

FY 2012

CONGRESSIONAL BUDGET JUSTIFICATION

DEPARTMENTAL MANAGEMENT

DEPARTMENTAL MANAGEMENT

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APPROPRIATION LANGUAGE

Salaries and Expenses

For necessary expenses for Departmental Management, including the hire of three sedans, \$371,223,000, together with not to exceed \$331,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund: Provided, That \$101,504,000 is for the Bureau of International Labor Affairs and shall be available for obligation through December 31, 2012: Provided further, That funds available to the Bureau of International Labor Affairs may be used to administer or operate international labor activities, bilateral and multilateral technical assistance, and microfinance programs, by or through contracts, grants, subgrants and other arrangements: Provided further, That \$40,000,000 shall be for programs to combat exploitative child labor internationally: Provided further, That not less than \$13,800,000 shall be used to implement model programs that address worker rights issues through technical assistance or other programs in countries with which the United States has free trade agreements or trade preference programs: Provided further, That \$18,400,000 shall be used for program evaluation shall be available for obligation through September 30, 2013: Provided further, That funds available for program evaluation may be transferred to any other appropriate account in the Department for such purpose: Provided further, That from amounts provided herein, the Women's Bureau is authorized to award grants to serve and promote the interests of women in the workforce.

Note.—A full-year 2011 appropriation for this account was not enacted at the time the budget was prepared; therefore, this account is operating under a continuing resolution (P.L. 111–242, as amended). The amounts included for 2011 reflect the annualized level provided by the continuing resolution.

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EXPLANATION OF LANGUAGE

The Departmental Management requested appropriations language for FY 2012 includes: 1) provision of amounts available for obligation through December 31, 2012, for the Bureau of International Labor Affairs; 2) deletion of reference to funds available for the acquisition of Departmental information technology due to the requested establishment of a separate Information Technology Modernization appropriation; 3) provision of amounts available for obligation through September 30, 2013, for Program Evaluation; and 4) provision for Women's Bureau to award grants to serve and promote the interest of women in the workforce.

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AMOUNTS AVAILABLE FOR OBLIGATION						
(Dollars in Thousands)						
	FY 2010 Comparable		FY 2011 Estimate		FY 2012 Request	
	FTE	Amount	FTE	Amount	FTE	Amount
A. Appropriation	1,232	\$334,935	1,223	\$334,935	1,329	\$371,223
Pursuant to P.L.111-117	1,232	\$334,935	0	\$0	0	\$0
Pursuant to P.L. 111-212 for FMSHRC Backlog Reduction	0	\$18,200	0	\$0	0	\$0
<i>Subtotal Appropriation</i>	<i>1,232</i>	<i>\$353,135</i>	<i>1,223</i>	<i>\$334,935</i>	<i>1,329</i>	<i>\$371,223</i>
Reimbursements	17	\$16,995	60	\$22,257	60	\$22,257
Trust Funds - Black Lung	151	\$25,091	128	\$25,091	128	\$25,217
Trust Funds - Unemployment Trust Fund	3	\$327	3	\$327	3	\$331
Comparable Transfer from ESA Reorganization	6	\$852	6	\$852	0	\$0
Real Transfer to EBSA for Implementation of ACA	0	-\$300	0	\$0	0	\$0
Non-Expenditure Transfer to MSHA for FMSHRC Backlog Reduction	0	-\$7,259	0	\$0	0	\$0
Unobligated Balance Carried Forward	34	\$17,193	74	\$75,978	0	\$66,500
<i>Subtotal</i>	<i>1,443</i>	<i>\$406,034</i>	<i>1,494</i>	<i>\$459,440</i>	<i>1,520</i>	<i>\$485,528</i>
B. Gross Budget Authority	1,443	\$406,034	1,494	\$459,440	1,520	\$485,528
Reimbursements	-17	-\$16,995	-60	-\$22,257	-60	-\$22,257
Real Transfer to EBSA for Implementation of ACA	0	\$300	0	\$0	0	\$0
Non-Expenditure Transfer to MSHA for FMSHRC Backlog Reduction	0	\$7,259	0	\$0	0	\$0
Unobligated Balance Carried Forward	-34	-\$17,193	-74	-\$75,978	0	-\$66,500
<i>Subtotal</i>	<i>1,392</i>	<i>\$379,405</i>	<i>1,360</i>	<i>\$361,205</i>	<i>1,460</i>	<i>\$396,771</i>
Non-Expenditure Transfer to MSHA for FMSHRC Backlog Reduction	0	-\$7,259	0	\$0	0	\$0
<i>Subtotal less Non-Expenditure Transfers</i>	<i>1,392</i>	<i>\$372,146</i>	<i>1,360</i>	<i>\$361,205</i>	<i>1,460</i>	<i>\$396,771</i>
Balance of FMSHRC Backlog Reduction funds remaining in DM	0	-\$10,941	0	\$0	0	\$0
<i>Subtotal less balance of FMSHRC Backlog Reduction funds remaining in DM</i>	<i>1,392</i>	<i>\$361,205</i>	<i>1,360</i>	<i>\$361,205</i>	<i>1,460</i>	<i>\$396,771</i>
C. Budget Authority Before Committee	1,392	\$361,205	1,360	\$361,205	1,460	\$396,771
Reimbursements, Actual	4	\$14,437	60	\$22,257	60	\$22,257
Real Transfer to EBSA for Implementation of ACA	0	-\$300	0	\$0	0	\$0
Unobligated Balance Carried Forward	34	\$17,193	74	\$75,978	0	\$66,500
<i>Subtotal</i>	<i>1,430</i>	<i>\$392,535</i>	<i>1,494</i>	<i>\$459,440</i>	<i>1,520</i>	<i>\$485,528</i>
Balance of FMSHRC Backlog Reduction funds remaining in DM	0	\$10,941	0	\$0	0	\$0

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<i>Subtotal plus balance of FMSHRC Backlog Reduction funds remaining in DM</i>	<i>1,430</i>	<i>\$403,476</i>	<i>1,494</i>	<i>\$459,440</i>	<i>1,520</i>	<i>\$485,528</i>
D. Total Budgetary Resources	1,430	\$403,476	1,494	\$459,440	1,520	\$485,528
Unobligated Balance End of Year	0	-\$75,978	0	-\$66,500	0	-\$66,500
FTE Lapse and Unobligated Balance Expiring	-61	-\$4,764	0	\$0	0	\$0
E. Total, Estimated Obligations	1,369	\$322,734	1,494	\$392,940	1,520	\$419,028
NOTE: FY 2010 FTE includes 34 Recovery Act FTE.						

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SUMMARY OF CHANGES

(Dollars in Thousands)

	FY 2011 Estimate	FY 2012 Request	Net Change
Budget Authority			
General Funds	\$335,787	\$371,223	+\$35,436
Trust Funds	\$25,418	\$25,548	+\$130
Total	\$361,205	\$396,771	+\$35,566
 Full Time Equivalents			
General Funds	1,229	1,329	100
Trust Funds	131	131	0
Total	1,360	1,460	100

Explanation of Change	FY 2011 Base		Trust Funds		FY 2012 Change General Funds		Total	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Increases:								
A. Built-Ins:								
To Provide For:								
Costs of pay adjustments	1,360	\$157,958	0	\$0	0	\$0	0	\$0
Personnel benefits	0	\$37,943	0	\$0	0	\$0	0	\$0
One day less of Pay	0	\$0	0	\$0	0	\$0	0	\$0
Federal Employees Compensation Act (FECA)	0	\$747	0	\$0	0	\$0	0	\$0
Benefits for former personnel	0	\$107	0	\$0	0	\$0	0	\$0
Travel and transportation of persons	0	\$3,161	0	\$0	0	\$0	0	\$0
Transportation of things	0	\$36	0	\$0	0	\$0	0	\$0
Rental payments to GSA	0	\$19,112	0	\$27	0	\$191	0	\$218
Communications, utilities, and miscellaneous charges	0	\$1,972	0	\$0	0	\$0	0	\$0
Printing and reproduction	0	\$560	0	\$0	0	\$0	0	\$0
Advisory and assistance services	0	\$15,384	0	\$0	0	\$0	0	\$0
Other services	0	\$12,569	0	\$0	0	\$0	0	\$0
Working Capital Fund	0	\$33,264	0	\$0	0	\$0	0	\$0
Other government accounts (Census Bureau)	0	\$0	0	\$0	0	\$0	0	\$0
Other government accounts (DHS Charges)	0	\$701	0	\$0	0	\$0	0	\$0
Other purchases of goods and services from Government accounts	0	\$624	0	\$0	0	\$0	0	\$0
Research & Development Contracts	0	\$875	0	\$0	0	\$0	0	\$0
Operation and maintenance of facilities	0	\$52	0	\$0	0	\$0	0	\$0
Operation and maintenance of equipment	0	\$5,511	0	\$0	0	\$0	0	\$0
Supplies and materials	0	\$1,754	0	\$0	0	\$0	0	\$0
Equipment	0	\$2,375	0	\$0	0	\$0	0	\$0
Grants, subsidies, and contributions	0	\$66,500	0	\$0	0	\$0	0	\$0
Insurance claims and indemnities	0	\$0	0	\$0	0	\$0	0	\$0

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Explanation of Change	FY 2011 Base		Trust Funds		FY 2012 Change General Funds		Total	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Built-Ins Subtotal	1,360	+\$361,205	0	+\$27	0	+\$191	0	+\$218
B. Programs:								
Legal Support for FMSHRC Backlog Reduction and Additional Judges Departmental Program Evaluation Initiative	0	\$0	0	\$0	80	\$14,674	80	\$14,674
Monitoring and Enforcement of Trade and Labor Provisions	12	\$27,380	0	\$0	6	\$8,831	6	\$8,831
Legal Support for Worker Misclassification Initiative	0	\$0	0	\$0	7	\$1,368	7	\$1,368
Legal Support for Increased Whistleblower Enforcement Initiative to Reduce Backlog and Maintain Decision Quality at Administrative Review Board	0	\$0	0	\$0	6	\$1,067	6	\$1,067
Establish Permanent Funding for the Office of Information Services	244	\$29,286	0	\$0	5	\$1,033	5	\$1,033
Legal Support for New Health Care Mandates	0	\$0	0	\$0	5	\$866	5	\$866
Operation & Maintenance of Consolidated Board Appeals Management System	0	\$0	0	\$0	4	\$665	4	\$665
Restoration of Trust Fund Inflationary Costs for Adjudication	112	\$21,474	0	\$0	0	\$237	0	\$237
Restoration of Trust Fund Inflationary Costs for Legal Services	0	\$17,313	0	\$71	0	\$0	0	\$71
	43	\$7,778	0	\$32	0	\$0	0	\$32
Programs Subtotal			0	+\$103	113	+\$38,641	113	+\$38,744
Total Increase	1,360	+\$361,205	0	+\$130	113	+\$38,832	113	+\$38,962
Decreases:								
A. Built-Ins:								
To Provide For:								
Built-Ins Subtotal	0	\$0	0	\$0	0	\$0	0	\$0
B. Programs:								
Elimination of Low Priority Legal Support Programs	0	\$0	0	\$0	-18	-\$3,306	-18	-\$3,306
CPPR - Insource Library Support	1	\$1,072	0	\$0	5	-\$90	5	-\$90
Programs Subtotal			0	\$0	-13	-\$3,396	-13	-\$3,396
Total Decrease	0	\$0	0	\$0	-13	-\$3,396	-13	-\$3,396
Total Change	1,360	+\$361,205	0	+\$130	100	+\$35,436	100	+\$35,566

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SUMMARY BUDGET AUTHORITY AND FTE BY ACTIVITY (Dollars in Thousands)						
	FY 2010 Comparable		FY 2011 Estimate		FY 2012 Request	
	FTE	Amount	FTE	Amount	FTE	Amount
Program Direction and Support	132	33,200	130	33,200	130	33,213
General Funds	132	33,200	130	33,200	130	33,213
Legal Services	651	125,226	642	125,226	726	140,726
General Funds	651	117,121	596	117,121	680	132,578
Unemployment Trust Funds	0	327	3	327	3	331
Black Lung Disability Trust Funds	0	7,778	43	7,778	43	7,817
International Labor Services	90	92,669	104	92,669	110	101,504
General Funds	90	92,669	104	92,669	110	101,504
Administration and Management	119	30,826	121	30,826	126	30,745
General Funds	119	30,826	121	30,826	126	30,745
Adjudication	248	46,599	244	46,599	249	47,976
General Funds	248	29,286	159	29,286	164	30,576
Black Lung Disability Trust Funds	0	17,313	85	17,313	85	17,400
Womens Bureau	53	11,604	59	11,604	59	11,620
General Funds	53	11,604	59	11,604	59	11,620
Civil Rights	40	7,220	38	7,220	38	7,223
General Funds	40	7,220	38	7,220	38	7,223
Chief Financial Officer	21	5,361	22	5,361	22	5,364
General Funds	21	5,361	22	5,361	22	5,364
Information Technology Systems	0	0	0	0	0	0
Departmental Program Evaluation	0	8,500	0	8,500	0	18,400
General Funds	0	8,500	0	8,500	0	18,400
Total	1,354	361,205	1,360	361,205	1,460	396,771
General Funds	1,354	335,787	1,229	335,787	1,329	371,223
Unemployment Trust Funds	0	327	3	327	3	331
Black Lung Disability Trust Funds	0	25,091	128	25,091	128	25,217

NOTE: FY 2010 reflects actual FTE.

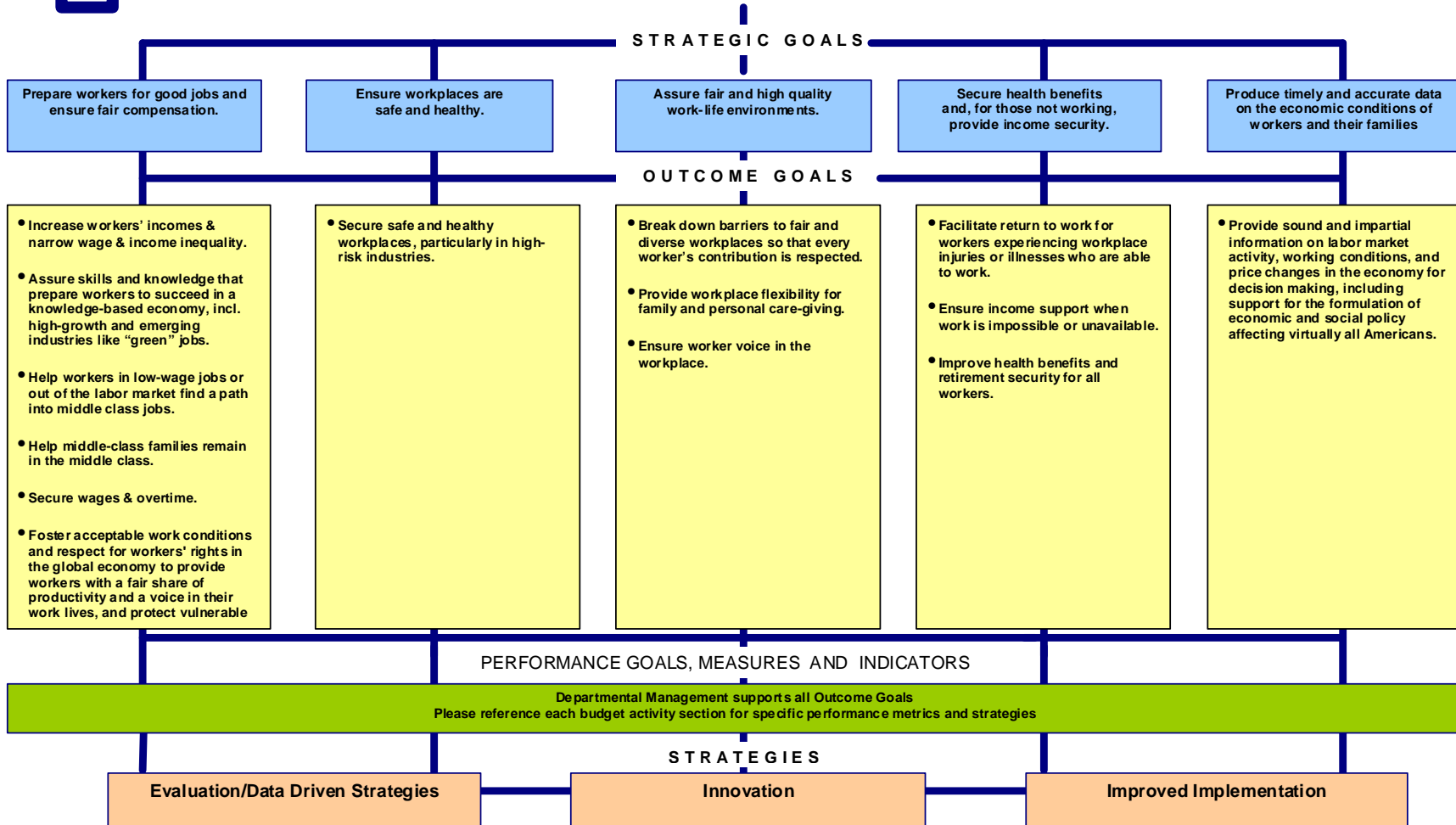
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BUDGET AUTHORITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2010 Comparable	FY 2011 Estimate	FY 2012 Request	Change FY 12 Req. / FY 10 Comp.
	Full-Time Equivalent				
	Full-time Permanent	1,392	1,428	1,605	213
	Total	1,392	1,428	1,605	213
	Reimbursable	17	17	17	0
	Total Number of Full-Time Permanent Positions	1,409	1,445	1,622	213
	Average ES Salary	\$172,613	\$179,690	\$183,823	\$11,210
	Average GM/GS Grade	12/3	12/3	12/3	0
	Average GM/GS Salary	\$96,209	\$97,031	\$99,263	\$3,054
	Average Salary of Ungraded Positions	169,757	176,717	180,782	11,025
11.1	Full-time permanent	152,869	153,068	165,661	12,792
11.3	Other than full-time permanent	532	566	566	34
11.5	Other personnel compensation	3,396	4,319	4,319	923
11.8	Special personal services payments	5	5	5	0
11.9	Total personnel compensation	156,802	157,958	170,551	13,749
12.1	Civilian personnel benefits	37,706	38,690	41,418	3,712
13.0	Benefits for former personnel	107	107	107	0
21.0	Travel and transportation of persons	3,212	3,161	3,392	180
22.0	Transportation of things	36	36	39	3
23.1	Rental payments to GSA	18,707	19,112	19,330	623
23.3	Communications, utilities, and miscellaneous charges	2,122	1,972	3,264	1,142
24.0	Printing and reproduction	650	560	570	-80
25.1	Advisory and assistance services	15,083	15,384	25,609	10,526
25.2	Other services	8,454	12,569	12,141	3,687
25.3	Other purchases of goods and services from Government Accounts	34,967	34,589	34,810	-157
25.4	Operation and maintenance of facilities	38	52	52	14
25.5	Research and development contracts	875	875	875	0
25.7	Operation and maintenance of equipment	8,254	5,511	5,981	-2,273
26.0	Supplies and materials	1,990	1,754	1,898	-92
31.0	Equipment	5,702	2,375	2,903	-2,799
41.0	Grants, subsidies, and contributions	66,500	66,500	73,831	7,331
42.0	Insurance claims and indemnities	0	0	0	0
	Total	361,205	361,205	396,771	35,566
	1/Other Purchases of Goods and Services From Government Accounts				
	Working Capital Fund	33,496	33,264	33,337	-159
	DHS Services	491	701	701	210
	Services by DOL Agencies	22	189	189	167
	Services by Other Government Departments	903	380	377	-526
	GSA Services	55	55	55	0
	CIGIE	0	0	151	151

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Secretary's Vision: "Good Jobs for Everyone"



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TOTAL BUDGETARY RESOURCES												
FY 2010 - 2012												
(Dollars in Thousands)												
	FY 2010 Comparable				FY 2011 Estimate				FY 2012 Request			
	Activity Approp.	Other Approp. ¹	Other Resrcs. ²	Total	Activity Approp.	Other Approp 1	Other Resrcs.2	Total	Activity Approp.	Other Approp.1	Other Resrcs. 2	Total
Departmental Management	361,205	0	0	361,205	361,205	0	0	361,205	396,771	0	0	396,771
Program Direction and Support	33,200	0	0	33,200	33,200	0	0	33,200	33,213	0	0	33,213
Legal Services	125,226	0	0	125,226	125,226	0	0	125,226	140,726	0	0	140,726
International Labor Services	92,669	0	0	92,669	92,669	0	0	92,669	101,504	0	0	101,504
Administration and Management	30,826	0	0	30,826	30,826	0	0	30,826	30,745	0	0	30,745
Adjudication	46,599	0	0	46,599	46,599	0	0	46,599	47,976	0	0	47,976
Womens Bureau	11,604	0	0	11,604	11,604	0	0	11,604	11,620	0	0	11,620
Civil Rights	7,220	0	0	7,220	7,220	0	0	7,220	7,223	0	0	7,223
Chief Financial Officer	5,361	0	0	5,361	5,361	0	0	5,361	5,364	0	0	5,364
Information Technology Systems	0	0	0	0	0	0	0	0	0	0	0	0
Departmental Program Evaluation	8,500	0	0	8,500	8,500	0	0	8,500	18,400	0	0	18,400
Total	361,205	0	0	361,205	361,205	0	0	361,205	396,771	0	0	396,771

¹ "Other Appropriation" is comprised of resources appropriated elsewhere, but for which the benefits accrue toward the operation of the budget activities. (Executive Direction and IT Crosscut)

² "Other Resources" include funds that are available for a budget activity, but not appropriated, such as reimbursements and fees.

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PERFORMANCE STRUCTURE

Strategic and Outcome Goals Supporting Secretary Solis' Vision of <i>Good Jobs for Everyone</i>	Supporting Budget Activities
Strategic Goal 1 – Prepare Workers for Good Jobs and Ensure Fair Compensation	WB, CRC, ADJ, LS
1.1 Increase workers' incomes and narrowing wage and income inequality.	WB, CRC
1.2 Assure skills and knowledge that prepare workers to succeed in a knowledge-based economy, including in high-growth and emerging industry sectors like "green" jobs.	WB
1.3 Help workers who are in low-wage jobs or out of the labor market find a path into middle class jobs.	WB, CRC
1.4 Help middle-class families remain in the middle class.	CRC, ADJ
1.5 Secure wages and overtime.	ADJ
1.6 Foster acceptable work conditions and respect for workers' rights in the global economy to provide workers with a fair share of productivity and protect vulnerable people.	CRC, ILAB
Strategic Goal 2 – Ensure Workplaces Are Safe and Healthy	
2.1 Secure safe and healthy workplaces, particularly in high-risk industries.	
Strategic Goal 3 – Assure Fair and High Quality Work-Life Environments	WB, CRC
3.1 Break down barriers to fair and diverse work places so that every worker's contribution is respected.	CRC
3.2 Provide workplace flexibility for family and personal care-giving.	WB
3.3 Ensure worker voice in the workplace.	ILAB
Strategic Goal 4 – Secure Health Benefits and, for Those Not Working, Provide Income Security	CRC, ADJ
4.1 Facilitate return to work for workers experiencing workplace injuries or illnesses who are able to work.	CRC, ADJ
4.2 Ensure income support when work is impossible or unavailable.	ADJ
4.3 Improve health benefits and retirement security for all workers.	
Strategic Goal 5 – Assure the Production of Timely and Accurate Data on Social and Economic Conditions of Workers and their Families	
5.1 Provide sound and impartial information on labor market activity, working conditions, and price changes in the economy for decision making, including support for the formulation of economic and social policy affecting virtually all Americans.	

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A UTHORIZING STATUTES

Public Law / Act	Legislation	Statute No. / US Code	Volume No.	Page No.	Expiration Date
	Bureau of International Labor Affairs (ILAB)				
Pub. L. 101-179	Support for East European Democracy (SEED) Act of 1989	22 U.S.C. 5401 et seq.			
Pub. L. 102-511	(ILAB) FREEDOM Support Act	22 U.S.C.A. 5801 et seq.			
Pub. L. 103-82	(ILAB) Canada-Mexico-United States: North America Agreement on Labor Cooperation (NAALC)				
Pub. L. 106-200	(ILAB) Trade and Development Act of 2000	19 U.S.C. 2464			
Pub. L. 106-554	(ILAB) DOL appropriation provided for funding to be used for ...Departmental bilateral and multilateral foreign technical assistance...	Stat. 2763			
Pub. L. 66-259	Women's Bureau Act to establish the Women's Bureau	29 U.S.C. 11-14			
Pub. L. 103-353	Veterans' Employment and Training Services (VETS)	38 U.S.C. 4100- 4110A and 4321- 4327			
Pub. L. 105-339	VETS Opportunity Act of 1998 Protects veterans' preference in government hiring	5 U.S.C. 3330a.			
Pub. L. 103-353	Uniformed Services Employment and Reemployment Rights Acts of 1994. Protects members of the uniformed services from discrimination in hiring and re- employment after service in the military.	38 U.S.C. 4301- 4333			
	Office of the 21 st Century Workforce	E.O. 13218			
	OALJ – Black Lung Appeals Program Title IV, Federal Mine Safety & Health Act of 1977, as amended.	33 U.S.C. Section 901 et seq.			
	OALJ – Longshore Appeals Program Longshore & Harbor Workers Act	33 U.S.C. Section 901 et seq.			
	OALJ – Traditional Program & Board of Alien Labor Certification Appeals	Over 80 labor- related statutes & regulations. See OALJ website www.oalj.dol.gov			
	Benefits Review Board – Black Lung Appeals Program & Longshore Appeals Program	30 U.S.C. Section 901 et seq.			

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Public Law / Act	Legislation	Statute No. / US Code	Volume No.	Page No.	Expiration Date
Pub. L. 99-570	Employees' Compensation Appeals Board. Review appeals of claims under Federal Employees' Compensation Act Anti-Drug Act of 1986	5 U.S.C. Section 8101 et seq.			

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APPROPRIATION HISTORY					
(Dollars in Thousands)					
	Budget Estimates to Congress	House Allowance	Senate Allowance	Appropriations	FTE
2002 1/	\$352,355	\$383,878	\$361,834	\$258,624	1,417
2003 2/	350,042	341,967	419,575	374,034	1,527
2004 3/	296,937	276,419	375,010	368,755	1,536
2005 4/	310,873	259,967	350,319	332,286	1,420
2006 5/	268,662	264,022	344,800	313,261	1,402
2007	267,345	262,039	267,346	323,067	1,319
2008 6/	279,021	318,046	338,503	318,737	1,237
2009 7/	288,177	0	0	338,892	1,298
2010	289,446	375,245	382,245	381,097	1,393
2011 8/	412,218	0	0	0	0
2012	396,771	0	0	0	1,460

1/ Reflects a \$1,636,000 reduction pursuant to P.L. 107-116 and 107-206.

2/ Reflects a \$2,297,000 reduction pursuant to P.L. 108-07.

