

**FY 2013**

**CONGRESSIONAL BUDGET JUSTIFICATION**

**DEPARTMENTAL MANAGEMENT**



# DEPARTMENTAL MANAGEMENT

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# DEPARTMENTAL MANAGEMENT

## APPROPRIATION LANGUAGE

### Salaries and Expenses

For necessary expenses for Departmental Management, including the hire of three passenger motor vehicles, [~~\$346,683,000~~]~~\$348,601,000~~, together with not to exceed \$326,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund: *Provided*, That \$66,500,000 for the Bureau of International Labor Affairs shall be available for obligation through December 31, [2012]2013: *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 *not less than* \$40,000,000 shall be for programs to combat exploitative child labor internationally[: *Provided further*, That] *and* not less than \$6,500,000 shall be used to implement model programs that address worker rights issues through technical assistance in countries with which the United States has free trade agreements or trade preference programs: *Provided further*, That [~~\$8,500,000~~]~~\$9,000,000~~ shall be used for program evaluation and shall be available for obligation through September 30, [2013]2014: *Provided further*, That funds available for program evaluation may be transferred to any other appropriate account in the Department for such purpose: *Provided further*, That the funds available to the Women's Bureau may be used for grants to serve and promote the interests of women in the workforce. (Department of Labor Appropriations Act, 2012)

## **DEPARTMENTAL MANAGEMENT**

### **EXPLANATION OF LANGUAGE CHANGE**

Language changes for FY 2013 include: 1) provision of amounts available for obligation through December 31, 2013, for the Bureau of International Labor Affairs; and 2) provision of amounts available for obligation through September 30, 2014, for Program Evaluation.

## DEPARTMENTAL MANAGEMENT

<b>AMOUNTS AVAILABLE FOR OBLIGATION</b>						
(Dollars in Thousands)						
	<b>FY 2011 Enacted</b>		<b>FY 2012 Enacted</b>		<b>FY 2013 Request</b>	
	<b>FTE</b>	<b>Amount</b>	<b>FTE</b>	<b>Amount</b>	<b>FTE</b>	<b>Amount</b>
<b>A. Appropriation</b>	<b>1,220</b>	<b>\$347,935</b>	<b>1,279</b>	<b>\$346,683</b>	<b>1,271</b>	<b>\$348,601</b>
Pursuant to P.L. 112-10	1,220	\$347,935	0	\$0	0	\$0
Reduction pursuant to P.L. 112-10	0	-\$696	0	\$0	0	\$0
Reduction pursuant to P.L. 112-74	0	\$0	0	-\$655	0	\$0
<i>Subtotal Appropriation</i>	<i>1,220</i>	<i>\$347,239</i>	<i>1,279</i>	<i>\$346,028</i>	<i>1,271</i>	<i>\$348,601</i>
Reimbursements	38	\$13,558	30	\$15,808	30	\$15,808
Trust Funds - Black Lung	128	\$25,394	128	\$25,217	128	\$25,217
Trust Funds - Unemployment Trust Fund	3	\$326	3	\$325	3	\$326
Non-Expenditure Transfers to Worker Protection Agencies	0	-\$12,555	0	\$0	0	\$0
Non-Expenditure Transfer from MSHA for FMSHRC Backlog Reduction	0	\$2,000	0	\$770	0	\$0
Unobligated Balance Carried Forward	74	\$89,584	0	\$29,880	0	\$0
<i>Subtotal</i>	<i>1,463</i>	<i>\$465,546</i>	<i>1,440</i>	<i>\$418,028</i>	<i>1,432</i>	<i>\$389,952</i>
<b>B. Gross Budget Authority</b>	<b>1,463</b>	<b>\$465,546</b>	<b>1,440</b>	<b>\$418,028</b>	<b>1,432</b>	<b>\$389,952</b>
Reimbursements	-38	-\$13,558	-30	-\$15,808	-30	-\$15,808
Unobligated Balance Carried Forward	-74	-\$89,584	0	-\$29,880	0	\$0
<i>Subtotal</i>	<i>1,351</i>	<i>\$362,404</i>	<i>1,410</i>	<i>\$372,340</i>	<i>1,402</i>	<i>\$374,144</i>
<b>C. Budget Authority Before Committee</b>	<b>1,351</b>	<b>\$362,404</b>	<b>1,410</b>	<b>\$372,340</b>	<b>1,402</b>	<b>\$374,144</b>
Reimbursements	38	\$13,558	30	\$15,808	30	\$15,808
Unobligated Balance Carried Forward	74	\$89,584	0	\$29,880	0	\$0
<i>Subtotal</i>	<i>1,463</i>	<i>\$465,546</i>	<i>1,440</i>	<i>\$418,028</i>	<i>1,432</i>	<i>\$389,952</i>
<b>D. Total Budgetary Resources</b>	<b>1,463</b>	<b>\$465,546</b>	<b>1,440</b>	<b>\$418,028</b>	<b>1,432</b>	<b>\$389,952</b>
Unobligated Balance End of Year	0	-\$29,880	0	\$0	0	\$0
FTE Lapse and Unobligated Balance Expiring	-56	-\$4,302	0	\$0	0	\$0
<b>E. Total, Estimated Obligations</b>	<b>1,407</b>	<b>\$431,364</b>	<b>1,440</b>	<b>\$418,028</b>	<b>1,432</b>	<b>\$389,952</b>

# DEPARTMENTAL MANAGEMENT

## SUMMARY OF CHANGES

(Dollars in Thousands)

	FY 2012 Enacted	FY 2013 Request	Net Change
<b>Budget Authority</b>			
General Funds	\$346,798	\$348,601	+-\$1,803
Trust Funds	\$25,542	\$25,543	+\$1
<b>Total</b>	<b>\$372,340</b>	<b>\$374,144</b>	<b>+\$1,804</b>
 <b>Full Time Equivalents</b>			
General Funds	1,279	1,271	-8
Trust Funds	131	131	0
<b>Total</b>	<b>1,410</b>	<b>1,402</b>	<b>-8</b>

Explanation of Change	FY 2012 Base		Trust Funds		FY 2013 Change General Funds		Total	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
<b>Increases:</b>								
<b>A. Built-Ins:</b>								
To Provide For:								
Costs of pay adjustments	1,410	\$164,719	0	\$34	0	\$696	0	\$730
Personnel benefits	0	\$41,655	0	\$13	0	\$240	0	\$253
One day more of pay	0	\$0	0	\$40	0	\$771	0	\$811
Federal Employees Compensation Act (FECA)	0	\$0	0	\$0	0	\$0	0	\$0
Benefits for former personnel	0	\$100	0	\$0	0	\$0	0	\$0
Travel and transportation of persons	0	\$0	0	\$0	0	\$0	0	\$0
Transportation of things	0	\$57	0	\$0	0	\$0	0	\$0
Rental payments to GSA	0	\$18,495	0	\$97	0	\$1,244	0	\$1,341
Communications, utilities, and miscellaneous charges	0	\$2,816	0	\$0	0	\$0	0	\$0
Printing and reproduction	0	\$584	0	\$0	0	\$0	0	\$0
Advisory and assistance services	0	\$0	0	\$0	0	\$0	0	\$0
Other services	0	\$0	0	\$0	0	\$0	0	\$0
Working Capital Fund	0	\$0	0	\$0	0	\$0	0	\$0
Other government accounts (Census Bureau)	0	\$0	0	\$0	0	\$0	0	\$0
Other government accounts (DHS Charges)	0	\$0	0	\$0	0	\$0	0	\$0
Other purchases of goods and services from Government accounts	0	\$0	0	\$0	0	\$0	0	\$0
Research & Development Contracts	0	\$875	0	\$0	0	\$0	0	\$0
Operation and maintenance of facilities	0	\$80	0	\$0	0	\$0	0	\$0
Operation and maintenance of equipment	0	\$0	0	\$0	0	\$0	0	\$0
Supplies and materials	0	\$2,603	0	\$0	0	\$0	0	\$0
Equipment	0	\$1,683	0	\$0	0	\$0	0	\$0



## DEPARTMENTAL MANAGEMENT

Explanation of Change	FY 2012 Base		Trust Funds		FY 2013 Change General Funds		Total	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Grants, subsidies, and contributions	0	\$66,374	0	\$0	0	\$0	0	\$0
Insurance claims and indemnities	0	\$0	0	\$0	0	\$0	0	\$0
<b>Built-Ins Subtotal</b>	<b>1,410</b>	<b>+\$300,041</b>	<b>0</b>	<b>+\$184</b>	<b>0</b>	<b>+\$2,951</b>	<b>0</b>	<b>+\$3,135</b>
<b>B. Programs:</b>								
ILAB - Monitoring and Enforcement of Trade Agreements and Trade Preference Programs	104	\$26,169	0	\$0	10	\$2,500	10	\$2,500
Program Evaluation Increase	0	\$0	0	\$0	0	\$516	0	\$516
Health Care Enforcement Support to EBSA	0	\$0	0	\$0	3	\$500	3	\$500
<b>Programs Subtotal</b>			<b>0</b>	<b>\$0</b>	<b>13</b>	<b>+\$3,516</b>	<b>13</b>	<b>+\$3,516</b>
<b>Total Increase</b>	<b>1,410</b>	<b>+\$300,041</b>	<b>0</b>	<b>+\$184</b>	<b>13</b>	<b>+\$6,467</b>	<b>13</b>	<b>+\$6,651</b>
<b>Decreases:</b>								
<b>A. Built-Ins:</b>								
To Provide For:								
Federal Employees Compensation Act (FECA)	0	\$599	0	\$0	0	-\$39	0	-\$39
Travel and transportation of persons	0	\$3,865	0	\$0	0	-\$25	0	-\$25
Advisory and assistance services	0	\$15,552	0	\$0	0	-\$354	0	-\$354
Other services	0	\$12,619	0	-\$116	0	-\$405	0	-\$521
Working Capital Fund	0	\$34,050	0	\$0	0	-\$34	0	-\$34
Other government accounts (DHS Charges)	0	\$790	0	\$0	0	-\$3	0	-\$3
Other purchases of goods and services from Government accounts	0	\$649	0	-\$67	0	-\$90	0	-\$157
Operation and maintenance of equipment	0	\$4,175	0	\$0	0	-\$44	0	-\$44
<b>Built-Ins Subtotal</b>	<b>0</b>	<b>+\$72,299</b>	<b>0</b>	<b>-\$183</b>	<b>0</b>	<b>-\$994</b>	<b>0</b>	<b>-\$1,177</b>
<b>B. Programs:</b>								
WB - Regional Offices Consolidation	0	\$0	0	\$0	-21	-\$2,500	-21	-\$2,500
MLBP Reduction	81	\$12,747	0	\$0	0	-\$770	0	-\$770
ASAM - Reduction in Administrative Overhead	0	\$400	0	\$0	0	-\$400	0	-\$400
<b>Programs Subtotal</b>			<b>0</b>	<b>\$0</b>	<b>-21</b>	<b>-\$3,670</b>	<b>-21</b>	<b>-\$3,670</b>
<b>Total Decrease</b>	<b>0</b>	<b>+\$72,299</b>	<b>0</b>	<b>-\$183</b>	<b>-21</b>	<b>-\$4,664</b>	<b>-21</b>	<b>-\$4,847</b>
<b>Total Change</b>	<b>1,410</b>	<b>+\$372,340</b>	<b>0</b>	<b>+\$1</b>	<b>-8</b>	<b>+\$1,803</b>	<b>-8</b>	<b>+\$1,804</b>

## DEPARTMENTAL MANAGEMENT

<b>SUMMARY BUDGET AUTHORITY AND FTE BY ACTIVITY</b>								
(Dollars in Thousands)								
	FY 2011 Enacted		FY 2012 Enacted		FY 2013 Request		Diff. FY13 Req. / FY12 Enacted	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
<b>Program Direction and Support</b>	<b>123</b>	<b>32,909</b>	<b>118</b>	<b>32,722</b>	<b>118</b>	<b>32,722</b>	<b>0</b>	<b>0</b>
General Funds	123	32,909	118	32,722	118	32,722	0	0
<b>Legal Services</b>	<b>632</b>	<b>127,319</b>	<b>711</b>	<b>137,789</b>	<b>714</b>	<b>139,081</b>	<b>3</b>	<b>1,292</b>
General Funds	606	119,121	668	129,647	671	130,938	3	1,291
Unemployment Trust Funds	3	326	3	325	3	326	0	1
Black Lung Disability Trust Funds	23	7,872	40	7,817	40	7,817	0	0
<b>International Labor Services</b>	<b>97</b>	<b>92,484</b>	<b>98</b>	<b>92,309</b>	<b>108</b>	<b>94,984</b>	<b>10</b>	<b>2,675</b>
General Funds	97	92,484	98	92,309	108	94,984	10	2,675
<b>Administration and Management</b>	<b>115</b>	<b>30,314</b>	<b>126</b>	<b>29,982</b>	<b>126</b>	<b>29,614</b>	<b>0</b>	<b>-368</b>
General Funds	115	30,314	126	29,982	126	29,614	0	-368
<b>Adjudication</b>	<b>238</b>	<b>46,974</b>	<b>248</b>	<b>46,895</b>	<b>248</b>	<b>47,039</b>	<b>0</b>	<b>144</b>
General Funds	154	29,452	160	29,495	160	29,639	0	144
Black Lung Disability Trust Funds	84	17,522	88	17,400	88	17,400	0	0
<b>Women's Bureau</b>	<b>56</b>	<b>11,581</b>	<b>56</b>	<b>11,559</b>	<b>35</b>	<b>9,081</b>	<b>-21</b>	<b>-2,478</b>
General Funds	56	11,581	56	11,559	35	9,081	-21	-2,478

## DEPARTMENTAL MANAGEMENT

<b>SUMMARY BUDGET AUTHORITY AND FTE BY ACTIVITY</b>								
(Dollars in Thousands)								
	FY 2011 Enacted		FY 2012 Enacted		FY 2013 Request		Diff. FY13 Req. / FY12 Enacted	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
<b>Civil Rights</b>	<b>34</b>	<b>6,973</b>	<b>34</b>	<b>7,260</b>	<b>34</b>	<b>7,273</b>	<b>0</b>	<b>13</b>
General Funds	34	6,973	34	7,260	34	7,273	0	13
<b>Chief Financial Officer</b>	<b>19</b>	<b>5,350</b>	<b>19</b>	<b>5,340</b>	<b>19</b>	<b>5,350</b>	<b>0</b>	<b>10</b>
General Funds	19	5,350	19	5,340	19	5,350	0	10
<b>Departmental Program Evaluation</b>	<b>0</b>	<b>8,500</b>	<b>0</b>	<b>8,484</b>	<b>0</b>	<b>9,000</b>	<b>0</b>	<b>516</b>
General Funds	0	8,500	0	8,484	0	9,000	0	516
<b>Total</b>	<b>1,314</b>	<b>362,404</b>	<b>1,410</b>	<b>372,340</b>	<b>1,402</b>	<b>374,144</b>	<b>-8</b>	<b>1,804</b>
<b>General Funds</b>	<b>1,204</b>	<b>336,684</b>	<b>1,279</b>	<b>346,798</b>	<b>1,271</b>	<b>348,601</b>	<b>-8</b>	<b>1,803</b>
<b>Unemployment Trust Funds</b>	<b>3</b>	<b>326</b>	<b>3</b>	<b>325</b>	<b>3</b>	<b>326</b>	<b>0</b>	<b>1</b>
<b>Black Lung Disability Trust Funds</b>	<b>107</b>	<b>25,394</b>	<b>128</b>	<b>25,217</b>	<b>128</b>	<b>25,217</b>	<b>0</b>	<b>0</b>

NOTE: FY 2011 reflects actual FTE.

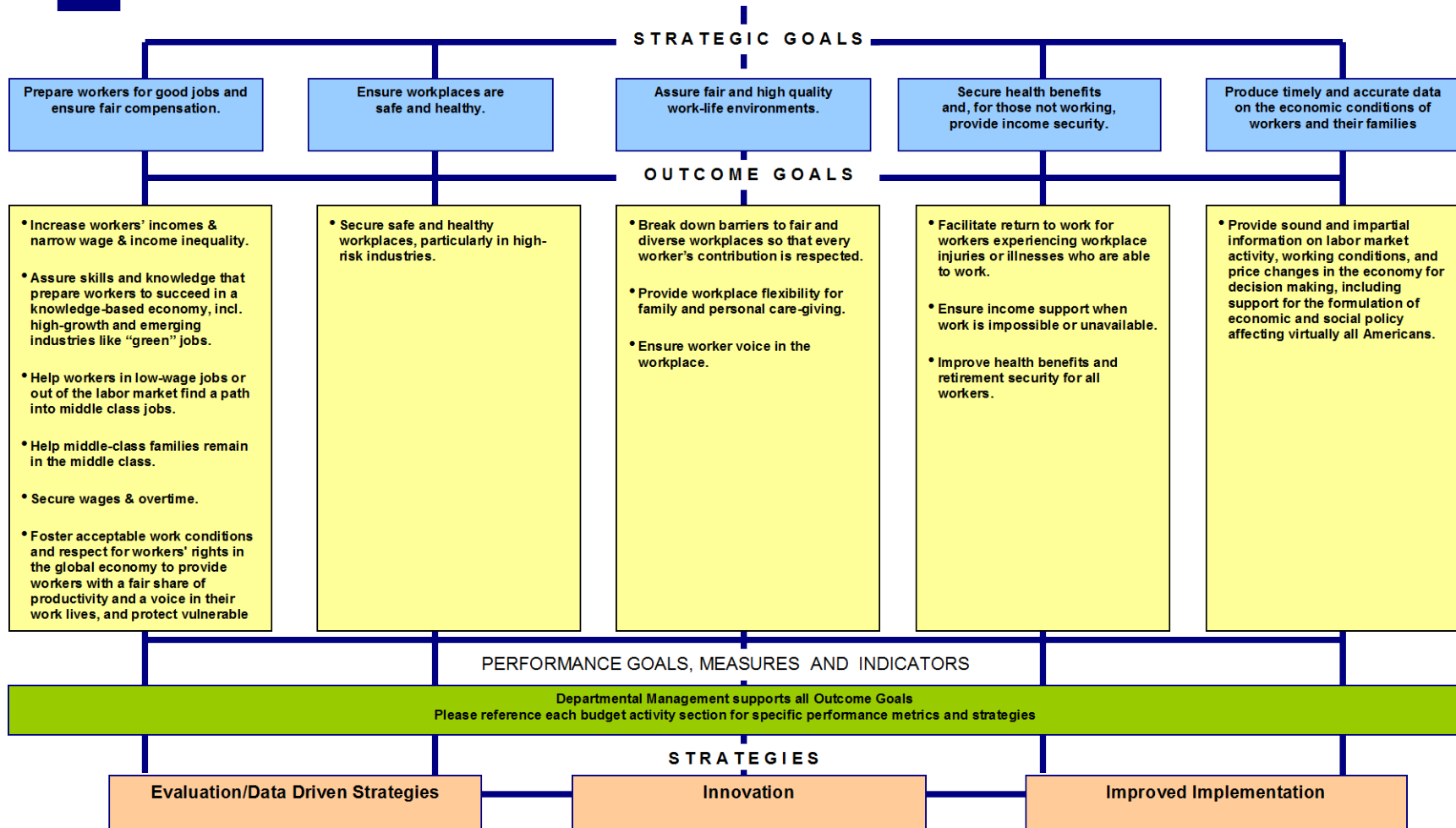
## DEPARTMENTAL MANAGEMENT

<b>BUDGET AUTHORITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2011 Enacted</b>	<b>FY 2012 Enacted</b>	<b>FY 2013 Request</b>	<b>Diff. FY13 Req./ FY12 Enacted</b>
	Full-Time Equivalent				
	Full-time Permanent	1,434	1,440	1,440	0
	Reimbursable	38	30	30	0
	<b>Total</b>	<b>1,472</b>	<b>1,470</b>	<b>1,470</b>	<b>0</b>
	Average ES Salary	\$162,717	\$164,211	\$165,032	\$821
	Average GM/GS Grade	12/5	12/5	12/5	0
	Average GM/GS Salary	\$106,212	\$105,586	\$106,114	\$528
	Average Salary of Ungraded Positions	162,787	162,223	163,034	811
11.1	Full-time permanent	151,382	160,729	160,921	192
11.3	Other than full-time permanent	547	505	506	1
11.5	Other personnel compensation	2,889	3,485	3,492	7
11.8	Special personal services payments	10	0	0	0
11.9	<b>Total personnel compensation</b>	<b>154,828</b>	<b>164,719</b>	<b>164,919</b>	<b>200</b>
12.1	Civilian personnel benefits	38,301	42,254	42,295	41
13.0	Benefits for former personnel	72	100	100	0
21.0	Travel and transportation of persons	3,263	3,865	4,019	154
22.0	Transportation of things	68	57	57	0
23.1	Rental payments to GSA	18,899	18,495	19,861	1,366
23.3	Communications, utilities, and miscellaneous charges	1,987	2,816	2,820	4
24.0	Printing and reproduction	531	584	584	0
25.1	Advisory and assistance services	13,431	15,552	16,059	507
25.2	Other services from non-Federal sources	14,887	12,619	12,123	-496
25.3	Other goods and services from Federal sources 1/	36,185	35,489	35,479	-10
25.4	Operation and maintenance of facilities	378	80	80	0
25.5	Research and development contracts	1,201	875	875	0
25.7	Operation and maintenance of equipment	6,579	4,175	4,139	-36
26.0	Supplies and materials	2,604	2,603	2,608	5
31.0	Equipment	2,823	1,683	1,752	69
41.0	Grants, subsidies, and contributions	66,367	66,374	66,374	0
42.0	Insurance claims and indemnities	0	0	0	0
51.1	Benefits	0	0	0	0
	<b>Total</b>	<b>362,404</b>	<b>372,340</b>	<b>374,144</b>	<b>1,804</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	33,403	34,050	34,050	0
	DHS Services	840	790	787	-3
	Services by DOL Agencies	406	140	82	-58
	Services by Other Government Departments	1,309	454	355	-99
	GSA Services	27	55	55	0
	HHS Services	200	0	0	0
	CIGIE	0	0	150	150

# DEPARTMENTAL MANAGEMENT



## Secretary's Vision: "Good Jobs for Everyone"



## DEPARTMENTAL MANAGEMENT

### PERFORMANCE STRUCTURE

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

## DEPARTMENTAL MANAGEMENT

### SIGNIFICANT ITEMS IN APPROPRIATIONS COMMITTEES' REPORTS

**Senate Report 112-84 Page 33:** The Committee intends these funds, as well as funds provided to MSHA, to support necessary expenses of the Department of Labor related to an increased capacity of the Commission to process caseloads pending before it. The Committee expects the Department to make every effort to support the timely processing of contested citations, particularly for operators that have the highest proportion of significant and substantial citations or other evidence of unacceptable health and safety records.

