

FEDERAL LABOR RELATIONS AUTHORITY



FY 2010 PERFORMANCE BUDGET SUBMISSION TO CONGRESS

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FY 2010 BUDGET REQUEST

APPROPRIATION LANGUAGE

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, [~~\$22,674,000~~]**\$24,773,000:** *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

Federal Labor Relations Authority
Budget Object Classification of Obligations: FY 2008-FY2010
(Dollars in Thousands)

	FY2008 Actual*	FY2009 Enacted**	FY2010 Projected	% total BA (less Reimb)	Change FY2009 to FY2010
Budget Object Classification of Obligations	(in thousands)	(in thousands)	(in thousands)	(in thousands)	(in thousands)
11.0 Personnel compensation	13,244	14,378	15,861	64.03%	1,483
12.0 Civilian personnel benefits	2,927	3,258	3,831	15.46%	573
13.0 Benefits to former personnel				0.00%	0
21.0 Travel and transportation of persons	138	209	209	0.84%	0
22.0 Transportation of things	-			0.00%	0
23.1 Rental payments to GSA	2,427	2,400	2,534	10.23%	134
23.3 Communications, utilities and misc. charges	319	276	276	1.11%	0
24.0 Printing and reproduction	45	30	30	0.12%	0
25.0 Other services	3,604	1,795	1,704	6.88%	(91)
26.0 Supplies and materials	147	193	265	1.07%	72
31.0 Equipment	131	135	63	0.25%	(72)
32.0 Land & Structures	-			0.00%	0
42.0 Tort Claims	-				0
Subtotal, Direct Budget Authority	22,982	22,674	24,773		2,099
Reimbursables	21	50	50		0
Total Budget Authority	23,003	22,724	24,823		2,099
FTE	119	124	142		18

* The FY 2008 actual amount includes \$1,814,185 in unobligated FY 2007 balances carried forward.

**The FY 2009 appropriation is \$22.674 million. Although not depicted in the table above, FLRA assumes FY 2009 total obligation authority of \$23.900 million, pending OMB and congressional approval to use \$1.226 million in FY 2008 lapsed balances to fund FY 2009 infrastructure and case management contracts.

Notes Concerning Detailed Budget Object Classification Lines:

Object Classes 11.0 and 12.0: The FY 2010 request includes funds necessary to annualize the FY 2009 pay raise and cover the projected two percent FY 2010 pay increase. Benefits includes estimates for Transit Subsidy (\$150K) and Workers' Compensation (\$113K). However, the amount does not include a projected \$41K increase in the Transit Subsidy should the FLRA choose to increase benefits in accordance with the American Recovery and Reinvestment Act of 2009.

Object Class 23.1: The \$134,000 increase in GSA rental payments is based on GSA's most current estimate of FLRA costs for its existing space, plus \$17,500 for a courtroom to accommodate hearings.

Object Class 25.0: The \$91,000 reduction in Other Services mainly reflects non-recurrence of a one-time FY 2009 contract for phone system/video teleconferencing upgrades (-\$43,000) and a reduction in the accounting services contract with the Department of Interior (-\$22,000). The balance of the reduction (-\$26,000) is attributable to a reduction in the infrastructure contract for services that are not required in FY 2010.

Object Classes 26.0 and 31.0: The \$72,000 adjustment between supplies and equipment nets to zero and it reflects the FLRA's projection of actual supply and equipment utilization.

FY 2010 PERFORMANCE BUDGET SNAPSHOT

Federal Labor Relations Authority FY 2010 Budget by Program							
(in thousands of dollars)							
Program	FY 2009 Enacted		FY 2010 Estimate		% BA (less Reimb)	Increase/Decrease	
	\$	FTE	\$	FTE		\$	FTE
FLRA - AUTHORITY	12,853	56	13,638	63	55.06%	\$785	7
FLRA - FSIP	689	4	832	6	3.35%	\$143	2
FLRA- OGC	9,132	64	10,303	73	41.59%	\$1,171	9
Total FLRA	22,674	124	24,773	142	100%	2,099	18

The Federal Labor Relations Authority's (FLRA) FY 2010 budget request of \$24,773,000 is \$2,099,000 (9.26%) above the FY 2009 enacted budget. The \$24,773,000 request will support 142 full-time equivalents (FTEs) to begin to rebuild agency infrastructure and staffing levels, and begin to reduce the agency's case backlog. Personnel costs account for approximately 80 percent of the FLRA's total budget. Consequently, any shortfall in staffing costs directly affects the FLRA's ability to fulfill its statutory mission through issuance of timely quality decisions to resolve disputes, in accordance with FLRA's performance goals.

The FY 2010 budget request of \$24,773,000 is based on the following assumptions:

- Case intake will remain at projected FY 2009 levels.
- Case backlog at the adjudicatory stage, currently approximately 400, will grow by no more than 70 cases during FY 2009.
- Case backlog will be addressed, and ultimately reduced, by developing a Corrective Action Plan (CAP) aligned with FY2010 strategic and performance goals.
- FLRA statutory mission and jurisdiction will remain unchanged.
- Attrition will be lower than in previous years.

Federal Labor Relations Authority Summary of Reimbursable Resources (Dollars in Thousands)

	FY 2008 Actual		2009 Revised Estimate		2010 Estimate		Increase/Decrease	
	Amount		Amount		Amount		Amount	
	21		50		50		---	
Total Budgetary Resources	---	---	21	---	---	50	---	---

Explanation of Increase/Decrease:

Offsetting collections are for reimbursable travel expenses recouped from other Federal Agencies for whom FLRA employees conduct training. Most commonly, training is provided on: (1) case law and procedures concerning unfair labor practice (ULP) cases and representation cases (REP) filed under the Federal Service Labor-Management Relations Statute and (2) mediation, interest-based bargaining, conflict resolution and facilitation.

**FEDERAL LABOR RELATIONS AUTHORITY
BUDGET AUTHORITY & STAFFING BY ACTIVITY**

-CORRECTED COPY-

FLRA ACTIVITY	FY 2008 Actual \$000		FY 2009 Enacted \$000		FY 2010 President's Request \$000	
OFFICE OF THE CHAIRMAN (POPE)	3	398	10	1,108	10	1,369
OFFICE OF THE MEMBER (BECK)	3	559	9	1,100	8	1,093
OFFICE OF THE MEMBER (VACANT)	1	139	4	567	9	1,068
OFFICE OF THE EXECUTIVE DIRECTOR	1	346	1	89	1	178
OFFICE OF POLICY & PERFORMANCE MGMT	1	6	1	206	1	199
OFFICE OF CASE ADJUDICATION	1	59	-	-	-	-
CASE INTAKE & PUBLICATION	5	515	6	604	6	623
CASE PRODUCTION	11	1,305	-	-	-	-
OFFICE OF THE INSPECTOR GEN.	2	320	2	337	2	367
OFFICE OF ADMIN. LAW JUDGES	6	1,070	6	1,066	6	1,103
OFFICE OF THE SOLICITOR	6	777	6	790	6	953
HUMAN RESOURCES	1	488	1	477	2	599
BUDGET & FINANCE DIVISION	3	961	3	1,071	4	1,280
INFO. RESOURCES MGMT. DIV.	3	2,634	3	1,564	4	1,027
ADMINISTRATIVE SVCS. DIV.	4	2,847	4	3,874	4	3,779
TOTAL AUTHORITY	51	12,424	56	12,853	63	13,638
FED. SERV. IMPASSES PANEL	5	736	4	689	6	832
TOTAL FSIP	5	736	4	689	6	832
OFFICE OF GENERAL COUNSEL	3	591	4	689	9	1,205
ATLANTA REGIONAL OFFICE	9	1,233	8	1,123	9	1,130
BOSTON REGIONAL OFFICE	7	1,182	7	974	8	1,136
CHICAGO REGIONAL OFFICE	11	1,621	11	1,569	12	1,718
DALLAS REGIONAL OFFICE	8	1,224	8	1,055	8	1,110
DENVER REGIONAL OFFICE	7	1,370	7	1,059	8	1,198
SAN FRAN. REGIONAL OFFICE	12	1,916	12	1,856	12	1,982
WASH. REGIONAL OFFICE	6	685	7	807	7	824
TOTAL OGC	63	9,822	64	9,132	73	10,303
DIRECT BUDGET AUTHORITY	119	22,982	124	22,674	142	24,773
REIMBURSABLES	-	21	-	50	-	50
TOTAL, BUDGET AUTHORITY	119	23,003	124	22,724	142	24,823

AN OVERVIEW OF THE FLRA

Introduction

The Federal Labor Relations Authority (FLRA) is an independent administrative Federal agency created by Title VII of the Civil Service Reform Act of 1978, also known as the *Federal Service Labor-Management Relations Statute* (the Statute).¹ The Statute, which is modeled after the *National Labor Relations Act* (NLRA), applicable to the private sector, allows certain non-postal federal employees to organize, bargain collectively, and participate through labor organizations of their choice in decisions affecting their working lives. The Statute defines and provides mechanisms for enforcement of the rights of Federal employees, labor organizations, and agencies so as to reflect the public interest demand for the highest standards of employee performance and the efficient accomplishment of the operations of the Government.²

FLRA Mission, Administration, and Structure

All proceedings before the FLRA originate from filings by Federal employees, Federal agencies, or Federal labor organizations. The FLRA mission is to carry out five (5) primary statutory responsibilities as efficiently as possible and in a manner that gives full effect to the rights afforded under the Statute. These responsibilities:

1. determining the appropriateness of units for labor organization representation;
2. investigating charges of, as well as prosecuting and resolving complaints of, unfair labor practices;
3. adjudicating exceptions to arbitrators' awards;
4. adjudicating legal issues relating to the duty to bargain (i.e., negotiability); and
5. resolving impasses during negotiations.

