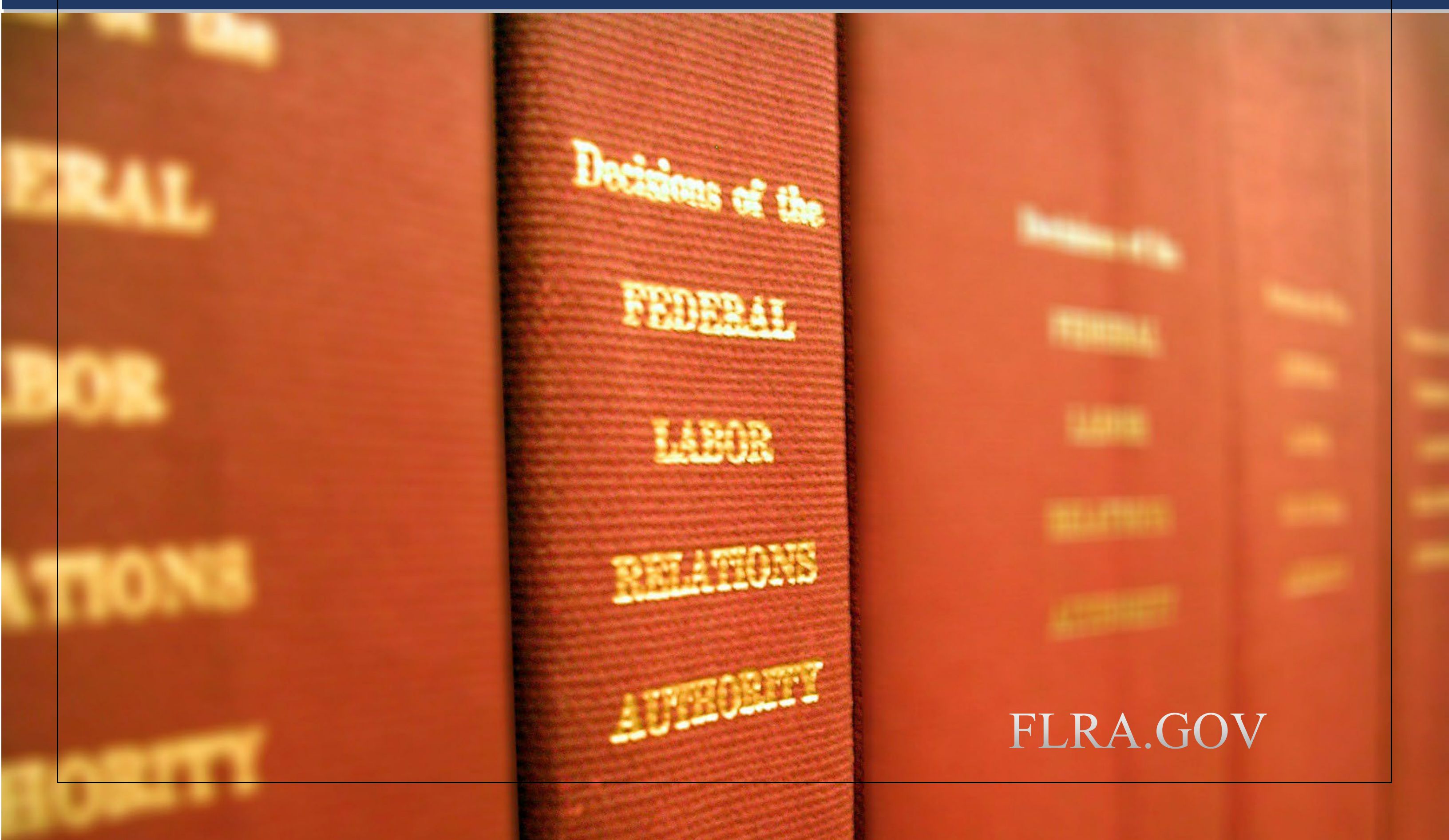
U.S. FEDERAL LABOR RELATIONS AUTHORITY

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

PERFORMANCE AND ACCOUNTABILITY REPORT

2023



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UNITED STATES
FEDERAL LABOR RELATIONS AUTHORITY

Performance and Accountability Report
2023

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MESSAGE FROM THE CHAIRMAN

I am pleased to submit the 2023 Performance and Accountability Report of the Federal Labor Relations Authority (FLRA).

The FLRA is an independent Federal agency created by Title VII of the Civil Service Reform Act of 1978, also known as the Federal Service Labor-Management Relations Statute (the Statute), 5 U.S.C. §§ 7101-7135. The FLRA is a small agency with a large mission: overseeing the labor-management relations for most Federal agencies. Thus, the FLRA is the rare type of agency whose performance affects other Federal agencies.

The FLRA's governing statute requires the staffing of separate components including: an Office of General Counsel (OGC), headed by a Presidentially-nominated, Senate-confirmed (PAS) General Counsel who prosecutes claims of unfair labor practices (ULPs) and oversees the elections of labor representatives (REP); an Authority component with three PAS members who adjudicate cases; and the Federal Service Impasses Panel, which swiftly resolves bargaining impasses in lieu of strikes.

A fully functioning FLRA results in cost savings throughout the Federal Government. When it has sufficient staff, the FLRA reduces the time, money, and energy that agencies and their employees spend in labor disputes—so more of those resources can be focused on agency missions.

By resolving matters early, the FLRA saves taxpayers money in other ways. Many cases have damages that include backpay (payments for the length of time a person is out of work or working at reduced pay). The sooner those matters are adjudicated, the less potential damages the Federal Government is liable for.

A clear example involves a recent settlement between the Bureau of Prisons and its union regarding wage and hour violations affecting hundreds of employees. With the help of the FLRA's Collaboration and Alternative Dispute Resolution Office (CADRO) mediators, the matter was resolved, resulting in payments to the affected workers. Backpay was a significant element of damages in this case. Therefore, delays in processing the case—including delays because of insufficient staff to prosecute or mediate the matter—would have increased the amount the Bureau of Prisons—and ultimately the Federal Government—would have had to pay.

FLRA dispute resolution methods also cost significantly less than litigation and often help to avoid future complaints. When alternative dispute resolution techniques, such as mediation, are used, the parties learn to communicate better with each other. This means better relations between managers and employees, better morale among both, greater employee engagement and productivity, and lower employee turnover. Conversely, when the FLRA loses the ability to timely issue and process ULP complaints, agencies and unions are more likely to bring their disputes to arbitration, which—according to recent Federal Mediation and Conciliation Service statistics—can cost approximately $6,000 per arbitration. The FLRA can resolve those disputes for a fraction of that sum. Such benefits make the FLRA a cost-effective investment that ensures labor peace among 2.1 million Federal employees.

With this in mind, the FLRA's performance accountability report is that FLRA staff continue to produce exceptional results in terms of quality, quantity, and timeliness of their actions, despite serious institutional strains caused by understaffing and long-term PAS vacancies. All FLRA components met or exceeded most or all of their annual performance goals. OGC eliminated a backlog of pending ULP complaint recommendations and continued its 2022 trend of reducing its pending caseload. Many of these accomplishments were made possible by the effective use of ADR (often with success rates of greater than 90%) at every stage of the FLRA's processes. The FLRA also increased its efforts to educate the federal labor-management relations community with in-person, virtual, and on-demand video trainings on fresh topics. Finally, the FLRA took several major steps on its regulatory front. The Authority updated its negotiability regulations—the first substantive revisions in 25 years—and revised its procedural regulations to allow for electronic service of Authority notices, orders, and decisions in cases when parties request such service. Meanwhile, the Authority, in conjunction with its Solicitor's Office, formed an agency-wide task force to conduct a comprehensive review of, and make recommendations regarding changes to, the FLRA's procedural regulations. The Solicitor's Office further issued revised FOIA regulations that streamline the agency's processes for responding to FOIA requests.

The hard work, dedication, expertise, and sheer determination of the FLRA's workforce in securing these successes must not be diminished. But the FLRA's successes cannot hide the fact that the FLRA is losing ground. Trends in the FLRA's OGC and the Authority components show how and why this is so.

Although OGC met or substantially met most of its timeliness goals, there is a trend in that component toward delays and an aging caseload that is expected to increase in FY 2024 for two reasons. First, anticipating the end of its Acting General Counsel's tenure, in FY 2023, OGC prioritized the investigation of ULP charges and issuance of ULP complaints. As a result, in FY 2024, a record-low number of OGC staff are litigating the largest inventory of ULP cases in the component's history. That is a task that it will not be easy to complete—especially since there are too few people to do the work. Second, since OGC is again without an actual or acting General Counsel, a new backlog of ULP cases is developing—and developing more quickly than the first. OGC will have to address that backlog when a new General Counsel is confirmed.

Similarly, while the Authority met its goals due to the diligence of its staff, there are caveats to that success. First, in FY 2022, the Authority reviewed and evaluated its processes, and in particular its case assignment processes and how those affected the timing of decisions. The Authority determined that it was appropriate to adjust its performance metrics to more accurately address and monitor the flow of cases and the Authority's capacity to act on them. The Authority's FY 2023 performance is measured against the revised metrics. Second, the Authority issued fewer cases in FY 2023 than it normally would have because it was without a third PAS Member for most of FY 2024. Cases that the Authority has not been able to act on because of a split vote have been held in abeyance as of the date that the Authority lost its third Member—January 3, 2023. Cases that the Authority could act on—cases not held in abeyance—tended to be "newer" cases. As a result, the cases that the Authority issued in FY 2023 were "younger" than they would have been if the Authority had a full complement of members. When a new Authority Member is confirmed, cases will be taken out of abeyance and the Authority will again be focused on older, more complicated cases that will take more time to resolve.

All of this means that absent some significant change, the FLRA's FY 2024 numbers will look very different from its FY 2023 numbers. Unfortunately, the FLRA's ability to meet this challenge is hampered because cuts made to the FLRA over the past 20 years have taken the muscle off of its institutional bones. FLRA components, and in particular OGC, are severely understaffed. FLRA funding has essentially remained flat for the past two decades even though general inflation and employee compensation have increased. This has meant that the FLRA has had to cut its workforce to adhere to its budget. In 2004, the FLRA employed 213 full-time equivalent employees (FTEs) with a budget of $29,611,000. In 2023, the FLRA staffed its three components with a workforce of just 116 FTEs and a budget of $29,400,000. Thus, although the mission of the FLRA and the scope of its statutory coverage have not changed—in 2023, the FLRA had to fulfill its Congressionally-mandated functions with half as many employees as it had in 2004.

The FLRA understands that we live in times of fiscal austerity. We also understand that funding is a privilege (a privilege we earn every day). We know that we all must do more with less. However, we cannot do more with less and less every year. Attempting to address current and foreseeable backlogs has prompted the FLRA's committed staff to work beyond capacity. Without the additional FTEs, however, the FLRA is risking losing incredibly talented FTEs to burnout. That—combined with increasing backlogs created by long-term PAS vacancies—points to a different report next year unless the FLRA's funding situation is addressed.

The FLRA's success is critical because its work improves other agencies' ability to perform their missions. As both the Statute and President Biden's Executive Order 14025, Worker Organizing and Empowerment recognize, "experience in both private and public employment indicates that the statutory protection of the right of employees to organize, bargain collectively, and participate through labor organizations of their own choosing in decisions which affect them . . . safeguards the public interest, . . . contributes to the effective conduct of public business, and . . . facilitates and encourages the amicable settlements of disputes between employees and their employers involving conditions of employment."

More than ever, the FLRA leads in making federal labor-management relations work. I am firmly committed to this goal. I am proud to have the honor to serve as the FLRA's Chairman and continue to work alongside its incredibly resilient and resourceful employees.

Susan Tsui Grundmann
Chairman and Chief Executive and
Administrative Officer
Federal Labor Relations Authority

MANAGEMENT'S DISCUSSION AND ANALYSIS

BACKGROUND AND MISSION

The U.S. Federal Labor Relations Authority (the FLRA or the Agency) and its small staff of 116 full-time equivalents (FTEs) are responsible for establishing policies and guidance regarding labor-management-relations for 2.1 million non-Postal, Federal employees worldwide, approximately 1.2 million (60 percent) of whom are represented in 2,200 bargaining units. The FLRA was created by Title VII of the Civil Service Reform Act of 1978, also known as the Federal Service Labor-Management Relations Statute (the Statute).

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

The FLRA's mission is to exercise leadership in preventing and resolving labor-management disputes, giving full effect to the collective-bargaining rights of employees, unions, and agencies. Although the FLRA is a small agency, accomplishing its mission in an effective and efficient manner is key to enabling the Federal Government, as a whole, to adapt to changing circumstances, as necessary; to continue delivering the highest quality services to the American public; and to deliver a nimbler, more innovative Federal Government.

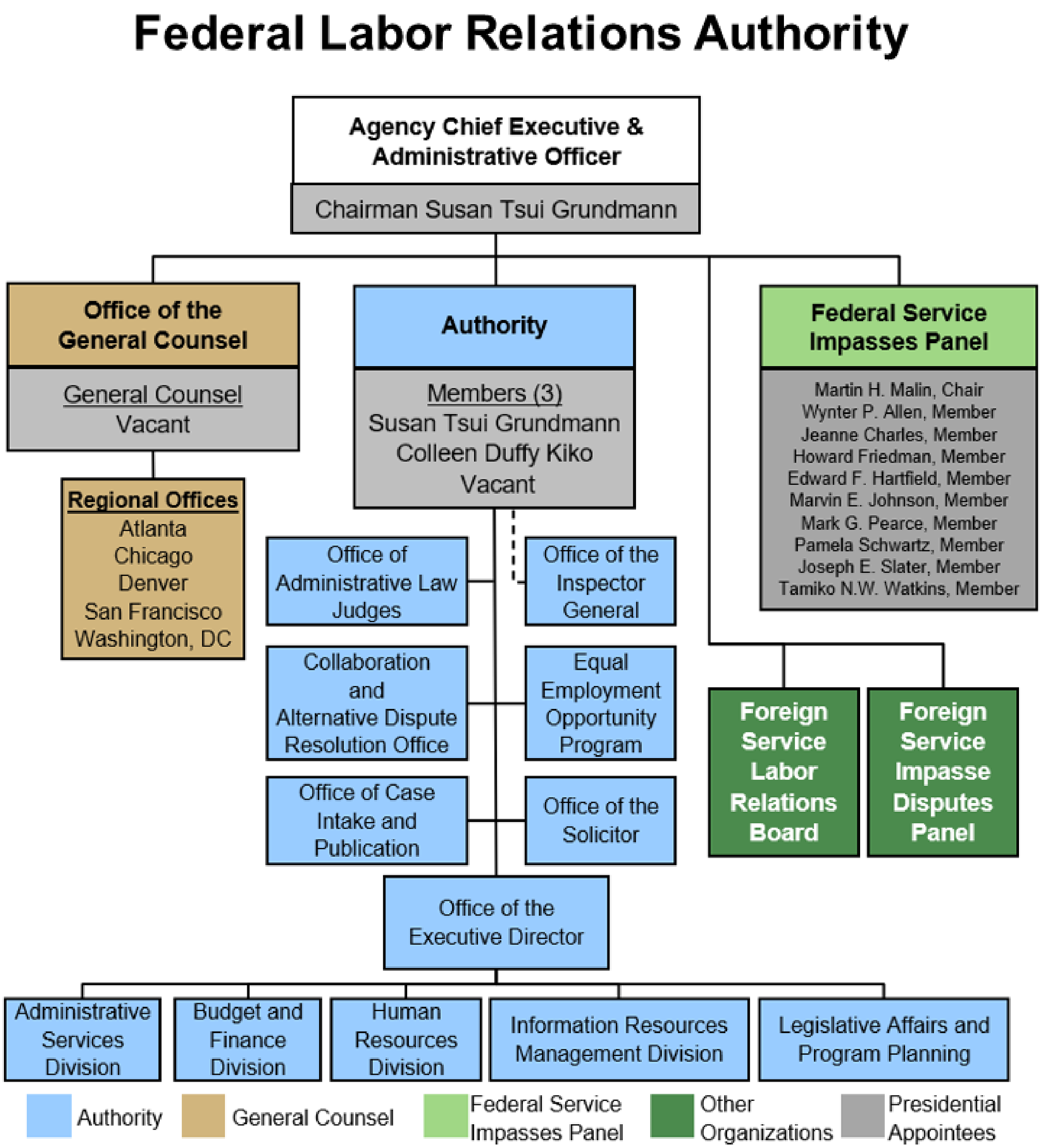
Further, funds spent on the FLRA result in cost savings Governmentwide. This is because the FLRA resolves labor disputes through a combination of alternative dispute resolution (ADR), adjudicating arbitration and negotiability appeals, deciding representation (REP) questions concerning bargaining-unit determinations and elections, and prosecuting and adjudicating unfair labor practices. The vast majority of FLRA disputes are resolved before they go before its Authority component. Indeed, over 90% of ULPs filed against unions and agencies between 2018 and 2021 were resolved without the need for the FLRA's Office of General Counsel (OGC) to issue a complaint. In cases in which the OGC issued a ULP complaint, close to 90% were resolved before an administrative trial.

The benefits of using the FLRA's methods of dispute resolution are enormous. Not only are litigation and other costs lower—typically significantly lower—but future complaints are often avoided. ADR teaches parties the skills to avoid and resolve conflicts in future. When ADR techniques, such as mediation, are used, the parties learn to communicate better with each other. This means better relations between managers and employees, better morale among both, greater employee engagement and productivity, and lower employee turnover. Such benefits make the FLRA a cost-effective investment ensuring labor peace among 2.1 million Federal employees.

ORGANIZATIONAL STRUCTURE

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

ORGANIZATIONAL CHART



The Authority

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

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

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

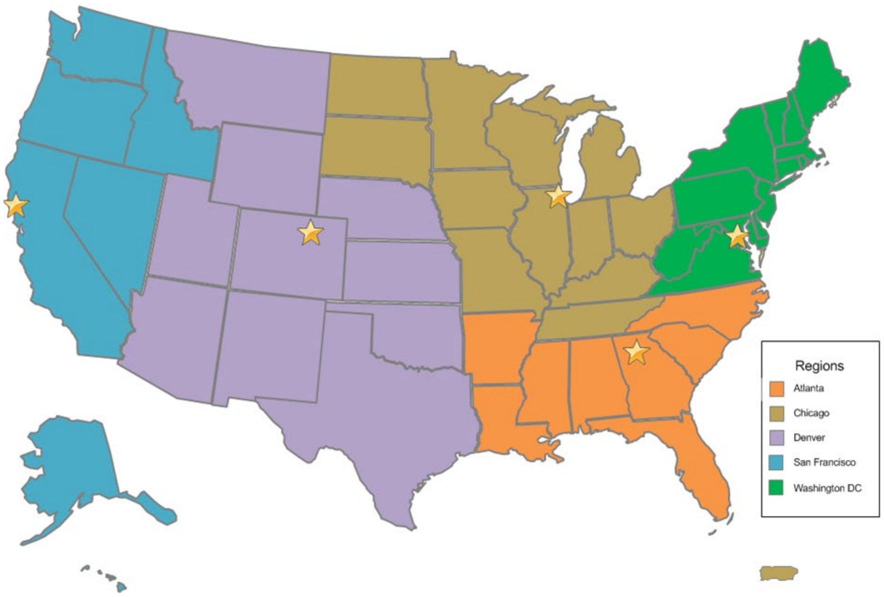
Office of the General Counsel (OGC)

The General Counsel, appointed by the President with the advice and consent of the Senate, has separate and independent responsibilities from the Authority. Under the Statute, the General Counsel has sole responsibility for the investigation and prosecution of ULP charges and complaints. The General Counsel's determinations in these matters are final and unreviewable. The General Counsel has direct authority over, and responsibility for, all employees in the OGC, including those in the FLRA's Regional Offices.

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

The Regional Offices, on behalf of the General Counsel, investigate and resolve alleged ULP charges; file and prosecute ULP complaints at trials before an ALJ; effectuate compliance with settlement agreements and Authority Orders; and provide training and ADR services. In addition, through delegation from the Authority, the Regional Offices investigate and resolve REP petitions and conduct secret-ballot elections. All ULP charges and REP petitions are filed in the Regions.

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



Federal Service Impasses Panel (FSIP)

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

STRATEGIC AND PERFORMANCE-PLANNING FRAMEWORK

The FLRA has 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 FY 2023, the FLRA has engaged in a continuous assessment of its performance to ensure it is accomplishing its mission, effectively and efficiently, and that it is promoting innovation.

The FLRA's FY 2023 performance-planning framework is based on the Agency's FY 2022 – FY 2026 Strategic Plan, and it is supported by the Agency's Annual Performance Plan, which establishes the annual performance goals and measures. It is also the result of the FLRA's on-going assessment of its processes, goals, and capabilities as it implements the Strategic Plan. The Annual Performance Plan reflects the FLRA's commitment to establishing meaningful metrics that will assist in assessing performance outcomes, aligning resources, and effectively identifying staffing and training needs. The Annual Performance Plan also demonstrates the FLRA's ongoing commitment to organizational excellence.

The FLRA continually and strategically monitors its progress in accomplishing the goals and measures set forth in the Annual Performance Plan. This ongoing review is conducted on a monthly basis with distribution of the Strategic Milestones and Accountability Report (SMART), which contains case and performance data derived from the FLRA's Case Management System (CMS) and agency management. The Agency examines the data in the SMART Report in several forums, and—consistent with the FLRA's value of transparency and employee engagement around all agency matters, including process and performance improvements—it shares the Agency's status toward meeting its case-processing performance goals with all employees monthly. At the component and office levels, there are also daily performance assessments using a variety of reports, including: case-filing reports, which track the number and age of cases; case-status reports, which track the status of all assigned pending cases within the Authority, the OGC, and the FSIP; and monthly disposition reports, which track the number, age, and resolution type of every closed case within the Authority and the OGC.

The analysis and assessment of these reports drive, among other things: adjustments in workload through case transfers at the national, Regional, and office levels; decisions to target services (including training, facilitations, and on-site investigations) to certain parties or geographical locations; and reallocation of resources, including use of details and contract support.

FLRA Strategic Goals

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

Strategic Objectives

1.1. Achieve or exceed case-resolution timeliness measures, as established by each component.	2.1. Offer high-quality outreach and prevention services, as well as reference resources, to promote more effective labor-management relations across the Federal Government.	3.1. Recruit, retain, and develop a highly talented, motivated, and diverse workforce to accomplish the FLRA's mission.
1.2. Set a high standard of quality for the case-resolution process.	2.2. Maximize the use of Alternative Dispute Resolution practices in case resolution.	3.2. Improve usage of existing technology and deploy new IT systems to streamline and enhance organizational operations.
		3.3. Act as an effective steward of agency resources.

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

FY 2023 PERFORMANCE GOALS
Performance Goal 1.1.1: Timely investigate, prosecute, and adjudicate each case type (ULP, REP, ARB, NEG, IMPASSE)
Performance Goal 1.1.2: Resolve overage cases in a timely fashion
Performance Goal 1.2.1: Develop a mechanism for soliciting external feedback on the FLRA case-resolution process
Performance Goal 1.2.2: Score highly on internal quality reviews regarding the case-resolution process
Performance Goal 2.1.1: Provide targeted training, outreach and prevention, and facilitation activities within the labor-management community.
Performance Goal 2.1.2: Provide effective, useful, up-to-date case-processing and case-law resources and trainings for the labor-management community.
Performance Goal 2.2.1: Successful resolution of a significant portion of FLRA cases through ADR.
Performance Goal 2.2.2: Expanded use of ADR in ARB cases.
Performance Goal 2.2.3: Examination of potential expanded use of ADR in REP cases.
Performance Goal 3.1.1: Demonstrate strong recruitment and retention practices.
Performance Goal 3.1.2: Maintain and grow agency expertise through employee development.
Performance Goal 3.1.3: Develop internal tools and benchmarks for skills assessment, training-needs assessment, and effective succession planning.
Performance Goal 3.2.1: Improve eFiling capability and maximize its use in receiving case filings.
Performance Goal 3.2.2: Enhance employee technology usage and skills at every level.
Performance Goal 3.3.1: Achieve high internal customer-service scores on delivery of administrative services.
Performance Goal 3.3.2: Meet or exceed established operational measures.
Performance Goal 3.3.3: Be a leader in the Federal Employee Viewpoint Survey and in the "Best Places to Work in the Federal Government" rankings.

2022-2026 Strategic Plan

In FY 2021, the FLRA reviewed its operations, staffing, work processes, resource allocations, and performance, and established strategies and goals that are designed to maximize the delivery of agency services throughout the Federal Government. This strategic plan's development revolved around a return to the principles of the 2015-2018 Strategic Plan, for which FLRA leadership undertook a structured process that solicited the perspectives of the Agency's diverse employee, customer, and stakeholder base. That strategic-planning team was comprised representatives from each FLRA component and the employees' representative organization, the Union of Authority Employees. The team internally conducted one-on-one interviews with the FLRA's entire leadership team, held targeted focus-group meetings with managers and employees, and solicited employee feedback through online message boards and e-mails.

For external stakeholders, the FLRA then held a series of focus groups, in which representatives from seven federal-employee unions and twelve federal agencies provided input on FLRA services and performance. In addition to soliciting feedback from agencies that use FLRA resources or who are parties to FLRA cases, the FLRA also sought input from the Office of Management and Budget (OMB) in the early stages of the strategic-planning process. Equipped with these perspectives and guided by the FLRA's core values of transparency, accountability, open dialogue, and pre-decisional involvement, the strategic-planning team held working sessions to develop and memorialize the goals, objectives, and performance measures of this strategic plan.

Timeliness and Quality

Continued improvements in the timeliness of case disposition advances the FLRA's critical role in facilitating orderly, effective, and efficient change within the Federal Government. In large part, the FLRA exists to promote effective labor-management relations that, in turn, permit improved employee performance and Government operations. Timely resolution—or avoidance—of FLRA cases is critical to this endeavor. Effective case resolution includes not only timeliness, but also: well defined processes that the FLRA adheres to; clear communication with the parties about case processes; and the issuance of well-written and understandable decisions that provide deliberate, impartial, and legally sound analyses and consideration of the issues in dispute.

The FLRA improves Governmentwide performance. This positively affects employee working conditions and the bargaining rights of the more than 1.2 million employees represented by labor organizations. Unless management and labor can collaboratively resolve their disputes and avoid litigation or – failing that – have their disagreements adjudicated expeditiously by the FLRA, the performance of the agencies the FLRA serves will suffer. This is particularly relevant now as Federal agencies are making significant adjustments and changes in how they perform their missions in response to the environmental, budgetary, and policy challenges facing them.

