



U.S. FEDERAL LABOR RELATIONS AUTHORITY

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



ANNUAL PERFORMANCE PLAN & REPORT



2020



FLRA.GOV

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MESSAGE FROM THE CHAIRMAN



I am pleased to submit the 2020 Annual Performance Report (APR) for the Federal Labor Relations Authority (FLRA). Although this has been a challenging year with a key leadership vacancy remaining, it was also another successful and productive year.

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

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

With respect to mission performance, 2020 was another strong year for FLRA, particularly given staffing and budget challenges. In 2020, the Authority closed a total of 136 cases by issuing merits decisions, up from 92 in 2019. This amounted to an increase from between 7 and 8 merits closures per month in 2019, to an average of 11 merits closures per month in 2020. Despite the productivity improvement, however, the Authority backlog increased because the Authority case intake for 2020 was up to 235 from 189 in 2019. As a result, the Authority missed some of its 2020 targets.

Consistent with Congress's statutory instruction, in 5 U.S.C. § 7117, that the Authority "expedite" negotiability proceedings "to the extent practicable," the Authority prioritized negotiability cases and met its 2020 case processing goals in this case type. Additionally, pursuant to a memorandum of understanding (MOU) with the Federal Mediation and Conciliation Service (FMCS), FLRA trained FMCS mediators in negotiability law and began referring negotiability appeals to FMCS for mediation at no cost to the parties. This pilot partnership has been a success as FMCS mediators have resolved 71 percent of the proposals or provisions referred to mediation.

As part of FLRA's commitment to providing clear, understandable guidance to its customers, in 2020 the Authority culminated a two-year initiative to post each new decision with an accompanying digest. FLRA case digests that summarize each of the full-length, merits decisions are compiled on the Quarterly Digest Reports page. The FLRA expects that case-summary digests will provide customers with additional, easy-to-understand guidance and information regarding precedent. The Authority pursued this digest initiative as part of its commitment in the 2018-2022 Strategic Plan "to develop tools and resources" to assist the parties. The Authority has published more than 205 case-summary digests as an online resource for our parties.

In 2020, the Federal Service Impasses Panel (FSIP) received 90 filings, up from 77 in 2019. The FSIP exceeded nearly all of its timeliness measures for assisting parties in resolving negotiation impasses. However, in 2020, the historic overall average age for processing a FSIP case increased 18 percent to 100 days from 82.5 days in 2019. This change resulted from an increase in the number of issues in the cases and parties tending to be less willing to settle the impasse.

FLRA has been without a presidentially-nominated, Senate-confirmed General Counsel (GC) since January 20, 2017. Despite the challenges this vacancy created, the Office of General Counsel (OGC)

delivered strong results in 2020. Without a GC, no unfair labor practice (ULP) complaints could issue. Nevertheless, the OGC exceeded its strategic performance goals for the timely resolution of ULP cases, resolving nearly 93 percent of such cases by withdrawal, dismissal, or settlement of the ULP charge within 120 days of the charge's filing date. It also exceeded its performance goals for timely resolution of representation cases, resolving 80 percent of representation petitions by withdrawal, election, or issuance of a Decision and Order within 120 days of filing.

The Agency staff has been remarkable in adapting to the pandemic's multitude of challenge. Commencing March 12, 2020, the Agency went to and continues in maximum telework. Due to the strategic readiness of the Agency's Information Resources Management Division (IRMD or IT) staff, FLRA was able to accelerate the plan to fully implement Webex video conferencing so FLRA employees could continue to operate at 100 percent capacity during maximum telework. This was not an easy feat and required many long hours to meet the immediate needs of an all-virtual workforce.

FLRA extended Agency work hours and eliminated Agency core hours during maximum telework to give personnel much needed flexibilities to promote work-life balance during COVID-19. FLRA has been extremely successful in maintaining a high level of productivity, due to the amazing dedication of staff, while also continuing to engage with staff through open and transparent communications.

The Agency halted all in-person filings and established protocols for virtual representation hearings. The Human Resources Division, IT Division, and Administrative Services Division all transitioned to virtual on-boarding of new employees and our summer law school interns, providing a seamless experience for all. The Administrative Services Division additionally spent hours tracking down the elusive pandemic supplies, including the personal protective equipment, touchless thermometers, disinfectant, plexiglass for workstation separation, etc., needed for a return to office environment.

In 2020, FLRA continued to execute its multi-year plan to achieve the long-term goal of implementing end-to-end electronic case files throughout the Agency. The Authority's electronic Case Management System (CMS) has been completed, and completion for the OGC, FSIP and the rest of the agency is ongoing.

Per the strategic goal to "develop and provide tools and resources to enable the parties to prevent or more effectively and efficiently resolve their labor-relations disputes and improve their labor management relations," in 2020, FLRA created video trainings which are accessed via [FLRA's new YouTube channel](#), receiving approximately 2,700 views since its inception on 4/29/2020 through the end of 2020.

Since 2019, the Authority received an unprecedented fifteen requests for policy statements or guidance. Pursuant to these requests, the Authority carefully considered those areas where its precedent required clarification or reexamination. Accordingly, in 2020, the Authority issued five policy statements to educate and guide the public, including regulatory revisions.

FLRA's many successes and accomplishments could not have been achieved without the extraordinary efforts of our dedicated, diverse, and talented workforce who continue to deliver for our stakeholders and the American people.



Colleen Duffy Kiko, Chairman
Federal Labor Relations Authority
January 11, 2021

MANAGEMENT'S DISCUSSION AND ANALYSIS

The FLRA has elected to produce an Agency Financial Report (AFR), with a primary focus on financial results, and an Annual Performance Report (APR), which focuses on strategic goals and performance results, in lieu of a combined Performance and Accountability report (PAR).

The FLRA will submit its 2020 APR final draft to OMB on January 11, 2021, and, once approved, make it available on the FLRA website. Both the AFR and APR will be available on the FLRA website.

BACKGROUND AND MISSION

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

Consistent with its statutory mandate, FLRA's mission is: *Protecting rights and facilitating stable relationships among Federal agencies, labor organizations, and employees while advancing an effective and efficient Government through the administration of the Statute.*

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

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

In addition, Congress directed FLRA to prescribe criteria and resolve issues relating to the granting of national consultation rights under § 7113 of the Statute; prescribe criteria and resolve issues relating to determining compelling need for agency rules or regulations under § 7117(b) of the Statute; prescribe criteria relating to the granting of consultation rights with respect to conditions of employment under § 7117(d) of the Statute; and take such other actions as are necessary and appropriate to effectively administer the provisions of the Statute.

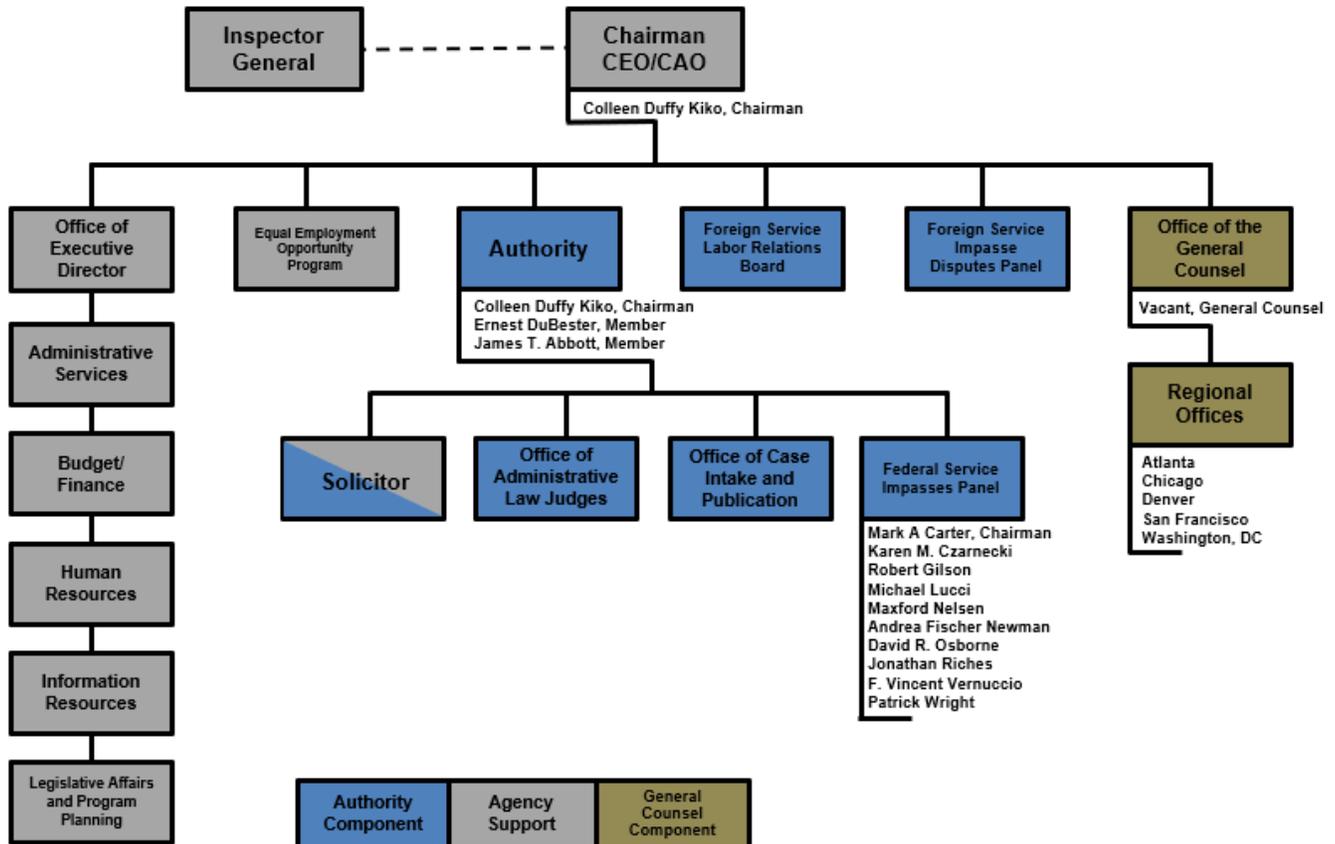
Moreover, FLRA is to “provide leadership in establishing policies and guidance” related to matters under the Statute. *Id.* § 7105(a)(1). FLRA satisfies this directive primarily through its written determinations, but also by offering training and other services.

ORGANIZATIONAL STRUCTURE

Headquartered in Washington, D.C., FLRA has three statutory components—the Authority, the Office of the General Counsel (OGC), and the Federal Service Impasses Panel (the FSIP or the Panel)—each with unique adjudicative or prosecutorial roles.

The Agency also provides full program and staff support to two other organizations—the Foreign Service Labor Relations Board and the Foreign Service Impasse Disputes Panel, pursuant to the Foreign Service Act of 1980, 22 U.S.C. §§ 4101-4118.

Federal Labor Relations Authority



Chief Executive and Administrative Officer

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

The Authority

The Authority – FLRA's adjudicatory body – is led by three full-time, presidentially nominated and Senate-confirmed Members who are appointed to fixed, staggered five-year terms. The President designates one Member to serve as Chairman. The Chairman acts as the Agency's Chief Executive and Administrative Officer.

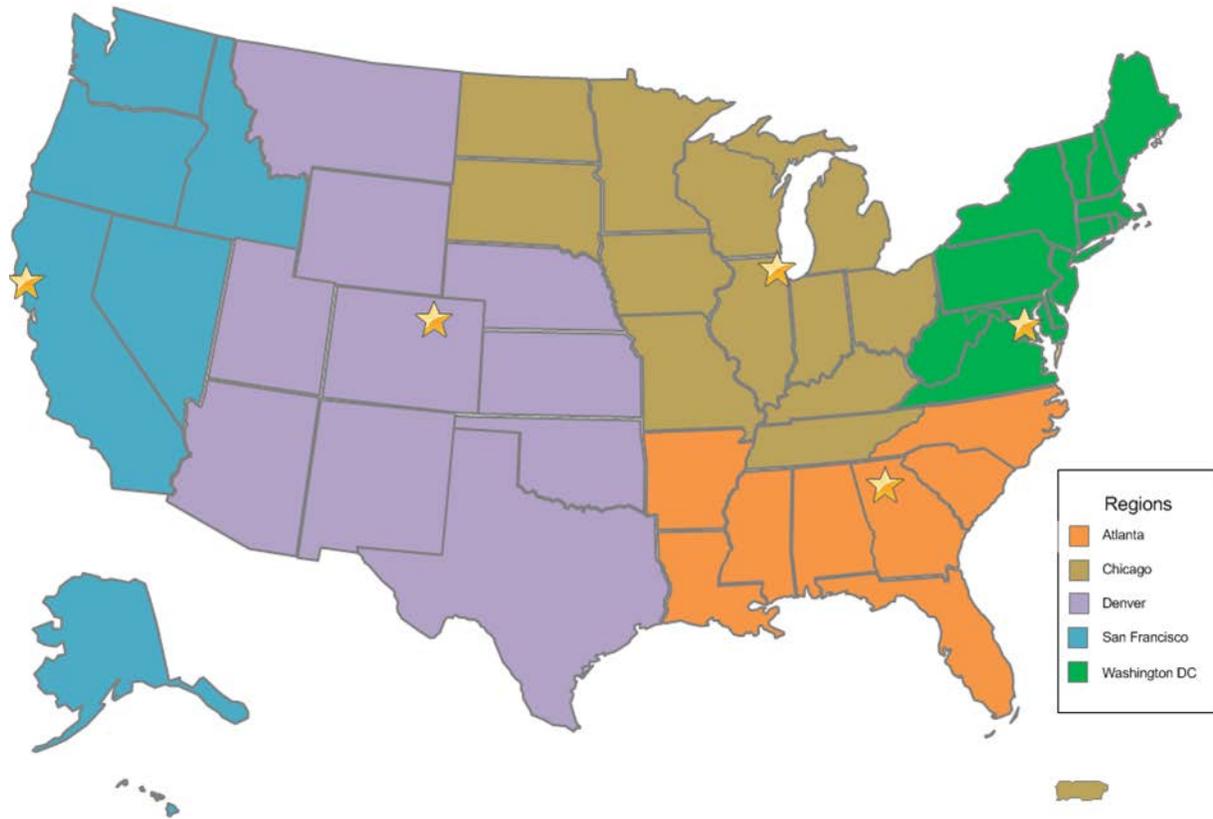
The Authority is responsible for adjudicating ULP complaints, ruling on exceptions to arbitrators' awards, resolving disputes over the negotiability of collective-bargaining proposals and provisions, and deciding applications for review of Regional Directors' decisions in representation disputes. The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

Other offices and programs under the jurisdiction and supervision of the Authority include the Office of the Solicitor, the Federal Service Impasses Panel (FSIP), the Office of Administrative Law Judges (OALJ), the Office of Case Intake and Publication (CIP), and the Equal Employment Opportunity Program (EEO). Standing as an independent entity within the Authority is the Office of Inspector General.

The Office of the General Counsel

The Office of the General Counsel (OGC) is led by a presidentially appointed and Senate-confirmed General Counsel (GC) who has direct authority over, and responsibility for, all employees in the OGC, including those in FLRA's Regional Offices. There has not been a Presidentially-nominated and Senate-confirmed GC since January 20, 2017, although under the Vacancies Act, there was an Acting GC through November 16, 2017. The OGC investigates and resolves ULP charges, files and prosecutes ULP complaints, and provides training, as appropriate. In addition, through delegation by the Authority, the Regional Offices investigate and resolve representation cases and conduct secret-ballot elections.

The General Counsel has a small staff at FLRA Headquarters, located in Washington, D.C. Headquarters management provides administrative oversight; develops policies, guidance, procedures, and manuals that provide programmatic direction for the Regional Offices and training and education for the parties; and processes appeals from the Regional Offices' dismissals of ULP charges. Each Regional Office is headed by a Regional Director who provides leadership and management expertise for their respective regions. There are five Regional Offices: Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; San Francisco, California; and Washington, D.C.



The Federal Service Impasses Panel

The Federal Service Impasses Panel (FSIP) is composed of part-time Presidential appointees who are appointed to fixed, staggered five-year terms. The FSIP helps resolve 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. The FSIP Members are presidentially appointed (PA), but they are not subject to Senate confirmation. In addition, pursuant to the President’s November 2019 delegation, they may be removed by a majority vote of the Authority.

STRATEGIC AND PERFORMANCE-PLANNING FRAMEWORK

FLRA established strategies and goals designed to maximize the delivery of Agency services throughout the Federal Government through a comprehensive review – by leadership at all levels throughout the Agency – of its operations, staffing, work processes, resource allocations, and performance. Throughout 2020, FLRA engaged in a continuous assessment of performance and other data to ensure that it accomplished its mission effectively and efficiently, and that it promoted innovation throughout the Agency.

FLRA’s 2020 performance-planning framework was initially based on the Agency’s 2020 Annual Performance Plan, which established the Agency’s annual performance goals and measures. The Annual Performance Plan reflects the Agency’s commitment to meaningful metrics to assist in assessing performance outcomes, aligning resources, and effectively identifying staffing and training needs. The 2020 Annual Performance Plan, as set forth in the 2020 Congressional Budget Justification, was developed in 2019 to implement the 2018-2022 Strategic Plan.

2018-2022 Strategic Plan

The 2018-2022 Strategic Plan established strategies and goals designed to maximize the delivery of Agency services throughout the Federal Government. In addition, FLRA identified performance goals that allowed the Agency to both monitor progress towards achieving its strategic goals and to recalibrate strategies, as necessary, for maximum mission performance.

This continued FLRA's increased focus on targeted data collection and data-driven leadership and decision-making. In developing the strategic plan, FLRA referenced evidence-based performance and resource trends. Data collected was intended to measure progress against this strategic plan and overall mission performance and effectiveness.