3/ Reflects a \$2,509,000 reduction pursuant to P.L. 108-199.

4/ Reflects a \$2,735,000 reduction pursuant to P.L. 108-447.

5/ Reflects a \$3,005,000 reduction pursuant to P.L. 109-148.

6/ Reflects a \$5,184,000 reduction pursuant to P.L. 110-161

7/ This bill was only reported out of Subcommittee and was not passed by the Full House.

8/ A full-year 2011 appropriation for this account was not enacted at the time the budget was prepared.

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OVERVIEW

Introduction

The primary goal of the U.S. Department of Labor (DOL) is to protect and promote the interests of the American worker—a goal that is captured in the Secretary’s vision of “*good jobs for everyone*”. The Departmental Management (DM) Salaries and Expenses (S&E) appropriation contributes to the Secretary’s vision by providing critical policy, regulatory, legal, and administrative services to every agency within the Department.

The DM S&E appropriation is composed of the following nine budget activities: Program Direction and Support; Legal Services, which provides funds for the Department’s Office of the Solicitor; International Labor Affairs; Administration and Management; Adjudication; Women’s Bureau; Civil Rights; Chief Financial Officer; and Departmental Management Program Evaluation. Three of the nine activities (Program Direction and Support; Administration and Management; and Adjudication) include a consolidation of several smaller operating programs.

The Program Direction and Support (PDS) activity provides leadership and direction for the various DOL agencies. As part of its responsibilities, PDS oversees a program of analysis and general research on issues affecting the American workforce and evaluates the effectiveness of Departmental programs. PDS includes funding for the following organizations: Office of the Secretary; Office of the Deputy Secretary; Office of the Assistant Secretary for Policy; Office of Congressional and Intergovernmental Affairs; Office of Public Affairs; Office of Public Engagement; Center for Faith-based and Neighborhood Partnerships; and the Office of Recovery for Auto Communities and Workers.

The Office of the Solicitor (SOL) provides legal services and certain non-legal services to the Secretary and to the agencies within DOL. Its central purposes are law enforcement, legal advice, and compliance assistance. SOL is relatively unique among general counsels’ offices in the Federal government because it has independent litigating authority under a number of Federal statutes. Approximately half the attorneys in SOL are in regional offices outside Washington, D.C., and their responsibilities consist almost entirely of work related to litigation in Federal district courts and before administrative law judges. SOL also provides legal advice to the Secretary and other agency heads on a wide variety of matters arising under the nearly 200 laws the Department enforces.

The Bureau of International Labor Affairs (ILAB) supports the President’s international agenda on labor matters, carries out international responsibilities for the Secretary of Labor, and provides oversight and coordination of the Department’s international activities. ILAB focuses on three primary areas: 1) international trade and labor, including mandates related to free trade agreements; 2) international child labor, forced labor, and human trafficking, including reporting and program mandates; and 3) international organizations, including mandated representation before the International Labor Organization.

The Administration and Management activity develops Departmental policy, administrative programs, systems, and procedures in the areas of information resources; budget formulation and resource

DEPARTMENTAL MANAGEMENT

analysis; performance planning; procurement; human resources; equal opportunity; safety and health; homeland security and emergency management; and administrative services.

The Adjudication activity, which includes the Office of Administrative Law Judges, the Benefits Review Board, the Employees' Compensation Appeals Board, and the Administrative Review Board, reviews and determines several thousand appeals each year, makes legal interpretations, establishes legal precedents, and sets standards within their jurisdictional areas for the entire nation.

The mission of the Women's Bureau is to formulate standards and policies which promote the welfare of wage-earning women, improve their working conditions, increase their efficiency, and advance their opportunities for profitable employment. The Women's Bureau develops and implements projects addressing issues of importance to working women, provides information about women in the labor force to stakeholders and customers, concentrates its efforts on projects and initiatives designed to prepare women for tomorrow's jobs and achieve their potential in the workplace, and advises and assists in the development of DOL policies and programs.

The Civil Rights Center's (CRC) mission is to ensure compliance with Federal civil rights laws and regulations, which cover DOL employees, applicants for employment, DOL conducted programs, and DOL programs and activities receiving or benefiting from DOL financial assistance.

The Office of the Chief Financial Officer's (OCFO) mission is to foster effective stewardship of public funds, safeguard fiscal integrity through effective internal controls, and provide timely, accurate, and useful financial information to decision makers.

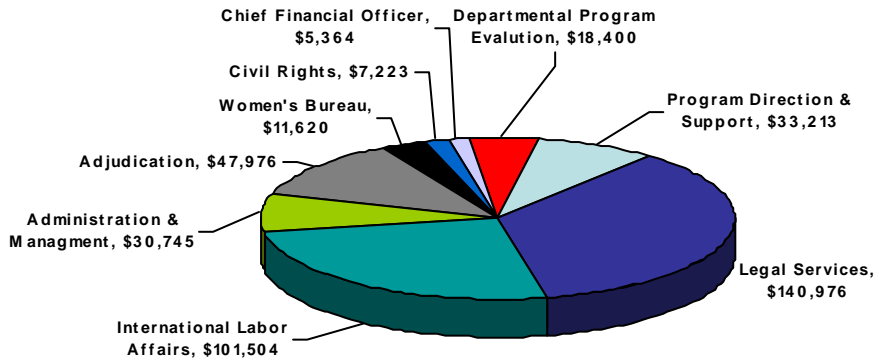
The Departmental Management Program Evaluation activity is designed to designate and centralize specific program evaluation funds that can be used in various Department of Labor agencies for individual program evaluations in an effort to identify what is working, what is not working, and changes that can be made to ensure resources are spent effectively department-wide.

DEPARTMENTAL MANAGEMENT

Cost Model

The FY 2012 budget request for the Departmental Salaries and Expenses appropriation is \$396,771,000 and 1,460 FTE. The total includes \$371,223,000 and 1,329 FTE provided for general funds; \$25,217,000 and 128 FTE provided from the Black Lung Disability Trust Fund; and \$331,000 and 3 FTE provided from the Unemployment Trust Fund. The total of \$396,771,000 includes net built-in increases in the amount of \$218,000 and net program increases totaling \$35,348,000.

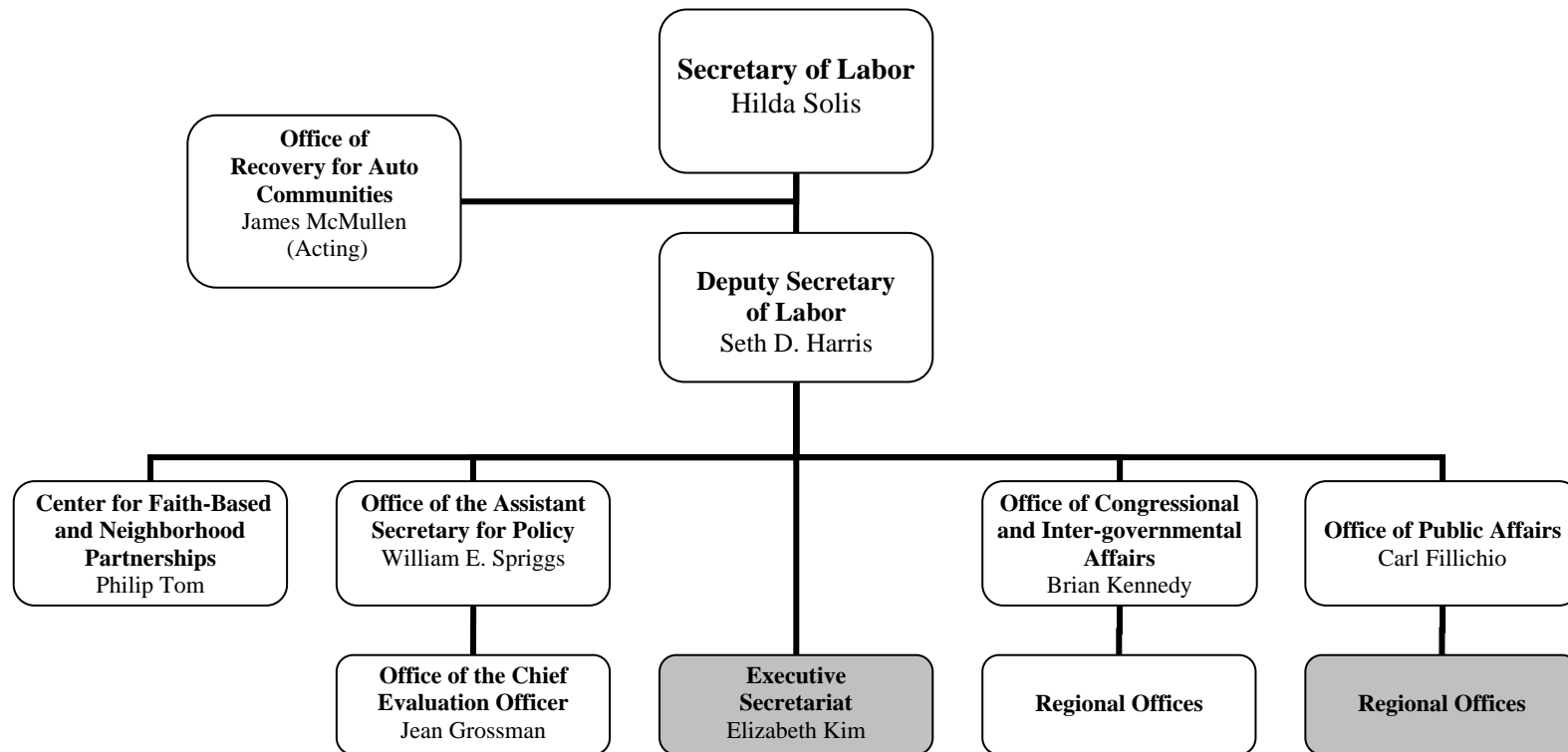
FY 2012 Budget Request by Program Activity
Total DM Budget: \$396,771,000
(Dollars in Thousands)



DEPARTMENTAL MANAGEMENT

ORGANIZATION CHARTS

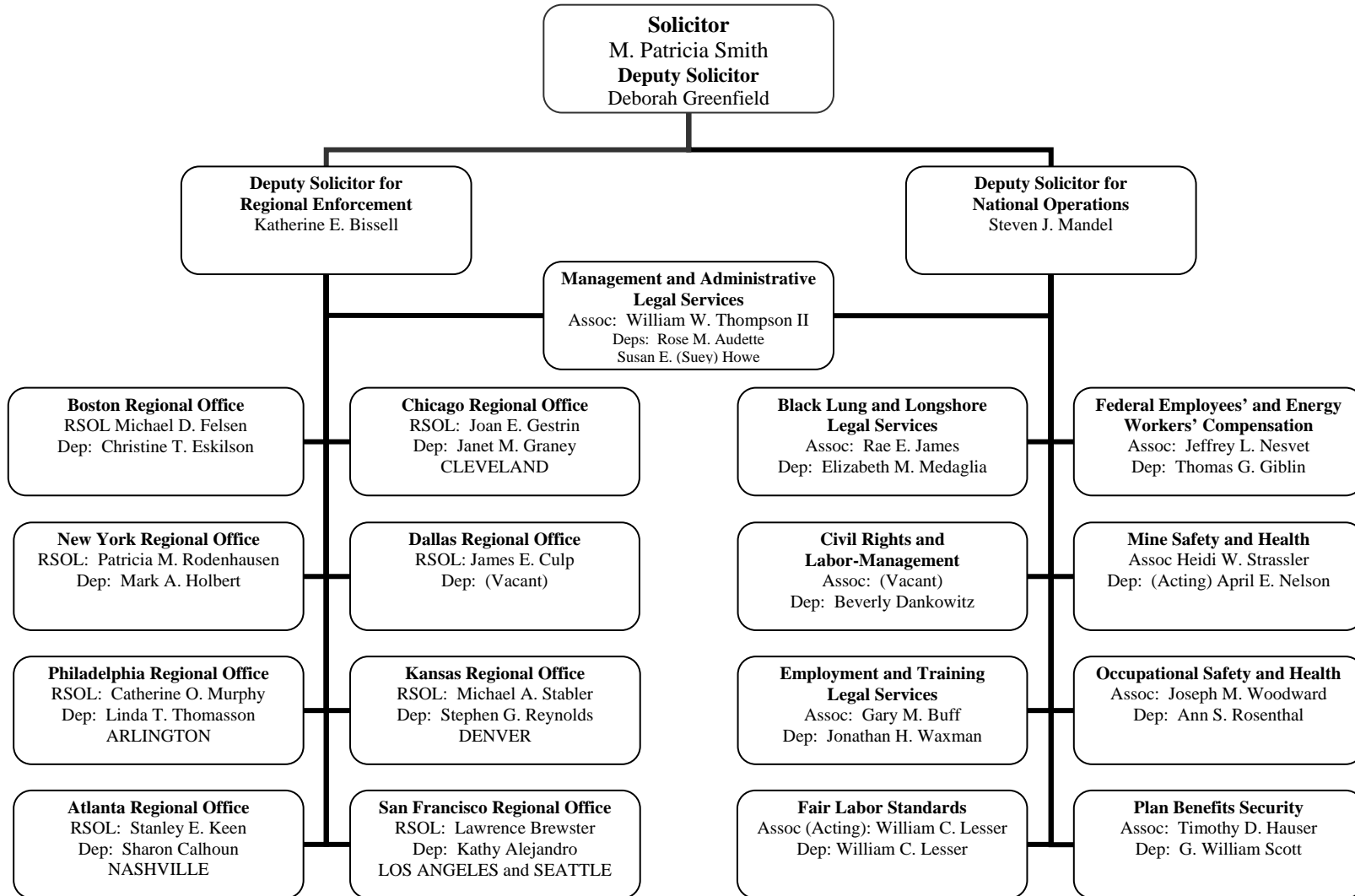
PROGRAM DIRECTION AND SUPPORT



Shaded box indicates funding through the Departmental Management Working Capital Fund

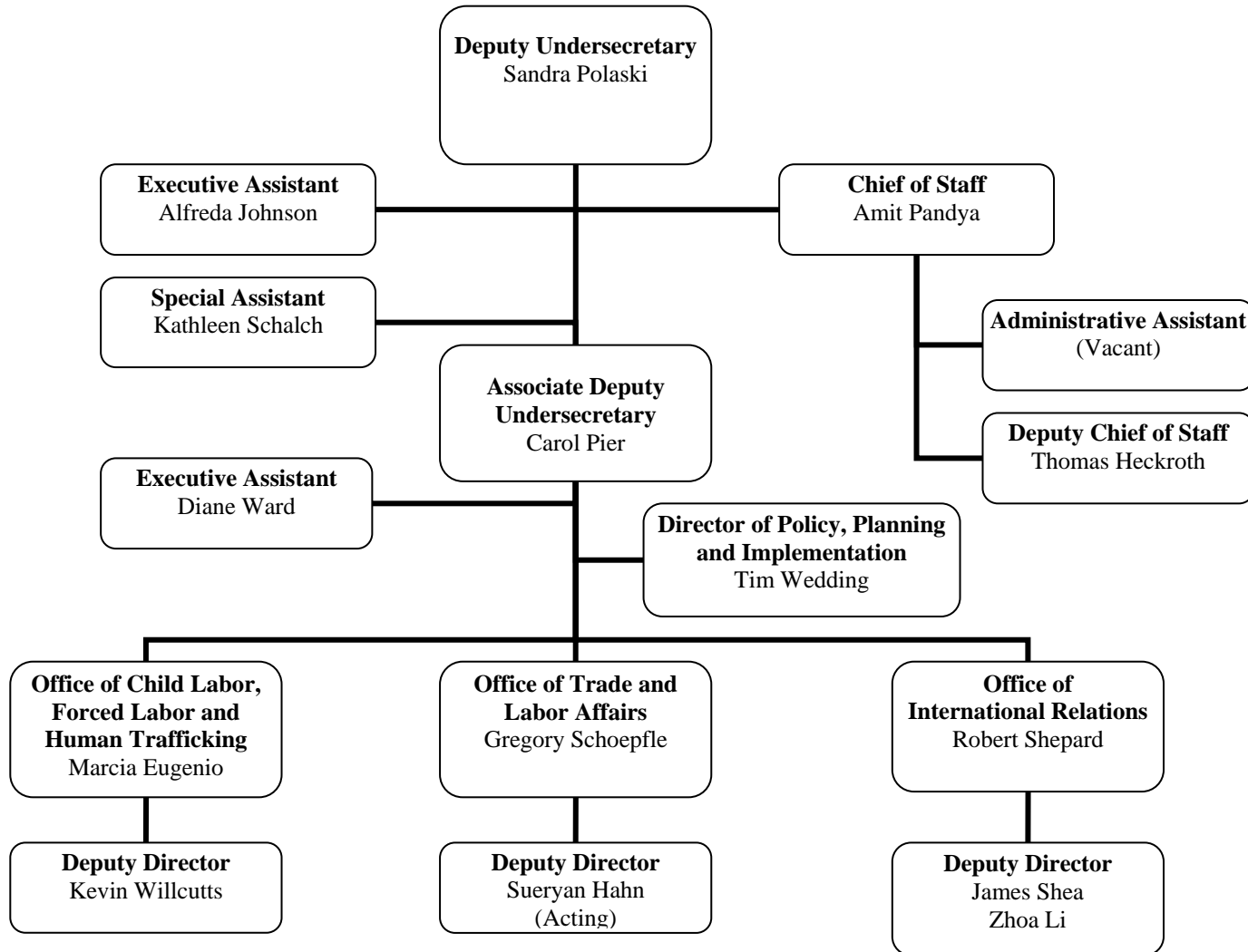
DEPARTMENTAL MANAGEMENT

OFFICE OF THE SOLICITOR



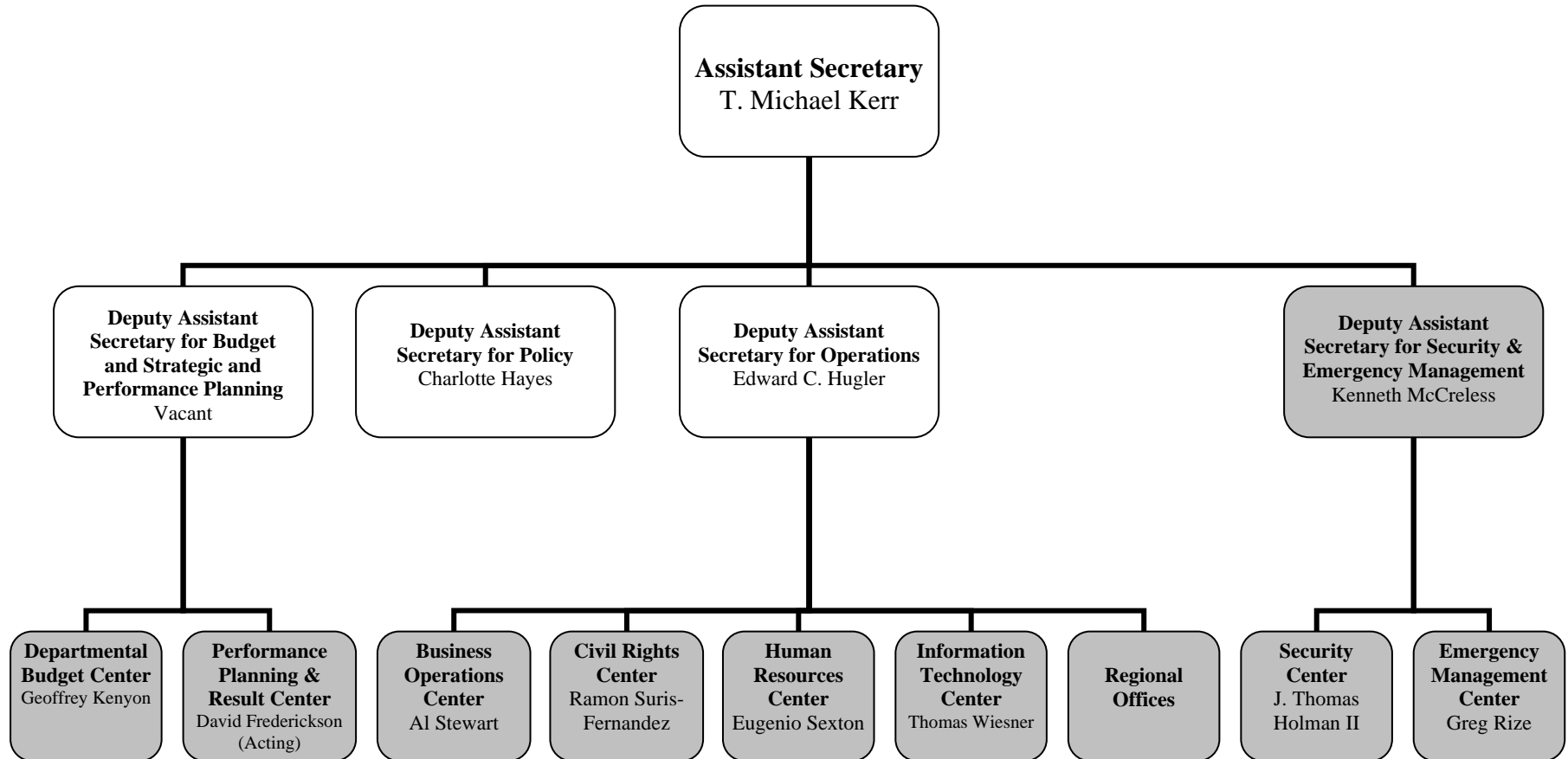
DEPARTMENTAL MANAGEMENT

INTERNATIONAL LABOR AFFAIRS BUREAU



DEPARTMENTAL MANAGEMENT

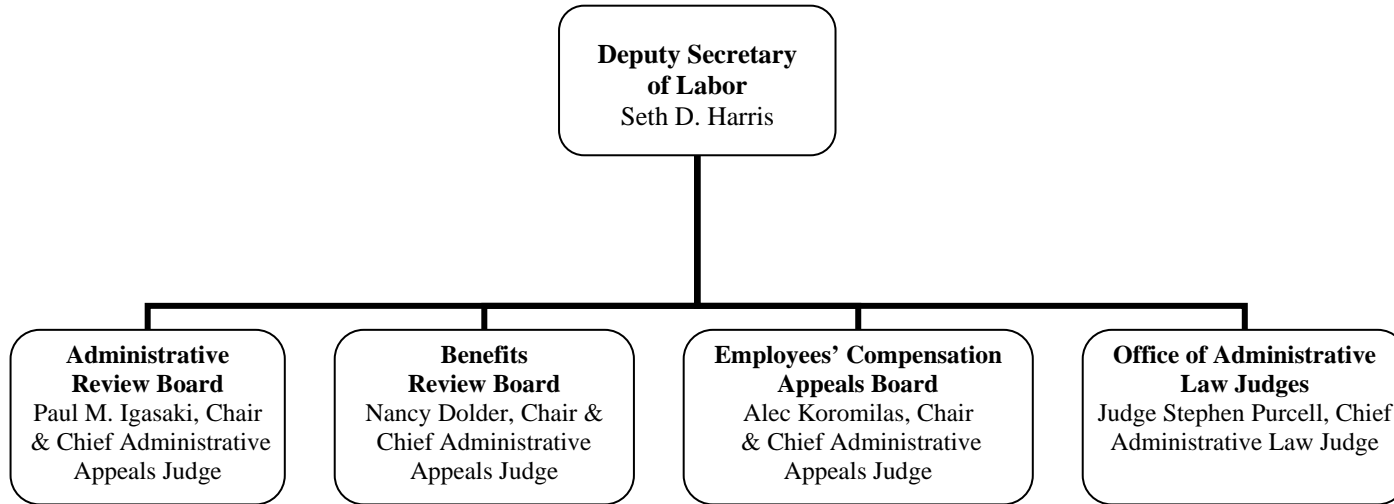
OFFICE OF ASSISTANT SECRETARY FOR ADMINISTRATION AND MANAGEMENT



Shaded box indicates funding through the Departmental Management Working Capital Fund

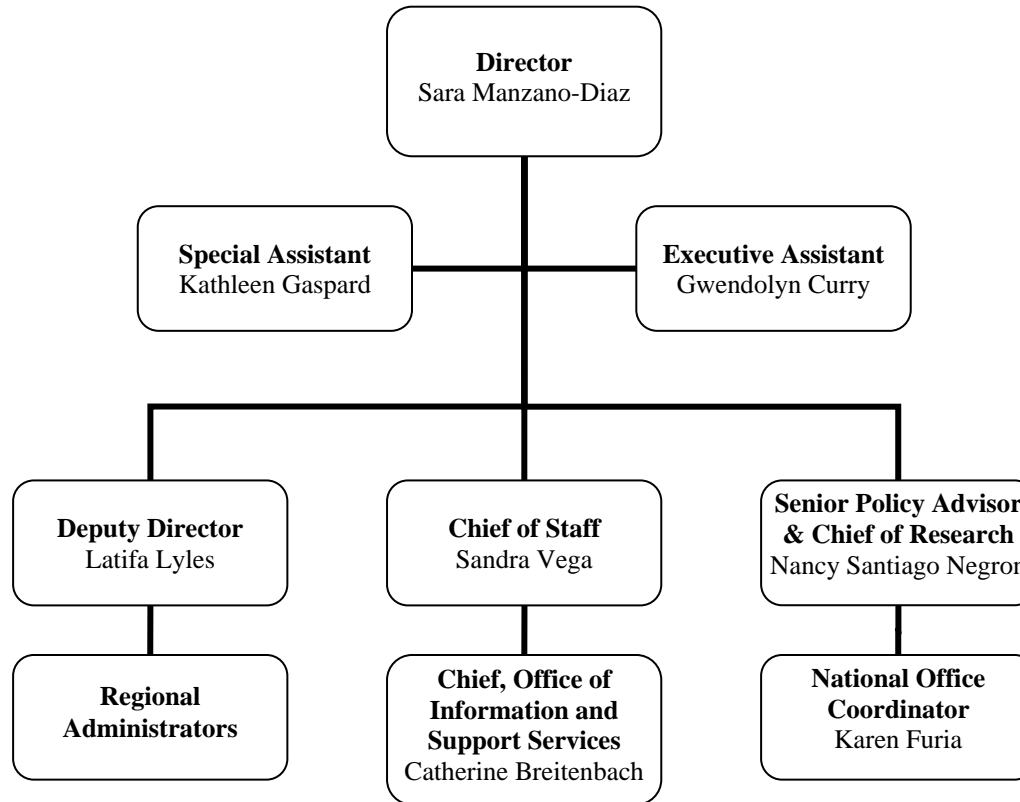
DEPARTMENTAL MANAGEMENT

ADJUDICATION



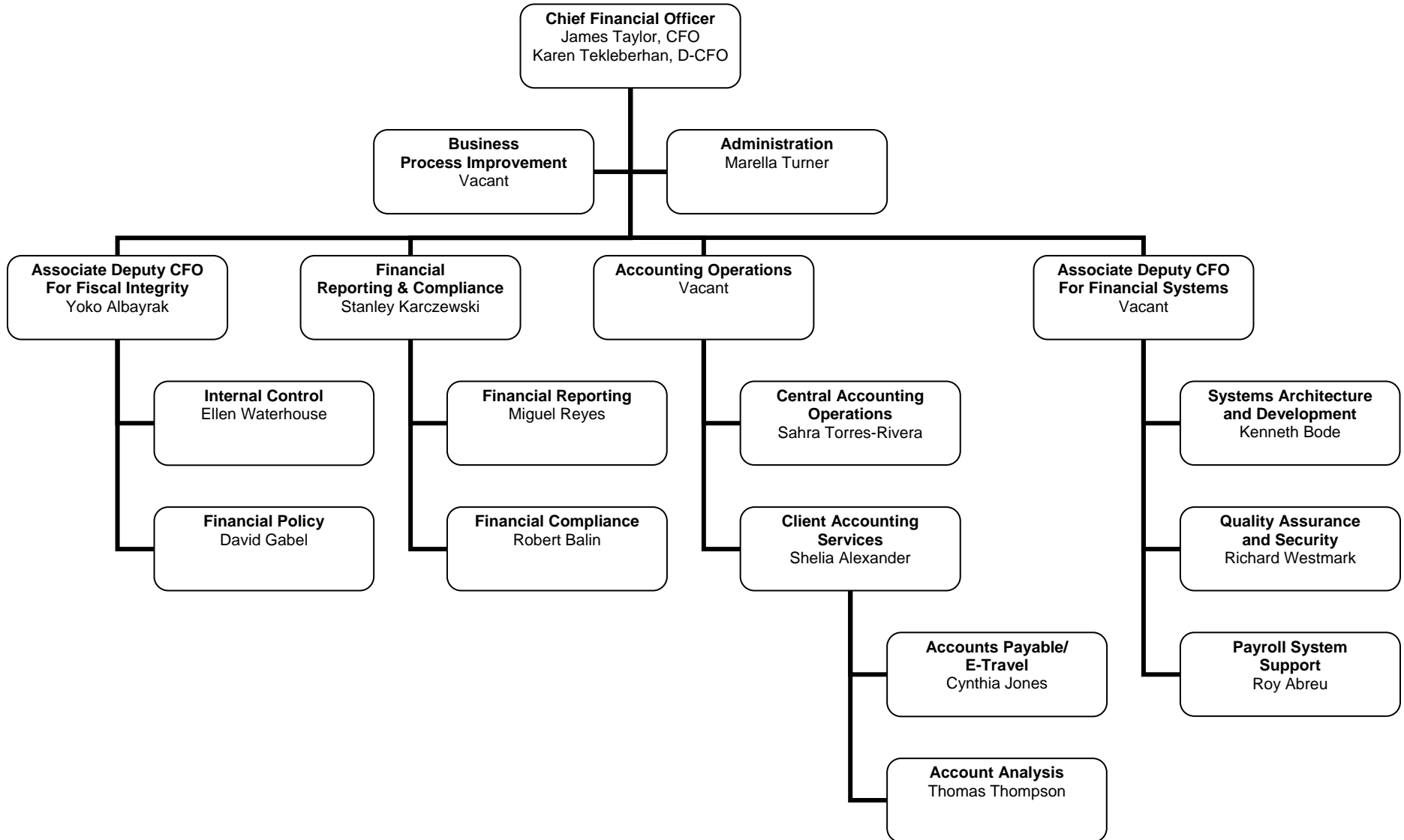
DEPARTMENTAL MANAGEMENT

WOMEN'S BUREAU



DEPARTMENTAL MANAGEMENT

OFFICE OF THE CHIEF FINANCIAL OFFICER



PROGRAM DIRECTION AND SUPPORT

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2010 Comparable	FY 2011 Estimate	FY 2012 Request	Diff. FY 12 Req. / FY 10 Comp.
Budget Authority	33,200	33,200	33,213	13
FTE	132	130	130	-2

NOTE: FY 2010 reflects actual FTE of which 4 were Recovery Act. Authorized FTE for FY 2010 was 152.