Alternative Dispute Resolution and Education

Throughout the years, the Authority, the OGC, and FSIP have recognized the benefits of ADR and have integrated ADR techniques into all aspects of case processing. Offering

ADR services results in faster, more effective outcomes for the parties and the FLRA. For this reason, the Agency continues to leverage existing staff and resources to increase its ADR reach. This includes partnering with other agencies and entities—such as the Federal Mediation and Conciliation Service (FMCS), Federal Executive Boards, and the Office of Personnel Management (OPM)—to train large numbers of practitioners.

In addition, the FLRA's training initiatives make case processing more effective and efficient, by providing meaningful and clear guidance on statutory rights and responsibilities. When FLRA customers know their rights and obligations under the Statute, as well as FLRA case law, regulations, and case-processing procedures, the FLRA can process cases in a more timely and efficient manner. The FLRA continues to prioritize education of the labor-management community with: live training sessions; comprehensive, web-based training modules; and most recently, highly successful animated videos focused on specific topics. These educational efforts help members of the Federal labor-management-relations community with issues and cases arising under the Statute. Using collaboration and ADR techniques—alone or in conjunction with other training, outreach, and facilitation services—to assist parties in minimizing or resolving labor-management disputes significantly reduces the need for litigation and its attendant costs. ADR and education thus get parties back to work accomplishing their missions and delivering effective and efficient Government services.

PERFORMANCE SUMMARY

The FLRA's mission is "Exercising leadership in preventing and resolving labor-management disputes, giving full effect to the collective-bargaining rights of employees, unions, and agencies." Accomplishing its mission, including timely and quality resolution of labor-management disputes, is essential for program performance Governmentwide. This performance summary section breaks down, by office and initiative, various highlights and accomplishments of the FLRA's fiscal year performance. It also lists challenges faced throughout the year.

Mission – Case Processing & ADR

With respect to its mission accomplishments, the FLRA as a whole has continued its efforts in providing customers with timely and quality adjudication and dispute-resolution services. However, the FLRA has struggled with significant obstacles in meeting its mission requirements.

In addition to backlogs in certain Agency components and vacancies in key Presidential positions, the FLRA experienced funding obstacles preventing the Agency from hiring the staff it needs to accomplish its mission. Through the prudent management of resources, as well as the incredible, exhaustive efforts of the limited number of Agency employees we currently have, the FLRA has been able to meet, in most areas, its minimum level of performance under the Statute. The outlook for FY 2024, however, is less favorable because of structural weaknesses that are likely to become apparent this year.

The Authority

In FY 2022, the Authority reviewed and evaluated its processes, in particular its case assignment processes, and how those affected the timing of the Authority's decisions. The Authority determined that it was appropriate to adjust its performance metrics to more accurately address and monitor the flow of cases and the Authority's capacity to act on them. The Authority's FY 2023 performance is measured against the revised metrics. Under the new metrics, the Authority met or exceeded all of its performance goals in FY 2023.[1] Specifically:

- For negotiability cases:
  - The Authority issued 89% of cases (47/53) within 365 days of filing, exceeding its 75% target.
  - The average age of a case closure was 132 days, well below the Authority's target of 235 days.
  - The average age of pending cases at the end of the FY was 211 days, below the Authority's target of 250 days.

- For ULP cases:
  - The Authority issued 100% of cases (2/2) within 300 days of date of assignment to a Member office, exceeding its 75% target.
  - The Authority issued 100% of cases (2/2) within 365 days of date of assignment to a Member office, exceeding its 75% target.
  - The average age of a case closure was 90, below the Authority's target of 100 days.
  - The average age of pending cases at the end of the FY was 3 days, well below the Authority's target of 150 days (reflecting the fact that there was only one ULP case pending in the Member offices at the end of the FY, and that case was only 3 days old).

- For arbitration cases:
  - The Authority issued 58% of cases (39/71) within 210 days of date of assignment to a Member office, exceeding its target of 50%.
  - The Authority issued 81% of cases (54/71) within 365 days of date of assignment to a Member office, exceeding its target of 75%.
  - The average age of a case closure was 299, well below the Authority's target of 385 days.
  - The average age of pending cases at the end of the FY was 268 days, meeting the Authority's target of 268 days.

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[1] The Authority was without a third Member from January 3, 2023 until the end of FY 2023. Cases in which there was a split vote on the decision have been held in abeyance since January 3, 2023, pending the confirmation of a third Member who will break those ties. The period when cases are held in abeyance is not included in the age of the cases and all numbers reflect that.

- For REP cases:
  - In 100% (5/5) of cases, the Authority continued to meet its statutory goal of deciding whether to grant review of a Regional Director's decision within 60 days of the filing of an application for review.
  - The Authority issued 80% of cases (4/5) within 210 days of date of assignment to a Member office, exceeding its target of 75%.
  - The Authority issued 100% of cases (5/5) within 365 days of date of assignment to a Member office, exceeding its target of 90%.
  - The average age of a case closure was 113, meeting the Authority's target of 113.
  - The average age of pending cases at the end of the FY was 53 days, well below the Authority's target of 86 days.

- Across all case types, the Authority's Office of CIP:
  - Assigned 100% of cases (97/97) to Member offices within 5 days of the due date for a final filing, exceeding its target of 75%.
  - Assigned 100% of cases (97/97) to Member offices within 21 days of the due date for a final filing, meeting its target of 100%.

The Authority also continued its trend of reducing its pending caseload, ending the year with 98 pending cases—two less than the end of FY 2022 (100 cases), and more than a 50% reduction from the end of FY 2021 (153 cases).

In FY 2023, the Authority also: (1) updated its negotiability regulations—the first substantive revisions in 25 years; (2) revised its procedural regulations to allow for electronic service of Authority notices, orders, and decisions in cases where parties request such service; (3) in conjunction with the Solicitor's Office, formed an agency-wide task force to conduct a comprehensive review of, and make recommendations regarding changes to, the FLRA's other procedural regulations; (4) updated its training materials, and delivered numerous training sessions, on a variety of topics; and (5) created a "training committee" that will field training requests and develop new training materials, including webinars, in the future. The Authority was able to do so while continuing to issue decisions at a relatively steady pace.

However, the Authority is currently lacking a third Member to "break ties" in cases where the current two Members disagree. As a result, a growing number of cases has been placed in abeyance, awaiting a third Member's arrival. Many of those cases are the oldest, and most complicated, cases pending before the Authority, and will require significant staff time to resolve once the Authority has a full complement. These factors, combined with anticipated budget-related challenges in filling staff vacancies as they arise, could pose a significant challenge to the Authority's ability to meet its current performance goals in FY 2024 and beyond. The Authority plans to review and, if appropriate, revise its FY 2024 performance goals to account for these factors.

The Office of Administrative Law Judges

During the past year, the OALJ worked on the unprecedented backlog of ULP cases generated by the lack of a General Counsel from 2017 until an Acting General Counsel was appointed in 2021. From that time until the end of the Acting General Counsel's tenure in August 2023, the OGC filed with the OALJ complaints related to 691 cases. To meet this demand during the pandemic, the OALJ developed a remote hearing program utilizing Microsoft Teams to conduct trials across the country. The re-establishment of CADRO and the filling of a vacancy for a third Administrative Law Judge (ALJ) in July 2022, contributed greatly to resolving many of the complaints before trial.

In FY 2023 specifically, parties filed complaints related to 427 cases with the OALJ and the Judges rendered 14 decisions. The most significant statistic, however, is the number of cases that were settled once filed with the OALJ—complaints related to 242 cases were resolved without the need to hear the case at trial. The three ALJs are currently scheduled to try between 6-16 ULP cases per week through November 2024. The significant rate of settled cases was much higher than usual due to the unprecedented backlog, the age of such cases, and need for remote hearings resulting from the pandemic. Once the past backlog was addressed, the OALJ returned to the historical option of offering all parties access to the optional pre-hearing Settlement Judge Program in lieu of mandating mediation of all cases. It is predicted this change will reduce the number of settlements, triggering more actual contested hearings compared to recent trends.

The ALJs conduct hearings and issue recommended decisions on cases involving alleged unfair labor practices (ULPs). While judges can perform legal research and writing tasks, the ALJs have prioritized conducting trials in order to bring justice to litigants who have been waiting years for their dispute to be heard and resolved. For the next year and a half, the ALJs will continue to work their assigned cases in preparation for hearings, and conducting trials. The ALJ's judicial duties and time are completely scheduled.

The estimates for ULP complaints being filed prospectively in FY 2024 and 2025 are conservative in light of not knowing whether or not an FLRA General Counsel will be confirmed. In the hopeful event a new General Counsel is confirmed in the near future, the estimates of ULP complaint filings for fiscal year 2024 and 2025 are expected to increase significantly.

Collaboration and Alternative Dispute Resolution Office (CADRO)

CADRO is the FLRA's highly successful and vitally important Collaboration and Alternative Dispute Resolution Office. CADRO is key to the Authority's performance and efficiency and like ADR generally, has earned significant bipartisan support.

CADRO's services offer FLRA parties informal, voluntary, and confidential ways to successfully resolve negotiability disputes and arbitration exceptions pending before the Authority. CADRO is also available to help parties resolve representation petitions and pre-complaint ULP charges. In addition, the two CADRO staff members serve as ULP Settlement Officials for the OALJ Settlement Judge Program and when appropriate, parties can also use CADRO to address collective bargaining matters and other labor-management disputes.

Externally, CADRO-staffed dispute resolution services help agencies and unions prevent complex, sensitive labor disputes from impairing mission performance and work-life quality. The services help to improve essential workplace engagement. They also help to prevent future conflict because CADRO processes teach parties skills that can help them to avoid and resolve future conflicts. Internally, CADRO helps make case processing far more effective, and helps resolve cases in ways that prevent unnecessary litigation and its attendant costs.

CADRO continues to be essential to prevent and reduce case backlogs for the Authority and OALJ. CADRO staff resolve sensitive arbitration exception (appeal) cases and complex legal issues in negotiability cases, thereby enabling Members and their attorneys to adjudicate other matters on the Authority's docket. The multi-year ULP complaint backlog continues to skew the CADRO caseload heavily in that direction. CADRO staff conduct settlement conferences that result in resolution of most ULP complaints pending before the FLRA's ALJs, thereby preventing these cases from becoming hopelessly backed up waiting for trial.

CADRO also is an important vehicle through which the FLRA exercises leadership in the manner envisioned by the President in his April 26, 2021 Executive Order on Worker Organizing and Empowerment (14025), and his January 22, 2021 Executive Order Protecting the Federal Workforce (14003). During the last half of 2021, CADRO staff expertly delivered facilitation, training, and fractured-workplace-relationship repair initiatives to more than 500 agency and union representatives. During 2023, CADRO staff delivered similar services to more than 1340 people who were seeking better ways to constructively manage workplace conflict and prevent unavoidable conflict from erupting into destructive disputes. CADRO staff helps workplace representatives learn how to prevent, manage, and resolve difficult, pragmatic issues that give rise to the legal disputes before the FLRA. These services not only minimize the need for third-party intervention, they enable agencies and unions to begin fundamentally changing workplace relationships. The result is better mission performance and better work-life quality – real evidence that these initiatives work. Consequently, the value of CADRO dispute-prevention and dispute-resolution services goes far beyond the staff hours and the taxpayer dollars that it saves by preventing and settling disputes.

CADRO's current caseload of negotiability petitions, arbitration exceptions, and ULP complaints far exceeds any prior period. In FY 2023, CADRO received requests to mediate more than 291 disputed language provisions and proposals in negotiability cases. It helped parties resolve over 99% of those issues. CADRO further mediated five disputes concerning arbitration exceptions and resolved 60% of those disputes. CADRO's two staff members further received requests to conduct settlement conferences in over 140 ULP cases and resolved more than 97% of those cases. CADRO is doing its best to prepare for an equally large ULP caseload for at least the next two fiscal years.

CADRO currently performs its work with two seasoned professionals. But performing the essential functions identified in this section is unsustainable with just two CADRO FTEs. Those two cannot possibly continue keeping pace with projected requests to resolve ULP complaints pending before ALJs, in addition to mediating arbitration exceptions and complex negotiability cases containing hundreds of legal disputes pending before the Authority. Nor have the two FTEs been able to fully satisfy joint agency and union requests for training, facilitation, and assistance repairing and improving essential labor-management relationships. Moreover, expected Authority caseloads and other priorities for Authority staff make it unlikely that non-CADRO staff at the FLRA can continue providing the same level of essential support in CADRO cases.

The Office of the Solicitor

The Office of the Solicitor represents the FLRA in court proceedings before all U.S. courts, including the U.S. Supreme Court, the U.S. Courts of Appeals, and the Federal District Courts. During FY 2023, the Solicitor's Office litigated numerous cases in the Federal courts, including filing briefs supporting Authority decisions by arguing against challenges to those decisions in court. After the courts ruled in those cases, the Solicitor's Office provided advice to FLRA components concerning the decisions.

The Solicitor also serves as the 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.

In FY 2023, the Solicitor's Office also took steps to modernize the FLRA's procedural regulations. The Solicitor's Office, in conjunction with Authority Members' Offices, formed an agency-wide task force to conduct a comprehensive review of, and make recommendations regarding changes to, the FLRA's procedural regulations. The purpose of the task force is to ensure that the FLRA's regulations and processes reflect best practices in the modern workplace. The Solicitor's Office also issued revised FOIA regulations to streamline agency processes for responding to FOIA requests.

The Office of the General Counsel

Despite the herculean efforts of its workers, OGC is losing ground because its staff have reached the limits of their ability to do more with less. Instead, diminishing staff resources and increasing caseloads are resulting in delays in the issuance of cases and an aging pending caseload. The problem has not been the productivity of OGC staff, which has been nothing short of remarkable during the past two and one-half years. Between November 2017 and March 2021, there was no Presidentially-nominated, Senate-confirmed General Counsel and, during that time, no ULP complaints could be issued. When an Acting General Counsel was designated in March 2021, there were 494 cases in which complaint decisions had to be rendered. From March 2021 through August 2023, the OGC cleared out that backlog by resolving the cases through settlement or litigation before the OALJ. However, more than simply eliminating the backlog, the OGC investigated newly-filed ULP charges and authorized an additional 725 complaints, all of which have been resolved or will be litigated. The OGC has trials set before the OALJ through November 2024.

Such achievements could not have been made without a highly-talented workforce of professionals, dedicated to the mission of the OGC. The problem has been the amount of work that OGC professionals have to do. OGC staffing is at historically low levels. OGC professionals have been litigating, and continue to litigate, the largest inventory of complaint cases in the history of the OGC—in addition to newly-authorized complaints.

This fact, plus steady ULP and REP case filings, have resulted in caseloads[2] that are over a third larger than the caseloads that OGC professionals would usually carry.[3] In order to perform their mission essential functions, the Acting General Counsel had to deprioritize certain types of work—resulting in the delays in that work.

OGC's FY 2023 performance in the face of these challenges was exceptional. In terms of the sheer volume of cases that it moved, OGC closed 2826 ULP cases in 2023—173 more cases than in 2022—an increase of 6%. It also closed 193 REP cases in 2023—26 more cases than in 2022—an increase of 15%.

In spite of historically high employee caseloads, OGC exceeded, met, or substantially met, four of its five timeliness metrics.

- OGC exceeded its timeliness goals by resolving 100% of the 72 appeals of Regional Directors' dismissals of ULP charges within 60 days of the date of the appeal.

- OGC met its goal of resolving 70% of ULP charges it received within 120 days of the date the parties filed the charges (2027/2826 cases).

- Although OGC did not make its goal of resolving 95% of ULP charges within 240 days of the date the parties filed them, it substantially met that goal by resolving 93% of the cases (2627/2826 cases) within 240 days.

- OGC met its goal of resolving 95% of the REP cases (185/193 cases) through withdrawal, election or issuance of a Decision and Order within 365 days of filing a petition.

Although OGC did not meet its goal of resolving 70% of REP cases within 120 days, it did resolve 59% of those cases (113/193) within 120 days. Moreover, increases in the time that it took OGC to resolve REP cases can be attributed to two factors: significantly higher staff caseloads and OGC's institutional need to focus on processing ULP cases before the Acting General Counsel's term expired in early August 2023.

OGC's efforts to educate the labor-management community were also exceptional in FY 2023. OGC conducted 99 live and virtual training sessions in FY 2023 (exceeding its goal of 75) and 94% of the 9063 participants in those trainings rated the trainings as effective or highly effective. Due to the creation and use of online videos, OGC's trainings reached

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[2] A "caseload" is the number of ULP and REP cases a professional is assigned to investigate and bring to a final action. Investigations often take months of work, gathering evidence and obtaining sworn testimony from witnesses, before a final action can be taken by the Regional Director, on behalf of the General Counsel. While investigations are occurring and as final actions are taken on some cases, more cases are assigned to the professionals on a daily basis.

[3] In 2018, a normal ULP/REP investigatory caseload for the then-42 OGC professionals was between 25-30 cases per month. In 2023, 27 OGC professionals had caseloads that were approximately 40 cases per professional/month.

over 18,000 additional individuals in FY 2023. Even with these efforts, the FLRA's parties are clamoring for additional training, often filling up live online sessions within a day of posting to the FLRA website.

At the same time that federal agencies and employees and the unions which represent them are calling for more training on the Statute, OGC online written resources are languishing. The ULP and REP Case Handling Manuals, REP Hearing Guide, and OGC ULP and REP Case Law Outlines, have not been substantively updated since 2015. These resources were created at a time when the OGC had two Assistant General Counsels (AGCs) to steer this work—positions that assisted the Deputy General Counsel (DGC) with the operations of the Regional Offices and legal policy for ULP and REP cases. At the end of FY 2023 OGC was able to engage a second AGC to work on this important area.

Although OGC was successful in FY 2023, the outlook for FY 2024 is more challenging. The end of the Acting General Counsel's tenure means that ULP recommendations cannot be acted upon. Although OGC anticipates that a new General Counsel will soon be confirmed, OGC will need additional resources to address the new backlog. This at a time when OGC staff is already litigating the largest inventory of complaint cases in the history of the OGC. OGC therefore predicts that the current trend towards delays and an aging caseload will continue in FY 2024.

The OGC plays a vital role in facilitating orderly, efficient, and effective change within the Federal Government. Inadequate staffing interferes with the OGC's ability to promptly investigate and resolve ULP charges and REP petitions. Given the high rate of unionization in the Federal Government, workplace change frequently requires collective bargaining or a representation proceeding, or both. Indeed, the vast majority of ULP and REP cases are filed in connection with a management-initiated change in conditions of employment.

The pace at which the OGC resolves these ULP and REP cases directly affects the pace of Government change. In this regard, the Statute generally obligates management to maintain the *status quo* during negotiations and during the pendency of a representation proceeding. Moreover, the core purpose of the Statute is to promote collective bargaining as a means of fostering improved employee performance, quality of work life, and Government operations. Hence, the quality and timeliness of OGC case dispositions and the extent to which OGC agents are able to take full advantage of dispute resolution opportunities also directly impact the effectiveness and efficiency of Government change.

The FY 2023 performance of OGC staff was outstanding—particularly in light of the fact that its employees are working beyond a sustainable capacity.

The Federal Service Impasses Panel

In FY 2023, FSIP has exceeded all of its timeliness measures for assisting parties in resolving their negotiation impasses. Specifically, it issued decisions to decline jurisdiction on cases not appropriately before the Panel within 140 days of the date that the parties filed their request for assistance in 100% (18/18) of cases. It assisted the parties in achieving voluntary settlement within 160 days of the date that the parties filed their requests for assistance in 100% (18/18) of cases. FSIP issued its final order within 200 days of the date that the parties filed their request for assistance in 86% (6/7) of cases. FSIP closed a total of 83 cases in FY 2023, leaving it with roughly the same number of pending cases at the end of FY 2023 (17) as in FY 2022 (16).

Mission Accomplishment – Providing Training and Education across the Federal Government

Consistent with its strategic goals, in FY 2023, the FLRA continued to promote stability in the federal labor-management community by providing leadership and guidance through education and reference resources, including in-person, virtual, and web-based trainings, and substantive guides and manuals.

Education and Training Tools

The 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 the FLRA under the Statute. The 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 FLRA.gov.

In Person and Virtual Live Training

The 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 the FLRA's mission of protecting rights and facilitating constructive labor-management relationships while advancing an effective and efficient Government.

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.

In 2023, all FLRA components combined provided 112 in-person and virtual training sessions.

YouTube Educational Videos

In 2023, the FLRA published 7 new training videos to FLRA's YouTube channel, which was initially created in 2020. The latest videos include a negotiability regulations video and a 5-part series on collective bargaining. They complement the FLRA's existing library which, among other topics, includes videos on the following:

- Representation Elections (3 videos)
- Labor-Management Forums
- Unfair Labor Practice Investigations
- Timeliness under Section 7118(a)(4)
- Investigatory Examinations (7 videos)
- Executive Order 14003 and 7106(b)
- eFiling

In 2023, the FLRA's complete video library of instructional training received over 18,000 views. The YouTube's channel's subscriber base grew to 967. Total views since the FLRA began publishing videos: 43,000+.

The channel and its videos are another tool in how the FLRA educates Federal employees, unions, and managers on how the Statute works in governing federal labor relations and is another example of the FLRA's effort to provide the Federal labor-management community with innovative resources to assist in promoting cooperative labor-management relations that comply with the Statute.

eFiling

The FLRA's eFiling efforts serve to improve the parties' experience by allowing both filers and the Agency to more efficiently handle filings electronically. The eFiling process is the first step in the Agency's goal of achieving a fully-electronic, end-to-end case file.

A key aspect of the FLRA's 2022-2026 Strategic Plan is to continue to increase the rate of eFiling to support the FLRA's transition to electronic case files. In 2023, there was a 4% aggregate increase in eFiling for the Authority, OGC, FSIP, and OALJ—and the overall rate of eFiling was 79%. Rates of eFiling increased across all components. Rates for each component are now at: 75% for OGC, 81% for the Authority, 92% for FSIP and nearly 100% for OALJ.

Mission Accomplishment - Manage our resources effectively and efficiently in order to achieve organizational excellence.

Professional Development

The FLRA continues to prioritize professional development. Despite budgetary limitations, funds were allocated to all employees in all offices in order for each employee to enhance their professional development and review the individual development plans. This led to open discussions with supervisors, managers and staff to determine the best way to enhance the knowledge. Thus, the FLRA continues to provide its employees with relevant, mission-related training.

Diversity, Equity, Inclusion, and Accessibility

The Agency and Union of Authority Employees jointly chair the FLRA's Diversity, Equity, Inclusion, and Accessibility Committee. The Committee is staffed with volunteers and operational with an approved charter. The Committee has the following responsibilities:

- Create opportunities for employees to provide feedback to FLRA leadership about organizational climate and culture (i.e. climate assessments, anonymous satisfaction surveys, focus group sessions, etc.)
- Provide feedback and insight to leadership staff on issues of culture, climate, equity, inclusion, and diversity in the workplace, including recommendations and support regarding short- and long-term strategies to meet the FLRA's current and future workforce.
- Facilitate and/or collaborate with organizational components to sponsor at least four (4) Special Emphasis month programs a year. Special Emphasis programs at the FLRA may include, but are not limited to, observances of Black History Month (February), Women's History Month (March), Asian American and Pacific Islander Heritage Month (May), LGBT Pride Month (June), Hispanic Heritage Month (September 15 - October 15), Disability Employment Awareness Month (October), and American Indian Heritage Month (November):
    - These observances include activities designed to provide cultural awareness, debunk stereotypes and recognize the contributions and achievements of diverse groups represented in our workforce.
    - The primary objectives of an observance are to:
        - Promote diversity awareness and cultural sensitivity;
        - Demonstrate an interest in the history and culture of employees and their contributions to society and at the FLRA;
        - Reflect sensitivity to the growing diversity of the workforce; and
        - Offer opportunities for employees to gain experience in leadership and program planning.
- Promote and provide opportunities for employees to attend Special Emphasis and D&I activities that may be sponsored by local Federal Executive Boards or other federal agencies and organizations.
- Formulate recommendations for the development or modification of policies and practices that negatively impact diversity, inclusivity, accessibility, and equity efforts.

FEVS

The most recent OPM Federal Employee Viewpoint Survey (FEVS) provided employees an opportunity to share their opinions about what matters most to them and to influence the organizational culture. Survey results provide insights into where improvements have been made and are needed. The FLRA's overall response rate was 51.0%. For 2022, the FLRA ranked # 5 out of the 30 participating Federal small agencies in the Best Places to Work index.

The Chairman maintains her commitment to leading the development and support of a diverse and competent staff and ensuring an open, friendly and supportive workplace. This also includes placing a strong emphasis on employee engagement at all levels in the Agency. In keeping with this commitment, the FLRA has created a committee that reviews the FLRA's FEVS results and develops recommendations to address challenges presented in the results. By maintaining this focus, the FLRA hopes to continue to build on its success in this area.

IT Modernization

In 2023, the FLRA continued to work towards its goal of transitioning to 100% electronic case files. This goal is in support of Presidential Memoranda: M-12-18 and M-19-21. Unfortunately, lack of consistent funding has slowed development efforts for the remaining components to a standstill. The FLRA and its Information Resources Management Division (IRMD) made substantial progress in the internal planning effort for the OGC Component Case Management System (CMS), but funds were not available to work with developers to put code into the system. Regular and significant funding is an absolute imperative for the successful completion of the CMS effort.

Implementation of fully electronic case files throughout the Agency would enable the FLRA to increase its overall efficiency and effectiveness. Successful achievement of this goal will enable implementation of additional external and internal case processing improvements that will further maximize the use of technology and eliminate many of the labor-intensive, manual case processes that are currently in place, including:

- 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 the FLRA on the parties;
- Reducing or eliminating delivery service costs for transferring paper case files between FLRA components;
- Implementing a pilot program that would require FLRA parties to file all case-related documents electronically; and
- Eventually mandating eFiling for most 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 2022, the Office of the Executive Director (OEXD), Authority, and OGC staff continued planning to review and revise the relevant FLRA regulations in connection with these National Archives and Records Administration-directed efforts. Great strides were made and, beginning in FY 2023, the OGC adopted an entirely "electronic" format for the case files for their component. This will eventually streamline the records management process for OGC, when it moves to the live CMS, when funds become available to complete the process.

