribute to improving its efficiency in eliminating the complaint backlog. ALJs conduct hearings and issue recommended decisions in cases involving alleged ULPs. ALJs also author decisions in cases without conducting hearings based upon preliminary matters. Because ALJs’ recommended decisions can be appealed to the Authority, the Authority undoubtedly will continue to experience an increase in its ULP caseload, as discussed above. When parties are unable to

settle their cases, the unique skill set of judges ensures that full, adversarial due process hearings are conducted in order to resolve the dispute. While judges can conduct legal research and writing tasks, FLRA has prioritized their limited time to conducting trials and drafting decisions in order to bring justice to litigants who have been waiting years for their dispute to be heard and resolved.

In addition to conducting hearings and issuing recommended decisions on cases involving alleged ULPs, ALJs render recommended decisions involving applications for attorney fees filed under the Back Pay Act and the Equal Access to Justice Act. Since an Acting General Counsel was appointed by President Biden, OALJ has been scheduling four to six ULP cases per ALJ for hearing every other week in order to aggressively reduce the backlog.

The OGC filed 131 ULP complaints with the OALJ in FY22, and estimates increasing to 300 cases in FY23 and 175 in FY24. The OALJ caseload is directly proportional to the number of complaints filed by the General Counsel. It has taken nearly two years to reduce *only* the inherited inventory of 494 complaint cases to 29, which will be resolved over FY23. This number does *not* include the number of complaints which the OGC will issue on *newly filed ULPs that will be filed each year in addition to the backlog*. The remaining cases that do not settle before trial are the most complex and litigious. With three judges, the OALJ can expect to issue 45 decisions in FY23 and FY24.

Further, more litigation is expected to be begin being conducted again in person. That will require FLRA to pay ALJs' travel expenses. Thus, fully funding FLRA's travel budget will be vital to allowing FLRA to enforce the Statute.

### Collaboration and Alternative Dispute Resolution Office (CADRO)

FLRA's highly successful and vitally important CADRO has been key to FLRA mission performance for most of the past 27 years. CADRO conflict-management experts serve the dual role of efficiently resolving complex, sensitive cases pending before FLRA and delivering training, facilitation, and labor-management-relationship services, in order to restore constructive labor-management relationships between federal agencies and unions. Like ADR generally, CADRO has earned significant bipartisan support.

In FY24 and beyond, CADRO will continue to play a crucial role in accomplishing FLRA's performance goal to resolve cases and reduce litigation and its attendant costs. CADRO offers FLRA parties voluntary, confidential mediation to achieve timely resolution of negotiability disputes and arbitration exceptions pending before the Authority, as well as settlement conferences in ULP complaint cases. CADRO dispute-resolution services prevent unnecessary and costly litigation before FLRA and make case processing more effective and efficient.

CADRO will continue to be essential to preventing and reducing case backlogs for the Authority and FLRA's ALJs. The OALJ's ULP complaint caseload continues to skew the application of CADRO resources heavily in that direction. In FY24, the OALJ will expect CADRO staff to conduct about 180 settlement conferences in ULP complaint cases so as to prevent ULP complaints from becoming unnecessarily backed up waiting for trial. In addition, the Authority will expect CADRO staff to resolve about a dozen sensitive arbitration exception (appeal) cases and at least 200 complex legal issues in at least 30 negotiability cases, so that Members and their attorneys can adjudicate other matters on the Authority's docket and perform other critical functions discussed above.

CADRO also is an important vehicle through which FLRA exercises leadership in the manner specifically adopted by the President in a report from the Vice President and the Secretary of Labor entitled [White House Task Force on Worker Organizing and Empowerment](#) (publicly released February 07, 2022) and envisioned by the President in his April 26, 2021 [Executive Order on Worker Organizing and Empowerment](#) (14025) and his January 22, 2021 [Executive Order Protecting the Federal Workforce](#) (14003). In FY24, CADRO plans to expertly deliver at least a dozen facilitations, training programs, and important initiatives to repair fractured workplace relationships. These services will be offered to federal agencies and unions that want to more constructively manage workplace conflict and prevent conflict from erupting into destructive disputes. CADRO helps these stakeholders resolve difficult, pragmatic issues that otherwise are likely to impair mission performance, degrade quality of work life, and foment new cases before FLRA. These CADRO services not only minimize the need for third-party intervention, they enable agencies and unions to fundamentally transform their workplace relationships. The long-term result is better mission performance and better quality of work life throughout Government: real evidence that these initiatives benefit agencies, employees, unions, and the American public. The value of CADRO dispute-prevention and dispute-resolution services goes far beyond the staff hours and the taxpayer dollars that it saves by preventing and settling disputes.

One specific way in which CADRO assists with implementing the White House Task Force's recommendations is by helping federal agencies and unions reinstitute their labor-management forums (LMFs). LMFs are a method through which federal agencies and unions work collaboratively on a wide range of issues, at the front end of the decision-making process, in order to deliver the highest quality services to the American public. Although LMFs are not currently mandated, FLRA expects that the Office of Personnel Management will mandate them in the near future. As a result, the need for CADRO's assistance in this area is expected to continue to grow, perhaps significantly.

CADRO presently has only two FTEs and no dedicated administrative support. Such a tiny staff is limited in its ability to assist parties with such matters as well as their disputes. As reflected in the table below, CADRO expects to close more than 200 intervention cases and another dozen prevention cases in FY24. That is an unsustainable number for two FTEs. They cannot possibly keep pace with projected requests to resolve ULP complaints pending before FLRA ALJs, in addition to arbitration exceptions and complex negotiability cases containing hundreds of legal disputes pending before the Authority Members. Nor can two FTEs fully satisfy joint agency and union requests for training, facilitation, and assistance repairing and improving essential labor-management relationships. Moreover, as discussed above, expected Authority caseloads and other priorities for Authority staff make it unlikely that non-CADRO staff at FLRA can continue providing CADRO staff with the same level of essential assistance in CADRO cases – particularly given that FLRA is not requesting funding for additional FTEs on the Authority Members' and CIP staffs in FY24. For these reasons, FLRA has made it a priority to restore the third FTE to CADRO during FY24 (that was eliminated in 2017). The third CADRO FTE is critical to continue delivering expert ADR services to help parties resolve important cases, deliver facilitation and necessary training, and lead essential workplace-relationship repair, all of which are key to FLRA accomplishing its mission and to promote stable, constructive labor relations.

As a direct result of restoring the third FTE, additional disputes in cases pending before the Authority and FLRA ALJs will be significantly reduced, narrowed, and resolved in a timelier manner. Members of the labor-management community will become better equipped to

prevent and constructively manage workplace conflict and resolve their own disputes without third-party intervention and resources. Fewer cases will require FLRA adjudication, thereby preserving limited FLRA case-processing resources and associated resources of the agencies and unions that FLRA serves. The high impact of restoring a third CADRO FTE in FY24 makes it a critical priority to fund this request.

<b>Case Type</b>	<b>FY 2024 est.</b>
Negotiability Petitions	30
Arbitration Exceptions	12
Other	10
Repair, Train and Facilitate	12
<b>Subtotal</b>	<b>64</b>
Unfair Labor Practice Cases	180
<b>Total</b>	<b>244</b>

### Office of the Executive Director

FLRA continues to seek to fund critical projects, primarily within the IT and Cybersecurity realm. A major challenge within the Office of the Executive Director is related to the restoration of Agency FTEs. When there are funding needs, the primary focus for savings falls on the small administrative budget – resulting in inadequate support and loss of needed tools. The goal of building a more agile organization to quickly respond and align to changing mission needs, innovations, and technological advancements, is in serious jeopardy, should the Agency not receive the requested budget in FY24. Administratively, FLRA has continually done more with less, just as it has done on the mission side of the Agency. However, the situation is becoming urgent. Critical IT infrastructure and hardware are becoming past their end of life (EOL) schedule. The Agency has been forced to make decisions relative to budget concerns vs. properly managing its IT program.

### **IT Investment, Cybersecurity, and Modernization**

In FY24, the FLRA is seeking funds to continue much needed IT investments. Besides the Agency’s continued request for funding to support reestablishing FTE levels to meet the mission, the Agency continues to request funding to support its Information Technology Modernization efforts. With the FY22 and FY23 requests, the Agency was underfunded and could not afford to pay for needed investments. A significant investment needs to be made, to meet the mandated Cybersecurity Executive Orders and the general day-to-day IT operations. A prolonged absence of funding for critical administrative infrastructure, such as Cybersecurity, IT equipment, and technology modernization, has had a grave effect on the continued success of FLRA. While the Agency has been somewhat successful in shuffling mission priorities and keeping mission critical functions moving, each time this is done, we are brought farther and farther from safe, efficient, and effective, labor relations in the Federal Government.

A major multi-year investment is the Agency continuing – however slowly – its march towards electronic case files. This too has become a victim of inadequate funding. The Agency is now in its 7th year of updating its Case Management System (CMS), which was scheduled for 4 years.

The delay is due, solely, to funding, because the Agency hasn't had the discretionary funds to adequately keep the project moving. There have been some successes – releasing the updated eFile and the Authority component – but we still have two other components to complete (over half of the Agency). Fully funding the Agency at its request will finally allow the Agency to address these initiatives.

Agency policy, as well as best practice, requires a refresh of computing resources – laptops, servers, etc. – no less frequent than every five years. Agency refresh activities are critical, both in the Agency's ability to properly address cybersecurity concerns, but also to avoid fiscally irresponsible operations. Old hardware requires constant resources, from a staff resource and monetary standpoint. For example, during the pandemic, the Agency audio/visual and phone equipment has all reached end of life/end of support, resulting in an inability to adequately patch with security updates. However, as previously mentioned, the Agency did not receive its FY22 and FY23 requested amounts and could not afford to fully act on its Agency technology priorities. With each year, this becomes increasingly more dangerous. It is critical that the Agency FY24 request be fully funded to support the agency needs. If not, it will further delay our ability to address these critical essential functions - and, quite possibly, become catastrophic where we are unable to complete even basic daily mission-critical functions.

### CURRENT SERVICES ESTIMATE

FLRA will require \$33,737,000 in 2024 to successfully meet its statutory and regulatory responsibilities.

(In thousands of dollars)

<b>Program Activity</b>	<b>FY 2022 Actual</b>	<b>FY 2023 Enacted</b>	<b>FY 2024 Request</b>	<b>Change from FY 2023</b>
Authority	\$ 16,874	\$ 18,154	\$ 20,833	\$ 2,679
Office of the General Counsel	\$ 9,443	\$ 10,158	\$ 11,656	\$ 1,498
Federal Service Impasses Panel	\$ 1,009	\$ 1,088	\$ 1,248	\$ 160
<b>Direct Obligations</b>	<b>\$ 27,326</b>	<b>\$ 29,400</b>	<b>\$ 33,737</b>	<b>\$ 4,337</b>
<b>FTEs</b>	<b>110</b>	<b>116</b>	<b>125</b>	<b>9</b>

# BUDGET JUSTIFICATION

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## Appropriations 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, [\$29,400,000] \$33,737,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further*, That, notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

*(Financial Services and General Government Appropriations Act, 2023.)*

## 2024 Funding Request

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The 2024 budget for the U.S. Federal Labor Relations Authority in the amount of \$33,737,000 is necessary to meet statutory and regulatory responsibilities. The Agency's 2024 request will fund 125 FTEs.

**(In thousands of dollars)**

Program Activity	FY 2022 Actual	FY 2023 Enacted	FY 2024 Request	Change from FY 2023
Authority	\$ 16,874	\$ 18,154	\$ 20,833	\$ 2,679
Office of the General Counsel	\$ 9,443	\$ 10,158	\$ 11,656	\$ 1,498
Federal Service Impasses Panel	\$ 1,009	\$ 1,088	\$ 1,248	\$ 160
<b>Direct Obligations</b>	<b>\$ 27,326</b>	<b>\$ 29,400</b>	<b>\$ 33,737</b>	<b>\$ 4,337</b>
<b>FTEs</b>	<b>110</b>	<b>116</b>	<b>125</b>	<b>9</b>

Program and Financing Schedule

(In thousands of dollars)

	FY 2022 Actual	FY 2023 Enacted	FY 2024 Request
<b>Budgetary resources:</b>			
Unobligated balance (total)	\$ 806,973	\$ 612,000	\$ 612,000
Appropriation, discretionary (total)	\$ 27,398,000	\$ 29,400,000	\$ 33,737,000
Spending authority from offsetting collections, discretionary (total)	\$ 750	\$ -	\$ -
Total budgetary resources	\$ 28,205,723	\$ 30,012,000	\$ 34,349,000
<b>Status of budgetary resources:</b>			
New obligations and upward adjustments	\$ 27,888,159	\$ 29,400,000	\$ 33,737,000
Unobligated balance, end of year	\$ -	\$ -	\$ -
Apportioned, unexpired account	\$ 72,407	\$ 50,000	\$ 50,000
Expired unobligated balance, end of year	\$ 245,157	\$ 259,218	\$ 154,100
Unobligated balance, end of year	\$ 317,564	\$ 309,218	\$ 204,100
Total budgetary resources	\$ 28,205,723	\$ 29,709,218	\$ 33,941,100
<b>Outlays, net:</b>			
Outlays, net, (total)	\$ 27,087,736	\$ 29,400,000	\$ 33,737,000
Agency outlay, net	\$ 27,087,736	\$ 29,400,000	\$ 33,737,000



Object Classification Schedule

(In thousands of dollars)

	FY 2022 Actual	FY 2023 Enacted	FY 2024 Request
Direct obligations:			
Personnel compensation:			
Full-time permanent	\$ 15,496	\$ 16,550	\$ 19,799
Other than full-time permanent	\$ 400	\$ 20	\$ 30
Other personnel compensation	\$ 382	\$ 489	\$ 400
Total personnel compensation	\$ 16,278	\$ 17,059	\$ 20,229
Civilian personnel benefits	\$ 5,775	\$ 6,740	\$ 7,196
Travel and transportation of persons	\$ 30	\$ 97	\$ 225
Transportation of things	\$ -	\$ 5	\$ 5
Rental payments to GSA	\$ 2,044	\$ 2,850	\$ 2,850
Communications, utilities, and misc. charges	\$ 256	\$ 233	\$ 285
Printing and reproduction	\$ 8	\$ 14	\$ 14
Other services from non-federal sources	\$ 1,200	\$ 995	\$ 1,245
Other goods and services from Federal sources	\$ 1,004	\$ 1,007	\$ 1,172
Operation and maintenance of facilities	\$ 15	\$ 15	\$ 4
Operation and maintenance of equipment	\$ 242	\$ 242	\$ 323
Supplies and materials	\$ 110	\$ 110	\$ 121
Equipment	\$ 363	\$ 33	\$ 68
Direct obligations	\$ 27,325	\$ 29,400	\$ 33,737
Reimbursable obligations:			
Travel and transportation of persons	\$ 1	\$ 100	\$ 0
Reimbursable obligations	\$ 1	\$ 100	\$ 0
Total new obligations	\$ 27,326	\$ 29,500	\$ 33,737

Employment Summary Schedule

	FY 2022 Actual	FY 2023 Enacted	FY 2024 Request
Direct civilian full-time equivalent employment	110	116	125

## Inspector General Resources

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The Office of the Inspector General (OIG) provides independent and objective assessments of 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 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, 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.