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

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

FLRA sought to achieve its strategic goals primarily through the timely, high-quality, and impartial review and disposition of cases. The Agency supplemented these efforts with a focus on reducing litigation and its attendant costs by helping parties to resolve their own disputes through improved labor-management relationships. Further supporting these efforts in 2020 was FLRA's continued focus on more effective and efficient use of human capital and internal improvements in IT.

PERFORMANCE OVERVIEW

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

The Authority

The Authority began 2020 with renewed energy and staffing. During 2018 and 2019, the Authority experienced significant staffing shortages that hampered its case processing speed and resulted in a backlog. As a result, the Authority only averaged between 7 and 8 merits closures per month in 2019. However, as a result of its focus on filling vacancies and training new attorneys, the Authority increased its productivity and ended 2020 with an average of roughly 11.3 merits closures per month.

Because the Authority entered 2020 with a backlog, the cases it closed were older. This means that, despite its increased productivity, the Authority did not meet all of its targeted goals regarding case-processing timelines (as will be reflected in the Annual Performance Plan). For example, the Authority met its 210-day target in only 32 percent (34/107) of arbitration cases, and its outer 365-day target in 61 percent (65/107) of arbitration cases. In contrast, the Authority met its 300-day target in 78 percent (25/32) of negotiability cases, and met its outer 365-day target in 84 percent (27/32) of negotiability cases. Further, the Authority continues to meet the statutory requirement to determine whether to grant

review in 100 percent of representation cases within 60 days of filing of an application for review from a Regional Director's determination. Where the Authority has granted applications for review, it has met its 210-day target in 88 percent (14/16) of cases and met its outer 365-day target in 88 percent (14/16) of cases. The few ULP cases in the Authority's inventory are some of the oldest cases in its inventory. As a result, the Authority met its 300-day target and outer 365-day target in only 25 percent of the ULP decisions issued this year (1/4).

Although the Authority set targets to reduce the "average age" of closed cases within each case type by 5 percent, this target is in tension with the Authority's focus on clearing its backlog and issuing the oldest cases in its inventory. Accordingly, the Authority did not hit the 5 percent reduction in any of its four case types.

The Office of Administrative Law Judges

The OALJ is also a part of the Authority. Due to the continuing lack of a Presidentially nominated and Senate-confirmed GC, the OALJ continued performing work for other agencies on a reimbursable basis through the OPM ALJ Loan Program. When the caseload increases substantially after a GC is confirmed, the OALJ may well have to become a recipient of the OPM ALJ Loan Program. In addition, due to attrition and reduction of staff of the Authority, the OALJ continued drafting decisions in accordance with regulations to assist the Authority with matters other than ULP cases.

The Office of the Solicitor

The Office of the Solicitor represents FLRA in court proceedings before all U.S. courts, including the U.S. Supreme Court, the U.S. Courts of Appeals, and the Federal District Courts. During 2020, the Solicitor's Office litigated numerous cases in the Federal courts, filed briefs supporting Authority decisions and defending the constitutionality of Authority components, and presented oral argument before panels of circuit court judges. After receiving decisions from the courts of appeals, the Solicitor's Office provided timely and thoughtful advice to the Authority concerning the courts' orders. The Solicitor's Office experienced a sharply increased caseload in 2020, which is expected to continue in 2021 as parties seek review of adverse Authority decisions in the courts of appeals under 5 U.S.C. § 7123(a). In addition, parties have increasingly been seeking to circumvent 5 U.S.C. § 7123(a)'s jurisdictional bar by filing many cases in Federal District Court.

The Solicitor also serves as FLRA's in-house counsel, providing legal advice to FLRA components on all facets of Government operations, including ethics, FOIA, privacy, human resources, fiscal law, and the Administrative Procedure Act. It met all reporting and substantive deadlines under those authorities.

The Federal Service Impasses Panel

In the previous years, the Panel received an average of 140 requests for assistance per year (averaging close to 11 new filings per month). Beginning in 2018, the Panel received 92 filings (an average of 6 new filings per month) and 77 filings in 2019 (an average of 7 new filings per month). In 2020, the Panel received 90 new case filings (an average of 7.5 new filings per month). That filing trend is expected to continue.

In 2020, the FSIP exceeded nearly all of its timeliness measures for assisting parties in resolving their negotiation impasses. Specifically, the Panel issued its decision to decline jurisdiction on cases not appropriately before the Panel within 140 days of the date that the parties filed their request for assistance in 100 percent (23/23) of cases. The Panel assisted the parties in achieving voluntary settlement within 160 days of the date that the parties filed their requests for assistance in 85 percent (11/13) of cases. And, it issued its final order within 200 days of the date that the parties filed their request for assistance in 88 percent (35/40) of cases.

The Agency has also established “average age” goals to provide the Panel and the parties a sense of how long, on average, it takes for a case to be resolved by the Panel. That target is a measurement of the age of disposition of cases, averaged over the prior 3 fiscal years—historical average age. The Panel accomplished a reduction in the amount of time, on average, to close out cases (i.e., notify parties of the Panel decision) where the Panel has determined that it will decline jurisdiction (i.e., historical average 89 days reduced to 70 days in 2020; 21 percent decrease in processing time).

However, the Panel has seen an increase in the processing and closing of cases closed by other means. Following the Administration’s issuance of Executive Orders 13836, 13837, and 13839, and the related OPM guidance to agencies regarding collective bargaining, effectuated in August 2019, the FSIP began to receive more impasses over ground rules for successor collective-bargaining agreements. These cases tend to be substantively more complex than single issue impact and implementation changes (e.g., changes in a personnel policy). In 2018, before the implementation of the 2018 Executive Orders, there were 4.7 issues, on average, in a FSIP case. In 2019, after the injunction on the Executive Orders was lifted in July 2019, there were 9.3 issues, on average, in a FSIP case. In 2020, there were, on average, 13.7 issues in a FSIP case. In addition to the increase in the number of issues in the cases, the parties tended to be more entrenched in their positions and less willing to settle the impasse. These trends resulted in the need for the Panel to issue lengthy, complex, final decisions ordering the parties to adopt contract language to resolve the impasse.

The impact of these trends can be seen in the overall average age of the cases. Where a case was closed as a result of the Panel working with the parties to achieve mutual settlement of a negotiations impasse, the Panel saw a decrease in the amount of time, on average, to close out cases where the parties have reached settlement of the outstanding issues (i.e., historical average of 120 days decreased to 72 days in 2020; 40 percent decrease in processing time). Where the case was closed as a result of the Panel needing to make a final decision to order contract language to be adopted by the parties, the Panel saw an increase in the amount of time, on average, to close out cases where the Panel has ordered the adoption of final contract language (i.e., historical average of 154 days increased to 162 days in 2020; 5 percent increase in processing time). In total, the historic overall average age for processing a FSIP case was 82.5 days. In 2020, that overall average age increased to 100 days, an 18 percent increase in processing time.

Office of General Counsel

The OGC has not had a GC or Acting GC since November 17, 2017. As a result, there were 400 merit decisions and 406 appeals pending for review by a GC. In addition, the OGC staff teleworked since mid-March of 2020, due to the COVID-19 pandemic. Despite these challenges, the OGC continued to investigate cases and deliver strong results. It met its strategic performance measures for the timely resolution of ULP and representation cases, having resolved 94 percent (1692/1808) of ULP cases within 120 days of the filing date, and 80 percent (140/175) of representation cases within 120 days of filing. The timely resolution of REP cases increased by 20 percent. Of those ULP cases resolved in 2020, the OGC resolved over 248 of them through voluntary settlement during the investigative process.

A key aspect of FLRA’s 2018-2022 Strategic Plan is to increase the rate of eFiling, because by December 31, 2022, FLRA is mandated to have transitioned to electronic case files. To this end, the OGC increased its eFiling rate to 52 percent of all cases filed. This represents a 10 percent increase in the eFiling rate for the OGC.

Having OGC political leadership in place will restore the OGC’s ability to carry out its full mission and allow it to be successful in further meeting its 2021 and 2022 performance goals while beginning to address the large backlog of cases pending GC action (currently 420 recommended complaints and 409 appeals).

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

Offering high-quality educational resources through FLRA's website is crucial to preventing or more effectively and efficiently resolving labor-management disputes. Parties who are better informed about their rights and obligations under the Statute are less likely to pursue frivolous matters or defenses, and they are more likely to approach their labor-management relations in a manner that is consistent with the Statute.

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

Education and Training Tools

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

Training

FLRA addressed specific requests of parties for targeted training. Agency components have traditionally provided training on statutory principles governing ULPs, representational issues, negotiability disputes, and arbitration exceptions. Providing such external training to Federal agencies and labor organizations regarding their rights and obligations under the Statute directly promotes FLRA's mission of protecting rights and facilitating stable labor-management relationships while advancing an effective and efficient Government.

Obviously, the 2020 training landscape was dramatically affected by the COVID-19 pandemic, particularly the ability to offer in-person training. Accordingly, for 2020, FLRA provided only 29 training sessions, of which 9 were in-person and 20 were virtual (online). The training sessions conducted in the second-half of the fiscal year were done virtually.

These sessions were requested by the organizations based on their perceived needs in the Federal labor-management relations area. The targeted training sessions focused on a range of issues, including unfair labor practices and representation matters.

FLRA staff tailored each session to meet the individualized needs of the particular group and received consistent positive feedback from the participants. Specifically, in 2020, 98% of evaluators rated the training as effective or highly effective. This positive feedback achieved the FLRA performance goal in this area.

In addition to training presentations at in-person events, the Authority, the OGC, and the FSIP provided online training, including presentations at several nationwide, annual conferences that were held virtually due to public health concerns. These conference sessions included presentations of newly prepared materials of current relevance.

In 2020, the training sessions at which FLRA presented virtually, combined with the 6 in-person training sessions reached an estimated 2,780 participants. That number of participants achieved FLRA's 2020 performance goal set for training.

In total, FLRA's in-person, virtual, and YouTube training reached 5,480 persons.

YouTube Educational Tool

In 2020, FLRA created video trainings via [FLRA's new YouTube channel](#).

[The new channel](#) modernizes the Agency's customer interactions and delivers on the Agency's second strategic goal from the 2018-2022 Strategic Plan promising to "develop and provide tools and resources to enable the parties to prevent or more effectively and efficiently resolve their labor-relations disputes and improve their labor management relations."

The channel can be found [here](#). Once on the channel, customers can click "Subscribe" to receive updates when new material is posted.

On April 29, 2020, FLRA unveiled the channel beginning with five training videos covering unfair labor practice topics referenced in the Statute. The first five educational videos cover the following topics:

- Unlawful Interference – Section 7116(a)(1) of the Statute,
- Violations by Unions – Duty of Fair Representation and To Bargain in Good Faith,
- Discrimination – Section 7116(a)(2) and (4) of the Statute,
- Meetings and Bypasses – Formal Meetings, Investigatory Examinations, and Bypasses,
- Information Requests – Section 7114(b)(4) of the Statute.

On August 19, 2020, FLRA released an animated training video explaining the Agency's eFiling process. This release was the first in a series of animated videos serving to further educate our customers on the many different aspects of federal-sector labor law. The eFiling video covers:

- How to file a case,
- Where to file,
- Who is eligible to file,
- Case Types – Arbitration, Negotiability, Representation, Unfair Labor Practice, Negotiation Impasse, and
- How to check case status.

Over and above these virtual conferences and in-person training sessions referenced above, FLRA YouTube instructional videos received over 2,700 views from the channel's launch on April 29, 2020 through September 30, 2020. FLRA issued two press releases announcing 6 instructional training sessions online. New educational content is in regular production to address our customers' evolving needs.

In total, FLRA's in-person, virtual, and YouTube training reached 5,480 persons.

Live-Stream Training

In 2020, for the first time, FLRA live-streamed educational training via the internet.

Case-Processing Timelines

Throughout 2020, FLRA provided leadership and guidance by educating parties with more meaningful information about case-processing timelines. For example, starting in 2019, the Authority has been measuring case age starting from the date that the case is filed until the date that either a decision is issued or the case is procedurally dismissed. In addition, the Agency began reporting “average ages” of closed cases within all FLRA components and offices, which provides the parties with the average amount of time that it takes to process each case type.

Educating the parties with this information will help them reach better, more informed decisions regarding their litigation options. It provides them with more realistic expectations around case processing.

Case Digests

The Authority educates the parties primarily through its issued decisions, particularly those on previously unaddressed legal issues. To that end, now along with the agency decision, the Authority now publishes case-summary “digests” to provide additional, easy-to-understand guidance to its customers.

As of 2020, the Authority now posts each new decision with an accompanying digest. That culminates a two-year strategic initiative. Authority case digests that summarize each of the full-length, merits decisions can be viewed online.

While the digests are not part of the official decisions, these summaries are a valuable tool for researchers and members of the Federal labor-management community to identify more quickly and efficiently the decisions that interest them. The FLRA expects that case-summary digests will provide customers with additional, easy-to-understand guidance and information regarding precedent.

Parties have been reminded, however, that the descriptions contained in the digests are for informational purposes only, do not constitute legal precedent, and are not intended to be a substitute for the opinion of the Authority.

Further, the Authority has compiled these digests on the Quarterly Digest Reports page. The Authority pursues this digest initiative as part of its commitment in the 2018-2022 Strategic Plan “to develop tools and resources” to assist the parties.

The Quarterly Digest Reports are online for all of 2019 and 2020. To date, the Authority has published approximately 205 digests. Quarterly digests are up to date and were announced in a press release.

FLRA’s 2018-2022 Strategic Plan also includes a renewed emphasis on clearly articulated written work products. As part of this effort, the FLRA has particularly focused in the first few paragraphs of each Authority decision as a place to provide a brief synopsis of the most pertinent principles in the decision. This uniform structure should help customers understand a decision’s significance or relevance to them without needing to read the entire decision.

RSS Feeds

Via subscription to its Really Simple Syndication (RSS) Feed, FLRA offers updates on FLRA-related news and provides notifications when new Authority decisions are posted. In 2020, by press release, the FLRA encouraged subscription to its RSS Feed.

Guides & Manuals

In 2020, FLRA continued to update online educational tools, including guides and manuals. In September of 2020, the Office of General Counsel updated the OGC Case Law Outline. Also in September of 2020, the Office of General Counsel updated the Representation Case Law Outline.

Federal Mediation and Conciliation Service

As part of the Agency's strategic commitment to develop and provide tools and resources to enable the parties to prevent or more effectively and efficiently resolve their labor-relations disputes and improve their labor-management relationships, the Authority signed a memorandum of understanding (MOU) with the Federal Mediation and Conciliation Service (FMCS) creating a new pilot procedure for resolving negotiability appeals at no cost to the parties.

The Authority trained a unique cadre of FMCS mediators so that they may assist the parties in the resolution of negotiability appeals through mediation. The training program was exceptionally well received by the mediators, who submitted comments that the trainers were "excellent" and "knowledgeable," and that the course provided "great coverage of complex information."

Under the pilot program, before a negotiability appeal is considered by the Authority's Members for a decision, the Authority may refer such appeals to FMCS, either on the Authority's own initiative or based upon a request from the parties. The Authority anticipates that this will reduce case-processing time in negotiability appeals as well as provide opportunities for parties to expeditiously resolve appropriate negotiability disputes without the need for a formal Authority decision.

After working with FMCS to develop a shared case-management system for tracking referrals, the Authority began referring negotiability appeals to FMCS mediators in December, 2019. The preliminary results have showed promise. FMCS mediators have either narrowed, or completely resolved, the parties' negotiability dispute in 50 percent (5/10) of referred cases. More importantly, with the help of the FMCS mediators, the parties have resolved 71 percent (82/117) of the proposals or provisions referred to mediation.

Consistent with the MOU, the Authority and FMCS regularly confer to discuss any necessary adjustments to the pilot program. Additionally, the Chairman of the Authority, and the FSIP, and the Director of FMCS made a joint, virtual panel presentation at the FMCS National Labor-Management Conference in August with approximately 500 participants.

eFiling

FLRA's eFiling efforts serve to improve the customer's experience by allowing both filers and the Agency to more efficiently handle filings electronically.

A key aspect of FLRA's 2018-2022 Strategic Plan is to increase the rate of eFiling, because by December 31, 2022, FLRA is mandated to have transitioned to electronic case files. To this end, the OGC increased its eFiling rate to 52 percent of all cases filed. This represents a 10 percent increase in the eFiling rate for the OGC. The Authority saw a nine percent increase in eFiling, bringing its 2020 eFiling rate to 89 percent of all cases filed.

Like the rest of the federal government, FLRA is grappling with the challenges posed by the COVID-19 pandemic. In response, the Agency adapted very well technologically. To ensure the health and safety of the Agency's employees and parties, FLRA suspended in-person filings and the use of FLRA's eFiling

system has increased. At the same time, the Agency has continued to process documents filed by mail and facsimile, consistent with regulation.

Videoconference Hearings

In 2020, the OGC issued guidance to its Regional Directors on conducting representation hearings through videoconference in order to ensure that vital representational work continues during the COVID-19 pandemic.

Updated Regulations and Policies

The Authority also educates the parties through the issuance of regulations and policies. 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.

Regulations

In 2020, to educate and guide the public, the Authority issued one new regulation and requested comment on another:

- On December 23, 2019, FLRA [sought comment](#) on the regulations governing negotiability appeals to better “expedite proceedings,” consistent with Congress’s direction, and with the FLRA’s goal in its strategic plan to “ensure quality, timely . . . decision-making processes.” The proposed rule is designed to streamline the adjudication process for negotiability appeals, resulting in more timely decisions for the parties. On January 28, 2020, FLRA [extended comments](#) to February 11, 2020. The submitted comments are currently under consideration by the Authority’s Members.
- On July 9, 2020, FLRA published a [Final Rule](#), which will appear as § 2429.19 of the Authority’s Regulations, stating that “after the expiration of the one-year period during which an assignment may not be revoked under 5 U.S.C. § 7115(a), an employee may initiate the revocation of a previously authorized assignment at any time that the employee chooses... The employing agency must process the employee’s dues-revocation made after the first year “as soon as administratively feasible.”

