

FY 2011

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, [\$354,827,000]\$428,297,000, together with not to exceed \$327,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund: *Provided*, That [\$66,500,000]\$115,000,000 is for the Bureau of International Labor Affairs and shall be available for obligation through December 31, [2010]2011: *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 [the United States' contribution to the International Labor Organization's International Program on the Elimination of Child Labor]programs to combat exploitative child labor internationally: *Provided further*, That not less than [\$6,500,000]\$26,500,000 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 funds available for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs, may be allocated to agencies of the Department by the Department's Chief Information Officer: *Provided further*, That \$50,300,000 shall be used for program evaluation, of which \$40,300,000 shall be available for obligation through September 30, 2012: *Provided further*, That funds available for program evaluation may be transferred to any other appropriate account in the Department for such purpose. (*Department of Labor Appropriations Act, 2010.*)

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EXPLANATION OF LANGUAGE CHANGE

Language changes for FY 2011 include: 1) provision of amounts available for obligation through December 31, 2011, for the Bureau of International Labor Affairs; 2) designation of funds for international child labor activities, rather than earmarked to a specific organization, 3) broader authority for the use of worker rights funds, and 4) provision of amount available for program evaluation, including amount available for obligation through September 2012, and the availability of the funds for transfer to other accounts in the Department as necessary for program evaluation activities.

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AMOUNTS AVAILABLE FOR OBLIGATION								
(Dollars in Thousands)								
	FY 2009 Comparable		Recovery Act		FY 2010 Estimate		FY 2011 Request	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
A. Appropriation	1,124	314,723	59	80,000	1,232	355,679	1,298	428,297
Pursuant to P.L.111-5 for Recovery Act 2009	0	0	59	80,000	0	0	0	0
Pursuant to P.L.111-8 for FY 2009	1,124	314,723	0	0	0	0	0	0
<i>Subtotal Appropriation</i>	<i>1,124</i>	<i>314,723</i>	<i>59</i>	<i>80,000</i>	<i>1,238</i>	<i>355,679</i>	<i>1,274</i>	<i>428,297</i>
Reimbursements	17	21,840	0	0	17	15,995	17	15,995
Trust Funds - Black Lung	151	24,694	0	0	151	25,091	151	25,394
Trust Funds - Unemployment Trust Fund	3	327	0	0	3	327	3	327
Non-Expenditure Transfers to DM	0	0	0	0	0	0	0	0
Non-Expenditure Transfers from DM	0	0	0	-58,940	0	0	0	0
<i>Subtotal</i>	<i>171</i>	<i>46,861</i>	<i>0</i>	<i>-58,940</i>	<i>171</i>	<i>41,413</i>	<i>171</i>	<i>41,716</i>
B. Gross Budget Authority	1,295	361,584	59	21,060	1,409	397,092	1,445	470,013
Reimbursements	-17	-21,840	0	0	-17	-15,995	-17	-15,995
Non-Expenditure Transfers from DM	0	0	0	58,940	0	0	0	0
<i>Subtotal</i>	<i>-17</i>	<i>-21,840</i>	<i>0</i>	<i>58,940</i>	<i>-17</i>	<i>-15,995</i>	<i>-17</i>	<i>-15,995</i>
C. Budget Authority	1,278	339,744	59	80,000	1,392	381,097	1,428	454,018
Reimbursements	17	21,840	0	0	17	15,995	17	15,995
IT Crosscut	0	0	0	0	0	0	0	0
Non-Expenditure Transfers from DM	0	0	0	-58,940	0	0	0	0
<i>Subtotal</i>	<i>17</i>	<i>21,840</i>	<i>0</i>	<i>-58,940</i>	<i>17</i>	<i>15,995</i>	<i>17</i>	<i>15,995</i>
D. Total Budgetary Resources	1,295	361,584	59	21,060	1,409	397,092	1,445	470,013
Unobligated Balance Expiring	0	0	0	0	0	0	0	0
FTE Lapse	-22	0	0	0	0	0	0	0
E. Total, Estimated Obligations	1,273	361,584	59	21,060	1,409	397,092	1,445	470,013

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SUMMARY OF CHANGES

(Dollars in Thousands)

	FY 2010 Estimate	FY 2011 Request	Net Change
Budget Authority			
General Funds	355,679	428,297	+72,618
Trust Funds	25,418	25,721	+303
Total	381,097	454,018	+72,921
Full Time Equivalents			
General Funds	1,238	1,274	+36
Trust Funds	154	154	0
Total	1,392	1,428	+36

Explanation of Change	FY 2010 Base		Trust Funds		FY 2011 Change General Funds		Total	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Increases:								
A. Built-Ins:								
To Provide For:								
Costs of pay adjustments	1,392	158,039	0	220	0	1,900	0	2,120
Personnel benefits	0	36,418	0	74	0	622	0	696
Federal Employees Compensation Act (FECA)	0	233	0	0	0	73	0	73
Travel and transportation of persons	0	3,164	0	0	0	0	0	0
Transportation of things	0	37	0	0	0	0	0	0
Rental payments to GSA	0	18,178	0	9	0	302	0	311
Communications, utilities, and miscellaneous charges	0	1,906	0	0	0	0	0	0
Printing and reproduction	0	820	0	0	0	0	0	0
Advisory and assistance services	0	14,012	0	0	0	13	0	13
Other services	0	17,396	0	0	0	396	0	396
Working Capital Fund	0	33,453	0	0	0	541	0	541
Other government accounts (DHS Charges)	0	490	0	0	0	0	0	0
Other purchases of goods and services from Government accounts	0	457	0	0	0	0	0	0
Research & Development Contracts	0	875	0	0	0	0	0	0
Operation and maintenance of facilities	0	3,815	0	0	0	0	0	0
Operation and maintenance of equipment	0	16,694	0	0	0	44	0	44
Supplies and materials	0	3,134	0	0	0	0	0	0
Equipment	0	5,709	0	0	0	0	0	0
Grants, subsidies, and contributions	0	65,760	0	0	0	0	0	0
Built-Ins Subtotal	1,392	380,590	0	303	0	3,891	0	4,194
B. Program:								
Administrative Review Board Backlog Reduction	250	29,286	0	0	3	583	3	583

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Explanation of Change	FY 2010 Base		Trust Funds		FY 2011 Change		Total	
					General Funds			
ILAB - Monitoring and Enforcing Trade and Labor Provisions	95	91,419	0	0	10	21,792	10	21,792
Program Evaluation Management	0	0	0	0	3	450	3	450
SOL support for Employee Misclassification	0	0	0	0	10	1,600	10	1,600
SOL support for FMSHRC ALJs	0	0	0	0	12	2,000	12	2,000
To provide for an increase for the Departmental IT Systems activities	0	0	0	0	0	20,642	0	20,642
To provide for funding of DOL program evaluations	0	0	0	0	0	41,800	0	41,800
WB - Determining the Feasibility of Collecting Data on Work Family Balance	58	10,604	0	0	0	500	0	500
Programs Subtotal			0	0	+38	+89,367	+38	+89,367
C. Financing:								
Total Increase	+1,392	+380,590	0	+303	+38	+93,258	+38	+93,561
Decreases:								
A. Built-Ins:								
To Provide For: Federal Employees Compensation Act (FECA)	0	507	0	0	0	-148	0	-148
Built-Ins Subtotal	0	507	0	0	0	-148	0	-148
B. Program:								
OASAM Streamlining Reductions	111	34	0	0	-2	-600	-2	-600
To provide for a decrease for the Departmental IT Systems activities	0	21,392	0	0	0	-19,892	0	-19,892
Programs Subtotal			0	0	-2	-20,492	-2	-20,492
C. Financing:								
Total Decrease	0	+507	0	0	-2	-20,640	-2	-20,640
Total Change	+1,392	+381,097	0	+303	+36	+72,618	+36	+72,921

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SUMMARY BUDGET AUTHORITY AND FTE BY ACTIVITY								
(Dollars in Thousands)								
	FY 2009 Comparable		Recovery Act		FY 2010 Estimate		FY 2011 Request	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Program Direction and Support	108	25,806	8	14,656	152	33,350	155	34,225
General Funds	108	25,806	8	14,656	152	33,350	155	34,225
Legal Services	593	105,364	22	3,282	636	125,226	658	130,433
General Funds	534	97,382	22	3,282	577	117,121	599	122,234
Unemployment Trust Funds	3	327	0	0	3	327	3	327
Black Lung Disability Trust Funds	56	7,655	0	0	56	7,778	56	7,872
International Labor Services	81	86,074	0	0	95	92,669	105	115,000
General Funds	81	86,074	0	0	95	92,669	105	115,000
Administration and Management	129	29,475	27	2,501	127	30,676	125	30,501
General Funds	129	29,475	27	2,501	127	30,676	125	30,501
Adjudication	247	45,599	0	0	250	46,599	253	47,889
General Funds	157	28,560	0	0	155	29,286	158	30,367
Black Lung Disability Trust Funds	90	17,039	0	0	95	17,313	95	17,522
Womens Bureau	50	10,419	0	0	58	11,604	58	12,255
General Funds	50	10,419	0	0	58	11,604	58	12,255
Civil Rights	42	6,943	0	0	45	7,220	45	7,335
General Funds	42	6,943	0	0	45	7,220	45	7,335
Chief Financial Officer	23	5,278	2	621	29	5,361	29	5,438
General Funds	23	5,278	2	621	29	5,361	29	5,438
Information Technology Systems	0	21,286	0	0	0	19,892	0	20,642
General Funds	0	21,286	0	0	0	19,892	0	20,642
Departmental Program Evaluation	0	3,500	0	0	0	8,500	0	50,300
General Funds	0	3,500	0	0	0	8,500	0	50,300
Total	1,273	339,744	59	21,060	1,392	381,097	1,428	454,018
General Funds	1,124	314,723	59	21,060	1,238	355,679	1,274	428,297
Unemployment Trust Funds	3	327	0	0	3	327	3	327
Black Lung Disability Trust Funds	146	24,694	0	0	151	25,091	151	25,394

NOTE: FY 2009 reflects actual FTE.

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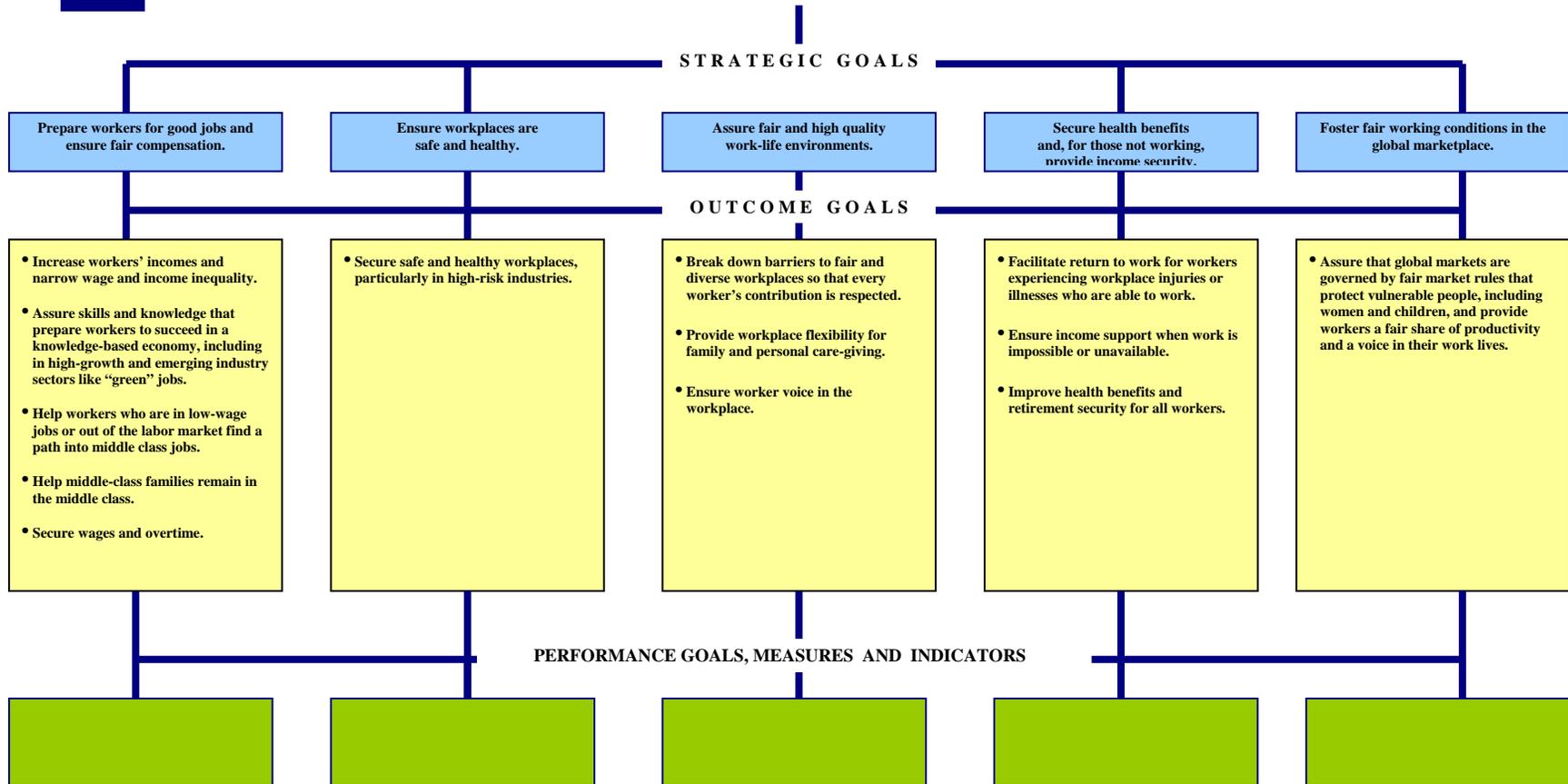
BUDGET AUTHORITY BY OBJECT CLASS						
(Dollars in Thousands)						
		FY 2009 Comparable	Recovery Act	FY 2010 Estimate	FY 2011 Request	Change FY 11 Req. / FY 10 Est.
	Full-Time Equivalent					
	Full-time Permanent	1,273	59	1,392	1,428	36
	Reimbursable	17	0	17	17	0
	Total	1,290	59	1,409	1,445	36
	Total Number of Full-time Permanent Positions	1,290	59	1,409	1,445	36
	Average ES Salary	169,229	0	172,613	179,690	7077
	Average GM/GS Grade	12.3	0	12.3	12.3	0
	Average GM/GS Salary	94,323	0	96,209	97,031	822
	Average Salary of Ungraded Positions	166,428	0	169,757	176,717	6960
11.1	Full-time permanent	128,983	1,451	152,650	159,208	6558
11.3	Other personnel compensation	2,005	2,685	815	827	12
11.5	Other personnel compensation	2,341	0	4,654	4,667	13
11.8	Special personal services payments	549	375	5	5	0
11.9	Total personnel compensation	133,878	4,511	158,124	164,707	6583
12.1	Civilian personnel benefits	33,148	705	37,016	38,393	1377
13.0	Benefits for Former Personnel	53	0	57	65	8
21.0	Travel and transportation of persons	2,708	141	3,164	3,407	243
22.0	Transportation of things	48	2	37	37	0
23.1	Rental payments to GSA	19,901	0	18,178	18,489	311
23.3	Communications, utilities, and miscellaneous charges	1,807	8	1,906	1,945	39
24.0	Printing and reproduction	1,733	603	820	824	4
25.1	Advisory and assistance services	5,658	0	17,512	59,421	41909
25.2	Other services	11,521	14,904	13,896	8,540	-5356
25.3	Other purchases of goods and services from Government accounts 1/	31,557	0	34,400	34,941	541
25.4	Operation and maintenance of facilities	4,483	0	3,815	1,063	-2752
25.5	Research & Development Contracts	756	0	875	875	0
25.7	Operation and maintenance of equipment	16,435	75	16,694	26,549	9855
26.0	Supplies and materials	1,311	35	3,134	3,191	57
31.0	Equipment	8,987	76	5,709	5,811	102
41.0	Grants, subsidies, and contributions	65,760	0	65,760	85,760	20000
	Total	339,744	21,060	381,097	454,018	72,921
	1/Other Purchases of Goods and Services From Government Accounts					
	Working Capital Fund	27,833	0	33,453	33,994	541
	DHS Services	2,710	0	490	490	0
	Services by Other Government Departments	938	0	380	380	0
	Services by DOL Agencies	76	0	22	22	0
	GSA Services	0	0	55	55	0

NOTE: FY 2009 reflects actual FTE.

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Secretary's Vision: "Good Jobs for Everyone"



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TOTAL BUDGETARY RESOURCES

FY 2009 - 2011
(Dollars in Thousands)

	FY 2009 Comparable				Recovery Act	FY 2010 Estimate				FY 2011 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	339,744	0	0	339,744	21,060	381,097	0	0	381,097	454,018	0	0	454,018
Program Direction and Support	25,806	0	0	25,806	14,656	33,350	0	0	33,350	34,225	0	0	34,225
Legal Services	105,364	0	0	105,364	3,282	125,226	0	0	125,226	130,433	0	0	130,433
International Labor Services	86,074	0	0	86,074	0	92,669	0	0	92,669	115,000	0	0	115,000
Administration and Management	29,475	0	0	29,475	2,501	30,676	0	0	30,676	30,501	0	0	30,501
Adjudication	45,599	0	0	45,599	0	46,599	0	0	46,599	47,889	0	0	47,889
Women's Bureau	10,419	0	0	10,419	0	11,604	0	0	11,604	12,255	0	0	12,255
Civil Rights	6,943	0	0	6,943	0	7,220	0	0	7,220	7,335	0	0	7,335
Chief Financial Officer	5,278	0	0	5,278	621	5,361	0	0	5,361	5,438	0	0	5,438
Information Technology Systems	21,286	0	0	21,286	0	19,892	0	0	19,892	20,642	0	0	20,642
Departmental Program Evaluation	3,500	0	0	3,500	0	8,500	0	0	8,500	50,300	0	0	50,300
Total	339,744	0	0	339,744	21,060	381,097	0	0	381,097	454,018	0	0	454,018

^{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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SIGNIFICANT ITEMS IN APPROPRIATION COMMITTEES' REPORTS

Significant Report 111-66 DM/ILAB

Senate: The Committee once again directs the Secretary to include in the 2009 report all former GSP recipients that have achieved a Free Trade Agreement with the United States over the preceding year.

Response: International Labor Affairs Bureau (ILAB) is in the process of carrying out research for its 2009 annual report, prepared in accordance with Section 412(c) of the Trade and Development Act of 2000 (TDA). The TDA expands country eligibility criteria for preferential tariff treatment under the Generalized System of Preferences program (GSP) enacted by the Trade Act of 1974 to include the implementation of commitments to eliminate the worst forms of child labor. The TDA also applies this criterion to eligibility for trade benefits under the Africa Growth and Opportunity Act (AGOA), the U.S.-Caribbean Basin Trade Partnership Act (CBTPA), and the Andean Trade Preference Act/Andean Trade Promotion and Drug Eradication Act (ATPA/ATPDEA). Section 412(c) of the TDA contains a mandate for the Secretary of Labor to report on each "beneficiary country's implementation of its international commitments to eliminate the worst forms of child labor." As noted by the Committee, ILAB will include in the 2009 annual report all former GSP recipients that have achieved a Free Trade Agreement with the United States over the preceding year.

Significant Report 111-66 DM/ILAB

Senate: The Committee expects the Department of Labor to work with the governments of host countries to eliminate school fees that create a barrier to education.

Response: ILAB acknowledges this language on working with the governments of host countries to eliminate school fees that create a barrier to education. ILAB sees elimination of school fees as a key strategy for overcoming the barriers to children's access to educational opportunities that in turn contribute to the incidence of exploitive child labor. ILAB is in the process of developing its plans for allocating FY 2010 appropriated resources for technical cooperation programming to combat child labor and will include support for government efforts to expand educational access as a key strategy of these programs. In addition, ILAB-funded programs will also continue to support efforts to improve the quality and relevance of the education that children receive.

Significant Report 111-66 DM/ILAB

Senate: The Committee intends for ILAB to continue to support the implementation of the Harkin-Engel Protocol by providing assistance to countries in the collection of data regarding the worst forms of child labor in the cocoa sector.

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Response: ILAB acknowledges this language concerning continued support for implementation of the Harkin-Engel Protocol and the specific reference to providing assistance to countries in the collection of data regarding the worst forms of child labor in the cocoa sector. ILAB is actively engaged in such efforts in connection with ongoing projects it has funded with the International Labor Organization and Tulane University.

In response to Congressional language, in FY 2006 ILAB awarded the Oversight of Public and Private Initiatives to Eliminate the Worst Forms of Child Labor in the Cocoa Sector in Côte d'Ivoire and Ghana contract (the "Cocoa Oversight Contract") to Tulane University. The Joint Explanatory Statement accompanying the FY 2009 Omnibus Appropriations (Public Law 111-8) instructed ILAB to expand this contract in order to "support the assessment of the implementation of the child labor monitoring system by industry covering 100 percent of the cocoa growing areas in Cote d'Ivoire and Ghana..." A major focus of ILAB's contract with Tulane is collection of data regarding the worst forms of child labor in the cocoa sectors of Côte d'Ivoire and Ghana. The contract also includes funding for further developing the capacity of national actors to collect such data. As this suggests, assistance to countries in the collection of data will continue to be a major focus of Tulane's work under this contract in FY 2010.

In addition, in FY 2009 ILAB funded a \$7.95 million, regional project *Eliminating the Worst Forms of Child Labor in West Africa by Strengthening Sub-Regional Cooperation through ECOWAS* (ECOWAS Project) that will support efforts to develop and implement models for effective monitoring of exploitive child labor, including in the production of cocoa, and the building of national capacities to sustain and scale-up such effective models. This project will build upon and complement the child labor data collection efforts of Tulane and the governments of Côte d'Ivoire and Ghana.