FLRA's 2024 funding request includes \$1,059,609 for the OIG.

The OIG's FYs 2021, 2022, and 2023 submissions include an Attorney to provide mandated legal services to the IG in accordance with the IG Act, as amended. Since 2010, the FLRA OIG has had a memorandum of understanding (MOU) with the Department of Treasury OIG to provide statutory mandated legal services to the FLRA OIG. The MOU has saved the FLRA OIG over \$2 million. In June 2019, the Treasury IG retired, and FLRA has no assurance the new IG will continue to provide these mandated legal services.

The IG's Budget Request for FY23 was \$929,888 and in FY24 the OIG is requesting \$1,059,609. This results in a \$129,721 net increase over the OIG's 2023 budget request. The OIG hired a GS-15 Senior Auditor in FY22 to replace the GS-14 auditor resulting in the increase from the prior year request.

Thus, as requested in FYs 2021, 2022 and 2023, this level includes funding for 3 FTEs to provide mandated legal services to the IG in accordance with the IG Act. The funding level requested by the IG, includes \$10,000 for training and \$4,222 to support the Council of the Inspectors General on Integrity and Efficiency has been requested in total. The IG has certified that FLRA's funding request for the OIG satisfies all training requirements for 2024.



INSPECTOR GENERAL

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

August 4, 2022

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:  
entity to which the IG reports specifying:

- a. The aggregate amount of funds requested for the operations of the OIG,
- b. 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
- c. 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 2024:

- The aggregate budget request for the operations of the OIG is \$1,059,609;
- The portion of this amount needed for OIG training is \$10,000; and
- The portion of this amount needed to support the CIGIE is \$4,222.

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 2024.



Inspector General  
Federal Labor Relations Authority

# ANNUAL PERFORMANCE PLAN

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The FLRA organizes its Strategic Plan by three Strategic Goals. Each Strategic Goal has a number of Strategic Objectives. Each Strategic Objective has a number of Performance Goals with unique and trackable measures, which are used to determine the Agency’s progress. This section outlines the Agency’s performance goals and results across a 5-year period.

## FLRA Strategic Goals

Strategic Goal #1	Strategic Goal #2	Strategic Goal #3
We will resolve disputes under the Federal Service Labor-Management Relations Statute in a timely, high-quality, and impartial manner.	We will promote stability in the federal labor-management community by providing leadership and guidance through Alternative Dispute Resolution and education.	We will manage our resources effectively and efficiently in order to achieve organizational excellence.

## Strategic Objectives

<p>1.1. Achieve or exceed case-resolution timeliness measures, as established by each component.</p> <p>1.2. Set a high standard of quality for the case-resolution process.</p>	<p>2.1. Offer high-quality outreach and prevention services, as well as reference resources, to promote more effective labor-management relations across the federal government.</p> <p>2.2. Maximize the use of Alternative Dispute Resolution practices in case resolution.</p>	<p>3.1. Recruit, retain, and develop a highly talented, motivated, and diverse workforce to accomplish the FLRA’s mission.</p> <p>3.2. Improve usage of existing technology and deploy new IT systems to streamline and enhance organizational operations.</p> <p>3.3. Act as an effective steward of agency resources.</p>
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FY 2022 PERFORMANCE GOALS
<b>Performance Goal 1.1.1:</b> Timely investigate, prosecute, and adjudicate each case type (ULP, REP, ARB, NEG, IMPASSE)
<b>Performance Goal 1.1.2:</b> Resolve overage cases in a timely fashion
<b>Performance Goal 1.2.1:</b> Develop a mechanism for soliciting external feedback on the FLRA case-resolution process
<b>Performance Goal 1.2.2:</b> Score highly on internal quality reviews regarding the case-resolution process

<b>Performance Goal 2.1.1:</b> Provide targeted training, outreach and prevention, and facilitation activities within the labor-management community.
<b>Performance Goal 2.1.2:</b> Provide effective, useful, up-to-date case-processing and case-law resources and trainings for the labor-management community.
<b>Performance Goal 2.2.1:</b> Successful resolution of a significant portion of FLRA cases through ADR.
<b>Performance Goal 2.2.2:</b> Expanded use of ADR in ARB cases.
<b>Performance Goal 2.2.3:</b> Examination of potential expanded use of ADR in REP cases.
<b>Performance Goal 3.1.1:</b> Demonstrate strong recruitment and retention practices.
<b>Performance Goal 3.1.2:</b> Maintain and grow agency expertise through employee development.
<b>Performance Goal 3.1.3:</b> Develop internal tools and benchmarks for skills assessment, training-needs assessment, and effective succession planning.
<b>Performance Goal 3.2.1:</b> Improve eFiling capability and maximize its use in receiving case filings.
<b>Performance Goal 3.2.2:</b> Enhance employee technology usage and skills at every level.
<b>Performance Goal 3.3.1:</b> Achieve high internal customer-service scores on delivery of administrative services.
<b>Performance Goal 3.3.2:</b> Meet or exceed established operational measures.
<b>Performance Goal 3.3.3:</b> Be a leader in the Federal Employee Viewpoint Survey and in the “Best Places to Work in the Federal Government” rankings.

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

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**PERFORMANCE GOAL 1.1.1: TIMELY INVESTIGATE, PROSECUTE, AND ADJUDICATE EACH CASE TYPE (ULP, REP, ARB, NEG, IMPASSE).**

**PERFORMANCE GOAL 1.1.2: RESOLVE OVERAGE CASES IN A TIMELY FASHION.**

***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, which may include holding a hearing 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 issue a Decision and Order, which is final unless an application for review (appeal) is filed with the Authority.

### ***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 an unfair labor practice 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 the Regional Director 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 the ALJs in whole or in part on exceptions (appeal). Authority decisions set legal precedent on the meaning, operation, and enforcement of the Statute. If no exceptions are filed to an ALJ's decision, then the Authority adopts the decision without precedential significance.

### ***Arbitration cases***

Either party to grievance arbitration may file with the Authority an "exception" to (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.

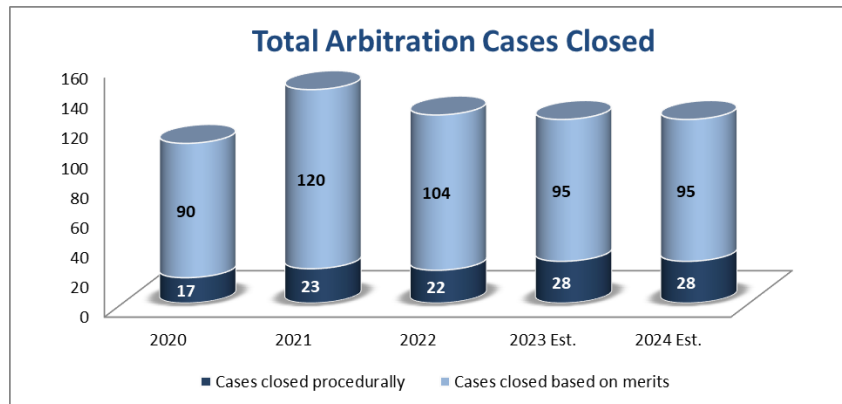
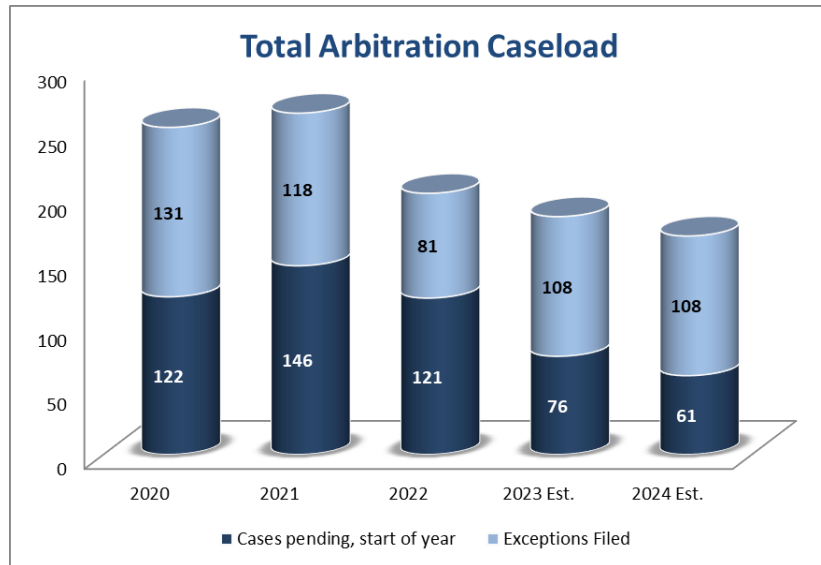
### ***Negotiability cases***

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 addition, agency heads may disapprove collective-bargaining agreements if those agreements are contrary to law. In both of these situations, a union may petition the Authority to resolve the negotiability dispute.

### ***Bargaining-Impasse cases***

In carrying out the right to bargain collectively, on occasion union representatives and federal agencies fail to reach agreement on issues; the bargaining reaches 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 third-party mediation such as the FMCS; or seek the assistance of the FSIP in resolving the negotiation impasse, but only after the assistance of third-party mediation has failed.

<i>Authority</i> Arbitration Cases	2020	2021	2022	2023 Est.	2024 Est.
Cases pending, start of year	122	146	121	76	61
<b>Exceptions filed (Intake)</b>	<u>131</u>	<u>118</u>	<u>81</u>	<u>108</u>	<u>108</u>
Total caseload	253	264	202	184	169
Cases closed procedurally	17	23	22	28	28
Cases closed based on merits	<u>90</u>	<u>120</u>	<u>104</u>	<u>95</u>	<u>95</u>
<b>Total cases closed (Output)</b>	<b>107</b>	<b>143</b>	<b>126</b>	<b>123</b>	<b>123</b>
Cases pending, end of year	146	121	76	61	46





**Measure 1.1.1a (Previously 1.1.1):** The average age of arbitration exceptions decided by the Authority.

<b>Results</b>		<b>Targets</b>	
<b>2020</b>	317 days <i>Not Met</i>	<b>2020</b>	248 days
<b>2021</b>	395 days <i>Not Met</i>	<b>2021</b>	248 days
<b>2022</b>	405 days <i>Not Met</i>	<b>2022</b>	375 days
		<b>2023</b>	385 days
		<b>2024</b>	366 days

**Measure 1.1.1b (New):** The average age of arbitration cases pending before the Authority.

<b>Results</b>		<b>Targets</b>	
<b>2022</b>	N/A	<b>2022</b>	N/A
		<b>2023</b>	268 days
		<b>2024</b>	255 days

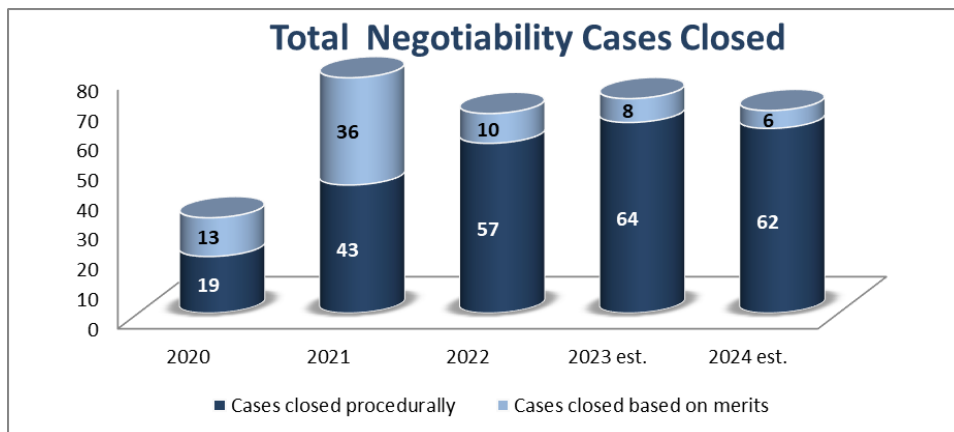
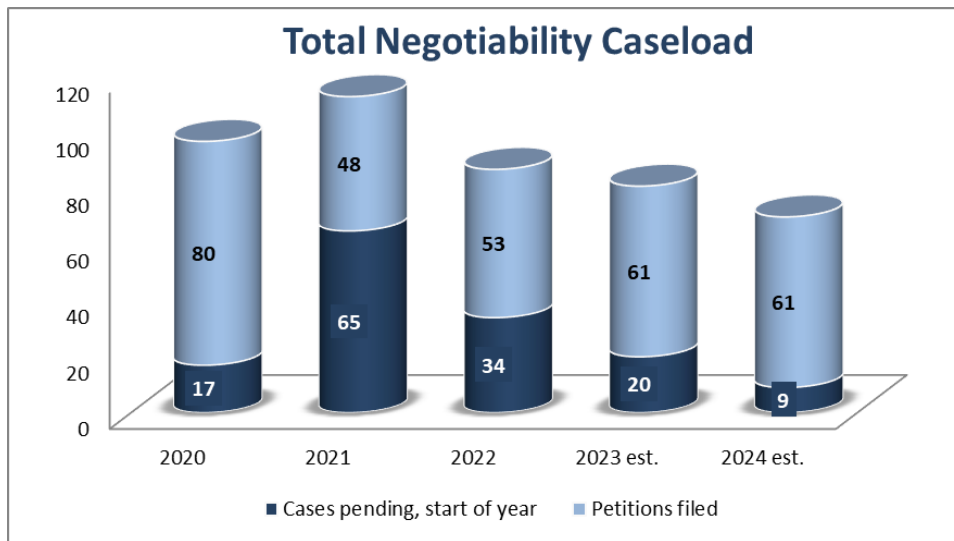
**Measure 1.1.1c (Previously 1.1.2):** The percentage of arbitration cases decided by the Authority within 210 days of the filing of exceptions.