**Response:** At the start of FY 2012 the Office of the Solicitor (SOL) had approximately 74 additional term and temporary FTE on board who are dedicated to decreasing the backlog of Mine Safety and Health enforcement cases that are pending before the Federal Mine Safety and Health Administration Review Commission (FMSHRC). During FY 2012, SOL will continue work on the backlog reduction project, which was launched on July 29, 2010 when SOL received \$10,940,750 in supplemental funding to begin the project. The initial funds were for a one-year period and expired on July 28, 2011. In FY 2011, SOL received \$2,000,000 that had been appropriated to MSHA for transfer to SOL to continue the project through September 30, 2011. In the FY 2012 Enacted Budget, SOL received \$2,000,000 in its base, a \$10,000,000 from Congress to continue the project and an additional \$770,000 that had been appropriated to the Mine Safety and Health Administration (MSHA) for transfer to SOL. The additional funds from MSHA will enable SOL to hire an additional 7 term or temporary employees. SOL's FY 2013 request assumes a base funding level of \$12,000,000 for the project.

**Senate Report 112-84 Page 34:** The Committee believes the Women's Bureau should sharpen its mission and demonstrate effectively the impact of its efforts on important issues such as the wage gap, pay discrimination and family and medical leave.

**Response:** The Women's Bureau will continue to effectively impact the lives of working women through its data collection, research and policy development, and education and outreach. Pursuant to a recommendation by President Obama's National Equal Pay Enforcement Task Force, the Bureau held an Equal Pay Research Summit in FY 2011. As a result of the Summit, in FY 2012, the Bureau is directing resources toward studies on equal pay. In FY 2011, the Bureau collaborated with the Bureau of Labor Statistics (BLS) to develop supplemental questions to the year-long 2011 American Time Use Survey. In 2012, the Bureau will participate in the Department's analysis and publication of survey results. It will also work with the Wage and Hour Division (WHD) on outreach on the results of WHD's upcoming 2012 Family and Medical Leave Act survey. Through its new grant authority, the Bureau will be able to expand its reach through broader collaborations, including leading researchers and research organizations as it continues to develop a rigorous research agenda aimed at identifying significant data trends related to working women. In addition, as described in this document, the Women's Bureau is moving to focus its efforts on transitioning into a strong policy and research-oriented organization. In FY 2013, the Bureau will produce research documents that will impact policies related to women in the workforce, while expanding its use of technology to both deliver policy tools to the public and track their implementation. The Women's Bureau is also

## DEPARTMENTAL MANAGEMENT

consolidating its regional office structure to improve efficiency, which is a strategy being deployed across several agencies in the Department in this Budget. The resources saved from this consolidation will be reallocated to WHD to strengthen its enforcement of the Fair Labor Standards Act (FLSA) and the Family and Medical Leave Act (FMLA)—two laws of critical importance to working women.

**Senate Report 112-84 Page 34:** The Committee notes that agencies and offices funded within this account have taken steps to create efficiencies and realize cost savings by better using technology and prioritizing agency activities. The Committee requests that the Secretary include in the fiscal year 2013 congressional budget justification information on additional actions related to this account that will enable funded agencies to carry out their responsibilities more cost effectively.

**Response:** In FY 2011, the DM agencies have been active participants in the DOL IT Modernization effort, a far-reaching initiative aimed at enhancing the efficiency and effectiveness of the Department's existing technology infrastructure, and providing new technology capabilities to improve overall agency mission performance. Part of the effort includes preparations for a migration to a cloud computing-based technology platform. DM agencies have contributed to the requirements phase of the project, and are expected to take a leading role once the migration takes place (scheduled for FY 2012). DM agencies have also embraced the Department's on-demand online collaboration tool pilot, utilizing the new technology in lieu of travel for meetings. This tool is becoming a new standard for delivering a message to a broad audience or collaborating within a work group or team. The IT Modernization effort also includes plans for data center consolidation, which is aimed at reducing the total number and overall expense of DOL data centers, associated energy costs and physical space allocations. All agencies within the Department are involved in this program, and solutions to meet the objectives of this program will be Departmental rather than agency specific.

DM agencies utilize the annual operating plan development process to set yearly priorities and measure the success of agency activities. The majority of DM agencies participate in this process, and their plans are reviewed and discussed with Departmental leadership. Quarterly reviews are conducted to measure progress against measures and milestones, which allows for mid-stream corrections as warranted.

To reduce DM Working Capital Fund costs, the Department has undertaken efforts to streamline its security force, building services for the Frances Perkins Building (DOL Headquarters), regional operations, and other administrative efficiencies.

Lastly, SOL is currently developing and implementing an IT system called "Matter Management," which will manage and track cases and legal activities, and provide information used in SOL performance management and budgeting. The new system will replace SOL's legacy SOLAR and TD systems. Once development is completed and the system is fully deployed, which expected to occur in FY 2012, the Matter Management system will help SOL achieve savings through lower operation and maintenance costs, and improved efficiencies for legal staff.



# DEPARTMENTAL MANAGEMENT

## AUTHORIZING STATUTES

Public Law / Act	Legislation	Statute No. / US Code	Volume No.	Page No.	Expiration Date
Pub. L. 101-179	Bureau of International Labor Affairs (ILAB) 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 <sup>st</sup> 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 <a href="http://www.oalj.dol.gov">www.oalj.dol.gov</a>			
	Benefits Review Board – Black Lung Appeals Program & Longshore Appeals Program	30 U.S.C. Section 901 et seq.			

## DEPARTMENTAL MANAGEMENT

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

## DEPARTMENTAL MANAGEMENT

<b>APPROPRIATION HISTORY</b>					
(Dollars in Thousands)					
	<b>Budget Estimates to Congress</b>	<b>House Allowance</b>	<b>Senate Allowance</b>	<b>Appropriations</b>	<b>FTE</b>
2003...1/	\$350,042	\$341,967	\$419,575	\$374,034	1,527
2004...2/	296,937	276,419	375,010	368,755	1,536
2005...3/	310,873	259,967	350,319	332,286	1,420
2006...4/	268,662	264,022	344,800	313,261	1,402
2007	267,345	262,039	267,346	323,067	1,319
2008...5/	279,021	318,046	338,503	318,737	1,237
2009...6/	288,177	0	0	338,892	1,298
2010	380,245	375,245	382,245	381,097	1,393
2011...7/	454,018	0	0	362,404	1,351
2012	396,771	0	0	372,340	1,410
2013	374,144	0	0	0	1,402

- 1/ Reflects a \$2,297,000 reduction pursuant to P.L. 108-07.
- 2/ Reflects a \$2,509,000 reduction pursuant to P.L. 108-199.
- 3/ Reflects a \$2,735,000 reduction pursuant to P.L. 108-447.
- 4/ Reflects a \$3,005,000 reduction pursuant to P.L. 109-148.
- 5/ Reflects a \$5,184,000 reduction pursuant to P.L. 110-161.
- 6/ This bill was only reported out of Subcommittee.
- 7/ Reflects a \$29,172,000 reduction pursuant to P.L. 112-10.

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

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

### Program Direction and Support

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

### Office of the Solicitor

The Office of the Solicitor (SOL) provides legal services and certain non-legal services to the Secretary and to the client 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.

### Bureau of International Labor Affairs

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

## DEPARTMENTAL MANAGEMENT

mandates; and 3) international organizations, including mandated representation before the International Labor Organization.

### Administration and 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.

In FY 2013, the Department is undertaking three initiatives to support agency operations through common administrative systems:

1. IT Modernization
2. Improved Customer Service
3. Budget and Performance Integration and Analysis of Performance Results

As a result, the Office of Administration and Management (OASAM) is redirecting resources to these priority areas.

### Adjudication

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.

### Women's Bureau

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 Bureau's vision is to empower all working women to achieve economic security by preparing them for high paying jobs, ensuring fair compensation, promoting workplace flexibility, and helping homeless women veterans reintegrate into the workforce. The Women's Bureau advises and assists in the development of DOL policies and programs, develops and implements initiatives designed to prepare women for tomorrow's jobs, and provides information about women in the labor force to DOL stakeholders and customers.

### Civil Rights Center

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

# DEPARTMENTAL MANAGEMENT

## Office of the Chief Financial Officer

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.

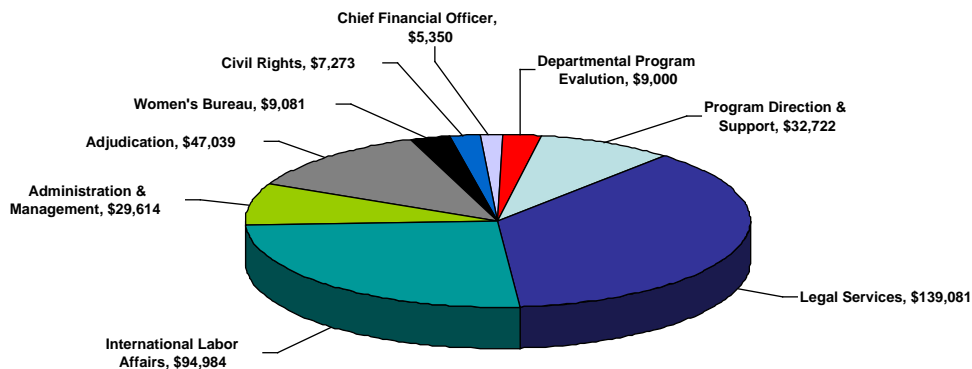
## Departmental Management Program Evaluation

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

## Cost Model

The FY 2013 budget request for the Departmental Salaries and Expenses appropriation is \$374,144,000 and 1,402 FTE. The total includes \$348,601,000 and 1,271 FTE provided for general funds; \$25,217,000 and 128 FTE provided from the Black Lung Disability Trust Fund; and \$326,000 and 3 FTE provided from the Unemployment Trust Fund. The total of \$374,144,000 includes net built-in increases in the amount of \$1,974,000 and net program decreases totaling \$170,000.

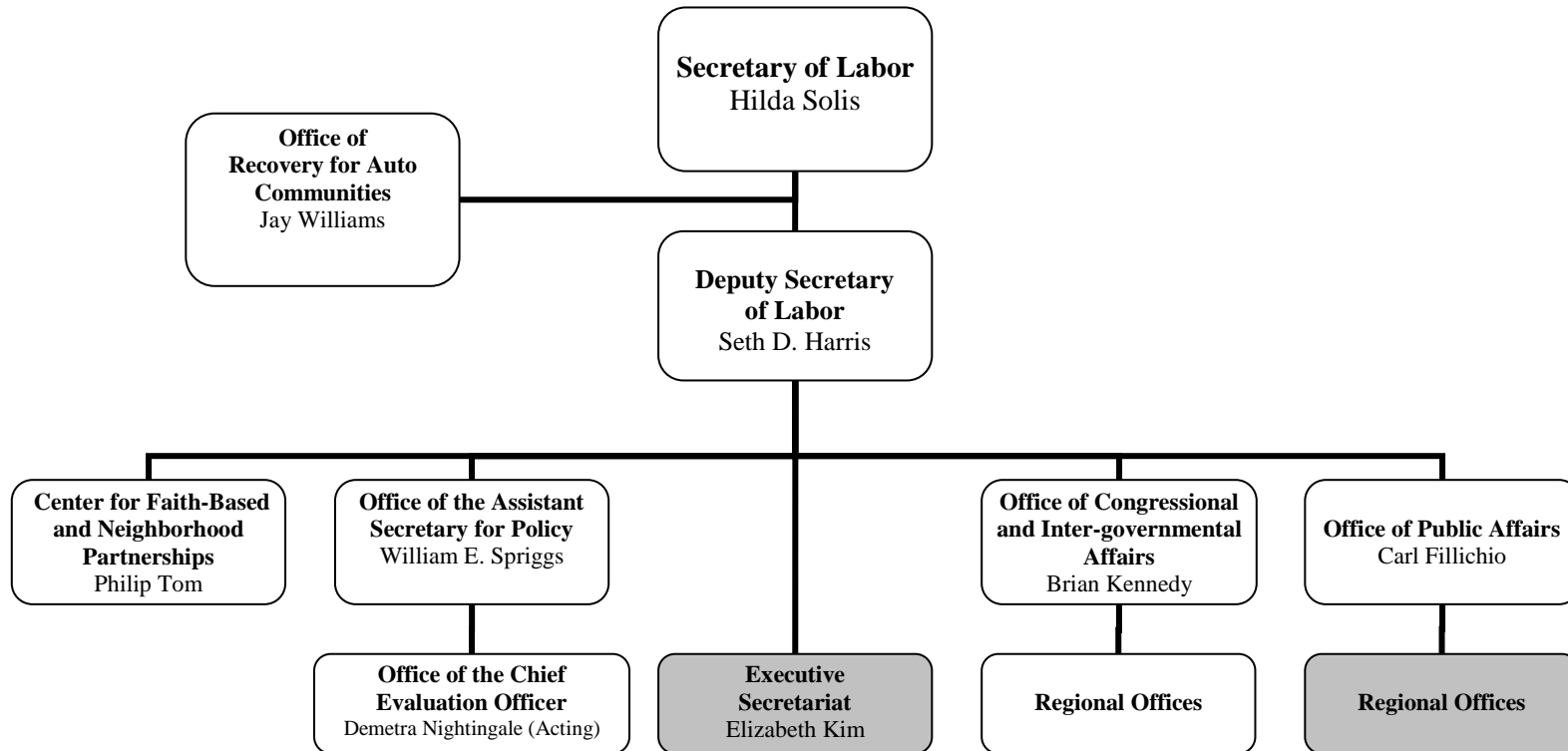
**FY 2013 Budget Request by Program Activity**  
**Total DM Budget: \$374,144,000**  
(Dollars in Thousands)



# DEPARTMENTAL MANAGEMENT

## ORGANIZATION CHARTS

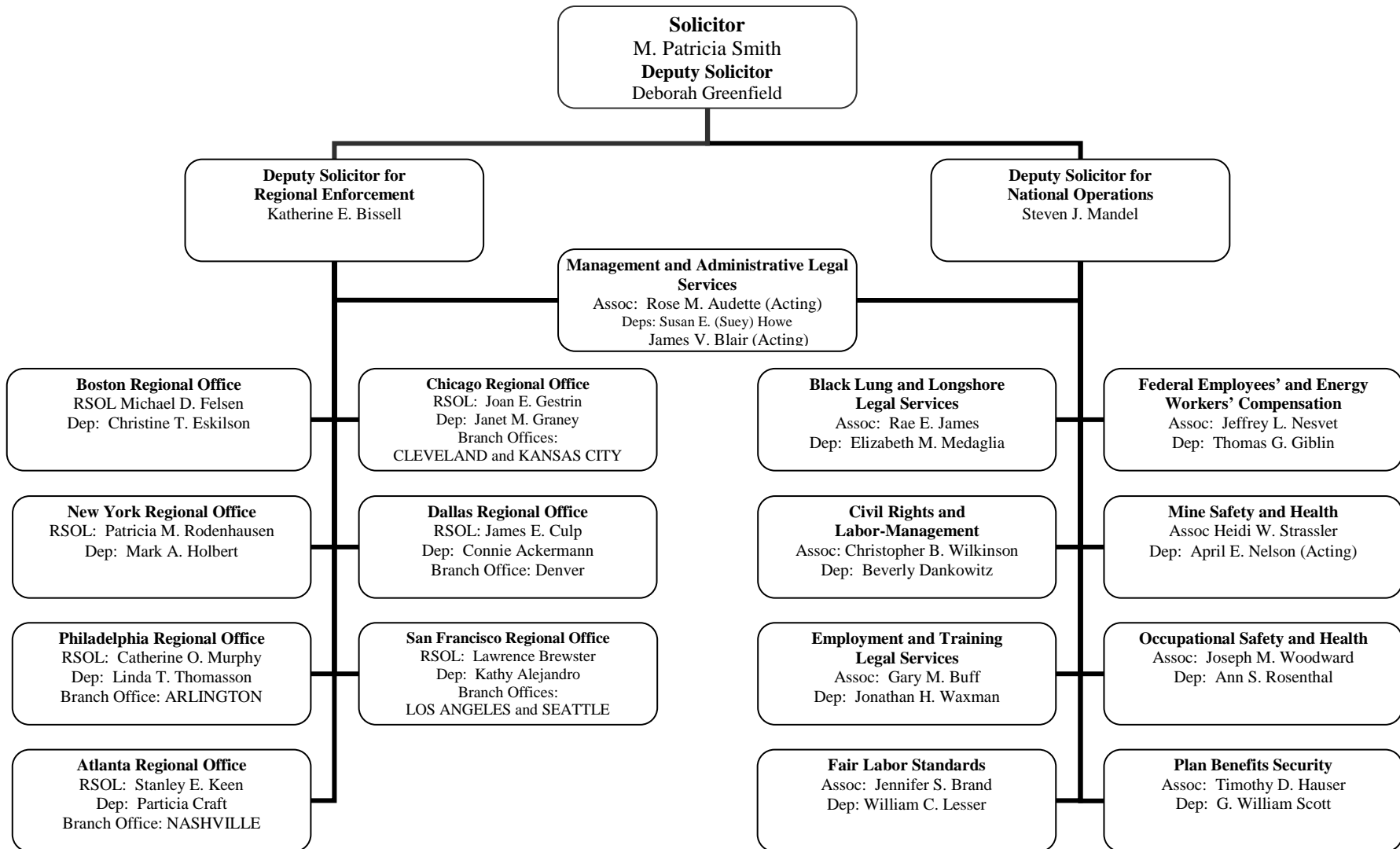
### PROGRAM DIRECTION AND SUPPORT



Shaded box indicates funding through the Departmental Management Working Capital Fund