Policies

In 2020, the Authority issued five policy statements to educate and guide the public:

- On February 14, 2020, in *Office of Personnel Management*, ([71 FLRA No. 107](#), 0-PS-34), the Authority stated that 5 U.S.C. § 7115(a) is most reasonably interpreted as permitting revocation of dues assignments at any time after the first year of assignment and stated that it would pursue notice-and-comment rulemaking to that effect. The resulting regulation, 5 C.F.R. § 2429.19, is described above.
- On August 19, 2020, in *National Right to Work Legal Defense Foundation, Inc.*, ([71 FLRA No. 178](#), 0-PS-39), the Authority clarified that the Statute expressly authorizes only ‘direct’ lobbying and does not expressly authorize any other type of “indirect” or “grass roots” lobbying on official time.
- On September 30, 2020, in *United States Office Of Personnel Management*, ([71 FLRA No. 191](#), 0-PS-38), the Authority stated that the Statute neither requires nor prohibits midterm bargaining, and that all proposals concerning midterm-bargaining obligations (including zipper clauses) are mandatory subjects for negotiation that may be bargained.

- On September 30, 2020, in *U.S. Department of Education and U.S. Department of Agriculture*, ([71 FLRA No. 190](#), 0-PS-44), the Authority announced that “because the de minimis standard is inconsistent with the purposes of the Statute, ... an agency will not be required to bargain over a change to a condition of employment unless the change is determined to have a substantial impact on a condition of employment.”
- On September 30, 2020, in *U.S. Department of Agriculture* ([71 FLRA No. 192](#), 0-PS-46), the Authority clarified that when parties are renegotiating an existing collective-bargaining agreement and a continuance provision extends the operation of the agreement beyond the originally established, concrete expiration date, the first day of the extension period marks the beginning of a new term for the agreement under sections 7114(c) and 7116(a)(7) of the Statute. On that first day of the extension, all government-wide regulations that became effective during the previous term of the agreement will, where applicable, govern the parties immediately by operation of law, and the thirty-day period for agency-head review will begin.

Questionnaire

During the COVID-19 pandemic, FLRA implemented a customer questionnaire which was used in representation cases.

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

FLRA completed, and complied with, the three requirements of the President’s Management Agenda, Cross-Agency Priority Goal 3, as required by the Director’s memorandum “Maximization of Employee Performance Management and Engagement by Streamlining Agency Performance and Dismissal Policies and Procedures” dated September 25, 2019. Specifically, the Authority:

1. Reviewed whether agency policies create unnecessary barriers to addressing poor performance;
2. Removed steps and procedures for addressing poor performance and misconduct that are not required by statute or Federal regulation that is currently in force; and
3. Provided supervisors with policies and guidance regarding performance improvement plans (PIPs) pursuant to Chapter 43 (noting PIPs can be started at any point and not just at the end of the rating period) and guidance that unacceptable performance can be addressed through Chapter 75.

EO 13781

In full support of Executive Order 13781, *Comprehensive Plan for Reorganizing the Executive Branch*, (March 13, 2017) and Office of Management and Budget (OMB) Memorandum M-17-22, *Comprehensive Plan for Reforming the Federal Government and Reducing the Federal Civilian Workforce* (April 12, 2017), the Agency completed its process of taking a closer look at its structure and operations, and implemented solutions for streamlining and reducing costs across FLRA. It developed reform proposals and a long-term workforce plan focused on improving the Agency's efficiency, effectiveness, and accountability. Based on regional workload, flat budgets, increasing rental costs, and the availability of technology to improve operational efficiency, the final result was the closure of the Boston and Dallas Regional Offices in 2019 and 2018, respectively.

Travel and Training

Other reform efforts included sustaining the 25 percent across-the-board reduction in the Agency-wide travel and Agency-wide internal, employee-development training from 2017 through 2020. However, travel costs will increase for hearings once a GC is on board and for specific targeted statutory training to parties. In addition, increased funding was necessary for professional development of FLRA staff, noting the significant turnover of staff, was incorporated into the 2021 budget, and is continued in 2022 budget requests.

Professional Development

With respect to professional development, despite budgetary limitations, FLRA continues to provide its employees with relevant, mission-related training and better identify training needs. This includes utilizing recommendations from the Agency's Professional Development Team such as the promotion of the use of employee individual development plans for all staff. The Agency has also continued to provide informal "lunch and learns" on a variety of mission-related and operational topics.

Additional Cost Reductions

FLRA has also committed to other administrative efforts to reduce costs. Where appropriate, the Agency will continue to tap existing Government-wide shared-services solutions, like those that it already uses for payroll, financial services, and travel. It will continue to seek out and utilize existing Government-wide procurement solutions and contracting flexibilities. These include using a General Services Administration (GSA) approved vendor that the Agency otherwise would not have found for its eFiling and Case Management projects, and piggybacking on the Library of Congress's FEDLINK contracting tool to procure Westlaw legal research services more easily.

All-Employee Meetings

FLRA had 6 all-employee WebEx meetings to keep employees engaged:

COVID All-Employee Meeting Dates

October 22, 2020
July 30, 2020
May 7, 2020
March 12, 2020

Pre-COVID All-Employee Meeting Dates

February 20, 2020 (Black History Event)

January 30, 2020

People: Developing a Workforce for the 21st Century

The mission accomplishments cited above are particularly noteworthy because, in 2020, the Agency has been operating with only 107 FTEs throughout most of 2020 due to attrition, retirements, and reduced funding in 2020.

Guided by its strategic plan, in 2020, FLRA continued its review of Agency performance-management systems (both General Schedule and Senior Executive Service) and individual employee performance plans to ensure that they directly align with the 2018-2022 Strategic Plan. Revised performance standards were implemented as part of a one-year pilot that began in 2020.

In support of these efforts to improve performance management, the Agency is working with OPM to implement the USA Performance automated performance-management system in 2021. Automating the performance-management process using a tool that is compliant with all Federal performance-management regulations and OPM recommendations, will assist Agency managers – and the Agency as a whole – in increasing performance accountability.

OPM's FEVS provides employees an opportunity to influence change by submitting feedback about their work environment, agency leadership, and other important factors affecting morale and employee satisfaction. FLRA's 2019 overall response rate was 64 percent - 23 points higher than the Government-wide average of 41 percent. That rate is also in line with the small agency (100-999 employees) response rate of 67 percent.

In response to the 2019 FEVS feedback, the Agency continued to actively engage employees at all levels in Agency processes and to seek their opinions. The Strategic Plan Implementation Teams (with representation from headquarters, regional offices, and all agency components) continue to address the challenges raised by the recent FEVS results. Teams have conducted focus groups to better understand and address employee concerns. The teams, which include managers and non-managers, are:

- (1) Professional Development Team
- (2) Performance Communication Teams
 - a. Authority
 - b. OGC
 - c. Administrative and Management
- (3) Customer Engagement Team
- (4) Employee Engagement Team
- (5) Diversity & Inclusion Team
- (6) Health & Wellness Team
- (7) Agency Awards Development Team

The teams continue to focus on a variety of issues including revisions to performance plans for mission critical positions, improving customer engagement, and improving professional development within the Agency. These employee-led teams have recommended, for example, new performance standards for the majority of positions in the agency, completion of individual development plans by employees to identify their training needs, professional development opportunities, a new communication form implemented as a way of improving anonymous employee engagement, and recently recorded video presentations of educational material available on the FLRA website and YouTube channel. Many of the teams' recommendations were accepted and implemented in 2020. Teams continue to engage in discussions with leadership and have a prominent voice on how best to allocate the Agency's limited training dollars. This process continues to add value and has allowed employees to be engaged in the stewardship of the

Agency and to offer innovative and creative solutions to problems they see in the workplace or its processes.

Consistent with OMB policy, FLRA provided a Workforce Fund Plan to guide the awards program in 2020. For 2021, as directed by OMB, the Agency will increase the award funding by one percent of non-SES/SL spending. To ensure that FLRA creates a comprehensive strategy to develop and foster a culture of recognition, both formal and informal, FLRA created an Agency Awards Development Team to not only create and implement the Agency's Workforce Fund Plan but also to provide innovative ideas to update the Agency's award policy. This review is to be completed in 2021.

IT Modernization

As noted above, FLRA is continuing its ongoing efforts to expand its IT capabilities to enhance mission performance by improving the quality and effectiveness of its internal- and external-customer-facing services – including increased use of cloud-based solutions, improving its IT security program, and developing innovative means for enhancing employees' ability to work remotely. The Agency also continues to improve its overall efficiency, as well as the customer service experience, by engaging in new and innovative ways to conduct business, such as through eFiling. In addition, the Agency has strategically emphasized IT modernization by implementing realistic and attainable equipment lifecycles.

In 2020, FLRA continued to execute its multi-year plan to achieve the long-term goal of implementing end-to-end electronic case files throughout the Agency. Originally a four-phase plan, the Agency has succeeded in merging Phases 2 and 3 of the original plan into a single implementation. This combination will allow the Agency to accelerate the realization of a fully electronic case file and compliance with OMB mandates.

1. Phase 1 was implementation of the upgraded eFiling "3.0" system. Addressing customer feedback, and after refining its approach, the Agency launched a more user-friendly and intuitive user interface that is built on a new, cloud-based technology platform that will better support the Agency's long-term needs. This was completed in 2018.
2. The original goal of Phase 2 was to provide an integrated, more user friendly and intuitive user interface for the Agency's internal electronic CMS that mimicked the look and feel of eFiling 3.0. Phase 2 also included implementation of an Agency-wide DMS—an electronic, cloud-based "filing cabinet" that provides a framework for organizing digital and paper documents. The DMS also provides the necessary storage capacity and IT platform for the integration of eFiling, CMS, and DMS. The Agency has successfully implemented the DMS, and in 2020 completed the first pilot of the CMS with the Authority component.
3. Phase 3 was originally slated to consist of the integration of eFiling, CMS, and DMS. However, Phase 2 and Phase 3 have been combined. The Agency has successfully developed a full, end-to-end integrated and automated electronic casefile for the Authority component. The system went live in the last quarter of FY 2020. The Agency aims to complete development for the OGC in FY 2021.
4. Phase 3 (nee 4) is the transition to 100 percent electronic case files throughout the Agency, with a mandate of September 30, 2022, for completion.

The Agency has relied on an agile development approach, both in how the systems are developed and with how the project is funded. As such, timelines associated with the plan have shifted over time, but the Agency still remains within target, and its overall costs are *well below* industry standards for similar undertakings.

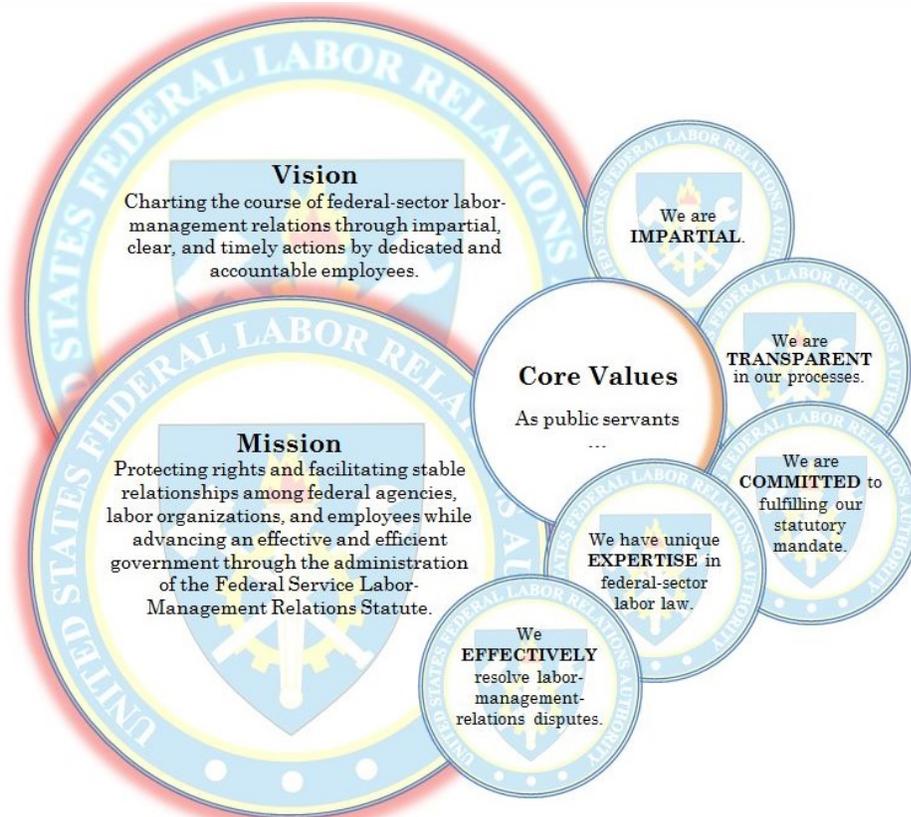
It is important to note that without having received the IT funds requested and approved by OMB for 2021, significant delays will occur. Successful achievement of this goal will enable implementation of additional external and internal case processing improvements that will further maximize the use of technology and eliminate many of the labor-intensive, manual case processes that are currently in place. These case-processing improvements include reducing the time and expense that FLRA staff spends copying, scanning, mailing, and manually entering data; eliminating outdated facsimile service; reducing U.S. Postal Service costs by implementing electronic service of case-related documents by FLRA on the parties; reducing or eliminating delivery service costs for transferring paper case files between FLRA components; implementing a pilot program that would mandate FLRA parties to file all case-related documents electronically; and eventually mandating eFiling for all FLRA case filings. The greatest benefit will be the ability to redirect staff hours currently used to perform manual administrative tasks to perform other mission-critical functions.

In addition, FLRA continues to embrace its “cloud-first” approach. All of the Agency’s major technical components – email, DMS, CMS, and eFiling – are hosted in the cloud. The pandemic significantly accelerated the Agency’s plan to move its Video Teleconferencing (VTC) system to the cloud in 2020 and Voice over Internet Protocol (VoIP) in 2021. The Agency fully implemented the industry-standard Webex video conferencing system so that FLRA employees could continue to operate at 100 percent during social distancing. In 2020, the Agency transitioned to a new network cloud service provider, increasing the Agency’s network bandwidth and saving the Agency roughly 40 percent of its network costs to invest in cybersecurity initiatives. FLRA continued to maintain its lifecycle for Agency computer hardware, completing an Agency refresh of key networking infrastructure components and specific data center hardware.

ANNUAL PERFORMANCE PLAN

STRATEGIC AND PERFORMANCE-PLANNING FRAMEWORK

FLRA's 2022 strategic performance planning framework is based on the Agency's 2018-2022 Strategic Plan, and it is supported by the Agency's Annual Performance Plan, which establishes the Agency's annual performance goals and measures. In developing the 2018-2022 Strategic Plan, the Agency refined its mission statement, developed a vision statement, and identified Agency core values.



FLRA seeks to achieve its strategic goals primarily through the timely, high-quality, and impartial review and disposition of cases. The Agency supplements these efforts, and helps the parties to avoid or resolve their own disputes, by producing educational materials, offering targeted assistance to parties with significant labor-management challenges, and providing training activities. Further supporting these efforts is FLRA's focus on internal improvements in IT and efforts to maximize human capital.

Through comprehensive review of its programmatic requirements under the Statute, operations, staffing, work processes, resource allocations, and performance, FLRA has established goals and measures that are designed to maximize the delivery of Agency services throughout the Federal Government. The Annual Performance Plan reflects the Agency's commitment to establishing meaningful metrics that will assist in assessing performance, providing transparency to the parties around case-processing, aligning resources, and effectively identifying staffing and training needs.

FLRA Strategic Goals

Strategic Goal #1	Strategic Goal #2	Strategic Goal #3
We will ensure quality, timely, impartial, and consistent investigative and decision-making processes with determinations that are clearly articulated.	We will develop and provide tools and resources to enable the parties to prevent or more effectively and efficiently resolve their labor-relations disputes and improve their labor-management relationships.	We will manage our resources effectively and efficiently, and recognize that our dedicated workforce is critical to the prevention and resolution of labor-relations disputes.

Strategic Objectives

a. Establish and attempt to surpass (1) case-processing productivity goals, and (2) timeliness measures that are meaningful to the parties.	a. Maintain and expand educational resources on www.flra.gov .	a. Ensure that the FLRA’s performance-management systems are synchronized with and support the Agency’s strategic goals.
b. Ensure excellence in investigations and clearly articulated written work products by establishing and surpassing case-processing quality goals that build upon the Agency’s longstanding traditions of impartiality and consistent determinations that are effectively enforced.	b. Identify and offer targeted assistance to parties with significant labor-management challenges.	b. Continue to expand the FLRA’s technological capabilities to enable employees to deliver mission results more effectively and efficiently.
	c. Maintain and expand our external training programs to enable the parties to better understand their rights and obligations under the Statute.	c. Recruit, retain, and develop a diverse, respected workforce in an environment that fosters employee input and satisfaction and makes the best use of FLRA resources.

Consistent with Government-wide efforts to improve performance and incorporate data-driven management decisions, FLRA engages in continuous strategic assessment of performance and other data to ensure that it is accomplishing its mission effectively and efficiently. The Agency conducts this ongoing review on a monthly basis with its automated monthly SMART report (introduced in 2019, replacing the manual Monthly Analysis of Performance and Status (MAPS) report), which contains statistical case and performance data derived from FLRA’s CMS and Agency management. In addition, Agency managers utilize a variety of internal CMS reports, which track the number, age, status, or resolution type of all pending and closed cases, to manage performance on a daily basis. Analysis of these reports drive, among other things: adjustments in workload through case transfers at the national, regional, and office levels; reallocation of human resources, including use of details and contract support decisions; and decisions to provide targeted assistance (such as training) to certain parties or geographical locations.

STRATEGIC GOAL 1: WE WILL ENSURE QUALITY, TIMELY, IMPARTIAL, AND CONSISTENT INVESTIGATIVE AND DECISION-MAKING PROCESSES WITH DETERMINATIONS THAT ARE CLEARLY ARTICULATED.