Through these two initiatives, ILAB will continue in FY 2010 to actively support the implementation of the Harkin-Engel Protocol, including by assisting the countries of Côte d'Ivoire and Ghana in the collection of reliable data on child labor in the production of cocoa.

Significant Report 111-220 DM/SOL

House: The committee recommends \$113,621,000 for the Office of the Solicitor, which is \$16,239,000 above the fiscal year 2009 funding level and \$3,500,000 below the budget request. The Committee recommendation is sufficient to hire at least 60 new personnel and increase the agency's resolution of pending litigation and regulatory issues. The Committee expects to annualize these costs in future appropriations to ensure that the agency has adequate legal staff to support the Department's reinvigorated enforcement agenda.

Response: Based on the "likely enacted" funding level, which was significantly higher than the fiscal year 2009 funding level, SOL increased its on-board staff funded by SOL's appropriated funds from approximately 590 late in FY 2009 to approximately 600 as of the end of FY 2009. Pursuant to the FY 2010 enacted budget, SOL has further increased that number to approximately 630 as of January, 2010.

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Significant Report 111-220 DM

House: The Committee encourages the Secretary to reconstitute this multi-agency coordination on farmworker policy and requests an update on the Department's activities on this issue. The Secretary should transmit this letter to the Committees on Appropriations of the House of Representatives and the Senate no later than 90 days after enactment of this Act.

Response: The agency intends to submit this letter on time.

Significant Report 111-220 DM

House: The Committee directs the Secretary to provide a report on the Department's ongoing activities to assist these firms. The report should include the percentage of Federal procurement contracts and subcontracts awarded in fiscal year 2009 to women-owned firms, minority-owned firms, and small businesses; a review of the Department's technical assistance and outreach to women-owned firms, minority-owned firms, and small businesses; and the Department's plan for increasing the number of Federal contracts that are awarded to such firms. The Secretary should submit this report to the Committees on Appropriations of the House of Representatives and the Senate by March 1, 2010.”

Response: The agency intends to submit this report on time.

Significant Report 111-220 DM/ILAB

House: *International Labor Affairs Bureau.*—The Committee recommends \$91,419,000 for the International Labor Affairs Bureau (ILAB), which is \$5,345,000 above the fiscal year 2009 funding level and the same as the budget request. Within this amount, the bill provides funding at the fiscal year 2009 level for continuation of activities to prevent child labor and trafficking. The Committee also continues to designate \$6,500,000 for model programs to address worker rights issues in countries with which the United States has trade preference programs—a program initially funded in the Consolidated Appropriations Act, 2008. In addition, the Committee designates that funding increases in this bill shall be used to add 12 full-time equivalents to allow ILAB to fulfill its mandate related to the enforcement of labor provisions of free trade agreements, as well as to improve labor diplomacy and international cooperation programs and strengthen research and reporting on labor exploitation and worker rights. The Committee believes that these resources will help level the playing field for American workers by allowing ILAB to significantly improve technical assistance and monitoring of worker rights in countries that maintain free trade agreements with the United States.

Response: ILAB agrees that these resources will allow the Bureau to expand its oversight and monitoring of working conditions in countries that enjoy free trade agreements and preference programs with the United States. This is a vital part of the Administration's goal of ensuring that globalization provides benefits and opportunities for workers everywhere, rather than triggering a “race to the bottom.” The Bureau's vision is to help American workers build the foundation for a sustained recovery of the global economy, a more balanced pattern of global trade in the future, and respect for the rights of workers – everywhere in the world.

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Significant Report 111-220 DM/WB

House: *Women's Bureau.*—The Committee recommends \$12,604,000 for the Women's Bureau, which is \$2,185,000 above the fiscal year 2009 funding level and \$2,000,000 above the budget request. The Women's Bureau has a mission of promoting the welfare of wage earning women by advancing their opportunities for profitable employment and improving their working conditions. The Committee encourages the Women's Bureau to continue to support national networks for women's employment that advance women in the workplace through education and advocacy. The Committee believes that organizations which continue to exceed annual performance goals and are strategically aligned with the goals of the Women's Bureau deserve increased support. The recommendation therefore includes funds for the expansion of competitive contracts to provide technical assistance to local women's employment and training programs.

Response: The Women's Bureau received an additional \$1,000,000 above their President's Budget. As a result of the additional funding the Women's Bureau will increase its support of the advancement of women in the workplace through education, research, and advocacy. The Bureau will work with Federal agencies and national organizations to provide information and technical assistance it will also promote increased participation of women in employment and training program especially in the area of high growth and emerging industry sectors. Through its outreach and advocacy efforts, the Women's Bureau will work to ensure that more are aware of opportunities in the emerging sector such as "green" jobs and prepared to succeed.

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AUTHORIZING 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			

DEPARTMENTAL MANAGEMENT

Public Law / Act	Legislation	Statute No. / US Code	Volume No.	Page No.	Expiration Date
Pub. L. 99-570	Benefits Review Board – Black Lung Appeals Program & Longshore Appeals Program Employees' Compensation Appeals Board. Review appeals of claims under Federal Employees' Compensation Act Anti-Drug Act of 1986	30 U.S.C. Section 901 et seq. 5 U.S.C. Section 8101 et seq.			

DEPARTMENTAL MANAGEMENT

APPROPRIATION HISTORY					
(Dollars in Thousands)					
	Budget Estimates to Congress	House Allowance	Senate Allowance	Appropriations	FTE
2001....1/	459,144	266,479	359,554	401,946	1,516
2002....2/	352,355	383,878	361,834	258,624	1,417
2003....3/	350,042	341,967	419,575	374,034	1,527
2004....4/	296,937	276,419	375,010	373,720	1,536
2005....5/	310,873	259,967	350,319	337,246	1,420
2006....6/	268,662	264,022	344,800	314,944	1,402
2007	267,345	262,039	267,346	324,175	1,319
2008....7/	279,021	318,046	338,503	318,737	1,237
2009....8/	288,177	0	0	338,892	1,298
2010	380,180	375,245	382,245	381,097	1,386
2011	454,018	0	0	0	1,428

- 1/ Reflects a \$483,000 reduction pursuant to P.L. 106-554.
- 2/ Reflects a \$1,636,000 reduction pursuant to P.L. 107-116 and 107-206.
- 3/ Reflects a \$2,297,000 reduction pursuant to P.L. 108-07.
- 4/ Reflects a \$2,509,000 reduction pursuant to P.L. 108-199.
- 5/ Reflects a \$2,735,000 reduction pursuant to P.L. 108-447.
- 6/ Reflects a \$3,005,000 reduction pursuant to P.L. 109-148.
- 7/ Reflects a \$5,184,000 reduction pursuant to P.L. 110-161
- 8/ This bill was only reported out of Subcommittee and was not passed by the Full House.

DEPARTMENTAL MANAGEMENT

OVERVIEW

Introduction

The primary goal of the U.S. Department of Labor (DOL) is to protect and promote the interests of the American worker. The Departmental Management (DM) Salaries and Expenses (S&E) appropriation is responsible for formulating and overseeing the implementation of Departmental policy and management activities in support of that goal. Departmental Management is important in this regard because it provides leadership and direction for the various agencies within DOL.

The Departmental Management Salaries and Expenses appropriation is composed of the following ten essential 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; Information Technology Systems; and Departmental Management Program Evaluation. Three of the ten 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 Liaison; Office of Faith Based Initiatives; 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 Organization.

DEPARTMENTAL MANAGEMENT

The Administration and Management activity 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.

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/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 ensuring compliance with Federal civil rights laws and their implementing regulations. These laws and regulations cover DOL employees and 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 IT Crosscut activity is used to address department-wide information technology priorities by serving the needs of Departmental agencies in an integrated fashion and funding enterprise-wide initiatives.

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 isn't, and changes that can be made ensuring resources are spent effectively department-wide.

The FY 2011 Departmental Management budget programmatically supports the Department of Labor's outcome goals for the vision of *good jobs for everyone* through the efforts of the Women's Bureau and Bureau of International Labor Affairs. Other Departmental Management agencies support the Secretary's vision by supporting the programs by providing policy, regulatory, legal, and administrative services as well as enforcement litigation.

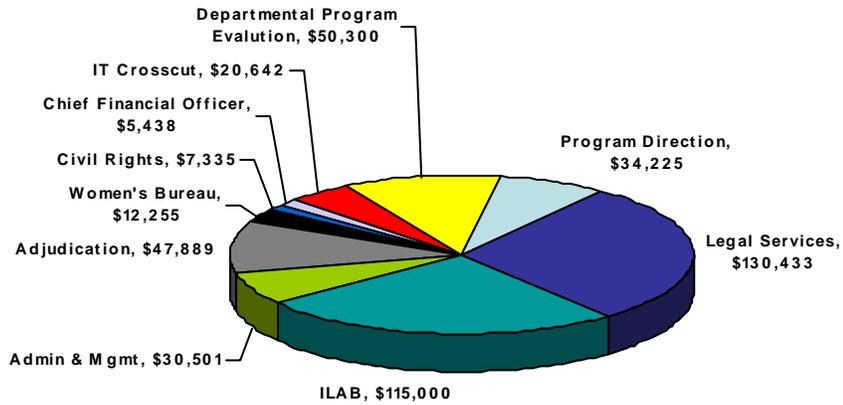
Cost Model

The total budget request for the Departmental Salaries and Expenses appropriation for FY 2011 totals \$454,018,000 and 1,428 FTE. This request includes the IT Crosscut request of \$20,642,000.

DEPARTMENTAL MANAGEMENT

The total includes \$428,297,000 and 1,277 FTE provided for general funds; \$25,394,000 and 151 FTE provided from the Black Lung Disability Trust Fund; and \$327,000 and 3 FTE provided from the Unemployment Trust Fund. The total of \$454,018,000 includes net built-in increases in the amount of \$4,046,000 and net program increases totaling \$68,875,000.

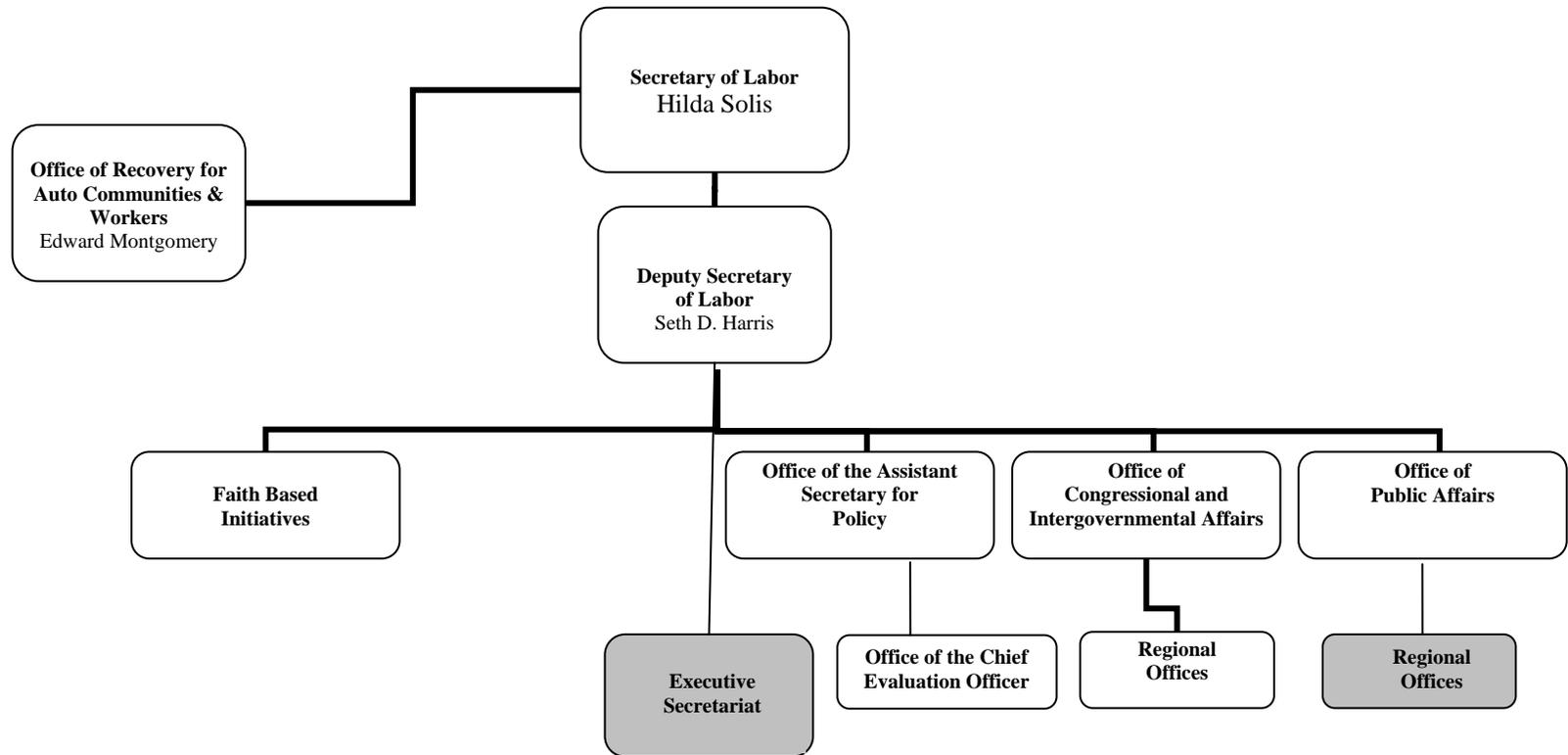
FY 2011 Budget Request by Program Activity
Total DM Budget: \$454,018,000
(Dollars in Thousands)



DEPARTMENTAL MANAGEMENT

ORGANIZATION CHART

PROGRAM DIRECTION AND SUPPORT

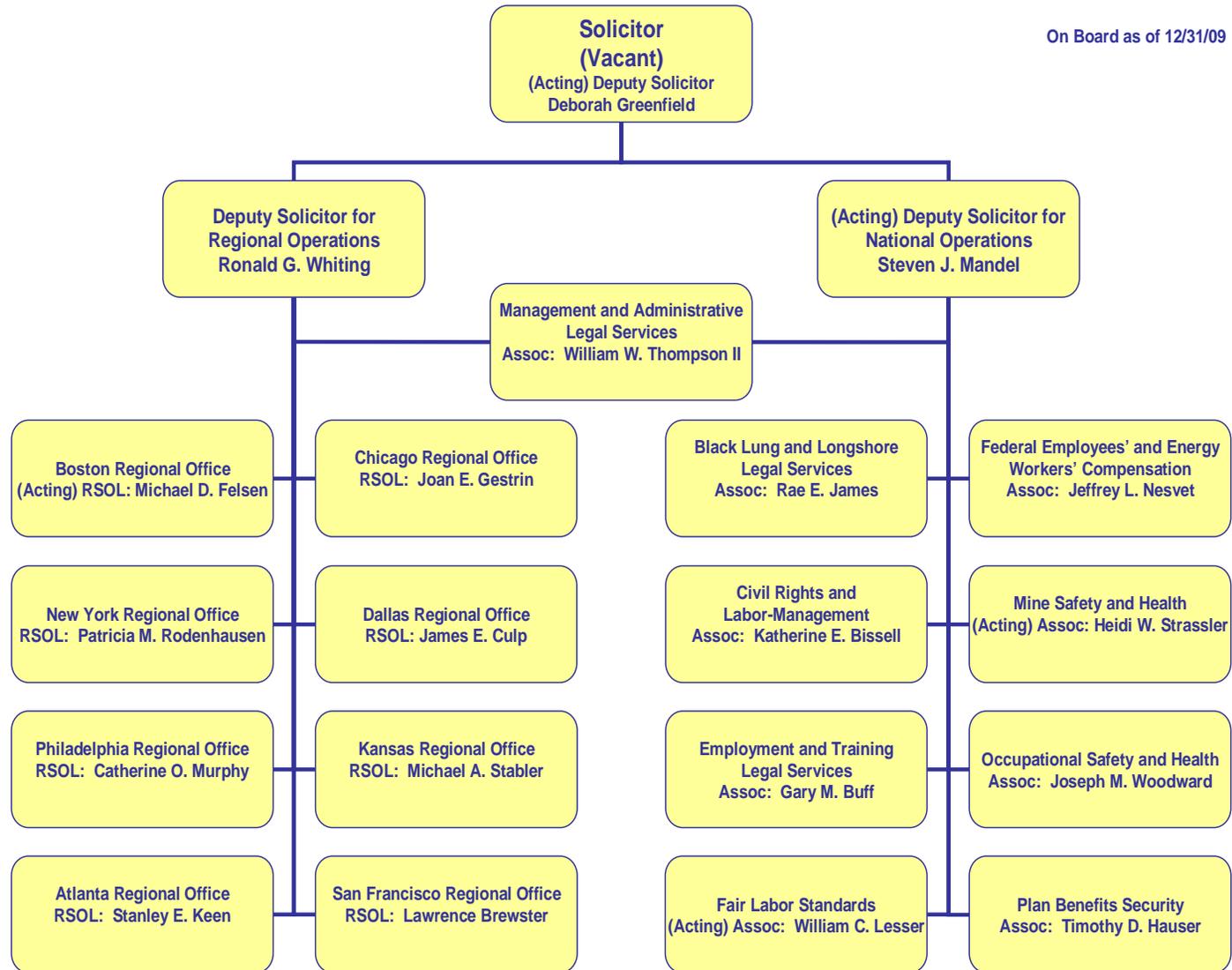


Shaded box indicates funding through the Departmental Management Working Capital Fund

DEPARTMENTAL MANAGEMENT

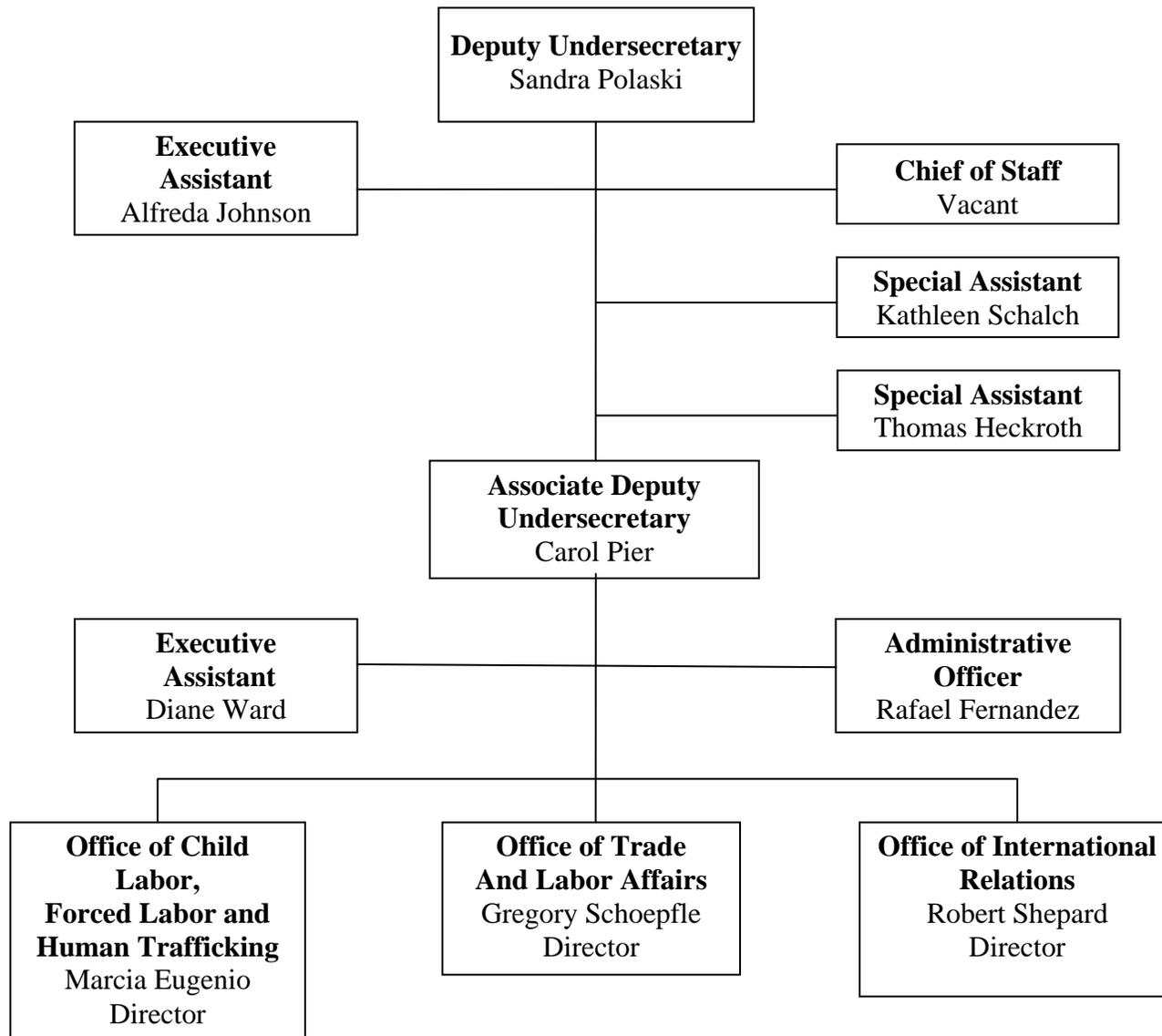
Office of the Solicitor

Not Included – OLC, HP, Special Assistants, Senior Advisers or Sub Regional Offices



