OGC Mission, Function and Structure

- Office of General Counsel (OGC) is an independent component of the FLRA charged with investigating and prosecuting unfair labor practice cases and deciding representation cases.

- OGC is composed of a headquarters office in Washington, D.C. and seven regional offices.

- OGC employees interface with front-line federal management and union representatives, employees, supervisors and managers on a daily basis, handling 4-5,000 ULP cases and 300 Representation cases annually, and providing labor relations training, information and filing assistance to tens of thousands of individuals annually.
First Term Goals and Priorities

1. Eliminate backlog of ULP complaint and appeals cases within first 180 days.
2. Restore public information resources.
3. Improve timeliness in OGC core mission functions (i.e. Unfair Labor Practice and REP case processing) within the first term.
Goals and Priorities in Context

- On August 17, 2009, General Counsel took office, after 18 month General Counsel and Deputy General Counsel vacancy.

- Programmatic consequences of GC and DGC vacancy substantial and significant. (Note: statutory scheme of CSRA and Vacancies Reform Act provide for continuity of FLRA/OGC operations through the appointment of Deputy GC)

- Consequently, initial focus:
  - clearing ULP complaint and appeals case backlog caused by these key vacancies;
  - rebuilding lost information resources;
  - and positioning OGC to resume federal sector labor relations leadership
First Term Goals and Priorities

1. Eliminate backlog of complaint and appeals cases within first 180 days.

✓ All 342 backlogged complaint cases settled, tried or scheduled for trial.

✓ All 800 backlogged appeals cases completed on time.
First Term Goals and Priorities

2. Restore on-line information resources, in order to provide practical, accessible information to all federal managers, supervisors, union representatives and employees.

- Updated web-based ULP manual and case law summary.
- New and Updated Guidance (Electronic Posting, Information Requests, Meetings)
  - REP hearing officer guide, manual and case law summary to be completed
- All OGC Training Power Points Posted: Statutory; Representation, and Overview E.O. 13522.
- Developing on-line tutorials on all relevant subjects
Live Training Courses

- Basic and Advanced Statutory Training
- Representation Case Training
- FLRA OGC/FMCS E.O. 13522 Training

OGC trained nearly 12,000 individuals since beginning of FY 2010
Web Based Interactive Training

- Through Interagency Agreement with VA, FLRA producing web based training:
  - E.O 13522 overview available NOW
  - 7106(b)(1) estimated availability October 2011
  - Basic Statutory Training estimated availability March 2012
  - Representation Training TBD before end of FY 2012
  - Arbitration Training TBD before end of FY 2012
  - FSIP Training TBD before end of FY 2012
First Term Goals and Priorities

3. Improve timeliness in **core mission functions** (i.e. Unfair Labor Practice and REP case processing) within the first term.
OGC Core Mission Functions

ULP and REP Case Processing
What is the OGC Core Mission?

To fairly and responsibly perform functions for which the OGC has EXCLUSIVE statutory or regulatory jurisdiction.

- Investigating and prosecuting Unfair Labor Practices
- Deciding Representation cases, including determining the scope of bargaining units and conducting secret ballot elections. (TSA)
First Term Goals and Priorities

Improve Unfair Labor Practice and REP case processing in relation to time targets

- Current time target for ULP and REP cases 120 days. OGC meets target 52% for ULP and 65% REP.

- Management and Unions agree on the critical need for improvement.

- Essential to good government that OGC performance in relation to these targets improve.
Evolution of Staffing/Time Targets

1990-2004

**Structure:** 7 Regional Offices

**Staffing Pattern:** Regional Director, Regional Attorney or DRD, 11 Agents per office – Total of 77 Agents

**Time Target:** 90 days for ULP and REP

**Performance:** Not More than 15% of Pending ULP Cases Over 90 Days Old at End of Month

OGC structure, staffing, and core mission performance constant until mid-2000’s
Evolution of Staffing/Time Targets

- **2004-2005** Reassessment: Assumed substantial caseload reduction due to proposed adoption of NSPS and DHS Personnel Systems
- **2005-08** FLRA Political Leadership allowed OGC staffing to drop to just 39 agents.
- When predicted caseload reduction failed to materialize, OGC time targets were increased from **90 to 120 days** for ULP and REP cases
- Performance in relation to this longer target deteriorated due to understaffing.
Evolution of Staffing/Time Targets

FY 2011 Status and FY 2012 Challenge

- Time targets remain at 120 for ULP and REP
- OGC meeting target 52% for ULP and 65% REP
- Staffing: 7 Regional Directors, 2 Regional Attorneys 1 Deputy RD, and 43 Agents
- Role of on-site investigations in timely/quality case handling and labor relations leadership
OGC Work Load Projected to Increase

- OGC experienced a 23% increase in ULP filings from FY 2009 through FY 2010.
- FY 2011 ULP filing rate decreased during period of intensive, widespread labor management cooperation outreach.
- FY 2012 -2013 budget constraints throughout government will likely result in management changes that will increase collective bargaining, and therefore the demand for dispute resolution during the next two fiscal years.
### ULP and REP Cases Filed/Agent Ratio Analysis

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<td>ULP Cases Filed</td>
<td>5129</td>
<td>4551</td>
<td>4036</td>
<td>4421</td>
<td>3935</td>
<td>3569</td>
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<td>REP Cases Filed</td>
<td>309</td>
<td>347</td>
<td>285</td>
<td>276</td>
<td>297</td>
<td>289</td>
<td>275</td>
<td>278</td>
<td>300</td>
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<tr>
<td>Total Cases Filed</td>
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<td>4898</td>
<td>4321</td>
<td>4697</td>
<td>4232</td>
<td>3858</td>
<td>4229</td>
<td>4676</td>
<td>4300</td>
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<tr>
<td>Total Agents</td>
<td>68</td>
<td>66</td>
<td>57</td>
<td>46</td>
<td>39</td>
<td>39</td>
<td>39</td>
<td>42</td>
<td>43</td>
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<tr>
<td>Cases/Agent</td>
<td>80</td>
<td>74</td>
<td>76</td>
<td>102</td>
<td>109</td>
<td>99</td>
<td>108</td>
<td>111</td>
<td>100</td>
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* In FY2006 and 2007, NATCA filed 1,110 ULP charges against FAA relating to a contract dispute. Most of these cases were processed without the need for an investigation. The actual ULP filings for FY 2006 (4788) and FY 2007 (4677) have been adjusted to account for this one-time anomaly.
% *Overage Cases* based on the number of cases where dispositive action was taken in more than the current 120 day performance time target.
Case Process Improvement

- Implementing case processing improvements:
  - Incorporated pre-complaint ADR into ULP Regulations
  - E-filing
  - Remote Access Voting
  - Web-based conferences to facilitate stipulations settlement, pre-hearing preparations
  - Video REP hearings.

- Rebuilding OGC staff levels as quickly as resources permit.

- Optimal staffing level – Experienced Agents can reasonably be expected to handle, on average, 80 cases per year in a manner that yields timely, high-quality results.

- The OGC is currently 11 Field Agents short of optimal staffing.