<b>Results</b>		<b>Targets</b>	
<b>2020</b>	32% – (34/107 cases) <i>Not Met</i>	<b>2020</b>	75%
<b>2021</b>	29% - (42/143 cases) <i>Not Met</i>	<b>2021</b>	75%
<b>2022</b>	23% - (32/126 cases) <i>Not Met</i>	<b>2022</b>	75%
		<b>2023</b>	N/A
		<b>2024</b>	N/A

**Measure 1.1.1d (New):** The percentage of arbitration cases decided by the Authority within 210 days of assignment to a Member office.

<b>Results</b>		<b>Targets</b>	
<b>2022</b>	N/A	<b>2022</b>	N/A
		<b>2023</b>	50%
		<b>2024</b>	50%

<i>Authority</i> Negotiability Cases	2020	2021	2022	2023 Est.	2024 Est.
Cases pending, start of year	17	65	34	20	9
<b>Petitions filed (Intake)</b>	<u>80</u>	<u>48</u>	<u>53</u>	<u>61</u>	<u>61</u>
Total caseload	97	113	87	81	70
Cases closed procedurally	19	43	57	64	62
Cases closed based on merits	<u>13</u>	<u>36</u>	<u>10</u>	<u>8</u>	<u>6</u>
<b>Total cases closed (Output)</b>	<b>32</b>	<b>79</b>	<b>67</b>	<b>72</b>	<b>68</b>
Cases pending, end of year	65	34	20	9	2



**Measure 1.1.1e (Previously 1.1.3):** The average age of negotiability cases decided by the Authority.

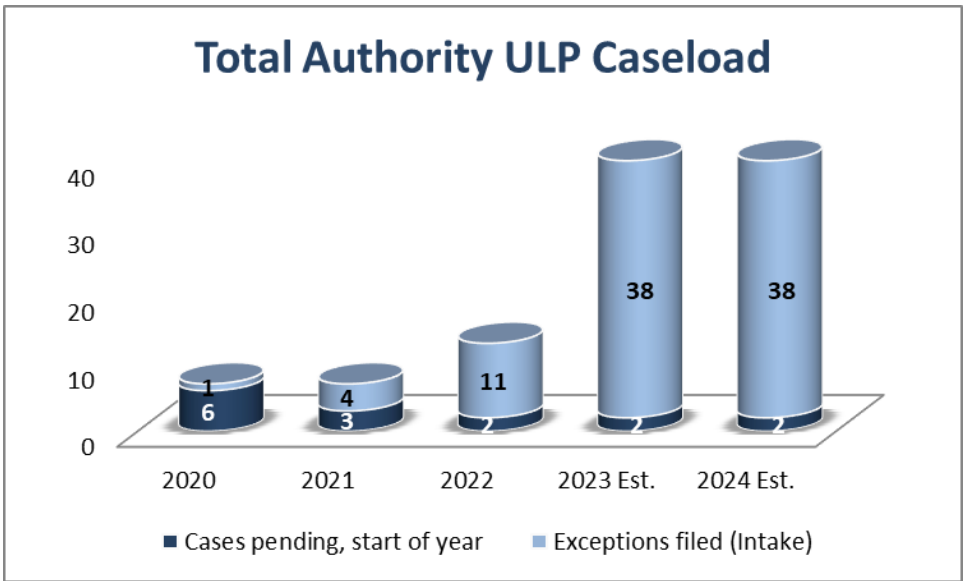
Results		Targets	
<b>2020</b>	176 days <i>Not Met</i>	<b>2020</b>	161 days
<b>2021</b>	235 days <i>Not Met</i>	<b>2021</b>	161 days
<b>2022</b>	247 days <i>Not Met</i>	<b>2022</b>	223 days
		<b>2023</b>	235 days
		<b>2024</b>	223 days

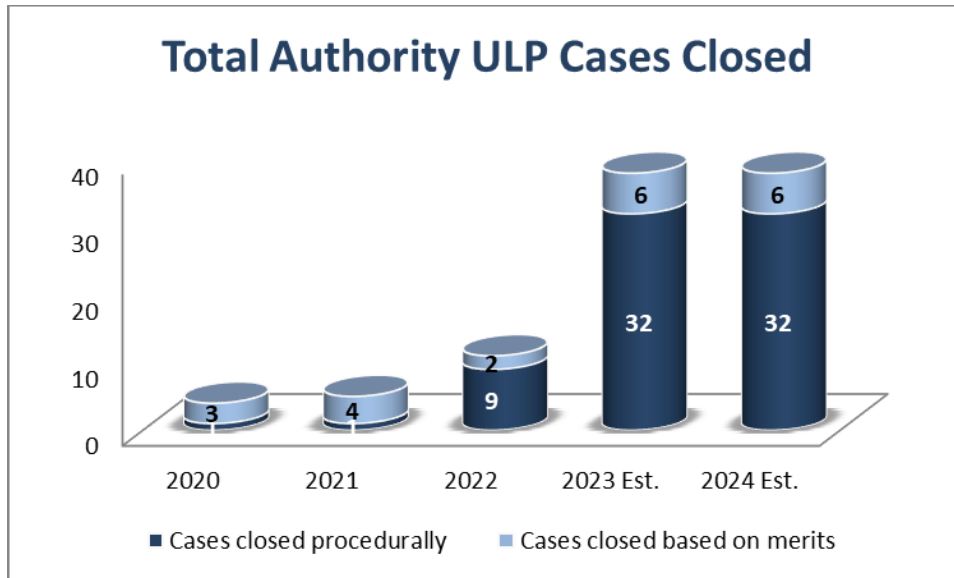
**Measure 1.1.1f (New):** The average age of negotiability cases pending before the Authority.\*

Results		Targets	
<b>2022</b>	N/A	<b>2022</b>	N/A
		<b>2023</b>	250 days
		<b>2024</b>	237 days

\*Measured at the end of the fiscal year.

Authority ULP Cases	2020	2021	2022	2023 Est.	2024 Est.
Cases pending, start of year	6	3	2	2	2
<b>Cases filed (Intake)</b>	<u>1</u>	<u>4</u>	<u>11</u>	<u>38</u>	<u>38</u>
Total caseload	7	7	13	40	40
Cases closed procedurally	1	1	9	32	32
Cases closed based on merits	<u>3</u>	<u>4</u>	<u>2</u>	<u>6</u>	<u>6</u>
<b>Total cases closed (Output)</b>	<b>4</b>	<b>5</b>	<b>11</b>	<b>38</b>	<b>38</b>
Cases pending, end of year	3	2	2	2	2





**Measure 1.1.1g (Previously 1.1.5):** The average age of ULP exceptions decided by the Authority.

Results		Targets	
<b>2020</b>	422 days <i>Not Met</i>	<b>2020</b>	226 days
<b>2021</b>	554 days <i>Not Met</i>	<b>2021</b>	226 days
<b>2022</b>	105 days <i>Met</i>	<b>2022</b>	526 days
		<b>2023</b>	100 days
		<b>2024</b>	95 days

**Measure 1.1.1h (New):** The average age of ULP cases pending before the Authority.\*

Results		Targets	
<b>2022</b>	N/A	<b>2022</b>	N/A
		<b>2023</b>	150 days
		<b>2024</b>	142 days

\*Measured at the end of the fiscal year.

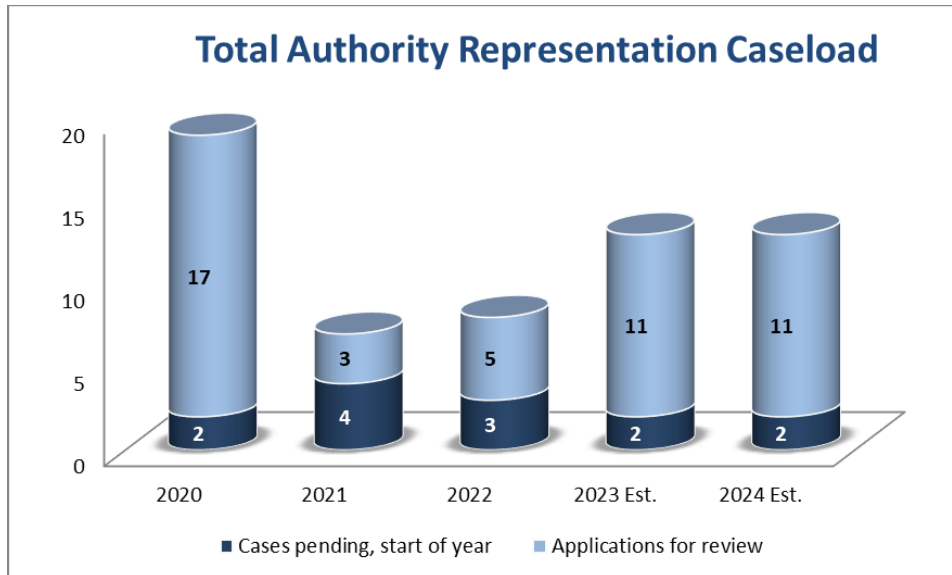
**Measure 1.1.1i (Previously 1.1.6):** The percentage of ULP cases decided by the Authority within 300 days of issuance of an OALJ decision.

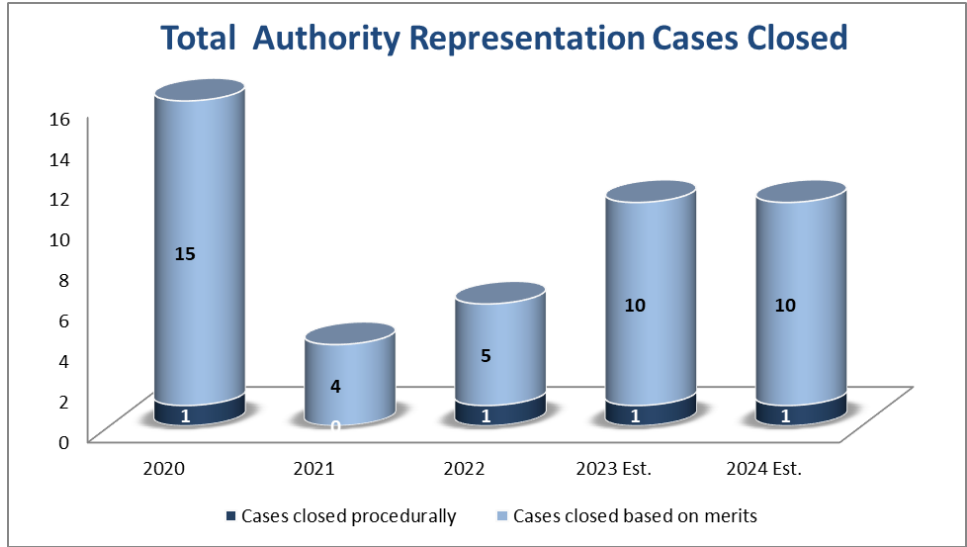
Results		Targets	
<b>2020</b>	25% – (1/4 cases) <i>Not Met</i>	<b>2020</b>	75%
<b>2021</b>	40% – (2/5 cases) <i>Not Met</i>	<b>2021</b>	75%
<b>2022</b>	100% – (11/11 cases) <i>Met</i>	<b>2022</b>	75%
		<b>2023</b>	N/A
		<b>2024</b>	N/A

**Measure 1.1.1j (New):** The percentage of ULP cases decided by the Authority within 300 days of assignment to a Member office.

Results		Targets	
2022	N/A	2022	N/A
		2023	75%
		2024	75%

<i>Authority Representation Cases</i>	2020	2021	2022	2023 Est.	2024 Est.
Cases pending, start of year	2	4	3	2	2
<b>Applications for review (Intake)</b>	<u>17</u>	<u>3</u>	<u>5</u>	<u>11</u>	<u>11</u>
Total caseload	19	7	8	13	13
Cases closed procedurally	1	0	1	1	1
Cases closed based on merits	<u>15</u>	<u>4</u>	<u>5</u>	<u>10</u>	<u>10</u>
<b>Total cases closed (Output)</b>	<b>16</b>	<b>4</b>	<b>6</b>	<b>11</b>	<b>11</b>
Cases pending, end of year	3	3	2	2	2





**Measure 1.1.1k (Previously 1.1.7):** The average age of representation cases decided by the Authority.

Results		Targets	
<b>2020</b>	210 days <i>Not Met</i>	<b>2020</b>	184 days
<b>2021</b>	225 days <i>Not Met</i>	<b>2021</b>	184 days
<b>2022</b>	119 days <i>Met</i>	<b>2022</b>	214 days
		<b>2023</b>	113 days
		<b>2024</b>	107 days

**Measure 1.1.1l (New):** The average age of representation cases pending before the Authority.\*

Results		Targets	
<b>2022</b>	N/A	<b>2022</b>	N/A
		<b>2023</b>	86 days
		<b>2024</b>	82 days

\*Measured at the end of the fiscal year.