The FLRA conducts its case processing activities through three components: *the Authority* (which encompasses the three Member offices including the case-processing functions of the Office of the Chairman); the *Office of the General Counsel* (which includes seven regional offices); and the *Federal Service Impasses Panel*. Presidential appointees head all three components.³ The three-Member Authority appoints Administrative Law Judges (ALJs) to hear and prepare decisions in cases involving alleged unfair labor practices, as well as decisions involving applications for attorney fees filed pursuant to the *Back Pay Act* or the *Equal Access to Justice Act*. The FLRA also provides full staff support to two other organizations - - the *Foreign Service Impasse Disputes Panel* and the *Foreign Service Labor Relations Board*.⁴

Each FLRA component exercises statutorily independent responsibilities, either prosecutorial or adjudicative.

¹ Public Law 95-454, 5 U.S.C. § 7101 *et seq.*

² See generally 5 U.S.C. § 7101(a)(2).

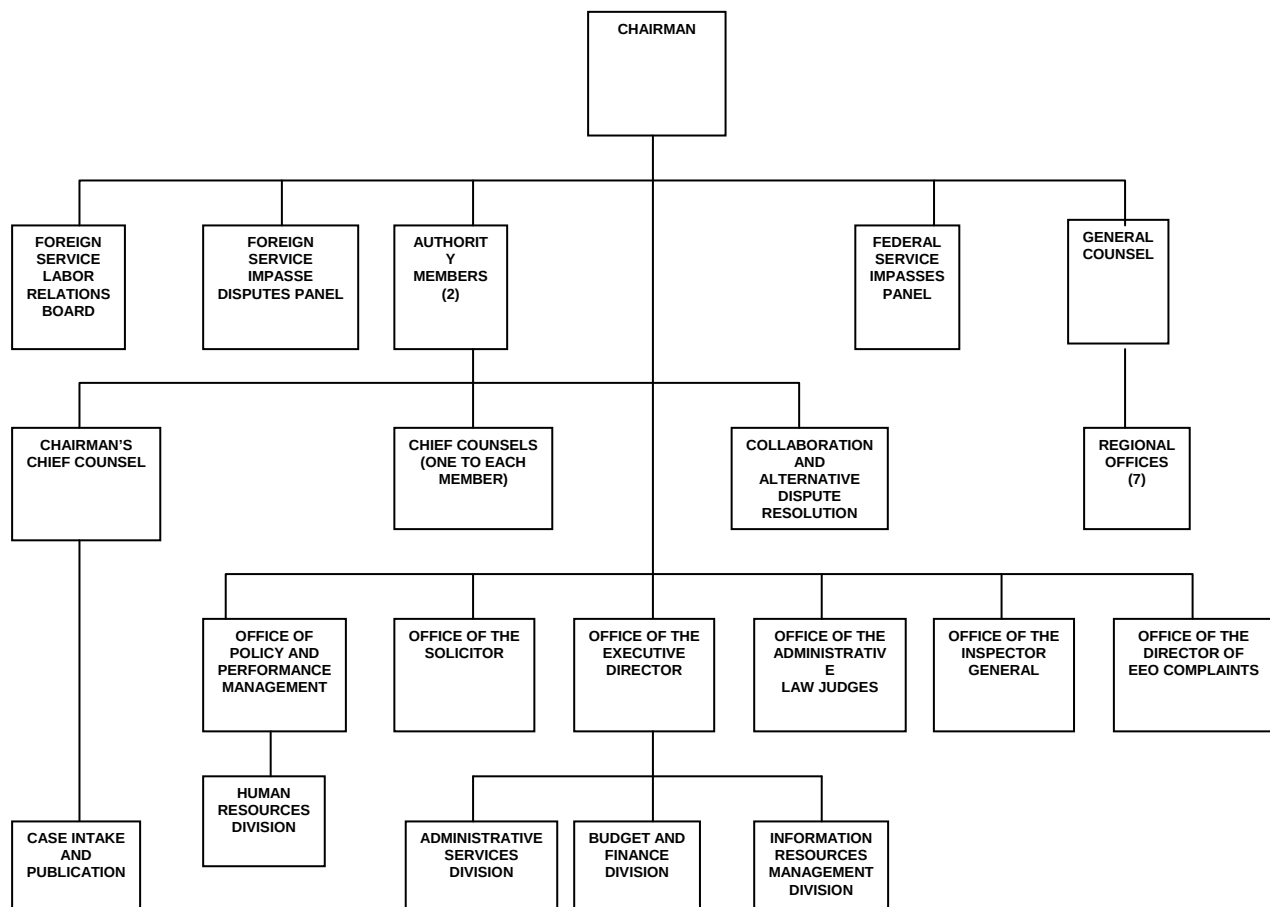
³ The Authority Members are full-time Presidential appointees, subject to Senate confirmation, and serve five-year terms. The General Counsel, also a full-time Presidential appointee confirmed by the Senate, serves a five-year term at the pleasure of the President. The Panel Members are part-time, appointed by the President (without Senate confirmation), and also serve at the pleasure of the President.

⁴ Created by the Foreign Service Act of 1980, the FSIDP is a five-member board, chaired by the FLRA Chairman that resolves bargaining impasses between Federal agencies and Foreign Service personnel. Under the same Act, the three-member FSLRB administers the labor-management relations program for covered Foreign Service employees.

The FLRA's annual congressional appropriation is a single line item. The immediate staffs of Authority Members, the General Counsel of the Authority, and the Federal Service Impasses Panel are under the general, day-to-day, supervision of their respective Members or component head. The Authority, General Counsel, and FSIP maintain their respective headquarters offices at a common site in Washington, DC. The Office of the General Counsel also maintains a network of seven regional offices and one satellite office in the following locations: Atlanta, GA; Boston, MA; Chicago, IL; Dallas, TX; Denver, CO; San Francisco, CA (one two-person *satellite office* is located in Santa Ana, CA); and Washington, DC.

Although the FLRA components have distinct roles with respect to various legal proceedings, the Statute requires the President to designate one Authority Member to serve also as the FLRA Chairman, i.e., the Agency Head. The FLRA Chairman is statutorily responsible for agency-wide administrative functions such as purchasing; staffing, performance, and training; budgeting and finance; information technology; leasing of office space; and agency-wide performance management.

The FLRA's organization is reflected in the following chart:



DISCUSSION OF THE FY 2010 PERFORMANCE BUDGET

The FLRA's FY2010 Performance plan is at Appendix A, page 34. The FY 2010 performance budget for the Federal Labor Relations Authority is designed to begin the process of rebuilding the agency's capacity to fulfill its mission to provide leadership in establishing policies governing labor-management relations in the Federal sector. This capacity has been seriously diminished by three fiscal years during which the agency left unobligated nearly 25 percent of its appropriations (FY 2005, FY 2006, FY 2007) and another year (FY2008) where 10 percent of its appropriations were unobligated despite the fact that those monies were sorely needed to fill key positions and fund basic operations.

The foregoing approach to the agency's management has left the agency with a lack of resources in each component that is unprecedented in the agency's nearly 30-year history – almost a 50 percent reduction in FTEs since FY2001. Combined with the fact that vacancies at the Presidential level have legally prevented two of the agency's three components (the Office of the General Counsel and the Authority) from performing key statutory functions, the agency is left with severe resource deficiencies and a crippling backlog of cases awaiting resolution. As set forth in more detail herein, the appropriation request for FY2010 will permit the FLRA to begin to attack its backlog of cases and to begin to improve the effectiveness and efficiency of agency operations in all components and at all levels. FLRA is developing its case backlog reduction strategy and using a CAP to identify goals, milestones and indicators of progress to track its efforts (see Management Initiatives).

The leadership and staff of the FLRA are hopeful that, with not only the requested appropriation but also with renewed vigor throughout the agency resulting from anticipation of regaining a leadership role in Federal labor-management relations, the FLRA again will be an active participant in enhancing operations and performance throughout the Federal Government and in improving Federal employee morale and productivity.

MANAGEMENT INITIATIVES

Case Backlog Reduction Strategy

The FLRA is developing a multi-pronged strategy to make the best use of funds to tackle the backlogs of cases awaiting decision by the FLRA's Chairman and Members as well as cases awaiting investigation and prosecution in the FLRA's regional offices. The following reflects current management initiatives to address the backlog (Several of these initiatives were in effect years ago when the agency was accomplishing its goals.):

- Increase the number of attorneys staffing these functions in the Offices of the Members and the Office of the General Counsel. In addition, the organizational structure of the Offices of the Members, including the case-resolution part of the Office of the Chairman, has been restructured so that attorneys are now assigned to individual Members.
- The process for reviewing cases has been modified to reinstitute a "screening team" with the function to identify cases susceptible to expedited processing before those cases are formally assigned to the Chairman and Members for processing.
- Aggressively pursue opportunities to provide training to customers and staff. Experience shows that these efforts provide dividends not only in terms of labor-management disputes that are avoided altogether but also in terms of improved quality of the presentations by filers, which assists the components in more timely resolving disputes.
- Recognize the cost-reduction and productivity benefits of telework by implementing an agency telework policy. If the experience of other agencies is indicative, telework should increase employee productivity.

Other Management Initiatives

- Engage in strategic planning, which has not been attempted at the FLRA in any manner inclusive of FLRA components and staff, in over five years. This strategic planning will permit Presidential and career leadership to maximize the use of existing resources as well as anticipate future needs.