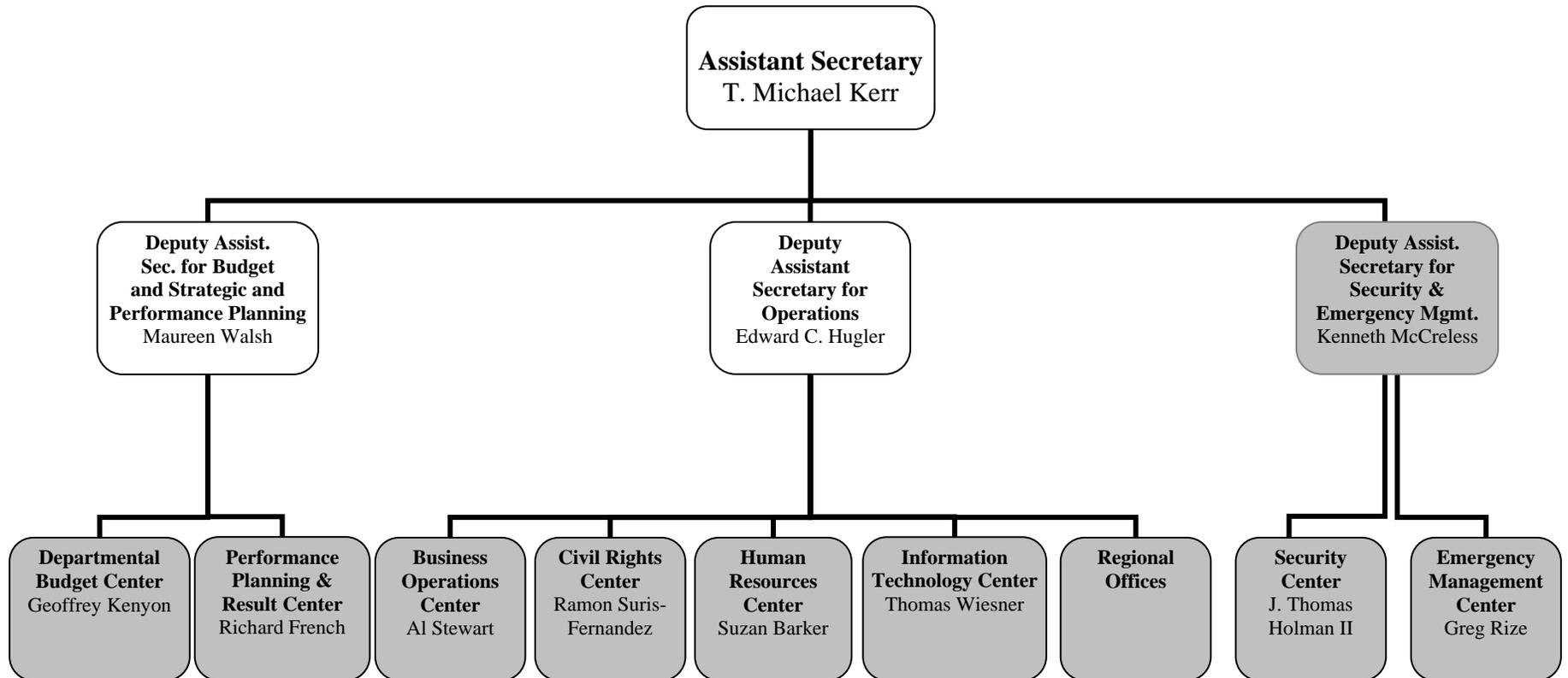
DEPARTMENTAL MANAGEMENT

INTERNATIONAL LABOR AFFAIRS BUREAU



DEPARTMENTAL MANAGEMENT

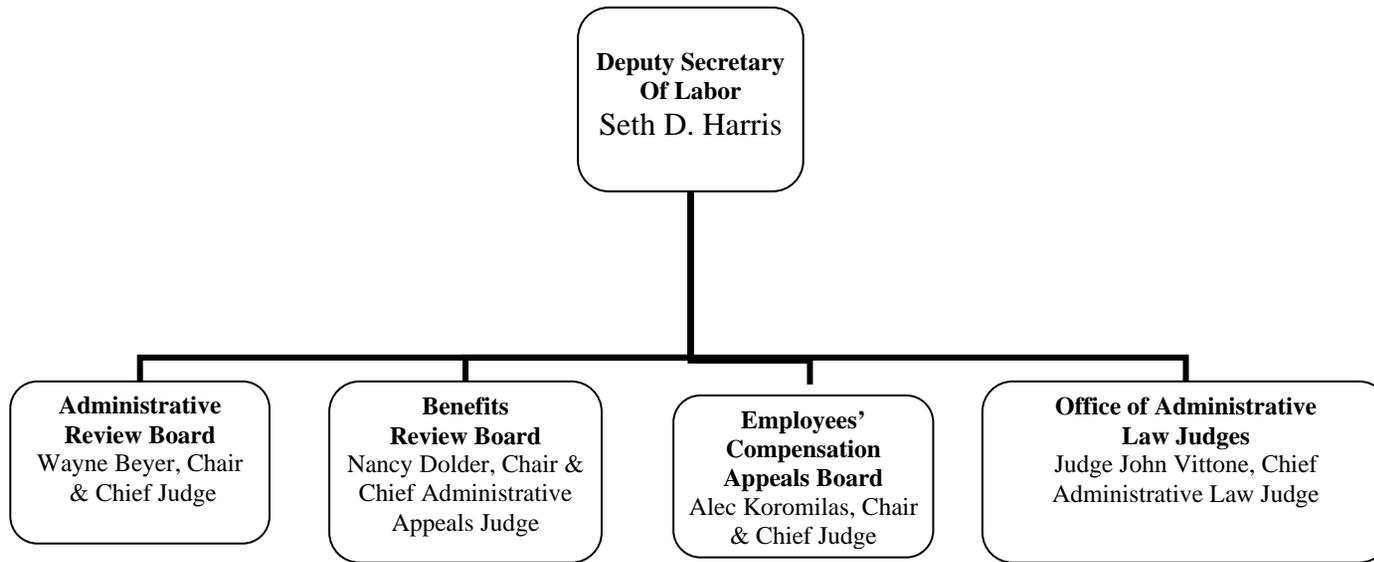
OFFICE OF ASSISTANT SECRETARY FOR ADMINISTRATION AND MANAGEMENT



Shaded areas receive funding from WCF

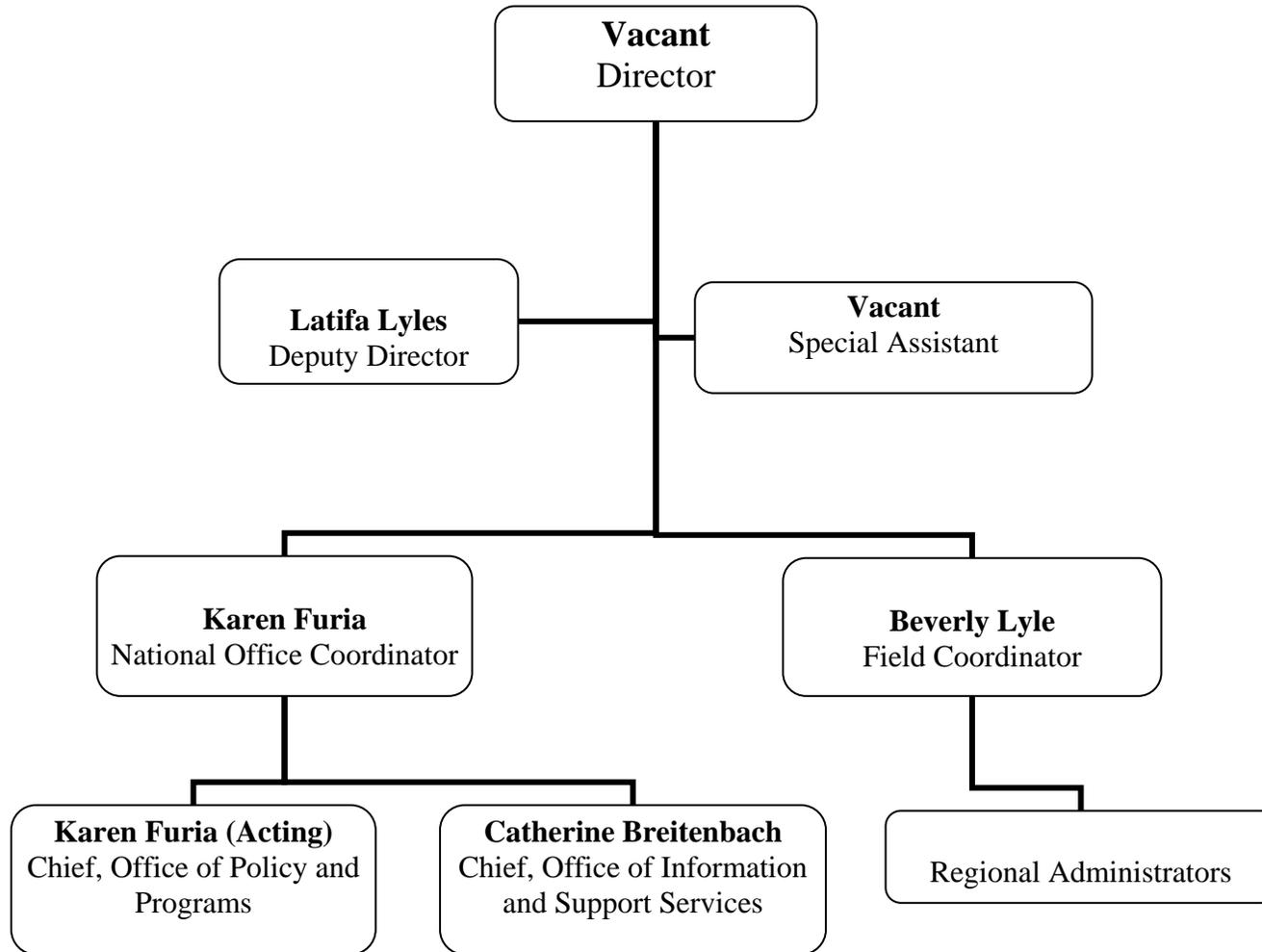
DEPARTMENTAL MANAGEMENT

ADJUDICATION



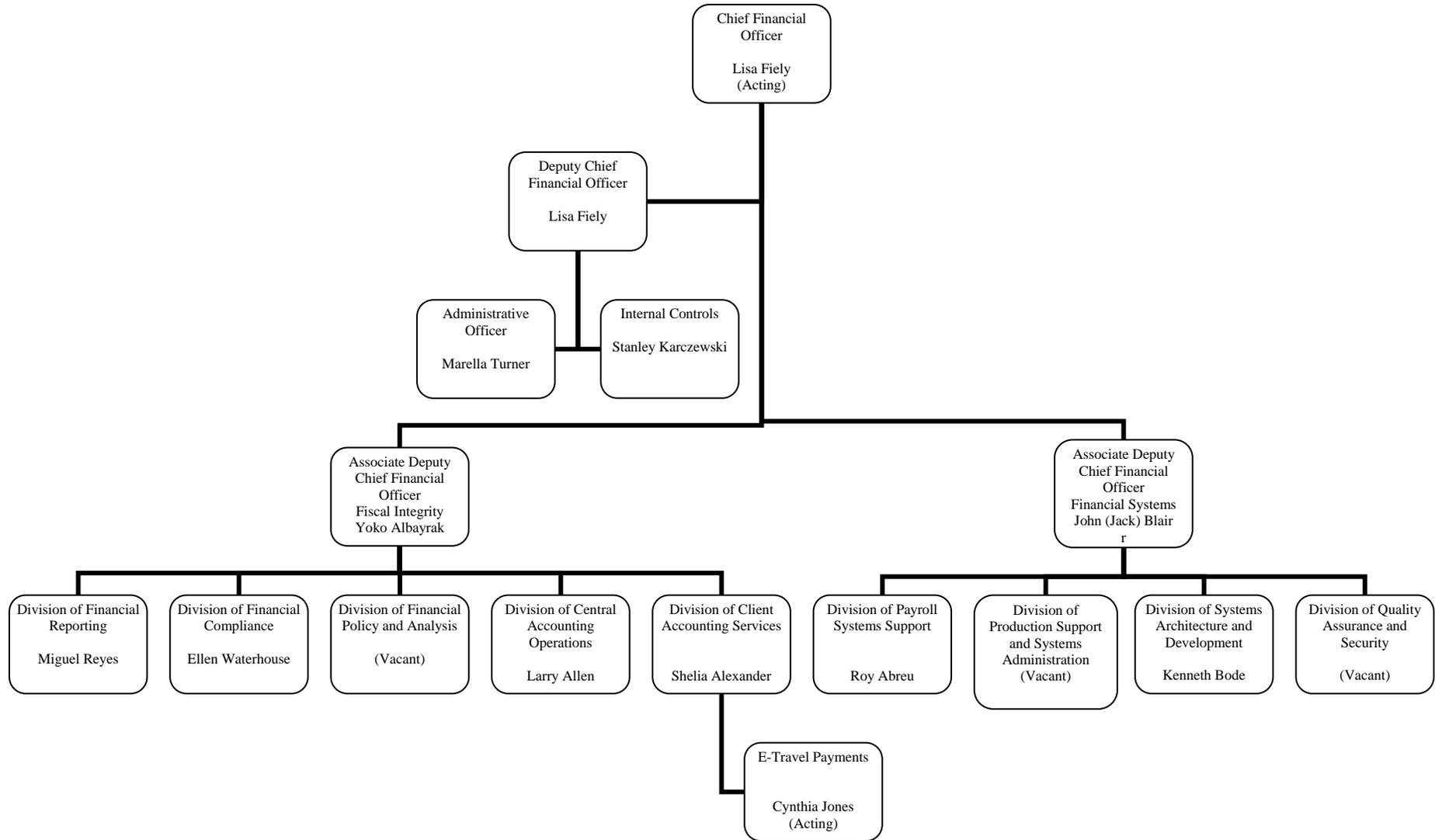
DEPARTMENTAL MANAGEMENT

WOMEN'S BUREAU



DEPARTMENTAL MANAGEMENT

OFFICE OF THE CHIEF FINANCIAL OFFICER



PROGRAM DIRECTION AND SUPPORT

BUDGET AUTHORITY BEFORE THE COMMITTEE							
(Dollars in Thousands)							
	FY 2009 Comparable	Recovery Act	FY 2010 Enacted	FY 2010 Estimate	Diff. FY 09 Comp. / FY 10 Est	FY 2011 Request	Diff. FY 10 Est. / FY 11 Req.
Activity Appropriation	25,806	14,656	33,375	33,350	7,544	34,225	875
FTE	108	8	152	152	44	155	3

NOTE: FY 2009 reflects actual FTE. Authorized FTE for FY 2009 was 140.

Introduction

The Program Direction and Support activity includes the following six 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; and (6) the Office for Faith-Based Initiatives.

This activity provides leadership and direction for the various agencies of the Department. Other 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>
2006	25,534	135
2007	28,189	135
2008	26,337	140
2009	22,831	140
2010	33,350	152

NOTE: Excludes Recovery Act Funding. See budget activity head table.

FY 2011

The FY 2011 budget requests \$34,400,000 and 155 FTE for Program Direction Support (PDS) which is \$1,025,000 above the FY 2010 enacted amount. This total includes program increases of \$450,000 and 3 FTE and a transfer of \$150,000 and 1 FTE from the Office of the Assistant Secretary for Administration and Management to support the expansion of program evaluation activities.

PROGRAM DIRECTION AND SUPPORT

Funding at this level enables PDS to support the Secretary, Deputy Secretary and Office of the Secretary leadership on key DOL initiatives and mandates; and ensure core responsibilities are met. Funding will be used to continue leadership efforts to further the Secretary's vision of *good jobs for everyone*. Central to this effort will be monitoring and developing additional strategies to support the following 13 outcome goals supporting the Secretary's vision:

More specifically, PDS funding will be targeted to the following agencies:

- Office of the Assistant Secretary for Policy (OASP) to coordinate the Department's regulatory agenda and ongoing involvement in interagency planning and policy development efforts;
- Within OASP, a Chief Evaluation Office will be established in FY 2010 to manage the Department's extensive program evaluation efforts to find effective solutions to issues facing today's workers. Funding totaling \$600,000 and 4 FTE (including 1 FTE being transferred from the Administrative and Management Activity) will be dedicated to this new office;
- Office of Congressional and Intergovernmental Affairs to develop and implement policies that affect legislative programs while maintaining Congressional relationships;
- Office of Public Liaison to advise the Secretary on policy affecting Department programs and priorities, as well as constituency organizations in addressing America's social problems in the labor arena;
- Office of Faith Based Initiatives to enhance partnerships with faith-based organizations and promote their involvement in executing the Department's programs;
- Office of Public Affairs (OPA) to execute 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 to target strategies and resources for revitalizing jobs for auto workers and the communities central to this industry.

FY 2010

The FY 2010 enacted budget includes \$33,200,000 and 151 FTE for Program Direction and Support (PDS) and takes into account a transfer of \$175,000 and 1 FTE from the Office of Small Business Programs (OSBP) to Civil Rights. OSBP has been disbanded and its remaining functions are now assumed by the Office of the Assistant Secretary for Administration and Management under the office of the Working Capital Fund. Funding will provide required resources to ensure Departmental leadership can meet its core responsibilities, including managing the Department's responsibilities in the American Recovery and Reinvestment Act (ARRA).

In FY 2010, PDS resources will be used to further the Secretary's vision of *good jobs for everyone*. During the year, the Department will revise the 5 year strategic plan and develop agency specific strategies under the leadership of the Secretary, Deputy Secretary and other PDS

PROGRAM DIRECTION AND SUPPORT

agencies. These efforts build upon the outcome goals and strategic framework established in FY 2009.

In FY 2010, the Department will also build on a primary strategy identified in FY 2009 to engage in rigorous evaluation of Departmental programs. Full funding of a Chief Evaluation Office in OASP is requested in FY 2011, but the Department plans to establish this office in FY 2010. This office will 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.

In addition, there is a significant level of coordination of ARRA activities amongst the PDS agencies- particularly, the Office of Congressional and Intergovernmental Affairs, OASP, and OPA.

FY 2009

The FY 2009 budget for PDS totaled \$22,831,000 and 108 FTE including a reprogramming of \$3,000,000 necessary to support of the Secretary, Deputy Secretary and Office of the Secretary (OSEC) leadership on key DOL initiatives. Funding was used to transition the Department to a new policy direction under the Obama Administration. Central to this direction was the establishment of outcome goals supporting the Secretary's vision of *good jobs for everyone*.

Despite the extraordinary economic challenges in FY 2009, the Department achieved nearly half its goals as detailed in the Department's Performance and Accountability Report. Building upon this effort, the Department has developed a three-part framework for achieving 13 outcome goals that support *good jobs for everyone*. They are: Innovation, Evaluation/Data Driven Strategies, and Improved Implementation. This three-part strategy reflects a Department-wide commitment to continuous improvement in all programs led by the efforts of the agencies in the PDS budget activity. Management strategies developed in FY 2009 and that will be carried forward include:

- Engaging in a rigorous process of program evaluations and research to assure that the Department's initiatives serve their intended goals and Departmental vision;
- Producing accurate, timely statistics and statistical analyses reflecting the condition of workers in labor markets and the economy as a whole; and
- Assuring that the Department's customers receive excellent service consistent with the law and responsible practice.

Recovery Act Update

On June 23, 2009, President Obama signed an Executive Order creating the White House Council on Automotive Communities and Workers (Council), the federal response to the workers and communities affected by dislocation in the auto industry. The creation of the Council formalized interagency work assisting auto communities that began in March. The Council is a demonstration of an administration-wide commitment to provide the support needed by auto communities and workers as they deal with the current crisis in the short-term and work towards recovery over the long-term. The Office of Recovery for Auto Communities and Workers (ORACW), located in the Department of Labor, provides the staff support for the

PROGRAM DIRECTION AND SUPPORT

Council. In coordination with its partner federal agencies the main functions of the Office include: Development of policies and programs to ensure a coordinated Federal response to issues that have a distinct impact on automotive communities and workers; Advise the on the effects of pending legislation and executive branch policy proposals on automotive communities and workers; and Make recommendations on changes to Federal policies and programs to address issues of special importance to automotive communities and workers. ORACW received \$710,000 in FY 2009 for these activities.

Upon enactment of the FY 2010 appropriation, the Department permanently transitioned the ORACW into the PDS activity.

PROGRAM DIRECTION AND SUPPORT

BUDGET ACTIVITY BY OBJECT CLASS						
(Dollars in Thousands)						
		FY 2009 Comparable	Recovery Act	FY 2010 Estimate	FY 2011 Request	Change FY 11 Req. / FY 10 Est.
11.1	Full-time permanent	12,973	0	18,950	19,530	580
11.3	Other personnel compensation	23	0	30	42	12
11.5	Other personnel compensation	1,050	0	1,197	1,209	12
11.9	Total personnel compensation	14,046	0	20,177	20,781	604
12.1	Civilian personnel benefits	2,740	0	4,105	4,154	49
13.0	Benefits for Former Personnel	53	0	50	58	8
21.0	Travel and transportation of persons	591	0	438	438	0
22.0	Transportation of things	0	0	1	1	0
23.1	Rental payments to GSA	2,385	0	1,995	2,080	85
23.3	Communications, utilities, and miscellaneous charges	300	0	361	361	0
24.0	Printing and reproduction	130	0	227	227	0
25.1	Advisory and assistance services	906	0	844	844	0
25.2	Other services	270	14,656	217	222	5
25.3	Other purchases of goods and services from Government accounts 1/	4,050	0	4,596	4,720	124
25.4	Operation and maintenance of facilities	25	0	25	25	0
25.7	Operation and maintenance of equipment	50	0	63	63	0
26.0	Supplies and materials	235	0	221	221	0
31.0	Equipment	25	0	30	30	0
	Total	25,806	14,656	33,350	34,225	875
1/Other Purchases of Goods and Services From Government Accounts						
	Working Capital Fund	3,981	0	4,596	4,720	124
	DHS Services	69	0	0	0	0

PROGRAM DIRECTION AND SUPPORT

CHANGES IN FY 2011

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments		\$154
Personnel benefits		56
Federal Employees Compensation Act (FECA)		1
Rental payments to GSA		85
Other services		5
Working Capital Fund		124

Built-Ins Subtotal **425**

Net Program **450**

Direct FTE **3**

	Estimate	FTE
Base	33,775	152
Program Increase	450	3

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BUDGET AUTHORITY BEFORE THE COMMITTEE							
(Dollars in Thousands)							
	FY 2009 Comparable	Recovery Act	FY 2010 Enacted	FY 2010 Estimate	Diff. FY 09 Comp. / FY 10 Est	FY 2011 Request	Diff. FY 10 Est. / FY 11 Req.
Activity Appropriation	105,364	3,282	125,226	125,226	19,862	130,433	5,207
FTE	593	22	636	636	43	658	22

Note: FY 2009 reflects actual FTE. Authorized FTE for FY 2009 was 597.

