# FLRA Office of the General Counsel

Town Hall Meeting Series
Boston Region -- Philadelphia/New York City
September 26-27, 2011



### 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.



- 1. Eliminate backlog of ULP complaint and appeals cases within first **180 days**.
- 2. Restore public information resources.
- 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



- 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.



- 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



Jamprove 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)



## 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



## Federal Labor Relations Authority Office of the General Counsel

#### 2003-2011 ULP and REP Case Intake:

Workload Statistics and Impact on Performance



### 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.



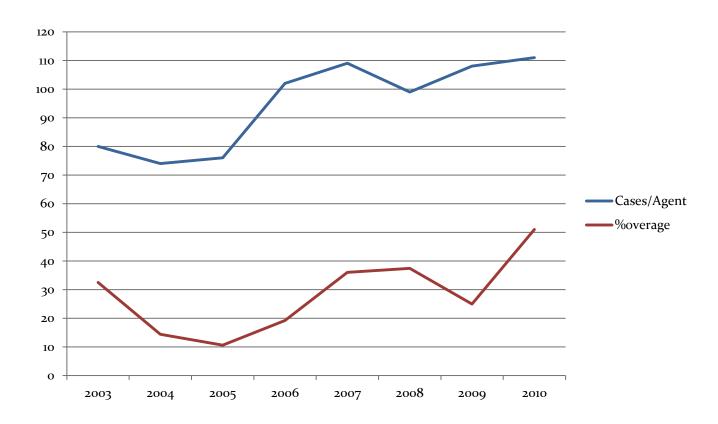
### ULP and REP Cases Filed/Agent Ratio Analysis

Fiscal Year	2003	2004	2005	2006*	2007*	2008	2009	2010	2011 (proj.)
ULP Cases Filed	5129	4551	4036	4421	3935	3569	3954	4398	4000
REP Cases Filed	309	347	285	276	297	289	275	278	300
Total Cases Filed	5438	4898	4321	4697	4232	3858	4229	4676	4300
Total Agents	68	66	57	46	39	39	39	42	43
Cases/ Agent	80	74	76	102	109	99	108	111	100



<sup>\*</sup> 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.

# Case/Agent Ratio Compared to Percent of Cases in Overage Status



% *Overage Cases* based on the number of cases where dispositive action was taken in <u>more than</u> 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.