# DEPARTMENTAL MANAGEMENT

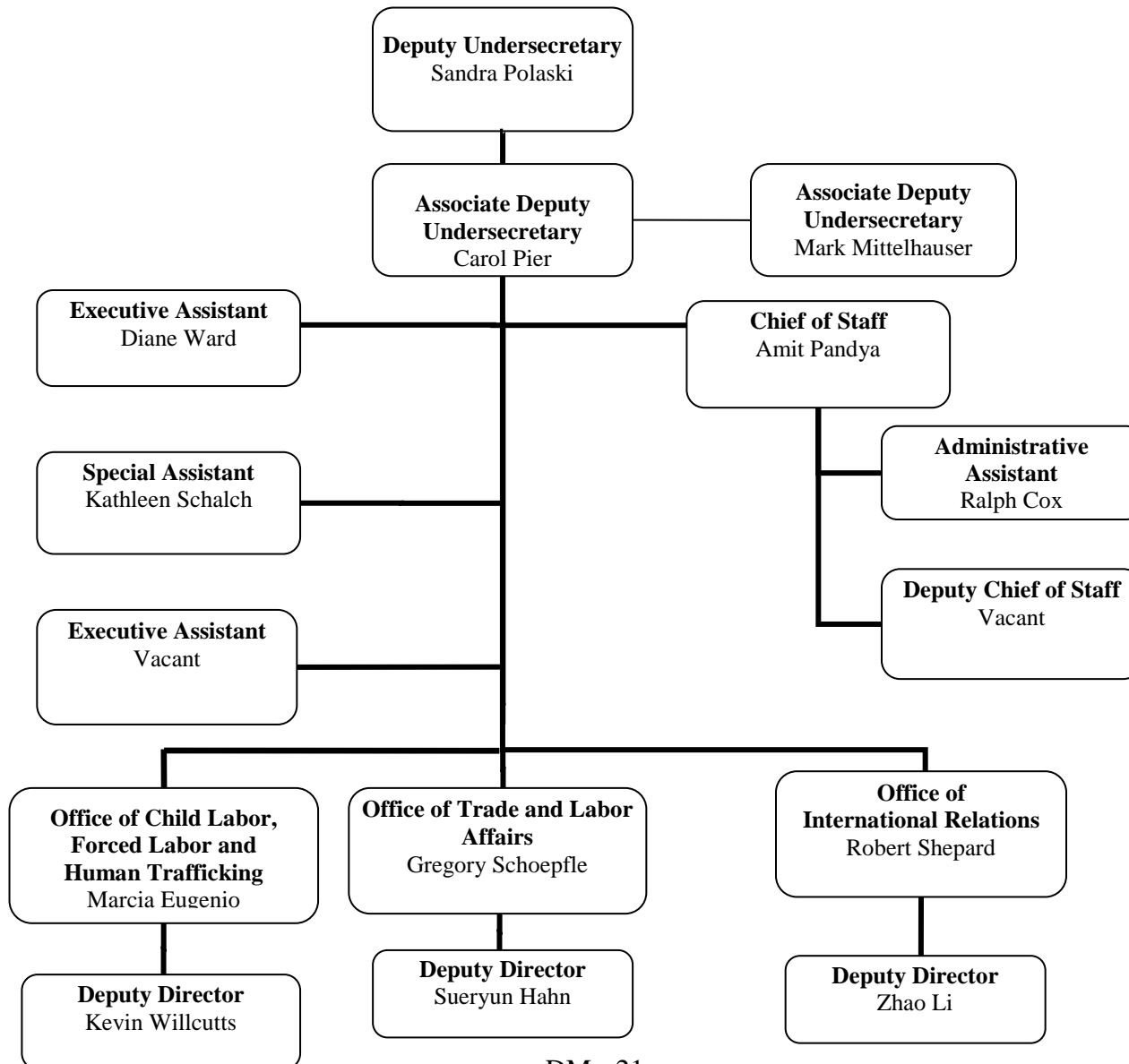
## OFFICE OF THE SOLICITOR





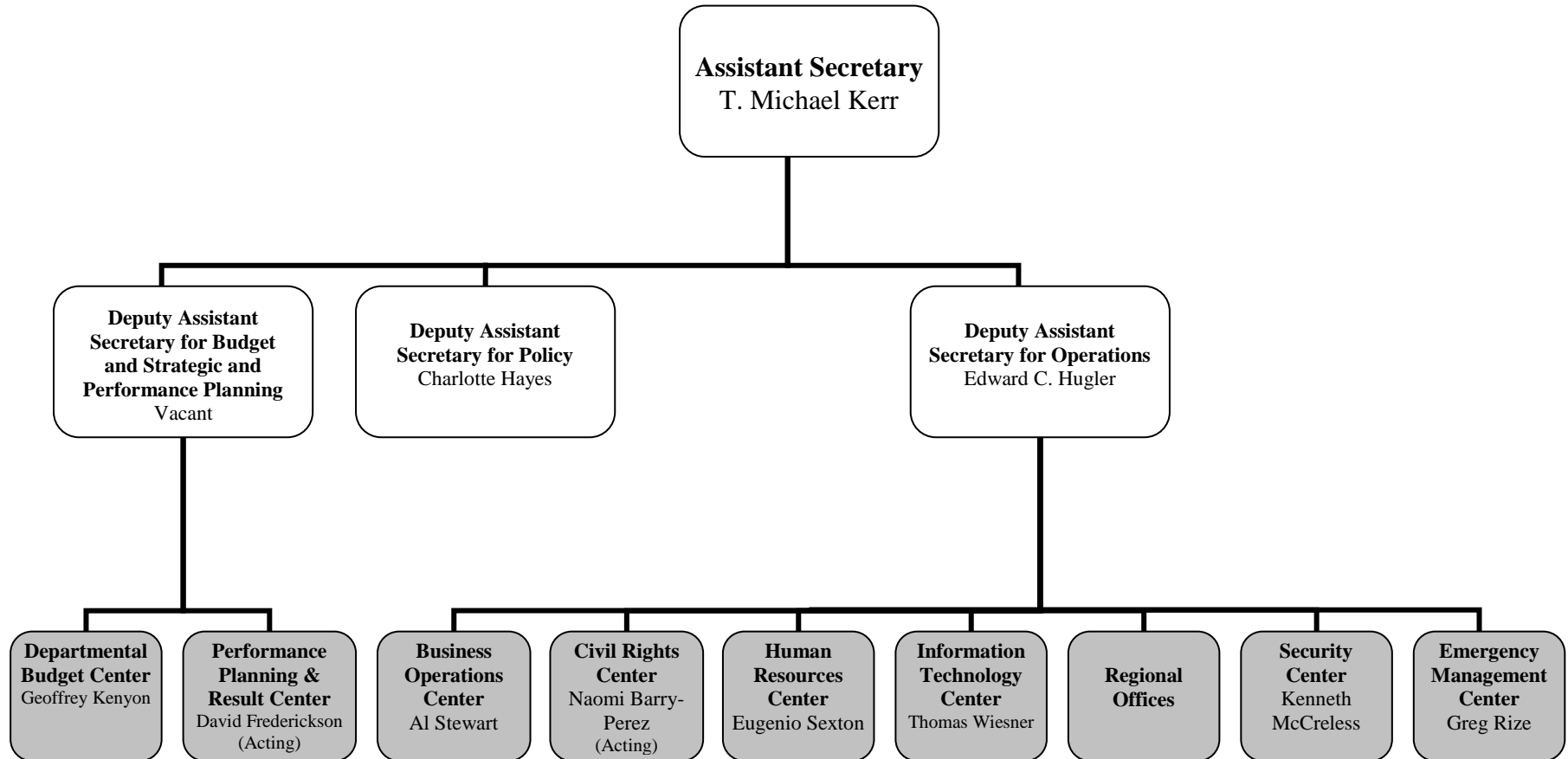
# DEPARTMENTAL MANAGEMENT

## INTERNATIONAL LABOR AFFAIRS BUREAU



# DEPARTMENTAL MANAGEMENT

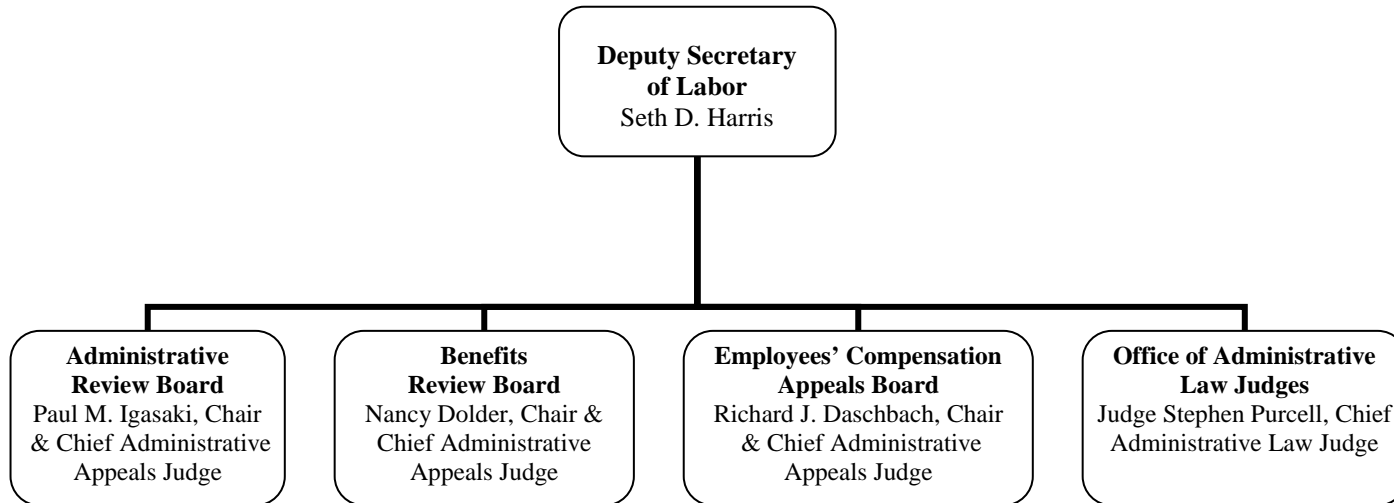
## OFFICE OF ASSISTANT SECRETARY FOR ADMINISTRATION AND MANAGEMENT



Shaded box indicates funding through the Departmental Management Working Capital Fund

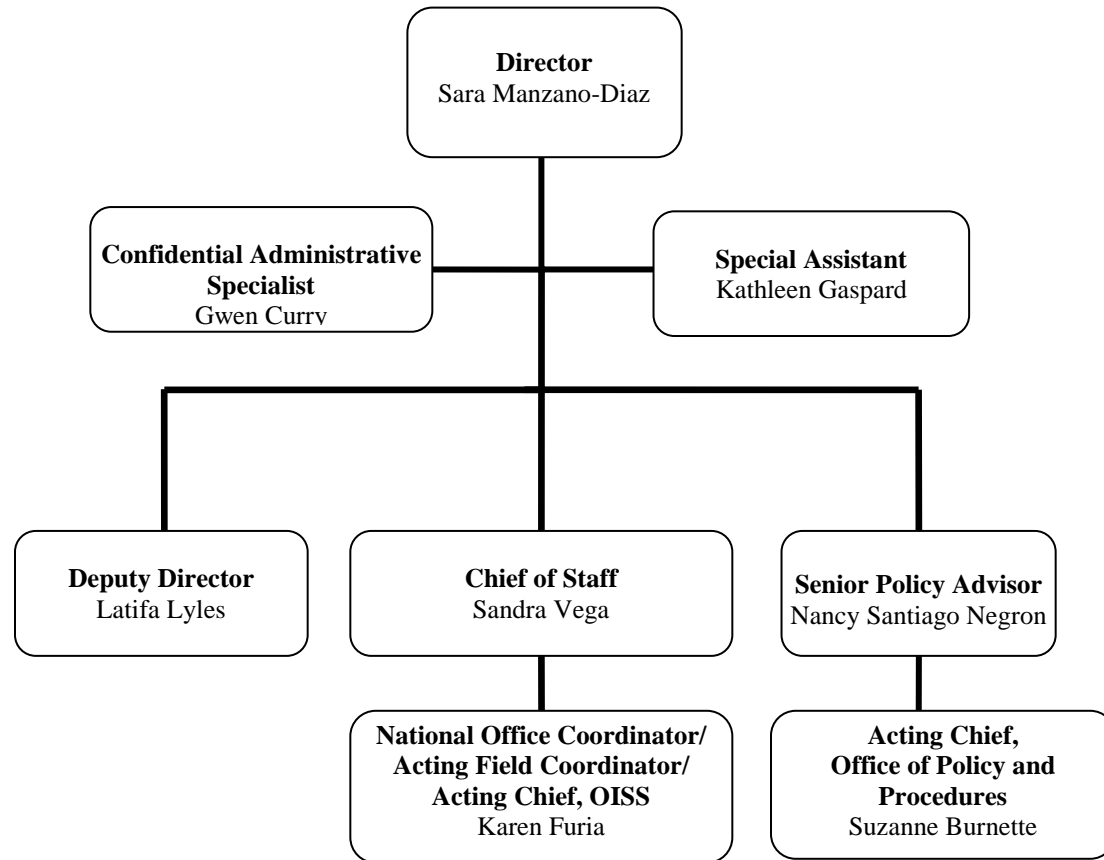
# DEPARTMENTAL MANAGEMENT

## ADJUDICATION



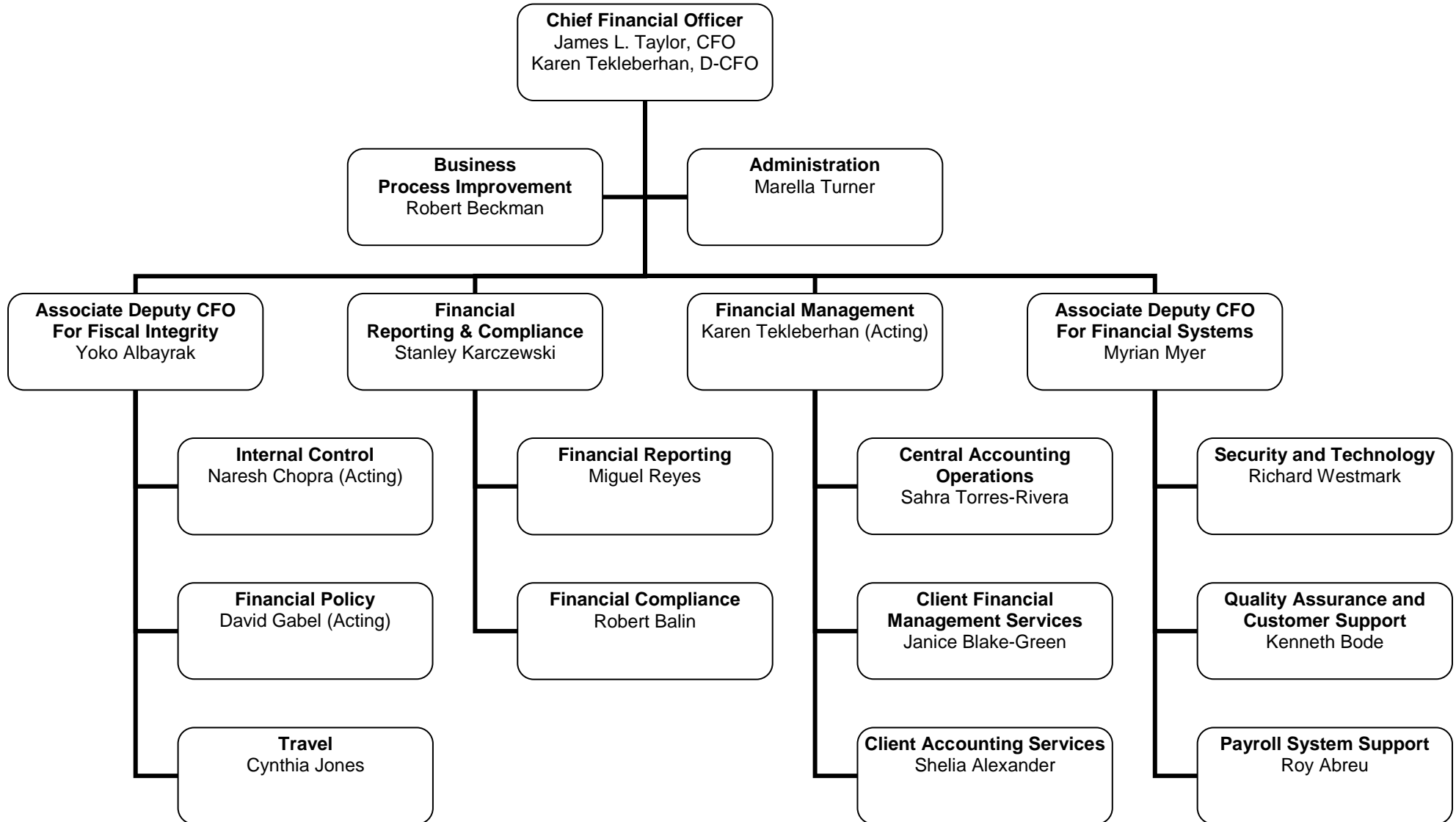
# DEPARTMENTAL MANAGEMENT

## WOMEN'S BUREAU



# DEPARTMENTAL MANAGEMENT

## OFFICE OF THE CHIEF FINANCIAL OFFICER





## PROGRAM DIRECTION AND SUPPORT

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2011 Enacted</b>	<b>FY 2012 Enacted</b>	<b>FY 2013 Request</b>	<b>Diff. FY 13 Req. / FY 12 Enacted</b>
Budget Authority	32,909	32,722	32,722	0
FTE	123	118	118	0

NOTE: FY 2011 reflects actual FTE. Authorized FTE for FY 2011 was 130.

### **Introduction**

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

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

### **Five-Year Budget Activity History**

<b><u>Fiscal Year</u></b>	<b><u>Funding</u></b> (Dollars in Thousands)	<b><u>FTE</u></b>
2008	\$26,337	140
2009	\$22,831	140
2010	\$33,200	152
2011	\$32,909	130
2012	\$32,722	118

### **FY 2013**

The FY 2013 budget request for Program Direction and Support (PDS) is \$32,722,000 and 118 FTE. Funding at this level will enable PDS to continue to support the Secretary, Deputy Secretary, and their respective offices on key DOL initiatives and mandates, such as furthering the Secretary’s vision of “*good jobs for everyone.*” Monitoring, improving, and developing additional strategies to advance the outcome goals that are supporting the framework for the Secretary’s vision will be central to this effort.

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

## PROGRAM DIRECTION AND SUPPORT

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

### **FY 2012**

The FY 2012 PDS funding will continue to be used to further the Secretary's vision of "*good jobs for everyone*." Resources under this budget activity will be used to ensure that agencies are committed to improving performance, as measured by outcome data trends, analysis of annual performance, and the corresponding out-puts tracked internally and through the budget process. Agencies will be accountable for achieving performance goals by adjusting strategies based on that evidence.

### **FY 2011**

In FY 2011, the PDS budget activity provided for the oversight necessary to ensure continued innovation and centralized leadership and direction for the entire Department. In July 2011, the Department launched two contests to spur the software developer community to create "apps"—smartphone and computer applications—to put DOL data to work for the American public. The first place prize app allows users to retrieve average salaries of occupations and occupation groups by city, state, and region and has a comparison function that allows users to find where job types or industries are centered and the best compensated. This app will help workers make



## **PROGRAM DIRECTION AND SUPPORT**

better choices about where to get training and education, apply for positions or, if necessary, move to find good jobs.

## PROGRAM DIRECTION AND SUPPORT

<b>DETAILED WORKLOAD AND PERFORMANCE</b>				
	<b>FY 2011 Enacted</b>		<b>FY 2012 Enacted</b>	<b>FY 2013 Request</b>
	<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
<b>Program Direction and Support</b>				
<b>OASP</b>				
Economic Policy Briefs	9	9	9	9
Weekly Economic Conditions Summaries	52	52	50	50
<b>OASP</b>				
Timely Clearance of Departmental Regulations (within 5 days)	90.00%	90.00%	90.00%	90.00%
<b>OPA</b>				
News Releases and Media Advisories	1,100	1,817	1,100	1,100
Outreach Support for Secretary's Initiatives (Number of Events)	100	150	100	100
Stories Published for Frances E-Magazine & DOL Newsletter	150	650	200	200
DOL Newsletter	40	52	52	52
DOL Facebook, Friends and Twitter Followers	10,000	55,600	15,000	15,000

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

### **Detailed Workload Performance Narrative for Selected PDS Components**

#### **Office of the Assistant Secretary for Policy (OASP)**

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

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

## PROGRAM DIRECTION AND SUPPORT

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

1. Providing the Secretary with **timely, full and accurate information, analysis, and evaluation** reflecting a Department-wide perspective (for both policymaking purposes and public statements)
2. Facilitating the **timely promulgation and roll-out of high quality regulations** that are consistent with Executive Orders, the Secretary's vision, statutes and OMB Bulletins
3. Enhancing the quality of DOL's policy, regulatory and legislative initiatives and innovations by **facilitating cross-agency collaboration and interagency cooperation.**
4. **Facilitating voice in the workplace and enabling DOL transparency** by providing the public with portals that contain up-to-date cross-agency information on DOL's activities.

To ensure resources are allocated to the strategies, outputs, milestones and/or outcomes that align with the most pressing priorities of the DOL Front Office in FY 2013, OASP will use its periodic management meetings and regulatory issue meetings with the Deputy Secretary to ensure planning reflects his and the Secretary's priorities.

### **Office of Public Affairs (OPA)**

OPA is committed to furthering the efforts of all DOL agencies in support of the Secretary's vision of "*good jobs for everyone*". To that end, an essential component of OPA's contribution is creative, timely and—above all—effective messaging about the work of DOL as it relates to the Secretary's vision. OPA intends to continue the implementation of a multi-dimensional communications plan to educate the media and the public as a whole about DOL's efforts in this respect. In FY 2013, OPA will perform the following tasks as a part of its communication strategy:

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

OPA will continue to dramatically expand its new media work. In the past 18 months, OPA has launched two Facebook pages, two Twitter accounts, a reinvigorated YouTube account, two blogs (one internal and one external), and a Flickr account. Another new development is the DOL newsletter. Nearly everyone on the OPA staff contributes to the newsletter. The newsletter is issued each Thursday and already has more than 80,000 non-DOL subscribers, with an average of 500 to 1,000 new subscribers each week. This figure is in addition to the 16,200 DOL employees who receive the newsletter in electronic format each week. OPA will continue publishing this valued DOL resource in FY 2013.