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 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 Department’s overall efforts to ensure *good jobs for everyone* by aggressive enforcement of worker protection laws and robust 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:

- **litigating** the Secretary’s priority enforcement initiatives, and to defend the Secretary and the program agencies of the Department;
- assisting 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.

SOL completed a major independent program evaluation of the quality of the agency’s legal opinion and advice services in FY 2008. The independent program evaluation concluded that “SOL has done an excellent job at providing understandable legal advice . . .,” but that “staffing has had and will continue to have an impact on SOL’s ability to provide quality and timely legal advice.” This observation becomes increasingly important as SOL seeks to fulfill its role in implementing the Secretary’s *good jobs for everyone* agenda. During FY 2008 and FY 2009, SOL has taken vigorous steps to implement recommendations of the evaluation report.

In FY 2008, SOL also commissioned an independent program evaluation by Abacus Technology, Inc., of the design and effectiveness of the agency’s operations and support functions. The recommendations of that evaluation were reviewed by an SOL Best Practices Committee, which provided further recommendations and training assistance for SOL administrative and support staff during FY 2009.

In FY 2009, SOL commissioned an independent program evaluation by Baker Robbins and Co. of the agency’s legal technology capabilities. As expected, the resulting report concluded that SOL has an entirely inadequate legal technology infrastructure. This serious deficiency threatens

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the agency's ability to provide adequate legal services and results in a "critical need for technology and litigation support processes for: electronic discovery; Evidence management; trial presentation; and records management." As is reflected elsewhere in this submission, the enacted FY 2010 budget provides dedicated funding to meet this challenge, and the President's FY 2011 Budget requests continued funding for these essential improvements.

SOL's Strategic Management Advisory Committee and budget Advisory Committee, both comprised of agency executives from Divisions and Regions, are actively engaged in providing advice and recommendations to the leadership of the agency 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. As the independent evaluations discussed above emphasize, performance of SOL's mission hinges on the ability to support adequate numbers of FTE and on significant improvements in legal technology infrastructure.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2006	87,886	604
2007	93,543	604
2008	96,978	588
2009	108,364	597
2010	125,226	636

NOTE: Excludes Recovery Act Funding. See budget activity head table.

FY 2011

The President's FY 2011 budget funds SOL at \$130,433,000, a program increase of \$5,207,000 or 4.2% over the FY 2010 enacted budget. The program increase includes \$2,000,000 and 12 FTE to enable SOL to handle increased Mine Safety and Health enforcement litigation resulting from the substantial increase in enforcement caseloads at the Federal Mine Safety and Health Review Commission (FMSHRC). SOL and the Mine Safety and Health Administration are experiencing a dramatic increase in enforcement case loads at FMSHRC, and the 12 FTE will enable SOL to undertake significantly more cases in the effort to meet that challenge.

The increase also includes \$1,600,000 and 10 FTE to enable the Office of the Solicitor to increase its legal program and enforcement support of the Department's effort to ensure that workers are not misclassified as independent contractors. The new Misclassification Initiative would be carried out primarily by the Wage and Hour Division (WHD), with support and coordination by the following DOL agencies:

- Solicitor of Labor
- Occupational Safety and Health Administration (OSHA)
- Employment and Training Administration (ETA)

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As a result, the President's FY 2011 budget will support approximately 658 non-ARRA FTE. SOL will seek to continue to improve the effectiveness of its existing resources, while maintaining program support activities, such as professional development and training.

FY 2010

The enacted FY 2010 budget has increased SOL's program funding by \$19.8 million. This FY 2010 appropriation level will enable SOL to maintain the increased number of non-ARRA on-board FTE that provide the agency's core litigation, opinion/advice and regulation functions. At the same time, SOL will also be able to continue 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 will also provide resources to previously underfunded program support, including the professional development and training necessary to ensure that SOL's attorneys and legal support staff possess 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.

As mentioned, between the end of FY 2008 and the end of FY 2009, the number of SOL litigation matters supporting the Worker Protection and other programs that were concluded increased by almost 1000. This major improvement in SOL's litigation effort directly relates to the increase in on-board FTE that took place during FY 2009 and the first month of FY 2010. This accomplishment is made more significant in view of the fact that the Administration's agenda requires SOL to undertake more challenging and complex enforcement litigation. As is reflected more fully in the Workload Summary, SOL anticipates that at the FY 2010 enacted budget level, it will be able to further increase the number of litigation matters concluded and hope to continue to reduce the number of pending litigation matters as of the end of FY 2010.

However, SOL's performance and workload statistics also reflect the continuing workload challenges faced by the agency. SOL now receives greater numbers of complex requests for legal opinions and advice. Between FY 2008 and FY 2009, the number of opinion/advice matters that were concluded decreased from 7,579 in FY 2008 to 6,575 in FY 2009. During the same period, the number of such matters that remained pending rose from 5,691 at the end of FY 2008 to 6,221 at the end of FY 2009. These statistics reflect the continuing stress on the agency's overall ability to respond to the growing level and complexity of both litigation and opinion/advice matters in a context of intensified activity across all Department programs. SOL expects FY 2010 will see growth in the number of opinion/advice matters that are concluded as well as continued growth in its litigation efforts.

FY 2009

Efforts initiated during FY 2009 significantly improved SOL's ability to forcefully and decisively support the Secretary's vision of *good jobs for everyone*. The enacted program budget for SOL in FY 2009 included an additional \$11.4 million in program and built-in increases. (A

LEGAL SERVICES

reprogramming was subsequently required to shift \$3 million from SOL to PDS). This enabled SOL to partially replace the loss of 137 FTE that the agency had experienced between FY 1999, when the on-board FTE totaled 732, and late FY 2008, when the on-board FTE had diminished to about 590. The FY 2009 budget also enabled SOL to begin to address critical deficiencies in the agency's IT/Litigation Support infrastructure, as discussed above.

SOL increased its total non-ARRA on-board FTE complement from 595 in October, 2008 to 636 as of early December, 2009. The vast majority of these additional FTE are attorneys engaged in the range of front-line legal work provided by SOL. The increase in FTE contributed to the increase in total litigation matters concluded from 14,507 during FY 2008 to 15,443 during FY 2009. In late FY 2009 SOL also initiated decisive responses to the findings of the independent program evaluation that highlights critical deficiencies in the agency's legal technology capabilities.

Recovery Act Update

During FY 2009, SOL received funding to hire 22 FTE (11 FTE in the National Office, and 11 FTE in the Regions) to meet the legal needs of those Department agencies and programs that receive ARRA funding. SOL's legal services are aiding agencies and programs to meet the goals and milestones that they have identified for their own ARRA Operating Plans. These legal services include:

- Enforcement-related litigation, legal advice and support;
- Legal Services related to oversight activities; and
- Legal Services related to coordination activities.

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

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WORKLOAD SUMMARY				
	FY 2009		FY 2010	FY 2011
	Target	Result	Target	Target
Legal Services				
Litigation:				
Matters Received	15,000	13,705	15,750 ^{1/}	15,750 ^{4/}
Matters Concluded	15,145	15,443	17,080 ^{5/}	16,516 ^{6/}
Matters Pending	15,293	14,350	13,020	12,254
Regulation:				
Matters Received	126	112	140 ^{2/}	140 ^{4/}
Matters Concluded	126	120	133 ^{5/}	129 ^{6/}
Matters Pending	143	123	130	141
Opinion/Advice:				
Matters Received	8,000	8,284	8,500 ^{3/}	8,500 ^{4/}
Matters Concluded	7,912	6,575	7,272 ^{5/}	7,032 ^{6/}
Matters Pending	5,719	6,221	7,449	8,917

¹ Originally in the FY 2010 budget submission “Matters Received” figure for Litigation was adjusted downward from assumption made during FY 2009 because a workload MOU between SOL and MSHA has resulted in a decrease in the number of matters being received by SOL from MSHA, as is reflected in the reduction of the “actual” number for FY 2009 of 3,354 fewer matters than in FY 2008. However, in view of the current increase in enforcement efforts, and the increase in matters from FMSHRC, SOL estimates an increase of 2000 litigation matters received during FY 2010.

² The “Matters Received” figure for Regulation in FY 2010 has been increased to 140 based on the assumption that there is more regulatory development across the Department.

³ In FY 10 “Matters Received” for Opinion/Advice has been increased to 8,500, continuing the general recent upward trend in the workload (an additional 304 matters between FY 2008 and FY 2009).

⁴ In FY 11 “Matters Received” remain the same as FY 2010 (reflecting no overall increase in client agency workload capacity). However, the figure for Litigation may be required to be revised upward based upon the potentially dramatic increase in caseloads from FMSHRC.

⁵ In FY 10 “Matters Concluded” reflect the increase by 10.6% in the average overall on-board FTE (including ARRA FTE) between FY 2009 (average 606 FTE) and the projected average (including ARRA FTE) of 670 FTE for all of FY 2010.

⁶ In FY 11 “Matters Concluded” reflect an assumed decrease in the total number of on-board FTE of 22 ARRA FTE resulting in a total average number of appropriated on-board FTE of 648 and reduction of 3.3% during FY 2011

LEGAL SERVICES

Office of the Solicitor										
Summary of Performance										
SOL Performance Goal #1 - Maintain an Effective Litigation Strategy that Advances Departmental Goals										
	FY 2006		FY 2007		FY 2008		FY 2009		FY 2010	FY 2011
	Goal Achieved		Goal Achieved		Goal Achieved		Goal Achieved			
Performance Indicator	Target	Result	Target	Result	Target	Result	Target	Result	Target	Target
1.1 - Percent of favorable outcomes in cases submitted for litigation.	95%	96.62%	95%	94.56%	95%	95.25%	95%	95.33%	95%	95%
1.3 - Ratio of total resources expended for litigation to program recoveries demonstrates that the cost of litigation is a decreasing percentage of the total amount of restitution, recoveries and penalties awarded.	50%	29.74%	49%	37.31%	48%	23.42%	47%	42.97%	46%	45%
1.4 - Percent of favorable outcomes, in whole or in part, in appellate matters.	98%	99.04%	98%	98.06%	98%	98%	98%	97.64%	98%	98%
SOL Performance Goal #2 - Ensure that DOL Regulations Achieve Agency Policy Objectives and Comply with All Legal Requirements.										
	Goal Achieved		Goal Achieved		Goal Achieved		Goal Achieved			
Performance Indicator	Target	Result	Target	Result	Target	Result	Target	Result	Target	Target
2.1 - The major provisions of final DOL rules/regulations are not successfully challenged an increasing percentage of the time.	92.25%	100%	93%	95.83%	93.5%	100%	94%	99.13%	94.5%	95%
2.2 - Increase the rate of completion of major tasks regarding legal review/drafting by the SOL divisions of rules or regulations within deadlines established in advance with the responsible DOL agency.	79%	77%	80%	90.52%	81%	96.63%	82%	92.86%	93%	94%

LEGAL SERVICES

Office of the Solicitor										
Summary of Performance										
SOL Performance Goal #3 - Take All Action Necessary to Ensure that DOL Actions are Based on Sound Legal Advice.										
	FY 2006		FY 2007		FY 2008		FY 2009		FY 2010	FY 2011
	Goal Achieved		Goal Achieved		Goal Not Achieved		Goal Not Achieved			
Performance Indicator	Target	Result	Target	Result	Target	Result	Target	Result	Target	Target
3.1 - Increase in average number of legal opinions/advice per FTE devoted to that function.	104	108.7	105	238.2	106	68.2	107	72.88	108	109

LEGAL SERVICES

BUDGET ACTIVITY BY OBJECT CLASS						
(Dollars in Thousands)						
		FY 2009 Comparable	Recovery Act	FY 2010 Estimate	FY 2011 Request	Change FY 11 Req. / FY 10 Est.
11.1	Full-time permanent	70,205	0	73,662	77,464	3,802
11.3	Other than full-time permanent	300	2,385	477	477	0
11.5	Other personnel compensation	282	0	2,260	2,260	0
11.8	Special personal services payments	0	0	5	5	0
11.9	Total personnel compensation	70,787	2,385	76,404	80,206	3,802
12.1	Civilian personnel benefits	15,648	605	18,171	19,119	948
13.0	Benefits for Former Personnel	0	0	7	7	0
21.0	Travel and transportation of persons	451	141	800	873	73
22.0	Transportation of things	1	2	20	20	0
23.1	Rental payments to GSA	7,126	0	8,432	8,549	117
23.3	Communications, utilities, and miscellaneous charges	714	8	643	682	39
24.0	Printing and reproduction	41	3	75	79	4
25.1	Advisory and assistance services	54	0	0	0	0
25.2	Other services	25	27	1,586	1,644	58
25.3	Other purchases of goods and services from Government accounts 1/	9,595	0	11,118	11,118	0
25.4	Operation and maintenance of facilities	135	0	0	0	0
25.7	Operation and maintenance of equipment	87	0	1,700	1,707	7
26.0	Supplies and materials	450	35	920	977	57
31.0	Equipment	250	76	5,350	5,452	102
	Total	105,364	3,282	125,226	130,433	5,207
	1/Other Purchases of Goods and Services From Government Accounts					
	Working Capital Fund	9,293	0	10,703	10,703	0
	DHS Services	302	0	360	360	0
	GSA Services	0	0	55	55	0

LEGAL SERVICES

CHANGES IN FY 2011

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments \$1,179

Personnel benefits 392

Federal Employees Compensation Act (FECA) -81

Rental payments to GSA 117

Built-Ins Subtotal 1,607

Net Program 3,600

Direct FTE 22

	Estimate	FTE
Base	126,833	636
Program Increase	3,600	22

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BUDGET AUTHORITY BEFORE THE COMMITTEE							
(Dollars in Thousands)							
	FY 2009 Comparable	Recovery Act	FY 2010 Enacted	FY 2010 Estimate	Diff. FY 09 Comp. / FY 10 Est	FY 2011 Request	Diff. FY 10 Est. / FY 11 Req.
Activity Appropriation	86,074	0	92,669	92,669	6,595	115,000	22,331
FTE	81	0	95	95	14	105	10

NOTE: FY 2009 reflects actual FTE. Authorized FTE for FY 2009 was 83.

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 works to improve working conditions and labor standards for workers around the world. Fostering fair working conditions in the global marketplace is an integral component of the Department of Labor’s strategic goal *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.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2006	72,516	85
2007	72,516	85
2008	81,074	81
2009	86,074	83
2010	92,669	95

NOTE: Excludes Recovery Act Funding. See budget activity head table.

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FY 2011

ILAB supports the Secretary's goal of *good jobs for everyone* and the specific outcome 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." In FY 2011, ILAB is requesting additional resources (\$22,331,000 and 10 FTE) in order to fulfill its expanding congressional mandates; undertake active oversight and monitoring of labor rights in countries with free trade agreements (FTAs) or preferential access to the U.S. market, and design and launch innovative technical assistance programs that address root causes of violations of workers' rights. ILAB will continue its recently expanded activities in coordinating international labor policy initiative, as exemplified in the April 2010 hosting by the Secretary of Labor of a meeting of the employment and labor ministers of the G20 group of countries. In 2011, ILAB will host a meeting of the policy making body of the Inter-American Conference of Labor Ministers. In addition, ILAB plans to take a more active role in the interagency policy making process in the negotiation and enforcement of labor provisions of free trade agreements and an expansion of U.S. labor diplomacy through close coordination with the Department of State and possible exchange of personnel. ILAB also plans to undertake more analytical and strategic research and reporting on labor conditions, worker rights, child labor and forced labor in order to produce reports that are more useful for Congress and the public.

New Initiatives

With increased funding and reallocation of existing resources in FY 2011, ILAB will expand its activities in the areas listed below to improve the ability of workers in trading partner countries to work at good jobs, receive a fair share of their productivity, and enjoy voice in their work lives as well as to establish better protections for vulnerable people, including women and children. ILAB has set a high priority goal of improving worker rights and livelihoods for vulnerable populations in at least eight developing country trading partners by the end of FY2011.

Monitoring and Enforcement of Trade Agreements: ILAB is requesting additional resources to significantly upgrade its ability to monitor labor conditions in FTA and preference program countries and undertake active enforcement of protections for workers' rights contained in U.S. trade agreements and preference programs. Such oversight is particularly necessary in the current global economic crisis, when there is significant pressure to reduce labor costs, often at the expense of workers' rights. Given that elevated global unemployment levels are expected to persist for several years, it is essential that ILAB increase its level of effort.

Over the last eight years, ILAB's role in oversight had been largely restricted to reacting to mandates from Congress for reporting or to submissions from the public claiming violations of workers' rights under trade agreements or trade preference programs. ILAB will require additional staff and resources in order to carry out proactive monitoring, self-initiation of consultations and enforcement where required, and an active policy role for DOL in the interagency process. The result will be to significantly increase the U.S. Government's ability to leverage the market access that we provide to the 16 countries that are party to free trade agreements with the U.S. that contain labor obligations and the roughly 140 countries that benefit from preferential access to the U.S. market into improvements in living standards, working

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conditions and enjoyment of labor rights for the work forces of those countries. Through proactive monitoring and enforcement, we can address problems before the occurrence of incidents of labor exploitation, which attract media attention and warrant the filing of public submissions. This work will require the addition of approximately four full-time staff.

ILAB will use the additional program funds to expand innovative models that have shown tangible and measurable improvements in outcomes for workers. We believe that our innovative approaches will also attract support from other donor countries, as has been the case with our earlier innovations in the area of the elimination of harmful child labor and factory monitoring by the International Labour Organization (ILO) in Cambodia. In this way, ILAB funding will have a multiplier effect on the amount of assistance provided by the U.S. Government. The requested expansion to \$26.5 million of the current worker rights programming budget of \$6.5 million would allow ILAB to undertake such high-impact initiatives in at least eight additional trading partner countries, including some Muslim-majority countries as called for in President Obama's June 2009 Cairo speech. Approximately four additional full-time staff will be needed to design and oversee these programs.

Strengthening Research and Reporting: ILAB will work to improve the analytical quality of its research and make its reports more strategically useful to policy makers and the general public. ILAB will streamline and target its reporting processes to meet Congressional mandates and improve the utility of its products with a modest expansion of two full-time staff.

International Cooperation and Improved Labor Diplomacy: ILAB will engage more extensively and substantively with other countries' labor ministries and with international and regional organizations. As mentioned above, U.S. innovations in international labor programs during the Clinton Administration were eventually recognized and adopted as models by other donor countries and sought by many developing countries. ILAB will build on that history with new innovations and will seek cooperative funding arrangements with other donor countries.

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.

Child Labor and Forced Labor: With a continuation of the FY2010 funding level for such programs, ILAB will undertake new approaches to address the root causes of child and forced labor, with a goal of improving the 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

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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.

Continuing Programs and Activities

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.

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 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.

Conclusion

Increased funding in Fiscal Year 2011 will be necessary to allow the Bureau to fully carry out the international labor priorities that have been outlined by the Secretary of Labor, to help implement the President's vision for a rebalanced and sustainable global economy, to enhance

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the level of its performance to the high-performance standard called for by the Administration, and to fulfill the expanding mandates given to ILAB by the U.S. Congress. ILAB is requesting an increase in its base budget of \$22,331,000 and an increase in its FTE level of 10 (for a total budget of \$115,000,000 and 122 FTE) for FY2011. The agency has derived this budget from a staff and resource assessment and has developed a staffing plan to accommodate these new activities.

FY 2010

In FY 2010, ILAB received an increase in resources of \$6,595,000. The increased funding will improve ILAB's ability to monitor compliance with and enforce labor provisions of free trade agreements and trade preference programs, carry out more ambitious labor diplomacy and labor policy development with other major economies, and strengthen labor rights research and reporting. ILAB will maintain its current level of funding for programs to eliminate harmful child labor and improve protection for worker rights. The budget increase will enable ILAB to increase its FTE level by 12 in order to carry out the activities summarized below and to fund additional international labor policy development initiatives.

Trade and Labor: ILAB will continue to represent the Department of Labor and labor interests in the negotiation and administration of the labor aspects of U.S. free trade agreements. ILAB plans to significantly improve its ability to proactively monitor labor conditions in free trade agreement (FTA) and preference program countries; reinvigorate interagency processes for enforcement of trade agreements' labor provisions; initiate labor cooperative activities to promote labor rights and improve working conditions in FTA partners, as called for under the FTAs; undertake research relating to specific situations of labor exploitation; and investigate and respond to public submissions claiming labor violations under FTAs or preference programs.

International Diplomacy and Policy: ILAB will continue to support Administration priorities in the area of protecting international workers' rights and developing better livelihood opportunities in developing countries. In FY 2010, ILAB will organize a major conference of labor and employment ministers of the G20 group of the world's largest economies. The conference will focus on the current employment crisis arising from the financial and economic crises of 2007-2009. President Obama requested that Secretary Solis host the meeting for G20 leaders to exchange experiences and develop recommendations for policies to improve labor markets, livelihoods, and employment outcomes. ILAB will continue 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 will also work to support the Secretary of Labor at important international events, such as the Asia Pacific Economic Cooperation Forum Human Resources Ministerial and the Inter-American Conference of Ministers of Labor

Collaboration on International Labor Policy: ILAB will continue to represent the Department of Labor in interagency trade and economic policy forums as well as labor advisory groups. These include the Trade Policy Staff Committee/Trade Policy Review Group responsible for developing and administering U.S. trade policy and trade programs; the Committee for the Implementation of Textile Agreements; the Overseas Private Investment Corporation; the

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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 international labor issues are addressed. ILAB will also work with the Department of State to reinvigorate the Labor Diplomacy Program so as to ensure effective and timely reporting on labor issues, to better monitor developments in countries of particular importance to the United States, and to more effectively represent and advance U.S. policy interests on international labor issues.