**Measure 1.1.1m (Previously 1.1.8):** 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	
<b>2020</b>	100% – (16/16 cases) <i>Met</i>	<b>2020</b>	100%
<b>2021</b>	100% – (4/4 cases) <i>Met</i>	<b>2021</b>	100%
<b>2022</b>	100% – (6/6 cases) <i>Met</i>	<b>2022</b>	100%
		<b>2023</b>	100%
		<b>2024</b>	100%

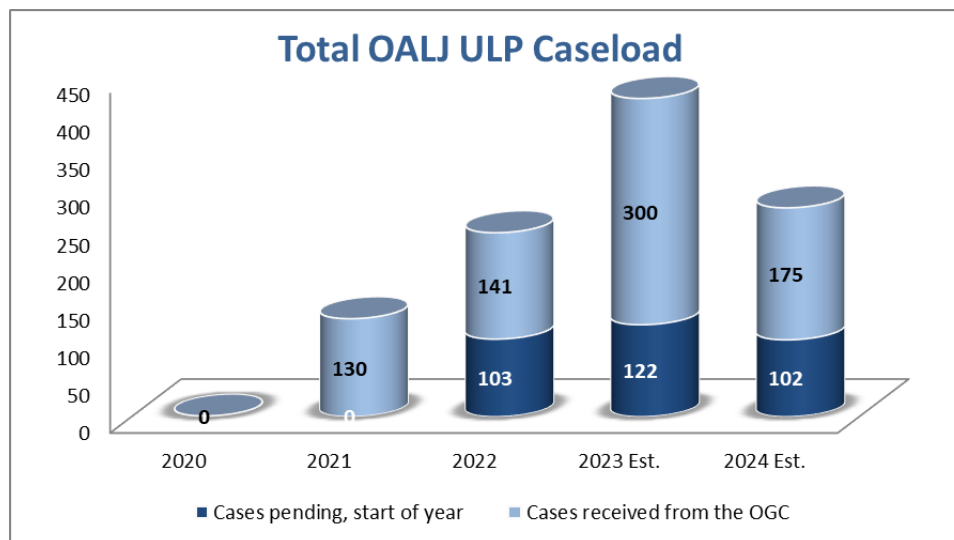
**Measure 1.1.1n (Previously 1.1.9):** The percentage of representation cases decided by the Authority within 210 days of the filing of an application for review.

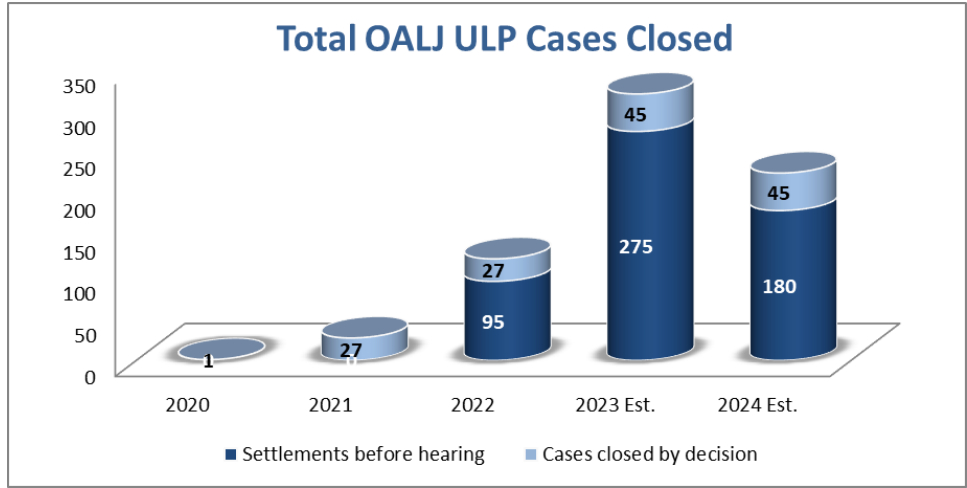
Results		Targets	
<b>2020</b>	88% – (14/16 cases) <i>Met</i>	<b>2020</b>	75%
<b>2021</b>	75% – (3/4 cases) <i>Met</i>	<b>2021</b>	75%
<b>2022</b>	83% – (5/6 cases) <i>Met</i>	<b>2022</b>	75%
		<b>2023</b>	N/A
		<b>2024</b>	N/A

**Measure 1.1.1o (New):** The percentage of representation cases decided by the Authority within 210 days of assignment to a Member office.

Results		Targets	
<b>2022</b>	N/A	<b>2022</b>	N/A
		<b>2023</b>	75%
		<b>2024</b>	75%

<b>OALJ ULP Cases</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023 Est.</b>	<b>2024 Est.</b>
Cases pending, start of year	1	0	103	122	102
<b>Complaints received (Intake)</b>	<b>0</b>	<b>130</b>	<b>141</b>	<b>300</b>	<b>175</b>
Total caseload	1	130	244	422	277
Settlements before hearing	0	0	95	275	180
Cases closed by decision	<u>1</u>	<u>27</u>	<u>27</u>	<u>45</u>	<u>45</u>
<b>Total cases closed (Output)</b>	<b>1</b>	<b>27</b>	<b>122</b>	<b>320</b>	<b>225</b>
Cases pending, end of year	0	103	122	102	52





**Measure 1.1.1p (Previously 1.1.10):** The median age of ULP complaints decided by the OALJ. \*

Results		Targets	
<b>2020</b>	N/A	<b>2020</b>	*
<b>2021</b>	69 days <i>Met</i>	<b>2021</b>	124 days
<b>2022</b>	71 days <i>Met</i>	<b>2022</b>	124 days
*OALJ performance standards remain to resolve 80 percent of ULP complaints within 180 days of filing and 95 percent within 365 days.		<b>2023</b>	124 days
		<b>2024</b>	124 days

**Measure 1.1.1q (Previously 1.1.11):** The percentage of ULP complaints issued by the General Counsel resolved or decided in the OALJ within 180 days of the complaint being issued. \*

Results		Targets	
<b>2020</b>	N/A	<b>2020</b>	*
<b>2021</b>	100% – (2/2 cases) <i>Met</i>	<b>2021</b>	80%
<b>2022</b>	100% – (27/27 cases) <i>Met</i>	<b>2022</b>	80%
*OALJ performance standards remain to resolve 80 percent of ULP complaints within 180 days of filing and 95 percent within 365 days.		<b>2023</b>	80%
		<b>2024</b>	80%



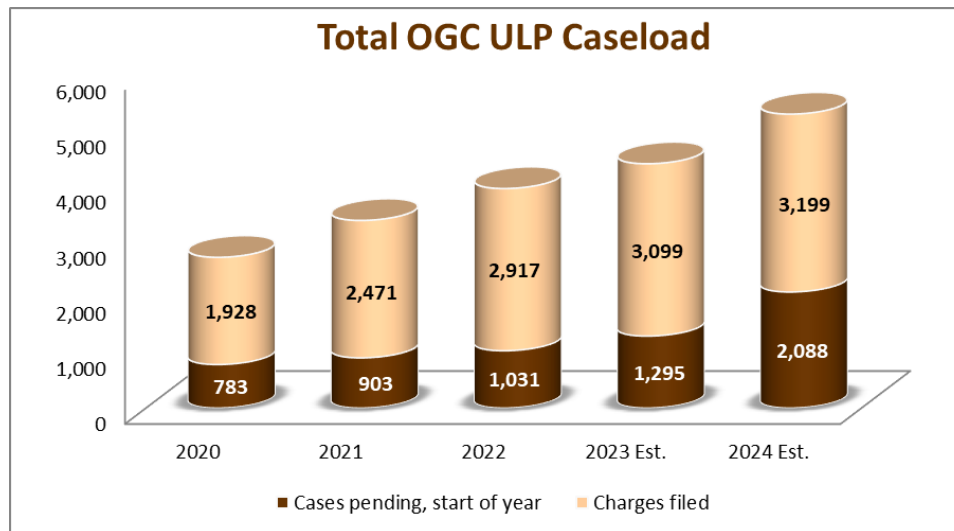
<b>OGC ULP Cases</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023 Est.</b>	<b>2024 Est.</b>
Cases pending, start of year	783	903	1031	1295	2088
Charges filed ( <b>Intake</b> )	<u>1928</u>	<u>2471</u>	<u>2917</u>	<u>3099</u>	<u>3199</u>
<b>Total caseload</b>	<b>2711</b>	<b>3374</b>	<b>3948</b>	<b>4394</b>	<b>5287</b>
Charges withdrawn/settled	1435	1850	2103	1638	2399
Charges dismissed	373	363	416	368	563
Complaints issued*	<u>0</u>	<u>130</u>	<u>134</u>	<u>300</u>	<u>175</u>
<b>Total cases closed (Output)</b>	<b>1808</b>	<b>2343</b>	<b>2653<sup>1</sup></b>	<b>2306<sup>2</sup></b>	<b>3137<sup>3</sup></b>
<b>Cases pending, end of year</b>	<b>903</b>	<b>1031</b>	<b>1295</b>	<b>2088</b>	<b>2150</b>

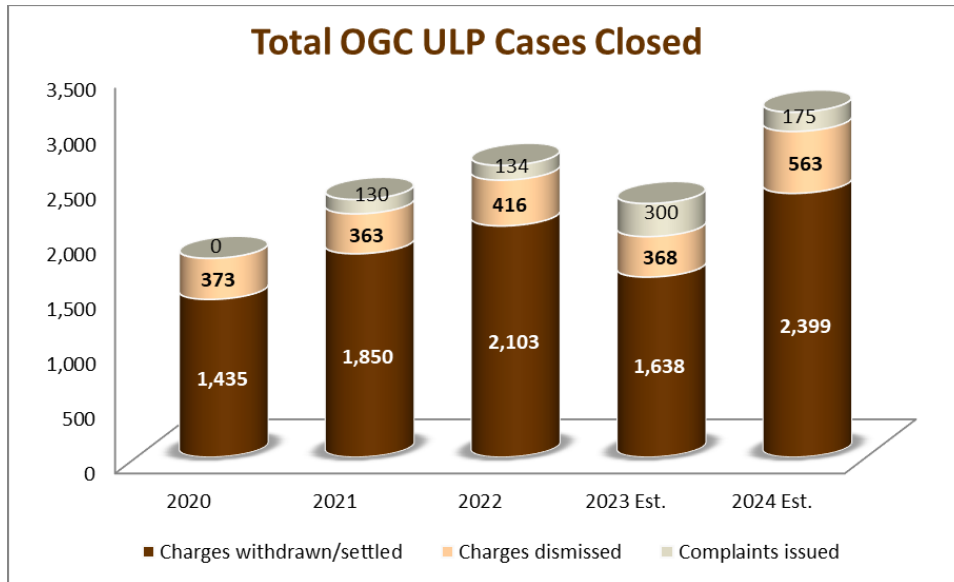
\*The OGC was unable to issue complaints in the absence of a General Counsel from November 17, 2017, until an Acting General Counsel was designated on March 23, 2021.

<sup>1</sup> Based on OGC FTE 27 average in FY22.

<sup>2</sup> Based on OGC FTE 27 average in FY23.

<sup>3</sup> Based on OMB-supported OGC FTE 35.



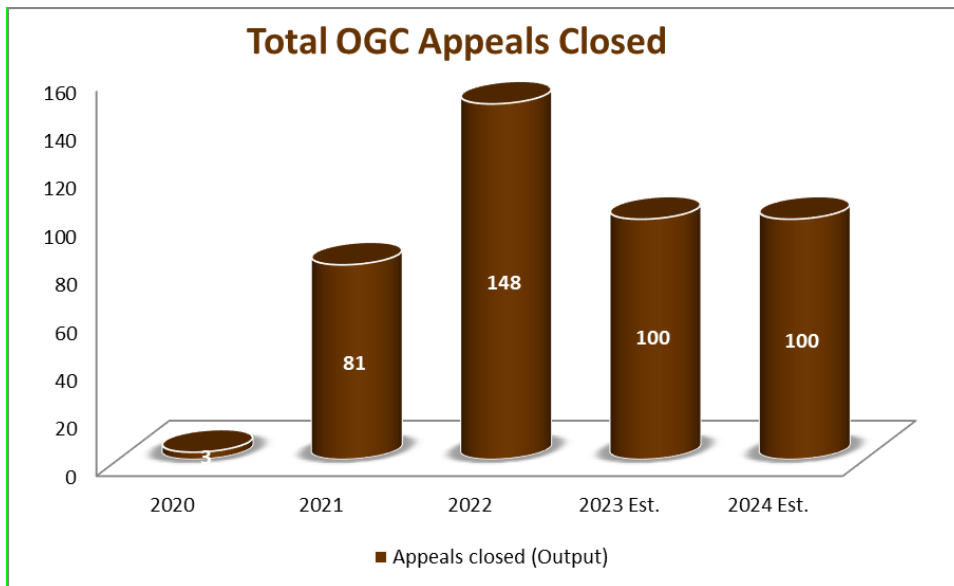
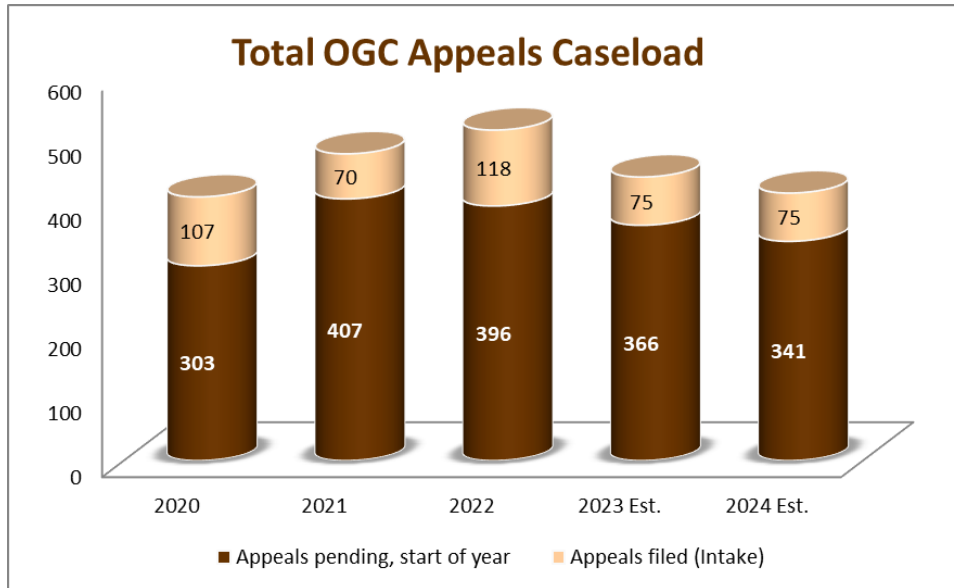


**Measure 1.1.1r (Previously 1.1.12):** The percentage of ULP charges resolved by the Office of the General Counsel by complaint, withdrawal, dismissal, or settlement within 120 days of filing of the charge.