Introduction

The Program Direction and Support activity includes the following eight organizations: (1) the Immediate Office of the Secretary of Labor; (2) the Office of the Deputy Secretary of Labor; (3) the Office of the Assistant Secretary for Policy; (4) the Office of Congressional and Intergovernmental Affairs; (5) the Office of Public Affairs; (6) the Center for Faith-based and Neighborhood Partnerships; (7) the Office of Public Engagement; and (8) the Office of Recovery for Auto Communities and Workers.

This activity provides centralized leadership and direction for the entire Department. Other core responsibilities include: (1) serving as the primary economic advisor to the Secretary of Labor and providing economic analysis of special topical initiatives as well as general issues; (2) overseeing a program of analysis and general research on issues affecting the American workforce; (3) evaluating the effectiveness of Departmental programs; (4) serving as the principal representative on the Department's legislative program; (5) coordinating legislative proposals with staff of other Federal agencies; and (6) maintaining a program of public information and communications to inform the public of the services and protection afforded by Departmental agencies.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2007	\$28,189	135
2008	\$26,337	140
2009	\$22,831	140
2010	\$33,200	152
2011	\$0	0

NOTE: A full-year 2011 appropriation for this account was not enacted at the time the budget was prepared.

PROGRAM DIRECTION AND SUPPORT

FY 2012

The FY 2012 budget request for Program Direction and Support (PDS) is \$33,213,000 and 130 FTE. Funding at this level will enable PDS to continue to support the Secretary, Deputy Secretary, and their respective offices on key DOL initiatives and mandates, such as furthering the Secretary's vision of "*good jobs for everyone*". Monitoring, improving, and developing additional strategies to advance the 14 outcome goals that are supporting the framework for the Secretary's vision will be central to this effort.

Specifically, PDS funding will provide operational resources for the following offices:

- Office of the Assistant Secretary for Policy (OASP): coordinates and advances the Department's regulatory agenda and ongoing involvement in interagency planning and policy development efforts, promoting a culture within DOL that produces greater transparency and public participation in DOL agencies' initiatives (all within the Regulation, Transparency and Disclosure theme);
- The Chief Evaluation Office: established within OASP to manage the Department's extensive program evaluation efforts to find effective solutions to issues facing today's workers;
- Office of Congressional and Intergovernmental Affairs (OCIA): develops and implements policies that affect legislative programs while maintaining Congressional relationships;
- Office of Public Engagement (OPE): advises the Secretary on policy affecting Departmental programs and priorities, as well as constituency organizations in addressing America's social problems in the labor arena;
- Center for Faith-based and Neighborhood Partnerships (CFBNP): builds partnerships with faith-based groups, community organizations, and neighborhood leaders, working in collaboration with DOL agencies to improve the lives of the most vulnerable and disadvantaged workers and job seekers;
- Office of Public Affairs (OPA): executes a nationwide communications program on Departmental programs and activities as they relate to employment and earnings, employment standards, pensions, worker training and placement support services, veterans, training and job rights, workplace safety and health, youth initiatives, child labor, international labor issues, labor statistics, equal employment opportunity workplace initiatives and disabled employment issues;
- Office of Recovery Auto Communities and Workers: targets strategies and resources for revitalizing jobs for auto workers and the communities central to the industry.

FY 2011

Figures shown for FY 2011 reflect the annualized Continuing Resolution level as a full-year appropriation has not been enacted at the time the budget was produced. Since this level is based on the FY 2010 enacted level, operations under a full-year Continuing Resolution would be consistent with those described in the FY 2010 section.

PROGRAM DIRECTION AND SUPPORT

FY 2010

The FY 2010 enacted budget included \$33,200,000 and 151 FTE for Program Direction and Support (PDS) and took into account a transfer of \$175,000 and 1 FTE from the Office of Small Business Programs (OSBP) to Civil Rights. OSBP was disbanded in FY 2010 and its functions were assumed by the Office of the Assistant Secretary for Administration and Management, Office of Small and Disadvantaged Business Utilization under the Working Capital Fund.

In FY 2010, PDS resources were used to further the Secretary's vision of "*good jobs for everyone*". The Department revised the 5-year strategic plan and developed agency specific strategies under the leadership of the Secretary, Deputy Secretary and other PDS agencies. These efforts built upon the outcome goals and strategic framework established in FY 2009. The Department also built on a primary strategy identified in FY 2009 to engage in rigorous evaluation of Departmental programs. The Chief Evaluation Office within OASP was established to oversee the evaluation resources in both the Departmental Management and Training and Employment Services appropriations. PDS agencies will use the information gained from program evaluations as a primary resource in their leadership of DOL programs.

FY 2010 PDS resources also helped the Office of Recovery for Auto Communities and Workers (ORACW) participate in negotiations to create the GM Environmental Response Trust, which creates the framework under which the clean up and disposition of the 89 Old GM properties will be managed. This agreement is expected to be finalized in early to mid-2011. ORACW supported The White House Council on Automotive Communities and Workers, DOL, Brookings Institution Metropolitan Policy Program, and Funders' Network for Smart Growth and Livable Communities in co-sponsoring *Auto Communities and the Next Economy: Partnerships in Innovation*, a summit held in Washington, DC. The Council also coordinated an inter-agency process in response to the New United Motor Manufacturing Inc. (NUMMI) closing in California. ORACW also helped to create the first Annual Report of the White House Council on Automotive Communities and Workers, which was released in May 2010.

In FY 2010, OPA maintained its commitment in furthering the efforts of all DOL agencies in support of the Secretary's vision of "*good jobs for everyone*". An essential component of OPA's contribution to that end was creative, timely and—above all—effective messaging about the work of DOL. OPA maintained a positive, productive relationship between the public and the Department by conveying clear and effective messages to all news outlets and through all types of media (social, "traditional" news, web, etc). OPA launched multiple Facebook pages, Twitter accounts, a DOL Newsletter with over 75,000 subscribers, YouTube accounts and blogs. OPA continued to manage high quality press lists, solid relationships with journalists, and engage the public that both trusts DOL's information and is able to access it easily.

PROGRAM DIRECTION AND SUPPORT

DETAILED WORKLOAD AND PERFORMANCE				
	FY 2010 Enacted		FY 2011 Estimate	FY 2012 Request
	Target	Result	Target	Target
Program Direction and Support				
OASP				
Economic Policy Briefs	9	9 (r)	9	9
OASP				
Timely Clearance of Departmental Regulations (within 5 days)	90.00%	90.00% (r)	90.00%	90.00%
OPA				
News Releases and Media Advisories	1,100	1,100	1,100	1,100
Outreach Support for Secretary's Initiatives (Number of Events)	100	100	100	100
Stories Published for Frances E-Magazine & DOL Newsletter	100	100	150	200
DOL Newsletter	25	25	40	52
DOL Facebook, Friends and Twitter Followers	5,000	5,000	10,000	15,000

Legend: (r) Revised (e) Estimate (base) Baseline -- Not Applicable TBD - To Be Determined

Detailed Workload Performance Narrative for Selected PDS Components

Office of the Assistant Secretary for Policy (OASP)

OASP provides advice to the Secretary, Deputy Secretary and Department on matters of policy development, evaluation, regulations, budget and legislation that will improve the lives of workers, retirees and their families. Integral to this role, OASP leads special initiatives and manages cross- and inter-Department activities to advance the mission of the Department of Labor.

As an agency without direct program or enforcement authorities, OASP is, for the most part, not directly engaged in program implementation or enforcement to accomplish DOL's mission. Rather OASP plays a critical role by using a variety of strategies to leverage efforts and ensure optimal performance of the program and enforcement agencies responsible for fulfilling DOL's strategic and outcome goals. Consistent with its role, OASP's workload is demand-driven, anticipating and responding to the needs of the DOL Front Office and reviewing or coordinating policy as driven by the program and enforcement agencies. As a result, OASP contributes to the accomplishment of all Departmental strategic and outcome goals.

To support the Secretary, Deputy Secretary and Department, OASP's principal outcomes are:

1. Providing the Secretary with **timely, full and accurate information, analysis, and evaluation** reflecting a Department-wide perspective (for both policymaking purposes and public statements)
2. Facilitating the **timely promulgation and roll-out of high quality regulations** that are consistent with Executive Orders, the Secretary's vision, statutes and OMB Bulletins

PROGRAM DIRECTION AND SUPPORT

3. Enhancing the quality of DOL's policy, regulatory and legislative initiatives and innovations by **facilitating cross-agency collaboration and interagency cooperation.**
4. **Facilitating voice in the workplace and enabling DOL transparency** by providing the public with portals that contain up-to-date cross-agency information on DOL's activities.

To ensure resources are allocated to the strategies, outputs, milestones and/or outcomes that align with the most pressing priorities of the DOL Front Office in FY 2012, OASP will use its periodic management meetings and regulatory issue meetings with the Deputy Secretary to ensure planning reflects his and the Secretary's priorities.

Office of Public Affairs (OPA)

OPA is committed to furthering the efforts of all DOL agencies in support of the Secretary's vision of "*good jobs for everyone*". To that end, an essential component of OPA's contribution is creative, timely and—above all—effective messaging about the work of DOL as it relates to the Secretary's vision. OPA intends to continue the implementation of a multi-dimensional communications plan to educate the media and the public as a whole about DOL's efforts in this respect. In FY 2012, OPA will perform the following tasks as a part of its communication strategy:

- Draft speeches and talking points for the Secretary and major departmental heads, ensuring that they take advantage of every opportunity to promote and reiterate the Secretary's vision.
- Edit news releases and advisories ensuring appropriate references to *Good Jobs for Everyone*.
- Ensure that the *Good Jobs for Everyone* message is consistent in the Department's internal and external new media forums such as Facebook, Twitter, webchats and blogs.
- Produce public service announcements that leverage the involvement of celebrities and supporters to advance and promote the Secretary's vision.

OPA will continue to dramatically expand its new media work. In the past 18 months, OPA has launched two Facebook pages, two Twitter accounts, a reinvigorated YouTube account, two blogs (one internal and one external), and a Flickr account. Another new development is the DOL newsletter. Nearly everyone on the OPA staff contributes to the newsletter. The newsletter is issued each Thursday and already has more than 80,000 non-DOL subscribers, with an average of 500 to 1,000 new subscribers each week. This figure is in addition to the 16,200 DOL employees who receive the newsletter in electronic format each week. OPA will continue publishing this valued DOL resource in FY 2012.

PROGRAM DIRECTION AND SUPPORT

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2010 Comparable	FY 2011 Estimate	FY 2012 Request	Change FY 12 Req. / FY 10 Comp.
11.1	Full-time permanent	17,129	16,202	16,202	-927
11.3	Other than full-time permanent	0	30	30	30
11.5	Other personnel compensation	0	1,197	1,197	1,197
11.9	Total personnel compensation	17,129	17,429	17,429	300
12.1	Civilian personnel benefits	4,433	4,577	4,577	144
13.0	Benefits for former personnel	100	100	100	0
21.0	Travel and transportation of persons	800	800	800	0
22.0	Transportation of things	0	0	0	0
23.1	Rental payments to GSA	2,313	2,442	2,455	142
23.3	Communications, utilities, and miscellaneous charges	512	512	512	0
24.0	Printing and reproduction	263	135	135	-128
25.1	Advisory and assistance services	1,243	1,625	1,625	382
25.2	Other services	1,224	418	418	-806
25.3	Other purchases of goods and services from Government Accounts	4,565	4,565	4,565	0
25.4	Operation and maintenance of facilities	18	48	48	30
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	323	121	121	-202
26.0	Supplies and materials	253	376	376	123
31.0	Equipment	24	52	52	28
	Total	33,200	33,200	33,213	13
1/Other Purchases of Goods and Services From Government Accounts					
	Working Capital Fund	4,565	4,565	4,528	-37
	Services by Other Government Departments	0	0	37	37

PROGRAM DIRECTION AND SUPPORT

CHANGES IN FY 2012

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$0
Personnel benefits	0
One day less of Pay	0
Federal Employees Compensation Act (FECA)	0
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	13
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services	0
Working Capital Fund	0
Other government accounts (DHS Charges)	0
Other purchases of goods and services from Government accounts	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0

Built-Ins Subtotal **\$13**

Net Program **\$0**

Direct FTE **0**

Estimate **FTE**

Base **\$33,213** **130**

LEGAL SERVICES

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2010 Comparable	FY 2011 Estimate	FY 2012 Request	Diff. FY 12 Req. / FY 10 Comp.
Budget Authority	125,226	125,226	140,726	15,500
FTE	651	642	726	75

NOTE: FY 2010 reflects actual FTE of which 11 were Recovery Act. Authorized FTE for FY 2010 was 636.

Introduction

The Office of the Solicitor (SOL) is the legal enforcement and support arm of the Department of Labor. Its mission is to “meet the legal service demands of the entire Department, including providing the legal support necessary to enable the Secretary of Labor to accomplish [the Administration’s]...goals.” SOL provides its legal services through nine divisions in the National Office that are generally devoted to the major laws under the Department’s jurisdiction and eight regions that undertake front-line enforcement initiatives, including trial-level litigation to protect and improve the working conditions and security of America’s working women and men.

SOL plays a critical role in advancing the Secretary’s vision to ensure “*good jobs for everyone*” by enforcement of worker protection laws and implementation of the Secretary’s regulatory and program agendas. SOL contributes to the accomplishment of all of the Department’s strategic goals and agency outcome goals by:

- undertaking **litigation** to carry out the Secretary’s priority enforcement initiatives, and to defend the Secretary and the program agencies of the Department;
- assisting in the development, drafting and legal review of **legislation, regulations, Executive Orders**, and other matters affecting Departmental programs; and by
- providing **legal opinions/advice** to the Secretary, Departmental and agency officials.

DOL actions are based on sound legal advice that is:

- Timely;
- Understandable;
- Identifies and mitigates legal risk;
- Effective; and
- Satisfies the client.

SOL expects to maintain an on board FTE average of approximately 642 in FY 2011. SOL also has approximately 80 additional temporary/term FTE on board through July 28, 2011 who are dedicated to decreasing the growing backlog of Mine Safety and Health enforcement cases that are pending before the Federal Mine Safety and Health Administration Review Commission.

LEGAL SERVICES

The priorities in SOL's budget submission for FY 2012 mirror the Department's budget and program priorities, and seek the additional FTE necessary to enable the agency to provide enhanced legal services in support of the Department's Strategic and Outcome Goals.

SOL has been working closely with the Department during FY 2010 and 2011 to retool its performance and production measures to reflect the agency's Operating Plan, improve the line-of-sight between SOL's performance and the Department's Strategic and Outcome Goals, and improve workload production data to better track the agency's operational capacity.

SOL's Strategic Management Advisory Committee and Budget Advisory Committee, each of which is comprised of Senior Executives in the agency, are actively engaged in providing advice and recommendations to agency leadership regarding additional budget-performance integration that will further align the agency with the Secretary's Vision of "*good jobs for everyone*," and enhance SOL's role in supporting all of the Department's Strategic and Outcome Goals. This activity includes the creation of an Operating Plan for the agency, as well as a quarterly report that provides the Solicitor and Departmental leadership with cogent data regarding principal outcomes achieved, and output levels. SOL leadership is actively engaged with Departmental leadership in retooling its production measures to provide more accurate data-driven assessments of SOL's achievement of DOL's overall strategic goals.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2007	\$93,543	604
2008	\$96,978	588
2009	\$108,364	597
2010	\$125,226	636
2011	\$0	0

NOTE: A full-year 2011 appropriation for this account was not enacted at the time the budget was prepared.

FY 2012

The President's FY 2012 Budget funds SOL at \$140,726,000, a net program increase of \$15,366,000 and 84 FTE or 12.3% over the FY 2010 enacted budget. This net program increase consists of \$18,672,000 and 102 FTE in program increases and \$3,306,000 and 18 FTE in program decreases.

SOL's FY 2012 budget request focuses on the priorities of the Department and the Administration. SOL plays a critical role in advancing the Secretary's vision to ensure "*good jobs for everyone*" by aggressive enforcement of worker protection laws and robust implementation of the Secretary's regulatory and program agendas. The legal services provided by SOL provide support for every aspect of the Department's strategic priorities. Therefore, the SOL FY 2012 budget request reflects most of the initiatives and program enhancements that

LEGAL SERVICES

have been proposed by its client agencies across DOL. The following paragraphs describe the program increases and decreases requested in SOL's FY 2012 budget.

In response to mine safety issues, SOL is requesting \$14,674,000 to continue the efforts began with the supplemental funding in FY 2010 and to account for the increase in the number of Administrative Law Judges (ALJ) at FMSHRC. In response to an escalating contest rate, the number of ALJs has increased from 14 during most of FY 2010 to 29 in the FMSHRC FY 2012 budget request. The Budget also provides an additional \$15,000,000 in the MSHA request, along with appropriations language that will allow the Department the flexibility to allocate resources between MSHA and SOL based on factors such as changes in case mix or case processing procedures.

Other worker safety initiatives include: \$1,067,000 and 6 FTE to provide necessary legal support for the Occupational Safety and Health Administration (OSHA) as it enhances its Whistleblower protection program, and \$1,368,000 and 7 FTE to support the litigation and related legal work resulting from a joint Misclassification initiative of the Wage and Hour Division, Office of Federal Contract Compliance Programs, and OSHA. This initiative will detect and deter the inappropriate classification of workers as independent contractors.

The agency is requesting \$665,000 and 4 FTE to support the increase in health care related regulatory and enforcement work that is now the responsibility of the Employee Benefits Security Administration (EBSA). There has recently been a significant increase in Congressional action aimed at strengthening benefit security for working Americans and their families, particularly in the health arena [e.g., the Genetic Information Nondiscrimination Act (GINA), the Mental Health Parity and Addiction Equity Act (MHPAEA), Michelle's Law, the Children's Health Insurance Program Reauthorization Act (CHIPRA), and the Affordable Care Act (ACA)]. These laws require the DOL to establish regulatory and enforcement programs to protect the interests of the public. This budget request also supports significantly expanded and strengthened enforcement authority over fraudulent multiple employer welfare arrangement (MEWA) that defraud the worker and their families out of the health care benefits they have earned and rely upon.

In an effort to permanently fund increased transparency at the Department, SOL is also requesting \$866,000 and 5 FTE to provide base funding for the Office of Information Services (OIS), which provides Freedom of Information Act administrative and operational support for the entire Department. OIS was created in FY 2010, and has not been funded in SOL's appropriation. This increase is necessary to continue operational improvements of the Department's FOIA response and reporting capabilities.

In FY 2012, SOL is proposing three program reductions, including \$1,653,000 and 9 FTE to eliminate Compliance Assistance and Outreach, \$551,000 and 3 FTE to eliminate SOL activities related to Longshore litigation, and \$1,102,000 and 6 FTE to eliminate review of USERRA case referrals to the Department of Justice.

LEGAL SERVICES

FY 2011

Figures shown for FY 2011 reflect the annualized Continuing Resolution level as a full-year appropriation has not been enacted at the time the budget was produced. Since this level is based on the FY 2010 enacted level, operations under a full-year Continuing Resolution would be consistent with those described in the FY 2010 section.

By the end of July 2011, based on the current rate of production, SOL estimates that it will dispose of approximately one-third of the defined FMSHRC case backlog. SOL received funding in the FY 2010 Supplemental Appropriation, which is available through July 28, 2011, to reduce the backlog of mine safety and health cases pending before FMSHRC. SOL successfully set up the project, and today approximately 80 attorneys and other staff in several offices across the country are dedicated to the reduction of the FMSHRC case backlog. This effort specifically addresses a defined backlog. As of July 2010, there existed a backlog of approximately 66,000 MSHA violations pending before the Commission that were contested on or after October 1, 2007 through February 28, 2010. This backlog is the result of the increased contest rate caused substantially by increases in the dollar amount of MSHA's civil penalties implemented in April 2007 under the MINER Act of 2006. Between the beginning of August, 2010 and the end of December 2010, SOL disposed of 1,233 targeted backlog cases that included approximately 13,700 violations. SOL continues to work on cases outside this defined universe as well.

FY 2010

Efforts initiated during FY 2010 significantly improved SOL's ability to forcefully and decisively support the Secretary's vision of "*good jobs for everyone.*" The final enacted FY 2010 budget increased SOL's program funding by \$16,800,000. This FY 2010 appropriation level enabled SOL to maintain the increased number of non-FMHSRC on-board FTE that provided the agency's core litigation, opinion/advice and regulation functions.

At the same time, SOL continued to develop the critically needed Legal Technology infrastructure improvements, which include: replacing SOL's failing case management and time reporting systems (SOLAR/TD), and improving capacities in the critical areas of legal document management, document review, transcript and evidence management, trial presentation, and case analysis.

Finally, SOL also was able to provide resources to previously underfunded program support, including the professional development and training necessary to ensure that SOL's attorneys and legal support staff acquire the requisite skills to engage in vigorous enforcement of the laws that affect the safety and security of America's working women and men as they face increasingly well-armed adversaries in the courtroom and elsewhere.

These accomplishments are made more significant in view of the fact that the Administration's agenda required SOL to undertake more challenging and complex enforcement litigation. And despite this challenge as reflected more fully in the Workload Summary, SOL met or exceeded all of its targets in FY 2010 for Matters Concluded.

LEGAL SERVICES

Late in FY 2010, SOL received supplemental funding that expires on July 28, 2011 for the Reduction of the Mine Safety and Health enforcement targeted case backlog at the Federal Mine Safety and Health Review Commission (FMSHRC). The major backlog of enforcement cases has resulted from the increase in the contest rate for MSH citations since FY 2007. In mid-August SOL began hiring staff and procuring supplies, equipment and office space for the staff who would begin work on this Congressional and Administration priority. By the end of FY 2010, approximately 70 term employees were hired within sixty days of enactment of the bill.

Additionally, SOL's legal services continued aiding DOL agencies and programs to meet the goals and milestones they identified in their American Recovery and Reinvestment Act (ARRA) Operating Plans. These legal services included the following: enforcement-related litigation, legal advice and support; legal services related to oversight activities; and legal services related to coordination activities.

SOL was fully engaged in providing its appropriated level of ARRA legal support through the end of FY 2010, when ARRA funding concluded.

LEGAL SERVICES

DETAILED WORKLOAD AND PERFORMANCE				
	FY 2010 Enacted		FY 2011 Estimate	FY 2012 Request
	Target	Result	Target	Target
Legal Services				
Litigation:				
Percentage of Matters Concluded	--	49	51 (e)	55 (e)
Matters Received	15,750 (e)	14,630	19,554 (e)	14,630 (e)
Matters Concluded	13,662 (e)	14,204	17,432 (e)	17,432 (e)
Matters Pending	15,850 (e)	14,682	16,804 (e)	14,002 (e)
Regulations:				
Percentage of Matters concluded	--	38	44 (e)	44 (e)
Matters Received	140 (e)	116	116 (e)	116 (e)
Matters Concluded	90 (e)	90	120 (e)	120 (e)
Matters Pending	179 (e)	158	154 (e)	150 (e)
Opinion/Advice:				
Percentage of Matters Concluded	--	42	37 (e)	32 (e)
Matters Received	8,500 (e)	8,678	8,678 (e)	8,678 (e)
Matters Concluded	6,120 (e)	6,198	6,198 (e)	6,198 (e)
Matters Pending	8,783 (e)	8,130	10,610 (e)	13,090 (e)

Legend: (r) Revised (e) Estimate (base) Baseline -- Not Applicable TBD - To Be Determined

NOTES:

1/ This workload table for the Fiscal Year 2010 does not include the production data from the temporary/term FTE engaged in the Mine Safety and Health Backlog Project, which is funded from July 29, 2010 through July 29, 2011.