Technical Assistance: ILAB will continue to oversee a broad portfolio of international technical cooperation programs to improve the protection of labor rights and working conditions in trade partner countries and to eradicate harmful child labor, forced labor, and human trafficking. ILAB will seek to commit new program funds for FY 2010 for projects that address root causes of labor rights violations and align the interests of public and private sectors more effectively to secure greater protection for workers' rights.

Research and Analysis: ILAB will conduct and fund significant research and analysis related to: 1) harmful child labor, forced labor, and human trafficking globally, 2) labor issues related to trade agreements and preference programs, and 3) international worker rights. As called for under the Trade and Development Acts of 2000 and 2002, ILAB will research and report 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; maintain a country-specific list of goods produced with forced labor or exploitative child labor; 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 on these issues. ILAB will also continue to work with the Departments of Agriculture and State as part of a consultative committee to develop recommendations for guidelines 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 labor-related reports on potential partners to U.S. free trade agreements prior to Congressional approval.

FY 2009

In FY 2009, ILAB carried out its mandates and responsibilities related to policy, research, and technical assistance programming and oversight. With a budget of \$86,074,000, the Bureau continued to support the President's international agenda on labor matters, carry out international responsibilities for the Secretary of Labor, and provide oversight and coordination of the Department's international activities, including funding new worker rights and child labor elimination projects.

Trade and Labor: In FY 2009, ILAB investigated and issued a public report responding to a submission under the CAFTA-DR alleging Guatemala's failure to fulfill its labor obligations under the FTA. ILAB has vigorously engaged with the Guatemalan government, in coordination

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with the United States Trade Representative and the Department of State, to attempt to address the violations raised in the submissions. ILAB also coordinated with the United States Trade Representative in the administration of trade preference program labor obligations. ILAB prepared reports to Congress on labor law and practice in potential free trade partners, as mandated by Trade Promotion Authority (TPA), and a U.S. employment impact review. ILAB also continued to serve as contact point and administrator for labor issues in free trade agreements, including NAFTA with Mexico and Canada, and all agreements negotiated under TPA (currently seven countries, with five others awaiting implementation) and organized and administered the Labor Advisory Committee for Trade Negotiations and Trade Policy. ILAB obligated Congressionally-appropriated resources to improve labor law compliance in Central America and the Dominican Republic, including oversight of technical cooperation projects and contracts.

International child labor: To fulfill various Congressional mandates, ILAB published several reports on international child labor and forced labor, including an annual report to Congress on GSP countries implementation of international commitments to eliminate the worst forms of child labor; a report to Congress on exploitative child labor in countries that are party to a free trade agreement with the United States; a list of products made with forced or indentured child labor; and a list of goods from countries produced with forced labor or child labor. These reports focused attention on the problems and have stimulated greater action by governments and the private sector. ILAB also started the development of standard set of practices to reduce the likelihood of child labor and forced labor practices. In addition, ILAB obligated Congressionally-appropriated resources for programs to combat exploitative child labor around the world and oversaw approximately 140 ongoing technical cooperation projects and contracts in more than 80 countries around the world and rescue approximately 145,000 children from exploitative child labor.

International Diplomacy and Policy: ILAB also worked to ensure that the concerns of workers and working households were high on the agenda in international economic policy discussions. ILAB's most outstanding success in this area was the support by President Obama for ILAB's proposal to ask Secretary Solis to host a meeting of the ministers of labor and employment of the G20 group of the world's largest economies in early 2010 to discuss the jobs crisis and recovery measures. ILAB continued to represent the U.S. government in the International Labor Organization and coordinated the preparation of reports requested under the ILO Constitution, such as law and practice reports on ratified conventions, reports on the implementation of the 1998 ILO Declaration on Fundamental Principles and Rights at Work, and U.S. government responses to complaints against the United States filed with the ILO Committee on Freedom of Association. In addition, ILAB carried out many ongoing activities to support the President's agenda on international labor issues, most notably, annual input into numerous worldwide U.S. government reports, participation and coordination of interagency policy groups, and representation on several international bodies. These activities required significant expertise on labor matters unique to ILAB and often supported both Administration priorities and the fulfillment of Congressional mandates for other U.S. government agencies.

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Bureau of International Labor Affairs Goals and Indicators (FY2006-FY2011)

Strategic Goal 5: Foster fair working conditions in the global marketplace

Outcome Goal: Assure that global markets are governed by fair market rules that protect vulnerable people including women and children, and provide workers a fair share of productivity and a voice in their work lives.

High Priority Performance Goal 3: Improve worker rights and livelihoods for vulnerable populations in at least 8 developing country trading partners by the end of FY 2011.

Performance Indicators	FY 2006		FY 2007		FY 2008		FY 2009		FY 2010	FY 2011
	Goal Achieved		Goal Achieved		Goal Achieved		Goal Achieved			
	Target	Result	Target	Result	Target	Result	Target	Result	Target	Target
Number of children prevented or withdrawn from exploitive child labor.	178,000	236,541	139,000	205,297	127,400	167,335	115,100	144,890	97,400	82,700*
Number of countries with increased capacities to address child labor as a result of DOL-funded child labor elimination projects.	39	53	31	48	33	45	24	36	23	23
Percent change in numbers of workers voluntarily joining trade unions and engaging in collective bargaining in countries where these rights had previously been suppressed.	--	--	--	--	--	--	--	--	Baseline will be established **	TBD
Percent change in minimum wage and average wages in targeted sectors (such as manufacturing and agriculture) in countries where ILAB undertakes programs or policy initiatives.	--	--	--	--	--	--	--	--	Baseline will be established **	TBD

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Performance Indicators	FY 2006		FY 2007		FY 2008		FY 2009		FY 2010	FY 2011
	Goal Achieved		Goal Achieved		Goal Achieved		Goal Achieved			
	Target	Result	Target	Result	Target	Result	Target	Result	Target	Target
Percent change in labor market participation rate for groups that had been subject to discrimination in countries where ILAB undertakes programs/initiatives to address the problem.	--	--	--	--	--	--	--	--	Baseline will be established **	TBD
Number of countries with FTA or trade preference programs that have improved functioning of labor ministries as a result of ILAB technical assistance or policy initiatives.	--	--	--	--	--	--	--	--	Baseline will be established **	TBD
<p>*This target takes into account actual targets for projects funded in FY 2007 and earlier. For projects funded in FY 2008 and beyond, the targets are estimates based on funding levels, ILAB's existing cost efficiency ratio of 177 children withdrawn or prevented for each \$100,000 funded, and other factors. Targets for indicator 1 do not take into account funding level in FY 2011 due to the fact that project funds are not typically obligated until the end of the fiscal year. FY 2011 targets therefore only take into account projects funded in FY 2010 and earlier.</p> <p>**Starting in FY 2010, ILAB will undertake innovative and targeted programs and policies initiatives to improve worker rights and livelihoods in targeted countries. Baselines and targets for the new performance measures will be established in FY 2010. These measures reflect the new strategic, outcome, and high priority goals for ILAB.</p>										

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BUDGET ACTIVITY BY OBJECT CLASS						
(Dollars in Thousands)						
		FY 2009 Comparable	Recovery Act	FY 2010 Estimate	FY 2011 Request	Change FY 11 Req. / FY 10 Est.
11.1	Full-time permanent	8,450	0	10,147	11,577	1,430
11.3	Other than full-time permanent	15	0	15	15	0
11.5	Other personnel compensation	176	0	250	250	0
11.9	Total personnel compensation	8,641	0	10,412	11,842	1,430
12.1	Civilian personnel benefits	2,277	0	2,739	2,819	80
21.0	Travel and transportation of persons	790	0	978	1,148	170
22.0	Transportation of things	10	0	10	10	0
23.1	Rental payments to GSA	811	0	815	826	11
23.3	Communications, utilities, and miscellaneous charges	120	0	124	124	0
24.0	Printing and reproduction	110	0	168	168	0
25.1	Advisory and assistance services	10	0	4,992	4,992	0
25.2	Other services	4,225	0	2,761	3,401	640
25.3	Other purchases of goods and services from Government accounts 1/	3,228	0	2,853	2,853	0
25.5	Research & Development Contracts	0	0	875	875	0
25.7	Operation and maintenance of equipment	0	0	29	29	0
26.0	Supplies and materials	75	0	71	71	0
31.0	Equipment	17	0	82	82	0
41.0	Grants, subsidies, and contributions	65,760	0	65,760	85,760	20,000
	Total	86,074	0	92,669	115,000	22,331
	1/Other Purchases of Goods and Services From Government Accounts					
	Working Capital Fund	2,594	0	2,761	2,761	0
	DHS Services	23	0	23	23	0
	Services by Other Government Departments	611	0	69	69	0

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CHANGES IN FY 2011

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$130
Federal Employees Compensation Act (FECA)	50
Rental payments to GSA	11
Other services	348

Built-Ins Subtotal **539**

Net Program **21,792**

Direct FTE **10**

	Estimate	FTE
Base	93,208	95
Program Increase	21,792	10

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BUDGET AUTHORITY BEFORE THE COMMITTEE							
(Dollars in Thousands)							
	FY 2009 Comparable	Recovery Act	FY 2010 Enacted	FY 2010 Estimate	Diff. FY 09 Comp. / FY 10 Est	FY 2011 Request	Diff. FY 10 Est. / FY 11 Req.
Activity Appropriation	29,475	2,501	33,707	30,676	1,201	30,501	-175
FTE	129	27	124	127	-2	125	-2

NOTE: FY 2009 reflects actual FTE. Authorized FTE for FY 2009 was 111.

Introduction

The Office of the Assistant Secretary for Administration and Management (OASAM) provides the infrastructure and support that enables DOL to perform its mission which is supported by the Secretary's vision for *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 their respective mission and ensures seamless and transparent information sharing. Below are the five centers:

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

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2006	32,865	125
2007	32,865	111
2008	30,261	111
2009	32,506	111
2010	30,676	124

NOTE: Excludes Recovery Act Funding. See budget activity head table.

FY 2011

In FY 2011, the Office of the Assistant Secretary for Administration and Management's (OASAM) budget request is \$30,501,000 and 125 FTE which includes an increase of \$425,000 for built-ins and program decreases of \$4,250,000 and 3 FTE. The request includes funding for each aspect of the Department Administration and Management including the Department Budget Center (DBC), Human Resources Center, Information Technology Center, Business

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Operations Center, and the Center for Program and Results (CPPR). The budget request includes a shift of \$3,500,000 currently in OASAM's base budget for program evaluation activities to the Departmental Management Program Evaluation budget activity. This move will centralize program evaluation funding in the Departmental Management appropriation. The request also moves 1 FTE from the OASAM budget to the Program Direction and Support activity, which will fund staff for the new Chief Evaluation Office.

OASAM will continue to ensure that its Information Technology (IT) governance and support will allow on-going deployment of an efficient and effective technology infrastructure to its customers. As open government is a priority for the Secretary and the Administration, the Information Technology Center (ITC) expects to design, acquire and implement new information technology, business solutions, and capabilities that support all IT functions in alignment with the federal-wide e-government efforts.

OASAM will continue to focus on meeting the Department's management priorities. As the Department continues to adapt to technology advancements, the need for effective and efficient management of electronic data becomes increasing critical.

FY 2010

In FY 2010, Office of the Assistant Secretary for Administration and Management's (OASAM) will continue 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 is \$34,326,000 and 128 FTE for FY 2010. This level of funding reflects the transfer of 4 FTE and \$619,000 from 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 are 13FTE and related funding for support of the MBA fellows program and Office of Diversity Management. This includes funding for each aspect of Departmental Administration and Management including the Department 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 will be to support the Department's leadership in finalizing the FY 2010 Strategic Plan. Support for this activity will be provided through the Center for Program Planning and Results (CPPR) as well as the Department Budget Center (DBC).

OASAM would like to establish DOL as a model workplace by assuring that the right people are 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 will monitor agency restructuring efforts; pursue process enhancements and technological innovations.

Finally, OASAM will take the required steps to ensure the physical safety of the Department's workforce and ensure facilities are maintained and enhanced. While this activity is funded under

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the Working Capital Fund, OASAM is committed to providing the necessary tools by which the Secretary and the Department's executive leadership will manage and direct programs and resources in preparation for, in response to and the recovery from a full spectrum of natural or manmade security situations or emergencies. OASAM is also dedicated to providing guidance to the Department in order to protect the physical, information, and personnel security requirements of the Department.

FY 2009

In FY 2009, OASAM's budget of \$32,506,000 and 111 FTE supported Departmental services in the areas of budget, human resources, procurement, information technology, and other administrative services. OASAM provided the direction and support services necessary to meet the Department's management priorities in FY 2009.

Recovery Act Update

Administration and Management received \$2,104,000 of the \$80 million issued to Departmental Management of the American Recovery and Reinvestment Act of 2009 (ARRA) funds. OASAM supports the Department's Recovery Act efforts through hiring and supporting Federal staff necessary to enforcement labor laws on Recovery Act projects. In addition, OASAM conducts the procurement function for enforcement agencies in their Recovery Act roles.

Other OASAM components provide support for Recovery Act activities through regular appropriated funding. Centers such as the DBC, CPPR, ITC, and non-procurement BOC offices such as facilities management provide overhead support necessary to ensure the Department's Recovery Act efforts are properly tracked and reported and funding is used effectively.

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BUDGET ACTIVITY BY OBJECT CLASS						
(Dollars in Thousands)						
		FY 2009 Comparable	Recovery Act	FY 2010 Estimate	FY 2011 Request	Change FY 11 Req. / FY 10 Est.
11.1	Full-time permanent	2,426	1,451	12,929	12,773	-156
11.3	Other than full-time permanent	1,557	0	253	253	0
11.5	Other personnel compensation	60	0	61	61	0
11.8	Special personal services payments	549	375	0	0	0
11.9	Total personnel compensation	4,592	1,826	13,243	13,087	-156
12.1	Civilian personnel benefits	4,071	0	2,859	2,915	56
21.0	Travel and transportation of persons	164	0	287	287	0
23.1	Rental payments to GSA	4,264	0	1,760	1,785	25
23.3	Communications, utilities, and miscellaneous charges	64	0	171	171	0
24.0	Printing and reproduction	1,390	600	86	86	0
25.1	Advisory and assistance services	621	0	1,365	1,378	13
25.2	Other services	-2,185	0	462	200	-262
25.3	Other purchases of goods and services from Government accounts 1/	2,124	0	3,989	4,094	105
25.4	Operation and maintenance of facilities	370	0	372	372	0
25.5	Research & Development Contracts	756	0	0	0	0
25.7	Operation and maintenance of equipment	4,678	75	4,523	4,567	44
26.0	Supplies and materials	101	0	1,487	1,487	0
31.0	Equipment	8,465	0	72	72	0
	Total	29,475	2,501	30,676	30,501	-175
1/Other Purchases of Goods and Services From Government Accounts						
	Services by Other Government Departments	82	0	82	82	0
	Working Capital Fund	0	0	3,871	3,976	105
	DHS Services	2,042	0	36	36	0

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CHANGES IN FY 2011

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$144
Personnel benefits	70
Federal Employees Compensation Act (FECA)	-14
Rental payments to GSA	25
Advisory and assistance services	13
Other services	38
Working Capital Fund	105
Operation and maintenance of equipment	44
Built-Ins Subtotal	425

Net Program	-600
Direct FTE	-2

	Estimate	FTE
Base	31,101	127
Program Decrease	-600	-2

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BUDGET AUTHORITY BEFORE THE COMMITTEE							
(Dollars in Thousands)							
	FY 2009 Comparable	Recovery Act	FY 2010 Enacted	FY 2010 Estimate	Diff. FY 09 Comp. / FY 10 Est	FY 2011 Request	Diff. FY 10 Est. / FY 11 Req.
Activity Appropriation	45,599	0	46,599	46,599	1,000	47,889	1,290
FTE	247	0	250	250	3	253	3

NOTE: FY 2009 reflects actual FTE. Authorized FTE for FY 2009 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 the 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. 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. 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, the Pipeline Safety Improvement Act of 2002. Since FY2008, regulatory changes and reallocation of enforcement priorities at the Employment and Training Administration have resulted in significant increases of ALJ 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.

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The FY 2011 OALJ budget directly supports the following DOL Outcome Goals Supporting *good jobs for everyone* by rendering case decisions that affect these important strategic goals and outcomes:

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 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 Protections programs under such statutes as the Davis-Bacon, Service Contract, and Child Labor Acts. 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. The Secretary of Labor consolidated three smaller appellate adjudicatory bodies in 1996 to create the ARB. ARB decisions may be appealed to the federal courts. Court decisions on the vast majority of cases so appealed uphold the decision of the ARB. The FY 2011 request includes a program increase of 3 FTE and \$583,000 to reduce the backlog that is building in ARB cases. All of the Adjudicatory agencies have been impacted by FTE reductions necessary to fund higher than budgeted pay increases; however, the FTE levels in the ARB are small enough that a single FTE reduction has a large impact on its ability to resolve cases.

The Benefits Review Board (BRB) has responsibility to review and decide 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. The BRB was 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% of cases are appealed beyond BRB, and 85%

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of these are affirmed. The BRB's Black Lung program is funded by the Black Lung Disability Trust Fund which provides approximately 70% of total BRB operating funds.

In May 2006, the Boards consolidated their three separate Docket Units into a single entity designated the Office of the Clerk of the Appellate Boards (OCAB). This consolidated unit is responsible for providing docketing services to all three appellate Boards. It is located organizationally within the BRB and funded as part of the BRB allocation.

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 three Adjudicatory Boards contributes towards the Department's goal of *good jobs for everyone* by helping ensure the economic security of American workers and the safety of American workplaces. The ARB, BRB and ECAB contribute to attaining DOL strategic and outcome goals by rendering decisions that affect the following:

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

- Narrow wage inequality.
- Help middle-class families remain in the middle class.

Strategic Goal 2: Ensure workplaces are safe and healthy.

- Ensure safe and healthful workplaces.

Strategic Goal 3: Assure fair and high quality work-life environments.

- Break down barriers to fair and diverse work places so that every worker's contribution is respected.
- Assure workers can choose to have a voice in the workplace.

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.

Strategic Goal 5: Foster fair working conditions in the global marketplace.

- Assure that global markets are governed by fair market rules that protect vulnerable people.

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Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2006	43,659	309
2007	45,363	256
2008	43,691	212
2009	45,599	250
2010	46,599	250

NOTE: Excludes Recovery Act Funding. See budget activity head table.

FY 2011

A total of \$47,889,000 and 253 FTE is requested, an increase of \$1,081,000 and three FTE from the FY 2010 request. The FY 2011 request includes a program increase of 3 FTE and \$583,000 to reduce the backlog that is building in Administrative Review Board (ARB) cases. All of the Adjudicatory agencies have been impacted by FTE reductions necessary to fund higher than budgeted pay increases; however, the FTE levels at the ARB are so small that reduction of a single FTE has a large impact on the ability to resolve cases.

It is important to note that between FY's 2002 and 2008, the Adjudicatory Boards initiated and completed efforts to strengthen performance, streamline operations, and reduce office space. These efforts reduced total FTE by 34 (23.6%) and reduced total office space by 32%. These actions resulted in annual cost savings of over \$1.8 million. The incentive driving these cost-savings measures was to free-up funding to support other Board needs, including more timely case processing; however these resources were required to fund enacted pay raises that were higher than the budget request assumed.

Administrative Law Judges: FY 2011 funding at the Agency Request Level for the Office of Administrative Law Judges (OALJ) will allow the agency to maintain case dispositions at the FY 2010 levels in all program areas. FY 2011 disposition levels for the Black Lung Program at 1,200 cases, the Longshore Program at 2,210 cases, the Traditional Program at 450 cases, and the Immigration at 280 cases for a total of 4,140 cases.

Pending backlogs will remain at 21 months for Black Lung from FY 2009 through FY 2011 at the Agency Request Level because the agency will be able to dispose of as many cases as estimated to be docketed in this program area. The Longshore pending backlog will increase by two months for each fiscal year from 12 months in FY 2009 to 14 months in FY 2010 to 16 months in FY 2011 because at this funding level, case intake will exceed case disposition levels. Traditional pending case backlogs will substantially increase from 14 months in FY 2009 to 18 months in FY 2010 to 26 months in FY 2011 due to the anticipated workload increases in FY 2011 of 150 cases which represents a 27% increase in cases docketed. The Immigration pending case backlogs will be at 16 months compared to 15 months in FY 2010 and 9 months in FY 2009.

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Adjudicatory Boards: In FY 2011 the Adjudicatory Boards anticipate that ARB case dispositions will increase by 15% over FY 2010 levels and that BRB and ECAB will maintain case dispositions at the FY 2010 levels.

ARB: Closed appeals will increase 15% to 180 and pending appeals will decline to 132, constituting some 8.8 months of work. New appeals are projected to increase by 6.7%, from 150 to 160, owing to increased appeals under new OSHA Whistleblower statutes. ARB anticipates closing all new appeals within one year of filing.

BRB-BL: Closed appeals will remain steady at 700 and will continue to match new appeals. Pending appeals will remain constant at 476, constituting 8.2 months of work.

BRB-LS: Closed appeals will remain steady at 265 and will continue to match new appeals. Pending appeals will remain constant at 114, constituting 5.3 months of work.

ECAB: Closed appeals will remain steady at 2,225, their FY 2010 rate. New appeals are anticipated to continue to outpace closed appeals by 275 appeals (12.4%). Pending appeals will increase to 2,411, constituting 13.0 months of work.

FY 2010

The common strategy among the Adjudicatory units has been to increase output, reduce the number of pending appeals, shorten the time that the average appellant must wait to receive a decision, and provide efficient and effective services to both the public and private sectors. The Adjudicatory units will continue to implement these strategies. Strategic focus will also be directed towards enhancing the quality of case law, ensuring greater consistency among appeal decisions, and continuing to raise general standards of performance.