## PROGRAM DIRECTION AND SUPPORT

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2011 Enacted</b>	<b>FY 2012 Enacted</b>	<b>FY 2013 Request</b>	<b>Diff. FY13 Req./ FY12 Enacted</b>
11.1	Full-time permanent	15,346	15,711	15,837	126
11.3	Other than full-time permanent	15	30	30	0
11.5	Other personnel compensation	460	1,197	1,201	4
11.9	<b>Total personnel compensation</b>	<b>15,821</b>	<b>16,938</b>	<b>17,068</b>	<b>130</b>
12.1	Civilian personnel benefits	4,026	4,577	4,629	52
13.0	Benefits for former personnel	65	100	100	0
21.0	Travel and transportation of persons	619	800	800	0
22.0	Transportation of things	0	0	0	0
23.1	Rental payments to GSA	2,432	2,455	2,627	172
23.3	Communications, utilities, and miscellaneous charges	283	512	512	0
24.0	Printing and reproduction	68	135	135	0
25.1	Advisory and assistance services	1,426	1,625	1,271	-354
25.2	Other services from non-Federal sources	1,600	418	418	0
25.3	Other goods and services from Federal sources 1/	5,192	4,565	4,565	0
25.4	Operation and maintenance of facilities	370	48	48	0
25.5	Research and development contracts	1	0	0	0
25.7	Operation and maintenance of equipment	167	121	121	0
26.0	Supplies and materials	470	376	376	0
31.0	Equipment	369	52	52	0
	<b>Total</b>	<b>32,909</b>	<b>32,722</b>	<b>32,722</b>	<b>0</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	4,558	4,428	4,428	0
	DHS Services	100	100	100	0
	Services by DOL Agencies	217	0	0	0
	Services by Other Government Departments	90	37	37	0
	GSA Services	27	0	0	0
	HHS Services	200	0	0	0

# PROGRAM DIRECTION AND SUPPORT

## CHANGES IN FY 2013

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$63
Personnel benefits	17
One day more of pay	85
Federal Employees Compensation Act (FECA)	17
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	172
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	-354
Other services	0
Working Capital Fund	0
Other government accounts (DHS Charges)	0
Other purchases of goods and services from Government accounts	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0

**Built-Ins Subtotal** **\$0**

**Net Program** **\$0**

**Direct FTE** **0**

	Estimate	FTE
<b>Base</b>	<b>\$32,722</b>	<b>118</b>



## LEGAL SERVICES

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2011 Enacted</b>	<b>FY 2012 Enacted</b>	<b>FY 2013 Request</b>	<b>Diff. FY 13 Req. / FY 12 Enacted</b>
Budget Authority	127,319	137,789	139,081	1,292
FTE	632	711	714	3

NOTE: FY 2011 reflects actual FTE. Authorized FTE for FY 2011 was 642.

### **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 National Office Divisions that are generally devoted to the major laws under the Department’s jurisdiction and regional offices 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 mission through enforcement of worker protection laws and implementation of the Secretary’s regulatory and program agendas. SOL contributes to the accomplishment of all of the Department’s Strategic and Outcome goals by:

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

DOL actions are based on sound legal advice that is:

- Timely;
- Understandable;
- Able to identify and mitigate legal risk;
- Effective; and
- In line with clients’ goals and priorities.

The priorities in SOL’s budget submission for FY 2013 mirror the Department’s budget and program priorities, and seek some additional FTE necessary to enable SOL to provide enhanced legal services in support of the Department’s Strategic and Outcome Goals.

SOL has been working closely with the Department during FY 2011 and 2012 to strengthen SOL’s budget-performance integration, improve the line-of-sight between SOL’s performance pursuant to its Operating Plan and the Department’s Strategic and Outcome Goals, and improve workload production data to better track SOL’s operational capacity. This includes recurring assessments for the Solicitor and Departmental leadership of SOL’s role in support of the Secretary’s Vision and the Department’s Strategic and Outcome Goals.

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## Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2008	\$96,978	588
2009	\$108,364	597
2010	\$125,226	636
2011	\$127,319	642
2012	\$137,789	711

## FY 2013

The President's FY 2013 Budget funds SOL at \$139,081,000, a net increase of \$1,292,000 and 3 FTE over the FY 2012 enacted budget of \$137,789,000. The request includes an increase of \$500,000 and 3 FTE to support new regulatory and enforcement efforts at the Employment Benefits Security Administration (EBSA) and inflationary increases of \$1,562,000. SOL's FY 2013 budget also includes a reduction of \$770,000 to account for a one-time transfer from the Mine Safety and Health Administration (MSHA) in FY 2012 to further advance the Federal Mine Safety and Health Review Commission (FMSHRC) backlog reduction project. However, the FY 2013 budget request maintains base funding from the FY 2012 appropriation that will allow SOL to continue to support its efforts to reduce the FMSHRC case backlog.

SOL's FY 2013 budget request focuses on the priorities of the Department and the Administration. SOL plays a critical role in advancing the Secretary's vision by aggressive enforcement of worker protection laws and robust implementation of the Secretary's regulatory and program agendas. The legal services provided by SOL provide support for every aspect of the Department's strategic priorities. Therefore, the SOL FY 2013 budget request reflects most of the initiatives and program enhancements that have been proposed by its client agencies across DOL. Additionally, SOL will be working on regional office consolidation to better align legal offices with the Department's component agency structures, with eventual reduction from eight to six SOL regions. As an initial step, SOL plans to effectuate the reduction of one region in FY 2012.

SOL is requesting \$500,000 and 3 FTE for legal services to support the increase in health care related regulatory and enforcement work that is now the responsibility of EBSA. As a result of EBSA's new responsibilities, SOL expects an increased number of enforcement referrals and heightened demand for ERISA advisory services. In particular, SOL expects to provide greater legal services concerning welfare plans in 2013, especially with respect to health fraud. The 3 additional FTE will provide necessary advisory and litigation support for EBSA's efforts in these areas.



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### **FY 2012**

In FY 2012, with the exception of funding for the FMSHRC backlog reduction project SOL's enacted budget remained at FY 2010 enacted levels. SOL is continuing its Modernization Initiative through development and implementation of an IT system called "Matter Management," which will manage and track cases and legal activities, and provide information used in SOL performance management and budgeting. Once development is completed and the system is deployed, both expected to occur in FY 2012, SOL believes Matter Management will provide improved efficiencies for the legal staff. In September 2011 SOL awarded a contract for an Evidence Management Initiative (EMI). EMI which is currently in the roll-out process and when fully functional, will provide to SOL a complete suite of on-demand, scalable litigation and document production support services along with a secure, web-enabled data hosting Cloud environment for select legal cases and matters.

In FY 2012, SOL received \$12,543,200 to continue addressing the backlog of mine safety and health cases pending before FMSHRC. This includes a one-time transfer of \$770,000 from MSHA and the \$12,000,000 included in SOL's FY 2012 appropriation, which was subject to the 1.89 percent rescission. With these funds over 80 attorneys and other staff across the country will remain dedicated to this effort. During the project's initial phase under the FY 2010 supplemental, SOL, MSHA, and FMSHRC were able to significantly address the case inventory, both through resolution of individual cases and introduction of new efficiencies by FMSHRC and DOL. The project's first-year focus on the backlog of approximately 10,424 cases contested at the Commission from October 1, 2007 through February 28, 2010 resulted in disposition of two-thirds – 6,924 – of those cases. The combined efforts of FMSHRC and DOL halted the trend of a growing caseload, and by the end of the supplemental funding period brought the total inventory of pending FMSHRC cases to a level lower than when the project began. Nevertheless, the remaining targeted backlog cases have been among the most difficult, and new contested citations and other MSHA cases continue to be filed with the Commission. In FY 2012, SOL will continue to assist MSHA in addressing the FMSHRC case inventory, particularly the growing number of new cases. Through concentrated use of litigation tools such as pursuit of global settlements, the SOL will continue its focus on addressing the highest priority cases, including those with the highest number of significant and substantial violations.

### **FY 2011**

In FY 2011, SOL received a full year appropriation based on the FY 2010 enacted. In addition, SOL received a \$2,000,000 transfer from MSHA to continue the work on the FMHSRC case backlog. This was necessary because the FY 2010 supplemental funding for SOL's work related to FMSHRC cases expired on July 28, 2011. Beginning in late FY 2010, SOL established a strong presence in field offices around the country to immediately begin the work of reducing cases before the FMHSRC.

Throughout FY 2011, SOL also continued development of the critically needed Legal Technology infrastructure, which includes: replacing SOL's failing case management and time reporting systems (SOLAR/TD), and improving capacities in the critical areas of legal document

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management, document review, transcript and evidence management, trial presentation, and case analysis.

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<b>DETAILED WORKLOAD AND PERFORMANCE</b>				
	<b>FY 2011 Enacted</b>		<b>FY 2012 Enacted</b>	<b>FY 2013 Request</b>
	<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
<b>Legal Services</b>				
<b>Pre Litigation</b>				
Percentage of Strategic Matters Opened	--	58	59 (e)	56 (e)
Matters Opened	3,219 (e)	3,319	3,485 (e)	3,659 (e)
Matters Concluded	3,125 (e)	2,968	3,116 (e)	3,272 (e)
Matters Pending	1,879 (e)	1,823	2,192 (e)	2,579 (e)
<b>Litigation:</b>				
Percentage of Strategic Matters Opened	--	50	52 (e)	62 (e)
Matters Opened	17,275 (e)	18,719	14,873 (e)	14,523 (e)
Matters Concluded	15,270 (e)	16,718	17,068 (e)	16,718 (e)
Matters Pending	16,367 (e)	18,071	12,476 (e)	6,881 (e)
<b>Regulations:</b>				
Percentage of Strategic Matters Opened	--	27	22 (e)	20 (e)
Matters Opened	116 (e)	90	81 (e)	81 (e)
Matters Concluded	120 (e)	67	54 (e)	54 (e)
Matters Pending	154 (e)	164	191 (e)	191 (e)
<b>Opinion/Advice:</b>				
Percentage of Strategic Matters Opened	--	35	36 (e)	36 (e)
Matters Opened	8,678 (e)	8,451	8,451 (e)	8,451 (e)
Matters Concluded	6,198 (e)	6,298	6,298 (e)	6,298 (e)
Matters Pending	10,610 (e)	9,081	9,081 (e)	9,081 (e)

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

### **Detailed Workload Performance Narrative**

Historically, including in the FY 2012 Congressional Budget Justification, SOL aggregated its Pre-Litigation Matters and Litigation Matters together as “Litigation Matters” when reporting. SOL has now revised its production measures to separate Pre-Litigation Matters from Litigation Matters. Consequently, SOL has revised targets and results for Litigation Matters Opened and Concluded to exclude the Pre-Litigation Matters from the tabulations, and has included separate figures for Pre-Litigation. Another overall change in the workload summary is that SOL has renamed the “Matters Received” measure as “Matters Opened” to be more precise.

Production levels for both FY 2012 and FY 2013 are projected based on FY 2011 end-of-year results, with adjustments as indicated. For example, due to increased emphasis placed on early consultation between SOL and its clients as part of SOL’s Operating Plan, SOL is projecting a

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five percent increase in Pre-Litigation Matters Opened and Pre-Litigation Matters Concluded in FY 2012, and an additional five percent increase in both categories in FY 2013.

Beginning in FY 2011, Litigation Matters workload projections include matters handled by the term and temporary staff working on the FMSHRC backlog reduction project as well as matters handled by permanent SOL staff. As the number of FTE working on Litigation Matters in FY 2011 through FY 2013 varies only slightly, SOL projects that the number of Litigation Matters Concluded in FY 2011 and FY 2013 will be consistent, with a slight increase in FY 2012. The number of Litigation Matters Opened in FY 2012 is reduced from the FY 2011 result to discount for a substantial initial influx of FMSHRC matters in FY 2011 and reduced further in FY 2013.

During FY 2012 and FY 2013, SOL will closely monitor the turnover of matters and the volume of matters pending, especially matters pending in the Opinion and Advice category, in its recurring assessments of SOL's provision of legal services to advance the Department's Strategic and Outcome Goals.

Because of client agencies' emphasis on SOL support of regulatory initiatives, SOL assumed that Regulatory Matters Concluded would increase to 120 in FY 2011. Based on FY 2011 results, SOL has revised downward projections for Regulatory Matters Opened by 10 percent in FY 2012 and held that revised target steady for FY 2013. Workload projections for Regulatory Matters Concluded were revised downward by 20 percent in FY 2012 and held steady at that revised target for FY 2013.

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<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2011 Enacted</b>	<b>FY 2012 Enacted</b>	<b>FY 2013 Request</b>	<b>Diff. FY13 Req./ FY12 Enacted</b>
11.1	Full-time permanent	73,399	81,163	81,636	473
11.3	Other than full-time permanent	477	420	421	1
11.5	Other personnel compensation	1,501	1,325	1,325	0
11.8	Special personal services payments	10	0	0	0
11.9	<b>Total personnel compensation</b>	<b>75,387</b>	<b>82,908</b>	<b>83,382</b>	<b>474</b>
12.1	Civilian personnel benefits	18,540	21,756	21,882	126
13.0	Benefits for former personnel	7	0	0	0
21.0	Travel and transportation of persons	1,202	1,324	1,328	4
22.0	Transportation of things	20	29	29	0
23.1	Rental payments to GSA	8,529	8,081	8,693	612
23.3	Communications, utilities, and miscellaneous charges	714	1,383	1,387	4
24.0	Printing and reproduction	100	110	110	0
25.1	Advisory and assistance services	0	1,900	1,900	0
25.2	Other services from non-Federal sources	2,749	3,054	3,094	40
25.3	Other goods and services from Federal sources 1/	11,067	11,682	11,682	0
25.4	Operation and maintenance of facilities	0	1	1	0
25.7	Operation and maintenance of equipment	5,873	2,885	2,893	8
26.0	Supplies and materials	1,192	1,417	1,422	5
31.0	Equipment	1,939	1,259	1,278	19
42.0	Insurance claims and indemnities	0	0	0	0
	<b>Total</b>	<b>127,319</b>	<b>137,789</b>	<b>139,081</b>	<b>1,292</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	10,703	11,275	11,275	0
	DHS Services	364	352	352	0
	GSA Services	0	55	55	0

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## CHANGES IN FY 2013

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$427
Personnel benefits	172
One day more of pay	381
Federal Employees Compensation Act (FECA)	-30
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	612
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services	34
Working Capital Fund	-34
Other government accounts (DHS Charges)	0
Other purchases of goods and services from Government accounts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Insurance claims and indemnities	0

**Built-Ins Subtotal** **\$1,562**

**Net Program** **-\$270**

**Direct FTE** **3**

	<b>Estimate</b>	<b>FTE</b>
<b>Base</b>	<b>\$139,351</b>	<b>711</b>
<b>Program Increase</b>	<b>\$500</b>	<b>3</b>
<b>Program Decrease</b>	<b>-\$770</b>	<b>0</b>

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<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2011 Enacted</b>	<b>FY 2012 Enacted</b>	<b>FY 2013 Request</b>	<b>Diff. FY 13 Req. / FY 12 Enacted</b>
Budget Authority	92,484	92,309	94,984	2,675
FTE	97	98	108	10

NOTE: FY 2011 reflects actual FTE. Authorized FTE for FY 2011 was 99.

### **Introduction**

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

ILAB leads the U.S. Department of Labor’s efforts to ensure that workers around the world are treated fairly and are able to share in the benefits of the global economy. ILAB’s mission is to use all available international channels to improve working conditions, raise living standards, protect workers’ ability to exercise their rights, and address the workplace exploitation of children and other vulnerable populations. Fostering fair working conditions in the global marketplace is an integral component of the Secretary’s vision of “*good jobs for everyone.*” It ensures that the wages and working conditions of U.S. workers are not harmed by unfair competition.

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**

<b><u>Fiscal Year</u></b>	<b><u>Funding</u></b> (Dollars in Thousands)	<b><u>FTE</u></b>
2008	\$81,074	81
2009	\$86,074	83
2010	\$92,669	95
2011	\$92,484	99
2012	\$92,309	98

### **FY 2013**

In FY 2013, ILAB will continue its efforts to contribute to DOL’s Strategic Goal 1, to prepare workers for good jobs to ensure fair compensation; DOL’s Outcome Goal 1.6, to foster fair working conditions in the global economy that protect vulnerable people and provide workers a

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fair share of productivity in their work lives; and ultimately to ILAB's Performance Goal, to improve worker rights and livelihoods for vulnerable populations.

For FY 2013, ILAB is requesting program increases of \$2,500,000 and 10 FTE for a total budget of \$94,984,000 and 108 FTE. With these resources, ILAB will

- substantially increase the number of countries in which fundamental labor rights are systematically monitored and analyzed, and substantially increase efforts to enforce the labor provisions of trade agreements.
- continue to lead the labor dimensions of USG bilateral diplomacy,
- ensure that the U.S. maintains a leading role in multilateral fora – principally the ILO - for the discussion of international labor standards and international efforts to sustainably create jobs and improve livelihoods,
- continue its global leadership role in reducing and eliminating child labor through intellectual and policy leadership, research and substantial funding
- continue to promote fair working conditions in America's global trading partners through worker rights technical assistance, through new worker rights programs and expansion of the scope and scale of "Better Work" programs,

***Worker Rights Technical Assistance:*** ILAB makes grants for technical assistance to promote fair working conditions in America's global trade partner countries. ILAB will provide additional support as necessary for existing Better Work country programs, to allow for continued operation or to expand their scale and scope (to move toward coverage of the entire apparel sector in selected countries), fund new Better Work country programs as appropriate, and continue to support other initiatives, such as technical assistance to encourage compliance with international labor standards, to promote protection of worker rights in trade partner countries of the U.S.

Empirical studies have shown Better Work to be an effective model for improving labor rights and working conditions. ILAB has made a strategic decision to focus its resources on the apparel industry, which is especially prone to labor abuses.

The FY 2013 request will support programs in key countries such as Bangladesh, Egypt, and Vietnam, whose stability is important to U.S. national security interests and which are important apparel exporters to the U.S. and in the global market.

By placing priority on targeting large, lower-cost apparel exporters, the Better Work program will have impact on the global industry and its workforce. By realigning incentives so that improvements in worker rights are rewarded and fostered throughout the sector, the model has the potential to impact not just the workers in individual countries where Better Work programs are implemented, but also to reduce the downward pressure on wages and working conditions in factories outside of these countries.

***Monitoring and Enforcement of Trade Agreements:*** The increase of \$2,500,000 and 10 FTE will significantly expand systematic monitoring and enforce the labor obligations under U.S. free trade agreements (FTAs) and trade preference programs.



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The funds will be used to carry out monitoring, enforcement, and remediation activities with free trade partners, countries with which the U.S. is negotiating trade agreements, and beneficiaries of U.S. trade preferences, which are of high priority because of their importance to U.S. national security or foreign policy interests, or because their compliance with labor standards is particularly problematic. The United States has free trade agreements with 20 countries, of which 15 are developing countries, and is currently engaged in new trade negotiations with eight countries under the Trans-Pacific Partnership, including four countries with which ILAB does not currently have free trade agreements. The U.S. also provides trade preferences to approximately 140 developing countries.

Of this large number of trade partners, the FY 2013 request will allow ILAB to systematically monitor 31 additional high priority countries, and will allow for the provision of substantial technical assistance to improve labor standards and conditions under the labor provisions of agreements and preferences. Monitoring, enforcement, and remediation of the Colombia Labor Action Plan agreed to as part of the now pending free trade agreement with Colombia will require significant resources given the complexity and scope of the Action Plan.

***Child Labor and Forced Labor:*** The activities in this area aim to reduce the prevalence of the worst forms of child labor and forced labor. In FY 2013, ILAB will continue to undertake a strategic and global approach, in consultation with the International Labor Organization (ILO), to optimize efforts to address the root causes of child and forced labor, with a goal of improving the livelihood and household incomes of such laborers so that they do not fall victim to exploitation. ILAB will maintain its effort in this critical area by funding grants for new international technical assistance 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.

In order to meet Congressional reporting mandates and to improve the cost effectiveness of its grant-funded programs, ILAB will continue to support research and the collection of reliable data on harmful child labor, to raise awareness of the problem, and to mobilize a wide array of actors to address it. In FY 2013, ILAB will be in a position to apply the knowledge gained from recently initiated impact evaluations. If certain education or livelihood interventions have been proven to have a positive impact in eliminating and preventing child labor, ILAB will support the replication and scaling up of those interventions with existing resources.

***International Diplomacy and Policy:*** ILAB will continue working with the Department of State in labor diplomacy 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.

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## FY 2012

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

***Worker Rights Technical Assistance:*** ILAB will maintain Better Work programs in key countries such as Bangladesh, Vietnam, Nicaragua, Haiti and Lesotho. The countries were selected for their significance to international apparel production, their history of poor labor rights, and their importance to U.S. national security interests. ILAB will also ensure that other current programs to promote worker rights are provided with the resources necessary to complete and accomplish their current goals. If resources remain, ILAB will provide additional support as necessary for existing Better Work country programs to allow for continued operation or to expand their scale and scope (to move toward coverage of the entire apparel sector in countries where the policy environment is ripe), fund new Better Work country programs as appropriate, and continue to support other initiatives, such as technical assistance to encourage compliance with international labor standards, to promote protection of worker rights in trade partner countries of the U.S.

***Monitoring and Enforcement of Trade Agreements:*** Despite essentially flat funding from FY 2011, ILAB will increase activities in the area of monitoring in FY 2012. ILAB will target as many of the following countries as feasible: the 13 developing countries with which the U.S. has existing free trade agreements (the six Central American countries, Peru, Chile, Mexico, Bahrain, Oman, Morocco and Jordan); potential new free trade partners such as South Korea, Colombia, and Panama; selected countries where labor rights and conditions are a significant concern, such as Bangladesh, Philippines, Uzbekistan, Sri Lanka, Niger, Pakistan and the Democratic Republic of the Congo; and countries with which the U.S. is negotiating new trade agreements, such as Vietnam.

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

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

***Child Labor and Forced Labor:*** In FY 2012, ILAB will fully maintain its current efforts to address the root causes of child and forced labor. ILAB will continue developing new

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approaches to improve the livelihood and household incomes of child and forced laborers so that they do not fall victim to exploitation. ILAB will continue to oversee its existing portfolio of international technical cooperation programs that address harmful child labor, forced labor, and human trafficking by withdrawing or preventing children from involvement in exploitive labor, promoting formal and transitional education opportunities for these children, strengthening policies on child labor and education, and building the capacity of national institutions to address these issues. ILAB will also continue to support research and the collection of reliable data on harmful child labor, to raise awareness of the problem, and to mobilize a wide array of actors to address it.