2/ Because SOL is operating under a series of Continuing Resolutions in FY 2011, and there is a lack of certainty regarding the funding level for the remainder of the fiscal year, SOL assumes the same workload levels as FY 2010, unless otherwise indicated. In FY 2012, unless otherwise indicated, the combination of program increases and program cuts will result in a workload that is more concentrated on Department priorities, but will not result in increased overall production as compared to FY 2010 levels.

3/ The litigation matters production figures for FY 2011 include assumptions regarding the number of matters received and concluded in the Mine Safety and Health Backlog Project. For this project, a total of 4,924 matters were received by SOL from MSHA in September, 2010. These are being counted as received in FY 2011 because of the fact that they entered the SOL system at the very end of FY 2010. The number of these matters concluded during the first quarter of FY 2011 was 807. SOL has projected a constant closure rate for the entire year of 3,228 project matters assuming additional closures after July 29.

LEGAL SERVICES

4/ Because of the emphasis on SOL support of regulatory initiatives, SOL assumes that "matters concluded" will increase to 120 in FY 2011.

5/ Because the identified number of Mine Safety and Health Backlog Project matters (citations contested between 10/1/07 and 2/28/10) were included in the matters received in FY 2010, the projected number of matters received in FY 2012 will repeat the FY 2010 actual result of 14,630. The number of FTE devoted to the Mine Safety and Health Backlog Project during the period of July 29, 2010 to July 29, 2011 is approximately 80 FTE. The number of FTE for this project and other Mine Safety and Health case processing in FY 2012 is also 80. Therefore, we are projecting the same Mine Safety and Health (Backlog and non-Backlog) case conclusion rate in FY 2012 as the projected Backlog case conclusion number of 3228 for FY 2011. (The other non-Mine Safety and Health FTE increases in the SOL FY 2012 budget are largely offset by program decreases which result in fewer FTE. Therefore, these other FTE changes in FY 2012 do not affect the net outcome in the matters concluded category.

LEGAL SERVICES

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2010 Comparable	FY 2011 Estimate	FY 2012 Request	Change FY 12 Req. / FY 10 Comp.
11.1	Full-time permanent	73,662	73,944	84,569	10,907
11.3	Other than full-time permanent	477	481	481	4
11.5	Other personnel compensation	2,260	2,159	2,159	-101
11.8	Special personal services payments	5	5	5	0
11.9	Total personnel compensation	76,404	76,589	87,214	10,810
12.1	Civilian personnel benefits	18,171	18,538	20,775	2,604
13.0	Benefits for former personnel	7	7	7	0
21.0	Travel and transportation of persons	800	800	921	121
22.0	Transportation of things	20	20	23	3
23.1	Rental payments to GSA	8,432	8,619	8,753	321
23.3	Communications, utilities, and miscellaneous charges	643	669	1,961	1,318
24.0	Printing and reproduction	75	50	60	-15
25.1	Advisory and assistance services	0	0	0	0
25.2	Other services	1,586	1,505	1,725	139
25.3	Other purchases of goods and services from Government Accounts	11,118	11,093	11,046	-72
25.4	Operation and maintenance of facilities	0	0	0	0
25.7	Operation and maintenance of equipment	1,700	4,614	4,847	3,147
26.0	Supplies and materials	920	750	894	-26
31.0	Equipment	5,350	1,972	2,500	-2,850
42.0	Insurance claims and indemnities	0	0	0	0
	Total	125,226	125,226	140,726	15,500
1/Other Purchases of Goods and Services From Government Accounts					
	Working Capital Fund	10,703	10,703	10,656	-47
	DHS Services	360	335	335	-25
	GSA Services	55	55	55	0

LEGAL SERVICES

CHANGES IN FY 2012

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$0
Personnel benefits	0
One day less of Pay	0
Federal Employees Compensation Act (FECA)	0
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	134
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services	0
Working Capital Fund	0
Other government accounts (DHS Charges)	0
Other purchases of goods and services from Government accounts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Insurance claims and indemnities	0

Built-Ins Subtotal **\$134**

Net Program **\$15,366**

Direct FTE **84**

	Estimate	FTE
Base	\$125,360	642
Program Decrease	-\$3,306	-18
Program Increase	\$18,672	102

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BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2010 Comparable	FY 2011 Estimate	FY 2012 Request	Diff. FY 12 Req. / FY 10 Comp.
Budget Authority	92,669	92,669	101,504	8,835
FTE	90	104	110	20

NOTE: FY 2010 reflects actual FTE. Authorized FTE for FY 2010 was 95.

Introduction

The Bureau of International Labor Affairs (ILAB) supports the President's international agenda on labor matters, carries out international responsibilities for the Secretary of Labor, fulfills mandates from the Congress, and provides oversight and coordination of the Department's international activities.

ILAB leads the U.S. Department of Labor's efforts to ensure that workers around the world are treated fairly and are able to share in the benefits of the global economy. ILAB's mission is to use all available international channels to improve working conditions, raise living standards, protect workers' ability to exercise their rights, and address the workplace exploitation of children and other vulnerable populations. Fostering fair working conditions in the global marketplace is an integral component of the Secretary's vision of "*good jobs for everyone*". The Department recognizes the need to ensure that global markets are governed by fair market rules that protect vulnerable people, including women and children, and provide workers a fair share of their productivity and voice in their work lives. These objectives will contribute to achieving the Department's goals for U.S. workers, build the foundation for a sustained recovery of the global economy and contribute to a more balanced pattern of global trade in the future. Pursuing these objectives also will once again position the U.S. as a leader and pace-setter on international labor issues and demonstrate our commitment to assist governments that have the political will to foster better livelihoods and rights for their workforces.

In order to carry out these strategic objectives, responsibilities, and mandates, ILAB collaborates with other U.S. government agencies to formulate international economic, trade, and labor policies, including the formulation and implementation of the labor aspects of international trade and investment agreements; coordinates U.S. government's participation in international organizations relative to labor issues; oversees and implements technical assistance programs; and conducts research and analysis and publishes reports on international labor issues.

In light of ILAB's responsibilities and the President's international agenda on labor matters, ILAB is requesting additional resources of \$8,835,000 for a total budget of \$101,504,000, including an additional 6 FTE for a total of 110 FTE.

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Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2007	\$72,516	85
2008	\$81,074	81
2009	\$86,074	83
2010	\$92,669	95
2011	\$0	0

NOTE: A full-year 2011 appropriation for this account was not enacted at the time the budget was prepared.

FY 2012

In FY 2012, ILAB will continue its efforts to contribute to DOL's Strategic Goal 1, to prepare workers for good jobs to ensure fair compensation; DOL's Outcome Goal 1.6, to foster fair working conditions in the global economy that protect vulnerable people and provide workers a fair share of productivity in their work lives; and ultimately to ILAB's Performance Goal, to improve worker rights and livelihoods for vulnerable populations.

For FY 2012, ILAB is requesting additional resources of \$8,835,000 for a total budget of \$101,504,000, including an additional 6 FTE for a total of 110 FTE. This will allow ILAB to effectively support Presidential and Department priorities of ensuring protection of worker's rights internationally through robust enforcement of labor commitments under U.S. free trade agreements (FTAs) and trade preference programs and through technical assistance programs that inspect factory conditions in trading partner countries and have proven effective in raising incomes and working conditions for low-income workers in developing countries abroad. The increase is necessary to pursue these priority goals without prejudice to congressionally mandated reporting and grant-making responsibilities.

New Initiatives

Worker Rights Technical Assistance: Using \$7,331,000 of the increase, ILAB will establish, expand or maintain Better Work programs in key countries such as Egypt, Bangladesh, Vietnam, Nicaragua and other Central American countries, in addition to the currently funded programs in Haiti and Lesotho. The countries were selected due to their significance in the international garment industry, their history of poor labor rights, and their significance to U.S. international interests. Better Work was originally established in Cambodia and has been an effective model for improving labor rights and working conditions while simultaneously assisting economic development of participating countries.

ILAB has taken initial steps to establish the program in Bangladesh, a major exporter and recipient of U.S. trade preferences, which has the lowest wages of any major producer and some of the worst labor conditions in the world. As such, it sets the floor for labor conditions in other export nations. Egypt, which also enjoys preferential trade access to the United States, is both a

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key regional producer and of significant national security interest to the United States. Labor conditions there have been a significant factor in political instability and ILAB will work to persuade the country to launch a Better Work program. Nicaragua is the first member of the CAFTA-DR to introduce a Better Work program and offers the possibility of expanding the program into other countries in the region and improving labor conditions in an area that is both a major source of labor migration to the U.S. and one with deteriorating security conditions. Finally, Vietnam is one of the most rapidly growing producers in Asia and is competing with China as a source country. It is also participating, with the United States and 7 other countries, in the ongoing negotiation of the Trans Pacific Partnership trade agreement, a major trade policy priority of the President.

By placing priority on targeting large, lower-cost apparel exporters, the Better Work program will have the potential to substantially impact on the global industry and its workforce. By realigning incentives so that improvements in worker rights are rewarded and fostered throughout the sector, the model has the potential to impact not just the workers in individual countries where Better Work programs are implemented, but also to reduce the downward pressure on wages and working conditions in factories outside of these countries. If the Better Work program is not able to expand into the largest markets that drive wages (Bangladesh has the lowest wages globally), then countries that seek to follow a “high road” of fostering respect for worker rights will constantly be undercut by countries that chose to compete by neglecting those rights.

As with the Cambodia experience, other donors are being recruited to support this global effort. However, U.S. leadership has been and will continue to be essential in demonstrating a commitment to a fundamental change in this sector. Other developed countries have stepped forward as donors on the basis of success demonstrated by US-led initiatives. Significantly, this effort targets a sector that has traditionally been sensitive in trade negotiations and includes countries with which the United States has existing free trade agreements (Nicaragua and other Central American countries), is negotiating new free trade agreements (Vietnam), or receives trade preferences which have labor provisions (Bangladesh). Secretary Solis made the improvement of labor conditions and worker rights in our trading partners a priority, and these new projects will be key to achieving the Secretary’s high priority goal of *Assuring that global markets are governed by fair market rules that protect vulnerable people, including women and children, and provide workers a fair share of their productivity and voice in their work lives.*

Monitoring and Enforcement of Trade Agreements: The FY 2012 request would increase monitoring, enforcement and remediation of labor provisions of trade agreements by \$1,500,000 (for 6 FTEs and incremental costs of monitoring by FTEs, including IT costs for open government initiatives, and oversight of technical assistance, including travel and evaluations). The new funds will be used to carry out such activities with major free trade partners, new trade negotiating partners, and selected high priority trade preference partners. This increase directly supports the Department’s efforts to strengthen regulatory programs and improve transparency and public disclosure. ILAB will target as many countries as feasible of the following: the 13 developing countries with which the U.S. has existing free trade agreements (the six Central American countries, Peru, Chile, Mexico, Bahrain, Oman, Morocco and Jordan); potential new free trade partners such as South Korea, Colombia, and Panama; selected new negotiating

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partners such as Vietnam and Brunei; and high priority trade preference countries where labor rights and conditions are a significant concern, such as Bangladesh, Philippines, Uzbekistan, Sri Lanka, Niger, Pakistan and the Democratic Republic of the Congo.

Systematic research and analysis on the status of labor rights in trade partner countries allows ILAB to coherently target policy engagement – including trade enforcement actions and technical cooperation activities –to specific countries and issues where the maximum impact may be achieved. The additional funding for technical cooperation contracts allows ILAB to help address specific issues that are identified in trade partner countries. For example, when labor laws are found to not meet international labor standards, ILAB would be able to provide labor law experts through short term contracts or by assigning DOL experts to advise on reforms to labor codes. This remediation is essential as the United States negotiates new free trade agreements, such the Trans-Pacific Partnership, to ensure that labor rights of our trading partners meet international standards.

ILAB would also utilize the additional funding to increase the impact of its monitoring and reporting by developing systems to provide key information to the public through open government initiatives, including direct links on ILAB's website, thereby improving transparency and public disclosure. ILAB has significant experience with both the TVPRA List on forced labor and child labor as well as Executive Order 13126 on forced or indentured child labor, which demonstrates that transparency and publication create strong incentives for other countries to address the issues that are highlighted.

ILAB has made substantial progress on developing a USG wide system for sharing sensitive information, and will use the additional resources to aggressively promote public dissemination through a variety of tools, including but not limited to cyberspace, with proper regard to inter-agency clearance to ensure that transparency and the public interest in open government is appropriately balanced with diplomatic considerations related to sensitive information.

A 2009 GAO report (GAO-09-439) criticized ILAB for having failed to perform its responsibilities adequately (during the period of the previous administration) with respect to the four free trade agreements covered by that report. In FY 2009 and 2010, ILAB began a significant upgrade in its ability to systematically monitor and evaluate labor rights in countries that enjoy FTAs or trade preference benefits from the United States. This expansion enabled ILAB to monitor labor rights in strategic countries and undertake active enforcement of obligations regarding workers' rights contained in U.S. trade agreements and preference programs. ILAB's FY 2012 budget request will allow the agency to undertake proactive monitoring, self-initiation of consultations, an active policy role in the interagency process that determines enforcement action where required, and provide direct and third-party assistance indentified through our free trade agreements and trade preference programs. This would provide the necessary foundation to carry out the President's public commitment to effectively enforce the labor rights provisions of trade agreements.

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Continuing Programs and Activities

Child Labor and Forced Labor: ILAB will continue to undertake new approaches to address the root causes of child and forced labor, with a goal of improving the livelihood and household incomes of such laborers so that they do not fall victim to exploitation. ILAB will continue to oversee its existing portfolio of international technical cooperation programs that address harmful child labor, forced labor, and human trafficking by withdrawing or preventing children from involvement in exploitive labor, promoting formal and transitional education opportunities for these children, strengthening policies on child labor and education, and building the capacity of national institutions to address these issues. ILAB will also continue to support research and the collection of reliable data on harmful child labor, to raise awareness of the problem, and to mobilize a wide array of actors to address it. In addition, the funding requested for increased monitoring and enforcement of labor requirements of U.S. trade agreements and preference programs will address compliance with child labor and forced labor standards.

Research and Analysis: ILAB will continue to conduct and fund research and analysis on international labor issues related to trade agreements and programs and international worker rights. As called for under the Trade and Development Acts of 2000 and 2002, ILAB will continue to produce reports on efforts by governments who are recipients of trade preferences under the Generalized System of Preferences to meet their international commitments to eliminate the worst forms of child labor. In line with its mandate under the Trafficking Victims Protection Reauthorization Acts (TVPRA) of 2005 and 2008, ILAB will monitor efforts by governments and other actors to combat harmful child labor, forced labor, and human trafficking in foreign countries and create and maintain a country-specific list of goods produced with forced labor or exploitative child labor. Under these mandates, ILAB will also release a standard set of practices to reduce the likelihood of forced labor and harmful child labor and share information with interagency partners to promote their effective engagement of these issues. ILAB will continue to work with the Departments of Agriculture and State as part of a consultative committee to develop recommendations to reduce the likelihood that agricultural products or commodities imported into the United States are produced with the use of forced labor or exploitative child labor. ILAB will continue to produce congressionally mandated reports on the labor laws and labor rights practices of potential partners to U.S. free trade agreements prior to Congressional approval and annual reports on the trade and employment effects of the Andean Trade Preference Act.

International Cooperation and Improved Labor Diplomacy: ILAB will engage extensively and substantively with other countries' labor ministries and with international and regional organizations. ILAB will continue to coordinate U.S. Government participation in the ILO and among labor and employment ministers of the G20 group of countries. It will also continue to work with the Employment, Labor and Social Affairs Committee of the Organization for Economic Cooperation and Development (OECD) and the labor bodies of other international and regional organizations, including the Asia Pacific Economic Cooperation Forum (APEC) and the Inter-American Conference of Labor Ministers, among others. ILAB will continue to develop and implement joint programs on labor issues of common concern with the European Commission and other important countries with which Letters of Understanding have been negotiated.

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Collaboration on International Labor Policy: ILAB will continue to represent the Department of Labor in U.S. Government interagency trade and economic policy making as well as in labor advisory groups. These include the Trade Policy Staff Committee/Trade Policy Review Group (TPSC/TPRG), which are responsible for developing and administering U.S. trade policy and trade programs; the Labor Advisory Committee for Trade Negotiations and Trade Policy; the Committee for the Implementation of Textile Agreements (CITA); the Overseas Private Investment Corporation (OPIC); the President's Committee on the International Labor Organization; the Consultative Group on the Elimination of Child Labor and Forced Labor in Agricultural Products; and other standing and ad hoc committees and forums in which labor issues are addressed. ILAB will also continue work with the Department of State in the labor diplomacy program to ensure effective and timely reporting on labor issues, to monitor developments in countries of particular importance to the United States, and to represent and advance U.S. policy interests on international labor issues. ILAB will work to ensure effective interaction with foreign governments and stakeholders on labor and employment issues and to facilitate exchanges at both the technical and policy levels.

FY 2011

Figures shown for FY 2011 reflect the annualized Continuing Resolution level as a full-year appropriation has not been enacted at the time the budget was produced. Since this level is based on the FY 2010 enacted level, operations under a full-year Continuing Resolution would be consistent with those described in the FY 2010 section.

FY 2010

In FY 2010, ILAB made significant contributions to DOL's Strategic Goal 1, to prepare workers for good jobs and to ensure fair compensation; DOL's Outcome Goal 1.6, to foster fair working conditions in the global economy that protect vulnerable people and provide workers a fair share of productivity in their work lives; and to ILAB's Performance Goal, to improve worker rights and livelihoods for vulnerable populations.

ILAB contributed to these goals using four major functions across its three offices: policy coordination, monitoring, reporting, and technical assistance.

Worker Rights Technical Assistance: Congress provided \$6,500,000 funding to implement model programs to address worker rights through technical assistance in countries with which the United States has trade preference programs. Following months of ILAB engagement with government, worker, and industry stakeholders, Secretary Solis launched the first International Labor Organization Better Work factory monitoring program in Nicaragua on July 28th. In December, the Secretary announced a new \$5,360,000 grant to the ILO to initiate a new Better Work program in Bangladesh and expand existing programs in Cambodia and Vietnam. ILAB awarded a \$500,000 grant to The Asia Foundation to implement a project to increase knowledge and awareness of the labor code and basic worker rights in Afghanistan. The remaining \$640,000 was awarded to the International Labor Organization's Declaration Program to implement a project on fundamental rights, labor law, and administration reform in the Republic

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of Maldives. Additionally, ILAB continued to support Better Work programs in Jordan, Haiti, and Lesotho. (\$6,500,000)

Child Labor and Forced Labor: ILAB and DOL fostered new coordinated efforts to eliminate exploitive child labor in the West African cocoa sector including the signing of a Declaration of Joint Action to Support Implementation of the Harkin-Engel Protocol and an accompanying Framework of Action by Secretary Solis, the Ministers of Labor of Cote d'Ivoire and Ghana, Senator Tom Harkin, Congressman Eliot Engel, a representative of the international cocoa industry, and the International Labor Organization. ILAB, under its reporting function, updated the Executive Order 13126 (EO) List of products produced by forced or indentured child labor as well as the Trafficking Victims Protection Reauthorization Act (TVPRA) List of goods produced by forced labor or child labor. Additionally, ILAB redesigned the Trade and Development Act (TDA) Findings on the Worst Forms of Child Labor report. Finally, ILAB awarded \$59,998,881 in grants for "next generation" child labor projects in 14 countries that will address the root causes of child labor, including household poverty of their families. The grants will offer children access to educational and training alternatives, help improve the livelihoods of their households so their parents can meet basic needs without relying on child labor, and build local capacity to scale-up and sustain efforts to eliminate exploitive child labor.

DOL-funded child labor elimination projects prevented or withdrew 103,002 children from exploitive labor in FY 2010, bringing the total number of children reached since the program's inception to almost 1.5 million. In addition, 30 countries increased their capacity to address child labor with technical assistance and other contributions by DOL-funded projects. These countries increased capacity to address child labor by taking actions such as adopting new laws and policies on child labor, implementing new social programs to address the issue, and increasing their inspection and enforcement capabilities.

International Diplomacy and Policy: ILAB and DOL hosted the first meeting of the G20 Labor and Employment Ministers and successfully negotiated an agreed set of recommendations for the twenty countries to give to their presidents and prime ministers, addressing the urgent need for job creation and improved, pro-worker and pro-growth labor market policies. ILAB launched the first ever labor dialogue with China on enforcement of labor laws, minimum wages, individual and collective bargaining and other key, sensitive labor rights.

ILAB and DOL launched the first formal labor consultations under CAFTA with the government of Guatemala on the apparent failure by Guatemala to effectively enforce labor laws that protect the right of association, the right to organize and bargain collectively, and acceptable conditions of work. ILAB also led the United States delegation to the first Labor Affairs Council Meeting under the U.S.-Peru Trade Promotion Agreement to discuss implementation of the labor chapter of the agreement.

ILAB continued to coordinate U.S. Government participation in the International Labor Organization, the Employment, Labor and Social Affairs Committee of the Organization for Economic Cooperation and Development, and the labor components of other international organizations. ILAB also worked to support the Secretary of Labor at important international events, such as the Asia Pacific Economic Cooperation Forum Human Resources Ministerial and the Inter-

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American Conference of Ministers of Labor. ILAB collaborated with the European Commission in various programs and exchanges to discuss and address labor issues of mutual concern. Letters of Understanding were negotiated and implemented with a number of important countries under which conferences, programs and exchanges are conducted to address areas of common concern.

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DETAILED WORKLOAD AND PERFORMANCE				
	FY 2010 Enacted		FY 2011 Estimate	FY 2012 Request
	Target	Result	Target	Target
International Labor Services				
Strategic Goal 1 - Prepare workers for good jobs and ensure fair compensation	--			
Outcome Goal 1.6 - Foster acceptable work conditions and respect for workers' rights in the global economy to provide workers with a fair share of productivity and voice in their work lives	--			
Performance Goal ILAB 1.6 - Improve worker rights and livelihoods for vulnerable populations	--			
PRODUCTION MEASURES:	--			
1.6.01 Number of USG intra and inter-agency policy processes engaged in to advance DOL and ILAB policies and priorities (including preparation for USG participation in multilateral institutions)	--		(base)	TBD
1.6.02 Number of countries with which ILAB engages in technical cooperation.	--		(base)	TBD
1.6.03 Number of countries in which ILAB engages in policy dialogue or negotiation.	--		(base)	TBD
1.6.04 Number of multilateral policy processes and stakeholders engaged by ILAB	--		(base)	TBD
1.6.05 Number of countries in which labor rights are systematically monitored and analyzed	--		12	30
1.6.06 Number of required reports published	--		(base)	TBD
1.6.07 Percentage of new funds obligated for technical assistance grants	--	--	100.00%	100.00%
1.6.08 Percentage of new funds obligated for technical assistance contracts	--	--	100.00%	100.00%
1.6.09 Number of financial reports reviewed and accepted	--		(base)	TBD
1.6.10 Number of technical progress reports reviewed and processed	--		(base)	TBD
1.6.11 Number of program evaluations and audits conducted	--		(base)	TBD
1.6.12 Percentage of grants and contracts closed by program office and submitted to OASAM on time	--	--	100.00%	100.00%
PERFORMANCE MEASURES:	--			
1.6.1 Number of households receiving livelihood services	--		(base)	TBD
1.6.2 Number of children engaged in or at high-risk of entering the WFCL provided education or vocational training services.	--	103,002	90,500	90,500 (e)
1.6.3 Number of countries with increased capacity to address child labor and forced labor as a result of DOL interventions	8	30	21	21 (e)
1.6.4 Number of policy positions adopted by the USG through the interagency process that reflect	--		(base)	TBD

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ILAB and DOL priorities, such as “Good Jobs for All”.				
1.6.5 Number of policy positions adopted by international fora and countries that reflect ILAB and DOL priorities, such as “Good Jobs for All”.	--		(base)	TBD
1.6.6 Number of countries in which worker rights and/or working conditions are improved.	--		(base)	4
1.6.7 Number of countries with an improvement in capacity of the government and/or other social partners to protect worker rights and/or improve working conditions as a result of DOL interventions.	--		(base)	9
1.6.8 Number of workers better able to exercise their rights and/or that experience improved working conditions as a result of DOL interventions.	--		(base)	TBD
1.6.9 Number of workers with improved livelihoods as a result of DOL interventions.	--		(base)	TBD
* These measures are all new and therefore FY2011 will establish the baseline for these measures going forward.	--	(r)	--	--

Legend: (r) Revised (e) Estimate (base) Baseline -- Not Applicable TBD - To Be Determined

Detailed Workload Performance Narrative

ILAB’s work directly supports DOL’s Outcome Goal 1.6 *Foster fair working conditions in the global economy that protect vulnerable people and provide workers with a fair share of productivity and voice in their work lives*. ILAB’s work also supports DOL’s Outcome Goal 3.3 *Ensure worker voice in the workplace*.

ILAB’s major functions across its three offices involve: 1) Policy, 2) Monitoring, 3) Reporting, and 4) Technical assistance (grants and contracts). Each of these functions complements the other functions, and ILAB is pursuing an integrated strategy that incorporates coherent use of all available tools and resources to achieve its goals.

- 1) The Policy function entails engagement in interagency USG policy formulation, as well as diplomacy and negotiation in bilateral and multilateral venues. It includes engagement in the International Labor Organization, APEC, G20 and IACML, as well as administration of the labor provisions of our trade agreements and programs. ILAB’s work on Policy is directly captured by production measures 1.6.01, 1.6.03, 1.6.04 and performance measures 1.6.4 and 1.6.5. It also supports each of the other performance measures.
- 2) Monitoring entails researching and analyzing the status of labor rights in foreign countries, and targeting opportunities for improvement. ILAB’s work on monitoring is directly captured by production measure 1.6.05. It also supports each of the other performance measures.
- 3) Reporting entails Congressionally-mandated public reports on child labor and forced labor (including the research needed to create these reports), and reports on labor-related trade

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programs and agreements. ILAB's work on reporting is directly captured by production measure 1.6.06 and supports each of the performance measures.

- 4) Technical assistance includes grants to address labor rights (including child labor), working conditions and livelihoods. Technical assistance also includes staff and contracts for oversight of grants, including monitoring and evaluation, and cooperative activities. ILAB's work on technical assistance is directly captured by production measures 1.6.02, 1.6.07 through 1.6.12 and performance measures 1.6.1 through 1.6.3 and 1.6.6 through 1.6.9. It also supports each of the other performance measures.