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

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

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

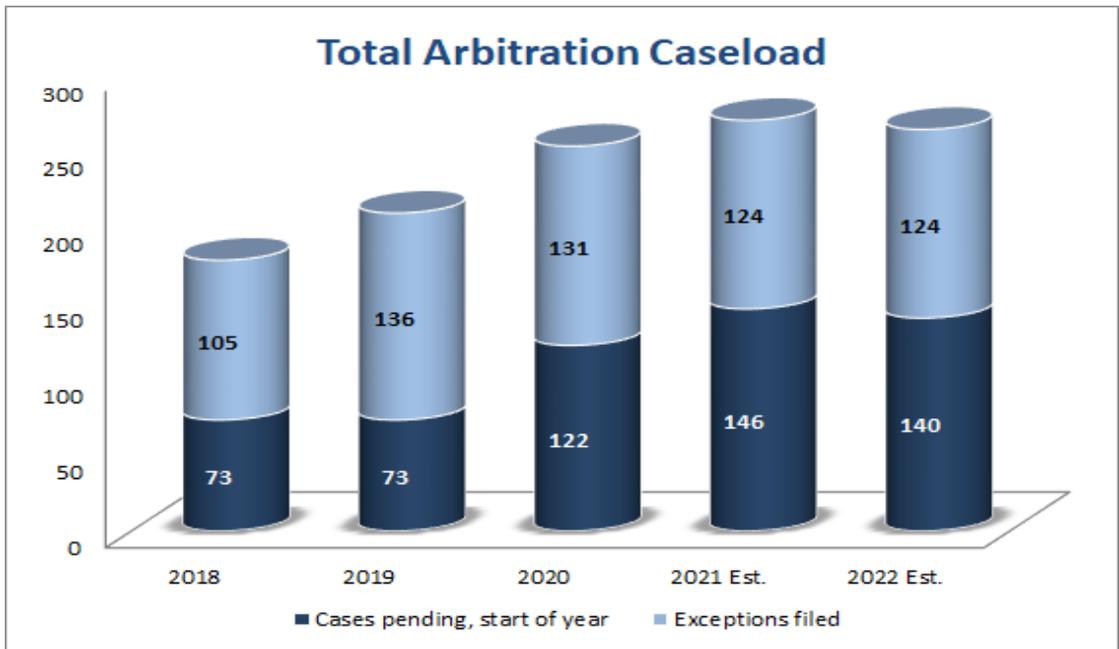
Parties are best served when they have a clear understanding of how long it might take FLRA to process cases. Therefore, effective 2019, FLRA set its standards for timeliness in a way that gives parties a reasonable expectation as to the duration of the FLRA determination process. This requires the use of simple, straightforward metrics for understanding how long it might take to resolve a given matter before the Agency.

Performance Goal 1a-1: Use updated metrics to measure productivity and overall timeliness of matters pending before the FLRA.

Performance Goal 1a-2: Regularly measure productivity and overall case-processing timelines in each FLRA component; modify strategies as necessary to address unforeseen or unplanned events.

Performance Goal 1a-3: Track and publicly report progress of matters before the FLRA that the Federal labor-management community considers clear, relevant, widely known, and meaningful.

<i>Authority</i> Arbitration Cases	2018	2019	2020	2021 Est.	2022 Est.
Cases pending, start of year	73	73	122	146	140
Exceptions filed (Intake)	<u>105</u>	<u>136</u>	<u>131</u>	<u>124</u>	<u>124</u>
Total caseload	178	209	253	270	264
Cases closed procedurally	11	15	17	17	17
Cases closed based on merits	<u>94</u>	<u>72</u>	<u>90</u>	<u>113</u>	<u>113</u>
Total cases closed (Output)	105	87	107	130	130
Cases pending, end of year	73	122	146	140	134



Measure 1a-1: The average age of arbitration exceptions decided by the Authority.*			
Results		Targets	
2019	261	2019	247
2020 Goal: 248 days	317 days <i>Not Met</i>	2020	Reduce by 5%
* This measure calculates case age based on the "date filed," to reflect "day in-day out" case-processing times.		2021	Maintain
		2022	Maintain

Measure 1a-2: The percentage of arbitration cases decided within 150 days of assignment to an Authority Member.

Results	
2018	38% – (36/94 cases)

Measure 1a-2: The percentage of arbitration cases decided by the Authority within 210 days of the filing of exceptions.*

Results		Targets	
2019	37% – (32/87 cases)	2019	75%
2020	32% – (34/107 cases) <i>Not Met</i>	2020	75%
* This measure calculates case age based on the "date filed," to reflect "day in-day out" case-processing times.		2021	75%
		2022	75%

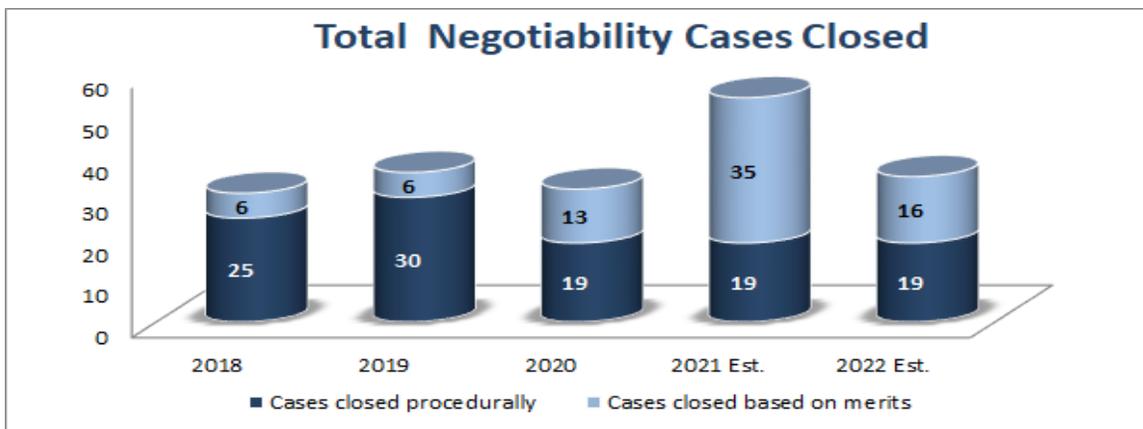
Measure 1a-3: The percentage of arbitration cases decided within 365 days of assignment to an Authority Member.

Results	
2018	98% – (92/94 cases)

Measure 1a-3: The percentage of arbitration exceptions decided by the Authority within 365 days of the filing of exceptions.*

Results		Targets	
2019	84% – (73/87 cases)	2019	90%
2020	61% – (65/107 cases) <i>Not Met</i>	2020	90%
* This measure calculates case age based on the date filed," to reflect "day in-day out" case-processing times.		2021	90%
		2022	90%

<i>Authority</i> Negotiability Cases	2018	2019	2020	2021 Est.	2022 Est.
Cases pending, start of year	11	23	17	65	56
Petitions filed (Intake)	<u>43</u>	<u>30</u>	<u>80</u>	<u>45</u>	<u>45</u>
Total caseload	54	53	97	110	101
Cases closed procedurally	25	30	19	19	19
Cases closed based on merits	<u>6</u>	<u>6</u>	<u>13</u>	<u>35</u>	<u>16</u>
Total cases closed (Output)	31	36	32	54	35
Cases pending, end of year	23	17	65	56	66



Measure 1a-4: The average age of negotiability cases decided by the Authority. *			
Results		Targets	
2019	169	2019	119
2020 Goal: 161 days	176 days <i>Not Met</i>	2020	Reduce by 5%
* This measure calculates case age based on the “date filed,” to reflect “day in-day out” case-processing times.		2021	Maintain
		2022	Maintain

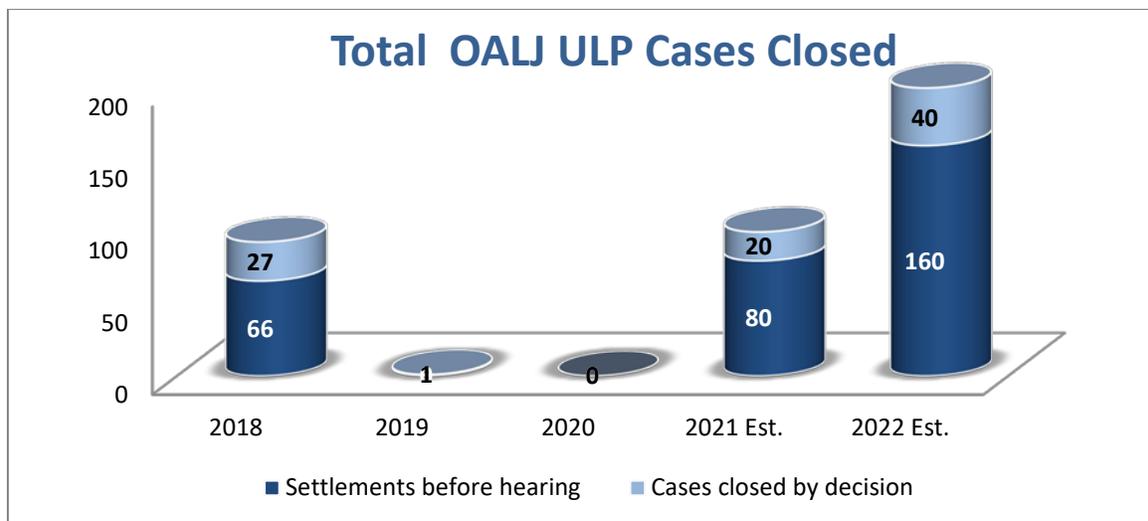
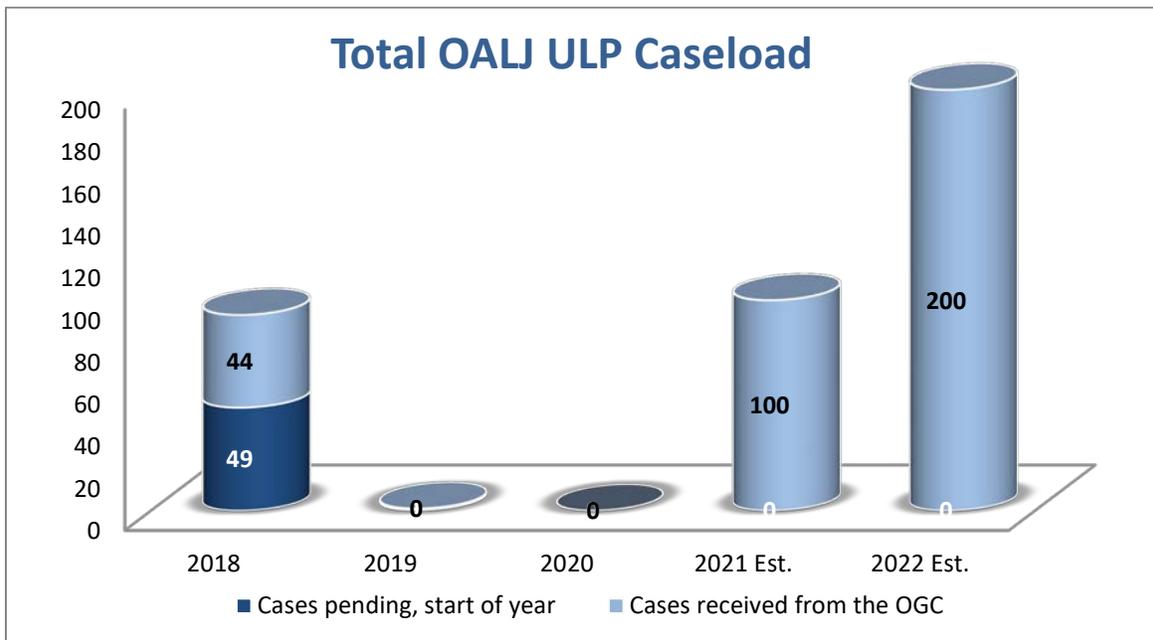
Measure 1a-5: The percentage of negotiability cases decided within 180 days of assignment to an Authority Member.

Results			
2018	83% – (5/6 cases)		
Measure 1a-5: The percentage of negotiability cases decided by the Authority within 300 days of the filing of a petition for review.*			
Results		Targets	
2019	83% – (30/36 cases)	2019	75%
2020	78% – (25/32 cases) <i>Me</i>	2020	75%
* This measure calculates case age based on the “date filed,” to reflect “day in-day out” case-processing times.		2021	75%
		2022	75%

Measure 1a-6: The percentage of negotiability cases decided within 365 days of assignment to an Authority Member.

Results			
2018	100% – (6/6 cases)		
Measure 1a-6: The percentage of negotiability cases decided by the Authority within 365 days of the filing of a petition for review.*			
Results		Targets	
2019	92% – (33/36 cases)	2019	75%
2020	84% – (27/32 cases) <i>Met</i>	2020	75%
* This measure calculates case age based on the “date filed,” to reflect “day in-day out” case-processing times.		2021	75%
		2022	75%

<i>OALJ</i> ULP Cases	2018	2019	2020	2021 Est.	2022 Est.
Cases pending, start of year	49	1	0	0	0
Complaints received (Intake)	<u>44</u>	<u>0</u>	<u>0</u>	<u>100</u>	<u>200</u>
Total caseload	93	1	0	100	200
Settlements before hearing	66	0	0	80	160
Cases closed by decision	<u>27</u>	<u>1</u>	<u>0</u>	<u>20</u>	<u>40</u>
Total cases closed (Output)	93	1	0	100	200
Cases pending, end of year	0	0	0	0	0

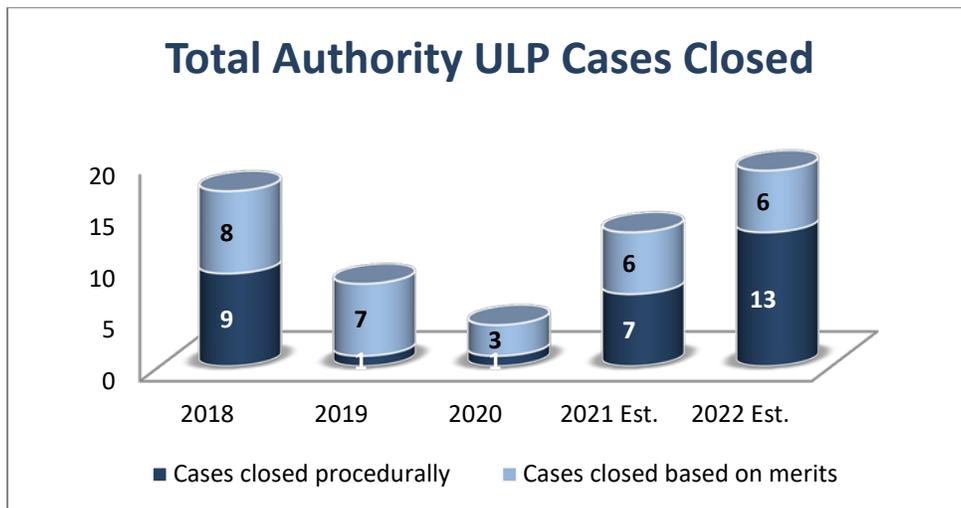
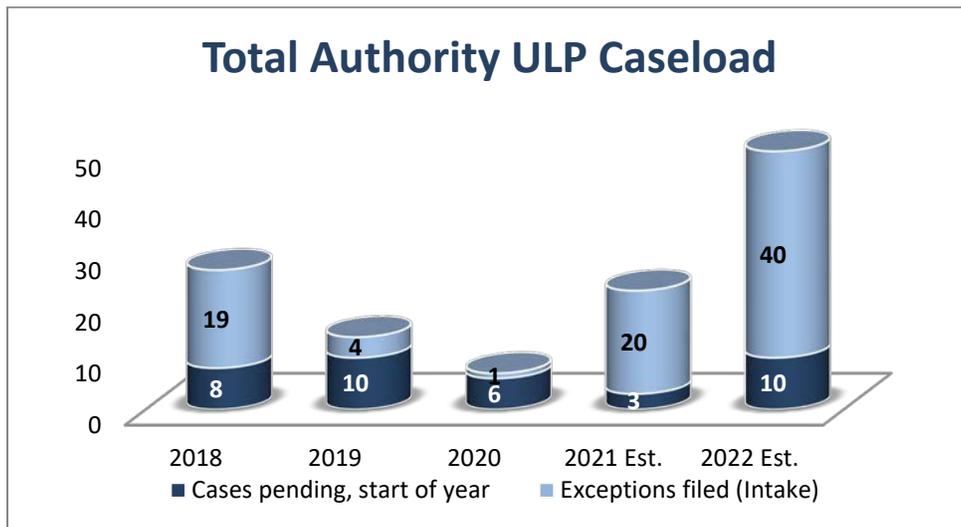


Measure 1a-7: The average age of ULP complaints decided by the OALJ.			
Results		Targets	
2019 Goal: 124 days	90	2019	Reduce by 5%
2020	N/A	2020	Reduce by 5%
*OALJ performance standards remain to resolve 80% of ULP complaints with 180 days of filing and 95% within 365 days		2021	Maintain
		2022	Maintain

Measure 1a-8: 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	
2018	77% – (72/93 cases)	2018	80%
2019	N/A	2019	80%
2020	N/A	2020	80%
*OALJ performance standards remain to resolve 80% of ULP complaints with 180 days of filing and 95% within 365 days		2021	80%
		2022	80%

Measure 1a-9: The percentage of ULP complaints issued by the General Counsel decided in the OALJ within 365 days of the complaint being issued.			
Results		Targets	
2018	90% – (84/93 cases)	2018	95%
2019	N/A	2019	95%
2020	N/A	2020	95%
*OALJ performance standards remain to resolve 80% of ULP complaints with 180 days of filing and 95% within 365 days		2021	95%
		2022	95%

<i>Authority ULP Cases</i>	2018	2019	2020	2021 Est.	2022 Est.
Cases pending, start of year	8	10	6	3	10
Cases filed (Intake)	<u>19</u>	<u>4</u>	<u>1</u>	<u>20</u>	<u>40</u>
Total caseload	27	14	7	23	50
Cases closed procedurally	9	1	1	7	13
Cases closed based on merits	<u>8</u>	<u>7</u>	<u>3</u>	<u>6</u>	<u>6</u>
Total cases closed (Output)	17	8	4	13	19
Cases pending, end of year	10	6	3	10	31



Measure 1a-10: The average age of ULP exceptions decided by the Authority.*			
Results		Targets	
2019	238	2019	165
2020 Goal: 226 days	422 days <i>Not Met</i>	2020	Reduce by 5%
* This measure calculates case age based on the “date filed,” to reflect “day in-day out” case-processing times.		2021	Maintain
		2022	Maintain

Measure 1a-11: The percentage of ULP cases decided within 150 days of assignment to an Authority Member.