To ensure reliable and consistent availability of information resources for FLRA employees to accomplish their mission, the FLRA must keep in step with our established hardware-refresh policy. Through various cost-cutting measures taken by IRMD, the FLRA was able to re-allocate enough funds to purchase replacement laptop hardware for all FLRA staff, which were made available to staff in 2023.

In 2023, the FLRA continued work to ensure a sufficient cybersecurity posture. The President's Executive Order on Cybersecurity continues to impose a plethora of new requirements that require funding. The Agency requested funds for an additional FTE for Cybersecurity but did not receive those funds. Cyberattacks on the FLRA's information resources systems have increased greatly and resources to combat those threats are not keeping pace.

Finally, for several years the FLRA has requested funds for the migration of the FLRA website—FLRA.gov—from a platform that has reached its end-of-life to a fully-supported, FedRAMP-certified cloud platform that aligns with the President's Cybersecurity Agenda. For several years in a row OMB approved the request, but Congress denied it. In FY 2023, the security of this resource reached an absolutely critical state and the FLRA made the decision to fund the initial stage of the project—at the expense of other Agency priorities.

FY 2023 Performance Outcomes by Measure

The following table summarizes the strategic plan performance outcomes by measure in FY 2023.

Strategic Goal 1: We will resolve disputes under the Federal Service Labor-Management Relations Statute in a timely, high-quality, and impartial manner.			
Strategic Objective 1.1: Achieve or exceed case-resolution timeliness measures, as established by each component.			
Performance Goal 1.1.1: Timely investigate, prosecute, and adjudicate each case type (ULP, REP, ARB, NEG, IMPASSE).			
Performance Goal 1.1.2: Resolve overage cases in a timely fashion			
Measure	**FY 23 Target**	**FY 23 Actual**	**Result**
1.1.1a: The average age of arbitration exceptions decided or otherwise resolved by the Authority.	385 days	299 days	Met
1.1.1b (New): The average age of arbitration cases pending before the Authority.	268 days	268 days	Met
1.1.1c: The percentage of arbitration cases decided by the Authority within 210 days of the filing of exceptions.	N/A	N/A	N/A
1.1.1d (New): The percentage of arbitration cases decided or otherwise resolved by the Authority within 210 days of assignment to a Member office.	50%	58%	Met
1.1.1e: The average age of negotiability cases decided or otherwise resolved by the Authority.	235 days	132 days	Met
1.1.1f (New): The average age of negotiability cases pending before the Authority.	250 days	211 days	Met
1.1.1g: The average age of ULP exceptions decided or otherwise resolved by the Authority.	100 days	90 days	Met

1.1.1h (New): The average age of ULP cases pending before the Authority.	150 days	3 days	Met
1.1.1i: The percentage of ULP cases decided by the Authority within 300 days of issuance of an OALJ decision.	N/A	N/A	N/A
1.1.1j (New): The percentage of ULP cases decided or otherwise resolved by the Authority within 300 days of assignment to a Member office.	75%	100%	Met
1.1.1k: The average age of representation cases decided or otherwise resolved by the Authority.	100 days	90 days	Met
1.1.1l (New): The average age of representation cases pending before the Authority.	86 days	53 days	Met
1.1.1m: 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.	100%	100%	Met
1.1.1n: The percentage of representation cases decided by the Authority within 210 days of the filing of an application for review.	N/A	N/A	N/A
1.1.1o (New): The percentage of representation cases decided by the Authority within 210 days of assignment to a Member office.	75%	80%	Met
1.1.1p: The median age of ULP complaints decided by the OALJ.	124 days	60 days	Met
1.1.1q: The percentage of ULP complaints issued by the General Counsel resolved or decided in the OALJ within 180 days of the complaint being issued.	80%	100%	Met
1.1.1r: 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.	70%	72%	Met
1.1.1s: The percentage of decisions on an appeal of a Regional Director's dismissal of a ULP charge issued by the General Counsel within 60 days of the date filed, and in no case more than 120 days.	95%	100%	Met

1.1.1t: 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.	70%	59%	Not Met
1.1.1x (New): CIP will assign the case to a Member office within 5 days of the due date for a final filing (regardless of whether such a filing has been received).	75%	100%	Met
1.1.1y (New): CIP will assign the case to a Member office within 21 days of due date of final filing.	100%	100%	Met
1.1.2a: The percentage of arbitration exceptions decided by the Authority within 365 days of the filing of exceptions.	N/A	N/A	N/A
1.1.2b (New): The percentage of arbitration exceptions decided or otherwise resolved by the Authority within 365 days of assignment to a Member office.	75%	81%	Met
1.1.2c: The percentage of negotiability cases decided or otherwise resolved by the Authority within 365 days of the filing of a petition for review.	75%	89%	Met
1.1.2d: The percentage of ULP cases decided by the Authority within 365 days of issuance of an OALJ decision.	N/A	N/A	N/A
1.1.2e (New): The percentage of ULP cases decided or otherwise resolved by the Authority within 365 days of assignment to a Member office.	90%	100%	Met
1.1.2f: The percentage of representation cases decided by the Authority within 365 days of the filing of an application for review.	N/A	N/A	N/A
1.1.2g (New): The percentage of representation cases decided or otherwise resolved by the Authority within 365 days of assignment to a Member office.	90%	100%	Met
1.1.2h: The percentage of ULP complaints issued by the General Counsel decided in the OALJ within 365 days of the complaint being issued.	95%	100%	Met

1.1.2i: The percentage of ULP charges resolved by the OGC by complaint, withdrawal, dismissal, or settlement within 240 days of filing of the charge.	95%	93%	Not Met
1.1.2j: The percentage of representation cases resolved by the OGC through withdrawal, election, or issuance of a Decision and Order within 365 days of the filing of a petition.	95%	96%	Met
1.1.2k: The percentage of bargaining-impasse cases in which the FSIP declines jurisdiction within 140 days of the date filed.	90%	100%	Met
1.1.2l: The percentage of bargaining-impasse cases that are voluntarily settled within 160 days of the date filed.	80%	100%	Met
1.1.2m: The percentage of bargaining-impasse cases that the FSIP resolves through final action that are closed within 200 days of the date filed.	80%	86%	Met
Strategic Goal 2: We will promote stability in the federal labor-management community by providing leadership and guidance through Alternative Dispute Resolution and education.			
Strategic Objective 2.1: Offer high-quality outreach and prevention services, as well as reference resources, to promote more effective labor-management relations across the Federal Government.			
Performance Goal 2.1.1: Provide targeted training, outreach and prevention, and facilitation activities within the labor-management community. **Performance Goal 2.1.2:** Provide effective, useful, up-to-date case-processing and case-law resources and trainings for the labor-management community.			
Measure	**FY 23 Target**	**FY 23 Actual**	**Result**
2.1.1a: The number of training, labor-management improvement, outreach, and facilitation activities delivered.	40	112	Met
2.1.1b: The number of recipients of training, labor-management improvement, outreach, and facilitation activities.	2,500	22,946	Met
2.1.1c: The percentage of participant responders who highly rate the training that they received.[4]	80%	94%	Met

[4] Measures participant satisfaction in 99 trainings provided by OGC in FY 2023.

2.1.1d: The number of times that on-demand online training is used.	1,000	18,000+	Met
Strategic Objective 2.2: Maximize the use of Alternative Dispute Resolution practices in case resolution.			
Performance Goal 2.2.1: Successful resolution of a significant portion of FLRA cases through ADR.			
Performance Goal 2.2.2: Expanded use of ADR in ARB cases.			
Performance Goal 2.2.3: Examination of potential expanded use of ADR in REP cases.			
Measure	**FY 23 Target**	**FY 23 Actual**	**Result**
2.2.1a: Percentage of unfair labor practice cases where OGC offer of ADR is accepted and case is partially or fully resolved.	95%	99%	Met
2.2.1b: Percentage of representation cases where OGC offer of ADR is accepted and case is partially or fully resolved.	95%	95%	Met
2.2.1c: The percentage of appropriate ULP cases in which ADR services are offered to the parties or ordered by the OALJ Chief Judge.	90%	100%	Met
2.2.1d: The percentage of ULP cases that are partially or totally resolved after ADR services are accepted by the parties or ordered by the OALJ Chief Judge.	80%	96%	Met
2.2.2a: The percentage of appropriate arbitration cases pending before the Authority in which ADR services are offered to the parties.	20%	TBD	TBD
2.2.2b: The percentage of arbitration cases that are partially or totally resolved after the parties accept an offer of ADR services.	60%	60%	Met
2.2.3a: The percentage of appropriate negotiability cases pending before the Authority in which ADR services are offered to the parties.	90%	100%	Met
2.2.3b: The percentage of proposals or provisions in negotiability cases that are partially or totally resolved after the parties accept an offer of ADR services.	90%	99%	Met

2.2.3c: The percentage of negotiability cases that are partially or totally resolved after the parties accept an offer of ADR services.	90%	100%	Met
2.2.3d: The percentage of cases – other than ULP, arbitration, and negotiability – that are partially or totally resolved after parties accept an offer of ADR services.	75%	75%	Met
Strategic Goal 3: We will manage our resources effectively and efficiently in order to achieve organizational excellence.			
Strategic Objective 3.1: Recruit, retain, and develop a highly talented, motivated, and diverse workforce to accomplish the FLRA's mission.			
Performance Goal 3.1.1: Demonstrate strong recruitment and retention practices.			
Measure			**Result**
3.1.1a: Demonstrable, strong recruitment and retention practices.			See P&G Section
Performance Goal 3.1.2: Maintain and grow agency expertise through employee development.			
Measure			**Result**
3.1.2a: Maintain and grow agency expertise through employee development.			See P&G Section
Strategic Objective 3.2: Improve usage of existing technology and deploy new IT systems to streamline and enhance organizational operations.			
Performance Goal 3.2.1: Improve eFiling capability and maximize its use in receiving case filings.			
Measure			**Result**
3.2.1a: Expand the use of electronic filing for all components.			See P&G Section
3.2.1b: Move FLRA towards 100% electronic case files, electronic permanent records, and electronic case management.			
Performance Goal 3.2.2: Enhance employee technology usage and skills at every level.			
Measure			**Result**
3.2.2a: Achieve an exceptional level of information security by increasing the percentage of systems using a zero-trust model and multifactor authentication and by promptly complying with cybersecurity orders and directives.			See P&G Section
3.2.2b: Assess how internal and external customers perceive the effectiveness of the Agency's IT modernization efforts.			
Performance Goal 3.3.1: Achieve high internal customer service scores on delivery of administrative services.			
Measure			**Result**
3.3.1a (New): Improvement in overall employee job satisfaction, as demonstrated through the score for question 42 of the Federal Employee Viewpoint Survey (FEVS).			See P&G Section

FINANCIAL ANALYSIS

The FLRA's principal financial statements have been prepared to report the financial position and results of operations of the Agency, pursuant to the requirements of 31 U.S.C. § 3515(b). While the statements have been prepared from the FLRA's books and records in accordance with U.S. Generally Accepted Accounting Principles for Federal entities and the formats prescribed by the OMB, the statements are in addition to the financial reports used to monitor and control budgetary resources, which are prepared from the same books and records. The statements should be read with the realization that they are for a component of the U.S. Government, a sovereign entity.

Balance Sheet

The Balance Sheet presents the FLRA's financial position through the identification of Agency assets, liabilities, and net position. The FLRA's fund balance with the Department of the Treasury (the Treasury) is approximately 92% of the total assets in both FY 2022 and FY 2023. The FLRA does not maintain any cash in commercial bank accounts or foreign currency balances, nor does it have any revolving or trust funds. The Agency's second largest asset is its furniture, equipment, and IT hardware and software, which are recorded at original acquisition cost, and then depreciated using the straight-line method over the estimated useful life of the asset.

Total FLRA assets increased to $6.5 million at the end of FY 2023 from $5.5 million at the end of FY 2022. The Agency made new fixed-asset purchases in FY 2023 of nearly $362,000, while the net book value of property and equipment already owned experienced further depreciation.

Assets as of September 30	2023	2022
Fund Balance with Treasury	$ 6,006,663	$ 5,264,634
General Property and Equipment	440,858	192,666
Accounts Receivable	47,935	50,392
Prepaid Expenses	39,556	39,926
Total	**$ 6,535,012**	**$ 5,547,618**

Totals may not add due to rounding.

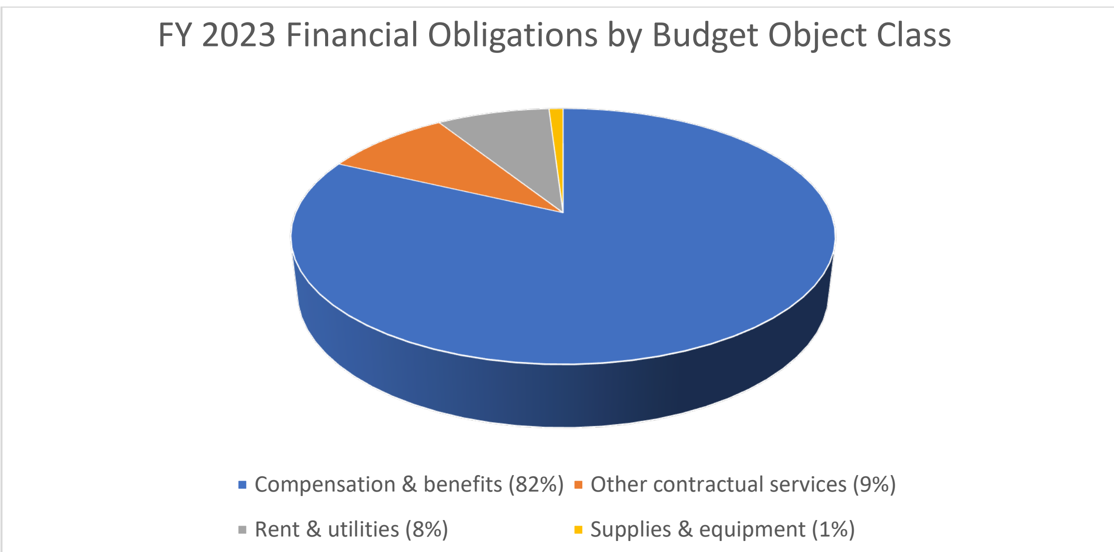
Funds held with the Treasury are available to pay Agency liabilities, which are the amount of monies or other resources likely to be paid by the FLRA as a result of transactions or events that have already occurred. Accrued employee leave, payroll, and benefits costs, along with accrued workers' compensation under the Federal Employees Compensation Act (FECA), accounted for nearly 91% of total liabilities at the end of FY 2023. The remaining 9% reflects the amount owed by the FLRA to vendors and other Federal agencies for purchased goods and services. Agency liabilities totaled $4.8 million in FY 2022 and $5.0 million FY 2023.

Liabilities as of September 30	2023	2022
Federal Employee [and Veteran] Benefits Payable	$ 3,097,179	$ 2,965,103
Accounts Payable	475,308	389,555
Other Liabilities	1,448,012	1,477,388
Total	**$ 5,020,499**	**$ 4,832,046**

The FLRA's total net position at the end of FY 2023 was $1.5 million—a $799 thousand increase from the previous year.

Statement of Net Cost

The Statement of Net Cost presents the gross cost of operating the FLRA's three major programs, less any reimbursable revenue earned from those activities. The net cost of operations in FY 2023 was $29.9 million, which is $1.7 million more than FY 2022. In FY 2023, 61% of the Agency's direct resources were dedicated to the Authority, which includes central administrative services provided to the entire Agency; 35%were dedicated to the OGC; and the remaining 4% were devoted to the FSIP.



Statement of Changes in Net Position

The Statement of Changes in Net Position reflects the changes that occurred within the cumulative results of operations and any unexpended appropriations. The cumulative results of operations represent the net results of operations since inception, the cumulative amount of prior period adjustments, the remaining book value of capitalized assets, and future funding requirements. Cumulative results from FY 2022 to FY 2023 reflect a $92 thousand increase totaling $2.8million.

Unexpended appropriations include undelivered orders and unobligated balances. Undelivered orders reflect the amount of goods and services ordered that have yet to be received. Unobligated balances are the amount of appropriations or other authority remaining after deducting the cumulative obligations from the amount available for obligation. The FLRA had an increase of $707 thousand in total, unexpended Agency appropriations in FY 2023.

Statement on Budgetary Resources

The Statement on Budgetary Resources reports the budgetary resources available to the FLRA during FY 2022 to FY 2023 to carry out the activities of the Agency, as well as the status of those resources at the end of each year. The primary source of FLRA funding is its annual Salaries and Expenses appropriation from the Congress. The Agency also receives reimbursements, pursuant to the Economy Act, for travel expenses associated with training provided by Agency employees on the Statute and the FLRA's mission.

The FLRA had $30.9 million in total budgetary resources available to it in FY 2023. The Agency incurred obligations of $30.1 million in FY 2023, with recording outlays of $28.5 million. Total budgetary resources increased by $2.7 million in FY 2023, due primarily to increased new obligations.

MANAGEMENT ASSURANCES

Annual FFMIA Statement of Assurance

Pursuant to the Federal Financial Management Improvement Act (FFMIA), FLRA management has assessed that the agency's financial management systems, including both financial and financially related (or mixed) systems, comply substantially with (1) Federal financial management systems requirements, (2) applicable Federal accounting standards promulgated by FASAB, and (3) the U.S. Standard General Ledger (USSGL) at the transaction level.

Annual FMFIA Statement of Assurance

Pursuant to the Federal Managers' Financial Integrity Act (FMFIA), FLRA management is responsible for managing risks and maintaining effective internal control to meet the objectives of Sections 2 and 4 of the Federal Managers' Financial Integrity Act. The FLRA conducted its assessment of risk and internal control in accordance with OMB Circular No. A-123, Management's Responsibility for Enterprise Risk Management and Internal Control.

Based on the results of this assessment, the FLRA can provide reasonable assurance that its internal controls over the effectiveness and efficiency of operations, reporting, and compliance were operating effectively as of September 30, 2023.

Further, based on our assessment, we determined that the FLRA financial-management system conforms to applicable financial-systems requirements.

Susan Tsui Grundmann
Chairman and Chief Executive and
Administrative Officer
Federal Labor Relations Authority

FY 2023 PERFORMANCE GOALS AND RESULTS

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

Strategic goal #1: We will resolve disputes under the Federal Service Labor-Management Relations Statute in a timely, high-quality, and impartial manner

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

PERFORMANCE GOAL 1.1.2: RESOLVE OVERAGE CASES IN A TIMELY FASHION

Representation cases

The Statute sets out a specific procedure for employees to petition to be represented by a labor union and to determine which employees will be included in a "bargaining unit" that a union represents. Implementing this procedure, the OGC, on behalf of the Authority, conducts secret-ballot elections for union representation and resolves a variety of issues related to questions of union representation of employees. These issues include, for example, whether particular employees are managers or "confidential" employees excluded from union representation, whether there has been election misconduct on the part of agencies or unions, and whether changes in union and agency organizations affect existing bargaining units. Representation cases are initiated when an individual, a labor organization, or an agency files a petition with a Regional Office. After a petition is filed, the Regional Director conducts an investigation, which may include holding a hearing to determine the appropriateness of a unit or other matter related to the petition. After concluding such investigation, the Regional Director may conduct a secret-ballot election or issue a Decision and Order, which is final unless an application for review (appeal) is filed with the Authority. The Authority resolves appeals to the Decision and Orders of the Regional Directors and these Authority decisions set legal precedent on the meaning and operation of the Statute in the representation context.

Unfair Labor Practice cases

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

Arbitration cases

The Statute requires that collective-bargaining agreements between agencies and unions include negotiated grievance procedures that provide for binding arbitration of grievances. Either party to grievance arbitration may file with the Authority an "exception" to (an appeal of) an arbitrator's award. The Authority will review an arbitrator's award to which an exception has been filed to determine whether the award is deficient because it is contrary to any law, rule, or regulation, or on grounds similar to those applied by Federal courts in private-sector, labor management relations. After the Authority issues a decision that resolves exceptions to an arbitration award, or no exceptions (or procedurally sufficient exceptions) are filed, the arbitration award becomes final and binding, and a party's refusal to comply with the award may be a ULP. If a party disagrees with an Authority decision in an arbitration case, then the party may file a motion for reconsideration.

Negotiability cases

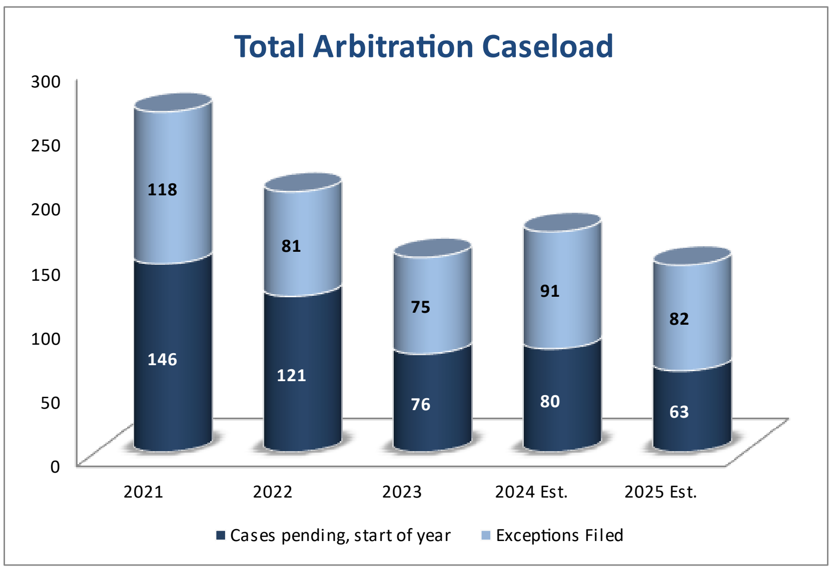
A primary responsibility of the Authority under the Statute is to resolve "negotiability" appeals. A Federal agency bargaining with a union may claim that a particular union proposal cannot be bargained because it conflicts with Federal law, a Government-wide rule or regulation, or an agency regulation for which there is a compelling need. In addition, agency heads may disapprove collective-bargaining agreements if those agreements are contrary to law. In both of these situations, a union may petition the Authority to resolve the negotiability dispute. The Authority's decisions in negotiability disputes set legal precedent on the meaning and operation of the Statute, and may be appealed to a U.S. Court of Appeals.

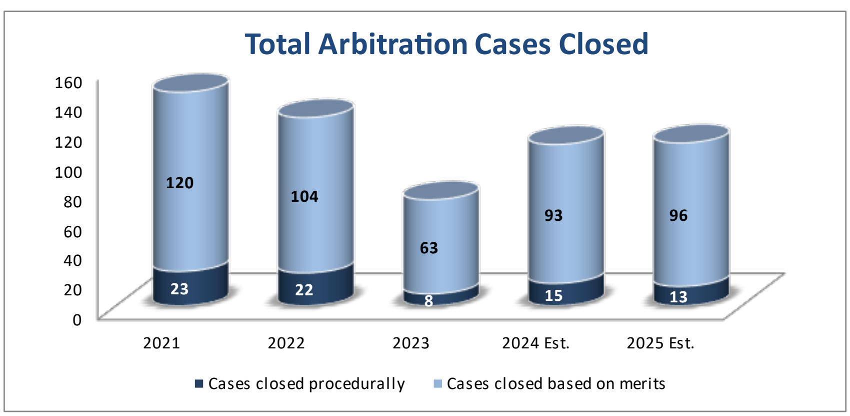
Bargaining-Impasse cases

In carrying out the right to bargain collectively, on occasion union representatives and Federal agencies fail to reach agreement on issues; the bargaining reaches an impasse. Several options are available by which the parties may attempt to resolve the impasse. The parties may: decide, on their own, to use certain techniques to resolve the impasse, but may proceed to private, binding arbitration only after the FSIP approves the procedure; seek the services and assistance of third-party mediation such as the FMCS; or seek the assistance of the FSIP in resolving the negotiation impasse, after the assistance of third-party mediation has failed.

Authority Arbitration Cases	2021	2022	2023	2024 Est.	2025 Est.
Cases pending, start of year	146	121	76	80	63
Exceptions filed (Intake)	**118**	**81**	**75**	**91***	**82**[2]
Total caseload	264	202	151	171	145
Cases closed procedurally	23	22	8	15	13
Cases closed based on merits	120	104	63	93	96
Total cases closed (Output)[3]	**143**	**126**	**71**	**108**	**109**
Cases pending, end of year	121	76	80	63	36

*Estimate based on three-year average from 2021-2023.
[2]Estimate based on average of 2022, 2023, and estimated average 2024.
[3]Estimated output assumes a full complement of Members and full staffing in the Member offices, CIP, and CADRO.