ILAB's FY 2012 request would increase technical assistance to improve worker rights globally by \$7,331,000. This increase will be used to implement model programs that address worker rights issues through technical assistance or other programs in countries with which the United States has free trade agreements or trade preference programs. ILAB will establish and maintain Better Work factory monitoring programs in key countries such as Bangladesh, Vietnam, Nicaragua and other Central American countries, in addition to the currently funded programs in Haiti and Lesotho.

Additionally, the FY 2012 request would increase monitoring, enforcement and remediation of labor provisions of trade agreements by \$1,500,000 (for 6 FTEs and incremental costs of monitoring by FTEs, including IT costs for open government initiatives, and oversight of technical assistance, including travel and evaluations). The new funds will be used to carry out such activities with major free trade partners, new trade negotiating partners, and selected high priority trade preference partners. This increase directly supports the Department's efforts to strengthen regulatory programs and improve transparency and public disclosure. ILAB will target as many countries as feasible of the following: the 13 developing countries with which the U.S. has existing free trade agreements (the six Central American countries, Peru, Chile, Mexico, Bahrain, Oman, Morocco and Jordan); potential new free trade partners such as South Korea, Colombia, and Panama; selected new negotiating partners such as Vietnam and Brunei; and high priority trade preference countries where labor rights and conditions are a significant concern, such as Bangladesh, Philippines, Uzbekistan, Sri Lanka, Niger, Pakistan and the Democratic Republic of the Congo.

INTERNATIONAL LABOR AFFAIRS

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2010 Comparable	FY 2011 Estimate	FY 2012 Request	Change FY 12 Req. / FY 10 Comp.
11.1	Full-time permanent	10,147	10,147	10,947	800
11.3	Other than full-time permanent	15	15	15	0
11.5	Other personnel compensation	250	250	250	0
11.9	Total personnel compensation	10,412	10,412	11,212	800
12.1	Civilian personnel benefits	2,739	2,739	2,939	200
21.0	Travel and transportation of persons	978	978	1,078	100
22.0	Transportation of things	10	10	10	0
23.1	Rental payments to GSA	815	826	830	15
23.3	Communications, utilities, and miscellaneous charges	124	124	124	0
24.0	Printing and reproduction	168	168	168	0
25.1	Advisory and assistance services	4,992	4,992	5,221	229
25.2	Other services	2,021	2,010	2,047	26
25.3	Other purchases of goods and services from Government Accounts	2,853	2,853	2,987	134
25.4	Operation and maintenance of facilities	0	0	0	0
25.5	Research and development contracts	875	875	875	0
25.7	Operation and maintenance of equipment	29	29	29	0
26.0	Supplies and materials	71	71	71	0
31.0	Equipment	82	82	82	0
41.0	Grants, subsidies, and contributions	66,500	66,500	73,831	7,331
	Total	92,669	92,669	101,504	8,835
1/Other Purchases of Goods and Services From Government Accounts					
	Working Capital Fund	2,761	2,761	2,749	-12
	DHS Services	23	23	23	0
	Services by Other Government Departments	69	69	215	146

INTERNATIONAL LABOR AFFAIRS

CHANGES IN FY 2012

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$0
Personnel benefits	0
One day less of Pay	0
Federal Employees Compensation Act (FECA)	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	4
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services	0
Working Capital Fund	0
Other government accounts (DHS Charges)	0
Other purchases of goods and services from Government accounts	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0

Built-Ins Subtotal **\$4**

Net Program **\$8,831**

Direct FTE **6**

	Estimate	FTE
Base	\$92,673	104
Program Increase	\$8,831	6

ADMINISTRATION AND MANAGEMENT

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2010 Comparable	FY 2011 Estimate	FY 2012 Request	Diff. FY 12 Req. / FY 10 Comp.
Budget Authority	30,826	30,826	30,745	-81
FTE	119	121	126	7

NOTE: FY 2010 reflects actual FTE of which 19 were Recovery Act. Authorized FTE for FY 2010 was 128.

Introduction

The Office of the Assistant Secretary for Administration and Management (OASAM) provides the infrastructure and support that enables the Department of Labor to perform its mission. OASAM plays a critical role in advancing the Secretary’s vision of *good jobs for everyone*.

OASAM provides leadership and support for the Department via the following management disciplines: Business Operations, Procurement, Budget and Performance Integration, Information Technology, Human Resources, Civil Rights, Security and Emergency Management, and Strategic Planning.

Administration and Management is able to achieve its mission through the following business units designed as centers of excellence. Each center is responsible for its respective mission and ensures seamless and transparent information sharing. OASAM civil rights activities are detailed in the Civil Rights budget activity narrative later in the Departmental Management justification. The five Centers that receive funding from the Administration and Management budget activity are:

- Departmental Budget Center
- Center for Program Planning and Results
- Human Resources Center
- Information Technology Center
- Business Operations Center

Each of the Centers above also receives funding for certain activities funded through the Working Capital Fund (WCF). In addition, OASAM Field Services and the Office of Security and Emergency Management receive full funding of their activities through the WCF. These activities are detailed in the WCF justification.

OASAM develops Departmental policy, administrative programs, systems, and procedures in the areas of information resources; budget formulation and resource analysis; performance planning; procurement; human resources; equal opportunity; safety and health; homeland security and emergency management; and administrative services. OASAM also provides support for all programs in the DOL regions through the efforts of the Departmental Budget Center and Human Resources Center.

ADMINISTRATION AND MANAGEMENT

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2007	\$32,865	111
2008	\$30,261	111
2009	\$32,506	111
2010	\$30,826	128
2011	\$0	0

NOTE: A full-year 2011 appropriation for this account was not enacted at the time the budget was prepared.

FY 2012

In FY 2012, the Office of the Assistant Secretary for Administration and Management is requesting a total of \$30,745,000 and 126 FTE. This level of funding includes an inflationary increase of \$9,000, program savings in the amount of \$90,000, and an increase of 5 FTE.

The Departmental Budget Center (DBC) and the Center for Program Planning and Results (CPPR) will continue to work in concert to further integrate the budget and performance process to ensure measurable outputs that contribute to the outcome goals and performance measures identified in the Department's strategic plan.

Consistent with the Department's overarching strategic planning strategies, OASAM has developed strategies that are grounded in innovation, evaluation and improved implementation. This level of resources will provide the Department and its agencies with the needed services to realize their missions. OASAM's adjustment to the anticipated demands of the FY 2011 - FY 2016 Strategic Plan is reflected in the detailed workload and performance table.

As the leader in strategic planning, organizational performance measurement, and reporting for the Department of Labor, CPPR will continue to provide quality customer service while achieving its Center-specific goals and objectives. CPPR is dedicated to achieving the Department's performance and outcome goals supporting the DOL FY 2011 – FY 2016 Strategic Plan and the Secretary's vision of "*good jobs for everyone.*"

OASAM proposes to in-source contractor support at the Wirtz Labor Library, for a net savings of \$90,000. This savings will be achieved by eliminating several contractor positions and the contractor's overhead rate. The proposal includes an increase of 5 federal FTE. The Library will decrease the intake of hardcopy and microfiche documents, which require a significant investment in both labor and monetary resources to provide and maintain. The Library will transition to providing users with precision searching and remote access via online databases of journal articles and reference data. The proposal will increase the Library's efficiency and effectiveness.

OASAM will continue to do its part in championing the use of technology to facilitate

ADMINISTRATION AND MANAGEMENT

transparency and open government. In alignment with the federal-wide e-government efforts, the Information Technology Center will design, acquire and implement new information technology, business solutions, and capabilities that support all IT functions.

The Human Resources Center will continue to ensure that the Department operates in a results-oriented performance culture that includes diverse leadership and high performing teams. This will ensure continuity of leadership and a learning environment that drives continuous improvement in performance.

The Business Operations Center (BOC) will continue to provide support and overall management of the DOL procurement and grants management programs. BOC will continue leadership, planning, and management of the automation of DOL's business activities. Additional resources and associated workload and performance data are included in the Working Capital Fund.

FY 2011

Figures shown for FY 2011 reflect the annualized Continuing Resolution level as a full-year appropriation has not been enacted at the time the budget was produced. Since this level is based on the FY 2010 enacted level, operations under a full-year Continuing Resolution would be consistent with those described in the FY 2010 section.

FY 2010

In FY 2010, the Office of the Assistant Secretary for Administration and Management's (OASAM) continued to use the framework of the Secretary's vision of *good jobs for everyone* to provide the direction and support services necessary to meet the Department's management priorities. The OASAM budget request of \$34,326,000 and 128 FTE for FY 2010 reflected the transfer of 4 FTE and \$619,000 from the Employment Standards Administration (ESA) to OASAM for the function transfer of a variety of administrative services as a part of the reorganization of the Employment Standards Administration which became effective on November 8, 2009. Also included were 13 FTE and related funding for support of the MBA fellows program and the Office of Diversity Management. This included funding for each aspect of Departmental Administration and Management including the Departmental Budget Center, Human Resources Center, Information Technology Center, Business Operations Center, and the Center for Program Planning and Results.

Within OASAM, a primary function for FY 2010 was supporting the Department's leadership in finalizing the FY 2010 Strategic Plan. Support for this activity was provided through the Center for Program Planning and Results (CPPR) as well as the Departmental Budget Center (DBC).

OASAM continued to establish DOL as a model workplace by assuring that the right people were in the right place at the right time to carry out the mission of the Department and that the workforce is prepared, diverse, and competent. To accomplish this and other human resource goals, the Department monitored agency restructuring efforts and pursued process enhancements and technological innovations.

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BOC coordinated Department-wide implementation of cost savings, efficiencies and control initiatives with central agency requirements, including the General Services Administration (GSA) for Mail and Property management and with the National Archives and Records Administration (NARA).

Finally, OASAM continued to take the required steps to ensure the physical safety of the Department's workforce and ensure facilities are maintained and enhanced. While this activity was funded under the Working Capital Fund, OASAM remained committed to providing the necessary tools by which the Secretary and the Department's executive leadership manages and directs programs and resources in preparation for, in response to and recovering from a full spectrum of natural or manmade security situations or emergencies. OASAM also continued to provide guidance to the Department in order to protect the physical, information, and personnel security requirements of the Department.

ADMINISTRATION AND MANAGEMENT

DETAILED WORKLOAD AND PERFORMANCE				
	FY 2010 Enacted		FY 2011 Estimate	FY 2012 Request
	Target	Result	Target	Target
Administration and Management				
DBC	--	--	--	--
DBC Customer Satisfaction*	--	72.00%	75.00%	80.00%
CPPR	--	--	--	--
CPPR Customer Satisfaction*	--	76.00%	78.00%	79.00%
HRC	--	--	--	--
HRC Customer Satisfaction*	--	65.00%	67.00%	--
Employee/Labor Relations Mgmt disputes referred to Alternative Dispute Resolution (ADR)	40.00%	80.00%	40.00%	100.00%
ADR Cases Completed	30.00%	50.00%	30.00%	100.00%
ITC	--	--	--	--
ITC Customer Satisfaction*	--	78.00%	80.00%	95.00%
IT solutions from ITC with less than 2.3% in delivered product defect ratio	80.00%	80.00%	80.00%	90.00%
ITC offices performing Records Management	85.00%	85.00%	95.00%	100.00%
NIST 800-53 Rev. 2/3 security controls complied with by ITC, OSDI applications	90.00%	90.00%	95.00%	100.00%
BOC	--	--	--	--
BOC Customer Satisfaction*	--	65.00%	67.00%	3.41%

Legend: (r) Revised (e) Estimate (base) Baseline -- Not Applicable TBD - To Be Determined

*Customer satisfaction is an average score out of 5, with 5 being "completely satisfied." Results are then converted to a percentage of the total possible score.

Detailed Workload Performance Narrative

Customer Service

In July of 2010, OASAM launched a survey to obtain a baseline of customer satisfaction levels with the OASAM Centers in the National Office. The OASAM Regional Offices also have a practice of conducting annual customer satisfaction surveys. The National Office OASAM survey was crafted in conjunction with OASAM leadership, including Center Directors, in order to produce the most relevant questions for the survey and to obtain their buy-in. The survey was based on five scaled questions (1 = very unsatisfied, 5 = very satisfied), and one open-ended question that asked for additional comments and feedback. The survey was further targeted by asking respondents to only reply for OASAM Centers with which the respondents had interacted with over a set period of time

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Human Resource Center (HRC)

The workload measures of DOL's human capital strategy are aligned with the Department's mission, goals, and organizational objectives, and fully integrated into DOL strategic and performance plans. HRC support the Outcome goals through strategic alignment. The current Human Capital strategic plan focuses on:

- Workforce planning and deployment—making sure that DOL is citizen-centered, delayed, mission focused, and leverages e-Government initiatives;
- Leadership and knowledge management—making sure DOL's leaders and managers effectively manage people, ensure continuity of leadership, and sustain a learning environment that drives continuous improvement in performance;
- Results-oriented performance culture—making sure that DOL has a diverse, results-oriented, high performance culture; and a performance management system that effectively differentiates between high and low performance, and links individual/team/unit performance to organizational goals and desired results; and
- Talent—making sure that DOL has closed most mission critical skills, knowledge, and competency gaps/deficiencies, and has made meaningful progress toward closing gaps.

Information Technology Center (ITC)

Information Technology Center's (ITC) workload indicators are key because each indicator affords opportunities for ITC to perform its core mission functions to:

1. Satisfy the customers;
2. Establish an effective and secure IT environment; and
3. Improve information availability.

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BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2010 Comparable	FY 2011 Estimate	FY 2012 Request	Change FY 12 Req. / FY 10 Comp.
11.1	Full-time permanent	14,235	14,531	15,021	786
11.3	Other than full-time permanent	0	0	0	0
11.5	Other personnel compensation	0	0	0	0
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	14,235	14,531	15,021	786
12.1	Civilian personnel benefits	3,211	3,672	3,794	583
21.0	Travel and transportation of persons	43	43	43	0
22.0	Transportation of things	0	0	0	0
23.1	Rental payments to GSA	1,786	1,785	1,794	8
23.3	Communications, utilities, and miscellaneous charges	211	266	266	55
24.0	Printing and reproduction	76	76	76	0
25.1	Advisory and assistance services	0	0	0	0
25.2	Other services	845	5,971	5,269	4,424
25.3	Other purchases of goods and services from Government Accounts	4,694	4,094	4,094	-600
25.4	Operation and maintenance of facilities	0	0	0	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	5,337	0	0	-5,337
26.0	Supplies and materials	312	312	312	0
31.0	Equipment	76	76	76	0
	Total	30,826	30,826	30,745	-81
1/Other Purchases of Goods and Services From Government Accounts					
	Services by Other Government Departments	786	223	35	-751
	Working Capital Fund	3,871	3,871	4,059	188
	DHS Services	37	0	0	-37

ADMINISTRATION AND MANAGEMENT

CHANGES IN FY 2012

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$0
Personnel benefits	0
One day less of Pay	0
Federal Employees Compensation Act (FECA)	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	9
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services	0
Working Capital Fund	0
Other government accounts (Census Bureau)	0
Other government accounts (DHS Charges)	0
Other purchases of goods and services from Government accounts	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0

Built-Ins Subtotal **\$9**

Net Program **-\$90**

Direct FTE **5**

	Estimate	FTE
Base	\$30,835	121
Program Decrease	-\$90	5

ADJUDICATION

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2010 Comparable	FY 2011 Estimate	FY 2012 Request	Diff. FY 12 Req. / FY 10 Comp.
Budget Authority	46,599	46,599	47,976	1,377
FTE	248	244	249	1

NOTE: FY 2010 reflects actual FTE. Authorized FTE for FY 2010 was 250.

Introduction

The Adjudication activity is part of the Department's overarching Worker Protection effort. Adjudication funds four components: (1) the Office of the Administrative Law Judges (OALJ) and three Adjudicatory Boards which include (2) the Administrative Review Board (ARB), (3) the Benefits Review Board (BRB), and (4) the Employees' Compensation Appeals Board (ECAB).

The Office of Administrative Law Judges (OALJ) presides over formal hearings concerning many labor-related matters. The office's mission is to render fair and equitable decisions under the governing law, the facts of each case, and the procedures mandated by the Administrative Procedure Act (APA).

Hearings concerning Black Lung benefits and Longshore Workers' compensation constitute the largest part of the office's work in addition to the significantly increasing Permanent Labor Certification cases (PERM) cases. The Department's administrative law judges, however, also hear and decide cases arising from over 80 labor-related statutes and regulations, including, for example, such diverse subjects as:

- Whistleblower complaints involving corporate fraud, nuclear, environmental, pipeline safety, aviation, commercial trucking, railways, and other statutes.
- Minimum wage disputes.
- Enforcement actions involving the working conditions of migrant farm laborers.
- Disputes involving child labor violations.
- Civil fraud in federal programs.

Designated judges also serve as members of the Board of Alien Labor Certification Appeals which adjudicate the PERM cases. In addition to formal adjudication, OALJ implements alternative dispute resolution through its settlement judge process.

Over the past decade, OALJ has experienced increased workloads as Congress passed new whistleblower protection laws, such as the Aviation Investment and Reform Act, the Sarbanes-Oxley Act, Federal Rail Safety Act, the National Transit Systems Security Act, and the Pipeline Safety Improvement Act of 2002. Since FY 2008, regulatory changes and reallocation of enforcement priorities at the Employment and Training Administration have resulted in significant increases of administrative law judges hearings relating to H2A and H-2B temporary labor certification applications. Moreover, appeals relating to permanent labor certification applications have not decreased as was anticipated upon the transition to the "PERM" program

ADJUDICATION

and have significantly increased beginning in FY 2010 with an anticipated increase in receipt of cases in both FY 2011 and FY 2012.

The FY 2012 OALJ budget directly supports the following DOL Outcome Goals supporting *good jobs for everyone* by rendering case decisions that affect these important strategic and outcome goals:

Strategic Goal 1: Prepare workers for good jobs and ensure fair compensation.

- Help middle-class families remain in the middle class.

Strategic Goal 4: Secure health benefits and, for those not working, provide income security.

- Facilitate return to work for workers experiencing workplace injuries or illnesses who are able to work.
- Ensure income support when work is impossible or unavailable.

The Adjudicatory Boards:

The Adjudicatory Boards: The three Adjudicatory Boards constitute the final point of review within the Department for several DOL Worker Protection programs: the Longshore Harbor Workers', Coal Mine Workers', and Federal Employees' Compensation Programs administered by the Office of Workers' Compensation Programs (OWCP), the Whistle Blower Protection Programs administered by the Occupational Safety and Health Administration (OSHA); and the Wage and Hour Division's Worker Protection programs under statutes guaranteeing prevailing wages and other rights for employees of government contractors, child laborers, migrant workers and H 1B non-immigrant workers. The Boards review and determine several thousand appeals each year. The Boards have nationwide appellate jurisdiction and make legal interpretations, establish legal precedents, and set standards within their jurisdictional areas for the entire nation. Board decisions have a collective impact of several billions of dollars on American workers and the American economy.

The Administrative Review Board (ARB) reviews appeals under more than 50 statutory and regulatory authorities. Most of the ARB's caseload arises from whistleblower complaints under corporate fraud, environmental, nuclear, aviation and trucking statutes filed with the OSHA Whistle Blower Protection Program. The ARB also reviews challenges under the Davis-Bacon Act and the Service Contract Act, certain civil rights enforcement actions, and worker protection statutes such as the Child Labor Act. A growing number of appeals arise under the H-1B non-immigrant visa provisions of the INA. Approximately 90 percent of the ARB caseload comes from appeals of decisions of the OALJ. The Secretary of Labor consolidated three smaller appellate adjudicatory bodies in 1996 to create the ARB. Over the past 10 years, court decisions on more than 96 percent of cases appealed have upheld the decisions of the ARB.

The Benefits Review Board (BRB) reviews and decides appeals from decisions of Administrative Law Judges and, in some instances, OWCP District Directors regarding claims for disability benefits under the Black Lung Benefits Act and the Longshore and Harbor Workers' Compensation Act and extensions, including the Defense Base Act. The BRB was

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created by Congress in the early 1970's to provide a uniform standard of nationwide review for appeals of benefit claims under these Acts. BRB decisions may be appealed to the Federal circuit courts and to the United States Supreme Court. Historically, less than 15 percent of cases are appealed beyond BRB, and 85 percent of these are affirmed. The BRB's Black Lung program is funded by the Black Lung Disability Trust Fund which provides approximately 70 percent of total BRB operating funds.

In 2006, as a cost-savings initiative, the Boards restructured their three separate Docket Units into a single entity designated the Office of the Clerk of the Appellate Boards (OCAB). This consolidated unit provides docketing services to all three appellate Boards. Organizationally, it is located within the BRB and funded as part of the BRB allocation. In FY 2011, as part of the Department's effort to accelerate the modernization of information technology (IT) and to enhance operating efficiency, the Boards will implement a consolidated appeals management system to replace the three separate legacy systems currently in use. This will allow greater integration of the Boards' previously independent docket systems and ensure reliable computer-based support to manage, track and document an expanding caseload.

The Employees' Compensation Appeals Board (ECAB) was established in 1946 under a precursor of the Federal Employees' Compensation Act (FECA) to review and decide appeals of federal employees who may be ill or injured as a result of their federal employment. Any federal employee injured at work and adversely affected by a decision of the Labor Department's Office of Workers' Compensation Programs (OWCP) may request a review of that decision by ECAB, either before or after a full evidentiary hearing before OWCP's Branch of Hearings and Review. ECAB's jurisdiction extends to deciding questions of fact, as well as law, and the exercise of discretion. Decisions are based on the supporting case record. ECAB decisions are final, binding on OWCP, and not subject to judicial review.

The work of the Adjudicatory Boards is part of the web of worker protection programs administered by the Department of Labor. The three Boards support the Secretary's goal of "*good jobs for everyone*" and contribute towards attainment of all five of DOL's Strategic Goals by fully and fairly reviewing appeals and issuing timely dispositions consistent with applicable laws. The Boards are active participants in the Department's effort to accelerate IT modernization and to improve transparency, public disclosure, and customer service.

The BRB and ECAB contribute towards the Department's income security programs and help to ensure fair competition. (Strategic Goals 1 & 4.) They help to facilitate the return to work of ill or injured workers and help to ensure income support when work is not possible. (Outcome Goals 4.1 and 4.2.) In so doing, the BRB and ECAB are part of the Department's effort to help middle-class families remain in the middle class. (Outcome Goal 1.4.)

The ARB contributes to the DOL's worker protection goals from a different perspective. In reviewing and deciding appeals under a wide range of statutes, ARB determines issues that range from working conditions and the safety of the workplace, through wage equality and issues of the broader work-place environment, to the integrity of economic data. In so doing, ARB enhances whistleblower statutes. The work of the ARB specifically contributes towards attaining Strategic Goals 1, 2, 3, and 5; and Outcome Goals 1.1, 1.4, 1.5, 1.6, 2.1, 3.1, 3.3, and 5.1.[1]

ADJUDICATION

In recent years, all of the Adjudicatory agencies have been impacted by funding and FTE reductions necessary to fund higher than budgeted mandatory pay increases. Funding at the FY 2012 request level will enable the Boards to maintain their strong support of the Secretary's goal of "good jobs for everyone" by allowing ARB to increase case dispositions while maintaining decision quality, facilitating the BRB and ECAB in maintaining case dispositions at FY 2011 levels, and ensuring reliable computer-based support, compliant with DOL and OMB requirements.

[1] The Sarbanes-Oxley (SOX) whistleblower statute provides protection to employees in the finance field who report information, including price or other data relevant to a publicly held corporation that is hidden or not accurately reported. es worker safety as well as compliance with, and worker education regarding,

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2007	\$45,363	256
2008	\$43,691	212
2009	\$45,599	250
2010	\$46,599	250
2011	\$0	0

NOTE: A full-year 2011 appropriation for this account was not enacted at the time the budget was prepared.

FY 2012

The FY 2012 funding request for Adjudication consists of \$30,576,000 and 164 FTE in general funds and \$17,400,000 and 85 FTE from the Black Lung Disability Trust Fund, for a total request of \$47,976,000 and 249 FTE. The request includes an increase of \$1,377,000 and 5 FTE from the FY 2010 enacted appropriation.

Administrative Law Judges: FY 2012 request for the Office of Administrative Law Judges (OALJ) is \$26,448,000 and 135 FTE. The request includes a built in increase of \$15,000 for rent and a program increase of \$39,000 for Black Lung Disabled Trust Fund to restore funds for inflationary costs not covered under the FY 2011 Continuing Resolution. In FY 2012, OALJ will continue to adjudicate cases towards the Secretary's Goal of "good jobs for everyone." The agency will facilitate the return to work for workers experiencing workplace injuries or illnesses who are able to work by adjudicating workers' compensation cases in the Black Lung and Longshore programs; helping middle-class families remain in the middle class by adjudicating cases in the Traditional Program area such as Whistleblower protection, Wage and Hour cases, Compliance cases and over 70 other types of worker protection cases; and ensuring income support when work is impossible or unavailable by adjudicating Immigration cases.

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OALJ hears and decides cases that arise from a DOL agency such as the Office of Worker's Compensation for Black Lung and Longshore or cases directly, such as some whistleblower complaints. The life cycle of a case starts within a DOL agency which can be appealed to the OALJ for a hearing and may be appealed depending on the regulation to the Benefits Review Board, to the Administrative Review Board, or to other venues. OALJ holds hearings within 75 miles of the claimant's home. To manage this workload, OALJ has seven District Offices across the country in areas where they can easily serve the parties in the cases. Each office houses a courtroom to hold hearings in that location when feasible to the parties. All hearings are open to the public and are transcribed by court reporters. The case file is paper based, but the tracking of all the events which occur in each case and all the documents issued by the judges are electronic. Judges issue approximately 25,000 documents a year and all final decisions are published on OALJ's web site as required under eFOIA.

OALJ will continue to have backlogs in each of its program areas as cases being docketed are expected to exceed disposition levels for all caseloads in FY 2012. Longshore, which includes Defense Base Act cases, will increase from a backlog of 10 months in FY 2010 to 22 months in FY 2012. Immigration will substantially increase due to the significant increases in cases received beginning in FY 2010 so that backlogs jump from 5 months at the end of FY 2009 to 62 months or over 5 years at the end of FY 2012. Docketing of Traditional caseloads still continue to increase and will move from 9 months to 22 months of backlogs at the end of FY 2012. Black Lung workloads will stay relatively constant from a 19 month backlog in FY 2010 to a 21 month backlog in FY 2012.

Adjudicatory Boards: The Adjudicatory Boards request \$21,528,000 and 114 FTE for FY 2012. Funding at this level will enable the Boards to maintain their strong support of the Secretary's goal of "*good jobs for everyone*" by allowing ARB to increase case dispositions while maintaining decision quality, facilitate the BRB and ECAB in maintaining case dispositions at the FY 2011 levels, and ensuring reliable computer-based support to manage, track and document an expanding caseload.