Results		Targets	
<b>2020</b>	94% – (1692/1808 cases) <i>Met</i>	<b>2020</b>	70%
<b>2021</b>	94% – (2208/2343 cases) <i>Met</i>	<b>2021</b>	70%
<b>2022</b>	85% – (2245/2653 cases) <i>Met</i>	<b>2022</b>	70%
		<b>2023</b>	70%
		<b>2024</b>	70%

<b>OGC ULP Appeals</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023 Est.</b>	<b>2024 Est.</b>
Appeals pending, start of year	303	407	396	366	341
<b>Appeals filed (Intake)</b>	<b><u>107</u></b>	<b><u>70</u></b>	<b><u>118</u></b>	<b><u>75</u></b>	<b><u>75</u></b>
Total caseload	410	477	514	441	416
<b>Appeals closed (Output)*</b>	<b><u>3</u></b>	<b><u>81</u></b>	<b><u>148</u></b>	<b><u>100</u></b>	<b><u>100</u></b>
Appeals pending, end of year	407	396	366	341	316

\*The OGC was unable to issue decisions on appeals in the absence of a General Counsel, except where a jurisdictional issue is presented, from November 17, 2017, until an Acting General Counsel was designated on March 23, 2021.



**Measure 1.1.1s (Previously 1.1.13):** The percentage of decisions on an appeal of a Regional Director’s dismissal of a ULP charge issued by the General Counsel within 60 days of the date filed, and in no case more than 120 days.

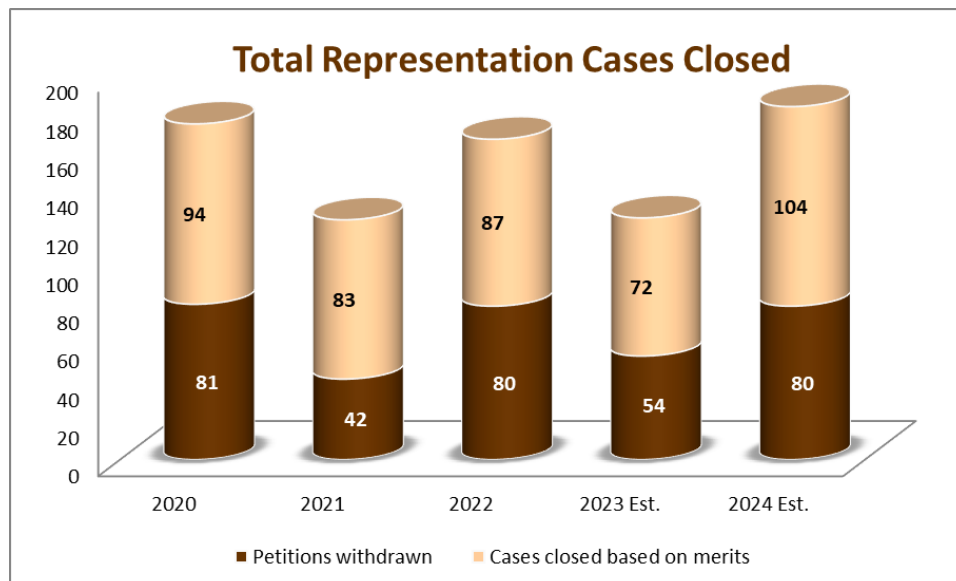
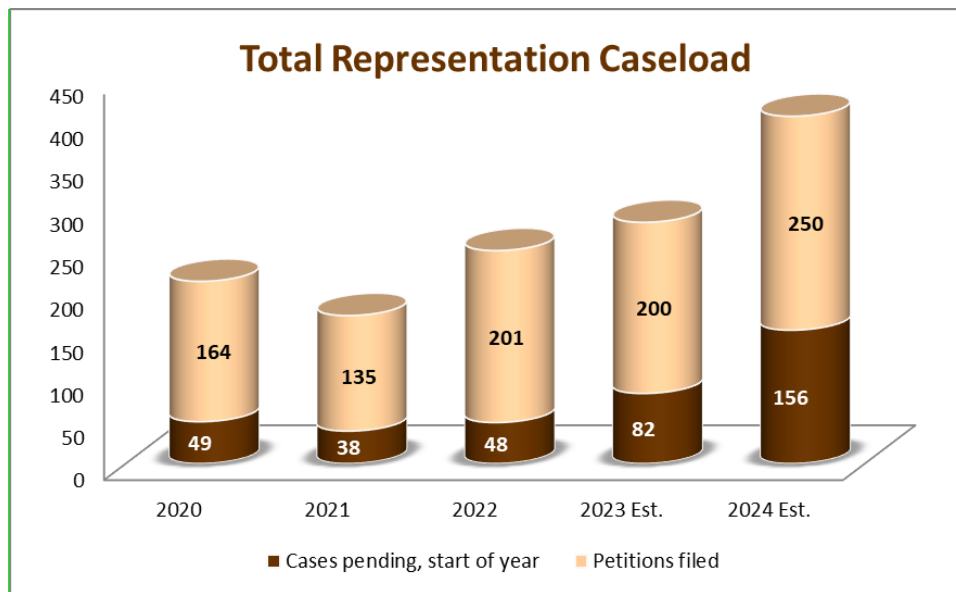
Results		Targets	
<b>2020</b>	100% (3/3 cases)	<b>2020</b>	95%
<b>2021</b>	100% (81/81)	<b>2021</b>	95%
<b>2022</b>	100% (148/148)	<b>2022</b>	95%
		<b>2023</b>	95%
		<b>2024</b>	95%

<b>OGC Representation Cases</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023 Est.</b>	<b>2024 Est.</b>
Cases pending, start of year	49	38	48	82	156
<b>Petitions filed (Intake)</b>	<b><u>164</u></b>	<b><u>135</u></b>	<b><u>201</u></b>	<b><u>200</u></b>	<b><u>250</u></b>
Total caseload	213	173	249	282	406
Petitions withdrawn	81	42	80	54	80
Cases closed based on merits	<u>94</u>	<u>83</u>	<u>87</u>	<u>72</u>	<u>104</u>
<b>Total cases closed (Output)</b>	<b><u>175</u></b>	<b><u>125</u></b>	<b><u>167</u><sup>1</sup></b>	<b><u>126</u><sup>2</sup></b>	<b><u>184</u><sup>3</sup></b>
Cases pending, end of year	38	48	82	156	222

<sup>1</sup> Based on OGC FTE 27 average in FY22.

<sup>2</sup> Based on OGC FTE 27 average in FY23.

<sup>3</sup> Based on OMB-supported OGC FTE 35.

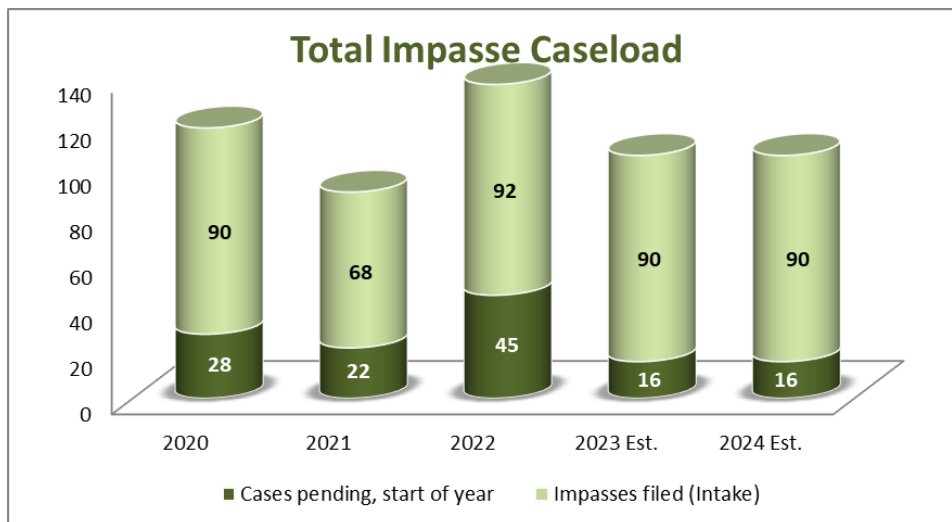


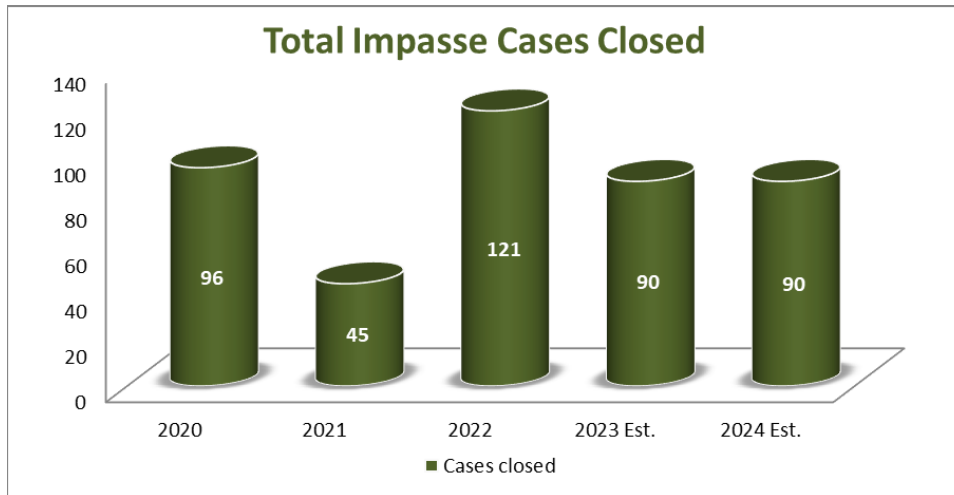
**Measure 1.1.1t (Previously 1.1.14):** The percentage of representation cases resolved by the OGC through withdrawal, election, or issuance of a Decision and Order within 120 days of the filing of a petition.

Results		Targets	
2020	80% (140/175 cases) <i>Met</i>	2020	70%
2021	77% (96/125 cases) <i>Met</i>	2021	70%
2022	74% (122/167 cases) <i>Met</i>	2022	70%
		2023	70%
		2024	70%

<i>FSIP</i> Impasses	2020	2021	2022	2023 Est.	2024 Est.
Cases pending, start of year	28	22	45	16	16
<b>Impasses filed (Intake)</b>	<b>90</b>	<b>68</b>	<b>92</b>	<b>90</b>	<b>90</b>
Total caseload	118	90	137	106	106
Panel Decision	40	21	15	*	*
Panel declined jurisdiction	23	4	29	*	*
Settled with Panel assistance	5	2	38	*	*
Voluntarily withdrawn	28	18	39	*	*
<b>Cases closed total (Output)</b>	<b>96</b>	<b>45</b>	<b>121</b>	<b>90*</b>	<b>90*</b>
Cases pending, end of year	22	45	16	16*	16*

\*The FSIP anticipates closing as many or more cases as are filed in any given year. The means by which cases are closed is driven by the parties and directive of the Panel.





**Measure 1.1.1x (New):** CIP will assign the case to a Member office within 5 days of the due date for a final filing (regardless of whether such a filing has been received).

Results		Targets	
<b>2022</b>	N/A	<b>2022</b>	N/A
		<b>2023</b>	75%
		<b>2024</b>	75%

**Measure 1.1.1y (New):** CIP will assign the case to a Member office within 21 days of due date of final filing.

Results		Targets	
<b>2022</b>	N/A	<b>2022</b>	N/A
		<b>2023</b>	100%
		<b>2024</b>	100%

**Measure 1.1.2a (Previously 1.2.1):** The percentage of arbitration exceptions decided by the Authority within 365 days of the filing of exceptions.

Results		Targets	
<b>2020</b>	61% – (65/107 cases) <i>Not Met</i>	<b>2020</b>	90%
<b>2021</b>	49% – (70/143 cases) <i>Not Met</i>	<b>2021</b>	90%
<b>2022</b>	56% – (70/126 cases) <i>Not Met</i>	<b>2022</b>	90%
		<b>2023</b>	N/A
		<b>2024</b>	N/A

**Measure 1.1.2b (New):** The percentage of arbitration exceptions decided by the Authority within 365 days of assignment to a Member office.