Measure 1.1.1a (Previously 1.1.1): The average age of arbitration exceptions decided or otherwise resolved by the Authority.			
Results		**Targets**	
2021	395 days *Not Met*	**2021**	248 days
2022	405 days *Not Met*	**2022**	375 days
2023	299 days *Met*	**2023**	385 days
		2024	284 days
		2025	270 days

Measure 1.1.1b (New): The average age of arbitration cases pending before the Authority.			
Results		**Targets**	
2022	N/A	**2022**	N/A
2023	268 days *Met*	**2023**	268 days
		2024	255 days
		2025	242 days

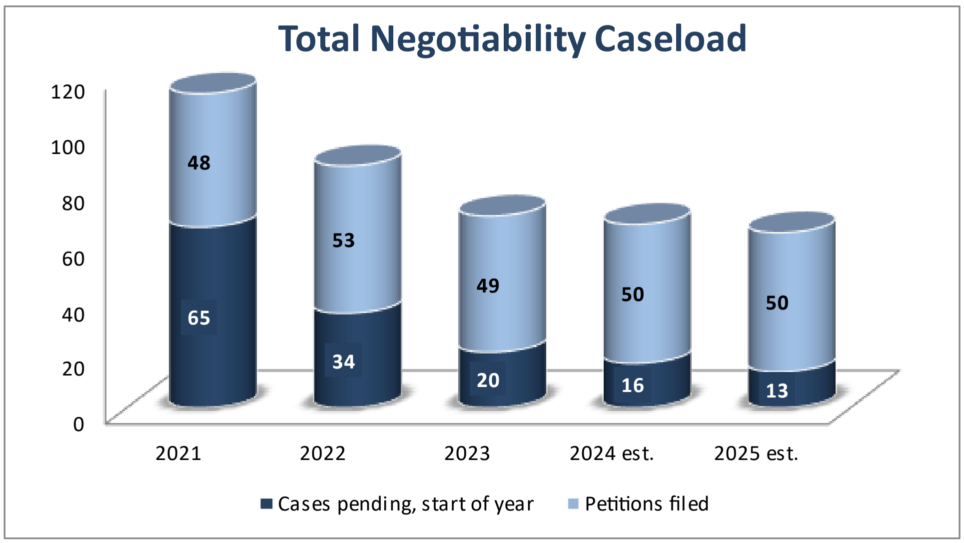
Measure 1.1.1c (Previously 1.1.2): The percentage of arbitration cases decided by the Authority within 210 days of the filing of exceptions.			
Results		**Targets**	
2021	29% - (42/143 cases) *Not Met*	**2021**	75%
2022	23% - (32/126 cases) *Not Met*	**2022**	75%
2023	N/A*	**2023**	N/A
		2024	N/A
		2025	N/A

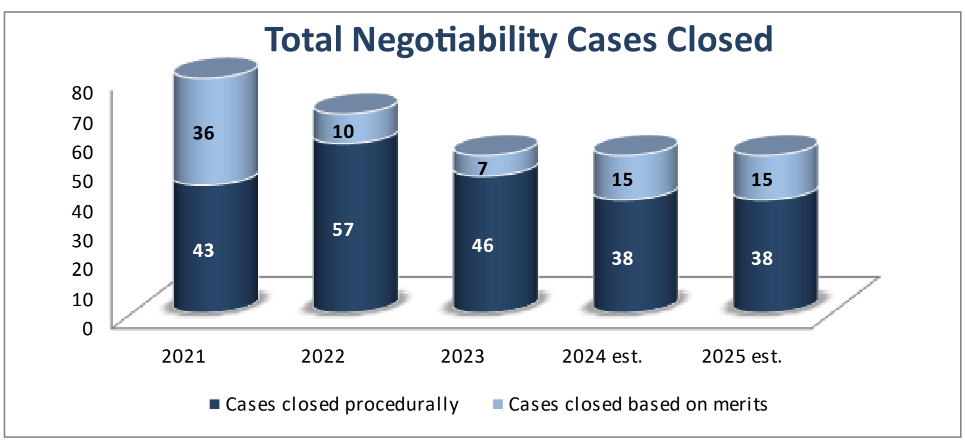
*Measure not in effect in FY 2023.

Measure 1.1.1d (New): The percentage of arbitration cases decided or otherwise resolved by the Authority within 210 days of assignment to a Member office.			
Results		**Targets**	
2022	N/A	**2022**	N/A
2023	58% - (35/60 cases) *Met*	**2023**	50%
		2024	50%
		2025	50%

Authority Negotiability Cases	2021	2022	2023	2024 Est.	2025 Est.
Cases pending, start of year	65	34	20	16	13
Petitions filed (Intake)	**48**	**53**	**49**	**50***	**50**[2]
Total caseload	113	87	69	66	63
Cases closed procedurally	43	57	46	38	38
Cases closed based on merits	36	10	7	15	15
Total cases closed (Output)[3]	**79**	**67**	**53**	**53**	**53**
Cases pending, end of year	34	20	16	13	10

*Estimate based on three-year average from 2021-2023.
[2]Estimate based on average of 2022, 2023, and estimated average 2024.
[3]Estimated output assumes a full complement of Members and full staffing in the Member offices, CIP, and CADRO





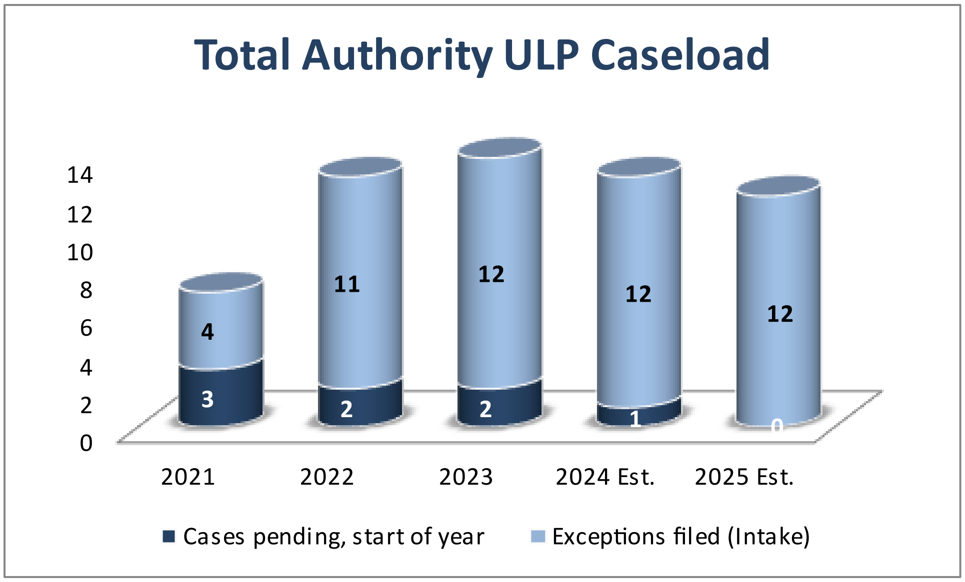
Measure 1.1.1e (Previously 1.1.3): The average age of negotiability cases decided or otherwise resolved by the Authority.			
Results		**Targets**	
2021	235 days *Not Met*	**2021**	161 days
2022	247 days *Not Met*	**2022**	223 days
2023	132 days *Met*	**2023**	235 days
		2024	125 days
		2025	119 days

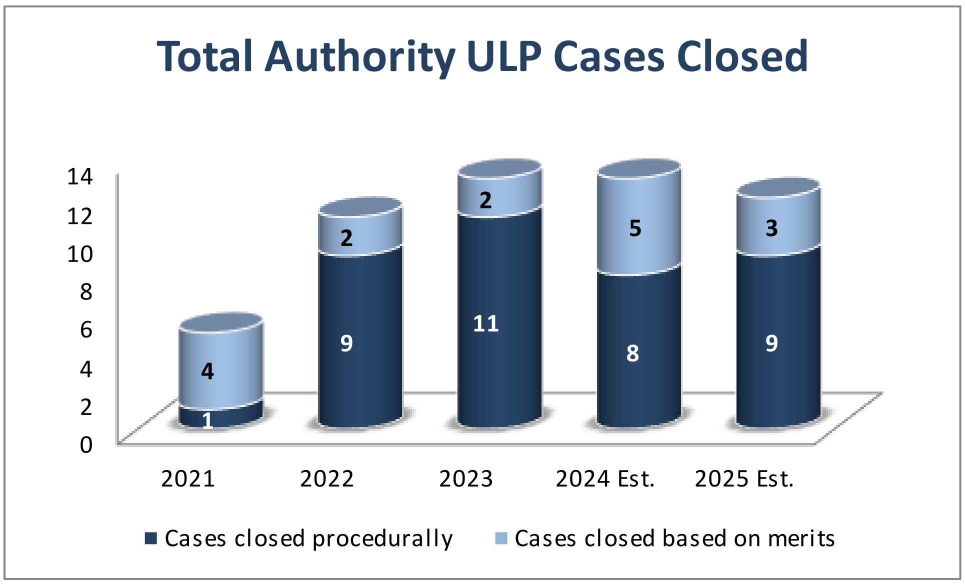
Measure 1.1.1f (New): The average age of negotiability cases pending before the Authority.*			
Results		**Targets**	
2022	N/A	**2022**	N/A
2023	211 days *Met*	**2023**	250 days
		2024	200 days
		2025	190 days

*Measured at the end of the fiscal year.

Authority **ULP Cases**	**2021**	**2022**	**2023**	**2024 Est.**	**2025 Est.**
Cases pending, start of year	3	2	2	1	0
Cases filed (Intake)	**4**	**11**	**12**	**12**	**12**
Total caseload	7	13	14	13	12
Cases closed procedurally	1	9	11	8	9
Cases closed based on merits	4	2	2	5	3
Total cases closed (Output)*	**5**	**11**	**13**	**13**	**12**
Cases pending, end of year	2	2	1	0	0

*Estimated output assumes a full complement of Members and full staffing in the Member offices, CIP, and CADRO





Measure 1.1.1g (Previously 1.1.5): The average age of ULP exceptions decided or otherwise resolved by the Authority.			
Results		**Targets**	
2021	554 days *Not Met*	**2021**	226 days
2022	105 days *Met*	**2022**	526 days
2023	90 days *Met*	**2023**	100 days
		2024	85 days
		2025	81 days

Measure 1.1.1h (New): The average age of ULP cases pending before the Authority.*			
Results		**Targets**	
2022	N/A	**2022**	N/A
2023	3 days *Met*	**2022**	150 days
		2024	142 days
		2025	135 days

*Measured at the end of the fiscal year.

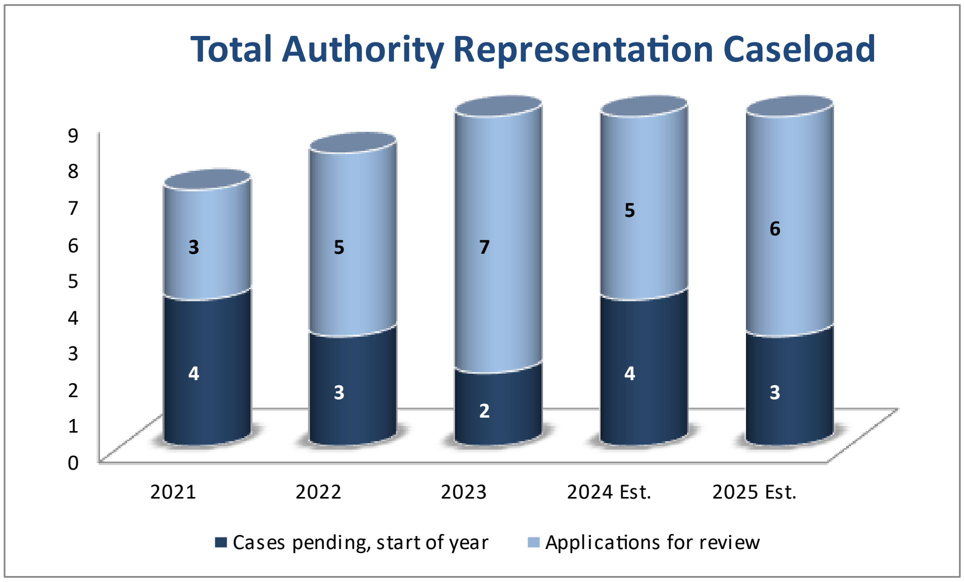
Measure 1.1.1i (Previously 1.1.6): The percentage of ULP cases decided by the Authority within 300 days of issuance of an OALJ decision.			
Results		**Targets**	
2021	40% – (2/5 cases) *Not Met*	**2021**	75%
2022	100% – (11/11 cases) *Met*	**2022**	75%
2023	N/A*	**2023**	N/A
		2024	N/A
		2025	N/A

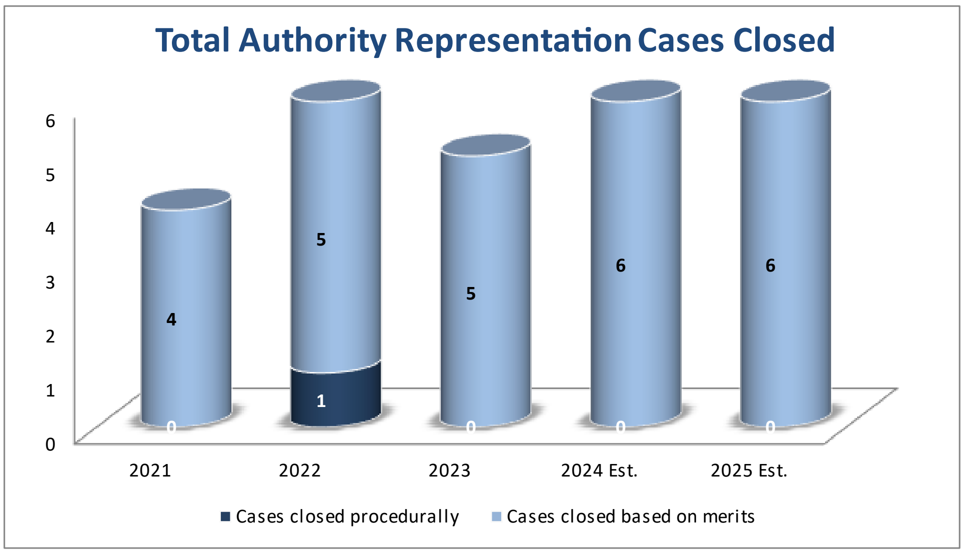
*Measure not in effect in FY 2023.

Measure 1.1.1j (New): The percentage of ULP cases decided or otherwise resolved by the Authority within 300 days of assignment to a Member office.			
Results		**Targets**	
2022	N/A	**2022**	N/A
2023	100% – (2/2 cases) *Met*	**2023**	75%
		2024	75%
		2025	75%

Authority **Representation Cases**	**2021**	**2022**	**2023**	**2024 Est.**	**2025 Est.**
Cases pending, start of year	4	3	2	4	3
Applications for review (Intake)	**3**	**5**	**7**	**5**	**6**
Total caseload	7	8	9	9	9
Cases closed procedurally	0	1	0	0	0
Cases closed based on merits	4	5	5	6	6
Total cases closed (Output)*	**4**	**6**	**5**	**6**	**6**
Cases pending, end of year	3	2	4	3	3

*Estimated output assumes a full complement of Members and full staffing in the Member offices, CIP, and CADRO





Measure 1.1.1k (Previously 1.1.7): The average age of representation cases decided or otherwise resolved by the Authority.			
Results		**Targets**	
2021	225 days *Not Met*	**2021**	184 days
2022	119 days *Met*	**2022**	214 days
2023	90 days *Met*	**2023**	100 days
		2024	85 days
		2025	81 days

Measure 1.1.1l (New): The average age of representation cases pending before the Authority.*			
Results		**Targets**	
2022	N/A	**2022**	N/A
2023	53 days *Met*	**2023**	86 days
		2024	50 days
		2025	47 days

*Measured at the end of the fiscal year.

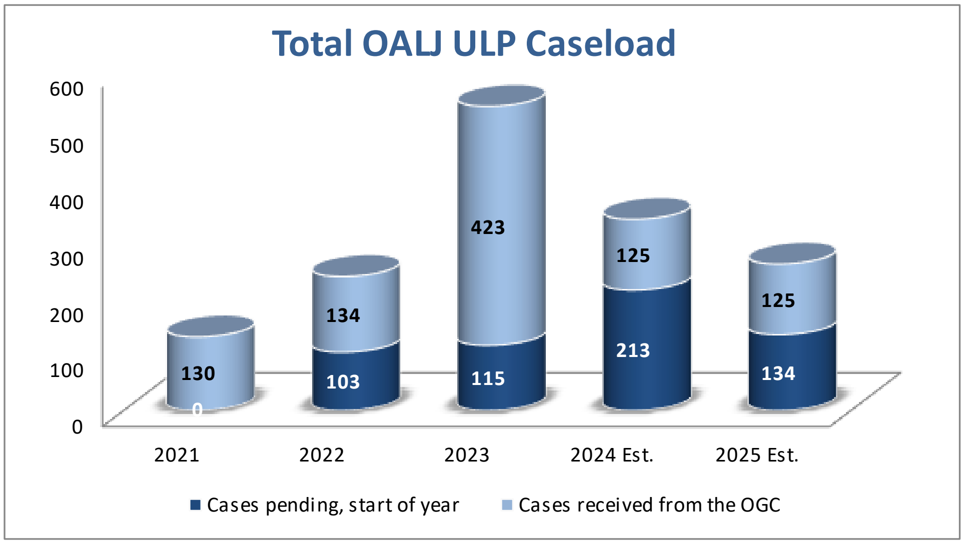
Measure 1.1.1m (Previously 1.1.8): The percentage of representation cases in which the Authority issued a decision whether to grant review within 60 days of the filing of an application for review.			
Results		**Targets**	
2021	100% – (4/4 cases) *Met*	**2021**	100%
2022	100% – (6/6 cases) *Met*	**2022**	100%
2023	100% – (5/5 cases) *Met*	**2023**	100%
		2024	100%
		2025	100%

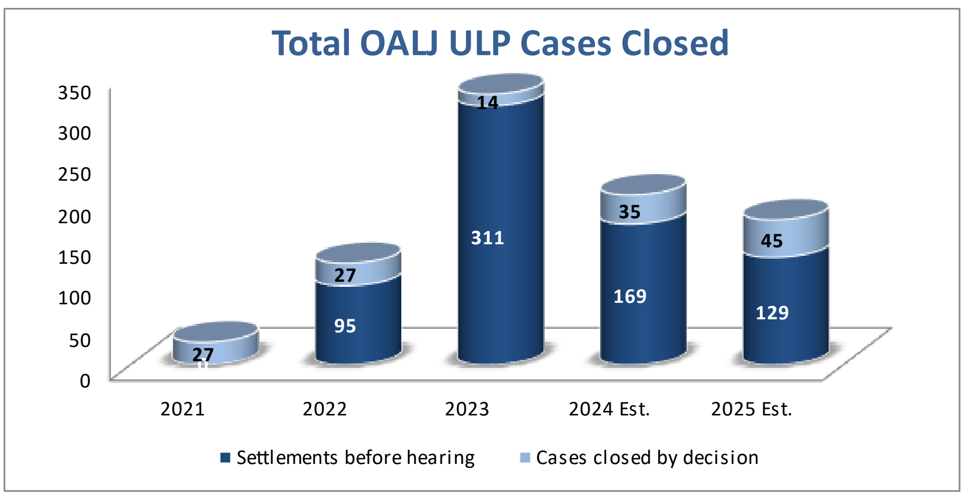
Measure 1.1.1n (Previously 1.1.9): The percentage of representation cases decided by the Authority within 210 days of the filing of an application for review.			
Results		**Targets**	
2021	75% – (3/4 cases) *Met*	**2021**	75%
2022	83% – (5/6 cases) *Met*	**2022**	75%
2023	N/A*	**2023**	N/A
		2024	N/A
		2025	N/A

*Measure not in effect in FY 2023.

Measure 1.1.1o (New): The percentage of representation cases decided or otherwise resolved by the Authority within 210 days of assignment to a Member office.			
Results		**Targets**	
2022	N/A	**2022**	N/A
2023	80% - (4/5 cases) *Met*	**2023**	75%
		2024	75%
		2025	75%

OALJ ULP Cases	2021	2022	2023	2024 Est.	2025 Est.
Cases pending, start of year	0	103	115	213	134
Complaints received (Intake)	**130**	**134**	**423**	**125**	**125**
Total caseload	130	237	538	338	259
Settlements before hearing	0	95	311	169	129
Cases closed by decision	27	27	14	35	45
Total cases closed (Output)	**27**	**122**	**325**	**204**	**174**
Cases pending, end of year	103	115	213	134	85





Measure 1.1.1p (Previously 1.1.10): The median age of ULP complaints decided by the OALJ. *			
Results		**Targets**	
2021	69 days *Met*	**2021**	124 days
2022	71 days *Met*	**2022**	124 days
2023	60 days *Met*	**2023**	124 days
		2024	124 days
		2025	124 days

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

Measure 1.1.1q (Previously 1.1.11): The percentage of ULP complaints issued by the General Counsel resolved or decided in the OALJ within 180 days of the complaint being issued. *			
Results		**Targets**	
2021	100% – (2/2 cases) *Met*	**2021**	80%
2022	100% – (27/27 cases) *Met*	**2022**	80%
2023	100% – (256/256 cases) *Met*	**2023**	80%
		2024	80%
		2025	80%

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

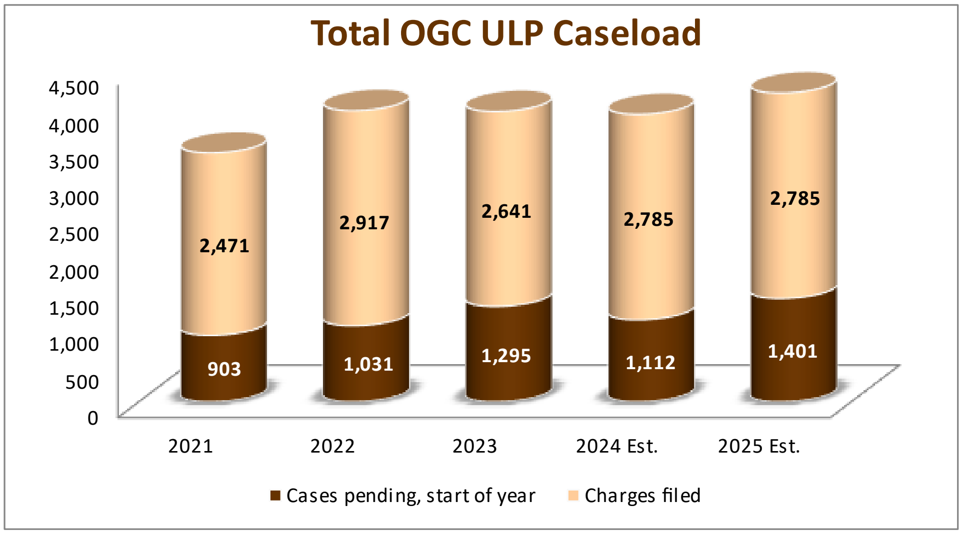
OGC **ULP Cases**	**2021**	**2022**	**2023**	**2024 Est.**	**2025 Est.**
Cases pending, start of year	903	1031	1295	1112	1401
Charges filed **(Intake)**	2471	2917	2641	2785	2785
Total caseload	**3374**	**3948**	**3936**	**3897**	**4186**
Charges withdrawn/settled	1850	2103	1950	1968	1968
Charges dismissed	363	416	447	403	403
Complaints issued[1]	130	134	427	125[2]	125[2]
Total cases closed (Output)*	**2343**	**2653**	**2824**	**2496**[3]	**2496**[3]
Cases pending, end of year[3]	**1031**	**1295**	**1112**	**1401**	**1690**

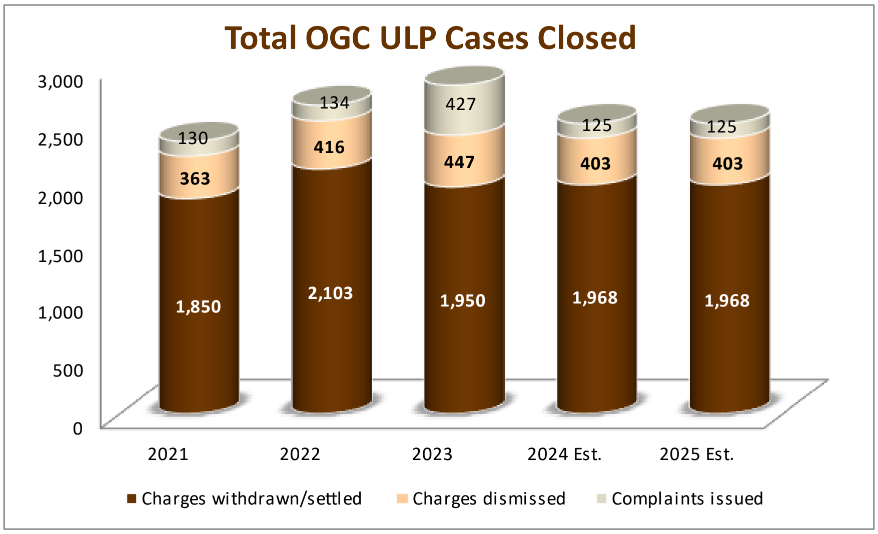
* Based on OGC FTE 27 in FY 2021-25.

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

[2] The OGC is currently without a General Counsel or Acting General Counsel. The estimates for complaints are assuming a confirmed General Counsel is in place within that FY.

[3] Although currently without a General Counsel, the OGC will be litigating, through October 30, 2024, those cases where complaint issued by August 1, 2023, and have not settled – currently at 242.





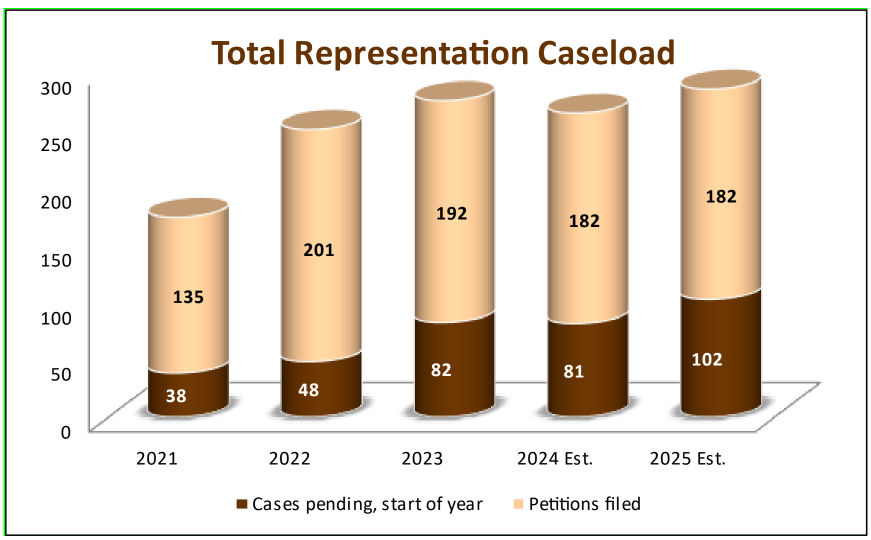
Measure 1.1.1r (Previously 1.1.12): The percentage of ULP charges resolved by the Office of the General Counsel by complaint, withdrawal, dismissal, or settlement within 120 days of filing of the charge.