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

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

***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

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

### **FY 2011**

In FY 2011, ILAB coordinated the pursuit of U.S. national interests in the area of international labor with other parts of the Department of Labor and thus other aspects of U.S. labor policy, and with the foreign policy and national security interests of the United States through engagement with various USG institutions. These included the Department of State, USAID, the Departments of Commerce, Transportation and Agriculture, the office of the U.S. Trade Representative, the National Security Council, the Office of Management and Budget and the Intelligence Community. Among the key U.S. policy issues that ILAB engaged in were programmatic, funding, policy, diplomacy, trade agreement enforcement and other responses to the Arab Spring, and trade agreements with Korea, Panama and Colombia, notably the negotiation and implementation of a labor plan of action with the latter. In FY 2011, ILAB engaged in 119 different protracted processes of policy development. Many of these efforts centered on negotiations of trade agreements such as the Trans Pacific Partnership (TPP), as well as monitoring and investigating various petitions and submissions that had been filed in relation to allegations of labor violations by current trading partners and countries with trade preferences.

Through its grants, ILAB funded approximately \$66,500,000 in technical assistance and cooperative projects to reduce child labor and promote and enforce workers' rights. Notably, ILAB supported Better Work programs in Bangladesh, Cambodia, Haiti, Lesotho, Nicaragua and Vietnam, and child labor programs in Peru, the Philippines and Ethiopia, as well as a global program to promote policies to eliminate child labor. ILAB also engaged in direct technical exchanges with Ministries of Labor in Colombia and Vietnam, and with mine safety authorities in China, to build capacity to improve the enforcement of labor laws and exchange lessons learned.

ILAB is the USG body charged with labor diplomacy – the maintenance of relations with labor ministries and similar bodies of foreign governments. In FY 2011, ILAB engaged in 46 such relationships. Examples include negotiation of bilateral Memoranda of Understanding with Brazil, India, Israel and China, and preparation for the U.S.-Vietnam Labor Dialogue. ILAB also had notable engagements with countries concerning labor rights and free trade agreements (Bahrain, Colombia, Guatemala, Jordan, Oman, Morocco and Peru), and ongoing labor dialogue and technical cooperation with strategic countries (Brazil, China and Vietnam). Child labor project development also required direct bilateral policy dialogue with several countries,

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including Ethiopia, the Philippines and Peru. Several new joint declarations and letters of arrangement were completed, including with the governments of the Dominican Republic, Costa Rica and El Salvador to protect the labor rights of migrant workers from those countries who are employed in the U.S.

ILAB is also charged with maintaining USG interests in multilateral fora, principally the International Labor Organization (ILO). A substantial amount of resources was devoted to the pursuit of U.S. national interests in these fora, especially the governance of the ILO and its committees. ILAB has enumerated 64 such protracted and in-depth processes. Many of these were with the ILO, but also important were G20 Labor and Employment Ministers, the Asia-Pacific Economic Cooperation's Social Protection Committee, preparatory meetings for the Child Labor Cocoa Coordinating Group (focused on Cocoa in West Africa), the multilateral negotiations for the Trans-Pacific Partnership free trade agreement, and the African Growth and Opportunity Act (AGOA) trade forum in Africa.

ILAB continued its mission of systematically monitoring and analyzing the fundamental labor rights of foreign countries. This included systematic monitoring of child labor and forced labor developments in 145 countries. ILAB also monitored or enforced worker rights and international labor standards in 29 countries. This monitoring was connected to trade negotiations and free trade agreements (e.g. Bahrain, Colombia, Guatemala, Peru and the Trans-Pacific Partnership countries, including Malaysia and Vietnam), and preference programs such as the Generalized System of Preferences (GSP) and AGOA (e.g. Bangladesh, Georgia, Niger, and Uzbekistan).

ILAB also devoted substantial attention and resources to the maintenance of collaborative and substantive working relationships with the U.S. business and labor communities, and their involvement as stakeholders, as well as that of other important elements of U.S. society, in the development and implementation of U.S. international labor policy.

## INTERNATIONAL LABOR SERVICES

<b>DETAILED WORKLOAD AND PERFORMANCE</b>				
	<b>FY 2011 Enacted</b>		<b>FY 2012 Enacted</b>	<b>FY 2013 Request</b>
	<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
<b>International Labor Services</b>				
<b>Strategic Goal 1 - Prepare workers for good jobs and ensure fair compensation</b>				
<b>Outcome Goal 1.6 - Foster acceptable work conditions and respect for workers' rights in the global economy to provide workers with a fair share of productivity and voice in their work lives</b>				
Performance Goal ILAB 1.6 - Improve worker rights and livelihoods for vulnerable populations	--	--	--	--
PRODUCTION MEASURES:	--	--	--	--
1.6.01 Number of USG intra and inter-agency policy processes engaged in to advance DOL and ILAB policies and priorities (including preparation for USG participation in multilateral institutions)	111	119	90	90
1.6.02 Number of countries with which ILAB engages in technical cooperation through technical assistance, technical exchanges or other forms of collaboration.	79	78	72	63
1.6.03 Number of countries in which ILAB engages in policy dialogue or negotiation.	29	46	28	28
1.6.04 Number of multilateral policy processes where stakeholders outside of the USG are engaged by ILAB	42	64	37	40
1.6.05 Number of countries in which the fundamental labor rights are systematically monitored and analyzed	12	29	34 (e)	65
1.6.06 Number of countries in which child labor or forced labor are systematically monitored and analyzed	140	145	145	145
1.6.07 Number of required reports published	9	18	6	6
1.6.08 Number of financial reports reviewed and processed	275	477	294	263
1.6.09 Number of technical progress reports reviewed and processed	167	184	176	167
1.6.10 Number of program evaluations and audits conducted	27	28	28	28
1.6.11 Percentage of grants and contracts closed by program office and submitted to OASAM	100.00%	100.00%	100.00%	100.00%
1.6.01-M Percentage of current fiscal year funds obligated for technical assistance grants	100.00%	100.00%	100.00%	100.00%

## INTERNATIONAL LABOR SERVICES

<b>DETAILED WORKLOAD AND PERFORMANCE</b>				
	<b>FY 2011 Enacted</b>		<b>FY 2012 Enacted</b>	<b>FY 2013 Request</b>
	<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
1.6.02-M Percentage of current fiscal year funds obligated for technical assistance contracts	100.00%	100.00%	100.00%	100.00%
1.6.12 Number of research papers published	--	--	15	8

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

### **Detailed Workload Performance Narrative**

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

ILAB leads the U.S. Department of Labor’s efforts to ensure that workers around the world are treated fairly and are able to share in the benefits of the global economy. ILAB’s mission is to use all available international channels to improve working conditions, raise living standards, protect workers’ ability to exercise their rights, and address the workplace exploitation of children and other vulnerable populations. Fostering fair working conditions in the global marketplace is an integral component of the Secretary’s vision of “*good jobs for everyone.*” It ensures that the wages and working conditions of U.S. workers are not harmed by unfair competition.

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

FY 2011 was the baseline year for ILAB’s production measures. For FY 2012, ILAB added a new production measure for number of research papers published. Continual refinement of the data calculation process during FY 2011 resulted in higher reported numbers of policy process engagements in FY 2011 than is targeted for in FY 2012 and FY 2013. This does not reflect a reduction in workload, but a refinement in counting methodology that occurred during the baseline year. Broader-scoped technical assistance projects are planned for FY 2012 and FY 2013, which will reduce the quantity of technical assistance projects, but significantly increase the quality, scope, and impact of ILAB’s technical assistance program.

In FY 2013, with an additional \$2,500,000 and 10 FTE, ILAB will systematically monitor and analyze an additional 31 countries. This would lead to a total of 65 countries monitored in FY 2013.

## INTERNATIONAL LABOR SERVICES

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2011 Enacted</b>	<b>FY 2012 Enacted</b>	<b>FY 2013 Request</b>	<b>Diff. FY13 Req./ FY12 Enacted</b>
11.1	Full-time permanent	10,688	10,947	12,481	1,534
11.3	Other than full-time permanent	15	15	15	0
11.5	Other personnel compensation	250	250	251	1
11.9	<b>Total personnel compensation</b>	<b>10,953</b>	<b>11,212</b>	<b>12,747</b>	<b>1,535</b>
12.1	Civilian personnel benefits	2,968	2,877	3,189	312
21.0	Travel and transportation of persons	782	1,078	1,253	175
22.0	Transportation of things	10	10	10	0
23.1	Rental payments to GSA	954	830	913	83
23.3	Communications, utilities, and miscellaneous charges	138	124	124	0
24.0	Printing and reproduction	169	168	168	0
25.1	Advisory and assistance services	3,500	3,988	4,333	345
25.2	Other services from non-Federal sources	1,832	1,424	1,449	25
25.3	Other goods and services from Federal sources 1/	3,252	3,167	3,317	150
25.4	Operation and maintenance of facilities	7	0	0	0
25.5	Research and development contracts	1,200	875	875	0
25.7	Operation and maintenance of equipment	31	29	29	0
26.0	Supplies and materials	148	71	71	0
31.0	Equipment	173	82	132	50
41.0	Grants, subsidies, and contributions	66,367	66,374	66,374	0
	<b>Total</b>	<b>92,484</b>	<b>92,309</b>	<b>94,984</b>	<b>2,675</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	2,761	2,929	2,929	0
	DHS Services	23	23	23	0
	Services by Other Government Departments	468	215	215	0
	CIGIE	0	0	150	150



# INTERNATIONAL LABOR SERVICES

## CHANGES IN FY 2013

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$42
Personnel benefits	10
One day more of pay	117
Federal Employees Compensation Act (FECA)	-52
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	58
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services	0
Working Capital Fund	0
Other government accounts (DHS Charges)	0
Other purchases of goods and services from Government accounts	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0

**Built-Ins Subtotal** **\$175**

**Net Program** **\$2,500**

**Direct FTE** **10**

	Estimate	FTE
<b>Base</b>	<b>\$92,484</b>	<b>98</b>
<b>Program Increase</b>	<b>\$2,500</b>	<b>10</b>



## ADMINISTRATION AND MANAGEMENT

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2011 Enacted</b>	<b>FY 2012 Enacted</b>	<b>FY 2013 Request</b>	<b>Diff. FY 13 Req. / FY 12 Enacted</b>
Budget Authority	30,314	29,982	29,614	-368
FTE	115	126	126	0

NOTE: FY 2011 reflects actual FTE. Authorized FTE for FY 2011 was 121.

### **Introduction**

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

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

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

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

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

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

## ADMINISTRATION AND MANAGEMENT

### Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2008	\$30,261	111
2009	\$32,506	111
2010	\$34,326	128
2011	\$30,314	121
2012	\$29,982	126

### FY 2013

In FY 2013, the Office of the Assistant Secretary for Administration and Management (OASAM) is requesting a total of \$29,614,000 and 124 FTE. OASAM has begun the process of making the difficult choices, e.g., identifying those services that will be reduced or eliminated and refocusing resources to identified priority areas. In that vein, services are being streamlined/consolidated, resulting in the elimination of two senior level positions for a program decrease of \$400,000.

OASAM's primary responsibility is to support agencies within the Department of Labor in their efforts to achieve their performance goals. There is a need across the Department to more thoroughly integrate budget and performance planning and to improve the analysis of performance results. The absence of budget and performance integration and solid analysis of performance results impedes agencies' ability to make data-driven and evidence-based decisions on strategy selection and resource allocation, and prevent agencies from achieving their performance goals. The Departmental Budget Center and the Center for Program Planning and Results will continue to work in concert to further integrate the budget and performance process to ensure measurable outputs that contribute to the outcome goals and performance measures identified in the Department's strategic plan.

OASAM will continue to do its part in championing the use of technology to facilitate transparency and open government. In alignment with the federal-wide e-government efforts, the Information Technology Center will design, acquire and implement new information technology, business solutions, and capabilities that support all IT functions. The Human Resources Center will continue to ensure that the Department operates in a results-oriented performance culture that includes diverse leadership and high performing teams. This will ensure continuity of leadership and a learning environment that drives continuous improvement in performance. The Business Operations Center (BOC) will continue to provide support and overall management of the DOL procurement and grants management programs. BOC will continue leadership, planning, and management of the automation of DOL's business activities. Additional resources and associated workload and performance data are included in the Working Capital Fund.

## **ADMINISTRATION AND MANAGEMENT**

### **FY 2012**

The FY 2012 OASAM budget of \$29,982,000 and 126 FTE will allow OASAM to facilitate the enhancement of the efficiency and effectiveness of the Department's existing technology infrastructure, and provide new technology capabilities to improve overall agency mission performance. OASAM is working toward creating a modernized, standardized IT infrastructure that streamlines operations, improves customer service and collaboration opportunities, and maximizes technology return on investment to support agency business missions.

OASAM will also continue its efforts to consolidate and/or realign functions to better provide services in the areas of business operations, procurement, budget and performance integration, information technology, human resources, civil rights, security and emergency management, and strategic planning.

### **FY 2011**

In FY 2011, OASAM's budget of \$30,314,000 and 121 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 2011.

## ADMINISTRATION AND MANAGEMENT

<b>DETAILED WORKLOAD AND PERFORMANCE</b>				
	<b>FY 2011 Enacted</b>		<b>FY 2012 Enacted</b>	<b>FY 2013 Request</b>
	<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
<b>Administration and Management</b>				
DBC	--	--	--	--
Percentage of apportionments processed within 3 days of receipt from agencies	--	--	90.00%	90.00%
Percentage of allotments processed within 3 days of receipt from agencies	--	--	90.00%	90.00%
CPPR	--	--	--	--
Percent of Agency Operating Plans assessed and feedback provided to agencies within 5 days of receipt	--	--	90.00%	90.00%
HRC	--	--	--	--
Average number of days to hire a new employee	80.00	77.20	80.00	80.00
Percent satisfaction reported by managers on the Chief Human Capital Officer (CHCO) management survey regarding applicant quality on the certificate	.00% (base)	73.00%	85.00%	85.00%
ITC	--	--	--	--
Percent of network and application services uptime	.00% (base)	99.00%	99.00%	99.00%
DOLNet availability	.00% (base)	99.90%	99.90%	99.90%
BOC	--	--	--	--
Percent of contracts per quarter awarded within target timeframes	.00% (base)	90.00%	85.00%	85.00%
Reduce DOL total injury and illness case rate	--	--	1.95	1.95
Reduce DOL lost time injury and illness case rate	--	--	1.00	1.00

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

### **Detailed Workload Performance Narrative**

The OASAM workload measures demonstrate a commitment to provide mission critical services to the Department. The measures are aligned with the Department's mission, goals, and organizational objectives, and are fully integrated into DOL's strategic plan. The indicators measure OASAM's responsiveness, communications, problem solving abilities, and ease of use of products and/or services in supporting the Department's agencies in their achievement of DOL's mission.

## ADMINISTRATION AND MANAGEMENT

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2011 Enacted</b>	<b>FY 2012 Enacted</b>	<b>FY 2013 Request</b>	<b>Diff. FY13 Req./ FY12 Enacted</b>
11.1	Full-time permanent	14,019	14,965	14,746	-219
11.3	Other than full-time permanent	0	0	0	0
11.5	Other personnel compensation	0	0	0	0
11.8	Special personal services payments	0	0	0	0
11.9	<b>Total personnel compensation</b>	<b>14,019</b>	<b>14,965</b>	<b>14,746</b>	<b>-219</b>
12.1	Civilian personnel benefits	3,672	3,794	3,742	-52
21.0	Travel and transportation of persons	43	43	43	0
22.0	Transportation of things	0	0	0	0
23.1	Rental payments to GSA	1,785	1,794	1,920	126
23.3	Communications, utilities, and miscellaneous charges	266	266	266	0
24.0	Printing and reproduction	76	76	76	0
25.1	Advisory and assistance services	0	-707	-707	0
25.2	Other services from non-Federal sources	5,971	5,269	5,046	-223
25.3	Other goods and services from Federal sources 1/	4,094	4,094	4,094	0
25.4	Operation and maintenance of facilities	0	0	0	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	0	0	0	0
26.0	Supplies and materials	312	312	312	0
31.0	Equipment	76	76	76	0
	<b>Total</b>	<b>30,314</b>	<b>29,982</b>	<b>29,614</b>	<b>-368</b>
	1/Other goods and services from Federal sources				
	Services by Other Government Departments	223	35	35	0
	Working Capital Fund	3,871	4,059	4,059	0

# ADMINISTRATION AND MANAGEMENT

## CHANGES IN FY 2013

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$56
Personnel benefits	14
One day more of pay	65
Federal Employees Compensation Act (FECA)	-6
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	126
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services	-223
Working Capital Fund	0
Other government accounts (Census Bureau)	0
Other government accounts (DHS Charges)	0
Other purchases of goods and services from Government accounts	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0

**Built-Ins Subtotal** **\$32**

**Net Program** **-\$400**

**Direct FTE** **0**

	Estimate	FTE
<b>Base</b>	<b>\$30,014</b>	<b>126</b>
<b>Program Decrease</b>	<b>-\$400</b>	<b>0</b>



## ADJUDICATION

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2011 Enacted</b>	<b>FY 2012 Enacted</b>	<b>FY 2013 Request</b>	<b>Diff. FY 13 Req. / FY 12 Enacted</b>
Budget Authority	46,974	46,895	47,039	144
FTE	238	248	248	0

NOTE: FY 2011 reflects actual FTE. Authorized FTE for FY 2011 was 245.

### **Introduction**

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

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

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

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

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

Over the past decade, OALJ has experienced increased workloads as Congress passed new whistleblower protection laws, such as the Aviation Investment and Reform Act, the Sarbanes-Oxley Act, Federal Rail Safety Act, the National Transit Systems Security Act, and the Pipeline Safety Improvement Act of 2002. Since FY 2008, regulatory changes and reallocation of enforcement priorities at the Employment and Training Administration have resulted in significant increases of administrative law judges hearings relating to H-2A and H-2B temporary labor certification applications. Moreover, appeals relating to permanent labor certification

## ADJUDICATION

applications have not decreased as was anticipated upon the transition to the PERM program and have significantly increased beginning in FY 2010 and continuing through FY 2011 with an anticipated increase in receipt of cases in both FY 2012 and FY 2013.

The FY 2013 OALJ budget directly supports the following DOL Outcome Goals supporting *good jobs for everyone* by rendering case decisions that affect these important strategic and outcome goals:

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

- Increase workers' incomes and narrow wage and income inequality.
- Help workers who are in low-wage jobs or out of the labor market find a path into middle class jobs.
- 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 Department of Labor's Adjudicatory Boards (hereafter referred to collectively as the Boards) consist of the Administrative Review Board, the Benefits Review Board, and the Employees' Compensation Appeals Board. The three Boards are quasi-judicial bodies that review appeals under a variety of workers' compensation benefit and protection laws and programs that are part of the Department's over-arching, worker protection mission. Collectively the Boards make decisions on several thousand appeals every year that not only set nationwide standards and legal precedent, but have an impact on American workers and the American economy of several billions of dollars.

**The Administrative Review Board (ARB).** The ARB decides appeals arising from issues covered in over 50 statutes as outlined in Secretary's Orders 02-1996, dated April 17, 1996 and Order 1-2002, dated September 24, 2002. The majority of the ARB caseload arises from whistleblower complaints under corporate fraud, environmental, nuclear, aviation, trucking and rail safety statutes filed with the OSHA Whistle Blower Protection Program. The ARB also reviews certain civil rights enforcement actions and worker protection statutes such as the Child Labor Act. A growing number of appeals are also considered under the Davis-Bacon Act and the Service Contract Act and the H1B non-immigrant visa provisions of the Immigration and Naturalization Act. In the past 10 years, the Federal District Court has upheld ARB decisions in more than 96% of cases appealed.

**The Benefits Review Board (BRB).** The Benefits Review Board (BRB) decides appeals from the OALJ under the Black Lung (BL) and Longshore (LS) Acts, including appeals filed under the Defense Base Act. Historically, less than 15 percent of BRB decisions are appealed to the Federal circuit courts, and 85 percent of these are affirmed.

## ADJUDICATION

In FY 2011 as part of the Department's IT modernization effort, the BRB took the lead to implement a consolidated, appeals management system to replace the Boards' three separate legacy systems. This new system will ensure reliable IT support to better manage, track and document the Boards' caseload.

**The Employees' Compensation Appeals Board (ECAB).** The ECAB decides appeals on claims filed under the Federal Employees' Compensation Act (FECA). Any Federal employee who becomes ill or injured as a result of their employment may appeal the decision of the Labor Department's Office of Workers' Compensation Programs (OWCP) to ECAB. ECAB decisions are final, binding on OWCP, and not subject to further review.

The Boards support the Secretary's goal of "*good jobs for everyone*" and contribute towards attainment of all five of the Department's Strategic Goals by fully and fairly reviewing appeals and issuing timely dispositions consistent with applicable laws. The Boards are active participants in the Department's effort to accelerate information technology (IT) modernization and to improve transparency, public disclosure, and customer service.

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

The ARB contributes towards attaining Strategic Goals 1, 2, 3, and 5, and Outcome Goals 1.1, 1.4, 1.5, 1.6, 2.1, 3.1, 3.3, and 5.1.[\[1\]](#) The ARB does this by determining issues on working conditions and the safety of the workplace, wage equality, work-place environment, the integrity of economic data, and whistleblower statutes.