Results		Targets	
2022	N/A	2022	N/A
		2023	75%
		2024	75%

**Measure 1.1.2c (Previously 1.2.2):** The percentage of negotiability cases decided by the Authority within 365 days of the filing of a petition for review.

Results		Targets	
2020	84% – (27/32 cases) <i>Met</i>	2020	75%
2021	86% – (68/79 cases) <i>Met</i>	2021	75%
2022	75% – (50/67 cases) <i>Met</i>	2022	75%
		2023	75%
		2024	75%

**Measure 1.1.2d (Previously 1.2.3):** The percentage of ULP cases decided by the Authority within 365 days of issuance of an OALJ decision.

Results		Targets	
2020	25% – (1/4 cases) <i>Not Met</i>	2020	90%
2021	40% – (2/5 cases) <i>Not Met</i>	2021	90%
2022	100% – 11/11 cases) <i>Met</i>	2022	90%
		2023	N/A
		2024	N/A

**Measure 1.1.2e (New):** The percentage of ULP cases decided by the Authority within 365 days of assignment to a Member office.

Results		Targets	
2022	N/A	2022	N/A
		2023	90%
		2024	90%

<b>Measure 1.1.2f (Previously 1.2.4):</b> The percentage of representation cases decided by the Authority within 365 days of the filing of an application for review.			
<b>Results</b>		<b>Targets</b>	
<b>2020</b>	88% – (14/16 cases) <i>Not Met</i>	<b>2020</b>	100%
<b>2021</b>	75% – (3/4 cases) <i>Not Met</i>	<b>2021</b>	100%
<b>2022</b>	83% – (5/6 cases) <i>Not Met</i>	<b>2022</b>	100%
		<b>2023</b>	N/A
		<b>2024</b>	N/A

<b>Measure 1.1.2g (New):</b> The percentage of representation cases decided by the Authority within 365 days of assignment to a Member office.			
<b>Results</b>		<b>Targets</b>	
<b>2022</b>	N/A	<b>2022</b>	N/A
		<b>2023</b>	90%
		<b>2024</b>	90%

<b>Measure 1.1.2h (Previously 1.2.10):</b> The percentage of ULP complaints issued by the General Counsel decided in the OALJ within 365 days of the complaint being issued. *			
<b>Results</b>		<b>Targets</b>	
<b>2020</b>	N/A	<b>2020</b>	*
<b>2021</b>	100% – (2/2 cases) <i>Met</i>	<b>2021</b>	95%
<b>2022</b>	100% – (27/27 cases) <i>Met</i>	<b>2022</b>	95%
		<b>2023</b>	95%
		<b>2024</b>	95%

\*OALJ performance standards remain to resolve 80 percent of ULP complaints within 180 days of filing and 95 percent within 365 days.

<b>Measure 1.1.2i (Previously 1.2.11):</b> The percentage of ULP charges resolved by the OGC by complaint, withdrawal, dismissal, or settlement within 240 days of filing of the charge.			
<b>Results</b>		<b>Targets</b>	
<b>2020</b>	99.9% (1806/1808 cases) <i>Met</i>	<b>2020</b>	95%
<b>2021</b>	99.8% (2338/2343 cases) <i>Met</i>	<b>2021</b>	95%
<b>2022</b>	98.6% (2616/2653 cases) <i>Met</i>	<b>2022</b>	95%
		<b>2023</b>	95%
		<b>2024</b>	95%



<b>Measure 1.1.2j (Previously 1.2.12):</b> 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.			
<b>Results</b>		<b>Targets</b>	
<b>2020</b>	100% (175/175 cases) <i>Met</i>	<b>2020</b>	95%
<b>2021</b>	100% (125/125 cases) <i>Met</i>	<b>2021</b>	95%
<b>2022</b>	97% (161/167 cases) <i>Met</i>	<b>2022</b>	95%
		<b>2023</b>	95%
		<b>2024</b>	95%

<b>Measure 1.1.2k (Previously 1.2.13):</b> The percentage of bargaining-impasse cases in which the FSIP declines jurisdiction within 140 days of the date filed.			
<b>Results</b>		<b>Targets</b>	
<b>2020</b>	100% - (23/23 cases) <i>Met</i>	<b>2020</b>	90%
<b>2021</b>	100% - (4/4 cases) <i>Met</i>	<b>2021</b>	90%
<b>2022</b>	100% - (29/29 cases) <i>Met</i>	<b>2022</b>	90%
		<b>2023</b>	90%
		<b>2024</b>	90%

<b>Measure 1.1.2l (Previously 1.2.14):</b> The percentage of bargaining-impasse cases that are voluntarily settled within 160 days of the date filed.			
<b>Results</b>		<b>Targets</b>	
<b>2020</b>	85% – (11/13 cases) <i>Met</i>	<b>2020</b>	80%
<b>2021</b>	100% – (2/2 cases) <i>Met</i>	<b>2021</b>	80%
<b>2022</b>	100% – (38/38 cases) <i>Met</i>	<b>2022</b>	80%
		<b>2023</b>	80%
		<b>2024</b>	80%

**Measure 1.1.2m (Previously 1.2.15):** The percentage of bargaining-impasse cases that the FSIP resolves through final action that are closed within 200 days of the date filed.

<b>Results</b>		<b>Targets</b>	
<b>2020</b>	88% – (35/40 cases) <i>Met</i>	<b>2020</b>	80%
<b>2021</b>	95% – (20/21 cases) <i>Met</i>	<b>2021</b>	80%
<b>2022</b>	100% – (15/15 cases) <i>Met</i>	<b>2022</b>	80%
		<b>2023</b>	80%
		<b>2024</b>	80%

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

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Key to the FLRA’s strategic objectives is to offer high-quality mediation, settlement conferences, outreach and prevention services as well as resources to promote more effective labor-management relations across the federal government. 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.

FLRA also provides facilitation and training to help labor and management repair damaged workplace relationships and develop constructive relationships capable of solving difficult problems and making mission-critical decisions. Many of the OGC’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 preventing and resolving labor-management disputes. The FLRA’s goals include delivering outreach, training, and facilitation services that significantly contribute to the FLRA’s mission, and ensuring that training participants evaluate FLRA training as highly effective.

**PERFORMANCE GOAL 2.1.1: PROVIDE TARGETED TRAINING, OUTREACH AND PREVENTION, AND FACILITATION ACTIVITIES WITHIN THE LABOR-MANAGEMENT COMMUNITY.**

**PERFORMANCE GOAL 2.1.2: PROVIDE EFFECTIVE, USEFUL, UP-TO-DATE CASE-PROCESSING AND CASE-LAW RESOURCES AND TRAININGS FOR THE LABOR-MANAGEMENT COMMUNITY.**

Each FLRA component delivers training and outreach in a manner reflecting its unique expertise.

The OGC and Authority components deliver training and outreach services that have a statutory focus, which makes them appropriate for remote, online, and recorded media. Most of CADRO’s prevention services are offered in a different manner.

CADRO offers various prevention services that are designed to help party representatives more effectively and efficiently solve complex workplace problems and make important decisions, which can be especially difficult in traditional labor-management relationships. Communication skills, interest-based problem-solving skills, facilitation skills, collective-bargaining skills, dispute-resolution techniques, and effective advocacy in ADR forums are just some of what CADRO staff teach management and union representatives. For some parties, the goal is to repair severely damaged workplace relationships. For others, the goal is to improve the operation of a stable, traditional labor-management relationship. For yet others, CADRO staff help parties develop and implement a trajectory from a traditional labor-management relationship to a highly collaborative labor-management partnership. Ultimately, CADRO offers these services to help parties improve mission performance, quality of work life, and day-to-day workplace relationships. In doing so, CADRO helps the FLRA exercise leadership in the manner envisioned by the Statute and by the President’s Executive Order on Worker Organizing and Empowerment (14025), his Executive Order Protecting the Federal Workforce (14003), and the White House Task Force on Worker Organizing and Empowerment Report adopted by the President.

In situations where parties experience labor-management challenges, targeted assistance can promote stable labor-management relationships by educating the parties regarding their statutory rights and obligations. It can also promote effective and efficient Government by assisting parties in addressing their disputes without necessarily resorting to formal filings. Additional targeted assistance may take various forms, including offering training to parties on particular topics that have given rise to frequent ULP charges, negotiability disputes, or arbitration exceptions. Other types of assistance might be most appropriate for parties experiencing broader labor-management challenges. For parties involved in complex representational matters, targeted assistance can include conducting conferences with the parties to assist them in identifying and, if feasible, resolving relevant issues.

<b>Measure 2.1.1a (Previously 2.1.1): The number of training, labor-management improvement, outreach, and facilitation activities delivered.</b>			
<b>Results</b>		<b>Targets</b>	
<b>FY 2020</b>	20 <i>Not Met</i>	<b>FY 2020</b>	40
<b>FY 2021</b>	54 <i>Met</i>	<b>FY 2021</b>	40
<b>FY 2022</b>	76 <i>Met</i>	<b>FY 2022</b>	40
		<b>FY 2023</b>	40
		<b>FY 2024</b>	40

**Measure 2.1.1b (Previously 2.1.2):** The number of recipients of training, labor-management improvement, outreach, and facilitation activities.\*

Results		Targets	
<b>FY 2020</b>	2,780 <i>Met</i>	<b>FY 2020</b>	2,500
<b>FY 2021</b>	7,886 <i>Met</i>	<b>FY 2021</b>	2,500
<b>FY 2022</b>	18,791 <i>Met</i>	<b>FY 2022</b>	2,500
*Virtual training began in 2020 leading to significant increases in reach.		<b>FY 2023</b>	15,000
		<b>FY 2024</b>	15,000

**Measure 2.1.1c (Previously 2.1.3):** The percentage of participant responders who highly rate the training that they received.

Results		Targets	
<b>FY 2020</b>	N/A	<b>FY 2020</b>	80%
<b>FY 2021</b>	93% <i>Met</i>	<b>FY 2021</b>	80%
<b>FY 2022</b>	96% <i>Met</i>	<b>FY 2022</b>	80%
		<b>FY 2023</b>	80%
		<b>FY 2024</b>	80%

**Measure 2.1.1d: (Previously 2.1.4):** The number of times that on-demand online training is used.

Results		Targets	
<b>FY 2022</b>	15,000+ <i>Met</i>	<b>FY 2022</b>	1,000
* New FY 2022 Measure.		<b>FY 2023</b>	1,000
		<b>FY 2024</b>	1,000

**PERFORMANCE GOAL 2.2.1: SUCCESSFUL RESOLUTION OF A SIGNIFICANT PORTION OF FLRA CASES THROUGH ADR.**

Parties normally litigate because they want an answer to a legal question. Getting an answer to a legal question is not the same as solving the problem that gave rise to the legal question. A large percentage of parties to cases before FLRA elect to use our ADR services to prevent and solve workplace problems.

ADR is any type of dispute resolution process—other than litigation—that is administered by a 3rd party. There are many types of ADR, from facilitative at one end of the spectrum, to evaluative at the other. Types of ADR used by skilled professionals at FLRA include mediation, facilitation, settlement conferences, and mediation-arbitration. Other ADR tools are also used when appropriate.

**Measure 2.2.1a (Previously 2.2.1):** Percentage of unfair labor practice cases where OGC offer of ADR is accepted and case is partially or fully resolved.

Results		Targets	
<b>FY 2020</b>	100% <i>Met</i>	<b>FY 2020</b>	95%
<b>FY 2021</b>	99% <i>Met</i>	<b>FY 2021</b>	95%
<b>FY 2022</b>	99% <i>Met</i>	<b>FY 2022</b>	95%
		<b>FY 2023</b>	95%
		<b>FY 2024</b>	95%

**Measure 2.2.1b (Previously 2.2.2):** Percentage of representation cases where OGC offer of ADR is accepted and case is partially or fully resolved.

Results		Targets	
<b>FY 2020</b>	100% <i>Met</i>	<b>FY 2020</b>	95%
<b>FY 2021</b>	100% <i>Met</i>	<b>FY 2021</b>	95%
<b>FY 2022</b>	99% <i>Met</i>	<b>FY 2022</b>	95%
		<b>FY 2023</b>	95%
		<b>FY 2024</b>	95%

**Measure 2.2.1c (New):** The percentage of appropriate ULP complaints in which ADR services are offered to the parties or ordered by the OALJ Chief Judge.

Results		Targets	
<b>FY 2022</b>	100% <i>Met</i>	<b>FY 2022</b>	90%
		<b>FY 2022</b>	90%
		<b>FY 2023</b>	90%

\* New FY 2022 Measure.

**Measure 2.2.1d (New):** The percentage of ULP cases that are partially or totally resolved after ADR services are accepted by the parties or ordered by the OALJ Chief Judge.

Results		Targets	
<b>FY 2022</b>	88% <i>Met</i>	<b>FY 2022</b>	80%
		<b>FY 2022</b>	80%
		<b>FY 2023</b>	80%

\* New FY 2022 Measure.

**Measure 2.2.2a (New):** The percentage of appropriate arbitration cases pending before the Authority in which ADR services are offered to the parties.

Results		Targets	
<b>FY 2022</b>	N/A	<b>FY 2022</b>	N/A
* New FY 2022 Measure. Cases just started 8/2022 – Data forthcoming		<b>FY 2023</b>	20%
		<b>FY 2024</b>	50%

**Measure 2.2.2b (New):** The percentage of arbitration cases that are partially or totally resolved after the parties accept an offer of ADR services.