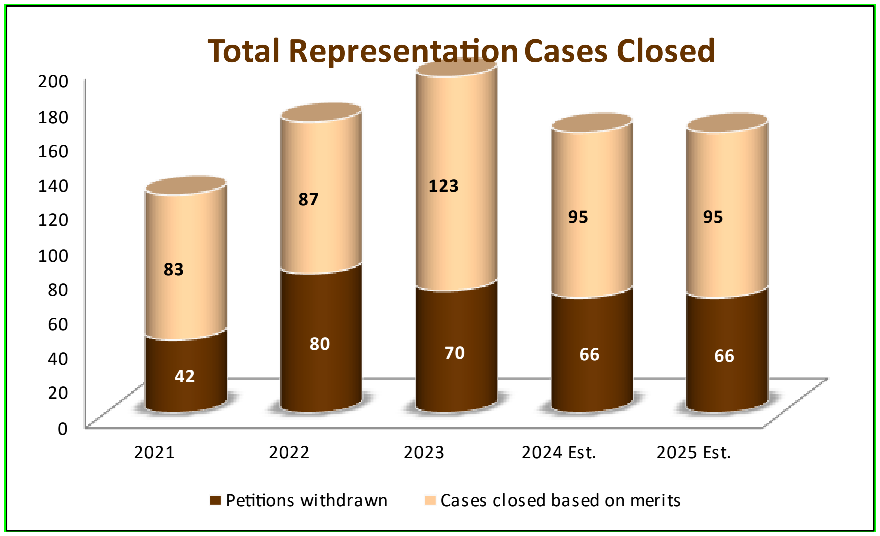
Results		Targets	
2021	94% – (2208/2343 cases) *Met*	**2021**	70%
2022	85% – (2245/2653 cases) *Met*	**2022**	70%
2023	72% – (2027/2826 cases) *Not Met*	**2023**	70%
		2024	70%
		2025	70%

Measure 1.1.2i (Previously 1.2.11): 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**	
2021	99.8% (2338/2343 cases) *Met*	**2021**	95%
2022	98.6% (2616/2653 cases) *Met*	**2022**	95%
2023	93% (2627/2826 cases) *Not Met*	**2023**	95%
		2024	95%
		2025	95%

***OGC* Representation Cases**	**2021**	**2022**	**2023**	**2024 Est.**	**2025 Est.**
Cases pending, start of year	38	48	82	81	102
Petitions filed (Intake)	**135**	**201**	**192**	**182**	**182**
Total caseload	173	249	274	263	284
Petitions withdrawn	42	80	70	66	66
Cases closed based on merits	83	87	123	95	95
Total cases closed (Output)*	**125**	**167**	**193**	**161**	**161**
Cases pending, end of year	48	82	81	102	123

*Based on OGC average FTE 27 average in FY 2021-25.





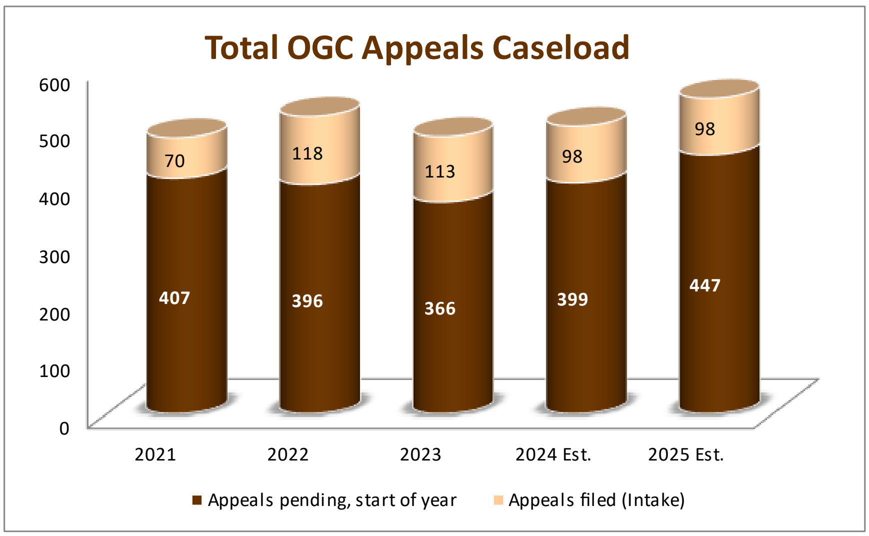
Measure 1.1.1t (Previously 1.1.14): The percentage of representation cases resolved by the OGC through withdrawal, election, or issuance of a Decision and Order within 120 days of the filing of a petition.			
Results		**Targets**	
2021	77% (96/125 cases) *Met*	**2021**	70%
2022	74% (122/167 cases) *Met*	**2022**	70%
2023	59% (113/193 cases) *Not Met*	**2023**	70%
		2024	70%
		2025	70%

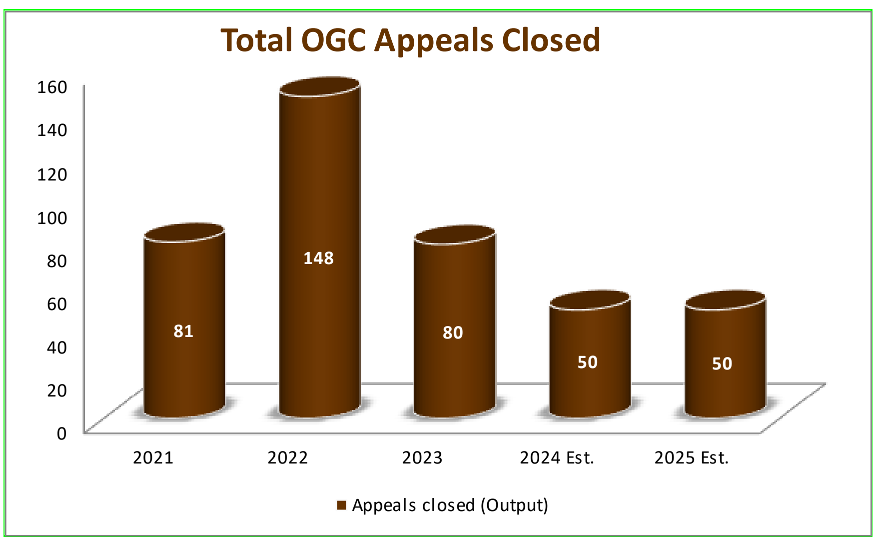
Measure 1.1.2j (Previously 1.2.12): The percentage of representation cases resolved by the OGC through withdrawal, election, or issuance of a Decision and Order within 365 days of the filing of a petition.			
Results		**Targets**	
2021	100% (125/125 cases) *Met*	**2021**	95%
2022	97% (161/167 cases) *Met*	**2022**	95%
2023	96% (185/193 cases) *Met*	**2023**	95%
		2024	95%
		2025	95%

OGC ULP Appeals	2021	2022	2023	2024 Est.	2025 Est.
Appeals pending, start of year	407	396	366	399	447
Appeals filed (Intake)	**70**	**118**	**113**	**98**	**98**
Total caseload	477	514	479	497	545
Appeals closed (Output)*	**81**	**148**	**80**	**50**[1]	**50**[1]
Appeals pending, end of year	396	366	399	447	495

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

[1] The OGC is currently without a General Counsel or Acting General Counsel. The estimates for appeals are assuming a confirmed General Counsel is in place within that FY.

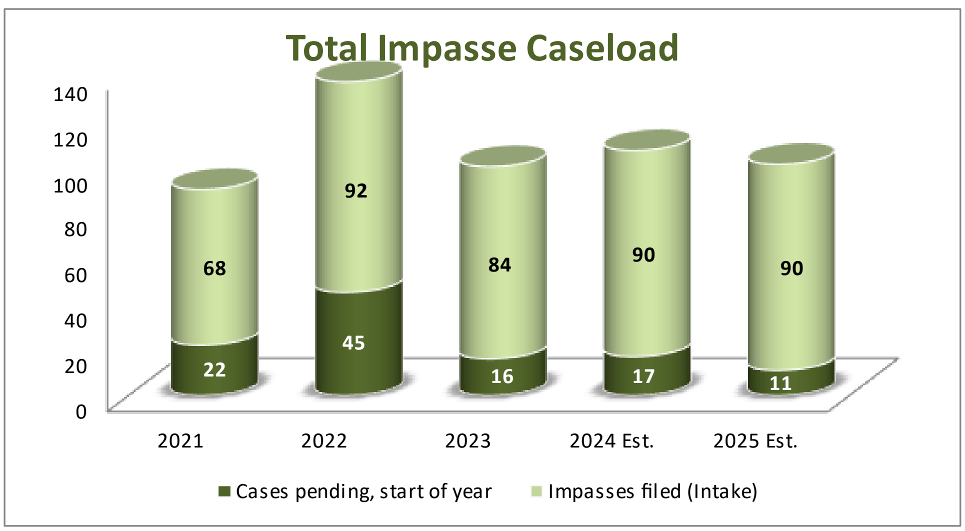


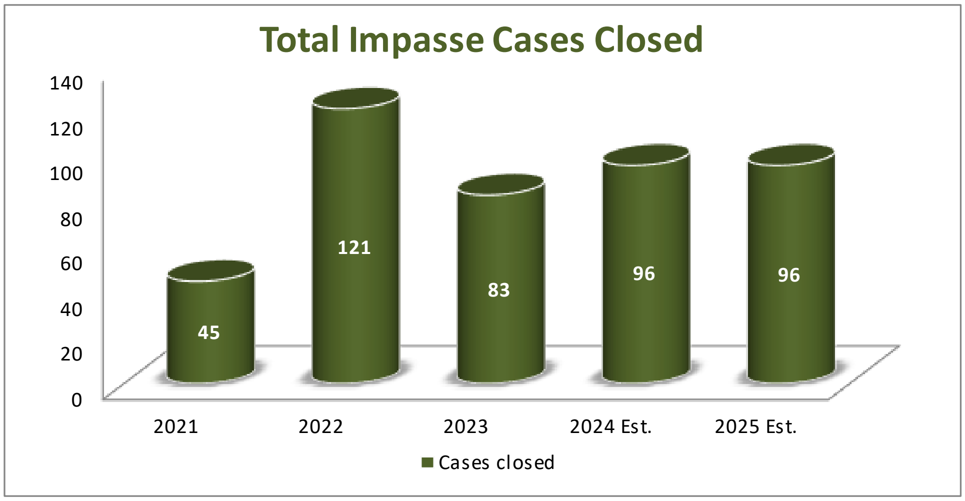


Measure 1.1.1s (Previously 1.1.13): The percentage of decisions on an appeal of a Regional Director's dismissal of a ULP charge issued by the General Counsel within 60 days of the date filed, and in no case more than 120 days.			
Results		**Targets**	
2021	100% (81/81)	**2021**	95%
2022	100% (148/148)	**2022**	95%
2023	100% (80/80)	**2023**	95%
		2024	95%

***FSIP* Impasses**	**2021**	**2022**	**2023**	**2024 Est.**	**2025 Est.**
Cases pending, start of year	22	45	16	17	11
Impasses filed (Intake)	**68**	**92**	**84**	**90**	**90**
Total caseload	90	137	100	107	101
Panel Decision	21	15	11	*	*
Panel declined jurisdiction	4	29	23	*	*
Settled with Panel assistance	2	38	17	*	*
Voluntarily withdrawn	18	39	32	*	*
Cases closed total (Output)	**45**	**121**	**83**	**96***	**96***
Cases pending, end of year	45	16	17	11*	5*

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





Measure 1.1.1x (New): CIP will assign the case to a Member office within 5 days of the due date for a final filing (regardless of whether such a filing has been received).			
Results		**Targets**	
2022	N/A	**2022**	N/A
2023	100% *Met*	**2023**	75%
		2024	75%
		2025	75%

Measure 1.1.1y (New): CIP will assign the case to a Member office within 21 days of due date of final filing.			
Results		**Targets**	
2022	N/A	**2022**	N/A
2023	100% *Met*	**2023**	100%
		2024	100%
		2025	100%

Measure 1.1.2a (Previously 1.2.1): The percentage of arbitration exceptions decided by the Authority within 365 days of the filing of exceptions.			
Results		**Targets**	
2021	49% – (70/143 cases) *Not Met*	**2021**	90%
2022	56% – (70/126 cases) *Not Met*	**2022**	90%
2023	N/A*	**2023**	N/A
		2024	N/A
		2025	N/A

*Measure not in effect in FY 2023.

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

Results		Targets	
2022	N/A	**2022**	N/A
2023	81% - (54/71 cases) *Met*	**2023**	75%
		2024	75%
		2025	75%

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

Results		Targets	
2021	86% – (68/79 cases) *Met*	**2021**	75%
2022	75% – (50/67 cases) *Met*	**2022**	75%
2023	89% – (47/53 cases) *Met*	**2023**	75%
		2024	75%
		2025	75%

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

Results		Targets	
2021	40% – 2/5 cases) *Not Met*	**2021**	90%
2022	100% – 11/11 cases) *Met*	**2022**	90%
2023	N/A*	**2023**	N/A
		2024	N/A
		2025	N/A

*Measure not in effect in FY 2023.

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

Results		Targets	
2022	N/A	**2022**	N/A
2023	100% – (2/2 cases) *Met*	**2023**	90%
		2024	90%
		2025	90%

Measure 1.1.2f (Previously 1.2.4): The percentage of representation cases decided by the Authority within 365 days of the filing of an application for review.			
Results		**Targets**	
2021	75% – (3/4 cases) *Not Met*	**2021**	100%
2022	83% – (5/6 cases) *Not Met*	**2022**	100%
2023	N/A*	**2023**	N/A
		2024	N/A
		2025	N/A

*Measure not in effect in FY 2023.

Measure 1.1.2g (New): The percentage of representation cases decided or otherwise resolved by the Authority within 365 days of assignment to a Member office.			
Results		**Targets**	
2022	N/A	**2022**	N/A
2023	100% – (5/5 cases) *Met*	**2023**	90%
		2024	90%
		2025	90%

Measure 1.1.2h (Previously 1.2.10): The percentage of ULP complaints issued by the General Counsel decided in the OALJ within 365 days of the complaint being issued. *			
Results		**Targets**	
2021	100% – (2/2 cases) *Met*	**2021**	95%
2022	100% – (27/27 cases) *Met*	**2022**	95%
2023	100% – (199/200 cases) *Met*	**2023**	95%
		2024	95%
		2025	95%

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

Measure 1.1.2k (Previously 1.2.13): The percentage of bargaining-impasse cases in which the FSIP declines jurisdiction within 140 days of the date filed.			
Results		**Targets**	
2021	100% - (4/4 cases) *Met*	**2021**	90%
2022	100% - (29/29 cases) *Met*	**2022**	90%
2023	100% - (18/18 cases) *Met*	**2023**	90%
		2024	90%
		2025	90%

Measure 1.1.2l (Previously 1.2.14): The percentage of bargaining-impasse cases that are voluntarily settled within 160 days of the date filed.			
Results		**Targets**	
2021	100% – (2/2 cases) *Met*	**2021**	80%
2022	100% – (38/38 cases) *Met*	**2022**	80%
2023	100% – (18/18 cases) *Met*	**2023**	80%
		2024	80%
		2025	80%

Measure 1.1.2m (Previously 1.2.15): The percentage of bargaining-impasse cases that the FSIP resolves through final action that are closed within 200 days of the date filed.			
Results		**Targets**	
2021	95% – (20/21 cases) *Met*	**2021**	80%
2022	100% – (15/15 cases) *Met*	**2022**	80%
2023	86%– (6/7 cases) *Met*	**2023**	80%
		2024	80%
		2025	80%

Strategic Goal 2: We will promote stability in the federal labor-management community by providing leadership and guidance through Alternative Dispute Resolution and education.

Key to the FLRA's strategic objectives is to offer high-quality mediation, settlement conferences, outreach and prevention services as well as resources to promote more effective labor-management relations across the Federal Government. ADR is a collection of tools that provide informal conflict prevention, management, and resolution. These tools allow parties to discuss and develop their interests in order to resolve the underlying issues and problems in their labor-management relationships. The FLRA utilizes interest-based conflict resolution and intervention services in pending ULP cases, representation cases, arbitration cases, negotiability appeals, and bargaining-impasse disputes.

The FLRA also provides facilitation and training to help labor and management develop constructive relationships capable of solving difficult problems and making mission-critical decisions, as well as avoiding and resolving future conflict.

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

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

Each FLRA component delivers training and outreach in a manner reflecting its unique expertise. The OGC, as well as the Authority, delivers case-processing and case-law training services that have a statutory focus, which makes them appropriate for remote, online, and recorded media. In FY 2023, the FLRA provided 112 in-person and virtual trainings. OGC provided 99 of the trainings and 94% of the 9063 participants in those trainings rated the trainings as effective or highly effective. The FLRA also provided on-demand training sessions on the FLRA YouTube channel, to over 18,000 participants.

CADRO offers various prevention services that are designed to help party representatives more effectively and efficiently solve complex workplace problems and make important decisions, which can be especially difficult in traditional labor-management relationships. Communication skills, interest-based problem-solving skills, facilitation skills, collective-bargaining skills, dispute-resolution techniques, and effective advocacy in ADR forums are just some of what CADRO staff teach management and union representatives. For some parties, the goal is to repair damaged workplace relationships. For others, the goal is to improve the operation of a constructive, traditional labor-management relationship. For yet others, CADRO staff help parties develop and implement a trajectory from a traditional labor-management relationship to a highly collaborative labor-management partnership. Ultimately, CADRO offers these services to help parties improve mission performance, quality of work-life, and day-to-day workplace relationships.

By training parties on their statutory rights and obligations, as well as improving labor-relations, the FLRA exercises leadership in the manner envisioned by the Statute and by the President's Executive Order Protecting the Federal Workforce (14003), his Executive Order on Worker Organizing and Empowerment (14025), and the 2022 report of the White House Task Force on Worker Organizing and Empowerment adopted by the President.

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

Measure 2.1.1a (Previously 2.1.1): The number of training, labor-management improvement, outreach, and facilitation activities delivered.

Results		Targets	
FY 2021	54 *Met*	**FY 2021**	40
FY 2022	76 *Met*	**FY 2022**	40
FY 2023	112 *Met*	**FY 2023**	40
		FY 2024	40
		FY 2025	40

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

Results		Targets	
FY 2021	7,886 *Met*	**FY 2021**	2,500
FY 2022	18,791 *Met*	**FY 2022**	2,500
FY 2023	22,946 *Met*	**FY 2023**	15,000
		FY 2024	15,000
		FY 2025	15,000

*Virtual training began in 2020 leading to significant increases in reach.

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

Results		Targets	
FY 2021	93% *Met*	**FY 2021**	80%
FY 2022	96% *Met*	**FY 2022**	80%
FY 2023	94%* *Met*	**FY 2023**	80%
		FY 2024	80%
		FY 2025	80%

*Reflects ratings of 99 trainings provided by OGC.

Measure 2.1.1d: (Previously 2.1.4): The number of times that on-demand online training is used.			
Results		**Targets**	
FY 2022	15,000+ *Met*	**FY 2022**	1,000
FY 2023	18,000+ *Met*	**FY 2023**	1,000
		FY 2024	1,000
		FY 2025	1,000

* New FY 2022 Measure.

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

Parties normally litigate because they want an answer to a legal question. Getting an answer to a legal question is different from solving the problem that gave rise to the legal question. A large percentage of parties to cases before the FLRA elect to use our ADR services to prevent and solve workplace problems.

ADR is any type of dispute resolution process—other than litigation—that is administered by a third party who has no stake in the outcome. There are many types of ADR, from facilitative at one end of the spectrum, to evaluative at the other. Types of ADR used by skilled professionals at the FLRA include mediation, facilitation, settlement conferences, and mediation-arbitration. Other ADR tools are also used when appropriate.

Measure 2.2.1a (Previously 2.2.1): Percentage of unfair labor practice cases where OGC offer of ADR is accepted and case is partially or fully resolved.			
Results		**Targets**	
FY 2021	99% *Met*	**FY 2021**	95%
FY 2022	99% *Met*	**FY 2022**	95%
FY 2023	99% *Met*	**FY 2023**	95%
		FY 2024	95%
		FY 2025	95%

Measure 2.2.1b (Previously 2.2.2): Percentage of representation cases where OGC offer of ADR is accepted and case is partially or fully resolved.			
Results		**Targets**	
FY 2021	100% *Met*	**FY 2021**	95%
FY 2022	99% *Met*	**FY 2022**	95%
FY 2023	95% *Met*	**FY 2023**	95%
		FY 2024	95%
		FY 2025	95%

Measure 2.2.1c (New): The percentage of appropriate ULP complaints in which ADR services are offered to the parties or ordered by the OALJ Chief Judge.			
Results		**Targets**	
FY 2022	100% *Met*	**FY 2022**	90%
FY 2023	100% *Met*	**FY 2023**	90%
* New FY 2022 Measure.		**FY 2024**	90%
		FY 2025	90%

Measure 2.2.1d (New): The percentage of ULP cases that are partially or totally resolved after ADR services are accepted by the parties or ordered by the OALJ Chief Judge.			
Results		**Targets**	
FY 2022	88% *Met*	**FY 2022**	80%
FY 2023	96% *Met*	**FY 2023**	80%
* New FY 2022 Measure.		**FY 2024**	80%
		FY 2025	80%

Measure 2.2.2a (New): The percentage of appropriate arbitration cases pending before the Authority in which ADR services are offered to the parties.*			
Results		**Targets**	
FY 2022	N/A	**FY 2022**	N/A
FY 2023	N/A	**FY 2023**	20%
		FY 2024	50%
		FY 2025	50%

* New FY 2022 Measure. Cases just started 8/2022 – Data forthcoming

Measure 2.2.2b (New): The percentage of arbitration cases that are partially or totally resolved after the parties accept an offer of ADR services.			
Results		**Targets**	
FY 2022	N/A	**FY 2022**	N/A
FY 2023	60% *Met*	**FY 2023**	60%
		FY 2024	60%
		FY 2025	60%

* New FY 2022 Measure. Cases just started 8/2022 – Data forthcoming

Measure 2.2.3a (New): The percentage of appropriate negotiability cases pending before the Authority in which ADR services are offered to the parties.			
Results		**Targets**	
FY 2022	100% *Met*	**FY 2022**	90%
FY 2023	100% *Met*	**FY 2023**	90%
		FY 2024	90%
		FY 2025	90%

* New FY 2022 Measure.

Measure 2.2.3b (New): The percentage of proposals or provisions in negotiability cases that are partially or totally resolved after the parties accept an offer of ADR services.			
Results		**Targets**	
FY 2022	100% (170/170) *Met*	**FY 2022**	90%
FY 2023	99% (288/291) *Met*	**FY 2023**	90%
		FY 2024	90%
		FY 2025	90%

* New FY 2022 Measure.

Measure 2.2.3c (New): The percentage of negotiability cases that are partially or totally resolved after the parties accept an offer of ADR services.			
Results		**Targets**	
FY 2022	100% (13/13 cases) *Met*	**FY 2022**	90%
FY 2023	100% (25/25 cases) *Met*	**FY 2023**	90%
		FY 2024	90%
		FY 2025	90%

* New FY 2022 Measure.

Measure 2.2.3d (New): The percentage of cases – other than ULP, arbitration, and negotiability – that are partially or totally resolved after parties accept an offer of ADR services.			
Results		**Targets**	
FY 2022	100% (5/5 cases) *Met*	**FY 2022**	75%
FY 2023	75% (3/4 cases) *Met*	**FY 2023**	75%
		FY 2024	75%
		FY 2025	75%

* New FY 2022 Measure.

Strategic goal 3: We will manage our resources effectively and efficiently in order to achieve organizational excellence.

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

The landscape of the Federal workplace and workforce continues to evolve, especially in light of COVID and the need to rapidly respond to the changing future of work. It is crucial to simultaneously focus on developing the workforce of the future while retaining valuable institutional knowledge.

The Agency is prepared to meet ever-changing business demands through the innovative use of IT to best manage the workload and interact with parties. The FLRA continues to be an effective steward of taxpayer dollars. The Agency's future operational approaches are designed to foster nimble and seamless deployment of resources coupled with cost-avoidance strategies to support productive labor-management relations across the Federal Government.

PERFORMANCE GOAL 3.1.1: DEMONSTRATE STRONG RECRUITMENT AND RETENTION PRACTICES

<table>
<tr><th colspan="2">Measure 3.1.1a (Previously 3.1.1): Demonstrable, strong recruitment and retention practices.</th></tr>
<tr><th colspan="2">Results</th></tr>
<tr><td>2021</td><td>• Conducted an Agency-wide recruitment effort for additional members for the Agency Diversity, Equity, Inclusion and Accessibility Team. The team now has 15 members that we believe properly reflect the diversity of the Agency.
• Developed the official charter for the team that was approved by all members and established subcommittees to address the necessary actions in line with the new administration's Executive Orders and mandates related to DEIA. The subcommittees include but are not limited to Training, Recruiting and Hiring, Agency Events, and Policy Review.</td></tr>
<tr><td>2022</td><td>• Continued to reinforce recruitment and retention of a diverse and inclusionary workforce.
• Developed an Agency-wide workforce demographic survey to gain more in-depth information from Agency employees to establish various employee groups and committees to facilitate diverse Agency programs and policies.
• Acquired a new, automated Time and Attendance system and a more secure e-OPF (online Official Personnel Folder) system.
• Developed new and improved recruitment strategies based on overall time to hire assessments.
• Developed an Agency entrance and exit survey for all employees to gain data on incoming perceptions of the Agency and why employees are leaving the Agency. This Data will assist us in recruitment planning and providing the proper consultation to management for developing an effective recruitment strategy to successfully fill vacant positions.</td></tr>
<tr><td>2023</td><td>• Created an Agency-specific recommendations report incorporating strategies for recruitment, training and development to help ensure the most effective means of mission accomplishment.
• Partnered with the Office of Personnel management (OPM) to:
1) reduce job opportunity announcements and hiring time, and
2) enhance the quality of applicants using subject matter experts and the development and utilization of better job analysis criteria and assessment questions to identify best qualified applicants.
• Established strategic partnerships between hiring officials and HR specialists which is key to the success of the hiring process. HR professionals in collaboration with program managers, established and conducted regular recurring meetings (referred to as pre-recruitment consultations) to discuss current and future position classification and/or recruitment needs. The purpose of the pre-recruitment consultations is to ensure that the recruitment needs of the respective programs are met in a timely and efficient manner.</td></tr>
</table>

	• Human Resources Division (HRD) encouraged management officials to utilize all available hiring flexibilities. These flexibilities, which oftentimes reduce the hiring process and eliminate the need to announce or go through lengthy recruitment processes, are discussed during pre-consultation meetings. Some hiring flexibilities include direct hire authority for attorney, cyber security, workforce recruitment program and other occupations.
Targets	
2023	• Develop an expanded recruitment base that is inclusive of all communities to include individuals with disabilities, varied races, cultures, incomes, educations, social affiliations, intellectual perspectives, languages, religions, ethnicities and members of the LGBTQ+ communities. • Continue automation improvements to include a performance management system. • Effectively utilize the Agency's diversity, equity, and inclusion committee to acquire new ideas to better recruit and retain a diverse workforce. • Establish an employee engagement program to raise awareness of how the FLRA utilizes Federal Employee Viewpoint Survey (FEVS) results to strengthen a healthy organizational environment. • Improve diversity at higher grade levels including supervisory, management, and senior executive positions through leadership competencies development and strategic recruitment.
2024	• Strengthen internal labor-management employee relations. • Continue to ensure the safety and security of employees and customers. • Improve leadership effectiveness to: 1) Establish a safe environment for employees to share ideas, innovations and proposals within their subject-matter areas; 2) Empower the workforce to improve processes and results; 3) Build trust and confidence in senior leadership integrity by communicating information which impacts the workforce early and often, including staff for pre-decisional input on work strategies, systems, tools, partners, and methods when feasible. • Implement enhanced employee recognition, awards, and appreciation strategies. • Measure onboarding effectiveness and new employee experiences.
2025	Recruitment • Human Capital Management (HCM) will seek and optimize the hiring of civilians with critical skills and expertise. The FLRA will continue improving upon methods to promote career opportunities, assess skills, and maintain senior-level talent management systems to support future succession planning. These initiatives all play an important role in HCM and are integral in improving recruitment and hiring processes. • Drive a data-driven and leading practices approach to recruitment, assessment and hiring strategies to strengthen and support DEI&A.