Results	
2018	50% – (4/8 cases)

Measure 1a-11: The percentage of ULP cases decided by the Authority within 300 days of issuance of an OALJ decision. *

Results		Targets	
2019	75% – (6/8cases)	2019	75%
2020	25% – (1/4 cases) <i>Not Met</i>	2020	75%
* This measure calculates case age based on the “date filed,” to reflect “day in-day out” case-processing times.		2021	75%
		2022	75%

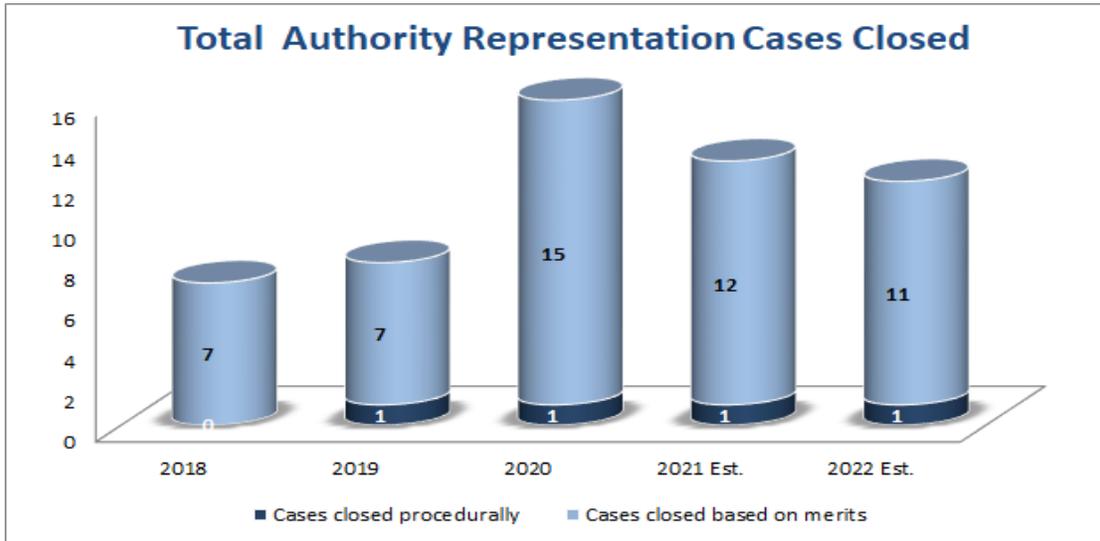
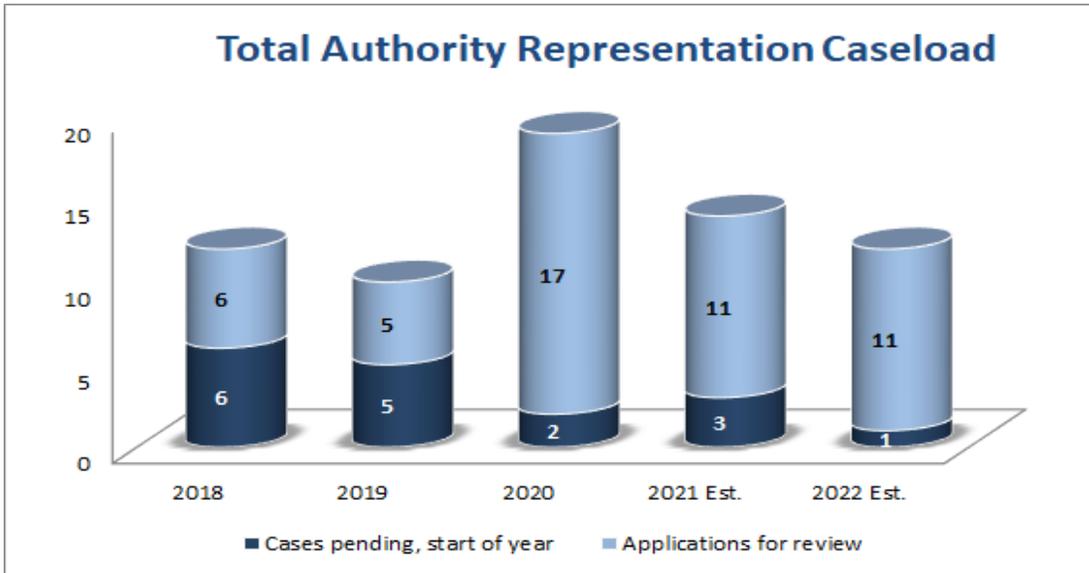
Measure 1a-12: The percentage of ULP cases decided within 365 days of assignment to an Authority Member.

Results	
2018	100% – (8/8 cases)

Measure 1a-12: The percentage of ULP cases decided by the Authority within 365 days of issuance of an OALJ decision. *

Results		Targets	
2019	86% – (6/7 cases)	2019	90%
2020	25% – (1/4 cases) <i>Not Met</i>	2020	90%
* This measure calculates case age based on the “date filed,” to reflect “day in-day out” case-processing times.		2021	90%
		2022	90%

<i>Authority Representation Cases</i>	2018	2019	2020	2021 Est.	2022 Est.
Cases pending, start of year	6	5	2	3	1
Applications for review (Intake)	<u>6</u>	<u>5</u>	<u>17</u>	<u>11</u>	<u>11</u>
Total caseload	12	10	19	14	12
Cases closed procedurally	0	1	1	1	1
Cases closed based on merits	<u>7</u>	<u>7</u>	<u>15</u>	<u>12</u>	<u>11</u>
Total cases closed (Output)	7	8	16	13	12
Cases pending, end of year	5	2	3	1	0



Measure 1a-13: The average age of representation cases decided by the Authority.*			
Results		Targets	
2019	194	2019	107
2020 Goal: 184 days	210 days <i>Not Met</i>	2020	Reduce by 5%
* This measure calculates case age based on the “date filed,” to reflect “day in-day out” case-processing times.		2021	Maintain
		2022	Maintain

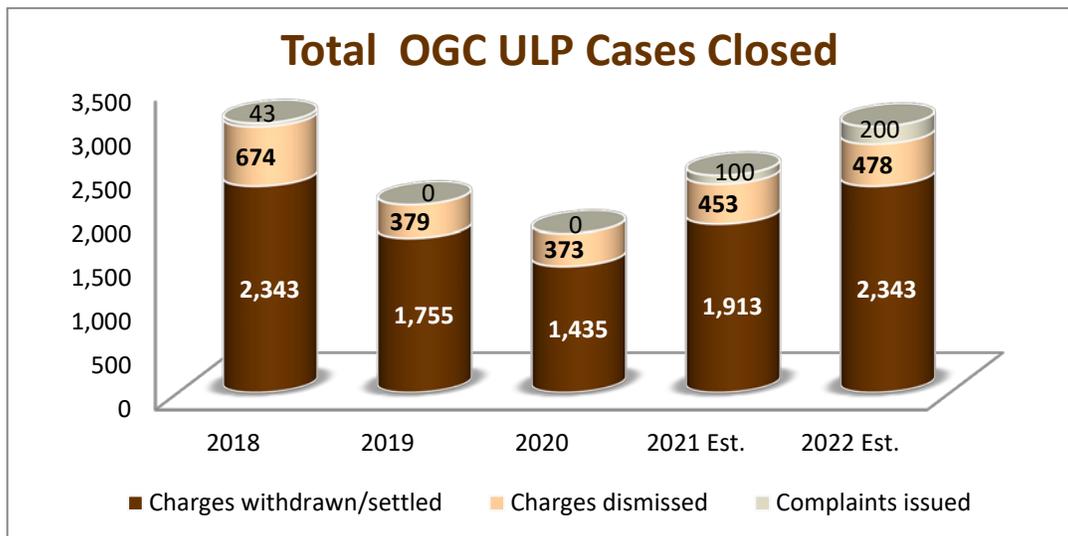
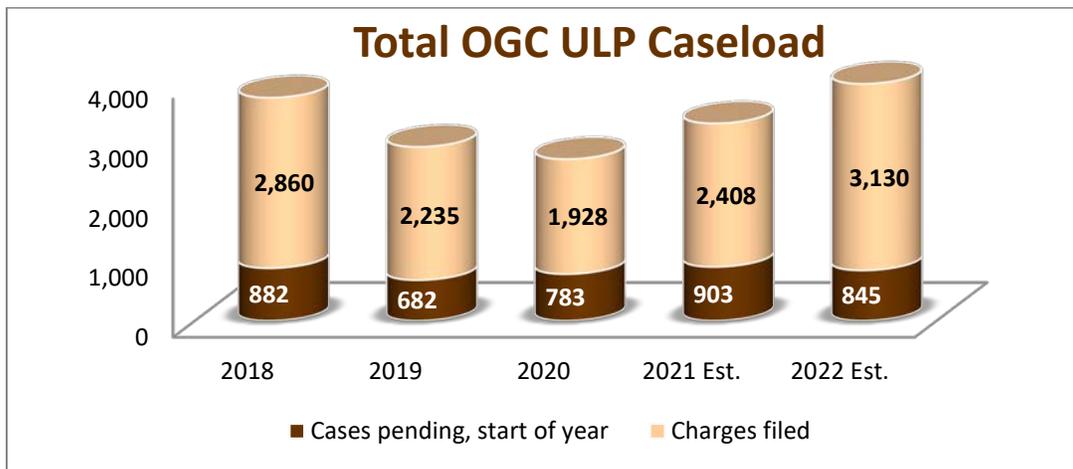
Measure 1a-14: The percentage of representation cases in which the Authority issued a decision whether to grant review within 60 days of the filing of an application for review.			
Results		Targets	
2018	100% – (7/7 cases)	2018	100%
2019	100% – (8/8 cases)	2019	100%
2020	100% – (16/16 cases) <i>Met</i>	2020	100%
		2021	100%
		2022	100%

Measure 1a-15: The percentage of representation cases decided by the Authority within 210 days of the filing of an application for review.*			
Results		Targets	
2019	75% – (6/8 cases)	2019	75%
2020	88% – (14/16 cases) <i>Met</i>	2020	75%
* This measure calculates case age based on the date that a final decision is issued in the case, to reflect “day in-day out” case-processing times.		2021	75%
		2022	75%

Measure 1a-16: The percentage of representation cases decided by the Authority within 365 days of the filing of an application for review.			
Results		Targets	
2018	100% – (7/7 cases)	2019	95%
2019	88% – (7/8 cases)	2020	95%
2020	88% – (14/16 cases) <i>Not Met</i>	2021	95%
		2022	95%

OGC ULP Cases	2018	2019	2020	2021 Est.	2022 Est.
Cases pending, start of year	882	682	783	903	845
Charges filed (Intake)	<u>2,860</u>	<u>2,235</u>	<u>1,928</u>	<u>2,408</u>	<u>3,130</u>
Total caseload	3,742	2,917	2,711	3,311	3,975
Charges withdrawn/settled	2,343	1755	1435	1913	2,343
Charges dismissed	674	379	373	453	478
Complaints issued*	<u>43</u>	<u>0</u>	<u>0</u>	<u>100</u>	<u>200</u>
Total cases closed (Output)	3,060	2,134	1,808	2,466	3,021
Cases pending, end of year	682	783	903	845	954

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



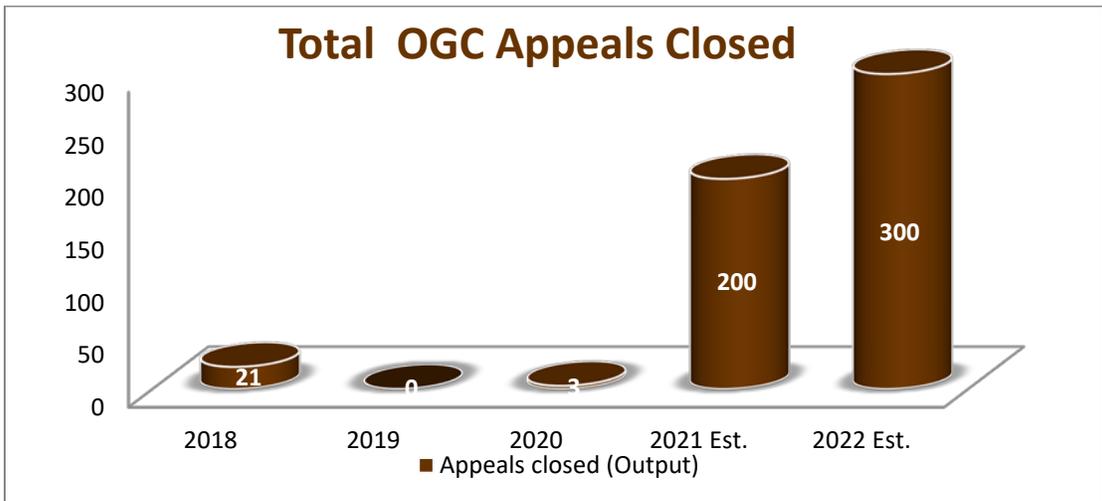
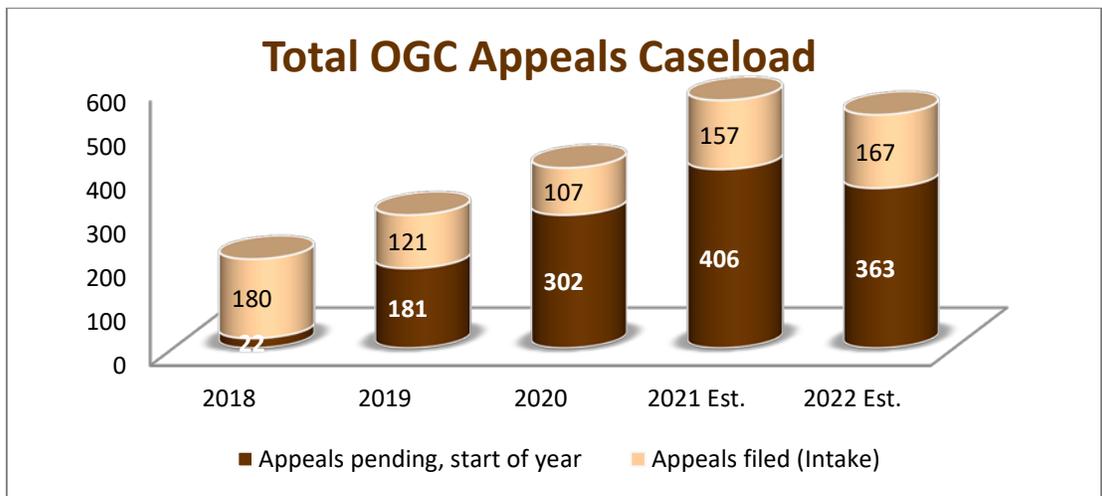
Measure 1a-17: The average age of ULP charges resolved by the OGC.			
Results		Targets	
2019	68	2019	99
2020 Goal: 99 Days	61 days <i>Met</i>	2020	Reduce by 5%
		2021	Maintain
		2022	Maintain

Measure 1a-18: 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	
2019	87%	2019	70%
2020	94% – (1692/1808 cases) <i>Met</i>	2020	70%
		2021	70%
		2022	70%

Measure 1a-19: The percentage of ULP charges resolved by the OGC by complaint, withdrawal, dismissal, or settlement within 240 days of filing of the charge.			
Results		Targets	
2019	99%	2019	95%
2020	99.9% – (1806/1808 cases) <i>Met</i>	2020	95%
		2021	95%
		2022	95%

OGC ULP Appeals	2018	2019	2020	2021 Est.	2022 Est.
Appeals pending, start of year	22	181	302	406	363
Appeals filed (Intake)	<u>180</u>	<u>121</u>	<u>107</u>	<u>157</u>	<u>167</u>
Total caseload	202	302	409	563	530
Appeals closed* (Output)	<u>21</u>	<u>0</u>	<u>3</u>	<u>200</u>	<u>300</u>
Appeals pending, end of year	181	302	406	363	230