- Improve employee morale through increased communication, training, and workplace flexibilities. In this regard, a recent survey conducted by the Office of Personnel Management identified the morale of FLRA employees as the lowest of any agency, large or small, in the entire government.
- Strategically manage human capital. To maintain attention and focus on strategic management of human capital, a new goal has been added to the FY 2010 Annual Performance Plan. To that end, the FLRA intends to identify, consistent with the strategic plan, where human resources are needed and to ensure that the resources are then reallocated as appropriate based on a sustainable staffing plan. The FLRA must clearly define individual performance objectives at all levels and in all components and work with, among others, employee representatives to design organizational and individual performance systems that improve agency effectiveness.
- Explore and use all existing resources and flexibilities and technology to enhance agency performance. Among other things, the FLRA Chairman intends to restore to the Office of the General Counsel reasonable administrative and budget authority, so as to promote individual managers' ability to cut through "red tape" to accomplish their work.
- Address technology issues by implementing an enhanced electronic case tracking system and strengthen the agency's IT infrastructure.

HISTORICAL PROGRAM EVALUATION

FY 2006 - 2008 Performance Highlights

The FLRA's FY2006 - 2008 *Annual Performance Plans* consisted of 19 performance goals under the single strategic goal of the agency's FY 2004-2009 Strategic Plan. The FLRA did not meet many of these goals, with lapses explainable by the loss of, and continuing vacancies concerning, key personnel, including experienced staff involved in dispute resolution in all components and at all levels.

Strategic Plan Goal* **To resolve disputes impartially and promptly.*

The FLRA addresses this goal through six performance goal categories that incorporate the objectives of each individual component involved in agency-wide achievement of the performance goal. These six performance goals are as follows:

1. Provide timely adjudication of cases through E-filing and case tracking.
2. Provide timely review and disposition of Unfair Labor Practice (ULP) cases.
3. Provide timely review and disposition of Representation (REP) cases.
4. Provide timely review and disposition of Arbitration (ARB) cases.
5. Provide timely review and disposition of Negotiability (NEG) cases.
6. Provide timely review and disposition of Bargaining Impasse cases.

Detailed information on the Authority's performance during FY 2006 – 2008, set forth at Appendix A, page 25, is summarized below.

FY 2006

In FY 2006, the FLRA did not meet many of its performance goals. This included goals with respect to the processing of ULP, ARB, NEG cases. The FLRA substantially met its goals for processing REP cases. Similarly, the FLRA met its performance goals with respect to bargaining impasse cases.

FY 2007

In FY 2007, the FLRA's performance was mixed with its respect to its performance goals. The FLRA met a portion of its goals for processing ULP and bargaining impasses cases. Furthermore, the FLRA partially met its stated goals for processing REP cases. The FLRA did not meet its performance goals for processing ARB and NEG cases.

FY 2008

In FY 2008, the FLRA met a portion of its goals for processing ULP cases. The FLRA partially met its goals for processing REP and bargaining impasse cases. The FLRA did not meet its goals for processing ARB and NEG cases.

FY 2010 PERFORMANCE GOALS AND THEIR LINKAGE TO THE PERFORMANCE BUDGET

Overall Means & Strategies:

- Establish and administer procedures to narrow and settle disputes.
- Meet established time limits for conducting investigations, conducting hearings and issuing decisions.
- Establish an agency-wide telework program to obtain the productivity benefits that such a program has to offer.
- Increase and strategically align staff with prioritized program and organizational goals, as evidenced by executive and employee performance plans.
- Provide training opportunities for agency staff and customers.
- Explore other operational processes, technological processes, and work methods that will enable to agency to meet its goals and objectives.

Goal 1—Provide timely adjudication of cases through E-filing and case tracking.

Objective: Enhance customer ease of filing cases and tracking case status through web-based case-filing systems.

Means & Strategies:

- Consider procurement action to build an electronic case-filing system if budget supports expenditure.
- Integrate the case-filing system with existing web-based applications and implement on-line filing.

Measure	Component/ Office	FY 2008 Result	FY 2009 Target	FY 2010 Target
FY 2008 & 2010 Percentage of process completed to take procurement action to build electronic case-filing system, integrate the system with existing web-based applications, and implement on-line filing.	Authority	0%		10%
FY 2009 A. Percentage of customers filing on-line.	Authority		0%	
B. Percentage of customers who filed on-line, tracking the status of a case on-line.			0%	

Budgetary Resources

Measure	Component/ Office	FY 2008 Actual		FY 2009 Enacted		FY 2010 Request	
		FTE	\$ (000)	FTE	\$ (000)	FTE	\$ (000)
Enhance customer ease of filing cases and tracking case status through web-based case-filing systems.	Authority	0	0	0	0	0	0
Subtotal, Goal 1		0	0	0	0	0	0

The FLRA did not meet this goal in 2008 and is not on target to meet this goal in 2009. With regard to building an electronic case filing system, continuing personnel issues, as well as budgetary constraints, resulted in this project's timeline being extended.

At the end of FY2008, the FLRA entered into a two-year contractual agreement with eGlobalTech to develop and implement an internal case tracking system. The agency used FY 2008 carry forward funds to support the first year of the contract. The development of the internal case tracking system will be utilized in supporting e-filing at a later date.

Goal 2—Provide timely review and disposition of Unfair Labor Practice (ULP) cases.

Objective: Remedy all ULP cases in a timely manner.

Means & Strategies:

- Establish procedures ensuring that violations are promptly and appropriately remedied.
- Meet established time limit within Authority to resolve ULP cases.

Measure	Component/ Office	FY 2008 Result	FY 2009 Target	FY 2010 Target
A. Percentage of ULP charges resolved (issuance of a complaint, withdrawal, dismissal, or settlement of the charge) within 120 days from the date filed.	OGC	48%	70%	75%
B. FY 2008 & 2010 Percentage of appeals decided within 60 days of receipt of the appeal of the Regional Director's dismissal of the charge. FY2009 Percentage of goal of issuing 80% of sustained appeals within 60 days of receipt of appeal of the Regional Director's dismissal of the charge.	OGC	19%	0%	80%
C. Percentage of ULP complaints receiving a hearing within 90 days or otherwise settling.	OGC/OALJ	100%	90%	100%
D. FY 2008 & 2010 Percentage of records closing and decisions issuing within 90 days of the hearing completion date. FY2009 Percentage of records closing and decisions issuing within 60 days of the hearing completion date.	OALJ	100%	50%	100%
E. Percentage of ULP cases clearing the Screening Team and being assigned to professional case production staff or being otherwise resolved within 5 working days of the completion of filing requirements pursuant to FLRA regulations.	Authority/Case Intake & Publication	25%	75%	100%
F. FY 2008 Percentage of ULP cases decided within 120 days of assignment to professional case production staff. FY 2009 Percentage of ULP cases decided within 90 days of assignment to an Authority Member staff. FY 2010 Percentage of ULP cases decided within 180 days of assignment to an Authority Member staff.	Authority	0%	0%	20%

Budgetary Resources

Measure	Component/ Office	FY 2008 Actual		FY 2009 Enacted		FY 2010 Request	
		FTE	\$ (000)	FTE	\$ (000)	FTE	\$ (000)
Remedy all ULP cases in a timely manner.	OGC	50.40	7,857.60	51.20	7,305.60	58.40	8,243.20
	OALJ	6.00	1,070.00	6.00	1,066.00	6.00	1,103.00
	Authority	6.63	1,615.12	7.28	1,670.89	8.55	1,880.25
Subtotal, Goal 2		63.03	10,542.72	64.48	10,042.49	72.95	11,226.45

The FLRA partially met the stated performance goals for FY 2008. Three FLRA components are involved with processing ULP cases:

Office of General Counsel (OGC)

In 2008, OGC did not meet its goal of resolving all ULP charges within 120 days of the date filed. However, the OGC closed 543 more charges in FY 2008 than it closed in FY 2007. This amounts to a 13.3% increase in productivity. This productivity increase was achieved even though the OGC was without a General Counsel for the last seven months of the fiscal year.

The OGC is not on target to meet its goals for 2009 primarily because the General Counsel position remains vacant. Additionally, a lack of staffing and budgetary resources has resulted in a diminished level of services to customers.

The agency will add additional resources to the OGC in FY 2010. An increase in key staff positions will have a direct impact on the agency's investigation and adjudication of ULP cases.

Office of Administrative Law Judges (OALJ)

The OALJ met its goals for FY2008.

In 2009, the work of the OALJ has been significantly affected by the lack of a General Counsel as complaints cannot be issued without a General Counsel. A backlog of more than 275 cases exists as to which a decision to issue a complaint has been deferred.

It is anticipated that the OALJ will hold hearings in accordance with OALJ performance goals.

Authority

The Authority did not meet its FY 2008 performance goals. During FY 2008, the Authority received 11 ULP cases, which, in addition to the 34 pending cases produced a caseload of 45 ULP cases. The Authority closed 15 ULP cases. The Authority's performance with respect to its goals in this area is primarily attributable to loss of staff in, and unfilled vacancies concerning, key executive, supervisory, and nonsupervisory positions. In addition, the Authority's previous Chairman resigned in July 2008. As a consequence, the Authority lacked a quorum for the remainder of the last quarter; the Authority also had only two Members for much of the year.

The Authority is not on track to achieve its FY 2009 performance goals. These goals, which were both established without input from agency staff and not communicated to staff until mid-way through the fiscal year, are largely unattainable. However, the Authority has hired two additional attorneys and will manage budget resources to hire more. Additionally, the agency has taken steps to reconfigure its adjudicatory structure to result in more effective and efficient decision-making.

The Authority's principal performance goal for FY 2010 has been adjusted, setting as a target the issuance of ULP cases decisions within 180 days of assignment to an Authority Member staff. This adjustment will allow the Authority to realistically reflect the fact that in FY 2010, the Authority will be focusing on reducing its backlog of cases. In FY 2010, the agency will add additional case writing attorneys to the Authority. The increase in attorneys will have a direct impact on the agency's ability to issue decisions on exceptions filed in ULP cases. Further, the additional resources will permit the Authority to reverse the trend of a growing backlog of cases and will result in a reduction in the Authority's case backlog for the first time in a number of years. In fact, FY 2010 will be the first in many years in which the agency begins to diminish its backlog.