	• Capitalize on new OPM workplace flexibilities to recruit and retain talent. Assessment • Improve timeliness and quality of hires. As the Agency competes for talent now and in the future, enhanced assessment tools will improve the quality of candidates by better matching highly skilled talent to positions, thereby reducing hiring costs and attrition. We plan to establish effective assessment tools optimizing the hiring process by improving reviews of applicant qualifications to result in high quality candidates. • Develop or identify assessment practices that do not solely rely on candidate self-assessments and educational attainment to determine their qualifications for competitive service positions in accordance with Executive Order 13932, Modernizing and Reforming the Assessment and Hiring of Federal Job Candidates. Services • Enhance the retirement services customers and applicants experience by providing timely, accurate, and responsive service addressing the diverse needs of customers. • Strive to provide employees with a healthy work-life balance, which is a key element in maintaining high levels of resilience and performance shown by the workforce. The FLRA is committed to strengthening its workforce—which will enable them to fulfill the FLRA's mission. • Continue to train managers and employees on effective use of available workplace flexibilities and work-life programs to improve employee engagement and productivity.

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

Measure 3.1.2a (Restored): Maintain and grow agency expertise through employee development.	
Results	
2022	• Maintain an environment conducive for learning to include greater use of technology for online, "on demand" training and the ability to record training and information sessions with subsequent availability across the workforce as needed. • Establishment of collaborative exchanges with the Small Agency Council (SAC) and the Interagency Human Resources (HR) Policy Community of Practice, for example, sharpens the capabilities of the Human Resources Division personnel. Sharing of information and resources among external organizations enhances perspective and facilitates compliance and agility to ensure timely implementation of HR regulations, programs, operations, policies, and strategies. • Effective utilization of detail opportunities for experiential learning and optimal use of available talent. This increases knowledge of the

	operations, standards, and customer relations of other FLRA components.
2023	• Partnered with the OPM, the Department of Labor, and the Interior Business Center on numerous HCM development courses for HRD staff at no cost. • Educated HR professionals and stakeholders on available hiring authorities and flexibilities to expedite hiring processes. Civilian hiring is multi-faceted and requires continuous collaboration between HR and hiring managers. This initiative educated stakeholders in the understanding of available hiring flexibilities, to include traditional appointing authorities and pay flexibilities. • Expanded workforce data and HR analytics to better support decision makers. Strategically managed civilian workforce planning requirements and kept pace with emerging missions and changing workforce priorities.
Targets	
2023	• Expand networks for training resources to include access to Department of the Interior (DOI) University training programs for the FLRA's workforce. • Justify an FTE in the Human Resources Division for an Organization Development and Engagement Specialist with functional responsibilities to integrate strategic planning of organizational goals with organizational performance. This involves subject-matter expertise in human capital management (e.g., program evaluation, accountability, employee engagement best practices) and talent management (e.g., employee and leadership development, succession planning, workforce planning). • Deploy an automated performance management system to enhance records management, data collection and analysis, and operational efficiencies in tracking activities throughout the performance management cycle.
2024	• Establish a robust leadership development program in-house or utilize external programs to strengthen readiness for promotion at every level and ensure a pool of diverse, prepared successors for supervisory, management, and executive-level opportunities. • Explore mentoring programs and peer-to-peer training. • Increase use of available executive resources services to support senior management officials through transitions; ensure executive leadership development; improve diversity, equity, inclusion, and accessibility at the highest levels of the Agency; and staff Senior Executive Service (SES) and Senior Level (SL) vacancies. • Coordinate with OPM to implement USA-performance platform to automate performance evaluation management for SES, SL and GS employees.
2025	Performance • Customize HCM services and training to employees to help maximize Agency and individual performance.

	• Improve the link between performance management and recognition to support Agency efforts to retain high-performing employees, and those with mission-critical skills. • HCM shall educate management, in coordination with the Budget and Finance Office, on the use of monetary and nonmonetary recognition throughout the entire performance cycle, which provides supervisors and managers with the tools to improve performance by building a culture of recognition for achievement. Webpage • Update the website to provide customers with more practicable HR information that is user-centric and user-friendly.

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

Measure 3.2.1a (Previously 3.2.1): Expand the use of electronic filing for all components.	
Results	
2021	• 68 percent of cases eFiled Agency-wide. • 78 percent of Authority cases eFiled. • OGC eFiling increased by 14 percent. • Research and planning began to vastly increase capabilities of the eFiling system to allow a wider array of case types/actions and interactions.
2022	• 77 percent of cases eFiled Agency-wide. • 74 percent of OGC cases eFiled. • OGC eFiling has increased 8% from FY 2021.
2023	• Successfully amended the regulations to include opt-in for electronic service of documents • Further modification of regulations underway to update negotiability case filing/processing, and workgroup established to recommend additional changes to procedural regulations • Updated eFiling application to add functionality to support regulatory changes/updates • Overall, 79% of cases eFiled, falling short of our goal of 80%. Lack of funding stymied development work to accommodate eFiling improvements
Targets	
2023	• 80% of cases filed electronically. • Critically review and revise FLRA regulations to modernize filing requirements.
2024	• Fully align procedural regulations for case submission with available technology resources (eFile, etc.) to eliminate costly legacy means.
2025	• Implement significant regulatory changes to align with Electronic Case Filing modernization efforts.

Measure 3.2.1b (Previously 3.2.2): Move the FLRA towards 100% electronic case files, electronic permanent records, and electronic case management.	
Results	
2021	• Combined original Phase 2 and Phase 3 of the four-phase plan to implement fully-electronic casefile. Developed and tested end-to-end electronic case files for the Authority component, rolled out in late 2020.
2022	• Enhancements and improvements continue on Authority CMS. OGC CMS development hindered by lack of appropriated funds, but continues slowly.
2023	• Development efforts have come to a standstill due to insufficient development funds. • Minor improvements to the Authority CMS system
Targets	
2023	• OGC implement “electronic” ULP and REP case filing system for all new cases; eliminate use of analog case files. • Continue development and implementation of end-to-end electronic casefile system for all components.
2024	• Continue development and implementation of end-to-end electronic casefile system for all components. Align Agency policies and procedures for full acceptance of fully Electronic Casefile.
2025	• Continue development and implementation of end-to-end electronic casefile system for all components. Align Agency policies and procedures for full acceptance of fully Electronic Casefile.

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

Measure 3.2.2a (New) (Previously 3.2.3): Achieve an exceptional level of information security by increasing the percentage of systems using a zero-trust model and multifactor authentication and by promptly complying with cybersecurity orders and directives.	
Results	
2021	*New Measure for 2022
2022	• 75% of systems using Zero Trust model, CISA-Standard CDM and EDR implemented fully
2023	• 80% of systems are fully Zero Trust, but lack of funding for modernization of systems has prohibited progress
Targets	
2023	• 90% of systems using Zero Trust model; Multifactor Authentication in use for all externally provided systems
2024	• 100% Zero Trust architecture, MFA in all internal and external facing systems
2025	• 100% Zero Trust architecture, MFA in all internal and external facing systems

Measure 3.2.2b (Previously 3b-4): Assess how internal and external customers perceive the effectiveness of the Agency's IT modernization efforts.	
Results	
2021	• Received overwhelmingly positive comments about the effort to move from legacy DMS solution to new integrated DMS.
2022	• Used surveys and focus group meetings to assess the success and acceptance of the migration out of iManage and into SharePoint. Achieved about 90% satisfaction with both the new resource and the migration effort.
2023	• Near 100% participation in the opt-in for electronic delivery of documents for eFiled cases.
Targets	
2023	• Continue to administer targeted surveys to assess usability of proposed broad changes and enhancements to eFiling and case-management. • Apply lessons learned and improve surveying for Agency migration of video and telephone services to a cloud platform. • Maintain open dialog with internal and external customers to best diagnose, assess, and plan future fixes and enhancements.
2024	• Continue to administer targeted surveys to assess usability of changes, fixes, and enhancements to the eFiling system and the Authority component CMS. • Apply lessons learned and improve surveying for new development work for the OGC Component Case Management System. • Maintain open dialog with internal and external customers to best diagnose, assess, and plan future fixes and enhancements.
2025	• Continue to administer targeted surveys to assess usability of changes, fixes, and enhancements to the eFiling system and the Authority component CMS. • Apply lessons learned and improve surveying for new development work for the remaining components' Case Management Systems. • Maintain open dialog with internal and external customers to best diagnose, assess, and plan future fixes and enhancements.

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

Measure 3.3.1a (New) (Previously 3.1.2): Improvement in overall employee job satisfaction, as demonstrated through the score for question 42 of the Federal Employee Viewpoint Survey (FEVS).		
Year	**Results**	**Targets**
Reported in 2021	73% satisfied in 2020	
Reported in 2022	73% satisfied in 2021	
Reported in 2023	80% satisfied in 2022	75% satisfied
Reported in 2024		77% satisfied
Reported in 2025		77% satisfied

LEGACY STRATEGIC GOALS, OBJECTIVES, AND MEASURES

As part of the FLRA's ongoing performance planning, it developed a new 2022-2026 Strategic plan, replacing, rewording, or eliminating, outdated or irrelevant goals, objectives and measures. They are listed here.

Legacy Performance Goal 1b-1: Conduct high-quality investigations and produce high-quality written work products.	
Measure 1b-1: Establish and surpass case-processing quality goals.	
Results	
2019	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	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.
2021	Authority has eliminated redundancies in its decisions by weaving the parties' arguments into the analysis portion of decisions, rather than initially setting forth the parties' arguments and then restating them in the analysis. By moving all legal citations to footnotes – instead of placing them in text – Authority decisions are now more readable because the citations do not interrupt the flow of sentences. Recitation of frequently applied legal standards and disposition of minor issues are increasingly relegated to footnotes so that the main text is more streamlined. Plain-language principles applied to FLRA website: active voice; improved organization by case types; visually engaging design, simplified global navigation, improved usability and search function, all-new substantive content, and a convenient training-registration tool.
Targets	
2019	Complete development of Agency-wide quality assessment tools and finalize pilot implementation.
2020	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	Written work products should reflect an increase in quality, as measured by the tools.
2022	Written work products should reflect an increase in quality, as measured by the tools.

Legacy Performance Goal 1b-2: Implement effective methods to maintain and improve the quality of FLRA investigations and written work products, including FLRA staff training and internal education resources.	
Legacy Measure 1b-2: Train FLRA staff and provide internal educational resources to improve the quality of investigations and written work products.	
Results	
2019	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	Conducted in-house Casework Training in early March 2020. Conducted internal legal writing training for Authority. attorneys and legal interns. See also 2020 results in Measure 1b-1.
2021	Professional development budget was set at $1000 per employee, allowing each staffer to take one or conceivably two professional development courses as desired.
Targets	
2019	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	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	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	Continue to make necessary adjustments to maximize efficiency of internal training programs. Increase professional development options for FLRA staff in order to improve the quality of investigations and written work products.

Legacy Performance Goal 1b-3: Ensure external stakeholder confidence in FLRA's abilities.	
Legacy Measure 1b-3: Customer perceptions about FLRA's impartiality.	
Results	
2019	Developed a survey to assess parties' perceptions of FLRA's impartiality.
2020	COVID-19 delayed implementation of pilot survey – will carry over to 2021
2021	COVID-19 and change in leadership delayed implementation of pilot survey
Targets	
2019	Develop and administer an external survey(s) to assess the parties' perceptions of FLRA's impartiality.
2020	Maintain or improve overall perceptions about FLRA's impartiality year over year. Pilot external survey.
2021	Deliver external survey electronically with every final agency action and evaluate results.
2022	Deliver external survey electronically with every final agency action and evaluate results.

Legacy Measure 2a: Expand the relevancy, currency, and reach of educational tools.	
Results	
2019	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	FLRA issued two press releases announcing seven online training sessions Agency-wide. FLRA produced and published several training videos on a new YouTube channel (Youtube.com/c/FederalLaborRelationsAuthority) Also posting five pre-recorded training modules on FLRA.gov YouTube trainings plus those currently on the website. Continue to provide case digest summaries for all Authority decisions. To date, the Authority has published approximately 205 digests. Quarterly digests reports are up to date and were announced in a press release. Requested public comment on proposed negotiability regulations. Agency updated its union-dues-revocation regulation. Conducted live-stream training. Requested public comment via Federal Register notice on four policy statement requests. Agency issued five policy statements. Updated OGC Representation Case Outline.
2021	Expanded the number of animated YouTube training available on (Youtube.com/c/FederalLaborRelationsAuthority). FLRA issued two press releases announcing ten online training sessions Agency-wide.

	The topics covered in the videos are eFiling, Unfair Labor Practice Investigations, Timeliness under Section 7118(a)(4), and Investigatory Examinations (a seven-lesson course). Quarterly case digest reports continued.
Targets	
2019	Update at least 3 guides or manuals Agency-wide. Establish a mechanism to live stream trainings online or offer pre-recorded trainings on the 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	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	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	Continue to expand online resources. Continue to provide case digest summaries for all Authority decisions. Provide OGC and FSIP case digests, if deemed appropriate.

Legacy Measure 2b: Develop and implement a highly effective, totally voluntary targeted-assistance program and related procedures.	
Results	
2019	Collaborated with FMCS on a pilot program for mediation of appropriate negotiability disputes. Addressed specific requests of parties for targeted training.
2020	FLRA conducted 16 customer trainings. Authority & FSIP lawyers successfully trained FMCS mediators. The Authority and FMCS developed a shared electronic case-management system to track the status of referred NEG cases. In December 2019, began referring NEG cases to FMCS mediators. To date, FMCS has narrowed – or entirely resolved – the negotiability dispute in 50 percent (5/10) of referred cases. To date, FMCS mediators assisted 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.
2021	CADRO was restored. FMCS mediation pilot program was terminated.

Targets	
2019	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	Train FMCS mediators and support the pilot mediation program. Establish metrics for evaluating 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	Evaluate the effectiveness of the FMCS mediation pilot program using metrics established in 2020. Continue to evaluate the targeted-assistance program.
2022	With the re-establishment of CADRO, FLRA will discontinue this measure.

Legacy Measure 3a: Align performance-management systems and individual performance plans with current Strategic Plan.	
Results	
2019	Evaluated Agency performance-management systems and individual employee performance plans for alignment with the legacy 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	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 legacy Strategic Plan via FEVS. In FEVS 2020 results, 90.8 percent of employees "Know how my work relates to the agency's goals," up from 79.2 percent in 2019. 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.
2021	Evaluated pilot and revise performance plans as appropriate. Managers added whistleblower protection information to performance plans. Completed the development of revised performance plans for all remaining positions.

Targets	
2019	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 legacy Strategic Plan.
2020	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	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	FLRA will discontinue this measure following the alignment of performance plans and systems with the legacy Strategic Plan.

Legacy Measure 3b-3: Internal and external customer perceptions of the eFiling System.	
Results	
2019	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	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.
2021	Implemented significant fixes and enhancements in response to customer feedback. Integrated new eFiling user registration approval mechanism in CMS.
Targets	
2019	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	Maintain or improve positive responses to internal and external survey instruments. Adopt suggested enhancements to the eFiling System, as appropriate.
2021	Maintain or improve positive responses to internal and external survey instruments. Adopt suggested enhancements to the eFiling System, as appropriate.
2022	FLRA will discontinue this measure; will measure through the engagement email address.

PRINCIPAL FINANCIAL STATEMENTS

MESSAGE FROM THE CHIEF EXECUTIVE OFFICER

The FLRA's FY 2023 Performance and Accountability Report reflects the correlation between the programmatic and financial aspects of the agency's work. The report bridges these two areas by presenting performance results with the financial results of agency operations. The financial statements and notes that follow explain the FLRA's financial position as of September 30, 2023, and how the Agency's financial resources were expended to achieve results.

For the seventeenth consecutive year, the FLRA has received an unqualified audit opinion on its financial statements. Along with the unqualified opinion, the report of independent auditors found no material weaknesses in the design and operation of the Agency system of internal controls over financial reporting. I am confident that the FLRA's financial and performance data are complete, accurate, and reliable.

With FY 2023 expected to be another challenging year, we will continue to focus on resolving cases fairly and efficiently, securing resources appropriate to meet our mission, meeting electronic records deadlines, closing open recommendations, and improving our levels of employee satisfaction and morale.

Susan Tsui Grundmann
Chairman and Chief Executive and
Administrative Officer
Federal Labor Relations Authority

FEDERAL LABOR RELATIONS AUTHORITY
BALANCE SHEET
AS OF SEPTEMBER 30, 2023 AND 2022
(In Dollars)

		2023		2022
Assets:				
Intragovernmental Assets:				
Fund Balance with Treasury (Note 2)	$	6,006,663	$	5,264,634
Accounts Receivable, Net (Note 3)		32,252		34,669
Advances and Prepayments		39,556		39,926
Total Intragovernmental Assets		6,078,471		5,339,229
Other than Intragovernmental Assets:				
Accounts Receivable, Net (Note 3)		15,683		15,723
Property, Plant, and Equipment, Net (Note 4)		440,858		192,666
Total Other than Intragovernmental Assets		456,541		208,389
Total Assets	**$**	**6,535,012**	**$**	**5,547,618**
Liabilities (Note 5):				
Intragovernmental Liabilities:				
Accounts Payable	$	165,140	$	120,798
Other Liabilities (Note 6)		509,697		492,852
Total Intragovernmental Liabilities		674,837		613,650
Other than Intragovernmental Liabilities:				
Accounts Payable		310,168		268,757
Federal Employee and Veteran Benefits Payable		3,097,179		2,965,103
Advances from Others and Deferred Revenue		431		34
Other Liabilities (Note 6)		937,884		984,502
Total Other than Intragovernmental Liabilities		4,345,662		4,218,396
Total Liabilities	**$**	**5,020,499**	**$**	**4,832,046**
Net Position:				
Unexpended Appropriations - Funds from Other than Dedicated Collections	$	4,295,366	$	3,588,127
Total Unexpended Appropriations (Consolidated)		4,295,366		3,588,127
Cumulative Results of Operations - Funds from Other than Dedicated Collections		(2,780,853)		(2,872,555)
Total Cumulative Results of Operations (Consolidated)		(2,780,853)		(2,872,555)
Total Net Position	**$**	**1,514,513**	**$**	**715,572**
Total Liabilities and Net Position	**$**	**6,535,012**	**$**	**5,547,618**

Accompanying notes are integral to these statements and may reflect rounding differences.

STATEMENT OF NET COST

FEDERAL LABOR RELATIONS AUTHORITY
STATEMENT OF NET COST
FOR THE YEARS ENDED SEPTEMBER 30, 2023 AND 2022
(In Dollars)

	2023	2022
Gross Program Costs:		
Authority:		
Intragovernmental Costs	$ 7,178,074	$ 5,995,252
Public Costs	11,184,895	11,371,916
Total Program Costs	$ 18,362,969	$ 17,367,168
Less: Earned Revenue	(4,708)	(716)
Net Program Costs	$ 18,358,261	$ 17,366,452
Federal Services Impasse Panel:		
Intragovernmental Costs	$ 246,871	$ 221,661
Public Costs	848,256	849,594
Total Program Costs	$ 1,095,127	$ 1,071,255
Less: Earned Revenue	-	-
Net Program Costs	$ 1,095,127	$ 1,071,255
Office of General Counsel:		
Intragovernmental Costs	$ 2,867,500	$ 2,565,853
Public Costs	7,628,863	7,213,531
Total Program Costs	$ 10,496,363	$ 9,779,384
Less: Earned Revenue	(2,530)	-
Net Program Costs	$ 10,493,833	$ 9,779,384
Total Gross Program Costs	$ 29,954,459	$ 28,217,807
Less: Total Earned Revenue	(7,238)	(716)
Net Cost of Operations	$ 29,947,221	$ 28,217,091

Accompanying notes are integral to these statements and may reflect rounding differences.

STATEMENT OF CHANGES IN NET POSITION

FEDERAL LABOR RELATIONS AUTHORITY
STATEMENT OF CHANGES IN NET POSITION
FOR THE YEARS ENDED SEPTEMBER 30, 2023 AND 2022
(In Dollars)

	2023	2022
Unexpended Appropriations:		
Beginning Balance	$ 3,588,127	$ 3,730,713
Beginning Balance, as Adjusted	$ 3,588,127	$ 3,730,713
Appropriations Received	29,400,000	27,398,000
Other Adjustments	(188,653)	(363,433)
Appropriations Used	(28,504,108)	(27,177,153)
Net Change in Unexpended Appropriations	707,239	(142,586)
Total Unexpended Appropriations	**$ 4,295,366**	**$ 3,588,127**

Cumulative Results of Operations:				
Beginning Balance	$	(2,872,555)	$	(2,887,304)
Beginning Balance, as Adjusted	$	(2,872,555)	$	(2,887,304)
Appropriations Used		28,504,108		27,177,153
Imputed Financing		1,534,815		1,054,687
Net Cost of Operations		(29,947,221)		(28,217,091)
Net Change in Cumulative Results of Operations		91,702		14,749
Total Cumulative Results of Operations	**$**	**(2,780,853)**	**$**	**(2,872,555)**
Net Position	**$**	**1,514,513**	**$**	**715,572**

Accompanying notes are integral to these statements and may reflect rounding differences.

FEDERAL LABOR RELATIONS AUTHORITY
STATEMENT OF BUDGETARY RESOURCES
FOR THE YEARS ENDED SEPTEMBER 30, 2023 AND 2022
(In Dollars)

		2023		2022
Budgetary Resources:				
Unobligated Balance From Prior Year Budget Authority, Net	$	1,500,313	$	806,973
Appropriations		29,400,000		27,398,000
Spending Authority from Offsetting Collections		7,670		750
Total Budgetary Resources	**$**	**30,907,983**	**$**	**28,205,723**
Status of Budgetary Resources:				
New Obligations and Upward Adjustments (Total) (Note 10)	$	30,556,574	$	27,888,159
Unobligated Balance, End of Year:				
Apportioned, Unexpired Accounts		113,319		72,407
Unexpired Unobligated Balance, End of Year		113,319		72,407
Expired Unobligated Balance, End of Year		238,090		245,157
Unobligated Balance, End of Year (Total)		351,409		317,564
Total Budgetary Resources	**$**	**30,907,983**	**$**	**28,205,723**
Outlays, Net and Disbursements, Net:				
Outlays, Net (Total)	$	28,469,318	$	27,087,736
Agency Outlays, Net	**$**	**28,469,318**	**$**	**27,087,736**

Accompanying notes are integral to these statements and may reflect rounding differences.

NOTES TO THE FINANCIAL STATEMENTS

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

A. Reporting Entity

The FLRA is an independent, administrative Federal agency created by Title VII of the Civil Service Reform Act of 1978, with a mission to carry out five statutory responsibilities: (1) determining the appropriateness of units for labor organization representation; (2) resolving complaints of unfair labor practices; (3) adjudicating exceptions to arbitrators' awards; (4) adjudicating legal issues relating to duty to bargain; and (5) resolving impasses during negotiations. The agency consists of three components: the Authority, the Office of the General Counsel, and the Federal Service Impasses Panel.

B. Basis of Accounting and Presentation

The financial statements have been prepared to report the financial position, net cost of operations, changes in net position, and budgetary resources of the FLRA in accordance with the Chief Financial Officers Act of 1990, the Government Management Reform Act of 1994, and the Accountability of Tax Dollars Act of 2002. The statements have been prepared from agency financial records in accordance with U.S. Generally Accepted Accounting Principles (GAAP), in accordance with guidance issued by the Federal Accounting Standards Advisory Board (FASAB) and the Office of Management and Budget (OMB), as prescribed in OMB Circular A-136, Financial Reporting Requirements, and pursuant to the requirements of 31 U.S.C. § 3515(b). These financial statements include all funds and accounts under the control of the FLRA.

The accounting structure of Federal agencies is designed to reflect both accrual and budgetary accounting transactions. Under the accrual method of accounting, revenues are recognized when earned, and expenses are recognized when incurred, without regard to the receipt or payment of cash. The budgetary accounting principles, on the other hand, are designed to recognize the obligation of funds according to legal requirements, which in many cases occur before an accrual-based transaction takes place. The recognition of budgetary accounting transactions is essential for the control and monitoring of federal funds as well as the compliance with legal constraints and controls over the use of those funds. The accompanying financial statements are prepared on the accrual basis of accounting.

Accounting standards require all reporting entities to disclose that accounting standards allow certain presentations and disclosures to be modified, if needed, to prevent the disclosure of classified information.

C. Budget Authority

The Congress passes appropriations annually that provide the FLRA with authority to obligate funds for necessary salaries and expenses to carry out mandated program activities. These funds are available until expended, subject to OMB apportionment and to Congressional restrictions on the expenditure of funds. Also, the FLRA places internal restrictions on fund expenditures to ensure the efficient and proper use of all funds.

D. Fund Balance with Treasury

FLRA receipts and disbursements are processed by the Department of the Treasury. Fund balances with the Treasury consist of appropriated funds that are available to pay current liabilities and to finance authorized purchase commitments. No cash is held in commercial bank accounts.