The Office of Administrative Law Judges' (OALJ's) mission and strategic goals will not change in FY 2010; the challenges it faces will. OALJ's jurisdiction, for example, has been expanded to include new types of whistleblower and immigration-related cases. In 2007, the Implementing Recommendations of the 9/11 Commission Act expanded OALJ's jurisdiction over whistleblower cases to now include cases arising under the Federal Rail Safety Act and the National Transit Systems Security Act. The 9/11 Act also made substantial revisions to the whistleblower provision of the Surface Transportation Assistance Act. In 2008, the Rail Safety Improvement Act further expanded the types of whistleblower cases that could be brought by railway workers. Also in 2008, the Consumer Product Safety Improvement Act included a whistleblower provision that has broad coverage over many industries. In 2000, OALJ had jurisdiction over eight types of whistleblower cases. By 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 there are now fourteen major whistleblower laws that can result in Administrative Law Judge (ALJ) hearings.

In FY 2009, a new type of immigration appeal was added to OALJ's jurisdiction – H-2B non-agricultural non-immigrant worker applications. Prior to the effective date of new regulations in January 2009, denials of such applications could be appealed to the Department of Homeland

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Security (DHS). There was no right to a hearing before a Department of Labor ALJ. Under the new law, however, DHS will no longer accept appeals of denied H-2B labor certification applications. Rather, the appeal is now to the Board of Alien Labor Certification Appeals (BALCA), which is housed within OALJ. H-2B visas are awarded on a first-come/first serve basis by DHS. Thus, H-2B appeals will tend to peak in the months prior to the date visas become available. This year, for example, BALCA received approximately 62 H-2B appeals in a two month period. These appeals are extremely expedited, generally requiring an ALJ to render a decision within five days of receipt of the Appeal File.

Also FY 2009 saw increased appeals and hearing requests from the H-2A agricultural non-immigrant program (which also requires ALJs to render extremely expedited decisions) and enforcement actions arising from the H-1B specialty worker (“labor condition application”) program.

The permanent alien labor certification program is also experiencing heavier than normal appeals dockets, as the Employment and Training Administration (ETA) works through a backlog of reconsideration requests under the PERM program. In addition, in 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.

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.

It is further anticipated that the new Administration will place a reinvigorated priority on enforcement of labor laws, which will also certainly lead to larger numbers of ALJ hearings in areas such as the Fair Labor Standards Act, Davis-Bacon Act, Service Contract Act, OFCCP enforcement, and similar traditional labor law enforcement.

Thus, in FY 2010, OALJ will need 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, while maintaining disposition levels in regard to the large Black Lung and Longshore programs.

Adjudicatory Boards: The Adjudicatory Boards anticipate maintaining or slightly increasing production levels and maintaining pending appeals at manageable levels.

ARB: In FY 2010 the ARB expects to receive 150 new appeals and close 156 appeals. Closed appeals are expected to continue to exceed new appeals in FY 2010. Average processing time is expected to decline to less than 12 months.

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BRB – Black Lung: In FY 2010 the BRB-Black Lung program expects to receive 700 new appeals and close 700 appeals. The number of new Black Lung appeals continues to fluctuate depending on OALJ output. Average appeal processing time will remain at less than 12 months.

BRB – Longshore & Related Programs: In FY 2010 the BRB–Longshore program expects to receive 265 new appeals and close 265 appeals. While regular Longshore appeals have declined since FY 2003, total new appeals are expected to increase in FY 2010 as the result of an anticipated surge in appeals under the Defense Base Act. Closed appeals are expected to match new appeals and all appeals are expected to continue to be closed within less than 12 months.

ECAB: In FY 2010 the ECAB expects to receive 2,500 new appeals and close 2,225 appeals. New appeals increased between 2006 and 2008, then declined slightly in 2009, although they still exceeded their projected target by 6.8%. They are expected to increase to 2,500 in FY 2010. Processing time is expected to increase slightly as production capability remains steady at about 2,225. Average processing time will continue to be less than 12 months.

FY 2009

The Office of Administrative Law Judges (OALJ): For FY 2009 funding levels, OALJ issued 5,092 decisions and reduced the Black Lung backlog originally projected at 17 months to a 15 month backlog.

The Adjudicatory Boards: In FY 2009, the Adjudicatory Boards continued to maintain the number of appeals closed, ensure the quality and consistency of decisions, and further improve the efficiency of their operations.

ARB: ARB closed 154 appeals in FY 2009, exceeding their target by 2.7%. ARB received 145 new appeals and ended the year with 158 appeals pending. Of the 20 decisions referred to and decided by appellate courts, all either affirmed the ARB decision or dismissed the appeal producing a 100% affirmance rate.

BRB The BRB closed a total of 880 appeals, disposed of 63 motions for reconsideration and 205 attorney fee petitions, and ended FY 2009 with no pending cases more than a year old. The United States Courts of Appeals affirmed BRB decisions in more than 90% of the cases appealed.

Black Lung Program (BRB-BL): Closed 624 appeals, received 585 new appeals and ended the year with 476 appeals pending. Decisions were received for 37 appeals from the U.S. Courts of Appeals, 34 of these were affirmed (91.9%).

Longshore & Related Programs (BRB-LS): Closed 256 appeals, received 229 new appeals and ended the year with 114 appeals pending. Decisions were received for 46 appeals from the U.S. Courts of Appeals, 41 of these were affirmed (89.1%).

Office of the Clerk of the Board (OCAB): In FY 2006 the Boards consolidated their separate Docket Units into a single entity placed organizationally in the BRB. During FY

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2009, OCAB docketed 3,335 new appeals, handled the close-out for 3,357 appeals, prepared and transmitted 84 case records to the U.S. Courts of Appeals, and processed several thousand interim motions and requests.

ECAB: ECAB closed 2,323 appeals in FY 2009, exceeding their target by 4.4%. There were 2,376 new appeals docketed and 1,861 appeals pending at the end of the fiscal year.

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WORKLOAD SUMMARY				
	FY 2009		FY 2010	FY 2011
	Target	Result	Target	Target
Adjudication				
Administrative Law Judges				
OALJ Carry-Over Levels:				
Black Lung	1,928	1,928 (r)	1,740	1,740
Longshore	2,168	2,168 (r)	2,324	2,614
Immigration	293	293 (r)	221	241
Traditional	521	521 (r)	561	661
Total	4,910	4,910	4,846	5,256
OALJ New Cases:				
Black Lung	1,350	1,189 (r)	1,200	1,200
Longshore	2,500	2,696 (r)	2,500	2,500
Immigration	450	491 (r)	300	300
Traditional	550	652 (r)	550	750
Total	4,850	5,028	4,550	4,750
OALJ Dispositions:				
Black Lung	1,200	1,377 (r)	1,200	1,200
Longshore	2,340	2,540 (r)	2,210	2,210
Immigration	420	563 (r)	280	280
Traditional	500	612 (r)	450	450
Total	4,460	5,092	4,140	4,140
OALJ Pending Cases:				
Black Lung	2,078	1,740 (r)	1,740	1,740
Longshore	2,328	2,324 (r)	2,614	2,904
Immigration	323	221 (r)	241	261
Traditional	571	561 (r)	661	961
Total	5,300	4,846	5,256	5,866
Administrative Review Board				
New Appeals	130	145 (r)	150	160
Closed Appeals	150	154 (r)	156	180
Pending End of Year	167	158 (r)	152	132
Pending in Months EoY	13.40	12.30 (r)	11.70	8.80
Benefits Review Board				
BRB-BL				
New Appeals	700	585 (r)	700	700
Closed Appeals	700	624 (r)	700	700
Pending End of Year	526	476 (r)	476	476
Pending in Months EoY	9	9 (r)	8	8
BRB-LS				
New Appeals	250.00	229.00 (r)	265.00	265.00
Closed Appeals	250.00	256.00 (r)	265.00	265.00
Pending End of Year	134.00	114.00 (r)	114.00	114.00
Pending in Months EoY	6.40	5.30 (r)	5.20	5.20
Employees' Compensation Appeals Board				
New Appeals	2,225	2,376 (r)	2,500	2,500
Closed Appeals	2,225	2,323 (r)	2,225	2,225
Pending End of Year	1,738	1,861 (r)	2,136	2,411
Pending in Months EoY	9.40	9.60 (r)	11.50	13.00

ADJUDICATION

PERFORMANCE INDICATORS

Performance Goal – Adjudication (OALJ)

	FY 2006		FY 2007		FY 2008		FY 2009		FY	FY
	Goal Achieved		Goal Achieved		Goal Achieved		Goal Achieved		2010	2011
Performance Indicator	Target	Result	Target	Result	Target	Result	Target	Result	Target	Target
Facilitate 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.										
Black Lung (Dispositions)	1,360	1,568	1,360	1,652	1,200	1,367	1,200	1,377	1,200*	1,200*
Case Intake	1,350	1,359	1,350	1,257	1,350	1,357	1,350	1,189	1,200	1,200
Pending Cases EOFY	2,532	2,333	2,463	1,938	2,088	1,928	2,078	1,740	1,740	1,740
Backlogs (Months)	22	18	22	14	21	17	21	15	17	17
FTE	68	65	65	65	55	55	51	51	51	51
Longshore (Dispositions)	2,990	2,747	2,470	2,475	2,340	2,612	2,340	2,540	2,210*	2,210*
Case Intake	3,000	2,413	2,500	2,614	2,500	2,657	2,500	2,696	2,500	2,500
Pending Cases EOFY	2,328	1,984	2,204	2,123	2,283	2,168	2,328	2,324	2,614	2,904
Backlogs (Months)	11	9	11	10	12	10	12	11	14	16
FTE	81	76	73	73	54	54	53	54	54	54
Help 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.										
Traditional (Dispositions)	400	572	500	528	450	530	500	612	450*	450*
Case Intake	400	560	550	555	550	494	550	652	550	750
Pending Cases EOFY	542	530	580	557	657	521	571	561	661	961
Backlogs (Months)	16	11	14	13	18	12	14	11	18	26
FTE	27	27	29	29	25	25	28	29	29	29
Ensure income support when work is impossible or unavailable by adjudicating Immigration cases.										
Immigration (Dispositions)	280	247	140	212	140	448	420	563	280*	280*
Case Intake	300	90	300	399	300	417	450	491	300	300
Pending Cases EOFY	314	137	297	324	484	293	323	221	241	261
Backlogs (Months)	13	7	25	18	41	8	9	5	10	11
FTE	7	7	6	6	4	4	9	7	7	7

*Results exceed future dispositions of case targets because estimates account for both authorized FTE levels and the types of cases we anticipate adjudicating.

ADJUDICATION

PERFORMANCE INDICATORS Performance Goal – Adjudication										
Administrative Review Board	FY 2006		FY 2007		FY 2008		FY 2009		FY 2010	FY 2011
Performance Indicator: Protect workers from retaliation and inequitable wage rates thru providing full and fair review of all appeals and issuing timely decisions	Target	Result	Target	Result	Target	Result	Target	Result	Target	Target
	Goal Not Achieved		Goal Substantially Achieved		Goal Achieved		Goal Achieved			
ARB: New Appeals	160	160	155	124	130	138	130	145	150	160
Closed Appeals	168	133	160	145	150	158	150	154	156	180
Pending Appeals EOFY	175	208	203	187	167	167	147	158	152	132
Pending Appeals in Months	12.5	18.8	15.2	15.5	13.4	17.9	11.8	12.3	11.7	8.8
Average Case Turnaround in Months	12.0	14.6	14.1	17.0	13.5	13.5	11.8	15.1		
FTE	18	13.8	17	15.7	16	15.5	12	11.4	12	15

ADJUDICATION

PERFORMANCE INDICATORS Performance Goal – Adjudication

	FY 2006		FY 2007		FY 2008		FY 2009		FY 2010	FY 2011
Employees' Compensation Appeals Board										
	Target	Result	Target	Result	Target	Result	Target	Result	Target	Target
Performance Indicator: Facilitate return to work for workers experiencing workplace injuries or illnesses who are able to work and income support and medical care for those unable to work thru providing full and fair review of all appeals and issuing timely decisions in an effort to help middle class families remain in the middle class.	Goal Substantially Achieved		Goal Substantially Achieved		Goal Achieved		Goal Achieved			
ECAB: New Appeals	2,300	2,184	2,225	2,446	2,225	2,561	2,225	2,376	2,500	2,500
Closed Appeals	2,300	2,131	2,225	2,205	2,225	2,248	2,225	2,323	2,225	2,225
Pending Appeals EOFY	1,080	1,158	1,158	1,411	1,411	1,738	1,738	1,861	2,136	2,411
Pending Appeals in Months	5.6	6.5	6.2	7.7	7.6	9.3	9.4	9.6	11.5	13.0
Average Case Turnaround in Months	7.0	6.5	6.5	6.5	6.5	7.4	8.9	9.0		
FTE	45	34.0	44	33.3	35	32.9	36	35.7	36	36

ADJUDICATION

PERFORMANCE INDICATORS Performance Goal – Adjudication										
	FY 2006		FY 2007		FY 2008		FY 2009		FY 2010	FY 2011
Benefits Review Board - Black Lung										
	Target	Result	Target	Result	Target	Result	Target	Result	Target	Target
Performance Indicator: Facilitate return to work for workers experiencing workplace injuries or illnesses who are able to work and income support and medical care for those unable to work thru providing full and fair review of all appeals and issuing timely decisions .	Goal Substantially Achieved		Goal Not Achieved		Goal Achieved		Goal Substantially Achieved			
BRB-BL: New Appeals	720	695	720	721	760	573	760	585	700	700
Closed Appeals	720	706	720	635	720	727	720	624	700	700
Pending Appeals EOFY	515	512	512	617	657	486	526	476	476	476
Pending Appeals in Months	8.6	8.7	8.5	11.7	11.0	8.0	8.8	9.2	8.2	8.2
Average Case Turnaround in Months	10.3	9.2	10.3	9.9	10.3	11.2	10.3	10.2		
FTE	54	47.4	54	43.7	40	39.5	41	37.5	40	40

ADJUDICATION

PERFORMANCE INDICATORS Performance Goal – Adjudication										
	FY 2006		FY 2007		FY 2008		FY 2009		FY 2010	FY 2011
Benefits Review Board – Longshore										Agency Request
	Target	Result	Target	Result	Target	Result	Target	Result	Target	Target
<p>Performance Indicator: Facilitate return to work for workers experiencing workplace injuries or illnesses who are able to work and income support and medical care for those unable to work thru providing full and fair review of all appeals and issuing timely decisions.</p>										
	Goal Substantially Achieved		Goal Substantially Achieved		Goal Not Achieved		Goal Substantially Achieved			
BRB-LS: New Appeals	300	248	300	241	300	226	300	229	265	265
Closed Appeals	300	288	300	282	300	260	300	256	265	265
Pending Appeals EOFY	211	182	182	152	152	134	134	114	114	114
Pending Appeals in Months	8.4	7.6	7.3	6.5	6.1	6.2	6.1	5.3	5.3	5.3
Average Case Turnaround in Months	9.0	9.0	9.0	8.6	9.0	8.1	9.0	7.3		
FTE	13	12.4	13	13.0	20	21.1	21	19.7	20	20

ADJUDICATION

BUDGET ACTIVITY BY OBJECT CLASS						
(Dollars in Thousands)						
		FY 2009 Comparable	Recovery Act	FY 2010 Estimate	FY 2011 Request	Change FY 11 Req. / FY 10 Est.
11.1	Full-time permanent	23,939	0	25,438	26,175	737
11.3	Other than full-time permanent	110	0	40	40	0
11.5	Other personnel compensation	557	0	666	666	0
11.9	Total personnel compensation	24,606	0	26,144	26,881	737
12.1	Civilian personnel benefits	5,424	0	5,859	6,074	215
21.0	Travel and transportation of persons	410	0	340	340	0
22.0	Transportation of things	37	0	4	4	0
23.1	Rental payments to GSA	3,919	0	3,721	3,759	38
23.3	Communications, utilities, and miscellaneous charges	490	0	488	488	0
24.0	Printing and reproduction	27	0	223	223	0
25.1	Advisory and assistance services	170	0	1,477	1,573	96
25.2	Other services	753	0	397	397	0
25.3	Other purchases of goods and services from Government accounts 1/	8,453	0	7,574	7,778	204
25.4	Operation and maintenance of facilities	54	0	0	0	0
25.7	Operation and maintenance of equipment	795	0	0	0	0
26.0	Supplies and materials	290	0	269	269	0
31.0	Equipment	171	0	103	103	0
	Total	45,599	0	46,599	47,889	1,290
	1/Other Purchases of Goods and Services From Government Accounts					
	Working Capital Fund	8,182	0	7,560	7,764	204
	DHS Services	217	0	14	14	0
	Services by DOL Agencies	54	0	0	0	0

ADJUDICATION

CHANGES IN FY 2011

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$347
Personnel benefits	163
Federal Employees Compensation Act (FECA)	-45
Rental payments to GSA	38
Working Capital Fund	204
Built-Ins Subtotal	707

Net Program **583**

Direct FTE **3**

	Estimate	FTE
Base	47,306	250
Program Increase	583	3

WOMEN'S BUREAU

BUDGET AUTHORITY BEFORE THE COMMITTEE							
(Dollars in Thousands)							
	FY 2009 Comparable	Recovery Act	FY 2010 Enacted	FY 2010 Estimate	Diff. FY 09 Comp. / FY 10 Est	FY 2011 Request	Diff. FY 10 Est. / FY 11 Req.
Activity Appropriation	10,419	0	11,604	11,604	1,185	12,255	651
FTE	50	0	58	58	8	58	0

NOTE: FY 2009 reflects actual FTE. Authorized FTE for FY 2009 was 52.

Introduction

The Women's Bureau carries 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 Bureau is the only federal office exclusively concerned with serving and promoting the interests of women in the workforce. The Bureau conducts research, projects, outreach, and evaluations on issues of importance to working women, and provides information about women in the labor force to stakeholders and customers.

The Bureau is organizationally positioned within the Office of the Secretary. The director is appointed by the President and supported by a Deputy Director, a special assistant, and staff in the national office and ten regional offices. Within DOL, the Bureau provides leadership and coordination of DOL activities which impact women in the workforce.

In FY 2011, the Bureau will continue to support the Department's outcome goals 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. The Bureau will link women, community organizations, employers, and training providers with support services to facilitate women's success in non-traditional and emerging fields. Additionally, the Bureau will continue to promote workplace flexibility as a tool to help workers navigate their personal and family care responsibilities, provide information on employment rights, and help women acquire and maintain better wages, benefits, and retirement security, with a special emphasis on women veterans who are homeless and women with disabilities, as well as women in low-income, disadvantaged, and underserved communities.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2006	9,666	60
2007	9,348	60
2008	9,465	52
2009	10,419	52
2010	11,604	58

NOTE: Excludes Recovery Act Funding. See budget activity head table.

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FY 2011

The Women's Bureau (WB) addresses issues of importance to working women in an effort to improve the status of wage-earning women, improve their working conditions, increase their efficiency, and advance their opportunities for profitable employment. The Bureau's FY 2011 budget request of \$12,255,000 and 58 FTE, an increase of \$651,000 over the FY 2010 funding level, will allow the Bureau to work with the Bureau of Labor Statistics (BLS) in exploring ways to improve the collection of data on work-family balance issues; support the Department's vision of *good jobs for everyone*; and support the Department's strategic goals.

During FY 2011, the Women's Bureau will focus on the Department's **Strategic Goal 1 - Prepare workers for good jobs and ensure fair compensation** by:

- ***Increasing workers' incomes and narrowing wage and income inequality.*** The Bureau will establish formal agreements with other DOL and federal agencies to analyze sex-disaggregated data regarding wages and income, and will develop targeted strategies to reduce wage discrimination. The Bureau's research and outreach, employers, unions, and governmental agencies will adopt and implement strategies to promote pay equity.
- ***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 publish and disseminate resources, including "A Woman's Guide to Green Jobs" and information on STEM and nontraditional careers for women, to promote training and employment for women in high-growth and emerging industry sectors. The Bureau will develop relationships with government, non-profit, private sector, and educational/training entities to facilitate dissemination of resources.
- ***Helping women who are in low-wage jobs or out of the labor market find a path into middle class jobs.*** The Bureau will place special emphasis on targeted populations, such as women veterans and women with disabilities. The Bureau will support and work with other DOL and federal agencies and local communities to develop policy solutions related to assisting women veterans.

During FY 2011, the Bureau will focus on the Department's **Strategic Goal 3 - Assure fair and high quality work-life environments** by:

- ***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 a broad-based multi-media campaign on employment rights, including the rights of pregnant women, mothers, women with disabilities, and women veterans. Outreach efforts may be performed in conjunction with internal and external federal agencies. The Bureau will make use of innovative media to ensure that the information reaches a wide audience.

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- ***Providing workplace flexibility for family and personal care-giving.*** The Bureau will build on the lessons learned from its successful Flex-Options project. 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. Utilizing funding requested in the FY 2011 Budget, the Bureau will work with BLS to explore ways to improve the collection of data on parental leave, child care responsibilities, family leave insurance programs usage, and other issues related to the intersection of work and family responsibilities. WB will work with other DOL and federal agencies, employers, women's organizations, and other stakeholders to use data and expand flexible workplace practices, and to promote laws and policies to help workers achieve work-life balance.

During FY 2011, the Bureau will focus on the Department's **Strategic Goal 4 - Secure health benefits and, for those not working, provide income security** by:

- ***Improving health benefits and retirement security for all workers.*** The Bureau will build upon its Wi\$eUp project, and continue to promote financial literacy and education, especially among the U.S.'s Spanish-speaking population. 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.

During FY 2011, the Bureau will focus on the Department's **Strategic Goal 5 - Foster fair working conditions in the global marketplace** by:

- ***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.*** The Bureau will collaborate with DOL's International Labor Affairs Bureau (ILAB) to support the development of labor practices that improve the lives of women workers around the globe. The Bureau will provide input on international issues related to working women, including how U.S. women are impacted by international agreements.