Goal 3—Provide timely review and disposition of Representation (REP) cases.

Objective: Review all REP cases in a timely manner.

Means & Strategies:

- **Reconfigure the Authority's adjudicatory structure to ensure that adjudicatory staff is supervised and managed in the most effective manner.**
- **Examine the agency's investigatory and adjudicatory procedures to identify opportunities to streamline those procedures and increase efficiency.**

Measure	Component/ Office	FY 2008 Result	FY 2009 Target	FY 2010 Target
A. FY 2008 Percentage of Decisions & Orders issued, or withdrawals of petitions approved, within 110 days of filing of petition with the OGC, where no election or hearing is necessary. FY 2009 Percentage of Decisions & Orders issued, or withdrawals of petitions approved, within 90 days of filing of petition with the OGC, where no election or hearing is necessary. FY 2010 Percentage of REP cases resolved by withdrawal of petition, conducting of election, or issuance of a Decision & Order, within 120 days of filing of the petition.	OGC	74%	65%	70%
B. FY 2008 & 2009 Percentage of elections held within 90 days from the date of filing of petition with the OGC, where no hearing is necessary.	OGC	59%	55%	
C. FY 2008 & 2009 Percentage of D&Os issued in REP cases within 180 days, where a hearing is necessary.	OGC	24%	25%	

Measure	Component/ Office	FY 2008 Result	FY 2009 Target	FY 2010 Target
D. Percentage of REP cases assigned to professional case production staff, or otherwise disposed of, within 2 work days of completion of filing requirements pursuant to FLRA regulations.	Authority/Case Intake & Publication	60%	80%	100%
E. FY 2008 & 2010 Percentage of REP cases in which a decision whether to grant review issued by day 60 and a final decision issued by day 90, upon assignment to professional case production staff.	Authority	86%		90%
FY 2009 Percentage of REP cases in which a decision whether to grant review issued within 50 days of assignment to an Authority Member staff.			15%	

Budgetary Resources

Measure	Component/ Office	FY 2008 Actual		FY 2009 Enacted		FY 2010 Request	
		FTE	\$ (000)	FTE	\$ (000)	FTE	\$ (000)
Review all REP cases in a timely manner.	OGC	12.60	1,964.40	12.80	1,826.40	14.60	2,060.80
	Authority	4.59	1,118.16	5.04	1,156.77	5.70	1,253.50
Subtotal, Goal 3		17.19	3,082.56	17.84	2,983.17	20.30	3,314.30

The FLRA partially met the stated performance goals for FY 2008. Two FLRA components are involved with processing REP cases:

Office of General Counsel

In 2008, the OGC did not meet its three performance goals for processing REP cases. However, the OGC improved its performance with regard to two of the goals. This improvement is attributable to an OGC-wide focus on processing REP cases in a more timely and efficient manner.

In FY 2009, the OGC REP case processing function continued to be affected by staffing limitations.

The agency will add additional resources to the OGC in FY 2010. An increase in key staff positions will have a direct impact on the agency's handling of REP cases. The agency has established a new, unitary goal for processing REP cases that will more effectively focus on the timely resolution of the OGC's REP case workload. It is anticipated that this new goal will facilitate the OGC's efforts to meet its responsibilities in handling REP cases.

Authority

The Authority substantially met its stated performance goals for processing REP cases during FY 2008. During FY 2008, the Authority received 14 REP cases, which, in addition to the 4 pending cases, produced a caseload of 18 REP cases. The Authority closed 15 REP cases. In this regard, REP cases are given priority in case processing because there is a statutory requirement to take action in these cases within 60 days of filing.

In FY 2009, the Authority is still on track to substantially meet its stated goals for processing REP cases.

In FY 2010, the Authority will continue to prioritize REP cases to meet its statutory issuance requirements and will meet its case processing goals.

Goal 4—Provide timely review and disposition of Arbitration (ARB) cases.

Objective: Remedy all ARB cases in a timely manner.

Means & Strategies:

- **Meet established time limits within which exceptions shall be screened to identify cases for expedited treatment.**
- **Examine the agency's adjudicatory procedures to identify opportunities to streamline those procedures and increase efficiency.**

Measure	Component/ Office	FY 2008 Result	FY 2009 Target	FY 2010 Target
A. Percentage of ARB cases that clear the Screening Team and are assigned to professional case production staff, or are otherwise resolved, within 5 work days of completion of filing requirements pursuant to FLRA regulations.	Authority	14%	75%	100%
B. FY 2008 Percentage of ARB cases decided within 120 days of assignment to professional case production staff.	Authority	0%		
FY 2009 Percentage of ARB cases decided within 90 days of assignment to an Authority Member staff.			15%	
FY 2010 Percentage of ARB cases decided within 180 days of assignment to an Authority Member staff.				20%

Budgetary Resources

Measure	Component/ Office	FY 2008 Actual		FY 2009 Enacted		FY 2010 Request	
		FTE	\$ (000)	FTE	\$ (000)	FTE	\$ (000)
Remedy all ARB cases in a timely manner.	Authority	28.05	6,881.65	30.80	7,159.92	33.20	7,301.09
Subtotal, Goal 4		28.05	6,881.65	30.80	7,159.92	33.20	7,301.09

The FLRA did not meet either performance goal for processing ARB cases. During FY 2008, the Authority received 126 ARB cases which, in addition to the 214 pending cases, produced a caseload of 340 ARB cases.

The Authority closed 44 ARB cases. The Authority's performance with respect to its goals in this area is primarily attributable to loss of staff.

The Authority is not on track to achieve its 2009 performance goals. As set forth above, these goals are largely unattainable.

The agency's principal performance goal for FY 2010 has been adjusted, setting as a target the issuance of ARB case decisions within 180 days of assignment to an Authority Member staff. As set forth above, this adjustment will allow the Authority to realistically reflect the fact that in FY 2010, the Authority will be focusing on reducing its backlog of cases.

Goal 5—Provide timely review and disposition of Negotiability (NEG) cases.

Objective: Review all NEG cases in a timely manner.

Means & Strategies:

- **Meet established time limits within which petitions shall be screened.**
- **Examine the agency's adjudicatory procedures to identify opportunities to streamline those procedures and increase efficiency.**

Measure	Component/ Office	FY 2008 Result	FY 2009 Target	FY 2010 Target
A. Percentage of NEG cases that clear the Screening Team and are assigned to professional case production staff, or are otherwise disposed of, within 5 work days of completion of filing requirements pursuant to FLRA regulations.	Authority	34%	75%	100%
B. FY 2008 Percentage of NEG cases decided within 120 days of assignment to professional case production staff (reflecting reasonable time for a post-petition conference).	Authority	0%		
FY 2009 Percentage of NEG cases decided within 100 days of assignment to an Authority Member staff (reflecting reasonable time for a post-petition conference).			15%	
FY 2010 Percentage of NEG cases decided within 180 days of assignment to an Authority Member staff (reflecting reasonable time for a post-petition conference).				20%

Budgetary Resources

Measure	Component/ Office	FY 2008 Actual		FY 2009 Enacted		FY 2010 Request	
		FTE	\$ (000)	FTE	\$ (000)	FTE	\$ (000)
Review all NEG cases in a timely manner.	Authority	6.12	1,739.36	7.28	1,799.42	8.55	1,880.25
Subtotal, Goal 5		6.12	1,739.36	7.28	1,799.42	8.55	1,880.25

In FY 2008, the FLRA did not meet either performance goal for processing NEG cases. During FY 2008, the Authority received 38 Negotiability (NEG) cases, which, in addition to the 40 cases pending at the beginning of the year, produced a caseload of 78 NEG cases. The Authority closed 30 cases. The Authority's performance with respect to its goals in this area is primarily attributable to loss of staff.

The Authority is not on track to achieve its FY 2009 performance goals. As set forth above, these goals are largely unattainable.

The agency's principal performance goal for FY 2010 has been adjusted, setting as a target the issuance of NEG case decisions within 180 days of assignment to an Authority Member staff. As set forth above, this adjustment will allow the Authority to realistically reflect the fact that in FY 2010, the Authority will be focusing on reducing its backlog of cases.

Goal 6—Provide timely review and disposition of Bargaining Impasse (FSIP) cases.

Objective: Review all FSIP cases in a timely manner.

Means & Strategies:

- **Examine the FSIP's procedures for resolving impasses to identify opportunities to streamline those procedures and increase efficiency.**

Measure	Component/ Office	FY 2008 Result	FY 2009 Target	FY 2010 Target
A. Percentage of cases in which the Panel asserted jurisdiction or declined to assert jurisdiction within 90 days of the completion of filing requirements pursuant to FSIP regulations..	FSIP	79%	79%	79%
B. Percentage of cases that close within 20 days of the Panel's determination to decline jurisdiction, or of the party/ies' request/s to withdraw.	FSIP	98%	98%	98%
C. Percentage of cases in which the substantive case record closed within 120 days of the Panel's assertion of jurisdiction over the parties' request for assistance.	FSIP	93%	93%	93%
D. Percentage of cases that the Panel closed within 30 days of the Panel's resolution through a Decision and Order or otherwise.	FSIP	76%	76%	76%

Budgetary Resources

Measure	Component/ Office	FY 2008 Actual		FY 2009 Enacted		FY 2010 Request	
		FTE	\$ (000)	FTE	\$ (000)	FTE	\$ (000)
Review all FSIP cases in a timely manner.	FSIP	5.00	736.00	4	689.00	6.00	832.00
Subtotal, Goal 6		5.00	736.00	4	689.00	6.00	832.00

In FY 2008, the FLRA met two of the four performance goals for processing Bargaining Impasse Cases. The FSIP is on target to meet its FY 2009 goals. In FY 2010 the FLRA will add additional resources to the FSIP so that it will continue to meet its goals.