E. Accounts Receivable

Accounts receivable consists of amounts owed to FLRA by other federal agencies and the public. Amounts due from federal agencies are considered fully collectible and consist of interagency agreements. An allowance for uncollectible accounts receivable from the public is established when either (1) management determines that collection is unlikely to occur after a review of outstanding accounts and the failure of all collection efforts, or (2) an account for which no allowance has been established is submitted to the Department of the Treasury for collection, which takes place when it becomes 120 days delinquent. Based on historical experience, all receivables are considered collectible and no allowance is provided.

F. General Property and Equipment (P&E)

This category consists of equipment and internal use software. The basis for recording purchased P&E is full cost, including all costs incurred to bring FLRA P&E to and from a location suitable for its intended use. P&E is depreciated using the straight-line method over the estimated useful life of the asset. Statement of Federal Financial Accounting Standards (SFFAS) No. 10, Accounting for Internal Use Software, provides accounting standards for internal use software used by each agency. The standards provide for capitalized property to continue to be reported on the Balance Sheet. P&E that are not capitalized because they are under the capitalization threshold are expensed in the year of acquisition.

The FLRA's capitalization threshold for individual purchases is $25,000. Bulk purchases of similar items that individually are worth less than $25,000, but collectively are worth more than $100,000 are also capitalized using the same general P&E categories and useful lives as capital acquisitions. Major building alterations and renovations are capitalized, while maintenance and repair costs are charged to expense as incurred.

General P&E Category	Service Life
Software	3 Years
Computer Equipment	5 Years
Office Equipment	7 Years
Office Furniture	15 Years
Leasehold Improvements	Life of lease

G. Liabilities

Liabilities represent the amount of monies or other resources likely to be paid by the FLRA as a result of transactions or events that have already occurred. Liabilities are recognized when they are incurred, regardless of whether they are covered by available budgetary resources. FLRA reports its liabilities under two categories, Intragovernmental and Other than Intragovernmental. Intragovernmental liabilities represent funds owed to another Government agency. Liabilities other than intragovernmental represent funds owed to any entity or person that is not a federal agency, including private sector firms and federal employees. Each of these categories may include liabilities that are covered by budgetary resources and liabilities not covered by budgetary resources. No liability can be paid, however, absent an appropriation. Liabilities for which an appropriation has not been enacted are, therefore, classified as not covered by budgetary resources, since there is no certainty that the appropriation will be enacted. Liabilities that are covered by budgetary resources consist of intragovernmental and public accounts payable and accrued funded payroll. Liabilities not covered by budgetary resources in FY 2022 and FY 2023 consist of accrued and actuarial Federal Employees Compensation Act (FECA) compensation and unfunded employee leave. The Federal Government, acting in its sovereign capacity, can abrogate liabilities other than contracts.

H. FECA Liabilities

An accrued FECA liability is recorded for actual and estimated future payments to be made for workers' compensation pursuant to the FECA. The actual costs incurred are reflected as a liability because agencies will reimburse the Department of Labor (DOL) two years after the actual payment of expenses. Future revenues will be used for their reimbursement to the DOL. The liability consists of: (1) the unreimbursed cost paid by the DOL for compensation to recipients under the FECA; and (2) the net present value of estimated future payments calculated by the DOL.

An estimated actuarial liability for future workers' compensation benefits is included. The liability estimate is based on the DOL's FECA actuarial model that takes the amount of benefit payments over the last twelve quarters and calculates the annual average of payments for medical expenses and compensation. This average is then multiplied by the liabilities-to-benefits paid ratios for the whole FECA program. The ratios may vary from year to year as a result of economic assumptions and other factors, but the model calculates a liability approximately twelve times the annual payments.

I. Annual, Sick and Other Leave

Amounts associated with the payment of annual leave are accrued while leave is being earned by employees, and this accrual is reduced as leave is taken. Each year the balance in the accrued annual leave account is adjusted to reflect current pay rates. To the extent that current or prior-year appropriations are not available to finance annual leave, future financing sources will be used. Sick leave and other types of non-vested leave are expensed as taken.

Any liability for sick leave that is accrued but not taken by a Civil Service Retirement System (CSRS) or a Civil Service Retirement System Offset (CSRS offset)-covered employee is transferred to the Office of Personnel Management (OPM) upon the retirement of that individual. Federal Employees Retirement System (FERS)-covered employees were not entitled to use unused sick leave for additional service credit until October 28, 2009. For retirements effective between October 28, 2009 and December 31, 2013, 50 percent of unused sick leave can be used for additional service credit. For retirements effective after December 31, 2013, 100 percent of unused sick leave can be credited.

J. Net Position

The components of net position are unexpended appropriations and cumulative results of operations. Unexpended appropriations include undelivered orders and unobligated balances. Undelivered orders reflect the amount of goods and services ordered that have yet to be actively or constructively received. Unobligated balances are the amount of appropriations or other authority remaining after deducting the cumulative obligations from the amount available for obligation. The cumulative results of operations represent the net results of operations since inception, the cumulative amount of prior-period adjustments, the remaining book value of capitalized assets, and future funding requirements.

K. Retirement Plans

The FLRA's employees participate in the CSRS or the FERS. For CSRS employees, hired prior to January 1, 1984, the FLRA withholds seven percent of each employee's salary and contributes seven percent of the employee's basic salary to the CSRS Retirement and Disability Fund. These employees may also contribute, on a tax-deferred basis, to a defined contribution plan – the Thrift Savings Plan (TSP). The regular Internal Revenue Service limit in FY 2022 and FY 2023 was $20,500 and $22,500, respectively. The FLRA is not required to and does not contribute any matching amounts for CSRS employees.

The FERS was established by enactment of Public Law 99-335. Pursuant to this law, the FERS and Social Security automatically cover most employees hired after December 31, 1983. Employees hired before January 1, 1984 elected either to join the FERS and Social Security or to remain in the CSRS. For FERS employees, the FLRA withholds 6.2 percent in old age survivors and disability insurance up to a specified wage ceiling and 0.8 percent of an employee's gross earnings for retirement. In FY 2023, the FLRA matched the retirement withholdings with a contribution equal to 18.4 percent of the employee's taxable salary. Due to enactment of the FERS Revised Annuity Employee and Further Revised Annuity Employee programs, the agency matched with a contribution equal to 16.6 percent for employees hired during and after calendar year 2013.

All employees are eligible to contribute to the TSP. For employees under the FERS, a TSP account is automatically established. The FLRA is required to make a mandatory contribution of one percent of the base salary for each employee under the FERS. The agency is required to match the employee's contribution up to a maximum of five percent of his or her salary. Matching contributions are not made to the TSP accounts established by CSRS employees. The FLRA does not report on its financial statements information pertaining to the retirement plans covering its employees. Reporting amounts such as plan assets, accumulated plan benefits, and related unfunded liabilities, if any, are the responsibility of the OPM.

FERS employees and certain CSRS reinstatement employees are eligible to participate in the Social Security program after retirement. CSRS employees who are 65 or older are eligible for Social Security payments (even if they have not retired). In these instances, the FLRA remits the employer's share of the required contribution.

L. Imputed Financing from Costs Absorbed by Others

The FASAB's SFFAS No. 5, Accounting for Liabilities of the Federal Government, requires that employer agencies recognize the full cost of pension, health, and life insurance benefits during their employees' active years of service. The OPM, as administrator of the CSRS and FERS plans, the Federal Employees Health Benefits Program, and the Federal Employees Group Life Insurance Program, must provide the "cost factors" that adjust the agency contribution rate to the full cost for the applicable benefit programs. An imputed financing source and corresponding imputed personnel cost is reflected in the Statement of Changes in Net Position and the Statement of Net Cost.

M. Revenue and Other Financing Sources

The FLRA's revenues are derived from reimbursable work agreements, Freedom of Information Act collections, and a direct annual appropriation. The FLRA recognizes reimbursable work when earned, i.e., services have been provided. Each reimbursable work agreement specifies the dollar value of the agreement and is based on estimated resources needed to perform the specified services.

The agency receives an annual Salaries and Expenses appropriation from the Congress. Annual appropriations are used, within statutory limits, for salaries and administrative expenses and for operating and capital expenditures for essential P&E. Appropriations are recognized as non-exchange revenues at the time the related program expenses are incurred. Appropriations expended for capitalized P&E are recognized as expenses when an asset is consumed in operations. The FLRA's annual appropriation for FY 2022 and FY 2023 was $27,398,000 and $29,400,000, respectively.

N. Expired Accounts and Cancelled Authority

Unless otherwise specified by law, annual budget authority expires for incurring new obligations at the beginning of the subsequent fiscal year. The account into which the annual authority is placed is called an expired account. For five fiscal years, the expired account is available for expenditure to liquidate valid obligations incurred during the unexpired period. Adjustments are allowed to increase or decrease valid obligations incurred during the unexpired period that were not previously reported. At the end of the fifth expired year, the account is cancelled and any remaining money is returned to the Treasury.

O. Contingencies

A contingency is an existing condition, situation, or set of circumstances involving uncertainty as to possible gain or loss to the agency. The uncertainty will ultimately be resolved when one or more future events occur or fail to occur. With the exception of pending, threatened, or potential litigation, a contingent liability is recognized when a past transaction or event has occurred, a future outflow or other sacrifice of resources is more likely than not, and the related future outflow or sacrifice of resources is measurable. For pending, threatened, or potential litigation, a liability is recognized when a past transaction or event has occurred, a future outflow or other sacrifice of resources is likely, and the related future outflow or sacrifice of resources is measurable.

P. Use of Estimates

The preparation of financial statements in conformity with GAAP requires management to make estimates and assumptions that affect the reported amounts of assets, liabilities, revenues, and expenses. Actual results could differ from those estimates.

Q. Advances and Prepayments

Advance payments are generally prohibited by law. There are some exceptions, such as reimbursable work agreements, subscriptions, and payments to contractors and employees. Payments made in advance of the receipt of goods and services are recorded as advance payments and recognized as expenses when the related goods and services are received.

NOTE 2: FUND BALANCE WITH TREASURY

Fund Balance with Treasury account balances as of September 30, 2023 and 2022, were as follows:

		2023		2022
Status of Fund Balance With Treasury:				
Unobligated Balance				
Available	$	113,319	$	72,407
Unavailable		238,090		245,158
Obligated Balance Not Yet Disbursed		5,655,254		4,947,069
Total	**$**	**6,006,663**	**$**	**5,264,634**

U.S. Government cash is accounted for on an overall consolidated basis by the Treasury. The amounts shown on the Balance Sheet represent the FLRA's right to draw on the Treasury for valid expenditures. The fund balance as shown on the FLRA records is reconciled monthly with records from the Treasury.

No discrepancies exist between the Fund Balance reflected on the Balance Sheet and the balances in the Treasury accounts

The available unobligated fund balances represent the current-period amount available for obligation or commitment. At the start of the next fiscal year, this amount will become part of the unavailable balance as described in the following paragraph.

The unavailable unobligated fund balances represent the amount of appropriations for which the period of availability for obligation has expired. These balances are available for upward adjustments of obligations incurred only during the period for which the appropriation was available for obligation or for paying claims attributable to the appropriations.

The obligated balance not yet disbursed includes accounts payable, accrued expenses, unfilled orders, and undelivered orders that have reduced unexpended appropriations but have not yet decreased the fund balance on hand.

NOTE 3: ACCOUNTS RECEIVABLE, NET

Accounts receivable balances as of September 30, 2023 and 2022, were as follows:

		2023		2022
Intragovernmental				
Accounts Receivable	$	32,252	$	34,669
Total Intragovernmental Accounts Receivable	$	32,252	$	34,669
Other than Intragovernmental				
Accounts Receivable	$	15,683	$	15,723
Total Other than Intragovernmental Accounts Receivable	$	15,683	$	15,723
Total Accounts Receivable	**$**	**47,935**	**$**	**50,392**

The reported amount for accounts receivable consists of amounts owed to the FLRA by other Federal agencies (intragovernmental) and the public. There are no amounts that are deemed uncollectible as of September 30, 2023 and 2022

NOTE 4: PROPERTY, PLANT AND EQUIPMENT, NET

Schedule of Property, Equipment, and Software as of September 30, 2023 and 2022:

		Acquisition Cost		Accumulated Depreciation and Amortization		Net Book Value
2023						
Major Class						
Computer Equipment		805,466		364,608		440,858
Office Furniture		9,077		9,077		-
Total	$	814,543	$	373,685	$	440,858
2022						
Major Class						
Computer Equipment		444,331		251,665		192,666
Office Furniture		9,077		9,077		-
Total	$	453,408	$	260,742	$	192,666

NOTE 5: LIABILITIES COVERED AND NOT COVERED BY BUDGETARY RESOURCES

The liabilities for the FLRA as of September 30, 2023 and 2022, include liabilities not covered by budgetary resources. Congressional action is needed before budgetary resources can be provided. Although future appropriations to fund these liabilities are likely and anticipated, it is not certain that appropriations will be enacted to fund these liabilities.

		2023		2022
Intragovernmental-FECA	$	214,839	$	210,265
Unfunded Leave		1,805,987		1,663,011
Actuarial FECA		1,248,389		1,242,303
Total Liabilities Not Covered by Budgetary Resources	$	3,269,215	$	3,115,579
Total Liabilities Covered by Bugetary Resources		1,751,284		1,716,467
Total Liabilities	**$**	**5,020,499**	**$**	**4,832,046**

Unfunded FECA liabilities consist of workers' compensation claims payable to the DOL, which will be funded in a future year, and an unfunded estimated liability for future workers' compensation claims based on data provided from the DOL. The actuarial calculation is based on benefit payments made over twelve quarters and calculates the annual average of payments. For medical expenses and compensation, this average is then multiplied by the liability-to-benefit paid ratio for the whole FECA program.

Unfunded leave represents a liability for earned leave and is reduced when leave is taken. At the end of each month the balance in the unfunded leave account is adjusted to reflect the liability at current pay rates and leave balances. Unfunded leave is paid from future funding sources and, accordingly, is reflected as a liability not covered by budgetary resources. Sick and other leave is expensed as taken. All other liabilities are considered to be covered by budgetary resources.

NOTE 6: OTHER LIABILITIES

Other liabilities account balances as of September 30, 2023 and 2022, were as follows:

		Current		Non-Current		Total
2023						
Intragovernmental:						
Employer Contributions and Payroll Taxes Payable (without reciprocals)	$	67,937	$	-	$	67,937
Employer Contributions and Payroll Taxes Payable		226,921		-		226,921
Unfunded FECA Liability		214,839		-		214,839
Total Intragovernmental	$	509,697	$	-	$	509,697
Other than Intragovernmental:						
Accrued Funded Payroll and Leave	$	937,884	$	-	$	937,884
Total Other than Intragovernmental	$	937,884	$	-	$	937,884
Total Other Liabilities	**$**	**1,447,581**	**$**	**-**	**$**	**1,447,581**

2022						
Intragovernmental:						
Employer Contributions and Payroll Taxes Payable (without reciprocals)	$	66,782	$	-	$	66,782
Employer Contributions and Payroll Taxes Payable		215,805		-		215,805
Unfunded FECA Liability		210,265		-		210,265
Total Intragovernmental	$	492,852	$	-	$	492,852

Other than Intragovernmental:						
Accrued Funded Payroll and Leave	$	984,502	$	-	$	984,502
Total Other than Intragovernmental	$	984,502	$	-	$	984,502
Total Other Liabilities	**$**	**1,477,354**	**$**	**-**	**$**	**1,477,354**

NOTE 7: LEASES

The FLRA has operating leases for rental of office space and equipment. As a Federal agency, the FLRA is not liable for any lease terms beyond one year. All leases are federal.

Current Operating Leases

229 Peachtree Street NE, Atlanta, GA

The FLRA has an interagency agreement with the General Services Administration for office space at 229 Peachtree Street NE, Atlanta, GA. The term is for 180 months beginning January 18, 2022. This was a forced move at the Lessor's expense. FLRA has the right to terminate the lease based on the availability of funds or with a four month notice at any point after the first twelve months of occupancy. This lease expires January 17, 2037.

224 S. Michigan Avenue, Suite 445, Chicago, IL

The FLRA has an interagency agreement with the General Services Administration for office space at 224 S. Michigan Avenue, Suite 445, Chicago, IL. The term is for 120 months beginning on December 12, 2012 and expires on December 11, 2022. On August 21, 2021 the lease was renewed for 60 months beginning December 12, 2022. FLRA has the right to terminate the lease based on the availability of funds or with a four month notice at any point after the first twelve months of occupancy.

1244 Speer Boulevard, Denver, CO

The FLRA has an interagency agreement with the General Services Administration for office space at 1244 Speer Boulevard, Denver, CO. The previous term of 57 months began on July 1, 2013 and expired on March 25, 2018. The term for the current agreement is for 120 months beginning on or about September 14, 2021. FLRA has the right to terminate the lease based on the availability of funds or with a four month notice at any point after the first twelve months of occupancy.

1400 K Street NW, Washington, DC

The FLRA has an interagency agreement with the General Services Administration for office space at 1400 K Street NW, Washington, DC. The term is for 87 months beginning on or about June 1, 2014. The term for the current agreement is for 120 months beginning on or about March 25, 2018. May 20, 2020, the lease agreement was modified to 60 months beginning September 14, 2020. FLRA has the right to terminate the lease based on the availability of funds or with a four month notice at any point after the first twelve months of occupancy.

1301 Clay Street, Oakland, CA

The FLRA has an interagency agreement with the General Services Administration for office space at 1301 Clay Street, Oakland, CA. The term is for 120 months beginning on or about August 1, 2021. FLRA has the right to terminate the lease based on the availability of funds or with a four month notice at any point after the first twelve months of occupancy.

NOTE 8: COMMITMENTS AND CONTINGENCIES

The FLRA is, at times, a party in various administrative proceedings, legal actions, and claims brought by or against the agency. In the opinion of FLRA management, the ultimate resolution of any proceedings, actions, and claims will not materially affect financial position or results of operations of the FLRA. The agency examined its FY 2018 obligations prior to cancellation and believes that it does not have any outstanding commitments or contingencies that will require future resources to liquidate.

NOTE 9: INTRAGOVERNMENTAL COSTS AND EXCHANGE REVENUE

The classification of revenue or cost as "intragovernmental" or "other than intragovernmental" is determined on a transaction-by-transaction basis. Preceding transactions in the lifecycle of a product will not have an impact on subsequent transactions. If the FLRA purchases goods or services from another Federal entity, capitalizes them into inventory, and later resells them to the public, the cost of the original purchase of resale assets from the other Federal entity will be classified as "intragovernmental" at the time of the purchase. At ultimate sale to the end user, the resulting cost of goods will be classified as "other than intragovernmental." The purpose of this classification is to enable the Federal Government to provide consolidated financial statements, and not to match public and intragovernmental revenue with costs that are incurred to produce public and intragovernmental revenue.

NOTE 10: APPORTIONMENT CATEGORIES OF OBLIGATIONS INCURRED

All obligations incurred are characterized as Category A, quarterly apportioned, and Category B, apportioned by activities, projects, objects, or a combination of these categories, on the Statement of Budgetary Resources. New obligations and upward adjustments incurred and reported in the Statement of Budgetary Resources in 2023 and 2022 consisted of the following:

	2023	**2022**
Direct Obligations, Category A	$ 30,548,904	$ 27,887,409
Reimbursable Obligations, Category B	7,670	750
Total New Obligations and Upward Adjustments	**$ 30,556,574**	**$ 27,888,159**

NOTE 11: UNDELIVERED ORDERS AT THE END OF THE PERIOD

Budgetary resources obligated for undelivered orders as of September 30, 2023 and 2022 were as follows:

	Federal	Non-Federal	Total
2023			
Paid Undelivered Orders	$ 39,557	$ -	$ 39,557
Unpaid Undelivered Orders	1,823,513	2,080,887	3,904,400
Total Undelivered Orders	**$ 1,863,070**	**$ 2,080,887**	**$ 3,943,957**
2022			
Paid Undelivered Orders	$ 39,927	$ -	$ 39,927
Unpaid Undelivered Orders	1,767,390	1,463,247	3,230,637
Total Undelivered Orders	**$ 1,807,317**	**$ 1,463,247**	**$ 3,270,564**

NOTE 12: EXPLANATION OF DIFFERENCES BETWEEN THE STATEMENT OF BUDGET RESOURCES AND THE BUDGET OF THE U.S. GOVERNMENT

The President's Budget that will include fiscal year 2024 actual budgetary execution information has not yet been published. The President's Budget is scheduled for publication in February 2025 and can be found at the OMB website: http://www.whitehouse.gov/omb/. The Fiscal Year 2025 Budget of the United States Government, with the "Actual" column completed for 2023, has been reconciled to the Statement of Budgetary Resources and there were no material differences.

NOTE 13: INCIDENTAL CUSTODIAL COLLECTIONS

Custodial collections are reflected in Fund Balance with Treasury during the year. While these collections are considered custodial, they are neither primary to the mission of the agency nor material to the overall financial statements. There were no custodial collections for the years ended September 30, 2023 and 2022. Custodial collections are transferred to the Treasury General Fund on September 30 and are not reflected in the financial statements of the Agency.

NOTE 14: RECONCILIATION OF NET COST TO NET OUTLAYS

The reconciliation of net outlays, presented on a budgetary basis, and the net cost, presented on an accrual basis, provides an explanation of the relationship between budgetary and financial accounting information.

Reconciliation of Net Cost to Net Outlays as of September 30, 2023:

	Intragovern-mental	Other than Intragovern-mental	Total
Net Operating Cost	**$ 10,287,732**	**$ 19,659,489**	**$ 29,947,221**
Components of Net Operating Cost Not Part of the Budgetary Outlays			

Property, Plant, and Equipment Depreciation Expense	-	(112,942)	(112,942)
Increase/(Decrease) in Assets:			
Accounts Receivable, Net	(2,417)	(40)	(2,457)
Advances and Prepayments	(370)	-	(370)
(Increase)/Decrease in Liabilities:			
Accounts Payable	(44,342)	(41,411)	(85,753)
Federal Employee and Veteran Benefits Payable	-	(132,075)	(132,075)
Advances from Others and Deferred Revenue	-	(397)	(397)
Other Liabilities	(16,845)	46,618	29,773
Financing Sources:			
Imputed Cost	(1,534,815)	-	(1,534,815)
Total Components of Net Operating Cost Not Part of the Budgetary Outlays	**$ (1,598,789)**	**$ (240,247)**	**$ (1,839,036)**
Components of the Budget Outlays That Are Not Part of Net Operating Cost			
Acquisition of Capital Assets	-	361,133	361,133
Total Components of the Budget Outlays That Are Not Part of Net Operating Cost	**$ -**	**$ 361,133**	**$ 361,133**
Total Net Outlays (Calculated Total)	**$ 8,688,943**	**$ 19,780,375**	**$ 28,469,318**
Budgetary Agency Outlays, net			**$ 28,469,318**

Reconciliation of Net Cost to Net Outlays as of September 30, 2022:

	Intragovern-mental	Other than Intragovern-mental	Total
Net Operating Cost	**$ 8,782,766**	**$ 19,434,325**	**$ 28,217,091**
Components of Net Operating Cost Not Part of the Budgetary Outlays			
Property, Plant, and Equipment Depreciation Expense	-	(88,866)	(88,866)
Increase/(Decrease) in Assets:			
Accounts Receivable, Net	-	1,770	1,770
Other Assets	504	-	504
(Increase)/Decrease in Liabilities:			
Accounts Payable	155,288	(40,178)	115,110
Federal Employee and Veteran Benefits Payable	-	77,735	77,735
Other Liabilities	(13,964)	(166,957)	(180,921)
Financing Sources:			
Imputed Cost	(1,054,687)	-	(1,054,687)
Total Components of Net Operating Cost Not Part of the Budgetary Outlays	**$ (912,859)**	**$ (216,496)**	**$ (1,129,355)**
Total Net Outlays (Calculated Total)	**$ 7,869,907**	**$ 19,217,829**	**$ 27,087,736**
Budgetary Agency Outlays, net			**$ 27,087,736**

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CERTIFIED PUBLIC ACCOUNTANTS & ADVISORS

Independent Auditors' Report

Susan Tsui Grundmann, Chairman
Federal Labor Relations Authority

In our audits of the Fiscal Years 2023 and 2022 financial statements Federal Labor Relations Authority (FLRA) we found:

- FLRA's financial statements as of and for the fiscal years ended September 30, 2023, and 2022, are presented fairly, in all material respects, in accordance with U.S. generally accepted accounting principles;

- no material weaknesses in internal control over financial reporting based on the limited procedures we performed;[1] and

- no reportable noncompliance for Fiscal Year 2023 with provisions of applicable laws, regulations, contracts, and grant agreements we tested.

The following sections discuss in more detail (1) our report on the financial statements, which includes required supplementary information (RSI)[2] and other information included with the financial statements[3]; (2) our report on internal control over financial reporting; (3) our report on compliance with laws, regulations, and contracts; (4) agency comments.

Report on the Financial Statements

Opinion

In accordance with U.S. generally accepted government auditing standards, Office of Management and Budget Bulletin (OMB) No. 24-01, *Audit Requirements for Federal Financial Statements*, and additional requirements of OMB, such as Circular No. A-136, *Financial Reporting Requirements,* we have audited FLRA's financial statements. FLRA's financial statements comprise the balance sheets as of September 30, 2023, and 2022; the related statements of net cost, changes in net position, and budgetary resources for the fiscal years then ended; and the related notes to the financial statements. In our opinion, FLRA's financial statements present fairly, in all material respects, FLRA's financial position as of September 30, 2023, and 2022, and its net cost of operations, changes in net position, and budgetary resources for the fiscal years then ended in accordance with U.S. generally accepted accounting principles.

[1]A material weakness is a deficiency, or combination of deficiencies, in internal control over financial reporting, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected, on a timely basis. A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis.

[2]The RSI consists of "Management's Discussion and Analysis", which is included with the financial statements.

[3] Other information consists of information included with the financial statements, other than the RSI and the auditors' report.