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

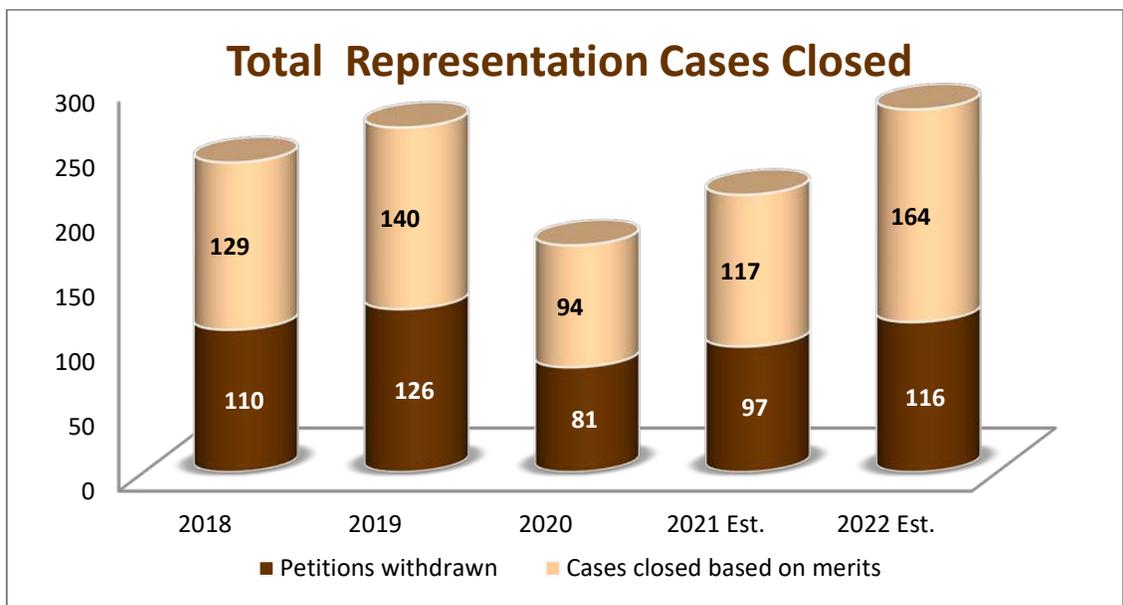
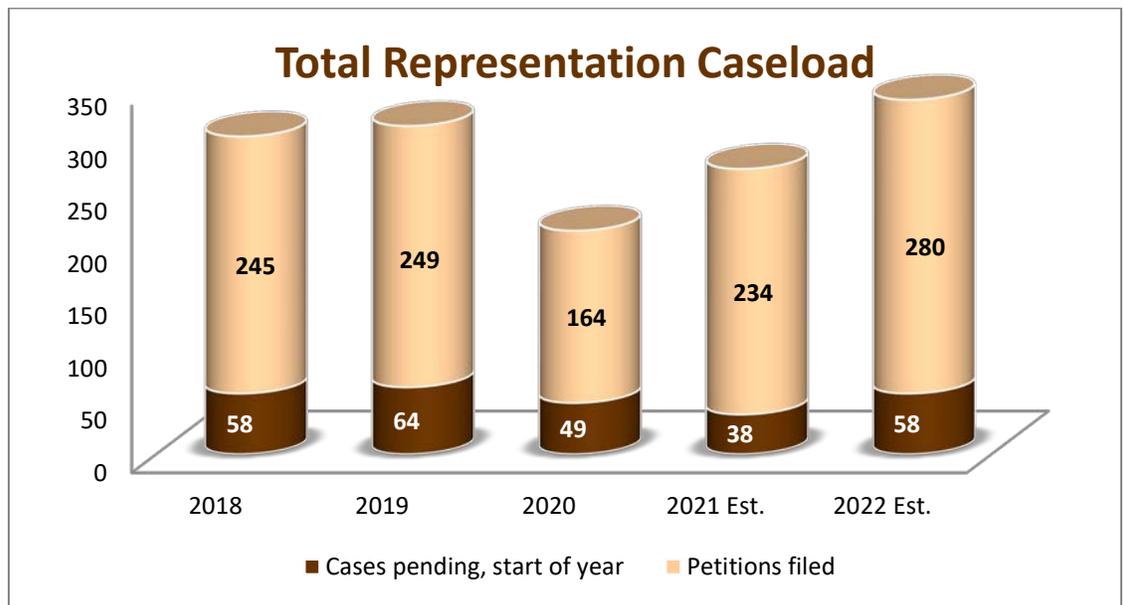


Measure 1a-20: The average age of ULP appeals decided by the General Counsel.			
Results		Targets	
2019 Goal: 45 days	N/A	2019	Reduce by 5%
2020 Goal: 45 days	N/A	2020	Reduce by 5%
		2021	Maintain
		2022	Maintain

Measure 1a-21: 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.			
Results		Targets	
FY 2018	100% (21/21 cases)	FY 2018	95%
FY 2019	NA	FY 2019	95%
FY 2020	100% (3/3 cases) <i>Met</i>	FY 2020	95%
		FY 2021	95%
		FY 2022	95%

Measure 1a-22: The percentage of decisions on an appeal of a Regional Director's dismissal of a ULP charge issued by the General Counsel within 120 days of the date filed.			
Results		Targets	
2018	100% (21/21 cases)	2018	100%
2019	NA	2019	100%
2020	100% (3/3 cases)	2020	100%
		2021	100%
		2022	100%

OGC Representation Cases	2018	2019	2020	2021 Est.	2022 Est.
Cases pending, start of year	58	64	49	38	58
Petitions filed (Intake)	<u>245</u>	<u>249</u>	<u>164</u>	<u>234</u>	<u>280</u>
Total caseload	303	313	213	272	338
Petitions withdrawn	110	126	81	97	116
Cases closed based on merits	<u>129</u>	<u>140</u>	<u>94</u>	<u>117</u>	<u>164</u>
Total cases closed (Output)	239	266	175	214	280
Cases pending, end of year	64	47	38	58	58



Measure 1a-23: The average age of representation cases resolved by the OGC through withdrawal, election, or issuance of a Decision and Order.

Results		Targets	
2019	92	2019	114
2020 Goal: 108 days	91 days <i>Met</i>	2020	Reduce by 5%
		2021	Maintain
		2022	Maintain

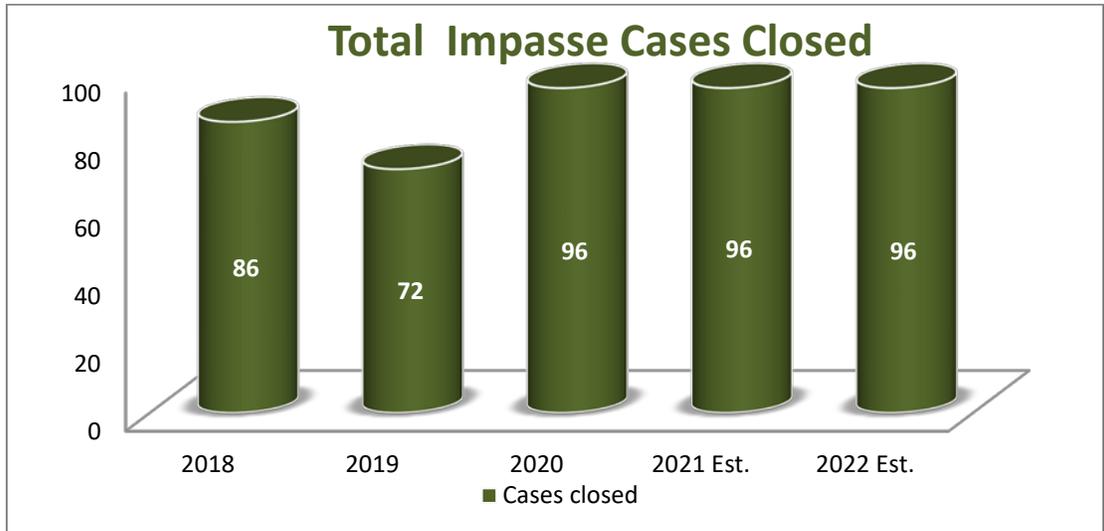
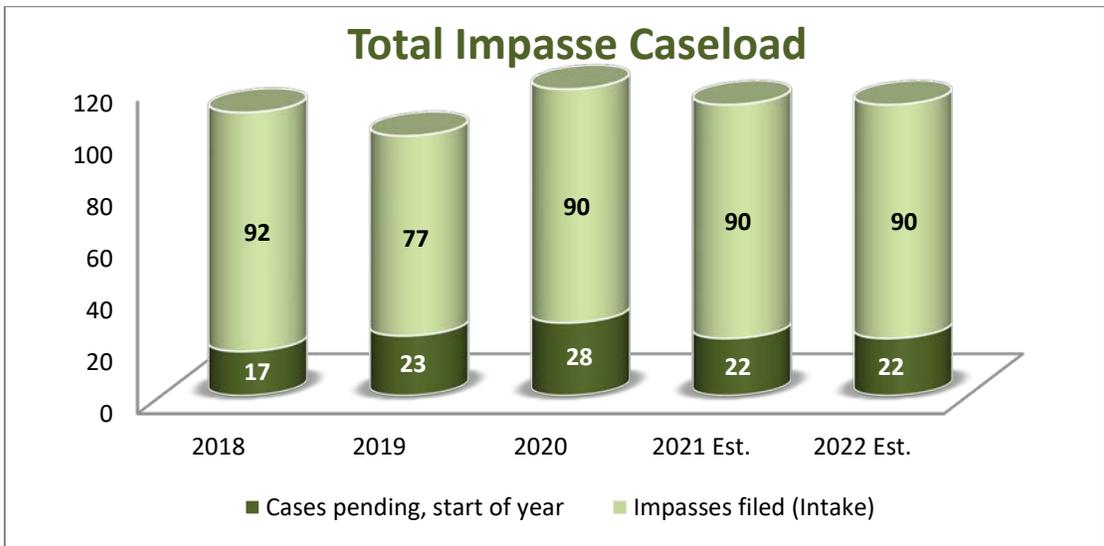
Measure 1a-24: The percentage of representation cases resolved by the OGC through withdrawal, election, or issuance of a Decision and Order within 120 days of the filing of a petition.

Results		Targets	
2018	82% – (195/239 cases)	2018	70%
2019	77% - (205/266 cases)	2019	70%
2020	80% (140/175 cases) <i>Met</i>	2020	70%
		2021	70%
		2022	70%

Measure 1a-25: The percentage of cases resolved by the OGC through withdrawal, election, or issuance of a Decision and Order within 365 days of the filing of a petition.

Results		Targets	
2018	100% (348/349 cases)	2018	95%
2019	97% (259/266 cases)	2019	95%
2020	100% (175/175 cases) <i>Met</i>	2020	95%
		2021	95%
		2022	95%

<i>FSIP</i> Impasses	2018	2019	2020	2021 Est.	2022 Est.
Cases pending, start of year	17	23	28	22	22
Impasses filed (Intake)	<u>92</u>	<u>77</u>	<u>90</u>	<u>90</u>	<u>90</u>
Total caseload	109	100	118	118	118
Panel Decision	21	24	40	--	--
Panel declined jurisdiction	11	11	23	--	--
Settled with Panel assistance	7	13	5	--	--
Voluntarily withdrawn	47	22	28	--	--
Cases closed total (Output)	<u>86</u>	<u>72</u>	<u>96</u>	<u>96</u>	<u>96</u>
Cases pending, end of year	23	28	22	22	22



Measure 1a-26: The average age of bargaining-impasse cases in which the FSIP declines jurisdiction.

Results		Targets	
2019	90	2019	95
2020 Goal: 89 days	70 days (23 cases) <i>Met</i>	2020	Maintain
		2021	Maintain
		2022	Maintain

Measure 1a-27: The percentage of bargaining-impasse cases in which the FSIP declines jurisdiction within 140 days of the date filed.

Results		Targets	
2018	100% – (11/11 cases)	2018	90%
2019	90% – (9/10 cases)	2019	90%
2020	100% - (23/23 cases) <i>Met</i>	2020	90%
		2021	90%
		2022	90%

Measure 1a-28: The percentage of bargaining-impasse cases that are voluntarily settled, after the FSIP asserts jurisdiction, within 160 days of the date filed.

Results		Targets	
2018	71% – (5/7 cases)	2018	80%
2019	100% – (15/15 cases)	2019	80%
2020	84% – (11/13 cases) <i>Met</i>	2020	80%
		2021	80%
		2022	80%

Measure 1a-29: The average age of bargaining-impasse cases that the FSIP resolves through final action.

Results		Targets	
2019	140	2019	146 days
2020 Goal: 154 days	162 days (40 cases) <i>Not met</i>	2020	Maintain
		2021	Maintain
		2022	Maintain

Measure 1a-30: The percentage of bargaining-impasse cases that the FSIP resolves through final action that are closed within 200 days of the date filed.

Results		Targets	
2018	100% – (21/21 cases)	2018	80%
2019	100% – (24/24 cases)	2019	80%
2020	87% – (35/40 cases) <i>Met</i>	2020	80%
		2021	80%
		2022	80%

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

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

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

Performance Goal 1b-1: Conduct high-quality investigations and produce high-quality written work products.	
Measure 1b-1: Establish and surpass case-processing quality goals.	
Results	
2019	<ul style="list-style-type: none"> ▪ Developed internal tools to establish agency case quality goals and identify areas where improvement is needed, to be used in conjunction with performance reviews.
2020	<ul style="list-style-type: none"> ▪ 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.
Targets	
2019	<ul style="list-style-type: none"> ▪ Complete development of Agency-wide quality assessment tools and finalize pilot implementation.
2020	<ul style="list-style-type: none"> ▪ 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.
2021	<ul style="list-style-type: none"> ▪ Written work products should reflect an increase in quality, as measured by the tools.
2022	<ul style="list-style-type: none"> ▪ Written work products should reflect an increase in quality, as measured by the tools.

Performance Goal 1b-2: Implement effective methods to maintain and improve the quality of FLRA investigations and written work products, including FLRA staff training and internal education resources.	
Measure 1b-2: Train FLRA staff and provide internal educational resources to improve the quality of investigations and written work products.	
Results	
2019	<ul style="list-style-type: none"> ▪ Developed and instituted Agency-wide informal training program using brown bag sessions. ▪ Developed and administered internal survey on training. ▪ Encouraged employees to increase awareness of Authority decisions by using electronic distribution tool for Agency-wide dissemination of decisions. ▪ Implemented Individual Development Plans for each staff member to identify training needs.

2020	<ul style="list-style-type: none"> ▪ Conducted in-house Casework Training in early March 2020. ▪ Conducted internal legal writing training for Authority attorneys and legal interns. ▪ Offered leadership training for new agency supervisors and managers. ▪ See also 2020 results in Measure 1b-1.
Targets	
2019	<ul style="list-style-type: none"> ▪ Develop internal training programs and other educational tools Agency-wide in order to improve the quality of investigations and written work products (e.g., component-specific mentoring programs, Agency-wide or component-specific brown bag sessions, Agency-wide dissemination of decisions and other relevant legal opinions). ▪ Develop and administer internal surveys or other measures to assess the effectiveness of pilot internal training programs and educational tools. ▪ Make necessary adjustments to make internal training programs more effective. ▪ Formally implement those internal training programs and educational tools that are deemed effective in order to improve the quality of investigations and written work products.
2020	<ul style="list-style-type: none"> ▪ 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.
2021	<ul style="list-style-type: none"> ▪ 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.
2022	<ul style="list-style-type: none"> ▪ 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.

Performance Goal 1b-3: Ensure external stakeholder confidence in the FLRA’s abilities.	
Measure 1b-3: Customer perceptions about the FLRA’s impartiality.	
Results	
2019	<ul style="list-style-type: none"> ▪ Developed a survey to assess parties’ perceptions of FLRA’s impartiality.
2020	<ul style="list-style-type: none"> ▪ COVID-19 delayed implementation of pilot survey – will carry over to 2021.
Targets	
2019	<ul style="list-style-type: none"> ▪ Develop and administer an external survey(s) to assess the parties’ perceptions of the FLRA’s impartiality.
2020	<ul style="list-style-type: none"> ▪ Maintain or improve overall perceptions about the FLRA’s impartiality year over year. ▪ Pilot external survey.
2021	<ul style="list-style-type: none"> ▪ Deliver external survey electronically with every final agency action and evaluate results.
2022	<ul style="list-style-type: none"> ▪ Deliver external survey electronically with every final agency action and evaluate results.

STRATEGIC GOAL 2: WE WILL DEVELOP AND PROVIDE TOOLS AND RESOURCES TO ENABLE THE PARTIES TO PREVENT OR MORE EFFECTIVELY AND EFFICIENTLY RESOLVE THEIR LABOR-RELATIONS DISPUTES AND IMPROVE THEIR LABOR-MANAGEMENT RELATIONSHIPS.

FLRA is specifically empowered and obligated to “provide leadership in establishing policies and guidance” related to matters arising under the Statute 5 U.S.C. § 7105(a)(1). Educating parties regarding statutory obligations promotes FLRA’s mission of protecting rights and facilitating stable labor-management relationships while advancing an effective and efficient Government. FLRA accomplishes this goal first through its written determinations. Additionally, FLRA Regulations permit parties to “ask the Authority for a general statement of policy or guidance.” Since 2019, the Authority has received an unprecedented fifteen policy statement requests. Although the Authority has denied these requests where, for example, the question presented could be more appropriately resolved in a case or controversy, the Authority has issued five policy statements in 2020. Where the Authority has found that resolution of the question presented would have general applicability under the Statute, the Authority has issued policy statements, which are intended to promote clarity in federal sector labor-management relations and are posted on www.flra.gov.

In addition to decisions and policy statements, FLRA accomplishes this strategic goal by providing parties with quality educational resources through FLRA’s website; by identifying, and offering targeted assistance to, parties with significant labor-management challenges; and by offering external training to Federal agencies and labor organizations regarding their rights and obligations under the Statute.

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

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

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

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

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

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

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

Results	
2019	<ul style="list-style-type: none"> ▪ Drafted digests and prepared for upcoming publication. ▪ Acquired animation software to begin developing short animated training videos. ▪ Piloted desktop video teleconferencing to expand capabilities for providing interactive external training online. ▪ Developed 5 pre-recorded training modules in preparation for posting. ▪ Updated OGC Unfair Labor Practice Case Law Outline and the OGC Representation Case Outline.
2020	<ul style="list-style-type: none"> ▪ FLRA issued two press releases announcing seven training sessions online Agency-wide. ▪ FLRA now offers a new animated video on FLRA YouTube channel and posted five pre-recorded training modules on www.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.
Targets	
2019	<ul style="list-style-type: none"> ▪ Update at least 3 guides or manuals Agency-wide. ▪ Establish a mechanism to live stream trainings online or offer pre-recorded trainings on the www.flra.gov website. ▪ Offer at least 5 training sessions online Agency-wide. ▪ Begin publishing case digest summaries for all Authority decisions. OGC and FSIP to evaluate doing the same for their decisions.
2020	<ul style="list-style-type: none"> ▪ 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.
2021	<ul style="list-style-type: none"> ▪ 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.