Goal 7 - Develop, strategically deploy and manage FLRA's human resources to meet program and organizational performance goals.

Objective: Recruit, develop, and retain a multi-skilled, well-trained, highly performing, culturally diverse workforce that meets program needs and is collaboratively involved in workforce matters.

Means & Strategies:

- **Build and maintain collaborative internal labor-management relations.**
- **Promote effective organizational and individual performance through performance appraisals and awards that are linked to agency goals, increased training and upward mobility opportunities.**
- **Review, revise, and implement internal agency policy instructions based on collaborative efforts of management and employees.**
- **Examine and implement employee benefit programs -- e.g., travel gain-sharing and student loan repayment programs -- where resources are available.**
- **Collaboratively engage in long-term agency strategic planning.**
- **Increase agency-wide communication, informing agency management and employees of all components of agency issues and decisions where appropriate.**
- **Restore reasonable administrative and budget authority to the Office of the General Counsel.**

Measure	Component	FY 2008 Result	FY 2009 Target	FY 2010 Target
A. FY 2010 Percentage of number of required internal workgroups established to address technology issues, strategic planning, and other agency and workforce issues.	Authority, Office of the Executive Director, Office of Policy and Performance Management, OGC, FSIP			50%
B. FY 2010 Percentage by which reported employee job satisfaction is increased to approach the agency's objective.				50%

Measure	Component	FY 2008 Result	FY 2009 Target	FY 2010 Target
C. FY 2010 Percentage of internal FLRA policy instructions updated and issued.				50%
D. FY 2010 Percentage by which agency staffing meets funded FTE level.				100%

Budgetary Resources

Measure	Component	FY 2008 Actual		FY 2009 Enacted		FY 2010 Request	
		FTE	\$ (000)	FTE	\$ (000)	FTE	\$ (000)
Recruit, develop, and retain a multi-skilled, well-trained, highly performing, culturally diverse workforce that meets program goals and is collaboratively involved in workforce matters.	Authority, Office of the Executive Director, Office of Policy and Performance Management, OGC, FSIP	N/A	N/A	N/A	N/A	1.00	219.91
Subtotal, Goal 7						1.00	219.91
Total, Goals 1 through 7		119	22,982	124	22,674	142	24,773

Goal 7, while appearing as a “new” performance goal for FY 2010, actually represents the reestablishment of a goal that was eliminated from the FLRA’s performance goals in 2004 by the prior Administration. The goal, which attempts to capture and measure the FLRA’s other management initiatives described in more detail above, is focused on addressing the FLRA’s serious human capital needs. After years of inattention and neglect, the FLRA is committed to taking concrete steps to rebuild its workforce by working collaboratively with employees and their representatives at all levels to promote effective organizational and individual performance. The FLRA recognizes that by investing in human capital -- through, among other things, training, promotional opportunities, benefit programs and staffing -- and by increasing communication and opportunities for employee involvement in workplace issues, employee performance and morale will be maximized.

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MISCELLANEOUS EXHIBITS – APPENDIX A

**Federal Labor Relations Authority
Staffing Summary
Full-Time Equivalent (FTE) by Grade**
(Actual Dollars)

	2008	2009	2010	2009 to 2010
	EOY Actual	Enacted	Request	Change
Grades and Salary Ranges	FTE	FTE	FTE	Total
Total, EX	1	3	4	1
Executive level I				
Executive level II				---
Executive level III				---
Executive level IV		1	1	---
Executive level V	1	2	3	1
Total, SES	8	9	15	6
SL	2	2	1	(1)
Total, AL	4	4	4	
AL-1				---
AL-2	1	1	1	---
AL-3	3	3	3	---
GS-15	15	17	19	2
GS-14	33	33	33	---
GS-13	22	22	20	(2)
GS-12	5	6	5	(1)
GS-11	12	12	23	11
GS-10	2	2	3	1
GS-9	7	7	8	1
GS-8	3	2	3	1
GS-7	4	4	3	(1)
GS-6	1	1	1	---
GS-5				---
GS-4				---
GS-3				---
GS-2				---
Other Graded Positions				---
Ungraded Positions				---
Full-Time Equivalent Usage	119	124	142	18
Total Permanent Employment	121	141	156	15
Average Salary - FLRA	94,533	111,844	114,198	\$ 2,354
Average ES Level	Range	Range	Range	
Average ES Salary	\$ 151,165	\$ 154,502	\$ 153,062	\$ (1,440)
Average EX Level	5	5	5	-
Average EX Salary	\$ 139,600	\$ 145,925	\$ 148,844	\$ 2,919
Average SL Level	Range	Range	Range	
Average SL Salary	\$ 147,983	\$ 155,059	\$ 164,612	\$ 9,553
Average AL level	Range	Range	Range	
Average AL Salary	\$ 158,500	\$ 162,900	\$ 166,158	\$ 3,258
Average GS Grade		14	14	-
Average GS Salary	91,571	104,516	102,877	\$ (1,639)

*There are several Federal Service Impasses Panel employees who work intermittently and account for only a small percentage of one FTE.

WORKLOAD STATISTICS

FY 2008 Workload Highlights

The FY 2008 workload, as compared to previous year workloads, is presented below, listing type of case and each component that handles/may handle the case.

Unfair Labor Practice Caseload

Office of the General Counsel (OGC)

Unfair Labor Practice (ULP) cases enter the FLRA through the *Office of the General Counsel of the Authority (OGC)* as a charge. Regional Office OGC staff investigate the charges filed. If there is a potential violation of the Statute, the Regional Director will issue a complaint. The OGC will then prosecute the complaint before an Administrative Law Judge (ALJ). At the end of FY2008, there were approximately 150 additional charges pending in Regional Offices as to which a decision to issue a complaint was deferred until a new General Counsel is appointed.

	FY2004	FY2005	FY2006	FY2007	FY2008
Charges pending, start of year	1,165	914	1,164	1,705	2,300
Charges Filed	<u>4,551</u>	<u>4,036</u>	<u>4,788</u>	<u>4,677</u>	<u>3,569</u>
Total Charges	5,716	4,950	5,952	6,382	5,869
Charges Closed:					
Charges Withdrawn/ Settled	3,272	2,758	2,979	2,920	2,648
Charges Dismissed	1,250	952	1,008	1,038	1,941
Complaints Issued	<u>297</u>	<u>86</u>	<u>271</u>	<u>134</u>	<u>46</u>
Total Charges Closed	4,819	3,796	4,258	4,092	4,635*
Charges Pending, end of year**	914	1,164	1,705	2,300	1,237

* This number does not include approximately 150 charges as to which a decision to issue a complaint was deferred until the appointment of a new General Counsel.

** Statistics for FY 2004 through 2007 have been corrected where inaccuracies have been identified. The columns set forth above are not additive in all instances due to the existence of certain secondary actions that affect the number of charges settled and complaints issued.

The ULP charges filed during FY 2008, by Regional Office, were as follows:

Region (FY 2008)	ULP CHARGES filed
Atlanta	468
Boston	424
Chicago	666
Dallas	557
Denver	398
San Francisco	494
Washington	562
TOTAL	3569

Office of Administrative Law Judges

Upon issuance of a complaint, the ULP case proceeds to the *Office of Administrative Law Judges (OALJ)* where it may settle prior to or at the hearing, or be closed by decision. The reduction in the *OALJ's* workload for FY 2008 resulted from a General Counsel vacancy during the last seven months of the fiscal year and does not reflect a permanent situation.

	FY2004	FY2005	FY2006	FY2007	FY2008
Cases Pending,					
start of year	167	118	18	32	25
Case Intake	<u>298</u>	<u>88</u>	<u>271</u>	<u>134</u>	<u>46</u>
Total Caseload	465	206	289	166	71
Case Closings:					
Cases closed before hearing	281	134	216	114	59
Cases closed at hearing	1	0	2	0	0
Cases closed by decision	<u>65</u>	<u>54</u>	<u>39</u>	<u>27</u>	<u>12</u>
Total Case Closings	347	188	257	141	71
Cases Pending,					
End of Year					
Awaiting Hearing	83	3	25	19	0
Awaiting Decision	<u>35</u>	<u>15</u>	<u>7</u>	<u>6</u>	<u>0</u>
Total Cases Pending,					
end of year	118	18	32	25	0

Authority

After the OALJ renders a ULP decision, the parties may file exceptions with the *Authority* for review of that decision.

	FY2004	FY2005	FY2006	FY2007	FY2008
Cases Pending,					
start of year	24	19	16	21	34
Case Intake	<u>49</u>	<u>52</u>	<u>38</u>	<u>26</u>	<u>11</u>
Total ULP Caseload	73	71	54	47	45
Case Closings					
Procedural	36	32	25	13	9
Merits	<u>18</u>	<u>23</u>	<u>8</u>	<u>0</u>	<u>6</u>
Total ULP Closings	54	55	33	13	15
ULPs pending, end of year	19	16	21	34	30

Representation (REP) Caseload

Office of the General Counsel

Although the Representation (REP) caseload has remained fairly constant in the *Office of General Counsel* during the past several fiscal years, FY2008 saw a continuation of the OGC's significant productivity gains achieved on FY2007, with the OGC again closing over 300 REP cases.

	FY2004	FY2005	FY2006	FY2007	FY2008
Petitions Pending, start of year	153	119	123	160	156
Petitions Filed	<u>347</u>	<u>285</u>	<u>276</u>	<u>297</u>	<u>289</u>
Total Petitions	500	404	399	457	445
Petitions Closed					
Petitions Withdrawn	130	121	99	136	132
Merit Determinations	<u>251</u>	<u>160</u>	<u>140</u>	<u>165</u>	<u>173</u>
Total Petitions Closed	381	281	230	301	305
Petitions Pending, end of year	119	123	159	156	140*

* Statistics for FY 2004 through 2007 have been corrected where inaccuracies have been identified.