FY 2010

The Women's Bureau's FY 2010 budget of \$11,604,000 and 58 FTE will allow the Bureau to continue its support of the Department's strategic and outcome goals by building on the successes and lessons learned from its short-term projects. The Bureau will also expand existing projects, as well as research and create new opportunities to help women meet the needs of the 21st Century workplace. With additional funding provided by Congress in FY 2010, the Bureau will increase its support of the advancement of women in the workplace through education, research, and advocacy. The Bureau will work with Federal agencies and national organizations

WOMEN'S BUREAU

to provide technical assistance, which will promote increased participation of women in employment and training programs.

The Women's Bureau will support the Department's strategic goal of *preparing workers for good jobs and ensuring fair compensation* 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. Throughout the year the Bureau will develop, "A Woman's Guide to Green Jobs" to increase women's access to high-growth and emerging industry occupations in the green jobs sector nationwide. The Guide will provide 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. Each section will be accompanied by resources, including a series of webinars for women and women's organizations and fact sheets that focus on industry-specific issues. Additionally, the Bureau will collaborate with other Federal agencies as well as non-profit and women's organizations to increase public awareness of hiring needs, training, and entrepreneurship opportunities in "green" industries. The Women's Bureau funded nine diverse organizations throughout the country to increase training opportunities for women in green jobs and share their success and challenges. Following completion of these projects, information and lessons learned will be shared with decision makers and community organizations.

The Women's Bureau will also continue to work with the Veterans Employment and Training Services and other federal and community based organizations to ensure women's increased participation in veteran's employment services.

The Women's Bureau will continue to support the Department's strategic goal of *securing health benefits and, for those not working, providing income security* through its efforts to increase women's financial security. The Wi\$eUp online and classroom-based financial education project, which encourages women to increase savings and reduce debt will be translated to Spanish and shared with Latina women and their families through electronic outreach and face-to-face sessions. In light of the changing economic landscape, the Bureau will continue to work with other Federal agencies and organizations to provide outreach and educational forums related to economic revitalization.

In order to meet the Department's strategic goal of *assuring fair and high quality work-life environments*, the Bureau will continue with, and improve upon, Flex-Options, a project which encourages employers to voluntarily develop or expand flexible workplace policies and/or programs for their employees. The Bureau is expanding research, outreach, and educational efforts to state/local governments and university consortiums of employers to promote work-life benefits as a way to achieve better work and life balance, environmental goals (e.g., improved air quality), or to meet economic challenges.

Furthermore, the Bureau will focus efforts on new topics including hosting workshops and creating publications on pregnancy and fair pay issues for working women, particularly focusing on minority women, in order to help keep working women competitive in today's workplace.

WOMEN'S BUREAU

FY 2009

The Bureau placed particular emphasis on programs in support of the Department's vision of *good jobs for everyone*. The Bureau initiated a series of Green Jobs Roundtables which were the beginning of the Bureau's efforts to increase awareness and create resources and opportunities for women in the emerging green jobs sector. They connected the dots between diverse stakeholders in the green jobs field, and stimulated networking and collaboration that can be continued through a variety of approaches, such as list-servs, quarterly follow up meetings, and coalition development. The Bureau is also using what it learned to develop "A Woman's Guide to Green Jobs."

Additionally, the Bureau conducted sixteen Economic Stimulus Forums around the country. These regional forums regarding the Recovery Act, addressed financial challenges faced by women, women's organizations, and women business owners impacted by the downturn in the economy. These forums were designed to educate women in the community about provisions in the Recovery Act; to stimulate and encourage citizen participation in the economic recovery of local communities; and provide a venue for listening to the concerns of grassroots organizations that serve women's interests. The forums also provided focused attention on green jobs, the need for training, provisions within the economic stimulus package that specifically impact women, and specific challenges faced by women. They provided information and resources that would assist women in gaining new skills and opportunities in emerging industries, particularly those that contribute to a leaner, more energy efficient future, and a career pathway.

The Bureau also conducted twenty-eight listening sessions to gain further understanding and insight into the drivers to homelessness for female veterans as well as the issues and roadblocks, positive enablers, and solutions to recovery. Two segment groups participated in the sessions - homeless female veterans and service providers to this population. Results of these sessions were shared with the Veterans Employment and Training Services (VETS) to help ensure that issues pertinent to women veterans who are homeless are included in VETS' Solicitations for Grant Applications (SGA).

The Bureau continued its Wi\$eUp project. Wi\$eUp is an e-mentoring financial education project that helps young women improve their economic security by increasing their savings and/or reducing their debt. In FY 2009, the Bureau updated and enhanced the Wi\$eUp financial education curriculum and took steps to make the Wi\$eUp classroom learning process more meaningful, interesting, effective, and accessible to a wider group of women. The Bureau also implemented the Wi\$eUp project in two additional regions and increased its outreach to women through the replication of Wi\$eUp. Replication has allowed the Bureau to expand its successful model projects through collaborative efforts that leverage federal funds with in-kind support from the private sector, state and local governments, and faith-based and community organizations.

Flex-Options continued working to increase the number of employers who create or expand flexible workplace policies/programs, increase the number of new or expanded policies/programs, and expand the number of employees who have access to new flexible policies/programs. In addition, the Bureau expanded outreach and educational efforts to

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state/local governments and university consortiums of employers to promote workplace flexibility as a way to achieve environmental goals (e.g., improved air quality) or meet economic challenges.

Both the Wi\$eUp and Flex-Options projects continued their successful and extensive use of interactive Web sites and teleconferences to facilitate project activities.

WOMEN'S BUREAU

PERFORMANCE INDICATORS

Performance Goal — Women's Bureau

FY 2006		FY 2007		FY 2008		FY 2009		FY 2010	FY 2011
Target	Result	Target	Result	Target	Result	Target	Result	Target	Target

Strategic Goal 1 (Prepare workers for good jobs that ensure fair compensation)

<i>Increasing workers' incomes and narrowing wage and income inequality:</i> Number of formal agreements signed to reduce wage discrimination (new focus area in 2011)										Baseline
<i>Preparing workers to succeed in a knowledge-based economy, including in high-growth and emerging industry sectors:</i> Number of entities using/adopting WB resources to increase outreach in high-growth and emerging industry sector training and employment occupations for women (new project in 2010)										Baseline TBD
<i>Helping women who are in low-wage jobs or out of the labor market find a path into middle class jobs:</i> Number of targeted Federal, state, local agencies, and service providers adopting strategies for serving women veterans (new project in 2010)										Baseline TBD

Strategic Goal 3 (Assure fair and high quality work-life environments)

<i>Providing workplace flexibility for family and personal care-giving:</i> Number of formal agreements signed to support work-life policies (revised project in 2010)										Baseline TBD
Number of employers who express an interest in expanding or developing a flexible workplace policy or program	140	199	235	387	311*	365*	378	524	<i>Flex-Options will be revised in 2010</i>	

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Number of employees who have access to new flexible policies/programs	1,710	Achieved	1,778	Achieved	1,924	402,334	TBD**	251,170	<i>Flex-Options will be revised in 2010</i>
Number employers who create or expand at least one flexible policy/program	84	116	137	197	210	252	273	253	<i>Flex-Options will be revised in 2010</i>

Strategic Goal 4 (Secure health benefits and, for those not working, provide income security)										
<i>Improving health benefits and retirement security for all workers: Number of formal agreements signed that will help increase women's retirement security in targeted groups (revised focus area in 2011)</i>										Baseline
Number of Wi\$eUp participants	588	1,037	1,058	1,445	1,488	1,995	2,055	3,250	<i>Wi\$eUp will be revised in 2010</i>	
Percent of participants who reduce their debt	TBD	39%	41%	60%	45%	58%	60%	57%	<i>Wi\$eUp will be revised in 2010</i>	
Percent of participants who increase their savings/investments	TBD	42%	44%	51%	48%	58%	60%	51%	<i>Wi\$eUp will be revised in 2010</i>	

Strategic Goal 5 (Foster fair working conditions in the global marketplace)										
<i>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: Percent of technical assistance adopted and implemented in official documents on international treaties and policies related to working women</i>										Baseline TBD

* In FY 2008, the definition of expressing an interest was redefined and strengthened.

** This measure was re-examined as the outcome is largely a function of the size of companies WB works with.

WOMEN'S BUREAU

BUDGET ACTIVITY BY OBJECT CLASS						
(Dollars in Thousands)						
		FY 2009 Comparable	Recovery Act	FY 2010 Estimate	FY 2011 Request	Change FY 11 Req. / FY 10 Est.
11.1	Full-time permanent	5,318	0	5,695	5,772	77
11.5	Other personnel compensation	75	0	77	77	0
11.9	Total personnel compensation	5,393	0	5,772	5,849	77
12.1	Civilian personnel benefits	1,197	0	1,441	1,458	17
21.0	Travel and transportation of persons	157	0	175	175	0
22.0	Transportation of things	0	0	2	2	0
23.1	Rental payments to GSA	692	0	747	757	10
23.3	Communications, utilities, and miscellaneous charges	54	0	54	54	0
24.0	Printing and reproduction	4	0	10	10	0
25.1	Advisory and assistance services	9	0	9	9	0
25.2	Other services	993	0	1,459	1,959	500
25.3	Other purchases of goods and services from Government accounts 1/	1,808	0	1,804	1,851	47
25.7	Operation and maintenance of equipment	16	0	16	16	0
26.0	Supplies and materials	59	0	65	65	0
31.0	Equipment	37	0	50	50	0
	Total	10,419	0	11,604	12,255	651
	1/Other Purchases of Goods and Services From Government Accounts					
	Working Capital Fund	1,758	0	1,754	1,801	47
	DHS Services	40	0	40	40	0
	Services by DOL Agencies	10	0	10	10	0

WOMEN'S BUREAU

CHANGES IN FY 2011

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$77
Personnel benefits	3
Federal Employees Compensation Act (FECA)	14
Rental payments to GSA	10
Working Capital Fund	47
Built-Ins Subtotal	151

Net Program **500**

	Estimate	FTE
Base	11,755	58
Program Increase	500	0

CIVIL RIGHTS

BUDGET AUTHORITY BEFORE THE COMMITTEE							
(Dollars in Thousands)							
	FY 2009 Comparable	Recovery Act	FY 2010 Enacted	FY 2010 Estimate	Diff. FY 09 Comp. / FY 10 Est	FY 2011 Request	Diff. FY 10 Est. / FY 11 Req.
Activity Appropriation	6,943	0	6,812	7,220	277	7,335	115
FTE	42	0	42	45	3	45	0

NOTE: FY 2009 reflects actual FTE. Authorized FTE for FY 2009 was 42.

Introduction

Operating under authority delegated pursuant to Secretary's Orders, the CRC is the single organizational unit within the Department of Labor (DOL) responsible for ensuring compliance with Federal civil rights laws and their implementing regulations, which cover:

- DOL employees and applicants for employment;
- DOL conducted programs; and
- Programs and activities receiving or benefiting from DOL financial assistance.

The Federal equal employment opportunity/equal opportunity and nondiscrimination laws that the CRC enforces include:

- Title VI and VII of the Civil Rights Act of 1964, as amended
- Sections 504 and 508(f) of the Rehabilitation Act of 1973, as amended
- Age Discrimination Act (ADA) of 1975, as amended
- Section 188 of the Workforce Investment Act
- Age Discrimination in Employment Act, as amended
- Title II of the Americans with Disabilities Act
- Title IX of the Education Amendments of 1972

The CRC is responsible for: (1) administering DOL's equal employment opportunity (EEO) program and administering an effective discrimination complaint processing system for discrimination complaints filed by DOL employees and applicants for employment with DOL; (2) ensuring compliance with Federal equal opportunity and nondiscrimination laws and regulations by recipients of financial assistance and in DOL conducted programs through program monitoring and complaint processing; (3) processing work-related complaints under Title II of the Americans with Disabilities Act; (4) coordinating 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; and (5) overseeing the implementation of DOL employee rights policies, e.g., harassing conduct policy.

The CRC continues to utilize employees across the organization, which provides flexibility to use resources when and where needed. In FY 2011, CRC will continue its initiatives pertaining to rebuilding the foundation of the organization, particularly with regard to the organization's resources and systems. Among other essential responsibilities, the CRC is the only entity that

CIVIL RIGHTS

enforces various Federal statutes and regulations that prohibit discrimination in DOL financially assisted and conducted programs and activities. 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 also focus on making vital core structural enhancements to information systems that track data relative to CRC's enforcement of Title VI and Title VII of the Civil Rights Act of 1964, Sections 504 and 508(f) of the Rehabilitation Act, the Age Discrimination Act, Section 188 of the Workforce Investment Act, the Age Discrimination in Employment Act, Title II of the Americans with Disabilities Act, and Title IX of the Education Amendments of 1972; and produce reports in compliance with regulatory requirements of the U.S. Congress, the Equal Employment Opportunity Commission (EEOC), the Department of Health and Human Services (HHS), and the Department of Justice (DOJ).

Specific to DOL's internal EEO program, the CRC will allocate resources to ensure timely complaint processing activities including counseling, investigating, and issuance of final agency decisions. Contractual services will be used when necessary. The CRC's goal is to make DOL's internal EEO program a model for the Federal government.

CRC's allocation priorities for its external equal opportunity program include making certain that DOL's Workforce Investment Act financial assistance recipients and DOL's conducted programs have equal opportunity policies and streamlined procedures in place. This will allow CRC to shift focus from "paper compliance" (i.e. reviewing State submitted Methods of Administration to ensure that all required documents are present) to the identification of significant substantive equal opportunity violations, and is revamping the review process as a result. Additionally, CRC will also focus on ensuring that its complaint processing activities are conducted in an efficient and effective manner.

One of the primary activities of the CRC has been compliance assistance, which has included comprehensive training and outreach to the organization's stakeholders. The CRC will continue to leverage its resources to provide its customers with clear and easy-to-access information on how to comply with Federal equal opportunity and nondiscrimination laws and regulations.

The CRC also intends to offer assistance to the DOL's Office of Apprenticeship Training, Employer and Labor Services to address underrepresentation of women in apprenticeship programs through a reinvigorated EEO review process. This involves the revised, more comprehensive Methods of Administration (MOA) review process. The reviews will now include an examination of the job training and employment services that are covered by a State's MOA, trends in complaints and employment statistics.

The CRC will continue its standard practice of driving strategic goals to the tactical level of the organization by developing annual work plans in accordance with long-term strategic goals. The CRC's annual work plan is devised in a manner that supports its performance goals, and the performance goals of the Employment and Training Administration (ETA), the Office of Disability Employment Policy (ODEP), and the overall mission of DOL.

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Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2006	6,386	46
2007	6,445	40
2008	6,182	33
2009	6,535	42
2010	7,220	42

NOTE: Excludes Recovery Act Funding. See budget activity head table.

FY 2011

For FY 2011, CRC is requesting \$7,160,000 in base level funding and 44 FTEs. The funding requests translates into supporting CRC in various capacities and addresses departmental goals that support the Secretary's vision for *good jobs for everyone*.

The requested resources are intended to permit CRC to accomplish its performance goals:

- 1) Creating a model workplace within DOL with regard to nondiscrimination, equal opportunity, and diversity;
- 2) Addressing the new responsibilities imposed on the Department by the passage of the Americans with Disabilities Act Amendments Act of 2008 (ADAAA or Amendments Act), which transformed the Federal disability nondiscrimination laws implemented and enforced by CRC; and
- 3) Re-focusing on enforcement of the nondiscrimination and equal opportunity laws that apply to external recipients of Federal financial assistance, as described in more detail below.

As in previous years, CRC's performance goals continue to support achievement of the strategic goals of the Department's Office of the Assistant Secretary for Administration and Management (OASAM), Employment and Training Administration (ETA), and Office of Disability Employment Policy (ODEP).

As there has been a dramatic change regarding diversity activities since January 2009, President Obama as well as Secretary Solis has repeatedly indicated the importance of having a federal workforce that is representative of the population that we serve. The budget funding request also supports CRC's request to accomplish the strategic goal related to ODM: Creating a model workplace within DOL with regard to diversity and *good jobs for everyone*.

As discussed in the Introduction, President Obama and Secretary of Labor Solis have placed a high priority on building and maintaining a diverse Federal workforce. In support of this goal, the Office of Diversity Management (ODM) is coordinating DOL agency participation in outreach activities targeted to diverse audiences, including attendance at job fairs and

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conferences, for calendar year 2009 /fiscal years 2009 and 2010. Although the guidelines recently issued by the CRC Director regarding DOL agency participation in these job fairs and diversity conferences emphasize that “[i]t is essential that each agency send the right staff to represent the agency and effectively recruit,” and that “[r]ecruiting is not the province of the human resources (or CRC) staff,” CRC nonetheless anticipates that intensive participation by ODM staff will be necessary in order to facilitate such agency participation, extending at least into FY 2011.

In addition, with the requested funding, CRC will accomplish two strategic goals under its External Enforcement Program:

- (1) addressing the new responsibilities imposed on its external program by the passage of the Americans with Disabilities Act Amendments Act of 2008 (ADAAA or Amendments Act), which transformed the Federal disability nondiscrimination laws implemented and enforced by CRC; and
- (2) re-focusing on enforcement of the nondiscrimination and equal opportunity laws that apply to external recipients.

The passage of the ADAAA and possible reauthorization of the WIA will require CRC to revise its implementing regulations. Timing of the drafting of the revised regulations is dependent upon EEOC and the Department of Justice. Additionally, CRC will partner with other parts of the Department including ETA, ODEP, and SOL.

To re-focus on enforcement of the nondiscrimination and equal opportunity laws that apply to external recipients, CRC will capitalize on the information obtained during the review of the State submitted Methods of Administration (MOA). MOAs describe how each State ensures compliance with EO obligations for agencies within that State. Using the MOA as a springboard, CRC is working to reach beyond the paper submission to focus on the activities of the recipients and examining the recipient’s practices and procedures systemically.

The budget funding request also supports CRC's Office of Internal Enforcement to accomplish the strategic goals: (1) Creating a model workplace within DOL with regard to nondiscrimination and equal opportunity; and (2) Addressing the new responsibilities imposed on the Department by the passage of the Americans with Disabilities Act Amendments Act of 2008 (ADAAA or Amendments Act), which transformed the Federal disability nondiscrimination laws implemented and enforced by CRC.

Increasing training activity pays significant dividends in improving compliance by, and decreasing discrimination complaints filed regarding, its internal and external customers. The organization therefore intends to implement an initiative in FY 2011 under which it will conduct more training for those customers. In CRC’s view, this initiative will help it accomplish all three of its strategic goals:

- (1) Addressing the new responsibilities imposed on its external program by the passage of the Americans with Disabilities Act Amendments Act of 2008 (ADAAA or Amendments

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Act), which transformed the Federal disability nondiscrimination laws implemented and enforced by CRC;

- (2) Re-focusing on enforcement of the nondiscrimination and equal opportunity laws that apply to external recipients; and
- (3) Creating a model workplace within DOL with regard to nondiscrimination, equal opportunity, and diversity, which provides *good jobs for everyone*.

The budget funding request therefore supports CRC in accomplishing all three of these strategic goals and supporting the Secretary's strategic outcome of *Breaking down barriers to fair and diverse work places so that every worker's contribution is respected* in support of her vision of ensuring *good jobs for everyone*.

FY 2010

The FY 2010 appropriation provided \$7,220,000 and 45 FTE in FY 2010. Two (2) additional FTE were acquired in January 2010 after a reorganization of Departmental small business activities and one (1) additional FTE was just acquired upon the disbandment of the Office of Small Business Programs (its remaining functions were transferred to OASAM under the WCF). The CRC's performance goals will continue 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.

Moreover, the CRC's goals support achievement of the goals of the Department's Office of the Assistant Secretary for Administration and Management. The CRC operates toward achievement of the following organizational performance goals:

- 1) Ensure equal opportunity within DOL financially assisted programs
- 2) Enhance the knowledge of DOL financial assistance recipients regarding their obligations
- 3) Ensure nondiscrimination within DOL

A priority of the Secretary in her testimony before the U.S. Senate is the enforcement of workers' civil rights and ensuring equal opportunity of American workers, of which CRC will support through achievement of the performance goals.

In order for DOL to effectively promote the aforementioned priorities of the new administration, it must first ensure that the DOL workplace serves as an example of the model workplace it intends to promote across the country. As part of a new initiative, CRC will require all DOL managers and supervisors to have equal employment opportunity training to enable them to effectively manage their workplace. A component of this training will include 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. CRC proposes revisions to its mediation program to realize greater

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value from the program. Agencies will be required to mediate EEO complaints when complainants elect mediation; and mediations will be conducted by a non-DOL third-party neutral.

Moreover, in order to support the Secretary's position that "the Department of Labor must assure that the door to opportunity is open to every American regardless of race, sex, veterans status, or disability." the Civil Rights Center needs an outreach and recruitment budget to create a diverse and inclusive DOL workforce. CRC will undertake new initiatives including outreach, recruitment, and the education of employees and individuals with disabilities regarding the special hiring authorities. In prior years the Department's Office of Diversity Management was not funded in order to meet this mandate and therefore the requisite funding and resources are necessary.

In addition, under EEOC's Management Directive (MD)-715, agencies are required to develop annually an affirmative action plan for individuals with disabilities that establishes specific hiring and advancement plans. In order to ensure the specific hiring and advancement plans are implemented, managers, supervisors, human resource professions and disability program managers/selective placement managers need to be educated on the special hiring authority to employee persons with disabilities.

The Department's efforts should be to accommodate the needs of DOL employees and applicants with disabilities.