2022	<ul style="list-style-type: none"> ▪ Continue to expand online resources. ▪ Continue to provide case digest summaries for all Authority decisions. Provide OGC and FSIP case digests, if deemed appropriate.
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Strategic Objective 2b: Identify and offer targeted assistance to parties with significant labor-management challenges.

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

As part of the Agency’s strategic commitment to develop and provide tools and resources to enable the parties to prevent or more effectively and efficiently resolve their labor-relations disputes and improve their labor-management relationships, the Authority signed a memorandum of understanding (MOU) with the Federal Mediation and Conciliation Service (FMCS) creating a new pilot procedure for resolving negotiability appeals at no cost to the parties. The Authority trained a unique cadre of FMCS mediators so that they may assist the parties in the resolution of negotiability appeals through mediation. The training program was exceptionally well received by the mediators, who submitted comments that the trainers were “excellent” and “knowledgeable,” and that the course provided “great coverage of complex information.” Under the pilot program, before a negotiability appeal is considered by the Authority’s Members for a decision, the Authority may refer such appeals to FMCS, either on the Authority’s own initiative or based upon a request from the parties. The Authority anticipates that this will reduce case-processing time in negotiability appeals as well as provide opportunities for parties to expeditiously resolve appropriate negotiability disputes without the need for a formal Authority decision. After working with FMCS to develop a shared case-management system for tracking referrals, the Authority began referring negotiability appeals to FMCS mediators in December, 2019. The preliminary results have showed promise. FMCS mediators have either narrowed, or completely resolved, the parties’ negotiability dispute in 50 percent (5/10) of referred cases. More importantly, with the help of the FMCS mediators, the parties have resolved 71 percent (82/117) of the proposals or provisions referred to mediation. Consistent with the MOU, the Authority and FMCS regularly confer to discuss any necessary adjustments to the pilot program. Additionally, leadership of the Authority, FSIP, and FMCS made a joint panel presentation at the FMCS National Labor-Management Conference in August with approximately 500 participants.

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

For example, OGC conducted 10 training sessions to Federal agencies and labor organizations in 2020. These sessions were requested by the organizations based on their perceived needs in the Federal labor-management relations area. FLRA staff tailored each session to meet the individualized needs of the particular group and received consistent

positive feedback from the participants. The targeted training sessions focused on a range of issues, including unfair labor practices and representation matters.

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

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

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

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

Results	
2019	<ul style="list-style-type: none"> ▪ Collaborated with FMCS on a pilot program for mediation of appropriate negotiability disputes. ▪ Addressed specific requests of parties for targeted training.
2020	<ul style="list-style-type: none"> ▪ FLRA conducted 16 customer trainings. ▪ Authority and FSIP attorneys conducted successful training of FMCS mediators. ▪ Authority and FMCS developed a shared electronic case-management system in order to track the status of referred negotiability cases. ▪ Pursuant to FMCS pilot program, began referring negotiability cases to FMCS mediators in December 2019. ▪ To date, FMCS has narrowed – or entirely resolved – the negotiability dispute in 50 percent (5/10) of referred cases. ▪ To date, FMCS mediators have assisted the parties in resolving 71 percent (82/117) of the proposals/provisions referred to mediation. ▪ Authority and FMCS project leaders confer regularly to refine and apply metrics for measuring success. ▪ FLRA implemented a PDF questionnaire for customers to be used in representation cases (implemented during COVID-19). ▪ Virtual REP hearings procedures were put into place. ▪ Addressed specific requests of parties for targeted training.
Targets	
2019	<ul style="list-style-type: none"> ▪ Develop the criteria for identifying parties with significant labor-management challenges. ▪ Develop procedures for offering targeted assistance to identified parties or referring such parties to appropriate resources. ▪ Pilot a targeted-assistance program. ▪ Identify metrics for evaluating the program’s success. ▪ Formally implement a targeted-assistance program with appropriately ambitious measures to assess its effectiveness.
2020	<ul style="list-style-type: none"> ▪ Train FMCS mediators and support the pilot mediation program. ▪ Establish metrics for evaluating the effectiveness of the mediation program. ▪ Evaluate the effectiveness of the targeted-assistance program using the metrics established in 2019. ▪ Make necessary refinements and improvements based on customer feedback. ▪ Increase the program’s overall success as measured by the metrics established in 2019.
2021	<ul style="list-style-type: none"> ▪ Evaluate the effectiveness of the FMCS mediation pilot program using metrics established in 2020. ▪ Continue to evaluate the effectiveness of the targeted-assistance program.

2022	<ul style="list-style-type: none"> ▪ Evaluate the effectiveness of the FMCS mediation pilot program using metrics established in 2020. ▪ Continue to evaluate the effectiveness of targeted-assistance program.
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Strategic Objective 2c: *Maintain and expand our external training programs to enable the parties to better understand their rights and obligations under the Statute.*

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

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

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

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

Measure 2c-1: The number of <i>training, outreach, and facilitation activities</i> delivered.			
Results			
2018	100		
2019	95		
Measure 2c-1: The number of <i>in-person statutory training</i> programs delivered.			
Results		Targets	
2020	29* <i>Not Met</i>	2020	50
2021		2021	50
*Training limited due to COVID-19 Pandemic Training via videoconference included			
Measure 2c-1: The number of <i>training programs delivered (in-person or virtual)</i>.			
Results (New measure)		Targets	
2022		2022	50

Measure 2c-2: The number of participants involved in *training, outreach, and facilitation* activities.

Results	
2017	8,122
2018	2574
2019	4807

Measure 2c-2: The number of participants who receive *in-person statutory training*.

Results		Targets	
2020	2780* <i>Met</i>	2020	2,500
2021		2021	2,500

*In-person training limited due to COVID-19 Pandemic; Training via videoconference included

Measure 2c-2: The number of participants who received training (in-person or virtual).

Results (New measure)		Targets	
2022		2022	2,500

Measure 2c-3: The percentage of participants who highly rate the statutory training that they received.

Results		Targets	
2020	<i>Met (Since the OGC has been using its form, 96% of the evaluations received rate the OGC training as highly effective or effective.)</i>	2020	Develop evaluations. 80% of participants rate the training as effective or highly effective.

Measure 2c-3: The percentage of responders who rated training highly effective.

Targets	
2021	80% of participants rate the training as effective or highly effective.
2022	80% of participants rate the training as effective or highly effective.

Measure 2c-4: The number of training programs delivered regarding procedures for filing and processing FLRA cases.

Results		Targets	
2020	Over 200 views of new (released 8-19-2020) eFiling video on FLRA YouTube channel. <i>Met</i>	2020	40 FLRA will discontinue this measure in 2021; covered by 2c-1.

Measure 2c-5: The number of participants who receive training regarding procedures for filing and processing FLRA cases.

Results		Targets	
2020	Over 200 views of the new (released 8-19-2020) eFiling video on FLRA YouTube channel. <i>Met</i>	2020	FLRA will discontinue this measure in 2021; covered by 2c-2.

Measure 2c-6: The percentage of participants who highly rate the training that they received regarding procedures for filing and processing FLRA cases.

Results		Targets	
2019	<i>Evaluations being re-tooled for an online-training-video environment.</i>	2020	Develop evaluations. Discontinued this measure; covered by 2c-3.

Measure 2c-7: The number of real-time and pre-recorded online training programs developed and implemented.

Results		Targets	
2020	7 <i>Met</i>	2020	7
		2021	FLRA will discontinue this measure and combine it with 2c-1.

Measure 2c-8: The percentage of participants who highly rate the real-time and pre-recorded online training that they received.

Results		Targets	
2020	<i>Met (96% of OGC evaluations rated highly effective or effective.)</i>	2020	Develop evaluations.
		2021	FLRA will discontinue this measure and combine it with 2c-3.

STRATEGIC GOAL 3: WE WILL MANAGE OUR RESOURCES EFFECTIVELY AND EFFICIENTLY, AND RECOGNIZE THAT OUR DEDICATED WORKFORCE IS CRITICAL TO THE RESOLUTION OF LABOR-RELATIONS DISPUTES.

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

The core of FLRA's mission is to protect rights and facilitate stable labor-management relationships. FLRA will continue to achieve that goal by employing committed, experienced professionals.

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

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

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

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

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

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

Measure 3a-1: Align performance-management systems and individual performance plans with current Strategic Plan.	
Results	
2019	<ul style="list-style-type: none"> ▪ Evaluated Agency performance-management systems and individual employee performance plans for alignment with the Strategic Plan. ▪ Formed Strategic Implementation Teams for the three types of positions (1) OGC Attorneys, (2) Non-OGC attorneys, (3) Non--Attorneys and tasked those teams with offering recommended revisions to employees' standards and elements. ▪ Strategic Implementation Teams have provided Agency leadership with recommended revisions of performance plans to pilot in 2020.
2020	<ul style="list-style-type: none"> ▪ Completed the development of revised performance plans for all attorney positions and rolled them out for 2020 performance year. ▪ Assessing employees' perceptions that performance management systems align with the Strategic Plan via FEVS. In FEVS 2019 results, 79.2% of employees "Know how my work relates to the agency's goals. (#12)" ▪ Completed the development of revised performance plans for all non-attorney and manager positions. ▪ 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. ▪ Created the new SL performance plans.
Targets	
2019	<ul style="list-style-type: none"> ▪ Develop communications strategies, educational tools, and other materials to successfully implement the new systems. ▪ Develop and administer an internal survey(s) to assess whether employees perceive that performance management systems (GS and SL/SES) and individual employee performance plans align with the Strategic Plan.
2020	<ul style="list-style-type: none"> ▪ Develop revised performance plans for remaining positions. ▪ Pilot all revised performance plans. ▪ Implement appropriate communications strategies and educational tools to successfully achieve the transition.
2021	<ul style="list-style-type: none"> ▪ 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.
2022	<ul style="list-style-type: none"> ▪ FLRA will discontinue this measure; all performance plans and systems are aligned with the Strategic Plan.

Measure 3a-2: Employees understand how their individual performance contributes to overall Agency strategic goals.	
Results	
2019	FLRA did not administer a separate survey, but relied on data provided through FEVS.
2020	<ul style="list-style-type: none"> ▪ Maintained or improved positive responses to relevant FEVS questions. In FEVS 2019 results, 79.2% of employees “Know how my work relates to the agency’s goals. (#12)” ▪ Presented Strategic Plan Implementation Teams with personal acknowledgements for their contributions - over 50 percent of FLRA employees serve on one or more teams directly supporting the Strategic Plan goals and objectives.
Targets	
2019	Develop and administer an internal survey(s), or use existing survey instruments (e.g., FEVS), to assess whether FLRA employees understand how their individual achievements contribute to Agency priorities and successful implementation of FLRA strategic goals. (E.g., FEVS Question #12, “I know how my work relates to the agency’s goals and priorities”; FEVS Question #16, “I am held responsible for achieving results.”)
2020	Maintain or improve positive responses to relevant question(s) in existing survey instruments or internal survey(s) year over year.
2021	FLRA will rely on FEVS and discontinue this measure.

Measure 3a-3: Employees believe that there is alignment between the recognition and rewards that they receive and their individual contributions towards achieving the FLRA’s strategic goals.	
Results	
2019	FLRA did not administer a separate survey, but relied on data provided through FEVS.
2020	<ul style="list-style-type: none"> ▪ Roll-out of the updated Attorney Performance Plans aligned the performance standards with the strategic plan ▪ Approximately 1/2 of FLRA employees received a recognition award in May 2020 for participation as a leader or member on one or more of the Strategic Plan Implementation Teams. ▪ Creation of new awards committee development team.
Targets	
2019	Develop and administer an internal survey(s), or use existing survey instruments (e.g., FEVS), to assess whether employees believe that recognition and rewards relate to their contribution toward achievement of FLRA strategic goals. (e.g., FEVS Question #24, “In my work unit, differences in performance are recognized in a meaningful way”; FEVS Question #25, “Awards in my work unit depend on how well employees perform their jobs”; FEVS Question #32, “Creativity and innovation are rewarded.”)
2020	Maintain or improve positive responses to relevant question(s) in existing survey instruments the internal survey(s) year over year.
2021	FLRA will rely on FEVS and discontinue this measure.

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

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

The Agency began implementing a new and improved version of its eFiling system in 2018 and streamlined it in 2019 to provide a more intuitive, user friendly customer experience. This improved eFiling experience allows the parties to submit ULP, representation, arbitration, and negotiability filings in an electronic format. The Agency is currently using the same agile methodology to develop a more user-friendly electronic CMS. FLRA seeks to integrate these three systems — document management, eFiling, and case management — to fully implement electronic case file capability throughout the Agency by the end of CY 2022.

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

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

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

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

Measure 3b-1: Expand the use of eFiling.	
Results	
2016	<ul style="list-style-type: none"> • 22 percent of cases eFiled Agency-wide.
2017	<ul style="list-style-type: none"> • 35 percent of cases eFiled Agency-wide.
2018	<ul style="list-style-type: none"> • 35 percent of cases eFiled Agency-wide.
2019	<ul style="list-style-type: none"> • 46 percent of cases eFiled Agency-wide. • Authority and FSIP exceeded target of 10 percent increase.
2020	<ul style="list-style-type: none"> • 56 percent of cases eFiled Agency-wide. • 89 percent of Authority cases eFiled. • OGC eFiling has increased by 9.3% • Streamlined eFiling software & created eFiling training module.
Targets	
2019	<ul style="list-style-type: none"> • 50 percent of cases eFiled Agency-wide. • 10 percent increase in eFiling in each component – the OGC, the Authority, and the FSIP. •
2020	<ul style="list-style-type: none"> • 75 percent of cases eFiled Agency-wide. • Critically review and revise FLRA regulations to modernize filing requirements. •
2021	<ul style="list-style-type: none"> • Pilot mandatory eFiling in at least one Regional Office. • Amend FLRA’s regulations to eliminate the use of facsimile service for case filings throughout the Agency.
2022	<ul style="list-style-type: none"> • Expand mandatory eFiling to all components. • Continue regulatory revisions to mandate eFiling in all components. • Adopt suggested enhancements to the eFiling System, as appropriate.

Measure 3b-2: Implement end-to-end electronic case files.	
Results	
2018	<ul style="list-style-type: none"> • Developed and launched eFiling 3.0, which both internal and external users report is significantly more user-friendly and intuitive. • Began development of a new and improved CMS that, over time, will provide significant (\$100,000 annually) cost savings and allow for more efficient integration of the CMS and eFiling systems with the DMS, enabling end-to-end electronic case processing throughout the Agency. • Identified the basic structure of electronic case files for each component/office in the DMS. • Completed transition of all major IT functions – CMS, DMS, email – to the cloud, which improves both IT security, consistent with the PMA, and Agency continuity of operations plans.-
2019	<ul style="list-style-type: none"> • Developed CMS for the Authority. Developed electronic case file structure in the DMS and initial planning to automate creating the electronic folders from the CMS.
2020	<ul style="list-style-type: none"> • 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.

Targets	
2019	<ul style="list-style-type: none"> Develop and fully implement the new and improved CMS in at least one FLRA component (Phase 2).
2020	<ul style="list-style-type: none"> Develop and implement the new and improved CMS for the Authority component, to include end-to-end electronic casefile.
2021	<ul style="list-style-type: none"> Develop and implement end-to-end electronic case files for the OGC component, and begin development of the CMS for the remaining components.
2022	<ul style="list-style-type: none"> Complete implementation of end-to-end electronic casefile system for all FLRA components. Align Agency policies and procedures for full acceptance of fully Electronic Casefile.

Measure 3b-3: Internal and external customer perceptions of the eFiling System.	
Results	
2019	<ul style="list-style-type: none"> Received feedback from external users via the provided engagement email address. Implemented suggestions and replied to customer feedback. Developed and distributed notices to customers promoting the use of eFiling.
2020	<ul style="list-style-type: none"> 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.
Targets	
2019	<ul style="list-style-type: none"> Develop a communications strategy for sharing with internal and external customers the benefits and advantages of eFiling (e.g., notice to go out with all Authority decisions). Develop and administer internal and external survey tools to assess customer perceptions of the eFiling System. Develop online, pop-up eFiling surveys that appear while users are logged into the eFiling System.
2020	<ul style="list-style-type: none"> Maintain or improve positive responses to internal and external survey instruments. Adopt suggested enhancements to the eFiling System, as appropriate.
2021	<ul style="list-style-type: none"> Maintain or improve positive responses to internal and external survey instruments. Adopt suggested enhancements to the eFiling System, as appropriate.
2022	<ul style="list-style-type: none"> FLRA will discontinue this measure; will measure through the engagement email address.

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

Results	
2019	<ul style="list-style-type: none"> ▪ Developed and administered internal surveys to assess how FLRA employees perceive the effectiveness of the Agency’s IT modernization efforts.
2020	<ul style="list-style-type: none"> ▪ Produced and administered a survey to assess employees’ response to the new WebEx system rolled out during pandemic in 2020. ▪ Employee Engagement Team & 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). ▪ Received a well-above-positive response to managers’ survey questions on how IT is functioning during maximum telework mode. ▪ Reinstated the Technology Council in order to directly gather feedback and actionable input regarding IT modernization efforts. ▪ Administered internal survey to assess how FLRA employees perceive the effectiveness of the Agency’s IT modernization efforts.
Targets	
2019	<ul style="list-style-type: none"> ▪ Develop and administer internal and external survey(s) to assess: (1) whether FLRA employees and customers know how to maximize available technology; and (2) how FLRA employees and customers perceive the effectiveness of the Agency’s IT modernization efforts. ▪ Develop and implement appropriate communications to promote and enhance these efforts.
2020	<ul style="list-style-type: none"> ▪ Craft an effective, targeted communications strategy based on the results of the customer-satisfaction surveys. ▪ Develop and provide any necessary internal or external training programs so that employees and customers have the tools to maximize technological improvements. ▪ Achieve improved survey results year over year.
2021	<ul style="list-style-type: none"> ▪ Annually distribute internal customer satisfaction survey and continue to receive point of service surveys. ▪ Maintain improved survey results.
2022	<ul style="list-style-type: none"> ▪ Develop and Administer targeted surveys to assess usability of enhancements and changes to the eFiling system, made in conjunction with CMS development activities. ▪ Annually distribute internal customer satisfaction survey and continue to receive point of service surveys. ▪ Maintain improved survey results.