Authority

Within the *Authority*, unlike other types of cases, there is a statutory time requirement to complete a REP case. Such cases are given priority in order to meet the statutory requirement.

	FY2004	FY2005	FY2006	FY2007	FY2008
Cases Pending, start of year	1	1	1	1	4
Case Intake	<u>7</u>	<u>11</u>	<u>12</u>	<u>13</u>	<u>14</u>
Total REP Caseload	8	12	13	14	18
Case Closings					
Procedural	0	1	1	0	1
Merits	<u>7</u>	<u>10</u>	<u>11</u>	<u>10</u>	<u>14</u>
Total REP Closings	7	11	12	10	15
REPs pending, end of year	1	1	1	4	3

Arbitration (ARB) Caseload

	FY2004	FY2005	FY2006	FY2007	FY2008
Cases Pending, start of year	79	62	58	108	216
Case Intake	<u>159</u>	<u>138</u>	<u>136</u>	<u>162</u>	<u>126</u>
Total ARB Caseload	238	200	194	270	342
Case Closings					
Procedural	32	18	13	18	12
Merits	<u>144</u>	<u>124</u>	<u>73</u>	<u>36</u>	<u>32</u>
Total ARB Closings	176	142	86	54	44
ARBs pending, end of year	62	58	108	216	298

Negotiability (NEG) Caseload

	FY2004	FY2005	FY2006	FY2007	FY 2008
Cases Pending, start of year	26	14	22	24	40
Case Intake	<u>49</u>	<u>66</u>	<u>68</u>	<u>52</u>	<u>38</u>
Total NEG Caseload	75	80	90	76	78
Case Closings					
Procedural	40	38	53	30	22
Merits	<u>21</u>	<u>20</u>	<u>13</u>	<u>6</u>	<u>8</u>
Total Closings	61	58	66	36	30
Cases pending, end of year	14	22	24	40	48

Bargaining Impasse Caseload

The *Federal Service Impasses Panel* (FSIP) resolves impasses between Federal agencies and unions representing Federal employees arising from negotiations over conditions of employment under the Federal Service Labor-Management Relations Statute and the Federal Employees Flexible and Compressed Work Schedules Act. If bargaining between the parties, followed by mediation assistance, proves unsuccessful, the FSIP recommends procedures and takes action it deems necessary to resolve the impasse.

	FY2004	FY2005	FY2006	FY 2007	FY 2008
Cases Pending, start of year	61	48	45	34	23
Impasses Received	<u>154</u>	<u>146</u>	<u>134</u>	<u>115</u>	<u>111</u>
Total Caseload	215	194	179	149	134
Impasses Resolved	<u>167</u>	<u>149</u>	<u>145</u>	<u>126</u>	<u>112</u>
Cases pending, end of year	48	45	34	23	22

FLRA HISTORICAL PERFORMANCE TABLES

Strategic Plan

Performance Goal 1

Timely adjudication of cases through E-Filing and case tracking.

FY 2008 Performance Goals Complete procurement action to build electronic case-filing system and integrate with existing web-based applications and implement on-line filing. Previous Goal FY 2007 Goal Complete procurement action to build electronic case-filing system and integrate with existing web-based applications by end-of-fourth quarter and implement on-line filing. FY 2006 Goal Complete procurement action to build electronic case-filing system and integrate with existing web-based applications by end-of-fourth quarter and implement on-line filing.	FY 2008 Actual Performance The FLRA did not meet this goal. However, the agency entered into a 2-year contract in FY2008 to provide services in FY2009 that will create an IT system that will eventually support a new case tracking system and E-filing. Previous Performance FY 2007 Actual The FLRA did not meet this goal. FY 2006 Actual The FLRA did not meet this goal.
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Strategic Plan

Performance Goal 2

Timely review and disposition of Unfair Labor Practice (ULP) cases.

<u>Office of the General Counsel</u> FY 2008 Performance Goals C. All ULP charges will be resolved (issuance of a complaint, withdrawal, dismissal, or settlement of the charge) within 120 days from the date filed. D. Issue decisions on appeals within 60 days of receipt of the appeal of the Regional Director's dismissal of the charge. E. All ULP complaints will receive a hearing within 90 days or be otherwise settled. Previous Goals FY 2007 Performance Goals	FY 2008 Actual Performance Total charges = 4,632 Goal reached = 2,216 charges (48%) Total decisions = 147 Goal reached = 134 (91%) Total cases = 71 Goal reached = 71 (100%) Previous Performance FY 2007 Actual Performance
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Performance Goal 2 (Con't) A. All ULP charges will be resolved (issuance of a complaint, withdrawal, dismissal, or settlement of the charge) within 120 days from the date filed. B. Issue decisions on appeals within 60 days of receipt of the appeal of the Regional Director's dismissal of the charge. C. All ULP complaints will receive a hearing within 90 days or be otherwise settled. FY 2006 Performance Goals A. All ULP charges will be resolved (issuance of a complaint, withdrawal, dismissal, or settlement of the charge) within 90 days from the date filed. B. Issue 80% of decisions on appeals within 60 days of receipt of the appeal of the Regional Director's dismissal of the charge. C. All ULP complaints will receive a hearing within 90 days or be otherwise settled. FY 2005 Performance Goal Ensure that no more than 5% of the ULP cases pending are over 90 days old without the issuance of a complaint, or without the dismissal, withdrawal, or settlement of the charge.	Total charges = 4,082 Goal reached = 2,562 charges (63%) Total cases = 287 Goal reached = 256 (89%) Total cases = 138 Goal reached = 134 (97%) FY 2006 Actual Performance Total charges = 4,239 Goal reached = 1,914 charges (45%) Total cases = 581 Goal reached = 85 (15%) Total cases = 246 Goal reached = 205 (83%) FY 2005 Actual Performance 24% of pending ULP charges were over 90 days old without the issuance of a complaint, or without the dismissal, withdrawal, or settlement of the charge.
<u>Office of the Administrative Law Judges</u> FY 2008 Performance Goals A. All ULP complaints will receive a hearing within 90 days or be otherwise settled. B. All records will close and a decision will issue within 90 days of the hearing completion date. Previous Goals FY 2007 Performance Goals A. All ULP complaints will receive a hearing within 90 days or be otherwise settled. B. All records will close and a decision will issue within 90 days of the hearing completion date. FY 2006 Performance Goals A. All ULP complaints will receive a hearing within 90 days or be otherwise settled. B. Within 60 days of close of hearing, the Office of Administrative Law Judges will issue a decision.	FY 2008 Actual Performance Total cases: 71 Goal reached: 71 (100%) Total cases: 12 Goal reached: 8 (67%) Previous Performance FY 2007 Actual Performance Total cases = 138 Goal reached = 134 (97%) Total cases = 24 Goal reached = 8 (33%) FY 2006 Actual Total cases = 246 Goal reached = 205 (83%) Total cases = 39 Goal reached = 10 (26%)

Performance Goal 2 (Con't) FY 2005 Performance Goals A. Ensure median age of no more than 70 days from date unfair labor practice complaint issued to hearing; no more than 10% of cases pending decision will reach hearing in more than 110 days. <u>Authority</u> FY 2008 Performance Goals A. Upon completion of filing requirements pursuant to FLRA regulations, all ULP cases will clear the Screening Team and be assigned to professional case production staff within 5 working days or be otherwise disposed. B. Within 120 days of assignment to professional case production staff, a decision will issue. Previous Goals FY 2007 Performance Goals A. Upon completion of filing requirements pursuant to FLRA regulations, all ULP cases will clear the Screening Team and be assigned to professional case production staff within 5 working days or be otherwise disposed. B. Within 120 days of assignment to an Authority Member staff, a final ULP decision will issue. FY 2006 Performance Goals A. Upon completion of filing requirements pursuant to FLRA regulations, all ULP cases will be assigned to an Authority Member staff within 5 working days or be otherwise disposed. B. Within 90 days of assignment to an Authority Member staff, a final ULP decision will issue. FY 2005 Performance Goal Ensure median age of 180 days from the date the parties have satisfied all filing requirements with the Authority to the issuance of a final merits decision; and as of the end of the fiscal year, that no active cases pending decision are over one year old from the date the parties satisfied all filing requirements.	FY 2005 Actual Median age of 93 days of cases pending from date complaint issued to hearing; 60% of cases pending decision reached hearing in more than 110 days. FY 2008 Actual Performance Total cases = 8 Goal reached = 2 (25%) Total cases = 6 Goal reached = 0 Previous Performance FY 2007 Actual Performance Total cases = 17 Goal reached = 1 (6%) Total cases = 0 Goal reached = 0 FY 2006 Actual Total cases = 8 Goal reached = 0 FY 2005 Actual Median age of cases was 142 days from the date all filing requirements were satisfied. No cases pending decision were over 1 year old from the date all filing requirements were satisfied.
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Strategic Plan**Performance Goal 3 Provide timely review and disposition of Representation (REP) cases.**