The Boards' request includes a built in increase of \$5,000 for rent and a three-part program increase of \$1,302,000 and 5 FTE. The increase includes:

- \$1,033,000 and 5 FTE for the ARB to close more appeals, shrink backlogs, and reduce average case processing time to below 12 months;
- \$237,000 for operation and maintenance of the Boards' new, consolidated appeals management system that replaced three obsolete legacy systems at risk of failure; and
- \$32,000 for BRB Black Lung Disabled Trust Fund to restore funds for inflationary costs not covered under the FY 2011 Continuing Resolution.

ARB Increase: The ARB requests funding for 5 additional FTE, three staff attorneys and two Board Members (Administrative Appeals Judges), in order to increase the number of appeals closed, reduce time between filing and determination of appeals, and ensure the careful and judicious consideration required by an increasing number of challenging cases. New appeals are increasing in number and complexity and have exceeded closed appeals at ARB for six of the past 10 years. Both total pending appeals and older appeals (pending for a year or more) have

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increased in numbers. At the end of FY 2010, 42 percent of appeals had been pending for more than a year. Added resources will enable the ARB to close more decisions with greater timeliness so that closed appeals will match or exceed incoming appeals. Pending appeals will remain steady or decline, rather than increasing. Additional resources will expedite closing more of the Boards' older appeals, facilitate restructuring the body of pending cases so that few, if any, pending appeals exceed a year in age, and ensure closing most appeals within one year of filing.

Enactment of new statutes has increased the range and number of cases eligible for ARB review. Regulatory changes governing OSHA Whistleblower appeals are altering the 'mix' of cases appealed to ARB. Routine appeals are declining, and appeals presenting complex and difficult issues requiring extensive research and deliberation before a decision can be rendered are increasing. Additional Board Members are essential to ensure the careful and judicious consideration that an increasing number of challenging cases requires. Over the past five years, more than 96 percent of ARB decisions that were appealed to the U.S. Courts of Appeals have been affirmed. Additional Board Members will help ensure that this standard of quality is maintained or increased and that difficult issues are fully deliberated.

Operation and Maintenance of Consolidated Appeals Management System: The three Boards have partnered together to acquire and implement a single appeals management system that will provide a reliable, robust IT infrastructure and replace three obsolete legacy systems at risk of failure. The new, consolidated system was acquired at the end of FY 2010 and implemented in FY 2011. It will reach "steady state" operation in FY 2012 and will significantly enhance the Boards' recording, tracking, and management of appeals. It will provide a modern IT platform from which to further enhance customer service and transparency in disclosure. Because it is a new system, it is subject to more extensive requirements that will increase the costs of ongoing operations by \$237,000 annually. Without this increase, resources will have to be transferred from personnel compensation, reducing the number of staff attorneys. This will result in closing fewer appeals at all Boards.

Restoration of BRB Funds: The BRB requests the restoration of \$32,000 for inflationary costs not provided under the FY 2011 Continuing Resolution. This request is to cover the increased costs of contractual services essential to Board operations.

Administrative Review Board: Both the number and range of cases appealed to ARB in FY 2012 are expected to increase as a result of changes in statutes and regulations. Most of the appeals to ARB arise from decisions of the OALJ and more than 80 percent of these originate under OSHA whistleblower statutes. Pending appeals have increased and now constitute more than 13 months of work. More than 40 percent of pending appeals are over a year old. Additional resources will enable ARB to close more appeals, reduce backlogs, and lower average case processing time to below 12 months. The careful review and timely determination of these appeals contribute towards all five of the Secretary's strategic goals.

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Benefits Review Board: OALJ production drives the workload of the BRB since virtually all appeals to the BRB arise from OALJ decisions. On March 23, 2010, the Black Lung Benefits Act was amended by Public Law No. 111-148. As a consequence, the number of Black Lung appeals to BRB is expected to remain steady or even increase in FY 2011 and 2012. Appeals under the Defense Base Act have increased and are expected to push up the number of appeals under extensions of the Longshore Harbor Workers Act.

Employees' Compensation Appeals Board: Appeals to ECAB come directly from OWCP. Since FY 2006, new appeals to ECAB have increased fairly steadily. At the same time, management initiatives and re-engineered business processes have made it possible to reduce staff. In FY 2012, ECAB will continue to search for innovative ways to handle their growing workload without increasing staff.

FY 2011

Figures shown for FY 2011 reflect the annualized Continuing Resolution level as a full-year appropriation which has not been enacted at the time the budget was produced. Since this level is based on the FY 2010 enacted level, operations under a full-year Continuing Resolution would be consistent with those described in the FY 2010 section.

FY 2010

The Office of Administrative Law Judges' (OALJ's) mission and strategic goals did not change in FY 2010, though the challenges it faced did. For FY 2010 OALJ was targeted to dispose of 4,140 cases and exceeded its goal by disposing of 5,295 cases which was a 28 percent increase over projections. OALJ disposed 2,798 Longshore cases (26.6% above target), 656 Immigration cases (134% above target) and 737 Traditional cases (63.8% above target). However, total new cases exceeded targets by 40% and exceeded total dispositions by nearly 21%. New appeals exceeded both targets and dispositions in the Longshore and Immigration areas. As a consequence, total pending appeals increased 22.6 % over the year from 4,846 to 5,941. Pending appeals increased in all areas except Traditional cases; the preponderance of the increase was in Immigration appeals. In FY 2000, OALJ had jurisdiction over eight types of whistleblower cases. By FY 2008, six new types of whistleblower cases were added to OALJ's jurisdiction, including cases arising under the very active and closely watched Sarbanes-Oxley Act whistleblower law, so that by FY 2010 there are now 14 major whistleblower laws that can result in Administrative Law Judge (ALJ) hearings.

The permanent alien labor certification program experienced a significantly heavier than normal appeals dockets, as the Employment and Training Administration (ETA) works through a backlog of reconsideration requests under the PERM program. The 2008 ETA regulations added provisions for the debarment of persons or entities who engaged in fraud or misrepresentation in the permanent labor certification program. Those regulatory amendments included a right to request an ALJ hearing. In FY 2010 OALJ received 1,662 cases as compared to the 300 cases projected to be received. This represents a 554 percent increase in FY 2010 Immigration cases and is expected to continue at a high rate

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OALJ continues to docket hundreds of Defense Base Act cases arising from the Iraq and Afghanistan conflicts and other military operations. The Defense Base Act was originally enacted during World War II, but was largely dormant until recent conflicts in which large numbers of contract labor was employed overseas by the military and other federal departments. Prior to 2000, this was not a significant part of OALJ's adjudicatory caseload. In FY 2010, OALJ docketed 569 cases.

Adjudicatory Boards:

ARB: ARB closed 147 appeals in FY 2010, received 149 new appeals and ended the year with 160 appeals pending. ARB was affirmed on 15 of 16 decisions referred to the U. S. Courts of Appeals, an affirmance rate of 93.8 percent.

BRB: The BRB closed a total of 647 appeals, disposed of 75 motions for reconsideration and 230 attorney fee petitions. The United States Courts of Appeals affirmed BRB decisions in more than 90 percent of the cases appealed.

Black Lung Program (BRB-BL): Closed 529 appeals, received 447 new appeals and ended the year with 413 appeals pending. Decisions received from the U.S. Courts of Appeals affirmed 28 of 29 appeals (96.6 percent).

Longshore & Related Programs (BRB-LS): Closed 195 appeals, received 200 new appeals and ended the year with 130 appeals pending. Decisions received from the U.S. Courts of Appeals affirmed 41 of 46 appeals (89 percent).

Office of the Clerk of the Board (OCAB): The Boards consolidated their separate Docket Units into a single entity in FY 2006; it was placed organizationally in the BRB. During FY 2010, OCAB docketed 3,209 new appeals, handled the close-out for 3,147 appeals, prepared and transmitted 98 case records to the U.S. Courts of Appeals, and processed several thousand interim motions and requests.

ECAB: ECAB closed 2,276 appeals in FY 2010, exceeding their target by 2.3 percent. There were 2,413 new appeals docketed and 1,998 appeals pending at the end of the fiscal year.

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DETAILED WORKLOAD AND PERFORMANCE				
	FY 2010 Enacted		FY 2011 Estimate	FY 2012 Request
	Target	Result	Target	Target
Adjudication				
Administrative Law Judges				
OALJ Carry-Over Levels:				
Strategic Goal 1 - Prepare workers for good jobs and ensure fair compensation.	--	--	--	--
Outcome Goal 1.4 - Help middle-class families remain in the middle class.	--	--	--	--
Strategic Goal 4 - Secure health benefits and, for those not working, provide income security.	--	--	--	--
Outcome Goal 4.1 - Facilitate return to work for workers experiencing workplace injuries or illnesses who are able to work.	--	--	--	--
Outcome Goal 4.2 - Ensure income support when work is impossible or unavailable.	--	--	--	--
Black Lung	1,740	1,740	1,777	1,857
Longshore	2,324	2,324	2,410	3,110
Immigration	221	221	1,227	2,177
Traditional	561	561	527	752
Total	4,846	4,846	5,941	7,896
OALJ New Cases:				
Black Lung	1,200	1,141	1,200	1,200
Longshore	2,500	2,884	2,800	2,800
Immigration	300	1,662	1,500	1,200
Traditional	550	703	750	750
Total	4,550	6,390	6,250	5,950
OALJ Dispositions:				
Black Lung	1,200	1,104	1,120	1,120
Longshore	2,210	2,798	2,100	2,100
Immigration	280	656	550	550
Traditional	450	737	525	525
Total	4,140	5,295	4,295	4,295
OALJ Pending Cases:				
Black Lung	1,740	1,777	1,857	1,937
Longshore	2,614	2,410	3,110	3,810
Immigration	241	1,227	2,177	2,827
Traditional	661	527	752	977
Total	5,256	5,941	7,896	9,551
Administrative Review Board				
Strategic Goal 1 - Prepare Workers for Good Jobs and ensure fair competition	--	--	--	--
Outcome Goal 1.5 - Secure wages and	--		--	--

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overtime				
New Appeals	150	149 (r)	150	180
Closed Appeals	156	147 (r)	156	180
Pending End of Year	152	160 (r)	154	154
Pending in Months EoY	11.70	13.10 (r)	11.80	10.30
Benefits Review Board				
Strategic Goal 1 - Secure health benefits and, for those not working, provide income security	--	--	--	--
Outcome Goal 4.2 - Ensure income support when work is impossible or unavailable	--	--	--	--
BRB-BL	--	--	--	--
New Appeals	700	447 (r)	700	700
Closed Appeals	700	529 (r)	700	700
Pending End of Year	476	413 (r)	413	413
Pending in Months EoY	8.20	--	7.10	7.10
BRB-LS	--	--	--	--
New Appeals	265	200 (r)	265	265
Closed Appeals	265	195 (r)	265	265
Pending End of Year	114	130 (r)	130	130
Pending in Months EoY	5.20	--	5.90	5.90
Employees' Compensation Appeals Board				
Strategic Goal 4 - Secure health benefits and, for those not working, provide income security	--	--	--	--
Output Goal 4.1 - Facilitate return to work for workers experiencing workplace injuries or illnesses who are able to work	--	--	--	--
New Appeals	2,500	2,413 (r)	2,500	2,500
Closed Appeals	2,225	2,276 (r)	2,225	2,225
Pending End of Year	2,136	1,998 (r)	2,273	2,548
Pending in Months EoY	11.50	10.50 (r)	12.30	13.70

Legend: (r) Revised (e) Estimate (base) Baseline -- Not Applicable TBD - To Be Determined

Detailed Workload Performance Narrative

Administrative Law Judges: The FY 2012 request will continue to increase backlogs for the Office of Administrative Law Judges (OALJ) greater than the FY 2011 levels. The agency will continue to work hard to find ways to improve the backlogs. This will be accomplished by continuing to distribute the cases between the National Office and seven District Offices based on geographic location. This will enable each office to group the cases together into hearing dockets and save travel expenses by hearing a variety of cases in one trip rather than many trips. In addition, when cases are continued, they will not remain with the judge but rather go back to the unassigned inventory to be assigned to the next hearing trip in that location or a hearing trip already scheduled by another judge. This keeps the maximum amount of cases assigned for

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hearing and disposition and provides the claimants and employers a timely opportunity to have their cases heard and decided.

The pending backlog will increase slightly from 19 months for Black Lung at the end of FY 2010 to 21 months in FY 2012. The Longshore pending backlog will increase by one year from 10 months at the end of FY 2010 to 22 months in FY 2012 because at this funding level, case intake will exceed case disposition levels. The Traditional pending backlog will increase by a year from 9 months in FY 2010 to 22 months in FY 2012 because at this funding level, case intake will exceed case disposition levels. In FY 2010, there was a 554% increase in Permanent Labor Certification cases (PERM) over FY 2010 projection of 300 cases. This higher level of PERM cases is projected to continue into FY 2011 with less projected for FY 2012. At the end of FY 2012, the pending backlog will reach five (5) years in the Immigration case area.

Thus, in FY 2012, OALJ will need to continue to address a changing mix of adjudicatory responsibilities, with a rising number of enforcement actions, immigration-related appeals, new types of whistleblower cases, and Defense Base Act hearings, plus Longshore, Immigration and Black Lung cases. OALJ will change this mix of responsibility through the assignment of cases throughout the country based on geographic location without regard to case type.

Adjudicatory Boards: The Administrative Review Board (ARB) will increase dispositions by 15% while the Benefits Review Board (BRB) and the Employees' Compensation Appeals Board (ECAB) will maintain case dispositions at their FY 2011 levels. The FY 2012 funding request will ensure that all three Boards are able to maintain their strong support of the Secretary's goal of "*good jobs for everyone*".

New cases appealed to ARB are expected to increase by more than 16% in FY 2012 due to expansion of the range of cases subject to appeal. Regulatory changes will alter the 'mix' of appeals to ARB; the number of cases routinely appealed is expected to decline while substantive appeals, requiring greater research and analysis, will increase. BRB may see some increase in new appeals towards the end of FY 2012, reflecting amendments to the Black Lung Act and increased case filings under the Defense Base Act. New appeals are expected to remain at FY 2011 levels for ECAB. However, since ECAB expects to receive more appeals than it closes, average turnaround time for appeals (time from initial docketing to final disposition) may edge upwards and pending workload at the end of FY 2012 may rise above 13 months. ARB anticipates lowering its pending workload to 10.3 months and reducing average turnaround time to less than 12 months. Pending workload and average turnaround time will remain well below 12 months at BRB.

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BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2010 Comparable	FY 2011 Estimate	FY 2012 Request	Change FY 12 Req. / FY 10 Comp.
11.1	Full-time permanent	25,438	26,034	26,712	1,274
11.3	Other than full-time permanent	40	40	40	0
11.5	Other personnel compensation	666	388	388	-278
11.9	Total personnel compensation	26,144	26,462	27,140	996
12.1	Civilian personnel benefits	5,859	6,119	6,288	429
21.0	Travel and transportation of persons	340	277	287	-53
22.0	Transportation of things	4	4	4	0
23.1	Rental payments to GSA	3,906	3,961	3,997	91
23.3	Communications, utilities, and miscellaneous charges	488	287	287	-201
24.0	Printing and reproduction	38	40	40	2
25.1	Advisory and assistance services	14	5	101	87
25.2	Other services	1,049	782	796	-253
25.3	Other purchases of goods and services from Government Accounts	7,695	7,683	7,820	125
25.4	Operation and maintenance of facilities	0	0	0	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	690	737	974	284
26.0	Supplies and materials	269	135	135	-134
31.0	Equipment	103	107	107	4
	Total	46,599	46,599	47,976	1,377
1/Other Purchases of Goods and Services From Government Accounts					
	Working Capital Fund	7,662	7,402	7,388	-274
	DHS Services	14	281	281	267
	Services by Other Government Departments	19	0	0	-19
	CIGIE	0	0	151	151

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CHANGES IN FY 2012

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$0
Personnel benefits	0
One day less of Pay	0
Federal Employees Compensation Act (FECA)	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	36
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services	0
Working Capital Fund	0
Other government accounts (DHS Charges)	0
Other purchases of goods and services from Government accounts	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0

Built-Ins Subtotal **\$36**

Net Program **\$1,341**

Direct FTE **5**

	Estimate	FTE
Base	\$46,635	244
Program Increase	\$1,341	5

WOMEN'S BUREAU

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2010 Comparable	FY 2011 Estimate	FY 2012 Request	Diff. FY 12 Req. / FY 10 Comp.
Budget Authority	11,604	11,604	11,620	16
FTE	53	59	59	6

NOTE: FY 2010 reflects actual FTE. Authorized FTE for FY 2010 was 58.

Introduction

The Department of Labor is focusing its investments and activities toward: (1) getting Americans back to work, (2) keeping workers safe and (3) helping workers provide for their families by keeping more of what they earn. The Department's activities demonstrate the Administration's strong commitment to improving working conditions and increasing employment opportunities for women and families. The Women's Bureau provides collaborative and proactive leadership on policies and activities that impact 72 million women in the labor force. The Women's Bureau supports the Secretary's vision of "*Good Jobs for Everyone*" by focusing its work on advancing the Department's strategic goals of preparing workers for good jobs and ensuring fair compensation, as well as, assuring fair and high quality work-life environments. The Women's Bureau seeks to support the Department's efforts by focusing on the economic and financial security of working women by narrowing the wage gap, promoting higher paying/non-traditional jobs for women, ensuring safe and quality work environments through workplace flexibility, and improving services for women veterans who are homeless.

The Congressionally mandated mission of the Women's Bureau is to carry out Public Law 66-259, which directs it to "...formulate standards and policies which shall promote the welfare of wage-earning women, improve their working conditions, increase their efficiency, and advance their opportunities for profitable employment." The Director's role is to support the goals of the Secretary and the President, in furtherance of the mission of the Department of Labor. The Women's Bureau is organizationally positioned within the Office of the Secretary.

Women in the workforce are vital to the nation's economic security, and the Bureau is the only federal office exclusively concerned with serving and promoting the interests of women in the workforce. To this end, the Bureau will conduct research and policy analysis, provide technical assistance, establish collaborations, and provide information about women in the labor force to stakeholders. The Bureau will also conduct strategic outreach to promote the adoption and implementation of policies and strategies to improve employment outcomes for wage-earning women.

The Women's Bureau works collaboratively with its sister agencies within DOL leading special initiatives and managing cross-cutting and inter-departmental activities to advance the mission of the Department of Labor. The Women's Bureau also works collaboratively on federal interagency efforts, including the White House Council on Women and Girls, the National Equal Pay Enforcement Task Force, Interagency Council to End Homelessness, the White House's initiative on violence against women and International matters.

WOMEN'S BUREAU

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2007	\$9,348	60
2008	\$9,465	52
2009	\$10,419	52
2010	\$11,604	58
2011	\$0	0

NOTE: A full-year 2011 appropriation for this account was not enacted at the time the budget was prepared.

FY 2012

The Women's Bureau recognizes that women in the workforce are vital to the nation's economic security. It works to assist women of all ages, races, and ethnicities in achieving economic security, placing a special focus on women veterans who are homeless, women with disabilities, and women in low-income and underserved communities. The Bureau's FY 2012 budget request of \$11,620,000 and 59 FTE will allow the Bureau to continue supporting the Secretary's vision of "*Good Jobs for Everyone*" by developing policies and standards and conducting inquiries to safeguard the interests of working women; to advocate for their equality and economic security for themselves and their families; and to promote quality work environments. Late in FY 2010, the Bureau experienced three retirements (two from the regional offices and one in the national office) as well as a national office staff member transferring to another federal agency. In FY 2011, as the Bureau continued to increase its focus on research and policy development, the Bureau used this staffing challenge as an opportunity to address the need for staff with different skills as well as support succession planning efforts. The two positions vacated by national office staff were filled with three entry level staff recruited through the Student Career Experience Program. The regional vacancies will be filled with less senior employees. These measures enabled the Bureau to increase staffing and, at the same time, reduce personnel costs.

The Bureau will continue supporting the Secretary's strategic goals to *prepare workers for good jobs and ensure fair compensation* (Goal 1) and to *Assure fair and high quality work-life environments* (Goal 3) by conducting research and analysis that identifies effective policies and strategies to impact working women and their families, as well as, outreach, building partnerships, and providing technical assistance to promote the adoption and implementation of Women's Bureau-identified and supported employment-related policies and research. The Bureau will prepare publications, guidance, and reports to communicate its promising strategies to targeted external entities, such as federal, state, and local governmental agencies, community organizations, service providers, employers, employees, unions, and educational/training institutions. The Bureau will use a multi-pronged approach to promote, communicate and disseminate its findings and recommendations, through outreach events, educational seminars, and on-line resources.

WOMEN'S BUREAU

During FY 2012, in support of Goal 1.1 - ***Increasing workers' incomes and narrowing wage and income inequality***, the Bureau will continue its work with the National Equal Pay Enforcement Task Force, including: collaboration on an Equal Pay education campaign addressing the data gaps identified at the Women's Bureau FY 2011 Equal Pay Research Summit and continuing to inventory the state-level best practices on narrowing the wage gap. This work will also include collaborating with other DOL and Federal agencies that collect and analyze data regarding wages and income. Based upon the findings from other agencies, the Bureau will further refine and target its education and outreach efforts. The Bureau will work with Task Force member agencies to develop guidance on negotiation skills training to help women advocate for fair compensation and will develop materials for workforce professionals on the issue of occupational segregation. The Bureau will also advocate for pay equity by disseminating key Task Force information and publications through its national outreach strategies and regional equal pay events. Additionally, utilizing findings from the research studies conducted in FY 2010 and FY 2011 on selected populations of women of color, the Bureau will identify systemic issues contributing to the pay gap and develop policy recommendations to address these findings. Fact sheets and tools will be developed to promote better understanding of the issues facing women of color in the workplace and ways to address them.

In support of Goal 1.2 - ***Preparing workers to succeed in a knowledge-based economy, including in high-growth and emerging industry sectors***, the Bureau will help prepare women across generations and socio-economic groups for the emerging green jobs sector and other non-traditional occupations, including those in science, technology, engineering, and math (STEM). The Bureau will update its "*Why Green Is Your Color: A Woman's Guide to a Sustainable Career*" publication, if necessary, and continue to conduct outreach to targeted partners to improve women's employment in higher-paying jobs in non-traditional fields. The Bureau will publish and disseminate resources and information on STEM and non-traditional careers for women, to promote training and employment for women in high-growth and emerging industry sectors.

The Bureau will continue to support Goal 1.3 - ***Helping women who are in low-wage jobs or out of the labor market find a path into middle class jobs***. For FY 2012, the Bureau will continue to place special emphasis on targeted populations, including women veterans and women with disabilities. The Bureau will analyze data collected from DOL grant recipients/service providers targeting women veterans who are experiencing homelessness to develop and disseminate useful information that can be used by service and health providers to better meet the needs of women who have served in the military. The Bureau has found that conducting "Stand Downs for Women Veterans" is an effective way of reaching women veterans who are homeless. These Stand Downs provide information on a broad range of topics, including benefits and resources available to veterans, local community resources, and services targeted to women veterans. In FY 2012, we will develop a tool kit on how to conduct a successful Stand Down for Women Veterans. This tool kit will be developed as a resource for service providers and faith-based and neighborhood partnership organizations who want to conduct their own Stand Downs for women veterans and women veterans who are experiencing homelessness. The Bureau will support and work with other DOL and federal agencies and local communities to develop policy solutions related to assisting women veterans.

WOMEN'S BUREAU

During FY 2012, the Bureau will support Goal 3.1 - ***Breaking down barriers to fair and diverse workplaces so that every worker's contribution is respected.*** The Bureau will promote workplaces that are free of discrimination and harassment. This will involve producing publications and conducting broad-based multi-media outreach on employment rights, including the rights of pregnant women, mothers, women with disabilities, and women veterans. Outreach efforts will be performed in conjunction with internal and external federal agencies. The Bureau will make use of innovative media strategies to ensure that the information reaches a wide audience.

In support of Goal 3.2 - ***Providing workplace flexibility for family and personal care-giving,*** the Bureau will build on the lessons learned from its National Dialogues on Workplace Flexibility. Workplace flexibility solutions, such as flexible work schedules, family-friendly leave policies, and telework, help employees navigate their work, family, and personal responsibilities, while simultaneously helping employers meet their recruitment/retention needs and helping communities ease traffic congestion and reduce their carbon footprints. The Bureau will consolidate information collected from the National Dialogues in FY 2011 and develop a flexibility impact report, tools, technical assistance plans, and workplace flexibility standards for public and private sector employers. The Bureau will work with other DOL and federal agencies, employers, women's organizations, and other stakeholders to use the information and expand flexible workplace practices, and to promote laws and policies to help workers achieve work-life balance. Furthermore, the Bureau will analyze data related to the intersection of work and family responsibilities collected by the Women's Bureau-sponsored Bureau of Labor Statistics (BLS) American Time Use Survey (ATUS) module. The Bureau will publish a report on its findings.

During FY 2012, the Bureau will continue to work on ***Improving health benefits and retirement security for all workers*** (Goal 4.3). The Bureau will continue to promote financial literacy and education, especially among the U.S.'s Spanish-speaking population. The Bureau will update its on-line resources and curriculum to address the needs of women in this challenging economy. The Bureau will share information on retirement planning, unemployment insurance, health insurance (including COBRA), saving and investing, and homeownership. The Bureau will collaborate with other DOL, federal, and state agencies to examine policies, laws, and regulations that generate inequitable outcomes for women in retirement.

In FY 2012, the Bureau is also requesting an appropriation language change to allow the Bureau to issue grants. The Bureau has found that organizations that address the issues of economic security for women are largely national and community-based nonprofits. Arrangements with such organizations are best managed through grants or cooperative agreements, rather than contracts. The Bureau also intends to fund research geared towards learning about current issues impacting working women that would be better suited to a grant instrument.

WOMEN'S BUREAU

FY 2011

Figures shown for FY 2011 reflect the annualized Continuing Resolution level as a full-year appropriation has not been enacted at the time the budget was produced. Since this level is based on the FY 2010 enacted level, operations under a full-year Continuing Resolution would be consistent with those described in the FY 2010 section.

FY 2010

Fiscal Year 2010 marked the 90th anniversary of the Women's Bureau. With its budget of \$11,604,000 and 58 FTE, the agency successfully reached its FY 2010 objectives and goals. Working closely with stakeholders and constituents, the Bureau carefully examined the current needs and issues of women working in one of the most challenging economic environments our country has ever faced. In FY 2010, the Bureau served in a public policy advocate role by fostering educational and research dialogues and summits addressing critical economic issues, including equal and fair pay, the need and viability of workplace flexibility, women veterans' needs, and access to better-and higher-paying jobs for women. The Bureau is committed to helping the Department meet its goals, and to assisting working-women by increasing its outreach to-and collaboration efforts with- women's advocacy organizations, as well as with other federal agencies that influence changes and create policies that help women achieve financial security.