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Basis for Opinion

We conducted our audits in accordance with U.S. generally accepted government auditing standards. Our responsibilities under those standards are further described in the Auditors' Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of FLRA and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Responsibilities of Management for the Financial Statements

FLRA management is responsible for

- the preparation and fair presentation of these financial statements in accordance with U.S. generally accepted accounting principles;
- preparing, measuring, and presenting the RSI in accordance with U.S. generally accepted accounting principles;
- preparing and presenting other information included in FLRA's Performance and Accountability Report (PAR), and ensuring the consistency of that information with the audited financial statements and the RSI; and
- designing, implementing, and maintaining effective internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about FLRA's ability to continue as a going concern for a reasonable period of time.

Auditors' Responsibilities for the Audit of the Financial Statements

Our objectives are to (1) obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and (2) issue an auditors' report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit of the financial statements conducted in accordance with U.S. generally accepted government auditing standards will always detect a material misstatement or a material weakness when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements, including omissions, are considered to be material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with U.S. generally accepted government auditing standards, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.

- Obtain an understanding of internal control relevant to our audit of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of FLRA's internal control over financial reporting. Accordingly, no such opinion is expressed.

- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.

- Perform other procedures we consider necessary in the circumstances.

- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about FLRA's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control–related matters that we identified during the financial statement audit.

Required Supplementary Information

U.S. generally accepted accounting principles issued by the Federal Accounting Standards Advisory Board (FASAB) require that the RSI be presented to supplement the financial statements. Such information is the responsibility of management and, although not a part of the financial statements, is required by FASAB, which considers it to be an essential part of financial reporting for placing the financial statements in appropriate operational, economic, or historical context.

We have applied certain limited procedures to the RSI in accordance with U.S. generally accepted government auditing standards. These procedures consisted of (1) inquiring of management about the methods of preparing the RSI and (2) comparing the RSI for consistency with management's responses to the our inquiries, the financial statements, and other knowledge we obtained during the audit of the financial statements, in order to report omissions or material departures from FASAB guidelines, if any, identified by these limited procedures. We did not audit and we do not express an opinion or provide any assurance on the RSI because the limited procedures we applied do not provide sufficient evidence to express an opinion or provide any assurance.

Other Information

FLRA's other information contains a wide range of information, some of which is not directly related to the financial statements. This information is presented for purposes of additional analysis and is not a required part of the financial statements or the RSI. Management is responsible for the other information included in FLRA's PAR and documents containing the audited financial statements and auditors' report. The other information comprises the financial summaries but does not include the financial statements and our auditors' report thereon. Our opinion on the financial statements does not cover the other information, and we do not express an opinion or any form of assurance thereon.

In connection with our audit of the financial statements, our responsibility is to read the other information and consider whether a material inconsistency exists between the other information and the financial statements, or the other information otherwise appears to be materially misstated. If, based on the work performed, we conclude that an uncorrected material misstatement of the other information exists, we are required to describe it in our report.

Report on Internal Control over Financial Reporting

In connection with our audits of FLRA's financial statements, we considered FLRA's internal control over financial reporting, consistent with our auditors' responsibilities discussed below.

Results of Our Consideration of Internal Control over Financial Reporting

Our consideration of internal control was for the limited purpose described below, and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies[4] or to express an opinion on the effectiveness of FLRA's internal control over financial reporting. Given these limitations, during our 2023 audit, we did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses. However, material weaknesses or significant deficiencies may exist that have not been identified.

Basis for Results of Our Consideration of Internal Control over Financial Reporting

We performed our procedures related to FLRA's internal control over financial reporting in accordance with U.S. generally accepted government auditing standards and Office of Management and Budget audit guidance.[5]

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[4]A significant deficiency is a deficiency, or a combination of deficiencies, in internal control over financial reporting that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

[5]Office of Management and Budget (OMB) Bulletin No. 24-01, Audit Requirements for Federal Financial Statements, issued on October 19, 2023. According to the guidance, for those controls that have been suitably designed and implemented, the auditor should perform sufficient tests of such controls to conclude on whether the controls are operating effectively (i.e., sufficient tests of controls to support a low level of assessed control risk). OMB audit guidance does not require the auditor to express an opinion on the effectiveness of internal control.

Responsibilities of Management for Internal Control over Financial Reporting

FLRA management is responsible for designing, implementing, and maintaining effective internal control over financial reporting relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditors' Responsibilities for Internal Control over Financial Reporting

In planning and performing our audit of FLRA's financial statements as of and for the fiscal year ended September 30, 2023, in accordance with U.S. generally accepted government auditing standards, we considered FLRA's internal control relevant to the financial statement audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of FLRA's internal control over financial reporting. Accordingly, we do not express an opinion on FLRA's internal control over financial reporting. We are required to report all deficiencies that are considered to be significant deficiencies or material weaknesses. We did not consider all internal controls relevant to operating objectives, such as those controls relevant to preparing performance information and ensuring efficient operations.

Definition and Inherent Limitations of Internal Control over Financial Reporting

An entity's internal control over financial reporting is a process effected by those charged with governance, management, and other personnel, the objectives of which are to provide reasonable assurance that

- transactions are properly recorded, processed, and summarized to permit the preparation of financial statements in accordance with U.S. generally accepted accounting principles, and assets are safeguarded against loss from unauthorized acquisition, use, or disposition, and

- transactions are executed in accordance with provisions of applicable laws, including those governing the use of budget authority, regulations, contracts, and grant agreements, noncompliance with which could have a material effect on the financial statements.

Because of its inherent limitations, internal control over financial reporting may not prevent, or detect and correct, misstatements due to fraud or error.

Intended Purpose of Report on Internal Control over Financial Reporting

The purpose of this report is solely to describe the scope of our consideration of FLRA's internal control over financial reporting and the results of our procedures, and not to provide an opinion on the effectiveness of FLRA's internal control over financial reporting. This report is an integral part of an audit performed in accordance with U.S. generally accepted government auditing standards in considering internal control over financial reporting. Accordingly, this report on internal control over financial reporting is not suitable for any other purpose.

Report on Compliance with Laws, Regulations, Contracts, and Grant Agreements

In connection with our audits of FLRA's financial statements, we tested compliance with selected provisions of applicable laws, regulations, contracts, and grant agreements consistent with our auditors' responsibilities discussed below.

Results of Our Tests for Compliance with Laws, Regulations, Contracts, and Grant Agreements

Our tests for compliance with selected provisions of applicable laws, regulations, contracts, and grant agreements disclosed no instances of noncompliance for Fiscal Year 2023 that would be reportable under U.S. generally accepted government auditing standards. However, the objective of our tests was not to provide an opinion on compliance with laws, regulations, contracts, and grant agreements applicable to FLRA. Accordingly, we do not express such an opinion.

Basis for Results of Our Tests for Compliance with Laws, Regulations, Contracts, and Grant Agreements

We performed our tests of compliance in accordance with U.S. generally accepted government auditing standards.

Responsibilities of Management for Compliance with Laws, Regulations, Contracts, and Grant Agreements

FLRA management is responsible for complying with laws, regulations, contracts, and grant agreements applicable to FLRA.

Auditors' Responsibilities for Tests of Compliance with Laws, Regulations, Contracts, and Grant Agreements

Our responsibility is to test compliance with selected provisions of applicable laws, regulations, contracts, and grant agreements applicable to FLRA that have a direct effect on the determination of material amounts and disclosures in FLRA's financial statements, and to perform certain other limited procedures. Accordingly, we did not test compliance with all laws, regulations, contracts, and grant agreements applicable to FLRA. We caution that noncompliance may occur and not be detected by these tests.

Intended Purpose of Report on Compliance with Laws, Regulations, Contracts, and Grant Agreements

The purpose of this report is solely to describe the scope of our testing of compliance with selected provisions of applicable laws, regulations, contracts, and grant agreements, and the results of that testing, and not to provide an opinion on compliance. This report is an integral part of an audit performed in accordance with U.S. generally accepted government auditing standards in considering compliance. Accordingly, this report on compliance with laws, regulations, contracts, and grant agreements is not suitable for any other purpose.

Dembo Jones, P.C.

North Bethesda, Maryland
November 15, 2023

OTHER ACCOMPANYING INFORMATION

SUMMARY OF FINANCIAL STATEMENT AUDIT

Audit Opinion:	Unqualified				
Restatement:	No				
	Beginning Balance	**New**	**Resolved**	**Consolidated**	**Ending Balance**
Material weaknesses	0	0	0	0	0

SUMMARY OF MANAGEMENT ASSURANCES

Effectiveness of Internal Control over Financial Reporting (FMFIA § 2)						
Statement of Assurance:	Unqualified					
	Beginning Balance	**New**	**Resolved**	**Consolidated**	**Reassessed**	**Ending Balance**
Material weaknesses	0	0	0	0	0	0
Effectiveness of Internal Control over Operations (FMFIA § 2)						
Statement of Assurance:	Unqualified					
	Beginning Balance	**New**	**Resolved**	**Consolidated**	**Reassessed**	**Ending Balance**
Material weaknesses	0	0	0	0	0	0
Conformance with Financial Management System Requirements (FMFIA § 4)						
Statement of Assurance:	Systems conform					
	Beginning Balance	**New**	**Resolved**	**Consolidated**	**Reassessed**	**Ending Balance**
Non-conformances	0	0	0	0	0	0

IMPROPER PAYMENTS ELIMINATION AND RECOVERY

The Improper Payments Information Act of 2002, as amended by the Improper Payments Elimination and Recovery Act of 2010 (IPERA), requires agencies to annually report information on improper payments. The FLRA has reviewed all of its programs and determined that none are susceptible to significant improper payment. The IPERA also requires agencies to conduct payment-recapture audits for each program that expends $1 million or more annually, if conducting such audits would be cost-effective. Based on the criteria set forth in Appendix C of OMB Circular A-123, the agency has also determined that it would not be cost-effective to establish a recovery-audit program for its programs that expend more than $1 million. Recoveries are not expected to be greater than the costs incurred to identify any overpayments.

The Federal Labor Relations Authority did not have any significant improper payments to report for FY 2023. The FLRA's overall outlays were over $10M, however, our commercial payment outlays were well below $10M. Accordingly, FLRA is not deemed a high priority program. Equally, no FLRA programs are likely to be susceptible to improper payments. The FLRA's FY 22 Improper Payments Risk Assessment determined that the FLRA has a low risk of improper payments. Data for this fiscal year has been uploaded to the https://www.paymentaccuracy.gov/ website.

INSPECTOR GENERAL MEMORANDUM ON TOP MANAGEMENT CHALLENGES

INSPECTOR GENERAL

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

MEMORANDUM

DATE: October 5, 2023

TO: Susan Tsui Grundmann
Chairman

Colleen Duffy Kiko
Member

FROM: Dana Rooney *Dana Rooney*
Inspector General

SUBJECT: Top Management and Performance Challenges for Fiscal Year 2024 (MC-24-01)

Each Inspector General (IG) is required by law, the *Reports Consolidation Act of 2000*[1], to provide the agency head with a statement that summarizes the "most serious management and performance challenges facing the agency" and to assess the agency's progress in addressing those challenges. The law states that the "agency head may comment on the IG's statement, but may not modify the statement." By statute this statement should be included in the Federal Labor Relations Authority's (FLRA) "Performance and Accountability Report" (PAR).

The FLRA IG's Statement is 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. In this year's, memorandum, we identified three management and performance challenges facing the FLRA in Fiscal Year 2024. They include two challenges: Records Management and Closure of Open Recommendations Outstanding for more than 1 Year that we reported last year. We added one new challenge Achieving Performance Goals with Insufficient Funding.

Our analysis considers the accomplishments the FLRA reported as of August 31, 2023. We noted progress that FLRA has made on the Records Management and Closure of Open Recommendations Outstanding for more than 1 year.

The attached document describes the most serious management and performance challenges facing the FLRA along with a brief assessment and management's progress in addressing them. We appreciate management's strong commitment in addressing these challenges and welcome comments to our assessment.

Attachment

[1] The Reports Consolidation Act of 2000, § 3, Pub. Law 106-531 (amending U.S.C.§ 3516).

Challenge 1: 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 U.S. National Archives and Records Administration (NARA).

In 2011, Presidential Memorandum, *Managing Government Records,* required 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 were directed by the Office of Management and Budget (OMB) and NARA in a jointly issued Memorandum M-12-18, *Managing Government Records Directive* to manage all permanent records in an electronic format.

OMB issued M-19-21, *Transition to Electronic Records* to direct agencies to convert to and manage all records electronically. This memorandum directs 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 NARA's Federal Records Centers or commercial storage facilities."

The memo also 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."

On December 23, 2022, OMB issued Memorandum M-23-07, which is an update to M-19-21. M-23-07 reiterates the objectives and goals set forth in M-19-21, but updates the target dates because of the delays caused by COVID. All permanent and temporary records must be stored or managed electronically by June 30, 2024.

The FLRA continues to diligently work toward compliance with the records management directive by continuing to implement an electronic records system as well as policies and procedures to properly handle the FLRA files and records. Management continues to provide employees and contractors annual mandatory Records and Information Management training. In Fiscal Year (FY) 2023, the FLRA did not receive the funding necessary to fully comply with the directives contained in M-19-21 and M-23-07; however, the FLRA is able to direct some of its funding to continue move towards compliance.

Progress in Addressing the Challenge

FLRA provided the following management challenge update:

"FLRA has continued to shift its recordkeeping practices from paper to electronic format, building on the agency's records management progress over the past year. I am pleased to report significant strides in addressing both hard copy and electronic records management within our agency.

One of the most noteworthy achievements has been our transition from traditional paper-based records to a more efficient electronic format. This change not only aligns with modern record-keeping best practices but also contributes to a more sustainable and environmentally-friendly approach. As a result, we have witnessed a reduction in storage costs, enhanced accessibility to records, and improved disaster recovery capabilities.

In tandem with this transition, we have diligently updated our business processes to facilitate complete record lifecycle management in electronic format to the fullest extent possible. This effort has been a complex but necessary undertaking, touching upon various aspects of our agency's operations. Key highlights of our progress include:

1. **Digitization Initiatives:** We have worked to digitize a substantial portion of our historical paper records. This digitization effort involved converting paper documents into electronic formats and ensuring that they are indexed, searchable, and accessible to authorized personnel.
2. **Electronic Records Management System (ERMS):** We have implemented an ERMS that integrates with our existing workflow processes. This system helps us create, classify, store, retain, and dispose of electronic records in compliance with legal and regulatory requirements.
3. **User Training and Awareness:** We have conducted extensive training programs to ensure that all staff members are well-versed in using the ERMS and adhere to established records management policies. This has significantly improved the accuracy and consistency of record-keeping practices.
4. **Policy Alignment:** Our agency's records management policies and procedures have been reviewed and updated to align with the transition to electronic records. This ensures that our practices remain compliant with relevant laws and regulations.
5. **Security and Access Control:** We have invested in robust security measures to safeguard electronic records, including encryption, access controls, and regular audits to identify and mitigate potential vulnerabilities.

While we are proud these achievements, we acknowledge that challenges persist. In particular, we remain committed to addressing the following areas:

1. **Legacy Paper Records:** The complete transition from paper to electronic format is an ongoing process, and we continue to explore efficient ways to digitize remaining paper records.
2. **Data Retention and Disposal:** Ensuring proper retention and timely disposal of electronic records is crucial. We are working to refine our retention policies and improve compliance.
3. **Change Management:** Managing the cultural shift towards electronic record-keeping is an ongoing challenge. We will continue to prioritize user training and change management efforts to foster a culture of accountability and responsibility.
4. **Cybersecurity:** The security of electronic records is critical; we will remain vigilant in enhancing our cybersecurity measures to protect sensitive information from cyber threats.

Federal agencies must conduct a Records Management Self-Assessment (RMSA) each year and submit the findings to NARA. The goal of the self-assessment is to determine whether Federal agencies are compliant with statutory and regulatory records management requirements: The FLRA continues to make significant improvements since scoring a moderate risk in 2019 the Agency achieved a low-risk score during the reporting periods of 2021 and 2022. Below are the 2021 and 2022 comparative scores we received from our agency's responses to NARA annual reports. During this period, the Agency Records Officer also responded to a NARA request to provide documentation to validate our responses to their Annual RMSA 2022 Reports. The documentation demonstrated the Agency's success with its records management program and prevented the need for a NARA audit.

The following are this year's results:

- Senior Agency Official for Records Management (SAORM) Annual Report. (The SAORM Report is not scored)
- Records Management Self-Assessment (RMSA) for 2022 score: 98.

FLRA previous RMSA scores:

- 2021- score: 100
- 2020- score: 94
- 2019- score: 77
- 2018- not submitted
- 2017- score: 51
- 2016- score: 54

Federal Electronic Records and Email Management Report for 2022 scores:

- Part I Electronic Records Score: 71
- Part I Electronic Records Maturity Model Score: 3.74
- Part II Email Score: 18
- Part II Email Maturity Model Score: 3.6

The previous year's 2021 scores for the Federal Electronic Records and Email Management Report Scores:

- Part I Electronic Records Score: 66
- Part I Electronic Records Maturity Model Score: 3.47
- Part II Email Score: 18
- Part II Email Maturity Model Score: 3.6

New tasks and goals to improve our Records and Information Management Program:

- Annual role-based training for the Records Coordinators and Records Custodians,
- Finalizing File Plans for each program office,
- Creation and use of records management checklists specific to each program office for new and departing employees,
- Continue to update the Records and Information Management Intranet Page with records management guidance and information, and
- Continue to transfer permanent electronic to NARA is a priority for the FLRA.

Finally, the Agency continues to develop and implement the information technology necessary to support 100 percent electronic case files, per M-19-21. Unfortunately, the Agency again did not receive its request for additional funding in the FY 2023 enacted budget. As a result, the transition to a new Agency Case Management System (CMS), which is linked to achieving 100 percent electronic case records, has been delayed. However, the Agency continues to use available funds for this project, including any available end-of-year funds, to keep the project moving. The Agency again sought funds for this project in its FY 2024 budget request and remains hopeful that is will of receive the funds it needs to complete this project on time."

What Needs to Be Done

FLRA needs to continue its efforts in securing the necessary budget resources to successfully achieve compliance with OMB deadlines.

Key OIG Resources

- President Memorandum, *Managing Government Records,* signed on November 28, 2011
- OMB Directive M-12-18, Managing Government Records Directive, issued August 24, 2012
- OMB/NARA Memorandum M-14-16, which included NARA Bulletin 2014-06, Guidance on Managing Email issued September 14, 2014
- NARA Memorandum, Records Management Priorities for 2017, issued March 15, 2017
- OMB Memorandum M-19-21, *Transition to Electronic Records,* signed on June 28, 2019
- OMB Memorandum M-23-07, *Update to Transition to Electronic Records*, signed on December 23, 2022

Challenge 2: Closure of Open Recommendations Outstanding for More Than One Year

The Inspector General Act of 1978, as amended, requires explanations for all audit reports with recommendations open for more than one year. These outstanding recommendations are also reported to the FLRA and Congress in the OIG's Semiannual Reports to Congress. At this time, the FLRA has three open recommendations outstanding for more than one year.

In FY 2020, the OIG presented and agency management concurred with 23 recommendations. In FY's 2021 and 2022, agency management resolved 19 of the 23 recommendations. In FY 2023, the FLRA resolved one of the four outstanding recommendations during FY 2023. The three remaining recommendations are over three years old.

In March 2020, the OIG issued a Management Advisory Review of Credit Hours and Premium Pay (MAR-20-03) and made 17 recommendations. In March 2021, the OIG performed a Follow-up Review from the 2020 Credit Hours and Premium Pay (MAR-21-03) and closed 14 of the 17 open recommendations. The OIG made multiple attempts to schedule a follow-up review in FY 2022 and delayed the review at the request of management until Calendar Year 2024.

The table below shows a summary of reports with corrective actions outstanding for more than one year and whether report recommendations are open or closed.

Reports with Corrective Actions Outstanding for more than 1 year

Report Title	Report Number	Issue Date	Number of Recommendations	Closed	Open
Management Advisory Review of Credit Hours and Premium Pay	MAR-20-03	3/11/20	17	14[1]	3

[1] OIG performed a Follow-up Review from the 2020 Credit Hours and Premium Pay Report MAR-21-03 dated March 15, 2021 closed 14 of the 17 open recommendations.

Progress in Addressing the Challenge

FLRA provided the following management challenge update:

"The Agency has made significant progress in addressing the management challenge of closing open recommendations that have been outstanding for more than a year. The Agency takes these recommendations seriously and is actively working to address audit findings in a timely manner. Out of the four recommendations that were open for more than a year, one has been successfully closed by the Agency.

Furthermore, the Agency has adopted a proactive approach to prevent other audits from being open for more than a year. The Agency has ensured that all newly opened audits have been promptly addressed and closed to minimize the number of audits with open recommendations.

However, there remains a particular audit in which the Agency encountered difficulties in closing the three remaining recommendations. The recommendations were related to changes in the Agency's timekeeping system, leading to discrepancies between Agency policy and the system's functionality. Turnover within the Agency's Human Resources office has contributed to delays in closing these recommendations.

The Agency has taken steps to address the three remaining recommendations by appointing a new HR Director. We are confident that the new appointment will enable us to close the recommendations during FY 2024 because the new HR Director has the expertise to overcome the obstacles that impeded the timely closure of these recommendations.

The Agency continues to take steps to address its identified management challenges. We look forward to continuing to work with you on addressing and resolving any outstanding matters, as well as any management challenges identified for FY 2024 and beyond."

What Needs to Be Done

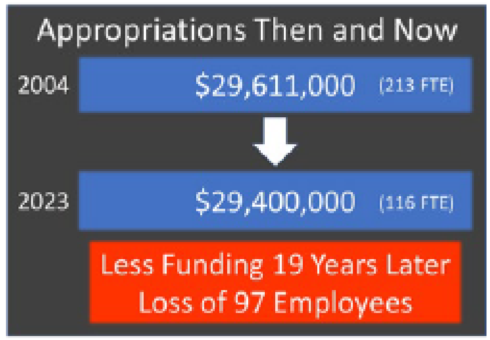
At this time, FLRA has three recommendations outstanding for more than one year. This is an improvement from the prior year where there were four recommendations that exceeded one year. However, FLRA needs to prioritize closing out these three recommendations in early FY 2024.

Key OIG Resources

- OIG Report, Follow-up Review from the 2020 Review of Credit Hours and Premium Pay, March 15, 2021

Challenge 3: Achieving Performance Goals with Insufficient Funding

The FLRA has been struggling with limited budget resources for many years—that underfunding is having an adverse effect on the ability of its components to accomplish their duties in an efficient and effective manner.



The FLRA's FY 2023 budget allocation is almost exactly the same as its FY 2004 budget allocation. In 2004, the FLRA employed 213 FTEs with a budget of $29,611,000. In 2023, the FLRA staffed its three components with a workforce of just 116 FTEs and a budget of $29,400,000. Given inflation and increased staffing costs, the FLRA addressed its decreasing purchasing power by not filling vacated positions and by reducing its real estate footprint by closing two regional offices. As a result, the FLRA now occupies less space and has roughly half as many employees as it did in 2004—but no less responsibility. And that will imperil the FLRA's ability to fulfill its mission-related goals and objectives. Recent trends in the FLRA's Office of the General Counsel (OGC) demonstrate this.

Congress charged OGC with prosecuting unfair labor practices (ULPs) committed by unions and federal agencies. The OGC is also responsible for making initial determinations as to whether employees should be included in bargaining units (also called REP petitions). From 2020 to 2023 there was a 62 percent increase in ULP case filings, but an 80 percent increase in the number of ULP cases pending. And there was a 20 percent decrease in the number of timely ULP initial dispositive actions taken by the OGC. Similarly, there was a 22% increase in the number of REP petitions filed with the office from 2020-2023, but a 160 percent increase in the number of petitions pending. There was also a 35 percent decrease in the number of timely REP initial dispositive actions taken by the OGC. The conclusion that must be drawn from these numbers is plain—recent years of budget cuts/austerity have already made it difficult for the OGC to fulfill its Congressionally-mandated function in a timely manner. Further cuts will result in a loss of confidence from both labor and management parties, due to the inability to function effectively.

All of the above is a problem because the longer it takes for the FLRA to resolve disputes between federal actors, the more expensive it is to resolve the disputes. Unresolved labor-management issues mean lingering disputes that distract from workplace missions. Delayed adjudication of cases involving backpay in particular costs taxpayer money—because the longer it takes to resolve the cases, the greater the Federal Government's potential backpay liability.

Another year of fiscal austerity will also mean that much needed investments in the FLRA's information technology (IT) systems will again need to be deferred—further deepening the

FLRA's vulnerability to cyberthreats. The FLRA will have to defer significant IT investments in everything from mandated cybersecurity improvements to day-to-day IT operations technology. This is a serious problem because the prolonged absence of funding for critical administrative infrastructure, such as cybersecurity, IT equipment, and technology modernization impairs the FLRA's ability to work efficiently and leaves the FLRA vulnerable to cyberthreats. The FLRA has done its best to shuffle mission priorities and keep mission-critical functions working. But doing so indefinitely puts the FLRA at very serious risk. Current budget constraints also will mean that the FLRA will not have employee bandwidth to fully engage in current Federal Government initiatives.

There are a number of areas that the FLRA could explore that could address these challenges. FLRA leadership has acknowledged the need to reduce its space requirements. The majority of the FLRA's leased space is at 1400 K Street, NW Washington, DC; the lease for the space is set to expire in 2026. FLRA has begun to work with the General Services Administration (GSA) to determine what the current requirements with a goal to reduce the square footage at this location, including options to reduce space prior to the lease expiring in 2026.

The FLRA could also explore alternative revenue streams, including petitioning OMB for permission to provide fee-based services like those provided by the Federal Mediation and Conciliation Service (FMCS).

FLRA continues to plan for, but has not received, an increase in agency funding from the prior years that keeps pace with inflation. This presents a challenge to management and creates a morale problem for staff when there is continued uncertainty over FLRA's funding levels. Once funding is appropriated, management must assess where to allocate resources for the mission. Management must continually assess the FLRA's needs regarding staffing so that the agency can be effective now and prepare for the challenges of future. These challenges are complicated by budget constraints and uncertainty.

What Needs to Be Done

FLRA needs to continue its efforts in securing the necessary budget resources to successfully achieve its performance goals. It also must continue to explore ways that it can achieve cost savings without cutting personnel. Additional avenues that it should explore include:

1) Continue requesting funding through the annual budget appropriations process, to restore needed staffing and resources.
2) Developing current space requirements with GSA to reduce the funds that it spends on leases.
3) Exploring the possibility of the provision of fee-based services such as those used by the FMCS.

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