<u>Office of General Counsel</u>	
FY 2008 Performance Goals	FY 2008 Actual Performance
A. Issue Decision & Order (D&O) or approve withdrawal of petition within 110 days of filing of petition with the OGC, where no election or hearing is necessary.	Total cases = 147 Goal reached = 109 (74%)
B. Conduct election within 90 days from the date of filing of petition with the OGC, where no hearing is necessary.	Total cases = 73 Goal reached = 43 (59%)
C. Issue D&O in all REP cases in 180 days, where a hearing is necessary.	Total cases = 37 Goal reached = 9 (24%)
Previous Goals	Previous Performance
FY 2007 Performance Goals	FY 2007 Actual
A. Issue Decision & Order (D&O) or approve withdrawal of petition within 110 days of filing of petition with the OGC, where no election or hearing is necessary.	Total cases = 148 Goal reached = 104 (70%)
B. Conduct election within 90 days from the date of filing of petition with the OGC, where no hearing is necessary.	Total cases = 50 Goal reached = 28 (56%)
C. Issue D&O in all REP cases in 180 days, where a hearing is necessary.	Total cases = 35 Goal reached = 5 (14%)
FY 2006 Performance Goals	FY 2006 Actual
A. Issue certifications in Representation cases within 110 days of filing of petition with the OGC.	Total cases = 246 Goal reached = 149 (61%)
B. 90% of all Representation elections will occur within 60 days of filing of a petition with the OGC.	Total cases = 66 Goal reached = 62 (94%)
FY 2005 Goal	FY 2005 Actual
Ensure that no more than 5% of the Representation cases pending are over 90 days old without notice of hearing issued.	9% of petitions pending over 90 days old without notice of hearing issued.
<u>Authority</u>	
FY 2008 Performance Goal	FY 2008 Actual Performance
A. Upon completion of filing requirements pursuant to FLRA regulations, all REP cases will be assigned to professional case production staff within 2 work days or be otherwise disposed.	Total cases = 15 Goal reached = 9 (60%)

Performance Goal 3 (Con't) B. Upon assignment of a REP case to professional case production staff, a decision whether to grant review will issue by day 60 and a final decision will issue by day 90. Previous Goals FY 2007 Performance Goal A. Upon completion of filing requirements pursuant to FLRA regulations, all REP cases will be assigned to an Authority Member staff within 2 work days or be otherwise disposed. B. Upon assignment of a REP case to professional case to an Authority Member staff, a decision whether to grant review will issue by day 60 and a final decision will issue by day 90. FY 2006 Performance Goals A. Upon completion of filing requirements pursuant to FLRA regulations, all REP cases will be assigned to an Authority Member staff within 2 work days or be otherwise disposed. B. Within 90 days of assignment of a REP case to an Authority Member staff, a decision whether to grant review and a final decision will issue. FY 2005 Goal Ensure median age of 180 days from the date the parties have satisfied all filing requirements with the Authority to the issuance of a final merits decision; and as of the end of the fiscal year, that no active cases pending decision are over one year old from the date the parties satisfied all filing requirements.	Total cases = 14 Goal reached = 12 (86%) Previous Performance FY 2007 Actual Performance Total cases = 12 Goal reached = 7 (58%) Total cases = 10 Goal reached = 8 (80%) FY 2006 Actual Performance Total cases = 12 Goal reached = 6 (50%) Total cases = 11 Goal reached = 9 (82%) FY 2005 Actual Median age of cases was 142 days from the date all filing requirements were satisfied. No cases pending decision were over 1 year old from the date all filing requirements were satisfied.
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Strategic Plan

Performance Goal 4 Provide timely review and disposition of Arbitration (ARB) cases.

<u>Authority</u> FY 2008 Performance Goals A. Upon completion of filing requirements pursuant to FLRA regulations, all ARB cases will clear the Screening Team and be assigned to professional case production staff within 5 working days or be otherwise disposed. B. Within 120 days of assignment to professional case production staff, a final ARB decision will issue. Previous Goals FY 2007 Performance Goals A. Upon completion of filing requirements pursuant to FLRA regulations, all ARB cases will clear the Screening	FY 2008 Actual Total cases = 117 Goal reached = 17 (14.5%) Total cases = 32 Goal reached = 0 Previous Performance FY 2007 Actual Total cases = 130
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Performance Goal 4 (Con't) Team and be assigned to an Authority Member staff within 5 working days or be otherwise disposed. B. Within 120 days of assignment to an Authority Member staff, a final ARB decision will issue. FY 2006 Performance Goals A. Upon completion of filing requirements pursuant to FLRA regulations, all ARB cases will clear the Screening Team and be assigned to an Authority Member staff within 5 working days or be otherwise disposed. B. Within 90 days of assignment to an Authority Member staff, a final ARB decision will issue. FY 2005 Goal Ensure median age of 180 days from the date the parties have satisfied all filing requirements with the Authority to the issuance of a final merits decision; and as of the end of the fiscal year, that no active cases pending decision are over one year old from the date the parties satisfied all filing requirements.	Goal reached = 3 (2%) Total cases = 36 Goal reached = 6 (17%) FY 2006 Actual Total cases = 120 Goal reached = 4 (3%) Total cases = 73 Goal reached = 9 (12%) FY 2005 Actual Median age of cases was 142 days from the date all filing requirements were satisfied. No cases pending decision were over 1 year old from the date all filing requirements were satisfied.
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Strategic Plan

Performance Goal 5 Provide timely review and disposition of Negotiability (NEG) cases.

<u>Authority</u> FY 2008 Performance Goals A. Upon completion of filing requirements pursuant to FLRA regulations, all NEG cases will clear the screening team and be assigned to professional case production staff within 5 working days or be otherwise disposed. B. Within 120 days of assignment (reflecting reasonable time period for a post-petition conference) to professional case production staff, a final NEG decision will issue. Previous Goals FY 2007 Performance Goals A. Upon completion of filing requirements pursuant to FLRA regulations, all NEG cases will clear the screening team and be assigned to an Authority Member staff within 5 working days or be otherwise disposed. B. Within 120 days of assignment (reflecting reasonable time period for a post-petition conference) to an Authority Member staff, a final NEG decision will issue. Performance Goal 5 (Con't)	FY 2008 Actual Performance Total cases = 15 Goal reached = 5 (34%) Total cases = 9 Goal reached = 0 Previous Performance FY 2007 Actual Performance Total cases = 12 Goal reached = 7 (58%) Total cases = 6 Goal reached = 0
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FY 2006 Performance Goal: A. Upon completion of filing requirements pursuant to FLRA regulations, all NEG cases will clear the screening team and be assigned to an Authority Member staff within 5 working days or be otherwise disposed. B. Within 100 days of assignment (reflecting reasonable time period for a post-petition conference) to an Authority Member staff, a final NEG decision will issue. FY 2005 Goal Ensure median age of 180 days from the date the parties have satisfied all filing requirements with the Authority to the issuance of a final merits decision; and as of the end of the fiscal year, that no active cases pending decision are over one year old from the date the parties satisfied all filing requirements.	FY 2006 Actual Performance Total cases = 19 Goal reached = 1 (5%) Total cases = 13 Goal reached = 1 (8%) FY 2005 Actual Performance Median age of cases was 142 days from the date all filing requirements were satisfied. No cases pending decision were over 1 year old from the date all filing requirements were satisfied.
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Strategic Plan

Performance Goal 6 Provide timely review and disposition of Bargaining Impasse cases.

<u>Federal Service Impasses Panel</u> FY 2008 Performance Goals • Upon completion of filing requirements pursuant to FSIP regulations, and FMCS action, the Panel will assert jurisdiction or decline to assert jurisdiction within 90 days. • Cases in which the Panel declines jurisdiction or which a party(ies) requests to withdraw, prior to a jurisdictional determination, will close within 20 days of such determination/request to withdraw. • The substantive case record will close within 120 days once the Panel asserts jurisdiction over the parties' request for assistance • Cases which the Panel resolves through a Decision and Order, or otherwise, will be closed within 30 days of the Panel's decision. Previous Goals FY 2007 Performance Goals • Cases in which the Panel declines jurisdiction will close within 20 days of such decision. • Cases that are withdrawn prior to a jurisdictional determination by the Panel will close within 60 days. Performance Goal 6 (Con't)	FY 2008 Actual Performance Total cases: 62 Goal reached: 49 (79%) Total cases: 66 Goal reached: 65 (98%) Total cases: 29 Goal reached: 27 (93%) Total cases: 25 Goal reached: 19 (76%) Previous Performance FY 2007 Actual Performance Total cases: 29 Goal reached: 29 (100%) Total cases: 49 Goal reached: 28 (57%) Total cases = 33
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• In cases in which the Panel issues a Decision & Order (D&O), the record will close within 150 days. FY 2006 Performance Goals • Procedural review and jurisdictional screening process will be completed on all new cases within 30 days of filing with the FSIP. Cases in which FSIP declines jurisdiction will close within 30 days of such decision. • 90% of FSIP Decisions and Orders will issue within a median age of 100 days. FY 2005 Goal: Ensure median age of no more than 90 days for cases where jurisdictional issues are raised and where jurisdiction is declined.	Average days to closing of record = 172 days FY 2006 Actual Performance Total cases = 134 Goal reached = 134 (100%) Total cases = 32 Goal reached = 32 (100%) FY 2005 Actual Median age of 102.5 days for cases where jurisdictional issues were raised and jurisdiction was declined.
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LEGAL AUTHORITIES

The legal authorities of the Federal Labor Relations Authority are set forth in the following:

Reorganization Plan No. 2 of 1978, consolidated the central policy-making functions in Federal labor-management relations under the Federal Labor Relations Authority, an independent agency. Previously, these functions had been divided between the Federal Labor Relations Council and the Assistant Secretary of Labor for Labor-Management Relations.

Civil Service Reform Act of 1978, as amended by the Civil Service Miscellaneous Amendments Act of 1983, established the Federal labor-management relations program under a statute administered by the Federal Labor Relations Authority.

Section 903 of the Civil Service Reform Act of 1978, provides permanent authorization for the Federal Labor Relations Authority to be appropriated "... such sums as may be necessary to carry out the provisions of this Act."

Panama Canal Act of 1979, expanded the jurisdiction of the Federal Labor Relations Authority to employees, including foreign nationals, of the Panama Canal Commission and U.S. agencies in the Panama Canal area. The jurisdiction to resolve labor-management disputes involving the Panama Canal Commission and other U.S. Government agencies located in what was the Canal Zone of the Republic of Panama, and the exclusive representatives of their employees under the Statute, ended as of July 1, 1998, pursuant to recent Congressional amendments to 22 U.S.C. § 3701 et seq.