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[\[1\]](#) The Sarbanes-Oxley (SOX) whistleblower statute provides protection to employees in the finance field who report information, including price or other data relevant to a publicly held corporation that is hidden or not accurately reported.

### **Five-Year Budget Activity History**

<b><u>Fiscal Year</u></b>	<b><u>Funding</u></b> (Dollars in Thousands)	<b><u>FTE</u></b>
2008	\$43,691	212
2009	\$45,599	250
2010	\$46,599	250
2011	\$46,974	245
2012	\$46,895	248

# ADJUDICATION

## FY 2013

The FY 2013 funding request for Adjudication consists of \$29,639,000 and 160 FTE in general funds and \$17,400,000 and 88 FTE from the Black Lung Disability Trust, for a total of \$47,039,000 and 248 FTE are requested for Adjudication. This request includes a net increase of \$144,000 from the FY 2012 enacted appropriation. At the FY 2013 Request, the Adjudication activity will absorb \$370,000 in GSA rent and extra day of pay built-ins with offsets in contractual services. The reduction in these services, including court reporting services and operations and maintenance costs for the new system-DOL Appeals Management System-implemented in FY 2011 will impact operations and significantly affect Adjudication's core mission tasks.

**Administrative Law Judges:** The FY 2013 funding Request for the Office of Administrative Law Judges is \$26,391,000 and 139 FTE. In FY 2013, OALJ will continue to adjudicate cases in support of the Secretary's Goal of "*good jobs for everyone.*" The agency will facilitate the return to work for workers experiencing workplace injuries or illnesses who are able to work by adjudicating workers' compensation cases in the Black Lung and Longshore programs; helping middle-class families remain in the middle class by adjudicating cases in the Traditional Program area such as Whistleblower protection, Wage and Hour cases, Compliance cases and over 50 other types of worker protection cases; and promoting fair working conditions by adjudicating Immigration cases.

With the requested funding level, OALJ anticipates backlog increases over the next few years as Defense Base Act claims from Afghanistan and Iraq move through the courts. However, as these conflicts wind down, claims will decrease as well, which will allow OALJ to maintain control of any temporary backlog increase. Because this case influx is temporary, the Department chose to allocate limited base-funding increases among other priorities.

**Adjudicatory Boards:** The FY 2013 Request Level for the Adjudicatory Boards is \$20,648,000 and 109 FTE. Funding at this level will allow the Boards to maintain case dispositions at the FY 2012 levels and will ensure that the Boards are able to maintain their strong support of the Secretary's goal of "*good jobs for everyone.*" In FY 2013, the Boards will continue their commitment to the careful review and consideration of appeals and the issuance of high quality decisions that are consistent and timely contributing to the themes of enhancing worker safety and reducing improper payments and speeding return to work.

**Administrative Review Board:** The number and range of cases appealed to ARB in FY 2013 are expected to remain steady with respect to the FY 2012 levels. Most of the appeals to ARB arise from decisions of the OALJ and more than 80 percent of these originate under whistleblower statutes. After increases in cases coming from decisions by the Wage & Hour Administrator and H1B cases in FY 2012, the level is expected to stabilize in FY 2013. In addition, some increase is expected with cases coming from new statutes over FY 2012, but is expected also to level out in FY 2013. This stability assumes no additional change in law, environmental factors, and enforcement patterns in FY 2013. After the remaining two--year and older cases are closed in FY 2012, ARB would expect the average age of the pending cases

## ADJUDICATION

would move closer to one year in FY 2013. These projections are affected, however, by the mix, volume and complexity of the cases received during the year and ARB resource levels.

**Benefits Review Board:** OALJ production drives the workload of the BRB since virtually all appeals to the BRB arise from OALJ decisions. Traditionally, as the OALJ renders its decisions, BRB will receive 45 to 50 percent of those cases in appeals. The number of Black Lung and Longshore appeals to BRB is expected to remain steady with the increased FY 2012 levels as the OALJ decisions rendered increases. The Longshore workload includes an increased number of appeals under the Defense Base Act (DBA) that is expected in FY 2013. The number of decisions rendered will also remain steady with FY 2012 levels given no change to the current staffing levels.

**Employees' Compensation Appeals Board:** Appeals to ECAB come directly from OWCP. Given the increase in closed cases seen in FY 2011, ECAB is expected to continue to have closed cases surpass new cases in FY 2013. In FY 2013, based on the assumption that we will be operating with the same resources that we will have in FY 2012, we will continue to seek and make adjustments in our appeals case processing that will expedite our final decisions.

### FY 2012

**Administrative Law Judges:** In FY 2012, OALJ will continue to adjudicate cases towards the Secretary's Goal of "*good jobs for everyone.*" The agency will facilitate the return to work for workers experiencing workplace injuries or illnesses who are able to work by adjudicating workers' compensation cases in the Black Lung and Longshore programs; helping middle-class families remain in the middle class by adjudicating cases in the Traditional Program area such as Whistleblower protection, Wage and Hour cases, Compliance cases and over 70 other types of worker protection cases; and ensuring income support when work is impossible or unavailable by adjudicating Immigration cases.

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

OALJ will continue to increase backlogs in each of its program areas as cases being docketed are expected to exceed disposition levels for all caseloads in FY 2012.

## ADJUDICATION

**Adjudicatory Boards:** Funding at this level will enable the Boards to maintain their strong support of the Secretary's goal of "*good jobs for everyone*" by enhancing worker safety, reducing improper payments and speeding return to work.

**Administrative Review Board:** Both the number and range of cases appealed to ARB in FY 2012 are expected to increase as a result in changes in statutes and regulations as well as in changes in enforcement patterns and in the economy as a whole. As mentioned in the FY 2013 narrative, most appeals to ARB come from decisions of the OALJ and traditionally more than 80 percent of these originate under whistleblower statutes. At the same time cases in coming from decisions by the Wage & Hour Administrator and H1B cases are increasing in FY 2012. More than 40 percent of pending appeals are over a year old, though all three year and older cases were closed in FY 2011 and remaining two--year and older cases will be closed in FY 2012, though the precise number and complexity of cases and the time it takes to close them will depend on what comes in. The careful review and timely determination of these appeals contribute towards all five of the Secretary's strategic goals.

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

**Employees' Compensation Appeals Board:** As mentioned in the FY 2013 narrative, appeals to ECAB come directly from OWCP. Since FY 2006, new appeals to ECAB have increased fairly steadily until the drop off seen in FY 2011. Production is expected to continue at FY 2011 levels in FY 2012. In FY 2012, ECAB will continue with management initiatives to seek innovative ways to handle its workload without increasing staff.

### FY 2011

**The Office of Administrative Law Judges'** (OALJ's) mission and strategic goals did not change in FY 2011; the challenges it faced did. In FY 2000, OALJ had jurisdiction over eight types of whistleblower cases. By FY 2008, six new types of whistleblower cases were added to OALJ's jurisdiction, including cases arising under the very active and closely watched Sarbanes-Oxley Act whistleblower law, so that by FY 2011 there are now fourteen major whistleblower laws that can result in Administrative Law Judge (ALJ) hearings.

The permanent alien labor certification program experienced a significantly heavier than anticipated appeals docketed, as the Employment and Training Administration (ETA) works through a backlog of reconsideration requests under the PERM program. The FY 2008 ETA regulations added provisions for the debarment of persons or entities who engaged in fraud or misrepresentation in the permanent labor certification program. Those regulatory amendments included a right to request an ALJ hearing. In FY 2011, OALJ received 2,987 cases and anticipates receiving an additional 2,900 cases per fiscal year. OALJ adjudicated 1,609 Immigration cases in FY 2011.

## ADJUDICATION

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 FY 2000, this was not a significant part of OALJ's adjudicatory caseload. In FY 2011, OALJ docketed 731 Defense Base Act cases and disposed of 667 cases.

The Longshore program continues to docket higher than projected caseloads with 2,337 cases being docketed in FY 2011 and 2,309 cases being disposed. Black Lung cases increased slightly with 1,632 cases being docketed and 1,192 cases being disposed. The Traditional program area saw a significant increase in cases with 961 cases being docketed and 925 being disposed.

### **Adjudicatory Boards:**

**ARB:** ARB closed 125 appeals in FY 2011, received 88 new appeals and ended the year with 125 appeals pending. ARB was affirmed on 11 of 12 decisions referred to the U.S. Courts of Appeals, an affirmance rate of 91.7 percent.

**BRB:** The BRB closed 692 appeals, disposed of 97 motions for reconsideration and 217 attorney fee petitions. The United States Courts of Appeals affirmed BRB decisions in more than 85 percent of the cases appealed.

**Black Lung Program (BRB-BL):** Closed 494 appeals, received 583 new appeals and ended the year with 544 appeals pending. Decisions received from the U.S. Courts of Appeals affirmed 15 of 18 (83 percent).

**Longshore & Related Programs (BRB-LS):** Closed 198 appeals, received 201 new appeals and ended the year with 130 appeals pending. Decisions received from the U.S. Courts of Appeals affirmed 31 of 34 appeals (91 percent).

**Office of the Clerk of the Board (OCAB):** The Boards consolidated their separate Docket Units into a single entity in FY 2006. It was placed organizationally in the BRB. During FY 2011, OCAB docketed 3,018 new appeals, handled the close-out of 3,293 appeals, prepared and transmitted 91 case records to the U.S. Courts of Appeals, and processed several thousand interim motions and requests.

**ECAB:** ECAB closed 2,476 appeals in FY 2011, exceeding its target by 11 percent. There were 2,146 new appeals docketed and 1,673 appeals pending at the end of the fiscal year.

## ADJUDICATION

<b>DETAILED WORKLOAD AND PERFORMANCE</b>				
	<b>FY 2011 Enacted</b>		<b>FY 2012 Enacted</b>	<b>FY 2013 Request</b>
	<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
<b>Adjudication</b>				
<b>Administrative Law Judges</b>				
<b>Strategic Goal 1 - Prepare workers for good jobs and ensure fair compensation.</b>	--	--	--	--
<b>Outcome Goal 1.4 - Help middle-class families remain in the middle class.</b>	--	--	--	--
<b>Strategic Goal 4 - Secure health benefits and, for those not working, provide income security.</b>	--	--	--	--
<b>Outcome Goal 4.1 - Facilitate return to work for workers experiencing workplace injuries or illnesses who are able to work.</b>	--	--	--	--
<b>Outcome Goal 4.2 - Ensure income support when work is impossible or unavailable.</b>	--	--	--	--
<b>OALJ Carry-Over Levels:</b>				
Black Lung	1,777	1,777	2,217	2,227
Longshore	2,410	1,892	1,920	1,810
Defense Base Act	--	518	582	632
Immigration	1,227	1,227	2,605	3,895
Traditional	527	527	563	538
<b>Total</b>	<b>5,941</b>	<b>5,941</b>	<b>7,887</b>	<b>9,102</b>
<b>OALJ New Cases:</b>				
Black Lung	1,200	1,632	1,200	1,200
Longshore	2,800	2,337	2,200	2,200
Defense Base Act	--	731	720	720
Immigration	1,500	2,987	2,900	2,900
Traditional	750	961	900	900
<b>Total</b>	<b>6,250</b>	<b>8,648</b>	<b>7,920</b>	<b>7,920</b>
<b>OALJ Dispositions:</b>				
Black Lung	1,120	1,192	1,190	1,190
Longshore	2,100	2,309	2,310	2,310
Defense Base Act	--	667	670	670
Immigration	550	1,609	1,610	1,610
Traditional	525	925	925	925
<b>Total</b>	<b>4,295</b>	<b>6,702</b>	<b>6,705</b>	<b>6,705</b>
<b>OALJ Pending Cases:</b>				
Black Lung	1,857	2,217	2,227	2,237
Longshore	3,110	1,920	1,810	1,700
Defense Base Act	--	582	632	682
Immigration	2,177	2,605	3,895	5,185



## ADJUDICATION

<b>DETAILED WORKLOAD AND PERFORMANCE</b>				
	<b>FY 2011 Enacted</b>		<b>FY 2012 Enacted</b>	<b>FY 2013 Request</b>
	<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
Traditional	752	563	538	513
<b>Total</b>	<b>7,896</b>	<b>7,887</b>	<b>9,102</b>	<b>10,317</b>
<b>Administrative Review Board</b>				
<b>Strategic Goal 1 - Prepare Workers for Good Jobs and ensure fair competition</b>	--	--	--	--
<b>Outcome Goal 1.5 - Secure wages and overtime</b>	--	--	--	--
New Appeals	150	88	150	150
Closed Appeals	156	125	150	150
Pending End of Year	154	125	125	125
Pending in Months EoY	11.80	12.50	12.00	12.00
<b>Benefits Review Board</b>				
<b>Strategic Goal 1 - Secure health benefits and, for those not working, provide income security</b>	--	--	--	--
<b>Outcome Goal 4.2 - Ensure income support when work is impossible or unavailable</b>	--	--	--	--
BRB-BL	--	--	--	--
New Appeals	700	583	700	700
Closed Appeals	700	494	700	700
Pending End of Year	413	544	413	413
Pending in Months EoY	7.10	13.20	7.10	7.10
BRB-LS	--	--	--	--
New Appeals	265	201	265	265
Closed Appeals	265	198	265	265
Pending End of Year	130	148	130	130
Pending in Months EoY	5.90	9.00	5.90	5.90
<b>Employees' Compensation Appeals Board</b>				
<b>Strategic Goal 4 - Secure health benefits and, for those not working, provide income security</b>	--	--	--	--
<b>Output Goal 4.1 - Facilitate return to work for workers experiencing workplace injuries or illnesses who are able to work</b>	--	--	--	--
New Appeals	2,500	2,146	2,200	2,200
Closed Appeals	2,225	2,476	2,476	2,476
Pending End of Year	2,273	1,673	1,397	1,121
Pending in Months EoY	12.30	7.37	6.99	5.61

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

# ADJUDICATION

## Detailed Workload Performance Narrative

### Administrative Law Judges:

The FY 2013 Request level will allow the Office of Administrative Law Judges (OALJ) to maintain its current workload levels. The agency will continue to look for ways to improve the backlogs of pending cases by focusing on those cases pending for more than 270 days. This can be accomplished without additional funding by tying eligibility for Telework to the timely disposition of cases to encourage judges to focus more on deciding cases within a reasonable time after hearing, which will in turn provide better service to the public.

In FY 2013, OALJ will continue to address a changing mix of adjudicatory responsibilities, with a rising number of enforcement actions by Wage & Hour, OFCCP, EBSA and OSHA; a significant increase in Immigration-related appeals; new types of whistleblower cases; and Defense Base Act hearings, plus Longshore and Black Lung cases.

### Adjudicatory Boards:

Workloads for all three Adjudicatory Boards are based on earlier actions in the DOL on Worker Protection claims. None of the Boards has control over its incoming workload. More than 90 percent of ARB appeals come from the Office of Administrative Law Judges (OALJ) as do virtually all of new appeals to the Benefits Review Board (BRB). All appeals to the Employees' Compensation Appeals Board (ECAB) originate in the Federal Employees Compensation Division of the Office of Workers' Compensation Programs. By the time the Boards receive an appeal, the originating claim is generally several years old. Any delay at the appellate level is likely to be viewed as a hardship by the appellant. The Boards' common goal is to close appeals within less than 12 months of receipt. Their new performance goal for FY 2013 is to reduce average case processing time by 5 percent. Funding at the Request level in FY 2013 will ensure that the Boards are able to meet this goal.

During FY 2011, new appeals to ARB and ECAB declined sharply. At the ARB, the decline was over 40 percent and is due in part to statutory changes eliminating automatic appeals in trucking whistleblower cases and creating alternative options under the Dodd Frank law for addressing whistleblower complaints also provided for under the Sarbanes Oxley Act. Other less visible changes may also be contributing.

New appeals to ARB are expected to increase in FY 2012 to 150 and remain at this level in FY 2013. There have been increases observed in Davis-Bacon and Service Contract cases as well as under the Federal Rail Safety Act and H1B immigration cases. New laws have been enacted that may also add new cases for ARB review. At the FY 2013 funding request level, closed appeals are expected to match new appeals. In FY 2011, all cases older than three years were decided and two year old cases have been very sharply reduced. After further closure of older cases and progress with new ones total pending appeals in FY 2012 are expected to be at their lowest level since FY 2001.

## ADJUDICATION

New appeals to the BRB increased moderately in FY 2011 in both Black Lung and Longshore and are expected to return to their respective targets of 700 and 265 in FY 2012 and 2013, reflecting amendments to the Black Lung Act and increased case filings under the Defense Base Act. Closed appeals are expected to match or exceed new appeals, keeping the number of pending appeals at low levels and processing time at less than 12 months.

New appeals to ECAB declined about 10 percent during FY 2011 and are expected to remain at this level of 2,200 in FY 2012 and FY 2013. The lower number of new appeals will facilitate ECAB in continuing to reduce the size of its backlog. Closed appeals will exceed new appeals in FY 2012 and FY 2013, decreasing the time from initial filing to close-out of an appeal.

Funding at the Request level will ensure that all three Boards are able to reduce average case processing time by five percent and maintain their strong support of the Secretary's goal of *"good jobs for everyone."*

## ADJUDICATION

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2011 Enacted</b>	<b>FY 2012 Enacted</b>	<b>FY 2013 Request</b>	<b>Diff. FY13 Req./ FY12 Enacted</b>
11.1	Full-time permanent	25,664	25,733	25,929	196
11.3	Other than full-time permanent	40	40	40	0
11.5	Other personnel compensation	388	388	389	1
11.9	<b>Total personnel compensation</b>	<b>26,092</b>	<b>26,161</b>	<b>26,358</b>	<b>197</b>
12.1	Civilian personnel benefits	6,156	6,180	6,261	81
21.0	Travel and transportation of persons	404	357	357	0
22.0	Transportation of things	36	16	16	0
23.1	Rental payments to GSA	3,833	3,834	4,102	268
23.3	Communications, utilities, and miscellaneous charges	451	417	417	0
24.0	Printing and reproduction	12	4	4	0
25.1	Advisory and assistance services	5	0	0	0
25.2	Other services from non-Federal sources	1,303	643	374	-269
25.3	Other goods and services from Federal sources 1/	7,699	7,732	7,643	-89
25.4	Operation and maintenance of facilities	0	27	27	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	503	1,130	1,086	-44
26.0	Supplies and materials	294	266	266	0
31.0	Equipment	186	128	128	0
	<b>Total</b>	<b>46,974</b>	<b>46,895</b>	<b>47,039</b>	<b>144</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	7,402	7,402	7,402	0
	DHS Services	291	253	250	-3
	Services by Other Government Departments	6	77	-9	-86

# ADJUDICATION

## CHANGES IN FY 2013

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$96
Personnel benefits	28
One day more of pay	119
Federal Employees Compensation Act (FECA)	35
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	268
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services	-269
Working Capital Fund	0
Other government accounts (DHS Charges)	-3
Other purchases of goods and services from Government accounts	-86
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	-44
Supplies and materials	0
Equipment	0

**Built-Ins Subtotal** **\$144**

**Net Program** **\$0**

**Direct FTE** **0**

	<b>Estimate</b>	<b>FTE</b>
<b>Base</b>	<b>\$47,039</b>	<b>248</b>



## WOMEN'S BUREAU

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2011 Enacted</b>	<b>FY 2012 Enacted</b>	<b>FY 2013 Request</b>	<b>Diff. FY 13 Req. / FY 12 Enacted</b>
Budget Authority	11,581	11,559	9,081	-2,478
FTE	56	56	35	-21

NOTE: FY 2011 reflects actual FTE. Authorized FTE for FY 2011 was 57.

### **Introduction**

The Women’s Bureau provides collaborative and proactive leadership on policies and activities that impact working women. The Women’s Bureau supports the Secretary’s vision of “*good jobs for everyone*” by focusing its work on advancing the Department’s strategic goals of preparing workers for good jobs, ensuring fair compensation, and assuring fair and high quality work-life environments. Specifically, the Women’s Bureau supports the Department’s efforts by focusing on the economic and financial security of working women, particularly vulnerable women workers, by promoting equal pay and workplace flexibility, preparing women for higher paying jobs, and helping women veterans reintegrate into the workforce.

The Congressionally mandated mission of the Women’s Bureau is to carry out Public Law 66-259, which directs it to “...formulate standards and policies which shall promote the welfare of wage-earning women, improve their working conditions, increase their efficiency, and advance their opportunities for profitable employment.” Women in the workforce are vital to the nation’s economic security, and the Bureau is the only Federal office exclusively mandated by Congress with serving and promoting the interests of women in the workforce. To this end, the Bureau conducts research and policy analysis, provides technical assistance, establishes collaborations, and provides information about women in the labor force to stakeholders. The Bureau also conducts strategic outreach to promote the implementation of policy, practice, and program changes that may lead to a change in women’s employment opportunities or conditions.

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

### **Five-Year Budget Activity History**

<b><u>Fiscal Year</u></b>	<b><u>Funding</u></b> (Dollars in Thousands)	<b><u>FTE</u></b>
2008	\$9,465	52
2009	\$10,419	52
2010	\$11,604	58
2011	\$11,581	57
2012	\$11,559	56

## WOMEN'S BUREAU

### FY 2013

In FY 2013, the Bureau will continue to support the Secretary's strategic goals to *prepare workers for good jobs and ensure fair compensation* (Goal 1) and to *assure fair and high quality work-life environments* (Goal 3). The Bureau will represent the needs of wage-earning women, with a focus on vulnerable women—particularly women veterans—by developing policies conducting inquiries to safeguard the interests of working women; advocating for their equality and economic security for themselves and their families; and promoting quality work environments.