Results		Targets	
<b>FY 2022</b>	N/A	<b>FY 2022</b>	N/A
* New FY 2022 Measure. Cases just started 8/2022 – Data forthcoming		<b>FY 2023</b>	60%
		<b>FY 2024</b>	60%

**Measure 2.2.3a (New):** The percentage of appropriate negotiability cases pending before the Authority in which ADR services are offered to the parties.

Results		Targets	
<b>FY 2022</b>	100% <i>Met</i>	<b>FY 2022</b>	90%
* New FY 2022 Measure.		<b>FY 2023</b>	90%
		<b>FY 2024</b>	90%

**Measure 2.2.3b (New):** The percentage of proposals or provisions in negotiability cases that are partially or totally resolved after the parties accept an offer of ADR services.

Results		Targets	
<b>FY 2022</b>	100% (170/170 cases) <i>Met</i>	<b>FY 2022</b>	90%
* New FY 2022 Measure.		<b>FY 2023</b>	90%
		<b>FY 2024</b>	90%

**Measure 2.2.3c (New):** The percentage of negotiability cases that are partially or totally resolved after the parties accept an offer of ADR services.

Results		Targets	
<b>FY 2022</b>	100% (13/13 cases) <i>Met</i>	<b>FY 2022</b>	90%
* New FY 2022 Measure.		<b>FY 2023</b>	90%
		<b>FY 2024</b>	90%

**Measure 2.2.3d (New):** The percentage of cases – other than ULP, arbitration, and negotiability – that are partially or totally resolved after parties accept an offer of ADR services.

Results		Targets	
<b>FY 2022</b>	100% (5/5 cases) <i>Met</i>	<b>FY 2022</b>	75%
* New FY 2022 Measure.		<b>FY 2023</b>	75%
		<b>FY 2024</b>	75%

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

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, especially in light of COVID and the need to rapidly respond to the changing future of work. It is crucial 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. FLRA continues to be an effective steward of taxpayer dollars. 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.

#### **PERFORMANCE GOAL 3.1.1: DEMONSTRATE STRONG RECRUITMENT AND RETENTION PRACTICES.**

<b>Measure 3.1.1a (Previously 3.1.1):</b> Demonstrable, strong recruitment and retention practices.	
<b>Results</b>	
<b>2020</b>	<ul style="list-style-type: none"> <li>Scheduled quarterly Diversity and Inclusion Team events and programs to highlight and celebrate diversity of Agency employees including Black History Month, Women’s History, Pride Month, Hispanic Heritage Month--provided pertinent resources/informational subject matter regarding diversity through weekly emails, published monthly newsletter and all employee intra-agency communications.</li> </ul>

	<ul style="list-style-type: none"> <li>• Met or exceeded Government-wide standards for diversity and Schedule A hiring. Established contacts with organizations that assist individuals with disabilities in securing employment including: America Job Centers, state vocational rehabilitation agencies, the Veterans' Vocational rehabilitation and Employment Program, Centers for Independent Living, and employment network service providers to ensure recruitment efforts include individuals with disabilities. The Agency also utilized the Schedule A hiring authority to fill critical vacancies this FY.</li> <li>• Continued to support the Agency Diversity and Inclusion Team in their collective efforts to provide information to all FLRA employees.</li> <li>• Increased recruitment efforts allowed the Agency to gather time-to-hire data in 2019 and 2020 to use to assess recruitment and staffing processes and procedures moving forward.</li> </ul>
<b>2021</b>	<ul style="list-style-type: none"> <li>• Conducted an agency-wide recruitment effort for additional members for the Agency Diversity, Equity, and Inclusion Team. The team now has 15 members that we believe properly reflect the diversity of the Agency.</li> <li>• Developed the official charter for the team that was approved by all members and established subcommittees to address the necessary actions in line with the new administration's Executive Orders and mandates related to DE&amp;I. The subcommittees include but are not limited to Training, Recruiting and Hiring, Agency Events, and Policy Review.</li> </ul>
<b>2022</b>	<ul style="list-style-type: none"> <li>• Continued to reinforce recruitment and retention of a diverse and inclusionary workforce.</li> <li>• Developed an agency-wide workforce demographic survey to gain more in-depth information from agency employees to establish various employee groups and committees to facilitate diverse agency programs and policies.</li> <li>• Deployed a new, automated Time and Attendance system and a more secure e-OPF (online Official Personnel Folder) system.</li> <li>• Developed new and improved recruitment strategies based on overall time to hire assessments.</li> <li>• Developed an Agency entrance and exit survey for all employees to gain data on incoming perceptions of the agency and why employees are leaving the agency. This Data will assist us in recruitment planning and providing the proper consultation to management for developing an effective recruitment strategy to successfully fill vacant positions.</li> </ul>
<b>Targets</b>	
<b>2023</b>	<ul style="list-style-type: none"> <li>• Develop an expanded recruitment base that is inclusive of all communities to include individuals with disabilities, varied races, cultures, incomes, educations, social affiliations, intellectual perspectives, languages, religions, ethnicities and members of the LGBTQ+ communities.</li> <li>• Continue automation improvements to include a performance management system.</li> </ul>



	<ul style="list-style-type: none"> <li>• Effectively utilize the Agency’s Diversity, Equity, and Inclusion committee to gain new ideas from members of the agency to better recruit and, more importantly, retain a diverse workforce representative of the country.</li> <li>• Establish an Employee Engagement program to raise awareness of how FLRA utilizes Federal Employee Viewpoint Survey (FEVS) results to strengthen a healthy organizational environment and effectiveness.</li> <li>• Improve diversity at higher grade levels including supervisory, management, and senior Executive positions through leadership competencies development and strategic recruitment.</li> </ul>
<b>2024</b>	<ul style="list-style-type: none"> <li>• Strengthen internal Labor-Management Relations.</li> <li>• Continue to ensure the safety and security of FLRA employees and customers.</li> <li>• Improve leadership effectiveness to: <ul style="list-style-type: none"> <li>• Establish a safe environment for the workforce to share ideas, innovations and proposals concerning work within their subject-matter areas;</li> <li>• Empower the workforce to improve processes and results;</li> <li>• Build trust and confidence in senior leadership integrity by communicating information which impacts the workforce early and often, including staff for pre-decisional input on work strategies, systems, tools, partners, and methods when feasible.</li> </ul> </li> <li>• Implement enhanced employee recognition, awards, and appreciation strategies.</li> <li>• Measure onboarding effectiveness and new employee experiences.</li> </ul>

**PERFORMANCE GOAL 3.1.2: MAINTAIN AND GROW AGENCY EXPERTISE THROUGH EMPLOYEE DEVELOPMENT**

<b>Measure 3.1.2a (Restored):</b> Maintain and grow agency expertise through employee development.	
<b>Results</b>	
<b>2022</b>	<ul style="list-style-type: none"> <li>• Maintain an environment conducive for learning to include greater use of technology for online, “on demand” training and the ability to record training and information sessions with subsequent availability across the workforce as needed.</li> <li>• Establishment of collaborative exchanges with the Small Agency Council (SAC) and the Interagency Human Resources (HR) Policy Community of Practice, for example, sharpens the capabilities of the Human Resources Division personnel. Sharing of information and resources among external organizations enhances perspective and facilitates compliance and agility to ensure timely implementation of HR regulations, programs, operations, policies, and strategies.</li> <li>• Effective utilization of detail opportunities for experiential learning and optimal use of available talent. This increases knowledge of the operations, standards, and customer relations of other FLRA components.</li> </ul>
<b>Targets</b>	

<p><b>2023</b></p>	<ul style="list-style-type: none"> <li>• Expand networks for training resources to include access to Department of the Interior (DOI) University training programs for the FLRA workforce.</li> <li>• Justify an FTE in the Human Resources Division for an Organization Development and Engagement Specialist with functional responsibilities to integrate strategic planning of organizational goals with organizational performance. This involves subject-matter expertise in human capital management (e.g., program evaluation, accountability, employee engagement best practices) and talent management (e.g., employee and leadership development, succession planning, workforce planning).</li> <li>• Deploy an automated performance management system to enhance records management, data collection and analysis, and operational efficiencies in tracking activities throughout the performance management cycle.</li> </ul>
<p><b>2024</b></p>	<ul style="list-style-type: none"> <li>• Establish a robust Leadership Development Program in-house or utilize external programs to strengthen readiness for promotion at every level and ensure a pool of diverse, prepared successors for supervisory, management, and executive-level opportunities.</li> <li>• Explore mentoring programs and peer-to-peer training.</li> <li>• Increase use of available Executive Resources services to support senior management officials through transitions; ensure executive leadership development; improve diversity, equity, inclusion, and accessibility at the highest levels of the agency; and staff Senior Executive Service (SES), Senior Level (SL), and Senior Technical (ST) vacancies.</li> </ul>

**PERFORMANCE GOAL 3.2.1: IMPROVE EFILING CAPABILITY AND MAXIMIZE ITS USE IN RECEIVING CASE FILINGS.**

<b>Measure 3.2.1a (Previously 3.2.1): Expand the use of electronic filing for all components.</b>	
<b>Results</b>	
<b>2020</b>	<ul style="list-style-type: none"> <li>• 56 percent of cases eFiled Agency-wide.</li> <li>• 89 percent of Authority cases eFiled.</li> <li>• OGC eFiling increased by 9.3 percent.</li> <li>• Streamlined eFiling software &amp; created eFiling training module.</li> </ul>
<b>2021</b>	<ul style="list-style-type: none"> <li>• 68 percent of cases eFiled Agency-wide.</li> <li>• 78 percent of Authority cases eFiled.</li> <li>• OGC eFiling increased by 14 percent.</li> <li>• Research and planning began to vastly increase capabilities of the eFiling system to allow a wider array of case types/actions and interactions.</li> </ul>
<b>2022</b>	<ul style="list-style-type: none"> <li>• 77 percent of cases eFiled Agency-wide.</li> <li>• 74 percent of OGC cases eFiled.</li> <li>• OGC eFiling has increased 8% from FY21.</li> </ul>
<b>Targets</b>	
<b>2023</b>	<ul style="list-style-type: none"> <li>• 80% of cases filed electronically.</li> <li>• Critically review and revise FLRA regulations to modernize filing requirements.</li> </ul>
<b>2024</b>	<ul style="list-style-type: none"> <li>• Fully align procedural regulations for case submission with available technology resources (eFile, etc.) to eliminate costly legacy means.</li> <li>• Draft new regulations to allow FLRA service by email, where appropriate.</li> </ul>

**Measure 3.2.1b (Previously 3.2.2):** Move FLRA towards 100% electronic case files, electronic permanent records, and electronic case management.

**Results**

<b>2020</b>	<ul style="list-style-type: none"> <li>Developed Case Management System (CMS) for the Authority component of the FLRA. Developed electronic case file structure in the DMS and initial planning to automate creating the electronic folders from the CMS.</li> </ul>
<b>2021</b>	<ul style="list-style-type: none"> <li>Combined original Phase 2 and Phase 3 of the four-phase plan to implement fully-electronic casefile. Developed and tested end-to-end electronic casefile for the Authority component, rolled out in late 2020.</li> </ul>
<b>2022</b>	<ul style="list-style-type: none"> <li>Enhancements and improvements continue on Authority CMS. OGC CMS development hindered by lack of appropriated funds, but continues slowly.</li> </ul>

**Targets**

<b>2023</b>	<ul style="list-style-type: none"> <li>OGC implement “electronic” ULP and REP case filing system for all new cases; eliminate use of analog case files.</li> <li>Continue development and implementation of end-to-end electronic casefile system for all FLRA components.</li> </ul>
<b>2024</b>	<ul style="list-style-type: none"> <li>Continue development and implementation of end-to-end electronic casefile system for all FLRA components. Align Agency policies and procedures for full acceptance of fully Electronic Casefile.</li> </ul>

**PERFORMANCE GOAL 3.2.2: ENHANCE EMPLOYEE TECHNOLOGY USAGE AND SKILLS AT EVERY LEVEL**

**Measure 3.2.2a (New) (Previously 3.2.3):** Achieve an exceptional level of information security by increasing the percentage of systems using a zero-trust model and multifactor authentication and by promptly complying with cybersecurity orders and directives.

**Results**

<b>2021</b>	*New Measure for 2022
<b>2022</b>	<ul style="list-style-type: none"> <li>75% of systems using Zero Trust model, CISA-Standard CDM and EDR implemented fully</li> </ul>

**Targets**

<b>2023</b>	<ul style="list-style-type: none"> <li>90% of systems using Zero Trust model; Multifactor Authentication in use for all externally provided systems</li> </ul>
<b>2024</b>	<ul style="list-style-type: none"> <li>100% Zero Trust architecture, MFA in all internal and external facing systems.</li> </ul>

**Measure 3.2.2b (Previously 3b-4):** Assess how internal and external customers perceive the effectiveness of the Agency’s IT modernization efforts.