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

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

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

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

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

Measure 3c-1: Recruit, retain, and develop a diverse, respected workforce.	
Results	
2019	<ul style="list-style-type: none"> ▪ Reviewed a portion of Agency performance-management systems and individual performance plans to ensure that they align directly with the 2018-2022 Strategic Plan. ▪ Completed review of all position descriptions Agency-wide, to ensure that all Agency positions reflect the actual duties of the position. ▪ Issued a revised Reasonable Accommodation Policy – including Personal Assistive Device policy – that is fully compliant with recent EEOC regulatory amendments and guidance. ▪ Ensured compliance with Government-wide goals for Schedule A hiring. ▪ Expanded recruitment efforts to target persons with disabilities. ▪ Formed Diversity and Inclusion Team to develop programs to highlight and celebrate the diversity of Agency employees.
2020	<ul style="list-style-type: none"> ▪ 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

	<p>subject matter regarding diversity through weekly emails, published monthly newsletter and all employee intra-agency communications.</p> <ul style="list-style-type: none"> ▪ 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. ▪ Continued to support the Agency Diversity and Inclusion Team in their collective efforts to provide information to all FLRA employees. ▪ 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.
Targets	
2019	<ul style="list-style-type: none"> ▪ Review Agency performance-management systems and individual performance plans to ensure that they align directly with the 2018-2022 Strategic Plan. ▪ Conduct a comprehensive, Agency-wide position classification review to confirm that all Agency positions reflect the actual duties of the position. ▪ Assess time-to-hire results for Agency positions by reviewing recruitment and staffing processes and procedures. ▪ Issue a revised Reasonable Accommodation Policy – including Personal Assistive Device policy – that is fully compliant with recent EEOC regulatory amendments and guidance. ▪ Ensure compliance with Government-wide goals for Schedule A hiring.
2020	<ul style="list-style-type: none"> ▪ Continue the review of the Agency's non-attorney individual performance plans to ensure that they align directly with the 2018-2022 Strategic Plan. ▪ Review and assess time-to-hire metrics based on recruitment data received in 2019 and 2020. ▪ Continue to meet or exceed Government-wide standards for diversity and Schedule A hiring.
2021	<ul style="list-style-type: none"> ▪ Complete the review of all Agency position's individual performance plans to ensure that they align directly with the 2018–2022 Strategic Plan. ▪ Maintain a diverse and respected workforce through targeted recruitment. ▪ Improve time-to-hire metrics based on assessment of 2019 and 2020 data.
2022	<ul style="list-style-type: none"> ▪ Continue to reinforce recruitment and retention of a diverse and inclusionary workforce. ▪ Develop new and improved recruitment strategies based on overall time to hire assessment.

Measure 3c-2: Maintain and grow Agency expertise through employee development.	
Results	
2018	<ul style="list-style-type: none"> ▪ Offered cross-component details to provide employees with training and developmental experiences that will enhance their skills and increase their understanding of the Agency’s mission and operations. ▪ Managers assessed annually employees on their developmental needs and provided appropriate training and developmental opportunities. ▪ Maintained sustained growth of positive responses to the OPM FEVS question “supervisors in my work unit support employee development” (Q. 47).
2019	<ul style="list-style-type: none"> ▪ Held 3 component specific brown bag sessions (Authority, FSIP, OALJ). ▪ Developed and administered surveys to solicit feedback on employee education and development. ▪ Provided promotional opportunities for internal agency staff prior to advertising key leadership positions externally.
2020	<ul style="list-style-type: none"> ▪ Provided access to “WestLegal Ed” training opportunities - ideal remote training opportunity during maximum telework/social distancing. ▪ Provided Brown Bag Lunch training programs, and online development opportunities for all staff. ▪ Due to an unexpected hiring lag in 2020, the Agency reallocated money to increase individual staff training budgets, and also offered comprehensive OPM leadership training opportunities to new and seasoned managers and supervisors. These learning and development opportunities were communicated and promoted by Agency leadership to all staff via email and all employee meetings and discussions. ▪ Led by the Agency’s Professional Development Team, promoted the implementation and use of Individual Development Plans (IDP’s) by staff and managers to ensure employees were receiving the requisite training opportunities to advance in their careers. ▪ Conducted internal writing training for Authority attorneys and legal interns. ▪ Completed the virtual Administrative Professionals’ Conference to provide information to the Agency’s administrative and operational staff on Agency programs, policies and procedures and also to gain insight from that workforce population. ▪ Per 2019 FEVS results the Agency’s score in response to item #47 - “Supervisors in my work unit support employee development” trended upwards from 71.5 percent in 2018 to 87 percent positive.
Targets	

<p style="text-align: center;">2019</p>	<ul style="list-style-type: none"> ▪ Develop and implement use of nontraditional resources for employee education and development (e.g., component-specific mentoring programs, Agency-wide or component-specific brown bag sessions, Agency-wide dissemination of decisions and other relevant legal opinions). ▪ Develop and administer survey(s) to solicit feedback on and assess the effectiveness of nontraditional resources for employee education and development. ▪ Maintain sustained growth of positive responses to FEVS Question #47 – “Supervisors in my work unit support employee development.”
<p style="text-align: center;">2020</p>	<ul style="list-style-type: none"> ▪ Provide and promote “Westlaw Legal Ed” training opportunities – diverse options available throughout the year (and during maximum telework / social distancing and a welcome option/time to take advantage of courses available remotely). ▪ Provide Brown Bag Lunch training programs, and online development opportunities for all staff. opportunities.; ▪ Increase individual staff training budgets, and also offered comprehensive OPM leadership training opportunity to new and seasoned managers and supervisors. These learning and development opportunities were communicated and promoted by Agency leadership to all staff via email and all employee meetings and discussions. ▪ Promote the implementation and use of Individual Development Plans (IDP’s) by staff and managers to ensure employees were receiving the requisite training opportunities to advance in their careers. ▪ Conduct internal writing training for Authority attorneys and legal interns. ▪ Complete the virtual Administrative Professionals’ Conference to provide information to the Agency’s administrative and operational staff on Agency programs, policies and procedures and also to gain insight from that workforce population. ▪ Maintain sustained growth of positive responses to FEVS Question 47 – “Supervisors in my work unit support employee development.”
<p style="text-align: center;">2021</p>	<ul style="list-style-type: none"> ▪ FLRA will discontinue this measure because it is incorporated in Measure 1b-2.

Measure 3c-3: Internal and external perceptions about the workforce.	
New measure 2019.	
Results	
2019	<ul style="list-style-type: none"> FLRA did not administer a separate survey, but relied on data provided through FEVS.
2020	<ul style="list-style-type: none"> While FLRA did not administer a separate survey, there were marked <i>increases</i> in job satisfaction and overall well-being reported in the 2019 FEVS as compared to 2018. See specifics below: <ul style="list-style-type: none"> <i>14 percent Increase</i> - How satisfied are you with your opportunity to get a better job in your organization? <i>14 percent Increase</i> - Physical conditions allow employees to perform their jobs well? <i>14 percent Increase</i> - Considering everything, how satisfied are you with your pay? <i>13 percent Increase</i> - Employees are protected from health and safety hazards on the job? <i>13 percent Increase</i> - Supervisors work well with employees of different backgrounds?
Targets	
2019	<ul style="list-style-type: none"> Develop and administer an <i>internal</i> survey(s), or use existing survey instruments (e.g., FEVS), to assess whether employees believe that FLRA employees: are diverse, are respected, and demonstrate expertise in Federal sector labor-management relations (e.g., FEVS FEVS Question #29 – “The workforce has the job-relevant knowledge and skills necessary to accomplish organizational goals.”) Develop and administer an <i>external</i> survey(s) to assess whether external respondents perceive that FLRA employees: are diverse, are respected, and demonstrate expertise in Federal sector labor-management relations.
2020	<ul style="list-style-type: none"> Maintain or improve positive responses to relevant question(s) in existing survey instruments or internal survey(s) year over year.
2021	<ul style="list-style-type: none"> FLRA will discontinue this measure regarding internal surveys because it will be measured through FEVS.

Measure 3c-4: Internal perceptions about succession plans.	
New measure 2019.	
Results	
2019	<ul style="list-style-type: none"> ▪ FLRA did not administer a separate survey, but relied on data provided through FEVS.
2020	<ul style="list-style-type: none"> ▪ Ensured FLRA job opportunity announcements were distributed by email to all employees. Engaged in significant internal recruitment efforts, particularly for management positions.
Targets	
2019	<ul style="list-style-type: none"> ▪ Develop and administer an internal survey(s), or use existing survey instruments (e.g., FEVS), to assess whether employees believe that minimal gaps exist in succession planning (e.g., FEVS Question #68 – “How satisfied are you with your opportunity to get a better job in your organization?”)
2020	<ul style="list-style-type: none"> ▪ Maintain or improve positive responses to relevant question(s) in existing survey instruments or internal survey(s) year over year.
2021	<ul style="list-style-type: none"> ▪ FLRA will discontinue this measure. This will be measured through FEVS.

Measure 3c-5: Overall employee job satisfaction.	
New measure 2019.	
Results	
2019	<ul style="list-style-type: none"> ▪ FLRA formed an employee engagement Team and began conducting focus groups with all employees to better understand all aspects of job satisfaction.
2020	<ul style="list-style-type: none"> ▪ Reinstated reimbursement for bar dues up to \$1000 for 2020. ▪ Employee Engagement Team continues to discuss, review and develop recommendations on a variety of issues, including those identified in the Focus Group Report which include: technological challenges and ways to assure employees have a method of raising issues/concerns with leadership. ▪ Employee Engagement Team encourages its members and all employees to convey to the Team matters to include on the Team agenda. ▪ Health & Wellness Team provides a spectrum of opportunity to all employees to focus on their personal mental health, physical health, and work/life balance. ▪ Expanded work hours and eliminated core hours to provide maximum flexibility to allow for employees to manage additional family responsibilities during the pandemic. ▪ Created a one-stop shop for all COVID-19 information on the Agency's intranet.
Targets	
2019	<ul style="list-style-type: none"> ▪ Develop and administer an internal survey(s), or use existing survey instruments (e.g., FEVS), to assess whether employees believe that FLRA employees: are diverse, are respected, and demonstrate expertise in Federal sector labor-management relations (e.g., FEVS Global Satisfaction Index; FEVS Question #69 – “Considering everything, how satisfied are you with your job?”)
2020	<ul style="list-style-type: none"> ▪ Maintain or improve positive responses to relevant question(s) in existing survey instruments or internal survey(s) year over year.
2021	<ul style="list-style-type: none"> ▪ FLRA will discontinue this measure. This will be measured through FEVS.

Measure 3c-6: Internal satisfaction with the manner in which internal problem-solving occurs.	
New measure 2019.	
Results	
2019	<ul style="list-style-type: none"> ▪ FLRA did not administer a separate survey, but relied on data provided through FEVS.
2020	<ul style="list-style-type: none"> ▪ Employee Engagement Team & FLRA Pandemic Task Force produced 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. ▪ Chairman set up consistent weekly, monthly, quarterly management & leadership meetings, including monthly meetings with Regional Office Directors. ▪ Chairman conducted all-employee meetings to ensure open and transparent communications to staff, especially due to COVID-19, and plans to continue with this method of communication on a recurring basis.
Targets	
2019	<ul style="list-style-type: none"> ▪ Develop and administer an internal survey(s), or use existing survey instruments (e.g., FEVS), to assess employee satisfaction with internal problem-solving practices.
2020	<ul style="list-style-type: none"> ▪ Maintain or improve positive responses to relevant question(s) in existing survey instruments or internal survey(s) year over year.
2021	<ul style="list-style-type: none"> ▪ FLRA will discontinue this measure. This will be measured through FEVS.

Measure 3c-7: Internal perceptions about use of technology to promote employee efficiency and work-life balance.	
New measure 2019.	
Results	
2019	FLRA did not administer a separate survey, but relied on data provided through FEVS.
2020	<ul style="list-style-type: none"> ▪ Rolled out the new WebEx system during time of maximum telework with an overall positive response – capable of accommodating large groups (e.g. first WebEx all-employee meeting May 7 had 106 employee participants; subsequent meetings throughout the year easily accommodated 90-109 participants -- and streamlining remote communication between staff and with consumers. ▪ Produced Avatar “shorts” created to encourage best practices during maximum telework including health & wellness focus. ▪ Developed and administered Employee Engagement Team (EET) and Pandemic Task Force surveys to gauge employee perception and evaluated results to meet employees’ needs or concerns where possible.
Targets	
2019	Develop and administer an internal survey(s), or use existing survey instruments (e.g., FEVS), to assess internal perceptions about the use of technology to promote efficiency and work-life balance (e.g., FEVS Question #42 – “My supervisor supports my need to balance work and other life issues.”)
2020	Maintain or improve positive responses to relevant question(s) in existing survey instruments or internal survey(s) year over year.
2021	FLRA will discontinue this measure. This will be measured through FEVS.



INSPECTOR GENERAL

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

MEMORANDUM

DATE: September 24, 2020

TO: Colleen Duffy Kiko
Chairman

Ernest DuBester
Member

James Abbott
Member

FROM: Dana Rooney
Inspector General

SUBJECT: Top Management and Performance Challenges Facing the Federal Labor Relations Authority (MC-21-01)

In accordance with the *Reports Consolidation Act of 2000*, we are providing you with our perspective on the most serious management and performance challenges facing the Federal Labor Relations Authority (FLRA). The law states that the “agency head may comment on the Inspector General’s statement, but may not modify the statement.” By statute this statement should be included in the FLRA’s “Performance and Accountability Report” (PAR).

We identified these challenges based on the Office of Inspector General’s (OIG) experience and observations from our oversight work, as well as our general knowledge of the FLRA programs and operations. Our analysis considers the accomplishments the FLRA reported as of August 24, 2019.

In this year’s memorandum, we retained only one of the two management challenges that we identified in Fiscal Year (FY) 2019. My office is reporting the records management challenge. FLRA has taken sufficient action to effectively mitigate the information technology security challenge that was reported in the FY 2019 PAR. We appreciate management’s strong commitment in addressing these challenges and welcome comments to our assessment.

Attachment



Office of Inspector General Federal Labor Relations Authority

Comply with Records Management

Federal agencies are required by law (the Federal Records Act of 1950, as amended and codified in Title 44 of the United States Code) to adequately document their missions, functions, policies, procedures, decisions, and transactions. They are required to preserve historically valuable records, and it is a crime to destroy records without approval from the National Archives.

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

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

OMB is directing agencies, to “ensure that all Federal records are created, retained, and managed in electronic formats, with appropriate metadata,” and develop plans to close agency-operated storage facilities for paper and other, analog records, and transfer those records to Federal Records Centers operated by NARA or commercial storage facilities.”

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

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

FLRA has made great strides in to comply with the records management directive by continuing to develop the electronic case-management system (CMS) to properly handle agency case files and records. The FLRA is slated to complete testing of the CMS by end of the FY. NARA has approved the agencies proposed Capstone program for its retention schedule for the management of electronic mail messages. FLRA has also developed a Mandatory Agency Records and Information Management Training course. This is an excellent step forward to comply with records management standards. However, it is imperative that a complete oversight or governance process be established to include documenting agency policies, procedures and processes that address all hard copy and electronic records proper handling. Although new automated systems offer increased capabilities, they also present new internal (management) control challenges. The FLRA needs to ensure various roles (e.g., system administrator); related authorities and capabilities are properly assigned, documented, managed and monitored. Such written documentation should be maintained as this need becomes increasingly critical as additional functionality and enhancements are added to the system. Further, although, certain types of records do not have legal retention requirements; the policies, processes and procedures should, clearly and specifically, instruct staff on the proper handling. Further, management should periodically



Office of Inspector General Federal Labor Relations Authority

verify that such policies are being followed.

Progress in Addressing the Challenge

FLRA provided the following management challenge update:

“FLRA continues to bring its Records Management Program into compliance. During FY 2020 the Agency has taken active steps to comply with Presidential Memoranda: M-12-18 and M-19-21. Some of the progress achieved in FY 2020 includes the continued efforts to use technology to fully automate our current paper-based, manually intensive processes. This included the continued development of the electronic case-management system (CMS), which includes an electronic case file. This is a major accomplishment and is critical to support the Agency’s efforts to transition to paperless case files and records. The Agency has made significant strides in this area. The Authority CMS is in final development and testing, and is slated to be completed by the end of the fiscal year. Also, the Agency has requested the necessary funding in FY 2021 to address the remaining offices with their development and transition to the new CMS and fully electronic case files. This is in support of the Agency completing its transition to fully electronic files by December 2022, per M-19-21.

The Agency has adopted the Capstone approach for its retention schedule for the management of electronic mail messages. NARA has officially approved the Agency’s proposed Capstone program. Also, during FY 2020, in accordance with NARA Bulletin, UNITED STATES OF AMERICA FEDERAL LABOR RELATIONS AUTHORITY WASHINGTON, D.C. 20424-0001 2017-01, the FLRA developed a Mandatory Agency Records and Information Management Training course. This newly-created computer-based and role-based training is now required annual training for all FLRA employees and contractors that create, receive, access, or use federal records. Further, the Agency has begun developing policies, and procedures to provide staff guidance for their responsibilities for managing all aspects of the agency records program.”

What Needs to Be Done

FLRA needs to continue its efforts to successfully achieve compliance with OMB deadlines. FLRA needs to develop policies and procedures to fully incorporate recordkeeping functionalities into electronic systems, establish controls and preservation considerations for systems, and issue instructions on email requirements.

Key OIG Resources

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

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