The FY 2013 request of \$9,081,000 and 35 FTE reflects a reallocation of \$2,500,000 and 21 FTE to the Wage and Hour Division (WHD). Specifically, consolidating the Bureau's regional offices from 10 to 6 will contribute to savings of \$2,500,000 that will allow WHD to make substantial investments in the enforcement of the Family and Medical Leave Act and Fair Labor Standards Act—two laws that have direct and tangible benefits for women in the workforce. At the request level, the Women's Bureau will focus its efforts on transitioning to a strong policy and research-oriented organization. In FY 2013, the Bureau will produce research documents that will impact policies related to women in the workforce, while expanding its use of technology to both deliver policy tools to the public and track their implementation.

Utilizing its grant authority acquired in FY 2012, the Bureau will seek to develop new collaborations that will generate cutting-edge research and promote implementation of policies/strategies that improve employment outcomes for wage-earning women across diverse groups.

The Women's Bureau will continue to strategically focus its resources on vulnerable women in high priority areas, increasing its emphasis on women veterans, and initiatives to increase women's employment in the non-traditional, higher-paying, and high-demand job sectors such as manufacturing, construction, clean energy, and STEM. The Bureau will also continue to provide education and outreach on findings from the FY 2012 research projects.

In FY 2013, the Bureau will place special emphasis on helping women veterans, including women veterans experiencing homelessness, reintegrate into the workforce and find jobs. Women are one of the fastest growing subgroups of U.S. veterans, and they have unique needs and challenges. The Bureau will support and work with other DOL and Federal agencies as well as local communities to develop policy solutions related to assisting women veterans. The Bureau will expand research on (1) women veterans' employment and transition needs, and (2) the most effective civilian workforce reintegration methods for women veterans. The Bureau will build on findings from the 2012 *Homeless Women Veterans Research on Model Programs to Address Challenges of Reintegration* report, such as researching the relationship between rates of employment and mental/behavioral health issues of women veterans, for example post-traumatic stress resulting from combat and/or military sexual trauma. In addition, the Women's Bureau will promote and disseminate its publication, *Trauma-Informed Care for Women Veterans Curriculum*, with entities that serve women veterans.



## WOMEN'S BUREAU

The Bureau will research and collect data on women's participation in high-demand, high-wage and emerging markets, such as healthcare, retail, transportation and other service industries, manufacturing, construction, green jobs, and science, technology, engineering and math (STEM). Research activities will focus on identifying the factors that lead to increases in women's participation in these fields.

In the area of Equal Pay, the Bureau will collaborate with other DOL and Federal agencies that collect and analyze data regarding wages and income. The Bureau will share information with policymakers and leaders on findings from its FY 2012 equal pay data collection report, as well as best practices to overcome the pay gap identified in current research projects.

In FY 2013, to promote workplace flexibility, the Bureau plans to analyze and disseminate data from the FY 2011 supplement to the Bureau of Labor Statistics (BLS) American Time Use Survey (ATUS) and the Family Medical Leave Act Survey commissioned by Wage and Hour Division. These studies will provide new information about workers' access to and use of different types of leave.

### **FY 2012**

The Bureau's FY 2012 budget of \$11,559,000 and 56 FTE will allow the Bureau to continue advancing the Administration's goal of improving working conditions and increasing employment opportunities for women and their families.

In FY 2012, the Bureau will continue to support the Secretary's strategic goals to *prepare workers for good jobs and ensure fair compensation* (Goal 1) and to *assure fair and high quality work-life environments* (Goal 3). The Bureau will continue to fulfill its mission to develop policies and standards and conduct inquiries to safeguard the interests of working women; to advocate for their equality and economic security for themselves and their families; and to promote quality work environments.

During FY 2012, the Bureau will develop a training module to accompany its *Trauma-Informed Care for Women Veterans Experiencing Homelessness: A Guide for Service Providers*. This module can be used by workforce development professionals and DOL sister agencies as well as social service providers, faith-based and neighborhood partnership organizations who want to better serve women veterans and military families. The Bureau will conduct research to identify solutions to the most pressing challenges women veterans face in reintegrating into the civilian workforce and identify programs that are successful models for helping women veterans overcome these challenges. The Bureau will co-lead the Interagency Council on Veterans Employment's Military Sexual Trauma subcommittee, and collaborate with the Veterans Employment and Training Service (VETS) and the Employment and Training Administration (ETA) to connect women veterans with jobs.

In FY 2012, the Bureau will disseminate its "*Why Green Is Your Color: A Woman's Guide to a Sustainable Career*" publication to ETA, workforce development professionals and community colleges. The Bureau will provide technical assistance to assist these targeted groups in implementing the practices outlined in the Guide. The Bureau will develop a training module to

## WOMEN'S BUREAU

accompany the Guide and share lessons learned from its 2009 – 2010 green jobs training pilot projects. The Bureau will share and promote job readiness tools for women on topics such as training opportunities and changing careers.

In keeping with the Bureau's priority of moving women into the higher-paying, innovative jobs and businesses of the 21<sup>st</sup> century the Bureau will conduct research on gender equity in the U.S. patent process. Because patent awards are a key indicator of women's involvement in innovation, and are associated with entrepreneurship and job creation, the Bureau will collect this important data disaggregated by gender. The Bureau's will then share this information with the Small Business Administration (SBA) and other stakeholders focused on increasing women's participation in the high-growth sectors.

In the area of Equal Pay the Bureau will serve alongside OFCCP as DOL's representatives on the National Equal Pay Enforcement Task Force. The Bureau will develop a report on the issue of pay secrecy and complete research on selected populations of women of color to identify systemic issues contributing to the pay gap. Policy recommendations to address these findings, as well as fact sheets and tools, will be developed to promote a better understanding of the equal pay issues facing women of color and ways to address them.

In the area of Workplace Flexibility the Bureau will develop and report promising practices collected from the FY 2011 National Dialogue of Workplace Flexibility to stakeholders. The Bureau will also produce workplace flexibility research fact sheets for low-wage workers; small businesses in the restaurant, hospitality, tourism industries; and the manufacturing industry. The Bureau will work with other DOL agencies, employers, advocacy organizations, and other stakeholders to expand knowledge and promote policies that impact vulnerable workers, including promoting laws and policies that help workers achieve work-life balance.

In addition to the workplace flexibility dialogues, the Bureau also collaborated with the Office of Disability Employment Policy (ODEP) to develop a toolkit for workers with complex employment needs and employers.

Furthermore, the Bureau will participate in the Department's development of analysis of the FY 2011 supplement to the BLS ATUS, which will help the Women's Bureau learn more about workers' access to and use of leave.

### **FY 2011**

In Fiscal Year 2011, with its budget of \$11,581,000 and 59 FTE, the Women's Bureau conducted research and collected data to develop policies that promote the agency's vision of empowering working women to achieve economic security related to four strategic priorities. These priorities include helping women veterans who are homeless reintegrate into the workforce, access to higher-paying jobs for women, equal pay, and the need for and viability of workplace flexibility. The Bureau also served as a public policy advocate by fostering educational and research forums addressing critical economic issues.

## WOMEN'S BUREAU

In FY 2011, the Women's Bureau continued its emphasis on helping homeless women veterans in support of the United States Interagency Council on Homelessness (USICH) and the White House's Joining Forces Initiative. The Bureau analyzed data gathered through listening sessions to develop *Trauma-Informed Care for Women Veterans Experiencing Homelessness: A Guide for Service Providers*. The Guide provides a comprehensive approach to help organizations create effective trauma-informed care environments. It is designed to equip service providers with a deeper understanding of the unique experiences and needs of women veterans and assist providers in recognizing military trauma that impacts workforce reintegration.

Following the launch of the guide, the Bureau established collaborations with workforce professionals, nonprofits, educational institutions, local veterans' organizations, as well as Federal, state, and county government offices to facilitate implementation of the guide.

Collaborating partners included women veterans coordinators, veteran advocates, homeless advocates, women veterans organizations, governmental agencies that serve veterans, grantees from VETS and VA, employers, job training providers, educational institutions, and the military.

The Bureau hosted the first, all-women veterans' Stand Down in Kansas City, Missouri. The Stand Down vendors provided food, clothing, job and housing assistance to women who served in the military. The Bureau also hosted Stand Downs in Tampa, Florida; San Antonio, Texas; and Long Beach, California.

In FY 2011, the Bureau conducted an Equal Pay Research Summit in collaboration with the National Equal Pay Enforcement Task Force. This summit identified current research and data gaps; best approaches to information gathering; and current best practices on equal pay. A report of the summit's findings will be completed in FY 2012. The Bureau worked with the White House, EEOC, and a variety of other DOL agencies to compile an Equal Pay Tool Kit that was posted on the Bureau's website.

As part of the Department of Labor's ongoing efforts to promote and improve business practices and policies that provide greater work life balance and workplace flexibility, the Bureau hosted 13 National and regional Dialogues on Workplace Flexibility in conjunction with the White House Council on Women and Girls. Through these Dialogues, the Bureau forged collaborations with employees, employers, policy makers, unions, advocates, and researchers to expand work-life activities, promote promising practices, share stories of success, and gather information that will be used to inform policy and encourage implementation of workplace flexibility. More than a dozen research papers and reports were produced by subject matter experts and organizations in conjunction with the Dialogue. The Bureau will complete a report that analyzes research, key findings and challenges in implementing workplace flexibility policies and practices in FY 2012.

In collaboration with the Office of Disability Employment Policy (ODEP), the Bureau also hosted a Workplace Flexibility Roundtable Forum "Advancing Workplace Flexibility Policy and Practices". Partners included workforce development organizations, work-life advocates, and researchers, unions, chambers of commerce, business development centers, human resources associations, employers, and employees.

## **WOMEN'S BUREAU**

Lastly, in FY 2011, the Bureau worked with BLS, the Office of Chief Economist and the Office of the Assistant Secretary for Policy to design and implement a supplemental module to the ATUS. The supplement was designed to measure workers' use and access to paid leave and flexibility of work schedules. Results will be available in FY 2012.

## WOMEN'S BUREAU

<b>DETAILED WORKLOAD AND PERFORMANCE</b>				
	<b>FY 2011 Enacted</b>		<b>FY 2012 Enacted</b>	<b>FY 2013 Request</b>
	<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
<b>Women's Bureau</b>				
<b>Strategic Goal 1 - Prepare workers for good jobs and ensure fair compensation</b>	--	--	--	--
<b>Outcome Goal 1.1 Increase Workers' incomes and narrowing wage and income inequality (WB Equal Pay)</b>	--	--	--	--
Number of policy and research outputs created	6	2	6	1
Number of technical assistance tools created (FY2012 measure)	--	--	2	1
Number of outreach activities (FY2012 measure)	--	--	34	20
Number of participant hours in outreach activities	4,440	4,876	1,236	741
Number of technical assistance hours provided (FY2012 measure)	--	--	1,139	683
Number of active collaborators	100	148	81	49
Percent of active collaborators who implement recommended policies/strategies (FY2012 measure)	--	--	(base)	TBD
Percent of active collaborators who take an action to increase awareness and education on the Bureau's behalf (FY2012 measure)	--	--	(base)	TBD
<b>Strategic Goal 1 - Prepare workers for good jobs and ensure fair compensation</b>	--	--	--	--
<b>Outcome Goal 1.2 - Assure skills and knowledge that prepare workers to succeed in a knowledge-based economy, including high-growth and emerging industries like "green" jobs (WB Higher Paying Jobs)</b>	--	--	--	--
Number of policy and research outputs created	3	2	2	1
Number of technical assistance tools created (FY2012 measure)	--	--	2	1
Number of outreach activities (FY2012 measure)	--	--	49	30
Number of participant hours in outreach activities	5,200	7,188	2,737	1,642
Number of technical assistance hours provided (FY2012 measure)	--	--	3,781	2,269
Number of active collaborators	235	163	169	101
Percent of active collaborators who implement recommended policies/strategies (FY2012 measure)	--	--	(base)	TBD
Percent of active collaborators who take an action to increase awareness and education on the Bureau's behalf (FY2012 measure)	--	--	(base)	TBD
<b>Strategic Goal 1 - Prepare workers for good jobs and ensure fair compensation</b>	--	--	--	--
<b>Outcome Goal 1.3 - Help workers in low-wage jobs or out of the labor market find a path into</b>	--	--	--	--

## WOMEN'S BUREAU

<b>DETAILED WORKLOAD AND PERFORMANCE</b>				
	<b>FY 2011 Enacted</b>		<b>FY 2012 Enacted</b>	<b>FY 2013 Request</b>
	<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
<b>middle class jobs (Women Veterans &amp; Vulnerable Women)</b>				
Number of policy and research outputs created	2	2	1	2
Number of technical assistance tools created (FY2012 measure)	--	--	6	3
Number of outreach activities (FY2012 measure)	--	--	81	49
Number of participant hours in outreach activities	5,300	12,166	2,572	1,543
Number of technical assistance hours provided (FY2012 measure)	--	--	3,571	2,143
Number of active collaborators	133	274	302	181
Percent of active collaborators who implement recommended policies/strategies (FY2012 measure)	--	--	(base)	TBD
Percent of active collaborators who take an action to increase awareness and education on the Bureau's behalf (FY2012 measure)	--	--	(base)	TBD
<b>Strategic Goal 3 - Assure fair and high quality work-life environments</b>	--	--	--	--
<b>Outcome Goal 3.2 - Provide workplace flexibility for family and personal care-giving (Workplace Flexibility)</b>	--	--	--	--
Number of policy and research outputs created	5	1	2	1
Number of technical assistance tools created (FY2012 measure)	--	--	4	1
Number of outreach activities (FY2012 measure)	--	--	20	10
Number of participant hours in outreach activities	15,580	9,261	483	241
Number of technical assistance hours provided (FY2012 measure)	--	--	1,139	570
Number of active collaborators	232	336	46	23
Percent of active collaborators who implement recommended policies/strategies (FY2012 measure)	--	--	(base)	TBD
Percent of active collaborators who take an action to increase awareness and education on the Bureau's behalf (FY2012 measure)	--	--	(base)	TBD

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

## WOMEN'S BUREAU

### Detailed Workload Performance Narrative

The Women's Bureau will assess the effectiveness of its policy and research, technical assistance, and outreach activities using the following output and outcome measures:

- 1. Number of policy and research outputs created.**
- 2. Number of technical assistance tools created.**
- 3. Number of outreach activities.**
- 4. Number of participant hours in outreach activities.**
- 5. Number of technical assistance hours provided.**
- 6. Number of active collaborators.**

The Bureau developed two outcome measures to reflect the fact that some collaborators will implement or influence recommended policy, practice, and program changes while others will take an action to increase education and awareness. In FY 2012, the Bureau will collect baseline data on its outcome measures: Percent of active collaborators who implement recommended policies/strategies and Percent of active collaborators who take an action to increase awareness and education on the Bureau's behalf.

## WOMEN'S BUREAU

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2011 Enacted</b>	<b>FY 2012 Enacted</b>	<b>FY 2013 Request</b>	<b>Diff. FY13 Req./ FY12 Enacted</b>
11.1	Full-time permanent	5,445	5,400	3,446	-1,954
11.5	Other personnel compensation	150	150	150	0
11.9	<b>Total personnel compensation</b>	<b>5,595</b>	<b>5,550</b>	<b>3,596</b>	<b>-1,954</b>
12.1	Civilian personnel benefits	1,346	1,343	851	-492
21.0	Travel and transportation of persons	180	175	175	0
22.0	Transportation of things	2	2	2	0
23.1	Rental payments to GSA	680	773	827	54
23.3	Communications, utilities, and miscellaneous charges	54	49	49	0
24.0	Printing and reproduction	10	5	5	0
25.1	Advisory and assistance services	0	262	262	0
25.2	Other services from non-Federal sources	1,082	1,322	1,294	-28
25.3	Other goods and services from Federal sources 1/	2,467	1,919	1,861	-58
25.4	Operation and maintenance of facilities	1	4	4	0
25.7	Operation and maintenance of equipment	0	5	5	0
26.0	Supplies and materials	89	100	100	0
31.0	Equipment	75	50	50	0
41.0	Grants, subsidies, and contributions	0	0	0	0
	<b>Total</b>	<b>11,581</b>	<b>11,559</b>	<b>9,081</b>	<b>-2,478</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	1,770	1,751	1,751	0
	DHS Services	40	40	40	0
	Services by DOL Agencies	177	128	70	-58
	Services by Other Government Departments	480	0	0	0



# WOMEN'S BUREAU

## CHANGES IN FY 2013

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$20
Personnel benefits	5
One day more of pay	26
Federal Employees Compensation Act (FECA)	-3
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	54
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services	-22
Working Capital Fund	0
Other government accounts (DHS Charges)	0
Other purchases of goods and services from Government accounts	-58
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0

**Built-Ins Subtotal** **\$22**

**Net Program** **-\$2,500**

**Direct FTE** **-21**

	Estimate	FTE
<b>Base</b>	<b>\$11,581</b>	<b>56</b>
<b>Program Decrease</b>	<b>-\$2,500</b>	<b>-21</b>



## CIVIL RIGHTS

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2011 Enacted</b>	<b>FY 2012 Enacted</b>	<b>FY 2013 Request</b>	<b>Diff. FY 13 Req. / FY 12 Enacted</b>
Budget Authority	6,973	7,260	7,273	13
FTE	34	34	34	0

NOTE: FY 2011 reflects actual FTE. Authorized FTE for FY 2011 was 38.

### **Introduction**

Operating under authority delegated pursuant to Secretary's Orders, CRC is the organizational unit within the Department of Labor (DOL) responsible for ensuring nondiscrimination and equal opportunity (EO) for two primary populations: employees of, and applicants for employment with, DOL; and the more than 39 million individuals served by the nation's One-Stop Career Center service delivery system (including the Job Corps program).

On the internal side of the house, CRC administers DOL's equal employment opportunity (EEO) program for employees of, and applicants for employment with, DOL. This responsibility includes administering two key programs:

- an effective system for processing discrimination complaints filed by employees of, and applicants for employment with, DOL; and
- the Department's Reasonable Accommodations Resource Center, which provides information and assistance to enable employees and applicants for DOL employment who have disabilities to secure and advance in employment.

CRC also handles other responsibilities related to internal equal employment opportunity, including coordinating enforcement of DOL compliance with the Architectural Barriers Act of 1968, developing and submitting civil rights-related program plans and accomplishment reports, and providing training and technical assistance to DOL managers, supervisors, and employees about internal EEO matters.

On the external side, CRC is responsible for ensuring compliance with Federal equal opportunity (EO) and nondiscrimination laws by: 1) recipients of financial assistance from DOL and, in certain circumstances, from other Federal agencies; and 2) DOL conducted programs. CRC accomplishes these responsibilities by processing and investigating complaints and conducting compliance reviews. CRC also handles policy-related matters, such as developing and reviewing draft regulations, directives, guidance documents, and similar tools, and reviewing and commenting on draft legislation. Finally, CRC provides training and technical assistance, for internal and external stakeholders and other interested parties, about the laws CRC administers that are applicable to external entities.

# CIVIL RIGHTS

## Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2008	\$6,182	33
2009	\$6,535	42
2010	\$7,220	45
2011	\$6,973	38
2012	\$7,260	34

## FY 2013

In FY 2013, Civil Rights Center (CRC) is requesting a total of \$7,273,000 and 34 FTE. CRC will continue to rebuild the foundation of the organization, particularly with regard to its resources and systems. CRC will continue to focus on making core structural enhancements to information systems that track data related to its internal and external programs. CRC's allocated resources will ensure timely EEO discrimination complaint processing, develop and deliver mandatory EEO training, and ensure compliance with regulatory requirements regarding reasonable accommodations for individuals with disabilities. Through programs such as Federal Occupational Health (FOH), Central Office for Assistive Services and Technology (COAST) and Computer Accommodations Program (CAP) the CRC will continue to provide assistance to those employees and/or applicants upon request, so to create and maintain an inclusive and diverse work environment.

In FY 2013, the CRC's Office of External Enforcement (OEE) anticipates processing no less than 1,100 Equal Opportunity (EO) complaints of discrimination. CRC will allocate resources to increase the level of OEE staff, enhance training for OEE staff, revise the OEE Operations Manual, and increase its involvement in the successful resolution of complaints. CRC's OEE will continue to process complaints in an accurate and timely manner, and ensure the effective implementation of its responsibilities under applicable equal opportunity and nondiscrimination statutes covering programs receiving DOL financial assistance. Specifically, OEE will continue to process equal opportunity complaints brought by members of the public against recipients of federal financial assistance and Department of Labor conducted programs, in support of the enforcement responsibilities established pursuant to the required EO laws. Processing activity will primarily involve determining jurisdiction at the intake stage; conducting investigations, which involves collecting evidence from complainants and other parties involved with the complaint through the use of written interrogatories and phone interviews; and drafting and issuing determinations based on the evidence collected.

In FY 2013, CRC will allocate more resources to conduct compliance reviews, to ensure that covered entities within the nation's workforce development system are collecting the data, and conducting the analyses, that are necessary to identify signs of systemic discrimination. CRC will develop and issues directives and joint guidance documents with ETA's Unemployment Insurance (UI) office about the collection and analysis of demographic data regarding UI claimants, and about the regulatory requirements for outreach to members of underserved communities.