Foreign Service Act of 1980, established a labor-management relations program for the members of the Foreign Service and established the Foreign Service Labor Relations Board and the Foreign Service Impasse Disputes Panel, which are supported by the Federal Labor Relations Authority.

Federal Employees Flexible and Compressed Work Schedules Act of 1982, as converted into permanent authority by the Act to Convert the Temporary Authority to Allow Federal Employees to Work on a Flexible or Compressed Schedule under Title 5, U.S. Code, into Permanent Authority, granted the Federal Service Impasses Panel jurisdiction over negotiation impasses regarding alternative work schedules.

Section 291 of the Federal Crop Insurance Program and Department of Agriculture Reorganization Act of 1994, Pub. L. No. 103-354, assigns the Authority specific responsibilities concerning the certification of new or modified bargaining units resulting from reorganizations within the Department of Agriculture.

Presidential and Executive Office Accountability Act, Pub. L. No. 104-331, applies various civil rights, labor and employment laws, including Chapter 71 of U.S. Code, to employees of the Executive Office of the President. Section 431 of the Act requires the Federal Labor Relations Authority to promulgate regulations to include the newly covered employees.

FEDERAL LABOR RELATIONS AUTHORITY

PERFORMANCE PLAN

FY 2010

Mission

The FLRA mission is to carry out five (5) primarily statutory responsibilities as efficiently as possible and in a manner that gives full effect to the rights afforded under the Federal Service Labor-Management Relations Statute. These responsibilities are:

1. Investigating, prosecuting, and resolving complaints of unfair labor practice cases;
2. Determining the appropriateness of units for labor organization representation;
3. Adjudicating exceptions to arbitrators' awards;
4. Adjudicating legal issues relating to the duty to bargain (i.e., negotiability); and
5. Resolving impasses during negotiations (bargaining impasse).

Strategic Plan (FY 2010): In order to accomplish its mission, the FLRA has established the following seven (7) goals:

1. Provide timely adjudication of cases through E-filing and case tracking
2. Provide timely review and disposition of Unfair Labor Practice (ULP) cases.
3. Provide timely review and disposition of Representation (REP) cases.
4. Provide timely review and disposition of Arbitration (ARB) cases.
5. Provide timely review and disposition of Negotiability (NEG) cases.
6. Provide timely review and disposition of bargaining impasse (FSIP) cases.
7. Develop, manage and utilize FLRA's human resources to meet program needs.

FY 2010 PERFORMANCE PLAN

Performance Goal 1 - Provide timely adjudication of cases through E-filing and case tracking

Objective: Enhance customer ease of filing cases and tracking case status through web-based case-filing systems.

Outcome	Measure	Target	Component/Office
Complete process to take procurement action to build electronic case-filing system with existing web-based applications, and implement on-line filing.	Percentage of process completed.	10%	Authority

FY 2010 PERFORMANCE PLAN

Performance Goal 2 - Provide timely review and disposition of Unfair Labor Practice (ULP) cases

Objective: *Remedy all ULP cases in a timely manner.*

Outcome	Measure	Target	Component/Office
A. Resolve all ULP charges (issuance of a complaint, withdrawal, dismissal, or settlement of the charge) within 120 days from the date filed.	A. Percentage of ULP charges resolved within 120 days from the date filed.	A. 75%	A. OGC
B. Issue decisions on appeals within 60 days of receipt of the appeal of the Regional Director's dismissal of the charge.	B. Percentage of decisions on appeals issued within 60 days.	B. 80%	B. OGC
C. All ULP complaints will receive a hearing within 90 days or be otherwise settled.	C. Percentage of ULP complaints receiving a hearing within 90 days or otherwise settling.	C. 100%	C. OGC/OALJ
D. All records will close and a decision will issue within 90 days of the hearing completion date.	D. Percentage of records closing and decisions issuing within 90 days of the hearing completion date.	D. 100%	D. OALJ
E. Upon completion of all filing requirements pursuant to FLRA regulations, all ULP cases will clear the Screening Team and be assigned to professional case	E. Percentage of ULP cases cleared and assigned within 5 working days.	E. 100%	E. Authority/CIP

Outcome	Measure	Target	Component/Office
production staff within 5 working days.			
F. All ULP cases will be decided within 180 days of assignment to an Authority Member staff.	F. Percentage of ULP cases decided within 180 days of assignment to an Authority Member staff.	F. 20%	F. Authority

FY 2010 PERFORMANCE PLAN

Performance Goal 3 - Provide timely review and disposition of Representation (REP) cases

Objective: Review all REP cases in a timely manner.

Outcome	Measure	Target	Component/Office
A. Representation cases will be resolved by withdrawal of petition, conducting of election, or issuance of Decision and Order within 120 days of filing of the petition.	A. Percentage of representation cases resolved within 120 days from the filing of the petition.	A. 70%	A. OGC
B. Upon completion of all filing requirements pursuant to FLRA regulations, all REP cases will be assigned to professional case production, or otherwise disposed of, within 2 work days.	B. Percentage of REP cases assigned or disposed of in 2 work days.	B. 100%	B. Authority/CIP
C. Upon assignment to an Authority Member staff, all REP cases in which a decision whether to grant review will issue by day 60 and a final decision will issue by day 90.	C. Percentage of REP cases in which a decision whether to grant review issued by day 60 and a final decision issued by day 90, upon assignment to an Authority Member staff.	C. 90%	C. Authority

FY 2010 PERFORMANCE PLAN

Performance Goal 4 - Provide timely review and disposition of Arbitration (ARB) cases

Objective: *Remedy all ARB cases in a timely manner.*

Outcome	Measure	Target	Component/Office
A. Upon completion of all filing requirements pursuant to FLRA regulations, all ARB cases will clear the Screening Team and be assigned to professional case production staff, or otherwise resolved, within 5 work days.	A. Percentage of ARB cases cleared and assigned, or otherwise resolved, within 5 work days.	A. 100%	A. Authority/CIP
B. All ARB cases will be decided within 180 days of assignment to an Authority Member staff.	B. Percentage of ARB cases decided within 180 days of assignment to an Authority Member staff.	B. 20%	B. Authority

FY 2010 PERFORMANCE PLAN

Performance Goal 5 - Provide timely review and disposition of Negotiability (NEG) cases

Objective: Review all NEG cases in a timely manner.

Outcome	Measure	Target	Component/Office
A. Upon completion of all filing requirements pursuant to FLRA regulations, all ARB cases will clear the Screening Team and be assigned to professional case production staff, or otherwise disposed of, within 5 work days.	A. Percentage of NEG cases cleared and assigned, or otherwise disposed of, within 5 work days.	A. 100%	A. Authority/CIP
B. All NEG cases will be decided within 180 days of assignment to an Authority Member staff (reflecting reasonable time for a post-petition conference).	B. Percentage of NEG cases decided within 180 days of assignment to an Authority Member staff (reflecting reasonable time for a post-petition conference).	B. 20%	B. Authority

FY 2010 PERFORMANCE PLAN

Performance Goal 6 - Provide timely review and disposition of Bargaining Impasses (FSIP) cases

Objective: Review all FSIP cases in a timely manner.

Outcome	Measure	Target	Component/Office
A. Upon completion of filing requirements pursuant to FSIP regulations, and FMCS action, the Panel will assert jurisdiction or decline to assert jurisdiction within 90 days.	A. Percentage of cases in which the Panel asserted jurisdiction or declined to assert jurisdiction within 90 days of the completion of filing requirements.	A. 79%	A. FSIP
B. Cases which the Panel declines to assert jurisdiction or which a party/ies' request/s to withdraw, prior to a jurisdictional determination, will close within 20 days of such determination/request to withdraw.	B. Percentage of cases that closed within 20 days of the Panel's determination to decline jurisdiction, or of the party/ies' request/s to withdraw.	B. 98%	B. FSIP
C. The substantive case record will close within 120 days once the Panel asserts jurisdiction over the parties' request for assistance.	C. Percentage of cases in which the substantive case record closed within 120 days of the Panel's assertion of jurisdiction over the parties' request for assistance.	C. 93%	C. FSIP
D. Cases which the Panel resolves through a Decision & Order, or otherwise, will be closed within 30 days of the Panel's decision.	D. Percentage of cases that the Panel closed within 30 days of the Panel's resolution through a Decision and Order or otherwise.	D. 76%	D. FSIP

FY 2010 PERFORMANCE PLAN

Performance Goal 7 - Develop, manage and utilize FLRA's human resources to meet program needs

Objective: *Recruit, develop and retain a multi-skilled, well-trained, highly performing, culturally diverse workforce that meets program needs and is collaboratively involved in workforce matters.*

Outcome	Measure	Target	Component/Office
A. Establish collaborative internal workgroups to address agency human capital issues.	A. Percentage of number of required internal workgroups established to address technology issues, strategic planning, and other agency and workforce issues.	A. 50%	A. Authority, Office of Executive Director, Office of Policy and Performance Management, OGC, FSIP
B. Improve employee morale.	B. Percentage by which reported employee job satisfaction is increased to approach the agency's objective.	B. 50%	B. Authority, Office of Executive Director, Office of Policy and Performance Management, OGC, FSIP
C. Issue updated internal FLRA policy instructions.	C. Percentage of internal FLRA policy instructions updated and issued.	C. 50%	C. Authority, Office of Executive Director, Office of Policy and Performance Management, OGC, FSIP
D. Increase staffing levels.	D. Percentage by which agency staffing meets funded FTE levels.	D. 100%	D. Authority, Office of Executive Director, Office of Policy and Performance Management, OGC, FSIP