The Women's Bureau's vision is to empower all working-women to achieve economic security. In order to achieve our vision, we focused upon four major policy priorities during FY 2010. These priorities are women's participation in higher-paying nontraditional jobs, their receipt of fair work compensation, their access to workplace flexibility allowing them to better balance their work and family responsibilities, and helping women veterans who are homeless reintegrate into the workforce.

These four priorities align with the Secretary's goals and meet the growing needs of today's workforce. Secretary Solis' vision – for FY 2010 and beyond – is “Good Jobs for Everyone.” The Bureau's work in FY 2010 supported the Secretary's Strategic Goal 1: *Prepare workers for good jobs and ensure fair compensation* and Strategic Goal 3: *Assure fair and high quality work-life environments*. The relevant outcome goals in FY 2010 were:

- Goal 1.1 *Increase workers' incomes and narrow wage and income inequality;*
- Goal 1.2 *Assure skills and knowledge that prepare workers to succeed in a knowledge-based economy, including in high-growth and emerging industry sectors like “green” jobs;*
- Goal 1.3 *Help workers who are in low-wage jobs or out of the labor market find a path into middle class jobs;*
- Goal 3.1 *Break down barriers to fair and diverse work places so that every worker's contribution is respected;* and
- Goal 3.2 *Provide workplace flexibility for family and personal care-giving.*

WOMEN'S BUREAU

In FY 2010 in support of Goal 1.1 - ***Increasing workers' incomes and narrowing wage and income inequality***, the Bureau, as a member of the National Equal Pay Enforcement Task Force worked with the White House Council on Women and Girls, the DOL Office of Federal Contract Compliance Programs (OFCCP), the Equal Employment Opportunity Commission (EEOC), the Department of Justice (DOJ), and the Office of Personnel Management (OPM) to educate employees of their rights and employers of their obligations. The Bureau reviewed existing internal and external publications and created a publications plan that will be implemented in FY 2011. The publications will reflect current law and policies tied to this topic.

The Bureau also funded a year-long comparative research study on the occupational progression of African American women to identify new issues facing this population and a year-long baseline research study on the occupational progression of Latinas in the U.S.

The Women's Bureau supported Goal 1.2 - ***Assure skills and knowledge that prepare workers to succeed in a knowledge-based economy, including in high-growth and emerging industry sectors like "green" jobs*** by assisting women across generations and socio-economic groups in their efforts to participate in a sustainable "green" economy by attaining higher-paying, career-ladder jobs in non-traditional fields. The Bureau developed "*Why Green Is Your Color: A Woman's Guide to a Sustainable Career*" to increase women's access to high-growth and emerging industry occupations in the green jobs sector nationwide. The Guide provides women workers and workforce professionals with information on hiring needs and challenges, training and entrepreneurship opportunities, and in-demand and emerging jobs in green industries. The Guide is accompanied by resources for women and women's organizations and fact sheets that focus on industry-specific issues.

The Bureau also hosted a series of seven (7) teleconferences for workforce professionals designed to offer information and an exchange of ideas to help better connect women to green jobs training and green employment. Approximately 1,525 people from 49 states, the District of Columbia, Puerto Rico, and Guam participated on the calls. The Women's Bureau conducted nine green jobs training projects throughout the country. These projects were developed in conjunction with experts in green industries to serve as models for engaging and preparing women for a variety of high-growth and emerging green jobs over the next decade. In addition to technical skills training, the projects taught basic skills such as resume writing, interview preparation, computer skills, and financial education.

Supporting Goal 1.3 - ***Help workers who are in low-wage jobs or out of the labor market find a path into middle class jobs***, the Women's Bureau continued its emphasis on helping women veterans who are homeless. Based on information gathered in listening sessions conducted in FY 2009, the Bureau created the "Women Veterans Who are Experiencing Homelessness Summary Report." This report included information from listening sessions, identified the needs of homeless women veterans and explored factors that lead to homelessness among female veterans as well as issues regarding reintegration into the workforce and how to improve services and resources for this population. Information gathered for this report provided the foundation for the development of future research and projects.

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The Bureau also collected case studies and has created fact sheets, resource guides and publications such as *Trauma-Informed Care for Women Veterans Experiencing Homelessness: A Guide for Providers*. This Guide is designed to better equip service providers with a deeper understanding of the unique experiences and needs of female veterans. The Guide will assist providers in recognizing military trauma that impacts reintegration and provides a comprehensive approach to help organizations create effective trauma-informed care environments.

In supporting Goal 3.1 - ***Break down barriers to fair and diverse work places so that every worker's contribution is respected***, the Bureau worked closely with EEOC and OFCCP and other partners to identify issues, develop a list of needed resources and design a series of meetings to be held in FY 2011 with employees, employers, contractors, and advocates to launch education materials into the community and to highlight the available Equal Pay tools and resources for the public.

In FY 2010, the Bureau placed significant emphasis on Goal 3.2 ***Provide workplace flexibility for family and personal care-giving***. The Bureau worked collaboratively with the White House Council on Women and Girls and national work and family researchers and advocates to organize and host a series of ten *National Dialogue on Workplace Flexibility* events. These dialogues were initiated in FY 2010 and will continue into FY 2011. They will be held in Dallas, TX; Atlanta, GA; Pasadena, CA; Seattle, WA; Kansas City, MO; Philadelphia, PA; Chicago, IL; Denver, CO; Boston, MA; New York, NY. The National Dialogue was designed to raise awareness and exchange information about the impact of workplace flexibility. The events will expand the knowledge and support base on flexibility by reaching out to engage new partners/participants in a dialogue on this crucial topic.

In FY 2010, the Women's Bureau worked with BLS to create a series of questions for the purpose of producing a supplemental module to the American Time Use Survey (ATUS). This was designed to measure workers' use and access to paid leave and flexibility of work schedules. The Survey will take place in FY 2011. Results will be available in FY 2012.

Additionally, the Women's Bureau signed a Memorandum of Agreement with the Office of Disability Employment Policy to host a *Workplace Flexibility Roundtable* to do action-based research to expand and promote the use of flexible workplace strategies. Subject-matter experts will share best practices and research, and identify knowledge gaps on workplace flexibility. Subject-matter experts will be comprised of workplace flexibility and disability experts.

The Bureau continued to be the voice for working women in FY 2010 and the efforts started will continue in FY 2011 and FY 2012.

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DETAILED WORKLOAD AND PERFORMANCE				
	FY 2010 Enacted		FY 2011 Estimate	FY 2012 Request
	Target	Result	Target	Target
Womens Bureau				
Strategic Goal 1 - Prepare workers for good jobs and ensure fair compensation	--	--	--	--
Outcome Goal 1.1 Increase Workers' incomes and narrowing wage and income inequality	--	--	--	--
Number of policy outputs	3	3	8	5
Number of collaborations (previously formal/informal agreements)	--	--	100	100
Number of formal agreements		6	--	--
Number of informal agreements		5	--	--
Number of participant hours in strategic outreach activities	3,000	3,150	4,440	6,500
Strategic Goal 1 - Prepare workers for good jobs and ensure fair compensation	--	--	--	--
Outcome Goal 1.2 - Assure skills and knowledge that prepare workers to succeed in a knowledge-based economy, including high-growth and emerging industries like "green" jobs	--	--	--	--
Number of policy outputs	11	5	4	4
Number of collaborations (previously formal/informal agreements)	--	--	235	235
Number of formal agreements	35	36	--	--
Number of informal agreements	6	35	--	--
Number of participant hours in strategic outreach activities	8,600	9,843	5,200	7,200
Strategic Goal 1 - Prepare workers for good jobs and ensure fair compensation	--	--	--	--
Outcome Goal 1.3 - Help workers in low-wage jobs or out of the labor market find a path into middle class jobs	--	--	--	--
Number of policy outputs	1	6	10	4
Number of collaborations (previously formal/informal agreements)	--	--	133	133
Number of formal agreements	10	9	--	--
Number of informal agreements	21	21	--	--
Number of participant hours in strategic outreach activities	3,400	2,151	5,300	6,300
Strategic Goal 3 - Assure fair and high quality work-life environments	--	--	--	--
Outcome Goal 3.1 - Break down barriers to fair and diverse workplaces so that every worker's contribution is respected (WB Other)	--	--	--	--
Number of other outputs	2		4	2
Number of collaborations (previously formal/informal agreements)	--	--	52	52
Number of formal agreements	2	31	--	--

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Number of informal agreements	10	10	--	--
Number of participant hours in other outreach activities	3,150	7,275	4,150	4,150
Outcome Goal 3.2 - Provide workplace flexibility for family and personal care-giving	--	--	--	--
Number of policy outputs	2	4	6	4
Number of collaborations (previously formal/informal agreements)	--	--	232	250
Number of formal agreements	9	13	--	--
Number of informal agreements	7	40	--	--
Number of participant hours in strategic outreach activities	4,500	4,575	15,800	6,500

Legend: (r) Revised (e) Estimate (base) Baseline -- Not Applicable TBD - To Be Determined

Detailed Workload Performance Narrative

Number of Policy and Research Outputs: A policy output contains recommendations or a course of action that if/when implemented by an external entity will lead to a change in women's employment opportunities or conditions. Examples include policy briefs, reports, issue papers, technical assistance on policy bills, and suggested standards. A research output is the result of original research that contributes to the body of knowledge surrounding women in the workforce.

Number of Other Outputs: Other outputs are external publications or materials developed for the primary purpose of sharing information.

Number of Collaborations: (previously formal and informal agreements) A collaboration is a partnership between the Bureau, or its sponsored initiatives, and another entity, such as other DOL and federal agencies, a state or local government, a community-based organization, etc. They can include MOUs, inter/intra agency agreements/discussions, public/private partnership agreements/discussions, and verbal agreements/discussions that expand the Women's Bureau's sphere of influence, amplify the Bureau's message, or convey a formal course of activity to generate policy or practice outcomes in support of improving the work environment and increasing opportunities for women.

Number of Participant Hours in Strategic Outreach Activities: Strategic outreach activities (e.g., listening sessions, roundtables, conferences, and workshop presentations) are initiatives (advocacy led or co-led by the Bureau) geared towards external entities which could help lead to an adopted/implemented policy or practice. "Strategic" specifies that the outreach is focused on one or more of the Bureau's four priority areas (equal pay, work-life balance, homeless women veterans, and higher paying jobs for women). The number of outreach hours is calculated by multiplying the number of participants by the length of the event.

Number of Participant Hours in Other Outreach Activities: These activities are initiatives (advocacy led or co-led by the Bureau) that provide education or technical assistance to working women or organizations, not necessarily related to one of the Bureau's four priority areas or for

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the purpose of influencing policy. The number of outreach hours is calculated by multiplying the number of participants by the length of the event.

FY 2012 Request Level:

The projected workload for FY 2012 will reflect a level similar to FY 2011. At the FY 2012 level, the Bureau will:

- Collaborate with the Equal Pay Enforcement Task Force to facilitate information gathering to fill the data gaps identified at the Equal Pay Research Summit.
- Analyze data collected from DOL grant recipients/service providers targeting women veterans who are experiencing homelessness in order to develop and disseminate standards that can be used by service and health care providers.
- Utilize its research on specific populations to identify systemic issues and develop policy recommendations to address these findings. Develop fact sheets and tools that address issues facing these populations.
- Conduct strategic outreach to targeted partners to improve women's employment in higher paying jobs.

Additionally, in support of the Secretary's goal to *Provide workplace flexibility for family and personal care-giving* (Goal 3.2) the Bureau will:

- Continue its policy and research efforts relating to workplace flexibility and work-family balance.
- Use the information collected through its National Workplace Flexibility Dialogues and Workplace Flexibility Roundtable to develop a flexibility impact report, tools, technical assistance plans, and workplace flexibility standards for public and private sector employers.
- Analyze data on issues related to the intersection of work and family responsibilities collected by the Women's Bureau-sponsored BLS American Time-Use Survey.

The Bureau will continue to establish collaborations (previously formal and informal agreements) with organizations supporting the Bureau's identified policies to ensure that targeted entities (e.g., employers, unions, community organizations, service providers, employees, educational/training institutions, and Federal, state, and local government agencies) adopt and implement strategies to improve the economic security of working women. Rather than focusing on increasing the number of collaborations, there will be an emphasis on the increasing of the quality of the collaborations, by working closely with those who show an interest in adopting and implementing the Bureau's policies.

In FY 2011, the number of strategic outreach hours for goal 3.2 reflects a one-time increase based on the Bureau's series of National Dialogues on Workplace Flexibility. Four national level dialogues are being held (Dallas, Pasadena, Chicago and New York) as well as seven regional ones. In FY 2012, the Bureau's strategic outreach will return to pre-Dialogue levels and focus on strengthening collaborations which resulted from the Dialogues.

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BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2010 Comparable	FY 2011 Estimate	FY 2012 Request	Change FY 12 Req. / FY 10 Comp.
11.1	Full-time permanent	5,695	5,400	5,400	-295
11.5	Other personnel compensation	77	150	150	73
11.9	Total personnel compensation	5,772	5,550	5,550	-222
12.1	Civilian personnel benefits	1,441	1,355	1,355	-86
21.0	Travel and transportation of persons	175	175	175	0
22.0	Transportation of things	2	2	2	0
23.1	Rental payments to GSA	747	757	773	26
23.3	Communications, utilities, and miscellaneous charges	54	49	49	-5
24.0	Printing and reproduction	10	5	5	-5
25.1	Advisory and assistance services	9	262	262	253
25.2	Other services	1,459	1,370	1,373	-86
25.3	Other purchases of goods and services from Government Accounts	1,804	1,971	1,968	164
25.4	Operation and maintenance of facilities	0	4	4	4
25.7	Operation and maintenance of equipment	16	5	5	-11
26.0	Supplies and materials	65	49	49	-16
31.0	Equipment	50	50	50	0
41.0	Grants, subsidies, and contributions	0	0	0	0
	Total	11,604	11,604	11,620	16
1/Other Purchases of Goods and Services From Government Accounts					
	Working Capital Fund	1,754	1,754	1,751	-3
	DHS Services	40	40	40	0
	Services by DOL Agencies	10	177	177	167

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CHANGES IN FY 2012

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$0
Personnel benefits	0
One day less of Pay	0
Federal Employees Compensation Act (FECA)	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	16
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services	0
Working Capital Fund	0
Other government accounts (DHS Charges)	0
Other purchases of goods and services from Government accounts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0

Built-Ins Subtotal **\$16**

Net Program **\$0**

Direct FTE **0**

	Estimate	FTE
Base	\$11,620	59

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BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2010 Comparable	FY 2011 Estimate	FY 2012 Request	Diff. FY 12 Req. / FY 10 Comp.
Budget Authority	7,220	7,220	7,223	3
FTE	40	38	38	-2

NOTE: FY 2010 reflects actual FTE. Authorized FTE for FY 2010 was 45.

Introduction

Operating under authority delegated pursuant to Secretary's Orders, the CRC is the organizational unit within the Department of Labor (DOL) responsible for administering DOL's equal employment opportunity (EEO) program for employees of, and applicants for employment with, DOL. This includes administering 1) an effective discrimination complaint processing system for discrimination complaints filed by DOL employees and applicants for employment with DOL; 2) an affirmative employment program designed to ensure that all employees and applicants for employment enjoy equality of opportunity, thereby advancing the Department's ability to attract, develop, and retain the most qualified workforce to support the agency's achievement of its strategic mission; evaluate the EEO program effectiveness; and develop and submit program plans and accomplishment reports; and 3) the Department's Reasonable Accommodations Resource Center, which provides information and assistance to enable employees with disabilities and applicants for DOL employment with disabilities to secure and advance in employment.

CRC is also responsible for ensuring compliance with Federal equal opportunity (EO) and nondiscrimination laws by recipients of financial assistance and in DOL conducted programs through program monitoring, complaint processing, and the processing of work-related complaints under Title II of the Americans with Disabilities Act. CRC also coordinates enforcement of DOL compliance with the Architectural Barriers Act of 1968, which requires that certain federally owned or leased buildings be in compliance with the General Services Administration's accessibility standards.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2007	\$6,445	40
2008	\$6,182	33
2009	\$6,535	42
2010	\$7,220	45
2011	\$0	0

NOTE: A full-year 2011 appropriation for this account was not enacted at the time the budget was prepared.

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FY 2012

In FY 2012, CRC will continue its initiatives pertaining to rebuilding the foundation of the organization, particularly with regard to its resources and systems. It is of vital importance that there is sufficient staff available with the specialized knowledge to provide services in support of these activities unique to DOL. The CRC will focus on making core structural enhancements to information systems that track data relative to its programs – Title VI and Title VII. Further, CRC will allocate resources to ensure timely EEO discrimination complaint processing (including counseling, alternative dispute resolution, investigations, and final agency decisions), develop and deliver mandatory EEO training, and ensure compliance with regulatory requirements regarding reasonable accommodations for individuals with disabilities. The CRC’s goal is to make DOL’s internal EEO program a model for the Federal government.

In FY 2012, CRC’s allocation priorities for its external EO program include making certain that DOL’s Workforce Investment Act (WIA) financial assistance recipients and conducted programs have equal opportunity policies and streamlined procedures in place. CRC will allocate resources to process complaints of discrimination in a timely manner. In addition, consistent with DOL’s “Plan/Prevent/Protect” strategy, CRC is revamping its approach to conducting compliance reviews. CRC’s regulations implementing the nondiscrimination provisions of WIA, which require States to submit the Methods of Administration (MOA) nondiscrimination plans, are already aligned with the “Plan” aspect of the strategy. CRC will intensify its focus on the “Prevent” and “Protect” aspects:

- “Prevent”: CRC reviews will spotlight whether the States are monitoring the activities of their agencies and recipients, as required by the WIA nondiscrimination regulations. In addition, CRC will analyze monitoring-related information gathered during compliance visits, and will use the results of this analysis to revise the MOA requirements, as appropriate. CRC will also continue to provide training and technical assistance.
- “Protect”: CRC will continue to accomplish several goals: identifying and remedying possible systemic discrimination in a particular workforce system, and setting a baseline for and conducting trend analysis (i.e., identifying increase in compliance rates or decrease in discrimination rates) to determine whether CRC’s strategies and activities are having a beneficial influence on the behaviors of covered entities.

The Office of External Enforcement will continue to process equal opportunity complaints brought by the public against recipients of federal financial assistance and Department of Labor conducted programs, in support of the enforcement responsibilities established pursuant to the following required EO laws: Section 188 of the Workforce Investment Act of 1998, as amended, Title VI of the Civil Rights Act of 1964, as amended, Section 504 of the Rehabilitation Act of 1973, as amended, Age Discrimination Act of 1975, as amended, Title IX of the Education Amendments of 1972, as amended; and Title II, Subpart A of the Americans with Disabilities Act of 1990 (ADA), as amended. Processing activity in the OEE Unit will primarily involve the following functions: conducting investigations, collecting evidence from complainants and other parties involved with the complaint through the use of written interrogatories and phone

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interviews; and drafting determinations based on the evidence collected. In 2012 CRC Office of External Enforcement anticipates processing no less than 1000 EO complaints of discrimination.

The Office of Diversity Management (ODM), overseen by CRC and funded by the Administration and Management activity, will promote full inclusion and utilization of all employees in the DOL workplace. This will be accomplished by conducting outreach activities and attending diversity conferences on behalf of DOL to colleges and universities with strongly diverse populations, as well as to national organizations such as the League of United Latin American Citizens (LULAC); the National Association for the Advancement of Colored People (NAACP); Federally Employed Women (FEW); the Federal Asian Pacific American Council (FAPAC); the Society for Advancement of Chicanos and Native Americans (SACNAS); and the National Lighthouse for the Blind, among others. ODM also directs the Department's seven Special Emphasis Programs/Events, which celebrate and promote the employment of women, minorities, and individuals with disabilities.

Also, in FY 2012, ODM will seek to foster a positive work environment, and maximize high quality performance and productivity, by soliciting the pro-active support of management and employees in implementing affirmative employment, diversity management and disability objectives. This approach also supports ODM's approach to achieving and maintaining a more diverse workforce.

ODM, in FY 2012, will also continue to educate and train managers and supervisors on various hiring flexibilities and resources available for recruiting, promoting, and retaining all employees, including those with disabilities as well as educating and training managers on diversity and inclusion issues regarding the importance of hiring veterans and the disabled.

FY 2011

Figures shown for FY 2011 reflect the annualized Continuing Resolution level as a full-year appropriation has not been enacted at the time the budget was produced. Since this level is based on the FY 2010 enacted level, operations under a full-year Continuing Resolution would be consistent with those described in the FY 2010 section.

FY 2010

The FY 2010 appropriation provided CRC with \$7,220,324 and 45 FTE. CRC also had oversight responsibility for ODM with \$800,000 and 5 FTE, funded through the Administration and Management budget activity. Two FTE were acquired in January 2010 after a reorganization of Departmental small business activities and one additional FTE was just acquired upon the disbandment of the Office of Small Business Programs. The CRC's performance goals continued to support the Department's Employment and Training Administration's (ETA) strategic goals as well as Office of Disability Employment Policy (ODEP) in its mission to develop and influence disability-related employment policy and practice affecting the employment of people with disabilities.

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In FY 2010, CRC required all DOL managers and supervisors to have equal employment opportunity training to enable them to effectively manage their workplace. A component of this training included alternative dispute resolution (ADR) training to equip managers and supervisors with the skills to resolve conflicts in the workplace at the earliest possible stage; and to employ those skills when necessary at mediations during the EEO complaint process, so as to enable the Department and its respective sub-agencies to realize significant cost savings from participating in the administrative EEO process. In 2010, CRC proposed revisions to its mediation program so that agencies are now required to mediate EEO complaints when complainants elect mediation with the mediations conducted by a non-DOL third-party neutral. The agency also undertook new initiatives including outreach, recruitment, and the education of employees and individuals with disabilities regarding special hiring authorities.

In FY 2010, CRC conducted four focused onsite reviews of randomly selected State UI programs. These reviews focused on two issues:

- whether States were conducting required analyses (including the analyses based on age), as well as taking appropriate follow-up actions; and
- whether States were monitoring their covered subrecipients for compliance with the full range of nondiscrimination- and equal opportunity-related obligations set forth in 29 CFR part 37.

Ultimately, CRC found that these targeted reviews led to a greater understanding of the requirements CRC focuses on in all states, and as a result state EO Officers are more likely to ensure that their State is complying with those requirements.

The CRC continued to provide classroom training to supervisors and employees regarding nondiscrimination and equal opportunity policies and procedures within DOL in the national office as well as in regional locations. The training included discussion of DOL Policies and Procedures on Disability Accommodation, the Policy and Procedures for Preventing and Eliminating Harassing Conduct in the Workplace, the EEO complaint process, and the Notification and Federal Employee Antidiscrimination and Retaliation (No FEAR) Act of 2002.

In working towards achieving its goal of enhancing the knowledge of DOL financial assistance recipients regarding their obligations, the CRC also continued to deliver training to states regarding compliance with the applicable equal opportunity and nondiscrimination regulations. Additionally, the CRC has provided substantial assistance to states in the review and update of their Methods of Administration, which specifies ways each state is meeting and will continue to meet the requirements of the nondiscrimination provisions of the Workforce Investment Act.

The CRC continued to engage in activities that will allow it to discover and implement best practices that are applicable to its performance measures. For example, the CRC reports to the Equal Employment Opportunity Commission (EEOC), a self assessment and evaluation of the Department's EEO program against the EEOC's defined model, as part of the goal to ensure nondiscrimination within DOL.

Additionally, the CRC has utilized leading technology in carrying out a variety of activities. For example, the CRC has utilized its website, videoconferencing capability, webinars, and the

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provision of online training to broaden its reach in providing compliance assistance to recipients as part of our goal to enhance the knowledge of DOL financial assistance recipients regarding their equal opportunity and nondiscrimination obligations.

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DETAILED WORKLOAD AND PERFORMANCE				
	FY 2010 Enacted		FY 2011 Estimate	FY 2012 Request
	Target	Result	Target	Target
Civil Rights				
Civil Rights Center				
Strategic Goal 1 - Prepare workers for good jobs and ensure fair compensation	--		--	--
Outcome Goal 1.1 - Increase workers' incomes and narrowing wage and income inequality.	--		--	--
Outcome Goal 1.2 - Assure skills and knowledge that prepare workers to succeed in a knowledge-based economy, including in high-growth and emerging industry sectors like "green" jobs.	--		--	--
Outcome goal 1.3 - Help workers who in low-wage jobs or out of the labor market find a path into middle class jobs.	--		--	--
Outcome goal 1.4 - Help middle-class families remain in the middle class.	--		--	--
Outcome goal 1.6 - Foster acceptable work conditions and respect for workers' rights in the global economy to provide workers with a fair share of productivity and protect vulnerable people.	--	--	--	--
Strategic Goal 3 - Assure fair and high quality work-life environments	--	--	--	--
Outcome goal 3.1 - Break down barriers to fair and diverse work places so that every worker's contribution is respected.	--	--	--	--
Strategic Goal 4 - Secure health benefits and, for those not working, provide income security.	--	--	--	--
Outcome Goal 4.1 - Facilitate return to work for workers experiencing workplace injuries or illnesses who are able to work.	--	--	--	--
*OCAP - Number of individuals that have received compliance assistance via training	1,220	1,220	1,270	1,270
OIE - Number of Internal EEO Informal Complaints of Discrimination*	216	218	218	218
OIE - Number of Internal EEO Formal Complaints of Discrimination	130	129	129	140
OEE - Number of EO Program Complaints	950	943	950	950
EEO Conferences	19	19	20	20
Total	2,535	2,529	2,587	2,598

Legend: (r) Revised (e) Estimate (base) Baseline -- Not Applicable TBD - To Be Determined

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Detailed Workload Performance Narrative

CRC's External EO Program

CRC's external functions support DOL-wide Strategic Goal 1 and outcome goals 1.1, 1.2, 1.3, 1.4, and 1.6, by ensuring that America's workers have equal opportunity to receive services and training via the workforce development system. Such services and training are designed to prepare workers to find a path into middle class jobs, and to succeed in a knowledge-based economy.

CRC's work also supports DOL-wide Strategic Goal 3 and outcome goal 3.1, by protecting people who are themselves employed by the workforce development system, helping to ensure that their workplaces are fair and diverse and that their contributions are respected.

CRC's enforcement of disability nondiscrimination laws supports DOL-wide Strategic Goal 4 and outcome goal 4.1, by ensuring that people who work for the workforce system, and who experience illness or injuries, are not prevented from returning to work by unfair stereotyping about their capabilities, or failure to provide reasonable accommodations. For people whose injuries or illnesses have forced them to leave the labor market for a time, CRC's work helps to ensure that the same types of barriers do not deny them an equal opportunity to receive the services and training they need from the workforce system.