The Secretary indicated that she has several goals for DOL, including expanded unemployment insurance (UI). In light of the Secretary's stated commitment to the UI program and in response to the economy's downturn and resultant increase in the number of individuals seeking unemployment insurance (UI), the Civil Rights Center (CRC) proposes to conduct in-depth compliance reviews of two (2) state UI programs in FY 2010. These reviews would be conducted pursuant to the CRC's responsibilities under Title VI of the Civil Rights Act of 1964, as amended and Section 188 of the Workforce Investment Act of 1998 in order to ensure the accessibility of UI, a vital safety net program, these compliance reviews would focus on ensuring that persons with Limited English Proficiency (LEP) can apply for and receive assistance in accordance with programmatic requirements. The CRC would conduct an assessment of the states to select two (2) that have large new, diverse immigrant populations. Compliance reviews are intended to ensure that eligible beneficiaries can access programs and services that receive federal financial assistance. Additionally, they are designed to provide states and other recipients of federal financial assistance with technical assistance and tools to administer their programs in compliance with the law.

The Civil Rights Center (CRC) proposes to re-vamp its regional civil rights officer program. When established, each Department of Labor Region housed a regional civil rights officer who served as a local technical expert on the Department's equal employment opportunity (EEO) program. These individuals provided in-person guidance to employees, union representatives, management officials, human resources, the Office of the Solicitor, and other stakeholders regarding their EEO rights and responsibilities. These individuals also provided in-depth training and oversaw the counseling, mediation and investigative tasks required by the EEO

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regulations. In recent years, the CRC has been unable to sustain positions in Boston/New York, Philadelphia, Atlanta, and Dallas/Denver. The CRC, therefore, proposes to re-establish these positions by hiring four (4) GS-13 employees who would perform the tasks outlined above as well as serve as liaisons with state and local governmental entities on external enforcement matters. These individuals would manage a more comprehensive regional civil rights program to include the facilitation of in-person enforcement activities and technical assistance.

Methods of Administration (MOA) are state policies and procedures for complying with applicable nondiscrimination regulations. MOAs are part of the CRC's strategy for ensuring equal opportunity within DOL financially assisted programs. The CRC will continue to track MOA recertification requests received and their approval as a means to monitor state level compliance.

Other measures encompass both the CRC's work of ensuring nondiscrimination and equal opportunity in the provision of benefits and services and in the administration of programs receiving Federal financial assistance from DOL and in the internal Equal Employment Opportunity (EEO) program for DOL employees and applicants.

The CRC continues 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 includes 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 continues 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 MOAs, 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 continues 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 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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FY 2009

CRC's appropriation was \$6,535,000 and 42 FTE in FY 2009. The CRC's performance goals greatly supported 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.

Moreover, the CRC's goals support achievement of the goals of the Department's Office of the Assistant Secretary for Administration and Management. The CRC operates toward achievement of the following organizational performance goals:

- 4) Ensure equal opportunity within DOL financially assisted programs
- 5) Enhance the knowledge of DOL financial assistance recipients regarding their obligations
- 6) Ensure nondiscrimination within DOL

Methods of Administration (MOA) are state policies and procedures for complying with applicable nondiscrimination regulations. MOAs are part of the CRC's strategy for ensuring equal opportunity within DOL financially assisted programs. The CRC will continue to track MOA recertification requests received and their approval as a means to monitor state level compliance.

Other measures encompass both the CRC's work of ensuring nondiscrimination and equal opportunity in the provision of benefits and services and in the administration of programs receiving Federal financial assistance from DOL and in the internal Equal Employment Opportunity (EEO) program for DOL employees and applicants.

The CRC provided 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 delivered training to states regarding compliance with the applicable equal opportunity and nondiscrimination regulations. Additionally, the CRC provided substantial assistance to states in the review and update of their MOAs, 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 engaged 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

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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, and the 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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WORKLOAD SUMMARY				
	FY 2009		FY 2010	FY 2011
	Target	Result	Target	Target
Civil Rights				
Civil Rights Center				
Internal EO Program Cases Adjudicated*	126	212 (r)	432	475
External EO Program Cases Adjudicated**	850	1,015 (r)	1,117	1,228
Number of Persons Trained by the Compliance Assistance Program	1,120	1,120 (r)	1,220	1,270
Total	2,096	2,347	2,769	2,973

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

**Internal EEO Program number based on estimated number of formal complaint*

***External EO Program numbers based on estimated number of complaints*

Workload Summary

The Civil Rights Center (CRC) is responsible for ensuring compliance with Federal civil rights laws and their implementing regulations, which cover Department of Labor (DOL) employees and applicants for employment, DOL conducted programs and certain public entities (on the basis of disability), and programs and activities receiving or benefiting from DOL financial assistance.

The CRC processes two distinct types of complaints: (1) complaints filed by DOL employees and applicants; and (2) complaints filed by beneficiaries of DOL financially assisted or conducted programs, or certain complaints alleging discrimination on the basis of disability by State and local governments.

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BUDGET ACTIVITY BY OBJECT CLASS						
(Dollars in Thousands)						
		FY 2009 Comparable	Recovery Act	FY 2010 Estimate	FY 2011 Request	Change FY 11 Req. / FY 10 Est.
11.1	Full-time permanent	3,266	0	3,376	3,430	54
11.5	Other personnel compensation	102	0	103	103	0
11.9	Total personnel compensation	3,368	0	3,479	3,533	54
12.1	Civilian personnel benefits	963	0	1,006	1,006	0
21.0	Travel and transportation of persons	128	0	129	129	0
23.1	Rental payments to GSA	357	0	359	384	25
23.3	Communications, utilities, and miscellaneous charges	35	0	35	35	0
24.0	Printing and reproduction	31	0	31	31	0
25.2	Other services	430	0	469	469	0
25.3	Other purchases of goods and services from Government accounts 1/	1,489	0	1,570	1,606	36
25.4	Operation and maintenance of facilities	66	0	66	66	0
25.7	Operation and maintenance of equipment	8	0	8	8	0
26.0	Supplies and materials	51	0	51	51	0
31.0	Equipment	17	0	17	17	0
	Total	6,943	0	7,220	7,335	115
1/Other Purchases of Goods and Services From Government Accounts						
	Working Capital Fund	1,234	0	1,331	1,367	36
	DHS Services	8	0	8	8	0
	Services by DOL Agencies	7	0	7	7	0
	Services by Other Government Departments	240	0	224	224	0

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CHANGES IN FY 2011

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$54
Rental payments to GSA	25
Working Capital Fund	36

Built-Ins Subtotal **115**

	Estimate	FTE
Base	7,335	45

CHIEF FINANCIAL OFFICER

BUDGET AUTHORITY BEFORE THE COMMITTEE							
(Dollars in Thousands)							
	FY 2009 Comparable	Recovery Act	FY 2010 Enacted	FY 2010 Estimate	Diff. FY 09 Comp. / FY 10 Est	FY 2011 Request	Diff. FY 10 Est. / FY 11 Req.
Activity Appropriation	5,278	621	5,361	5,361	83	5,438	77
FTE	23	2	29	29	6	29	0

NOTE: FY 2009 reflects actual FTE. Authorized FTE for FY 2009 was 23.

Introduction

The Office of the Chief Financial Officer (OCFO) has the responsibility to oversee all financial management activities in the Department. As external validation of OCFO's efforts, DOL has achieved an unqualified audit opinion on its Annual Consolidated Financial Statements for 12 consecutive years. DOL has also received the Association of Government Accountants' Certificate of Excellence and Accountability Reporting (CEAR) for the last nine consecutive years. 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.

The 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 duties and responsibilities, OCFO focuses on proactive assistance to agencies with an emphasis of validation of corrective actions undertaken to enhance internal controls. OCFO's mission supports overall Departmental management through effective and efficient stewardship of DOL's financial resources. OCFO is requesting \$5,525,000 and 23 FTE in the Departmental Management, Salaries and Expenses appropriation to support its efforts to improve the accuracy, timeliness, and utility of financial information used to make critical programmatic decisions throughout the Department. Additional resources are included in the Working Capital Fund.

The Recovery Act funds received by OCFO is being used to fund two full time equivalent termed employees to perform Recovery Act-specific functions in the area of financial reporting and two contract staff to enhance the Department's payroll system to accommodate the Recovery Act requirements. Funds are also being used for contractor support for the oversight of internal controls.

Five-Year Budget Activity History

CHIEF FINANCIAL OFFICER

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2006	5,287	38
2007	5,336	28
2008	5,098	20
2009	5,278	23
2010	5,361	29

NOTE: Excludes Recovery Act Funding. See budget activity head table.

FY 2011

In FY 2011, the Agency Request Level of \$5,438,000 and 29 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.

The mission of 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. Funding at the Agency Request Level would provide resources necessary to carry out this core mission and ensure continued efforts in raising the bar within DOL in providing sound, efficient, and effective financial management resources to Departmental agencies.

FY 2010

In FY 2010, the requested funding of \$5,361,000 and 29 FTE will support the continued strategy of the 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 U.S. Department of the 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.

CHIEF FINANCIAL OFFICER

FY 2009

In FY 2009, the OCFO is continuing its broad range of services designed to ensure sound financial management at the Department, continue execution of corrective and preemptive action plans, and ensure agency internal controls over financial reporting and systems are well documented, sufficiently tested, and properly assessed. More specifically, the agency will provide necessary resources for the in-depth testing and evaluation of internal controls, building upon the Department's internal control infrastructure. Funding will also provide resources to continue core financial management and auditing operations, and documentation, testing, and implementation of corrective actions with respect to internal controls.

CHIEF FINANCIAL OFFICER

BUDGET ACTIVITY BY OBJECT CLASS						
(Dollars in Thousands)						
		FY 2009 Comparable	Recovery Act	FY 2010 Estimate	FY 2011 Request	Change FY 11 Req. / FY 10 Est.
11.1	Full-time permanent	2,406	0	2,453	2,487	34
11.3	Other than full-time permanent	0	300	0	0	0
11.5	Other personnel compensation	39	0	40	41	1
11.9	Total personnel compensation	2,445	300	2,493	2,528	35
12.1	Civilian personnel benefits	828	100	836	848	12
21.0	Travel and transportation of persons	17	0	17	17	0
23.1	Rental payments to GSA	347	0	349	349	0
23.3	Communications, utilities, and miscellaneous charges	30	0	30	30	0
25.1	Advisory and assistance services	388	0	325	325	0
25.2	Other services	200	221	201	206	5
25.3	Other purchases of goods and services from Government accounts 1/	810	0	896	921	25
25.7	Operation and maintenance of equipment	158	0	159	159	0
26.0	Supplies and materials	50	0	50	50	0
31.0	Equipment	5	0	5	5	0
	Total	5,278	621	5,361	5,438	77
1/Other Purchases of Goods and Services From Government Accounts						
	Working Capital Fund	791	0	877	902	25
	DHS Services	9	0	9	9	0
	Services by DOL Agencies	5	0	5	5	0
	Services by Other Government Departments	5	0	5	5	0

CHIEF FINANCIAL OFFICER

CHANGES IN FY 2011

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments \$35

Personnel benefits 12

Other services 5

Working Capital Fund 25

Built-Ins Subtotal 77

	Estimate	FTE
Base	5,438	29

INFORMATION TECHNOLOGY SYSTEMS

BUDGET AUTHORITY BEFORE THE COMMITTEE							
(Dollars in Thousands)							
	FY 2009 Comparable	Recovery Act	FY 2010 Enacted	FY 2010 Estimate	Diff. FY 09 Comp. / FY 10 Est	FY 2011 Request	Diff. FY 10 Est. / FY 11 Req.
Activity Appropriation	21,286	0	19,892	19,892	-1,394	20,642	750
FTE	0	0	0	0	0	0	0

NOTE: FY 2009 reflects actual FTE. Authorized FTE for FY 2009 was 0.

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 Solutions, e-Government, and Infrastructure.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2006	29,462	0
2007	29,462	0
2008	19,651	0
2009	21,286	0
2010	19,892	0

NOTE: Excludes Recovery Act Funding. See budget activity head table.

FY 2011

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. The FY 2011 IT Crosscut request would support \$20,642,000 in new or ongoing IT investments. Each request is evaluated against criteria to determine the appropriate use of scarce government resources to support investments, which will assist the Department in meeting its overall mission. The requested IT investments are enterprise-wide efforts which are progressing through the planning, development, and/or implementation phases. Once the requested IT Crosscut investment achieves steady state (i.e., Operations and Maintenance Stage), it's removed from the IT Crosscut and begins to receive funding from the investment users or beneficiaries of the IT investment.

At the request level, the IT Crosscut includes resources for an initiative to modernize and optimize the approach to using IT for customer service and program delivery. While the

INFORMATION TECHNOLOGY SYSTEMS

Department has made great strides in improving its use of IT, individual approaches are utilized across the agencies. This initiative will build on planning efforts in FY 2010 to move the Department toward an innovative, forward looking approach to IT that would greatly improve productivity and cost effectiveness.

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

INFORMATION TECHNOLOGY SYSTEMS

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.

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

INFORMATION TECHNOLOGY SYSTEMS

resulted in a unified approach to optimizing infrastructure consolidation opportunities for the purposes of providing business benefits to DOL while meeting individual agency needs.

FY 2009

The FY 2009 IT Crosscut budget included the following investments and amounts (\$ in 000s):

INVESTMENT	AMOUNT (\$ in 000s)
DOL Consolidated Enterprise Architecture Program Mgt	\$2,800
Comprehensive IT Project Management (FAP/PM)	\$50
e-Laws	\$700
Departmental e-Budgeting System	\$2,500
HR LoB Investments	\$4,000
HSPD-12 (Logical and Physical Access Controls)	\$2,600
Secretary Information Management System (SIMS)	\$500
DisabilityInfo.gov	\$500
E-Judication	\$1,000
DOL Document Management/Records Management (DM/RM)	\$2,000
E-Government (Federal-wide initiatives)	\$1,006
Infrastructure Pool (Logging PII Extracts and Mobile Computing)	\$930
DOL Infrastructure Optimization (formerly UDTI)	\$2,700
Total:	\$21,286

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

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INFORMATION TECHNOLOGY SYSTEMS

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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.

Secretary Information Management System (SIMS): This enhancement system will streamline and increase processing efficiency, therefore realizing further system cost savings. Improve reports to simplify the process to gather and analyze correspondence and FOIA data. Implement a web portal to allow DOL Stakeholders to electronically submit FOIA requests, thus reducing the existing manual process significantly.

DisabilityInfo.gov: A web-based system which has information on disability across subjects, including employment, training, benefits, education, housing, health, technology, and transportation.

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.

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.

Business Gateway: A federal-wide effort that should lead to potential savings through providing a single access point to government services and information to help the nation's businesses with their operations.

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Integrated Acquisition Environment (\$169,000) Integrated Acquisition Environment Loans and Grants (\$90,000): A federal-wide effort to consolidate procurement expenditures, centralized contractor registration, and electronic subcontractor reporting.

Disaster Assistance Task Force (\$449,000): Funding in support of building a disaster benefits portal mandated by Executive Order 13411. This portal will enable disaster victims to obtain information and apply for government benefits programs for which they may be eligible for through GovBenefits.gov and FEMA's Individual Assistance Center.

Grants Management LoB (\$113,000): A federal-wide effort that provides management and oversight associated with the Department's transition to a grants management solution provider to other agencies.

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.

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 2009 Comparable	Recovery Act	FY 2010 Estimate	FY 2011 Request	Change FY 11 Req. / FY 10 Est.
25.2	Other services	6,810	0	6,344	42	-6,302
25.4	Operation and maintenance of facilities	3,833	0	3,352	600	-2,752
25.7	Operation and maintenance of equipment	10,643	0	10,196	20,000	9,804
	Total	21,286	0	19,892	20,642	750

INFORMATION TECHNOLOGY SYSTEMS

CHANGES IN FY 2011

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Built-Ins Subtotal

\$0

Net Program

750

	Estimate	FTE
Base	19,892	0
Program Increase	20,642	0
Program Decrease	-19,892	0

DEPARTMENTAL PROGRAM EVALUATION

BUDGET AUTHORITY BEFORE THE COMMITTEE							
(Dollars in Thousands)							
	FY 2009 Comparable	Recovery Act	FY 2010 Enacted	FY 2010 Estimate	Diff. FY 09 Comp. / FY 10 Est	FY 2011 Request	Diff. FY 10 Est. / FY 11 Req.
Activity Appropriation	3,500	0	5,000	8,500	5,000	50,300	41,800
FTE	0	0	0	0	0	0	0

NOTE: FY 2009 reflects actual FTE. Authorized FTE for FY 2009 was 0.

Introduction

In recent years, the Department's evaluation capacity has eroded, and it has funded few high quality evaluations of its programs. The Administration and the Department recognize the need to conduct rigorous evaluations, including random assignment studies, to determine which programs and interventions work and inform its policy, management, and resource allocation decisions. The 2010 Budget provides \$5,000,000 for a new budget activity to support rigorous evaluations across the Department of Labor. These resources are combined with \$3,500,000 that has been available from the Administration and Management budget activity since FY 2003. The FY 2011 request centralizes the Department's evaluation resources into the Program Evaluation activity. In addition, the FY 2011 request includes a program increase of \$1,500,000 for Department of Labor evaluation resources.

The Department's research and evaluation efforts have historically been focused on job training and employment. The Department-wide evaluation account will allow expansion of evaluation activities to other programs, with a priority on large, lightly examined, and/or high-priority programs such as worker protection. As part of this initiative the Department would make public its research and evaluation agenda each year, and develop the agenda based on feedback from the public, Congress, and its stakeholders.

The Department-wide evaluation activities will be overseen by a Chief Evaluation Office with staff skilled in evaluation design and statistical analysis. Staff will be funded through the Program Direction and Support budget activity for Departmental Management. Members of the new office will manage evaluations funded with the Department-wide account, and will 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. As part of this initiative, the Department of Labor is building partnerships with the academic community and other outside parties to leverage private-sector research expertise.

Included in the request for Program Evaluation is \$40,300,000 for five rigorous evaluations and demonstrations of workplace safety enforcement and workforce development services. These

DEPARTMENTAL PROGRAM EVALUATION

five projects were selected as part of a government-wide initiative to strengthen Federal evaluation activities. Across Government, the President's Budget funds 23 of the most promising new program evaluations and makes targeted investments to build agencies' evaluation capacity. Evaluation results will be published online, and an interagency task force will help to shape the evaluations.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2006	0	0
2007	0	0
2008	0	0
2009	0	0
2010	8,500	0

NOTE: Excludes Recovery Act Funding. See budget activity head table.

FY 2011

In FY 2011 Departmental Program Evaluation is requesting a total \$50,300,000 which includes \$3,500,000 for the program evaluation function shifted from the Office of the Assistant Secretary for Administration and Management (OASAM) and a program increase of \$41,800,000. Program evaluation will be managed centrally in the Office of the Assistant Secretary for Policy (OASP). In addition to the transfer of evaluation funding from OASAM to this budget activity, OASAM is transferring 1 FTE to Departmental Management – Program Direction and Support for the establishment of a Chief Evaluation Office within OASP.

Rigorous, independent evaluation drives results, and produces programs that are more efficient and effective. As part of the formulation of the FY 2011 Budget, the Administration encouraged Departments to volunteer for a new program evaluation initiative designed to strengthen rigorous, objective assessments of existing federal programs to help improve results and better inform funding decisions. The Department of Labor is proud to be one of a limited number of agencies selected for evaluation funding under this initiative in the FY 2011 budget. The budget includes \$40.3 million to fund five rigorous evaluations and demonstrations of workplace safety enforcement and workforce development services. Program evaluation research will be published online, and an interagency task force will help to shape the evaluations so that they meet high standards of rigor and address research questions that are crucial to guiding policy decisions. The Department of Labor submissions that were selected as part of this competitive process would evaluate:

- WIA Performance Measures. The Department is committed to enhancing the accountability system for WIA and ensuring that performance measures are not discouraging the workforce system from serving those most in need. This study would pilot alternative performance measurement systems and analyze their effects on populations served and employment outcomes.

DEPARTMENTAL PROGRAM EVALUATION

- Effects of Job Counseling. The workforce system offers a variety of counseling services, and this demonstration can help determine what type and duration of counseling are most effective in improving education and employment outcomes.
- Administrative data. Workforce programs collect large amounts of data on program operations and outcomes, but this data is too rarely analyzed to assess program effectiveness and help drive reform. The Department plans to conduct a variety of quasi-experimental evaluations using administrative data from multiple states and programs.
- Incentives for Dislocated Workers. Older workers who have been laid off face unique challenges in seeking new employment with comparable wages. This study would test the impacts of incentives such as wage subsidies on employment and earnings outcomes.
- Effects of OSHA Inspections. This study would build knowledge about the effectiveness of workplace safety enforcement, and examine which enforcement methods have the greatest impact on outcomes such as recidivism.

In addition to the \$40,300,000 for the projects identified above, the Department requests \$10,000,000 to pursue its evaluation agenda being established in FY 2010. The Department will continue to conduct rigorous evaluations to determine which programs and interventions work and inform its policy, management, and resource allocation decisions.

The Department plans to work closely with the Office of Management and Budget (OMB) and Council of Economic Advisors (CEA) to plan, design and execute these evaluations, and make sure they employ the most rigorous design possible and are designed to yield useful information.

FY 2010

The FY 2010 appropriation included \$5 million for a new initiative to support rigorous evaluations across the Department of Labor, and create a new Chief Evaluation Officer position. These resources are complemented by \$3,500,000 in the Administration and Management activity in Departmental Management which Congress added for similar purposes in FY 2003. These resources are centralized in the FY 2011 request. Efforts are currently underway to determine which programs will be evaluated in FY 2010.

FY 2009

This program did not exist in FY 2009.

DEPARTMENTAL PROGRAM EVALUATION

BUDGET ACTIVITY BY OBJECT CLASS						
(Dollars in Thousands)						
		FY 2009 Comparable	Recovery Act	FY 2010 Estimate	FY 2011 Request	Change FY 11 Req. / FY 10 Est.
25.1	Advisory and assistance services	3,500	0	8,500	50,300	41,800
	Total	3,500	0	8,500	50,300	41,800

DEPARTMENTAL PROGRAM EVALUATION

CHANGES IN FY 2011

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Built-Ins Subtotal

\$0

Net Program

41,800

	Estimate	FTE
Base	8,500	0
Program Increase	41,800	0