**Results**

<b>2020</b>	<ul style="list-style-type: none"> <li>• Produced &amp; administered a survey to assess employees’ response to the new WebEx system rolled out during pandemic in 2020.</li> <li>• Employee Engagement Team &amp; FLRA Pandemic Task Force jointly produced a survey to gather information on best practices, needs, to assess overall response to maximum telework, and to invite personnel to raise return to workplace concerns (77 percent respondents—positive results).</li> <li>• Received a well-above-positive response to managers’ survey questions on how IT is functioning during maximum telework mode.</li> <li>• Reinstated the Technology Council in order to directly gather feedback and actionable input regarding IT modernization efforts.</li> <li>• Administered internal survey to assess how FLRA employees perceive the effectiveness of the Agency’s IT modernization efforts.</li> </ul>
<b>2021</b>	<ul style="list-style-type: none"> <li>• Received overwhelmingly positive comments about the effort to move from legacy DMS solution to new integrated DMS.</li> </ul>
<b>2022</b>	<ul style="list-style-type: none"> <li>• Used surveys and focus group meetings to assess the success and acceptance of the migration out of iManage and into SharePoint. Achieved about 90% satisfaction with both the new resource and the migration effort.</li> </ul>

**Targets**

<b>2023</b>	<ul style="list-style-type: none"> <li>• Continue to administer targeted surveys to assess usability of proposed broad changes and enhancements to eFiling and case-management.</li> <li>• Apply lessons learned and improve surveying for Agency migration of video and telephony services to a cloud platform.</li> <li>• Maintain open dialog with internal and external customers to best diagnose, assess, and plan future fixes and enhancements.</li> </ul>
<b>2024</b>	<ul style="list-style-type: none"> <li>• Continue to administer targeted surveys to assess usability of changes, fixes, and enhancements to the eFiling system and the Authority component CMS.</li> <li>• Apply lessons learned and improve surveying for new development work for the OGC Component Case Management System.</li> <li>• Maintain open dialog with internal and external customers to best diagnose, assess, and plan future fixes and enhancements.</li> </ul>

**PERFORMANCE GOAL 3.3.1: ACHIEVE HIGH INTERNAL CUSTOMER-SERVICE SCORES ON DELIVERY OF ADMINISTRATIVE SERVICES**

**Measure 3.3.1a (New) (Previously 3.1.2):** Improvement in overall employee job satisfaction, as demonstrated through the score for question 42 of the Federal Employee Viewpoint Survey (FEVS).

Year	Results	Targets
<b>Reported in 2020</b>	62% satisfied in 2019	
<b>Reported in 2021</b>	73% satisfied in 2020	
<b>Reported in 2022</b>	73% satisfied in 2021	
<b>Reported in 2023</b>	TBD satisfied in 2022	75% satisfied
<b>Reported in 2024</b>		77% satisfied

**LEGACY STRATEGIC GOALS, OBJECTIVES, AND MEASURES**

As part of FLRA’s ongoing performance planning, FLRA continually reviews and/or updates its performance measures. Including with the development of its 2022-2026 Strategic plan, replacing, rewording, or eliminating, outdated or irrelevant goals, objectives and measures. Agency legacy measures are listed here.

**Measure 1.1.1u (Previously 1.1.15):** The average age of bargaining-impasse cases in which the FSIP declines jurisdiction.

Results		Targets	
<b>2020</b>	70 days (23 cases) <i>Met</i>	<b>2020</b>	90 days
<b>2021</b>	64 days (4 cases) <i>Met</i>	<b>2021</b>	81 days
<b>2022</b>	54 days (29 cases) <i>Met</i>	<b>2022</b>	75 days
		<b>2023</b>	N/A
		<b>2024</b>	N/A

\*Measure discontinued for FY2023.

**Measure 1.1.1v (New \*) (Previously 1.1.16):** The average age of bargaining-impasse cases that are voluntarily settled.

Results		Targets	
<b>2021</b>	73 days <i>Met</i>	<b>2021</b>	120 days
<b>2022</b>	84 days <i>Met</i>	<b>2022</b>	120 days
		<b>2023</b>	N/A
		<b>2024</b>	N/A

\*Measure discontinued for FY2023.

**Measure 1.1.1w (Previously 1.1.17):** The average age of bargaining-impasse cases that the FSIP resolves through final action.

Results		Targets	
<b>2020</b>	162 days (40 cases) <i>Not met</i>	<b>2020</b>	146 days
<b>2021</b>	137 days (21 cases) <i>Met</i>	<b>2021</b>	154 days
<b>2022</b>	105 days (15 cases) <i>Met</i>	<b>2022</b>	150 days
		<b>2023</b>	N/A
		<b>2024</b>	N/A

\*Measure discontinued for FY2023.

**Previously Measure 1.1.4:** The percentage of negotiability cases decided by the Authority within 300 days of the filing of a petition for review.

Results		Targets	
<b>2020</b>	78% – (25/32 cases) <i>Met</i>	<b>2020</b>	75%
<b>2021</b>	73% – (58/79 cases) <i>Not Met</i>	<b>2021</b>	75%
<b>2022</b>	73% – (49/67 cases) <i>Not Met</i>	<b>2022</b>	75%
		<b>2023</b>	N/A
		<b>2024</b>	N/A

\*Measure discontinued for FY2023.

**Legacy Performance Goal 1b-1:** Conduct high-quality investigations and produce high-quality written work products.

**Measure 1b-1:** Establish and surpass case-processing quality goals.

Results	
<b>2020</b>	Updated all performance standards to include a quality standard. Monitored quality and evaluated through end-of-year performance evaluations. Developed and instituted Agency-wide informal training program using brown bag sessions. Conducted internal legal writing training for Authority attorneys and legal interns. Following an internal survey on training needs, provided unlimited access to “West Legal Ed” for multitude training opportunities - ideal remote training opportunity during maximum telework/social distancing. Increased emphasis on well written cases, in compliance with the Plain Writing Act and as mentioned by Chairman Kiko and Member Abbott in the August 2020 FDR conference video.
<b>2021</b>	Authority has eliminated redundancies in its decisions by weaving the parties’ arguments into the analysis portion of decisions, rather than initially setting forth the parties’ arguments and then restating them in the analysis. By moving all legal citations to footnotes – instead of placing them in text – Authority decisions are now more readable because the citations do not interrupt the flow of sentences. Recitation of frequently applied legal standards and disposition of minor issues are increasingly relegated to footnotes so that the main text is more streamlined. Plain-language principles applied to FLRA website: active voice; improved organization by case types; visually engaging design, simplified global navigation,

	improved usability and search function, all-new substantive content, and a convenient training-registration tool.
<b>Targets</b>	
<b>2020</b>	Target areas for improvement in case-processing quality, based on data gathered from internal tool(s) and survey results. Set case-quality goals, as measured by surveys or other quality assessment tools.
<b>2021</b>	Written work products should reflect an increase in quality, as measured by the tools.
<b>2022</b>	Written work products should reflect an increase in quality, as measured by the tools.

**Legacy Performance Goal 1b-2:** Implement effective methods to maintain and improve the quality of FLRA investigations and written work products, including FLRA staff training and internal education resources.

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

<b>Results</b>	
<b>2020</b>	Conducted in-house Casework Training in early March 2020. Conducted internal legal writing training for Authority, attorneys and legal interns. See also 2020 results in Measure 1b-1.
<b>2021</b>	Professional development budget was set at \$1000 per employee, allowing each staffer to take one or conceivably two professional development courses as desired.
<b>Targets</b>	
<b>2020</b>	Target ways to improve the effectiveness of internal educational resources based on survey results. Show a 10 percent increase in the effectiveness of internal educational resources, as measured by internal survey instruments or other measures developed in 2019.
<b>2021</b>	Continue to make necessary adjustments to maximize efficiency of internal training programs. Increase professional development options for FLRA staff in order to improve the quality of investigations and written work products.
<b>2022</b>	Continue to make necessary adjustments to maximize efficiency of internal training programs. Increase professional development options for FLRA staff in order to improve the quality of investigations and written work products.

**Legacy Performance Goal 1b-3:** Ensure external stakeholder confidence in FLRA's abilities.

**Legacy Measure 1b-3:** Customer perceptions about FLRA's impartiality.

<b>Results</b>	
<b>2020</b>	COVID-19 delayed implementation of pilot survey – will carry over to 2021
<b>2021</b>	COVID-19 and change in leadership delayed implementation of pilot survey
<b>Targets</b>	
<b>2020</b>	Maintain or improve overall perceptions about FLRA's impartiality year over year. Pilot external survey.
<b>2021</b>	Deliver external survey electronically with every final agency action and evaluate results.
<b>2022</b>	Deliver external survey electronically with every final agency action and evaluate results.



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

**Results**

<p><b>2020</b></p>	<p>FLRA issued two press releases announcing seven online training sessions Agency-wide. FLRA produced and published several training videos on a new <a href="https://www.youtube.com/c/FederalLaborRelationsAuthority">YouTube channel (Youtube.com/c/FederalLaborRelationsAuthority)</a> Also posting five pre-recorded training modules on FLRA.gov                  YouTube trainings plus those currently on the website.                  Continue to provide case digest summaries for all Authority decisions. To date, the Authority has published approximately 205 digests.                  Quarterly digests reports are up to date and were announced in a press release.                  Requested public comment on proposed negotiability regulations.                  Agency updated its union-dues-revocation regulation.                  Conducted live-stream training.                  Requested public comment via Federal Register notice on four policy statement requests.                  Agency issued five policy statements.                  Updated OGC Representation Case Outline.</p>
<p><b>2021</b></p>	<p>Expanded the number of animated YouTube training available on <a href="https://www.youtube.com/c/FederalLaborRelationsAuthority">Youtube.com/c/FederalLaborRelationsAuthority</a>.                  FLRA issued two press releases announcing ten online training sessions Agency-wide. The topics covered in the videos are eFiling, Unfair Labor Practice Investigations, Timeliness under Section 7118(a)(4), and Investigatory Examinations (a seven-lesson course).                  Quarterly case digest reports continued.</p>

**Targets**

<p><b>2020</b></p>	<p>Critically review and update the relevancy and currency of Agency regulations.                  Update 2 guides or manuals Agency-wide.                  Offer 7 training sessions online Agency-wide.                  Continue to provide case digest summaries for all Authority decisions. Provide OGC and FSIP case digests, if deemed appropriate.</p>
<p><b>2021</b></p>	<p>Critically review and update the relevancy and currency of Agency regulations.                  Update remaining guides or manuals Agency-wide as needed.                  Offer 10 additional training sessions online as developed.                  Continue to provide case digest summaries for all Authority decisions. Provide OGC and FSIP case digests, if deemed appropriate.</p>
<p><b>2022</b></p>	<p>Continue to expand online resources.                  Continue to provide case digest summaries for all Authority decisions. Provide OGC and FSIP case digests, if deemed appropriate.</p>

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

**Results**

<p><b>2020</b></p>	<p>FLRA conducted 16 customer trainings.                  Authority &amp; FSIP lawyers successfully trained FMCS mediators.                  The Authority and FMCS developed a shared electronic case-management system to track the status of referred NEG cases.                  In December 2019, began referring NEG cases to FMCS mediators.</p>
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	<p>To date, FMCS has narrowed – or entirely resolved – the negotiability dispute in 50 percent (5/10) of referred cases.</p> <p>To date, FMCS mediators assisted parties in resolving 71 percent (82/117) of the proposals/provisions referred to mediation.</p> <p>Authority and FMCS project leaders confer regularly to refine and apply metrics for measuring success.</p> <p>FLRA implemented a PDF questionnaire for customers to be used in representation cases (implemented during COVID-19).</p> <p>Virtual REP hearings procedures were put into place.</p> <p>Addressed specific requests of parties for targeted training.</p>
<b>2021</b>	<p>CADRO was restored.</p> <p>FMCS mediation pilot program was terminated.</p>
<b>Targets</b>	
<b>2020</b>	<p>Train FMCS mediators and support the pilot mediation program.</p> <p>Establish metrics for evaluating mediation program.</p> <p>Evaluate the effectiveness of the targeted-assistance program using the metrics established in 2019.</p> <p>Make necessary refinements and improvements based on customer feedback.</p> <p>Increase the program’s overall success as measured by the metrics established in 2019.</p>
<b>2021</b>	<p>Evaluate the effectiveness of the FMCS mediation pilot program using metrics established in 2020.</p> <p>Continue to evaluate the targeted-assistance program.</p>
<b>2022</b>	<p>With the re-establishment of CADRO, FLRA will discontinue this measure.</p>

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

<b>Results</b>	
<b>2020</b>	<p>Completed the development of revised performance plans for all attorney positions and rolled them out for 2020 performance year.</p> <p>Assessing employees’ perceptions that performance management systems align with the legacy Strategic Plan via FEVS. In FEVS 2020 results, 90.8 percent of employees “Know how my work relates to the agency’s goals,” up from 79.2 percent in 2019.</p> <p>Completed the development of revised performance plans for all non-attorney and manager positions.</p> <p>Completed the review of, and updated, the Agency’s GS performance management system’s policy and the Agency’s attorney individual performance plans to ensure they align directly with the 2018-2022 Strategic Plan.</p> <p>Created the new SL performance plans.</p>
<b>2021</b>	<p>Evaluated pilot and revise performance plans as appropriate.</p> <p>Managers added whistleblower protection information to performance plans.</p> <p>Completed the development of revised performance plans for all remaining positions.</p>
<b>Targets</b>	
<b>2020</b>	<p>Develop revised performance plans for remaining positions.</p>

	Pilot all revised performance plans. Implement appropriate communications strategies and educational tools to successfully achieve the transition.
<b>2021</b>	Evaluate pilot and revise performance plans as appropriate. Managers add whistleblower protection information to performance plans. Completed the development of revised performance plans for all remaining positions.
<b>2022</b>	FLRA will discontinue this measure following the alignment of performance plans and systems with the legacy Strategic Plan.

<b>Legacy Measure 3b-3: Internal and external customer perceptions of the eFiling System.</b>	
<b>Results</b>	
<b>2020</b>	Received feedback from external users via the provided engagement email address. Implemented suggestions and replied to customer feedback. Streamlined the eFiling system & created eFiling training module.
<b>2021</b>	Implemented significant fixes and enhancements in response to customer feedback. Integrated new eFiling user registration approval mechanism in CMS.
<b>Targets</b>	
<b>2020</b>	Maintain or improve positive responses to internal and external survey instruments. Adopt suggested enhancements to the eFiling System, as appropriate.
<b>2021</b>	Maintain or improve positive responses to internal and external survey instruments. Adopt suggested enhancements to the eFiling System, as appropriate.
<b>2022</b>	FLRA will discontinue this measure; will measure through the engagement email address.

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