CRC's Compliance reviews are conducted when CRC obtains evidence of violations of the nondiscrimination provisions of WIA (found in Section 188 of the statute) or the regulations implementing those provisions. Because of resource limitations, CRC depends heavily upon the MOA review process to carry out its oversight responsibilities. CRC relies on the State Governors:

- to fully implement the activities described in their MOAs, and
- to conduct on-site monitoring of their own activities and those of the One-Stop partners and programs within their States, to ensure that they are refraining from discrimination and providing equal opportunity.

As a strategy to address limited ability to conduct on-going, scheduled, compliance reviews, beginning in FY 2010, CRC shifted the focus of its MOA reviews, from formalistic verification of "paper compliance" with the technical MOA requirements, to determining whether recipients' policies and practices discriminate on a prohibited basis or deny equal opportunity to a protected group. In FY 2012, the MOA will be used to identify whether the States are monitoring the activities of their agencies and recipients, as required by the WIA nondiscrimination regulations and target CRC resources to where deficiencies are identified. CRC will analyze monitoring-related information gathered during its compliance visits. CRC will also continue to provide training and technical assistance and expects to deliver technical assistance to 1,270 external customers. With the identified resources, in addition to the above compliance activities, CRC expects to address 950 discrimination complaints.

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CRC's Internal EEO and Affirmative Employment Programs

Funding at the Agency's Request Level will ensure the deployment of more training and Alternative Dispute Resolution (ADR) services so that the number of Informal and Formal Complaints will not increase. After completing training for the Department's managerial/supervisory cadre, the CRC will also develop and offer training for all Departmental employees. The ADR program will be enhanced to ensure that prompt mediation services are available to address all complaints filed at the earliest possible stage. Even though the cost of investigations will increase somewhat as a result of an increase in charges by the service provider (related to their increased expenditures), CRC anticipates to sustain compliance with regulatory requirements for investigations and Final Agency Decisions (FADs) by providing more training and offering ADR at the earliest possible stage of the complaint process.

CRC's Office of Diversity Management (ODM) provides Departmental leadership in creating and maintaining an inclusive, diverse work environment where individuals are valued so that all employees can reach their potential and maximize their contributions. ODM directs:

- The Department's Affirmative Employment Program, which conducts outreach activities on behalf of DOL to colleges and universities with strongly diverse populations, as well as to national organizations that may serve as sources for recruitment of employees from diverse backgrounds; and
- The Department's Special Emphasis Programs, which celebrate and promote the employment of women, minorities, and individuals with disabilities. Current Special Emphasis Programs include those devoted to women, individuals with disabilities, African-Americans, American Indians/Alaska Natives, Asian Pacific Americans, and Hispanics.

The Department anticipates that ODM staff will be able to continue to coordinate DOL agency participation in outreach activities targeted to diverse audiences, consistent with the high priority placed by the Administration on building and maintaining a diverse federal workforce.

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BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2010 Comparable	FY 2011 Estimate	FY 2012 Request	Change FY 12 Req. / FY 10 Comp.
11.1	Full-time permanent	4,110	4,022	4,022	-88
11.5	Other personnel compensation	103	175	175	72
11.9	Total personnel compensation	4,213	4,197	4,197	-16
12.1	Civilian personnel benefits	1,016	965	965	-51
21.0	Travel and transportation of persons	59	75	75	16
23.1	Rental payments to GSA	359	381	384	25
23.3	Communications, utilities, and miscellaneous charges	60	35	35	-25
24.0	Printing and reproduction	20	10	10	-10
25.2	Other services	69	75	75	6
25.3	Other purchases of goods and services from Government Accounts	1,342	1,409	1,409	67
25.4	Operation and maintenance of facilities	20	0	0	-20
25.7	Operation and maintenance of equipment	0	5	5	5
26.0	Supplies and materials	50	51	51	1
31.0	Equipment	12	17	17	5
42.0	Insurance claims and indemnities	0	0	0	0
	Total	7,220	7,220	7,223	3
1/Other Purchases of Goods and Services From Government Accounts					
	Working Capital Fund	1,303	1,331	1,331	28
	DHS Services	8	8	8	0
	Services by DOL Agencies	7	7	7	0
	Services by Other Government Departments	24	63	63	39

CIVIL RIGHTS

CHANGES IN FY 2012

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$0
Personnel benefits	0
One day less of Pay	0
Federal Employees Compensation Act (FECA)	0
Travel and transportation of persons	0
Rental payments to GSA	3
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Other services	0
Working Capital Fund	0
Other government accounts (DHS Charges)	0
Other purchases of goods and services from Government accounts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Insurance claims and indemnities	0

Built-Ins Subtotal **\$3**

Net Program **\$0**

Direct FTE **0**

	Estimate	FTE
Base	\$7,223	38

CHIEF FINANCIAL OFFICER

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2010 Comparable	FY 2011 Estimate	FY 2012 Request	Diff. FY 12 Req. / FY 10 Comp.
Budget Authority	5,361	5,361	5,364	3
FTE	21	22	22	1

NOTE: FY 2010 reflects actual FTE. Authorized FTE for FY 2010 was 29.

Introduction

The mission of the Office of the Chief Financial Officer (OCFO) is to foster effective stewardship of public funds, safeguard fiscal integrity through effective internal controls, and provide timely, accurate, and useful financial information to decision makers. The OCFO plans and directs the financial management programs of the Department, including the development of accounting, payroll and financial management policies and systems. The OCFO also oversees agency-based financial management functions and systems and ensures agency compliance with applicable GAO, Treasury, and other standards. OCFO serves as a support agency to all the agencies within DOL. The efficiency and effectiveness of OCFO allows the client agencies within DOL to accomplish their missions and ultimately the Secretary's goals.

OCFO provides comprehensive direction to all DOL program agencies on financial matters arising from legislative and regulatory mandates such as:

- The Chief Financial Officers (CFO) Act of 1990;
- The Government Management Reform Act (GMRA) of 1994;
- The Federal Financial Management Improvement Act (FFMIA) of 1996;
- The Federal Managers' Financial Integrity Act (FMFIA) of 1982;
- The Information Technology Management Reform Act (Clinger-Cohen) of 1996;
- The Reports Consolidation Act of 2000; and
- The Improper Payments Information Act (IPIA) of 2002.

To fulfill its financial management responsibilities, the OCFO (1) develops and promulgates accounting and financial management policies for DOL, and reviews and approves component agency financial policies, procedures, and structures for adherence to the policies of DOL; (2) ensures compliance throughout DOL with applicable accounting standards and principles, and financial information and system functional standards; (3) exercises overall responsibility for the Department's compliance with FMFIA and for the Department's fiscal integrity; (4) ensures adequate controls are in place over asset management; (5) participates with Department agency heads and other staff in the policy review of proposed legislative and program initiatives from a financial management perspective; (6) ensures that DOL agencies gather timely and accurate financial information to manage and oversee major procurements; and (7) develops policies and procedures for investigating potential violations of the Anti-Deficiency Act.

OCFO is requesting \$5,364,000 and 22 FTE in the Departmental Management, Salaries and Expenses appropriation to support its efforts to improve the accuracy, timeliness, and utility of

CHIEF FINANCIAL OFFICER

financial information used to make critical programmatic decisions throughout the Department. Additional resources are included in the Working Capital Fund.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2007	\$5,336	28
2008	\$5,098	20
2009	\$5,278	23
2010	\$5,361	29
2011	\$0	0

NOTE: A full-year 2011 appropriation for this account was not enacted at the time the budget was prepared.

FY 2012

In FY 2012, the funding request of \$5,364,000 and 22 FTE will support the continued strategy of the Office of the Chief Financial Officer (OCFO) to provide and further the enhancement of a broad range of financial information and services for the Department and central governmental agencies, such as the Department of Treasury. These activities underpin sound financial management and bolster transparent stewardship of public funds throughout the Department. The funds support implementation of corrective and preemptive action plans and ensure agency internal controls over financial reporting and systems are well documented, sufficiently tested, and properly assessed. The funds will allow OCFO to continue its concerted effort with Departmental program agencies for assessing and improving the effectiveness of internal controls. Funding will also provide resources to continue core financial management review operations, including updating the Department's internal policies and regulations. In addition, the OCFO will continue its efforts to complete data clean up and resolve outstanding issues resulting from the migration to the New Core Financial Management System. Additional resources and associated workload and performance data are included in the Working Capital Fund.

FY 2011

Figures shown for FY 2011 reflect the annualized Continuing Resolution level as a full-year appropriation has not been enacted at the time the budget was produced. Since this level is based on the FY 2010 enacted level, operations under a full-year Continuing Resolution would be consistent with those described in the FY 2010 section.

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FY 2010

In FY 2010, the OCFO continued its broad range of services designed to ensure sound financial management at the Department; continued execution of corrective and preemptive action plans; and ensured agency internal controls over financial reporting and systems were well documented, sufficiently tested, and properly assessed. More specifically, the agency provided necessary resources for the in-depth testing and evaluation of internal controls, building upon the Department's internal control infrastructure. Funding also provided resources to continue core financial management and auditing operations, and documentation, testing, and implementation of corrective actions with respect to internal controls.

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BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2010 Comparable	FY 2011 Estimate	FY 2012 Request	Change FY 12 Req. / FY 10 Comp.
11.1	Full-time permanent	2,453	2,788	2,788	335
11.3	Other than full-time permanent	0	0	0	0
11.5	Other personnel compensation	40	0	0	-40
11.9	Total personnel compensation	2,493	2,788	2,788	295
12.1	Civilian personnel benefits	836	725	725	-111
21.0	Travel and transportation of persons	17	13	13	-4
23.1	Rental payments to GSA	349	341	344	-5
23.3	Communications, utilities, and miscellaneous charges	30	30	30	0
24.0	Printing and reproduction	0	76	76	76
25.1	Advisory and assistance services	325	0	0	-325
25.2	Other services	201	438	438	237
25.3	Other purchases of goods and services from Government Accounts	896	921	921	25
25.4	Operation and maintenance of facilities	0	0	0	0
25.7	Operation and maintenance of equipment	159	0	0	-159
26.0	Supplies and materials	50	10	10	-40
31.0	Equipment	5	19	19	14
	Total	5,361	5,361	5,364	3
1/Other Purchases of Goods and Services From Government Accounts					
	Working Capital Fund	877	877	875	-2
	DHS Services	9	14	14	5
	Services by DOL Agencies	5	5	5	0
	Services by Other Government Departments	5	25	27	22

CHIEF FINANCIAL OFFICER

CHANGES IN FY 2012

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$0
Personnel benefits	0
One day less of Pay	0
Federal Employees Compensation Act (FECA)	0
Travel and transportation of persons	0
Rental payments to GSA	3
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services	0
Working Capital Fund	0
Other government accounts (DHS Charges)	0
Other purchases of goods and services from Government accounts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Built-Ins Subtotal	\$3

Net Program	\$0
Direct FTE	0

	Estimate	FTE
Base	\$5,364	22

INFORMATION TECHNOLOGY SYSTEMS

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2010 Comparable	FY 2011 Estimate	FY 2012 Request	Diff. FY 12 Req. / FY 10 Comp.
Budget Authority	0	0	0	0
FTE	0	0	0	0

NOTE: Prior and current year resources for this activity are found in the corresponding tables in the Information Technology Modernization account.

Introduction

The Department of Labor (DOL) established an information technology (IT) budget line item (referred to as the IT Crosscut) in FY 2001 to fund enterprise-wide IT initiatives, i.e., those initiatives that cut across multiple agencies within the Department. DOL was the first federal department to establish a department-wide IT crosscut account, which has been recognized as a best practice. The Office of the Chief Information Officer (OCIO) manages the IT Crosscut account. The OCIO first identified four IT crosscutting portfolio areas: Enterprise Architecture, Common Office Automation, Common Management Systems, and Security & Privacy. The areas have been revised and now include: Enterprise-Wide Programs, Universal and Common Solutions, e-Government, and IT Infrastructure. Along with the revised areas, the budget line item has been renamed and re-established as the IT Infrastructure Modernization Program.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2007	\$29,462	0
2008	\$19,651	0
2009	\$21,286	0
2010	\$19,892	0
2011	\$0	0

NOTE: A full-year 2011 appropriation for this account was not enacted at the time the budget was prepared.

FY 2012

The Department of Labor is requesting that Information Technology (IT) budget line item (referred to as the IT Crosscut) be renamed and re-established as the IT Infrastructure Modernization Program. This program will have its own appropriation and will embark on new challenges and responsibilities on delivering IT services across nine major agencies. For information on the Department's IT plans, please refer to the IT Infrastructure and Modernization Program section of the budget.

INFORMATION TECHNOLOGY SYSTEMS

FY 2011

Figures shown for FY 2011 reflect the annualized Continuing Resolution level as a full-year appropriation has not been enacted at the time the budget was produced. Since this level is based on the FY 2010 enacted level, operations under a full-year Continuing Resolution would be consistent with those described in the FY 2010 section.

FY 2010

Every year, new and ongoing enterprise-wide investments are evaluated for their viability as well as appropriateness for inclusion within the IT Crosscut portfolio and use of IT Crosscut funds. Each request is evaluated against established criteria to determine the appropriate use of scarce government resources to support investments, which will assist the Department in meeting its overall mission. The investments in the IT Crosscut are typically enterprise-wide efforts, which are progressing through the planning, development, and/or implementation phases. Once an IT Crosscut investment achieves steady state (i.e., Operations and Maintenance Stage), it is removed from the IT Crosscut and begins to receive funding from the investment users or beneficiaries of the IT investment.

The FY 2010 IT Crosscut budget included the following investments and amounts (\$ in 000s):

INVESTMENT	AMOUNT (\$ in 000s)
DOL Consolidated Enterprise Architecture Program Mgt	\$1,300
Comprehensive IT Project Management (FAP/PM)	\$41
e-Laws	\$492
E-Procurement System (EPS)	\$900
Departmental e-Budgeting System (DEBS)	\$400
e-Government (Federal-wide initiatives)	\$1,488
HR LoB Investments	\$2,800
HSPD-12 (Identity Management)	\$4,900
DOL Document Management/Records Management (DM/RM)	\$2,800
Infrastructure Pool (TIC, IPv6, Video Streaming)	\$2,571
DOL Infrastructure Optimization (DIO)	\$2,200
Total:	\$19,892

DOL Consolidated Enterprise Architecture Program Management: Provides the basis upon which sound business and IT decisions can be made by ensuring IT investments are aligned with DOL strategic objectives. Facilitates simplified and redesigned work processes that result in higher quality, more effective customer services, reduced operational complexity, and reallocation of budget resources to higher value applications.

IT Project Management, Security & Enterprise Architecture Training: Supports the DOL goal to address the management of human capital by assisting Federal IT Project Managers,

INFORMATION TECHNOLOGY SYSTEMS

Enterprise Architects, and IT Security Officers with obtaining training and recognized certifications.

e-Laws: Web-based interactive applications that duplicate the interaction an employee or employer would have with a DOL employment law expert by generating customized, legally vetted, plain English answers to questions. E-Laws is a key component of the Secretary's Compliance Assistance Initiative.

eJudication: Continues the development of a single Departmental web-based government to citizen portal integrating eFiling, an automated process of serving legal documents to parties in the case (eService), and research capabilities across the Adjudicatory and Review boards, as well as the Solicitor's Office.

Departmental E-Budgeting System and Budget Formulation and Execution LoB: Web-based, fully automated formulation, publication and reporting budget lifecycle management. This solution delivers a consistent budget to stakeholders to improve budget transparency while de-emphasizing the time required administering the budget's overall design. Additionally, DEBS allows budget analysts time to assess program performance against scarce government resources.

HR LoB Investments: Collection of human resource (HR) investments including the HR Line of Business Shared Service Center e-gov initiative, e-Training (LearningLink) rollout, and funding the e-gov Human Resource Line of Business (HR LoB). HR resources will be used to modify payroll, time and attendance, and reporting procedures. Key activities include data migration and validation, training, establishing the reporting environment, and parallel testing. Funds will be used to expand offerings and coverage of the DOL-wide e-Training (LearningLink) system. LearningLink was implemented Department-wide in FY-07. During FY 2009 Departmental course offerings will be expanded, agency-specific curricula will be added, and the training request process will be automated. Human Resource LoB funds a Federal Government-wide effort for a modern, cost effective, standardized, and interoperable HR solutions providing common, core functionality to support strategic management of human capital and addressing duplicative HR systems and processes across the Federal Government.

HSPD-12: Finalizes the Department's phased implementation to address the Presidential Directive to have all DOL employees and contractors utilizing a single Personal Identification Verification (PIV) card equipped with the components as defined by the Directive's Phase II requirements by October 27, 2008.

DOL Document Management/Records Management: Continues the development of a Department-wide document management and records management solution that would comply with National Archives and Records Administration requirements and eventually link with their electronic solution.

Infrastructure Pool: Provides planning funds to address Department-wide IT infrastructure enhancements/opportunities such as data encryption, two-factor authentication, mobile workforce, and transition planning to accommodate Internet Protocol version 6 requirements.

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DOL Infrastructure Optimization: In FY 2004, the Department began a multiyear phased approach for identifying, planning, and implementing IT infrastructure optimization opportunities. This is a Department-wide effort with participation from all agencies, which has resulted in a unified approach to optimizing infrastructure consolidation opportunities for the purposes of providing business benefits to DOL while meeting individual agency needs.

INFORMATION TECHNOLOGY SYSTEMS

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2010 Comparable	FY 2011 Estimate	FY 2012 Request	Change FY 12 Req. / FY 10 Comp.
11.1	Full-time permanent	0	0	0	0
11.3	Other than full-time permanent	0	0	0	0
11.5	Other personnel compensation	0	0	0	0
11.9	Total personnel compensation	0	0	0	0
12.1	Civilian personnel benefits	0	0	0	0
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	0	0	0	0
23.3	Communications, utilities, and miscellaneous charges	0	0	0	0
24.0	Printing and reproduction	0	0	0	0
25.1	Advisory and assistance services	0	0	0	0
25.2	Other services	0	0	0	0
25.3	Other purchases of goods and services from Government Accounts	0	0	0	0
25.4	Operation and maintenance of facilities	0	0	0	0
25.7	Operation and maintenance of equipment	0	0	0	0
26.0	Supplies and materials	0	0	0	0
31.0	Equipment	0	0	0	0
	1/Other Purchases of Goods and Services From Government Accounts				

INFORMATION TECHNOLOGY SYSTEMS

CHANGES IN FY 2012

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$0
Personnel benefits	0
Benefits for former personnel	0
Travel and transportation of persons	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services	0
Other government accounts (DHS Charges)	0
Other purchases of goods and services from Government accounts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0

Built-Ins Subtotal **\$0**

Net Program **\$0**

Direct FTE **0**

	Estimate	FTE
Base	\$19,892	0

DEPARTMENTAL PROGRAM EVALUATION

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2010 Comparable	FY 2011 Estimate	FY 2012 Request	Diff. FY 12 Req. / FY 10 Comp.
Budget Authority	8,500	8,500	18,400	9,900
FTE	0	0	0	0

Introduction

The Departmental Evaluation Program was funded in FY 2010, after the Administration and the Department recognized the need for a central office to oversee and conduct rigorous evaluations. These evaluations include random assignment studies to determine which programs and interventions work and inform policy, management, and resource allocation decisions. Previously, the Department's evaluation capacity had eroded, and only a few high quality evaluations of programs were funded. The Department's research and evaluation efforts have historically been focused on job training and employment. The Department-wide evaluation account now allows expansion of evaluation activities to other programs, with a priority on large, lightly examined, and/or high-priority programs such as worker protection. The Department's research and evaluation agenda is developed based on feedback from the public, Congress, and stakeholders; and is made public each year.

The Department-wide evaluation activities are overseen by a Chief Evaluation Officer with staff skilled in evaluation design and statistical analysis. Staff is funded through the Program Direction and Support budget activity for Departmental Management. Members of the office manage evaluations funded with the Department-wide account, and coordinate with the Employment and Training Administration in the execution of its program evaluations funded through the Training and Employment Services appropriation.

The underlying goals of the Department's centralization of evaluation activities are to: (1) build evaluation capacity and expertise in the Department; (2) ensure high standards in evaluations undertaken by, or funded by the Department of Labor; (3) ensure the independence of the evaluation and research functions; and (4) make sure that evaluation and research findings are available and accessible in a timely and user-friendly way, so they inform policymakers, program managers, and the public. To further these goals, the Department of Labor is building partnerships with the academic community and other outside parties to leverage private-sector research expertise.

DEPARTMENTAL PROGRAM EVALUATION

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2007	\$0	0
2008	\$0	0
2009	\$0	0
2010	\$8,500	0
2011	\$0	0

NOTE: A full-year 2011 appropriation for this account was not enacted at the time the budget was prepared.

FY 2012

In FY 2012, the request for the Departmental Program Evaluation activity is \$18,400,000, which includes a program increase of \$9,900,000. In addition, the Budget requests authority in a new Labor General Provision for the Department to set aside up to 0.5 percent of its major program accounts for evaluation funding, which would provide up to \$22,000,000. If the Department decides to use program funds for evaluation, it would transfer those funds to the Chief Evaluation Office after submitting a plan to Congress explaining the planned evaluation activities. Consolidating evaluation funds in the Chief Evaluation Office will allow the Department to be strategic in planning high-quality evaluations. Accounts that would be subject to the set-aside are: Job Corps, State Unemployment Insurance and Employment Service Operations, Employee Benefits Security Administration, Office of Workers' Compensation Programs, Wage and Hour Division, Office of Federal Contract Compliance Programs, Office of Labor Management Standards, Occupational Safety and Health Administration, Mine Safety and Health Administration, and Veterans Employment and Training. Training and Employment Services is not included in the set-aside authority because this account has a separate appropriation for evaluation, and already contains an evaluation set-aside for the Workforce Innovation Fund.

In 2012 and future years, the Department hopes to rely on the set-aside provision to ensure a base level of rigorous evaluation for a variety of programs. This approach is used by other Federal agencies, such as the Department of Housing and Urban Development. Additional funding requests for Departmental Program Evaluation can provide resources for large evaluations in priority areas. Significant resources are requested this year so that the Department's increased investments in the worker protection agencies, as well as in new community college grants, can be accompanied by evaluation of these activities.

Funding at the requested level will allow the Department to continue its commitment to strengthen its research and evaluation program to assure that DOL initiatives are cost effective and serve their intended goals and the larger vision of "*good jobs for everyone.*" In FY 2012, the Department plans to conduct several evaluations to examine the cost effectiveness of alternative enforcement techniques, penalty strategies, and/or media strategies. In addition, the

DEPARTMENTAL PROGRAM EVALUATION

Department plans to continue gathering baseline data about areas of labor rights such as pensions, health benefit rights and equal pay rights, as well as evaluate the effectiveness of various outreach strategies being developed by OSHA and the Wage and Hour Division. These evaluations will support the Secretary of Labor's outcome goal of increasing the level of *voice in the workplace*—namely to increase workers' knowledge of their right and their ability to exercise those rights without fear of reprimand.

The Department also plans to conduct evaluations that impact several of its large budgetary FY 2012 initiatives such as apprenticeships and pre-apprenticeship programs, on-the-job training, and the Trade Adjustment Assistance (TAA) Community College and Career Training grants program. The Department is particularly interested in examining grantees that focus on economically disadvantaged populations. The Department's request for two-year funding will be especially useful in conducting evaluations of these new initiatives. It will allow the Department to first conduct an implementation study of the field to understand the range of interventions being conducted. Based on these findings, the Department will then be able to decide which program models and specific sites to rigorously test in order to yield the most policy relevant impact information.

FY 2011

Figures shown for FY 2011 reflect the annualized Continuing Resolution level as a full-year appropriation has not been enacted at the time the budget was produced. Since this level is based on the FY 2010 enacted level, operations under a full-year Continuing Resolution would be consistent with those described in the FY 2010 section.

FY 2010

The FY 2010 appropriation included \$5,000,000 for a new initiative to support rigorous evaluations across the Department of Labor, and create a new Chief Evaluation Officer position. These resources were complemented by \$3,500,000 from the Administration and Management activity in Departmental Management which was used for research on program implementation and performance.

In FY 2009, the Department measured the compliance rates within various WHD and OSHA employers and began the process of examining the effect of inspections in WHD and OSHA on compliance and recidivism. FY 2010 evaluation funding expanded this effort to other jurisdictions, measuring compliance rates for pension plan rules among many classes of employers. In FY 2010, Departmental Program Evaluation also assessed the accuracy and usefulness of MSHA injury and illness data to see if and how the Department can improve its monitoring of mine safety. The Department began a multi-year evaluation of the comparative cost-effectiveness of distance-learning methods for inspector refresher inspection training. It also designed evaluations that will measure the deterrent effect of workforce protection strategies, such as inspection sweeps and broad public relations campaigns on compliance.

In order to *assure fair and high quality work-life environments*, FY 2010 funding was used to develop measures of *voice in the workplace*: a worker's ability to access information on their

DEPARTMENTAL PROGRAM EVALUATION

rights in the workplace, their understanding of those rights, and their ability to exercise these rights without fear of discrimination or retaliation. FY 2010 funding was also used to measure employee-perceived non-compliance with various labor laws, such as wage and hours and workplace safety rules. These studies explore how *voice* differs by worker and employer characteristics, and attempt to determine if voice and perceived non-compliance relating to one agency's jurisdiction are correlated to those of another agency's. These surveys will also serve as baseline measurement against which the Department can evaluate the effectiveness of future outreach programs.

In addition, \$7,000,000 of FY 2010 ARRA funds were used to conduct two evaluations of ARRA provisions. One evaluation is examining the effects of having provided unemployed individuals with a substantial subsidy for their COBRA premiums. The study measures the subsidy's impact on how long families were able to afford health insurance, their use of health services, their health status, and their level of financial distress. The second evaluation is a thorough investigation of how the changes to unemployment insurance (UI) that occurred under ARRA affected workers and their families. The Department is also investigating where and how the Federal government's use of incentives altered the states' UI rules.

DEPARTMENTAL PROGRAM EVALUATION

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2010 Comparable	FY 2011 Estimate	FY 2012 Request	Change FY 12 Req. / FY 10 Comp.
24.0	Printing and reproduction	0	0	0	0
25.1	Advisory and assistance services	8,500	8,500	18,400	9,900
25.2	Other services	0	0	0	0
25.3	Other purchases of goods and services from Government Accounts	0	0	0	0
25.4	Operation and maintenance of facilities	0	0	0	0
25.7	Operation and maintenance of equipment	0	0	0	0
31.0	Equipment	0	0	0	0
	Total	8,500	8,500	18,400	9,900

DEPARTMENTAL PROGRAM EVALUATION

CHANGES IN FY 2012

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Printing and reproduction	\$0
Advisory and assistance services	0
Other services	0
Other purchases of goods and services from Government accounts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Equipment	0

Built-Ins Subtotal **\$0**

Net Program **\$9,900**

Direct FTE **0**

	Estimate	FTE
Base	\$8,500	0
Program Increase	\$9,900	0