## CIVIL RIGHTS

### FY 2012

CRC's FY 2012 funding level is \$7,260,000. In FY 2012, CRC will continue its initiatives pertaining to rebuilding the foundation of the organization. CRC will focus on making core structural enhancements to information systems that track data relative to its programs – Title VI and Title VII. Further, CRC will allocate resources to ensure timely EEO discrimination complaint processing (including counseling, alternative dispute resolution, investigations, and final agency decisions), develop and deliver mandatory EEO training, and ensure compliance with regulatory requirements regarding reasonable accommodations for individuals with disabilities. CRC's goal is to make DOL's internal EEO program a model for the Federal government.

The Office of External Enforcement will continue to process equal opportunity complaints brought by the public against recipients of federal financial assistance and Department of Labor conducted programs, in support of the enforcement responsibilities established pursuant to the following required EO laws: Section 188 of the Workforce Investment Act of 1998, as amended, Title VI of the Civil Rights Act of 1964, as amended, Section 504 of the Rehabilitation Act of 1973, as amended, Age Discrimination Act of 1975, as amended, Title IX of the Education Amendments of 1972, as amended; and Title II, Subpart A of the Americans with Disabilities Act of 1990 (ADA), as amended. Processing activity in the OEE Unit will primarily involve the following functions: conducting investigations, collecting evidence from complainants and other parties involved with the complaint through the use of written interrogatories and phone interviews; and drafting determinations based on the evidence collected. In 2012 CRC Office of External Enforcement anticipates processing no less than 1,000 EO complaints of discrimination.

In FY 2012, information obtained both through CRC's own investigative efforts and through contact with other Federal agencies and advocacy organizations (including a complaint filed by a worker protection group) shaped CRC's plans to conduct compliance reviews. CRC's investigation of a complaint from a UI claimant who has a profound hearing loss demonstrated starkly the discriminatory results of establishing an automated claims process that provides no alternative methods for filing by, or contact with, people with disabilities. Furthermore, although the UI claimant's complaint did not allege that the respondent was also excluding claimants with limited English proficiency (LEP), CRC's investigation uncovered evidence of such exclusion. The complaint from the aforementioned worker protection group, and a listening session with advocacy organizations that was organized by the U.S. Departments of Justice (DOJ) and Health and Human Services (HHS), provided additional evidence that the automation of benefits claims processes by various States is resulting in the discriminatory exclusion of LEP persons and people with disabilities. As a result, in FY 2012 CRC will conduct LEP compliance reviews of the UI systems of at least two States, and will investigate the worker protection group's allegations of discrimination against LEP persons and people with disabilities by a third State. Depending upon the results of these reviews, CRC will allocate its resources for the remaining FY 2012 compliance reviews between workforce development systems in general and UI systems in particular.

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### FY 2011

In FY 2011, CRC continued with its requirement that all DOL managers and supervisors have equal opportunity training. As a result of this requirement CRC provided training for close to 1,900 managers and supervisors within 17 training sessions held here in the National Office and within the regions. These training sessions offered valuable information to managers/supervisors in the areas of overall EEO processing, ADR, Reasonable Accommodations, Diversity, etc. The sessions allowed those in attendance to become familiar with not only the process but those within the CRC that are involved with the processing of the complaints. The sessions also allowed participants to become familiar with and ask questions of SOL staff that would defend the Agency or provide technical assistance when necessary. CRC continued with efforts to improve the mediation program in FY 2011. CRC hosted all day training for settlement officials in FY 2011, which was conducted by Commissioners of the Federal Mediation and Conciliation Service. This training amply discusses the benefits of ADR, including the significant cost savings of resolving complaints at the lowest possible level. CRC also reached out to consult with external mediation experts from the EEOC, The White House and Veterans' Administration to discuss and brainstorm techniques and methods that could be used to enhance the mediation program.

Additionally, in FY 2011 CRC also provided assistance in the processing of more than 315 requests for reasonable accommodations. While the request for a reasonable accommodation begins with the employees supervisor, if the supervisor is unsure about the request they consult their EEO Manager and the EEO Manager consults CRC to request FOH to review and provide an assessment. In addition to the FOH the CRC also utilizes COAST, CAP and most recently the Centralized Accommodation Fund (CAF) to ensure that all accommodations requests are responded to timely and adequately.

In FY 2011, the Office of External Enforcement (OEE) continued to accurately and timely process complaints and ensure the effective implementation of its responsibilities under applicable equal opportunity and nondiscrimination statutes covering programs receiving DOL financial assistance. Specifically, OEE processed equal opportunity complaints brought by members of the public against recipients of federal financial assistance and Department of Labor conducted programs, in support of the enforcement responsibilities established pursuant to the following required EO laws: Title VI of the Civil Rights Act of 1964, as amended, Section 188 of the Workforce Investment Act of 1998, as amended, Section 504 of the Rehabilitation Act of 1973, as amended, Age Discrimination Act of 1975, as amended, Title IX of the Education Amendments of 1972, as amended, and Title II, Subpart A of the Americans with Disabilities Act of 1990 (ADA), as amended. Processing activity in the OEE Unit will primarily involve the following functions: determining jurisdiction at the intake stage; conducting investigations, which involves collecting evidence from complainants and other parties involved with the complaint through the use of written interrogatories and phone interviews; and drafting and issuing determinations based on the evidence collected.

In addition, in FY 2011, OEE received 1,110 complaints, conducted 131 investigations, issued 100 final agency actions, and provided 5,120 hours in technical assistance to the public. OEE also conducted a webinar on complaint processing for state EO officers.

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In FY 2011, in addition to the accomplishments discussed above, CRC accomplished the following:

In response to a complaint from a UI claimant with profound hearing loss, CRC issued an Initial Determination that the respondent UI system had engaged in egregious conduct, and is requiring the respondent to engage in sweeping reform to identify barriers for, and to ensure effective communication with, people with disabilities. To ensure that the respondent actually carries out the required reforms, CRC must allocate staff to monitor the reform process and provide technical assistance to the respondent where necessary. If the respondent refuses to carry out the reforms, CRC will allocate staff resources to drafting and issuing a Final Determination and assisting SOL in bringing the matter to a hearing before a DOL administrative law judge.

CRC made significant contributions to a DOL working group developing a disability accessibility survey for the nation's One-Stop Career Centers. CRC provided the definitions to be used in the survey instrument, as well as a thorough and detailed critique of the draft instrument produced by the contractor.

CRC made substantial work on a Training and Employment Guidance Letter (TEGL) to be issued jointly by CRC and ETA regarding the disparate impact of employers' exclusion of applicants with criminal histories on African-American and Latino applicants. This TEGL related directly to a major initiative of Secretary Solis and Assistant Attorney General for Civil Rights Thomas Pérez.

CRC presented the results of four focused onsite reviews of randomly selected State programs to its principal external stakeholder, the Equal Opportunity (EO) Committee of the National Association of State Workforce Agencies (NASWA). The results disclosed that the States were failing to monitor their recipients for violations of civil rights laws. As a result, CRC has seen an increased interest from State and local EO Officers in training about how to comply with their monitoring responsibilities.

CRC improved and enhanced two different forms -- data collection forms and the Complaint Information Form -- so that the forms themselves are easier to complete, and the information gathered is more usable and useful once it reaches CRC. The revisions to the Complaint Information Form in particular were extensive. CRC is having the form translated into the 11 languages other than English that have been identified by Equal Opportunity (EO) Officers across the nation as the languages most frequently used by the customers of their workforce development systems.

Also in FY 2011, CRC continued to provide classroom training to supervisors and employees regarding nondiscrimination and equal opportunity policies and procedures within DOL in the national office as well as in regional locations. The training included discussion of DOL Policies and Procedures on Disability Accommodation, the Policy and Procedures for Preventing and Eliminating Harassing Conduct in the Workplace, the EEO complaint process, and the Notification and Federal Employee Antidiscrimination and Retaliation (No FEAR) Act of 2002.

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In working towards achieving its goal of enhancing the knowledge of DOL financial assistance recipients regarding their obligations, CRC also continued to deliver training to states regarding compliance with the applicable equal opportunity and nondiscrimination regulations.

Additionally, CRC has provided substantial assistance to states in the review and update of their Methods of Administration, which specifies ways each state is meeting and will continue to meet the requirements of the nondiscrimination provisions of the Workforce Investment Act.

CRC continued to engage in activities that will allow it to discover and implement best practices that are applicable to its performance measures. For example, 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.

Lastly during FY 2011, CRC utilized leading technology in carrying out a variety of activities. For example, 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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<b>DETAILED WORKLOAD AND PERFORMANCE</b>				
	<b>FY 2011 Enacted</b>		<b>FY 2012 Enacted</b>	<b>FY 2013 Request</b>
	<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
<b>Civil Rights</b>				
<b>Civil Rights Center</b>				
OCAP - Number of individuals that have received compliance assistance via training	1,270	550	1,290	1,300
OIE - Number of Internal EEO Informal Complaints of Discrimination*	218	257	265	270
OIE - Number of Internal EEO Formal Complaints of Discrimination	112	113	155	160
OEE - Number of EO Program Complaints	920	1,110	1,110	1,110
EEO Conferences	20	5	--	--
<b>Total</b>	<b>2,540</b>	<b>2,035</b>	<b>2,820</b>	<b>2,840</b>

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

### Detailed Workload Performance Narrative

#### External Enforcement

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

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

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

In support of the Secretary's Strategic Goals as identified above, CRC expects to address no less than 1100 discrimination complaints in FY 2013. Funding at the Agency's Request Level will

## CIVIL RIGHTS

help ensure that all equal opportunity complaints are accurately and timely investigated through the requisite level of the Office of External Enforcement (OEE) staff, enhanced training for OEE staff, revision of the OEE Operations Manual, and increased agency involvement in the successful resolution of complaints.

### Internal Enforcement

Funding at the Agency's Request Level will ensure the deployment of more training and Alternative Dispute Resolution (ADR) services so that the number of Informal and Formal Complaints will not increase. After completing training for the Department's managerial/supervisory cadre, CRC will also develop and offer training for all Departmental employees. The ADR program will be enhanced to ensure that prompt mediation services are available to address all complaints filed at the earliest possible stage. CRC plans to work closely with the Agency Equal Employment Opportunity (EEO) Managers to ensure that all of those that participate in an ADR session are aware of the purpose for the session and have a complete understanding of their roles and responsibilities. The intent is that by ensuring the roles and responsibilities of the participants as well as helping them to understand the purpose, expectations and options of settlement, better mediation sessions will be conducted and ultimately an increase in settlements. Even though the cost of investigations will increase somewhat as a result of an increase in charges by the service provider (related to their increased expenditures), CRC anticipates to sustain compliance with regulatory requirements for investigations and Final Agency Decisions (FADs) by providing more training and offering ADR at the earliest possible stage of the complaint process.

CRC provides Departmental leadership and assistance to employees and persons with disabilities in creating and maintaining an inclusive, diverse work environment where individuals are valued so that all employees can reach their potential and maximize their contributions. CRC ensures that requests for accommodation and/or needs of persons with disabilities are met and responded to timely and with as minimal disruption as possible. With the assistance of programs such as Federal Occupational Health, COAST and Centralized Accommodation Program the CRC is able to provide assistance to those employees and/or applicants as it is requested. Also in FY 2010 the CRC has implemented use of the Central Accommodation Fund (CAF). The CRC utilizes the CAF to assist in providing employees and applicants for employment with reasonable accommodations in the Department. The CAF serves to eliminate barriers to employees or a candidate for employment with disabilities by ensuring that every agency shares the responsibility for and benefits from the shared service.

### Compliance Assistance and Planning Program

Because of CRC's resource limitations, the Workforce Investment Act (WIA) nondiscrimination regulations are structured to place much of the responsibility for ensuring compliance on the shoulders of State Governors. CRC conducts compliance reviews to ensure that Governors are fully carrying out their obligations to ensure equal opportunity in their States' workforce systems. Most notably, these obligations include conducting on-site monitoring of the Governors' own activities and those of the One-Stop partners and programs within their States.

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The WIA nondiscrimination regulations require Governors to develop and submit to CRC their plans for ensuring recipients' compliance with civil rights requirements; these documents are known as Methods of Administration (MOAs). As a strategy to improve the effectiveness of CRC's external compliance program, beginning in FY 2010, CRC shifted the focus of its MOA reviews, from formalistic verification of "paper compliance" with the technical MOA requirements, to determining whether Governors and State agencies are complying with all aspects of their monitoring obligations, particularly those activities designed to identify when recipients' policies and practices discriminate on a prohibited basis or deny equal opportunity to a protected group. Because of the change in strategy, CRC discovered that States were not, in fact, carrying out the required monitoring activities. In FY 2011, CRC had to suspend compliance assistance via computer based training due to Sec. 508 compliant issues with the training software. This matter should be corrected during FY 2012. CRC's compliance activities in FY 2013 will continue to focus on ensuring that State Governors actively ensure equal opportunity. CRC will continue to provide training and technical assistance in FY 2013 and expects to deliver such training and assistance to 1,300 external customers.

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<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2011 Enacted</b>	<b>FY 2012 Enacted</b>	<b>FY 2013 Request</b>	<b>Diff. FY13 Req./ FY12 Enacted</b>
11.1	Full-time permanent	3,822	4,022	4,037	15
11.5	Other personnel compensation	140	175	176	1
11.9	<b>Total personnel compensation</b>	<b>3,962</b>	<b>4,197</b>	<b>4,213</b>	<b>16</b>
12.1	Civilian personnel benefits	946	1,002	1,010	8
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	27	75	50	-25
23.1	Rental payments to GSA	336	384	411	27
23.3	Communications, utilities, and miscellaneous charges	60	35	35	0
24.0	Printing and reproduction	20	10	10	0
25.2	Other services from non-Federal sources	38	75	75	0
25.3	Other goods and services from Federal sources 1/	1,511	1,409	1,396	-13
25.4	Operation and maintenance of facilities	0	0	0	0
25.7	Operation and maintenance of equipment	5	5	5	0
26.0	Supplies and materials	66	51	51	0
31.0	Equipment	2	17	17	0
42.0	Insurance claims and indemnities	0	0	0	0
51.1	Benefits	0	0	0	0
	<b>Total</b>	<b>6,973</b>	<b>7,260</b>	<b>7,273</b>	<b>13</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	1,479	1,331	1,331	0
	DHS Services	8	8	8	0
	Services by DOL Agencies	7	7	7	0
	Services by Other Government Departments	17	63	50	-13

# CIVIL RIGHTS

## CHANGES IN FY 2013

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$16
Personnel benefits	4
One day more of pay	4
Federal Employees Compensation Act (FECA)	0
Benefits for former personnel	0
Travel and transportation of persons	-25
Rental payments to GSA	27
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Other services	0
Working Capital Fund	0
Other government accounts (DHS Charges)	0
Other purchases of goods and services from Government accounts	-13
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Insurance claims and indemnities	0

**Built-Ins Subtotal** **\$13**

**Net Program** **\$0**

**Direct FTE** **0**

	Estimate	FTE
<b>Base</b>	<b>\$7,273</b>	<b>34</b>



## CHIEF FINANCIAL OFFICER

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2011 Enacted</b>	<b>FY 2012 Enacted</b>	<b>FY 2013 Request</b>	<b>Diff. FY 13 Req. / FY 12 Enacted</b>
Budget Authority	5,350	5,340	5,350	10
FTE	19	19	19	0

NOTE: FY 2011 reflects actual FTE. Authorized FTE for FY 2011 was 19.

### **Introduction**

The Office of the Chief Financial Officer (OCFO) has the responsibility to oversee all financial management activities in the Department. 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;
- Debt Collection Improvement Act of 1996;
- The Reports Consolidation Act of 2000;
- The Improper Payments Information Act (IPIA) of 2002; and
- The Improper Payments Enforcement and Recovery Act (IPERA) of 2010

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.

### **Five-Year Budget Activity History**

<b><u>Fiscal Year</u></b>	<b><u>Funding</u></b> (Dollars in Thousands)	<b><u>FTE</u></b>
2008	\$5,098	20
2009	\$5,278	23
2010	\$5,361	29
2011	\$5,350	19
2012	\$5,340	19

### **FY 2013**

In FY 2013, the funding request of \$5,350,000 and 19 FTE will continue to support the 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 Office of Management and Budget (OMB) and the Department of Treasury.

## **CHIEF FINANCIAL OFFICER**

These activities underpin sound financial management and bolster transparent stewardship of public funds throughout the Department. The funds continue to support the quarterly financial statement preparation, preparation of the Annual Financial Report, and implementation of corrective and preemptive action plans to ensure agency internal controls over financial reporting and systems are well documented, sufficiently tested, and properly assessed. Funding will also provide resources to continue core financial management review operations, including leadership of efforts to update the Department's internal policies and regulations. Additional resources and associated workload and performance data are included in the Working Capital Fund.

### **FY 2012**

In FY 2012, the OCFO will continue to provide and further the enhancement of a broad range of financial information and services for the Department and central governmental agencies, such as OMB and the Department of Treasury.

In demonstrating financial stewardship at the Department of Labor, the OCFO is committed to preparing and presenting the FY 2012 Financial Statements accurately so that an unqualified independent auditors' opinion can be rendered in November 2012.

The OCFO is also committed to assisting and educating DOL senior management (Assistant Secretaries, Deputies and Administrative Officers) in utilizing the New Core Financial Management System (NCFMS) as a management tool in carrying out their program missions as well as developing agency specific financial dashboards.

### **FY 2011**

In FY 2011, the OCFO requested a re-audit of the Department's FY 2010 Financial Statements which resulted in the Department regaining an unqualified "clean" opinion. The audit of the Department's FY 2011 Financial Statements also resulted in an unqualified "clean" opinion. This marked the fifteenth consecutive unqualified opinion for the Department. Further, the OCFO mitigated the "Preparation and Review of Journal Vouchers" material weakness to a significant deficiency and removed "Untimely and Inaccurate Processing of Property, Plant and Equipment (PP&E) Transactions" as an audit significant deficiency.



## CHIEF FINANCIAL OFFICER

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2011 Enacted</b>	<b>FY 2012 Enacted</b>	<b>FY 2013 Request</b>	<b>Diff. FY13 Req./ FY12 Enacted</b>
11.1	Full-time permanent	2,999	2,788	2,809	21
11.3	Other than full-time permanent	0	0	0	0
11.5	Other personnel compensation	0	0	0	0
11.9	<b>Total personnel compensation</b>	<b>2,999</b>	<b>2,788</b>	<b>2,809</b>	<b>21</b>
12.1	Civilian personnel benefits	647	725	731	6
21.0	Travel and transportation of persons	6	13	13	0
23.1	Rental payments to GSA	350	344	368	24
23.3	Communications, utilities, and miscellaneous charges	21	30	30	0
24.0	Printing and reproduction	76	76	76	0
25.1	Advisory and assistance services	0	0	0	0
25.2	Other services from non-Federal sources	312	414	373	-41
25.3	Other goods and services from Federal sources 1/	903	921	921	0
25.4	Operation and maintenance of facilities	0	0	0	0
25.7	Operation and maintenance of equipment	0	0	0	0
26.0	Supplies and materials	33	10	10	0
31.0	Equipment	3	19	19	0
	<b>Total</b>	<b>5,350</b>	<b>5,340</b>	<b>5,350</b>	<b>10</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	859	875	875	0
	DHS Services	14	14	14	0
	Services by DOL Agencies	5	5	5	0
	Services by Other Government Departments	25	27	27	0

# CHIEF FINANCIAL OFFICER

## CHANGES IN FY 2013

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$10
Personnel benefits	3
One day more of pay	14
Federal Employees Compensation Act (FECA)	0
Travel and transportation of persons	0
Rental payments to GSA	24
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services	-41
Working Capital Fund	0
Other government accounts (DHS Charges)	0
Other purchases of goods and services from Government accounts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
<b>Built-Ins Subtotal</b>	<b>\$10</b>

#### Net Program

**\$0**

#### Direct FTE

**0**

	Estimate	FTE
<b>Base</b>	<b>\$5,350</b>	<b>19</b>

## DEPARTMENTAL PROGRAM EVALUATION

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2011 Enacted</b>	<b>FY 2012 Enacted</b>	<b>FY 2013 Request</b>	<b>Diff. FY 13 Req. / FY 12 Enacted</b>
Budget Authority	8,500	8,484	9,000	516
FTE	0	0	0	0

### **Introduction**

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

The Department-wide evaluation activities are overseen by a Chief Evaluation Officer with staff skilled in evaluation design and statistical analysis. Staff is funded through the Program Direction and Support budget activity for Departmental Management. Members of the office manage evaluations funded with the Department-wide account and evaluation set-asides.

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

### **Five-Year Budget Activity History**

<b><u>Fiscal Year</u></b>	<b><u>Funding</u></b> (Dollars in Thousands)	<b><u>FTE</u></b>
2008	\$0	0
2009	\$0	0
2010	\$5,000	0
2011	\$8,500	0
2012	\$8,484	0

# DEPARTMENTAL PROGRAM EVALUATION

## FY 2013

The FY 2013 request for the Departmental Program Evaluation is \$9,000,000, which is \$516,000 above the FY 2012 enacted level. Funding at this level will allow the Department to continue infusing a culture of evidence-building into its agencies and programs. The Department's investments in program evaluation will ensure a continued focus on evidence and impact, which will allow the Department to drive investments toward practices that achieve better outcomes at lower costs. In addition, the Departmental Program Evaluation is requesting continued set-aside of up to 0.5 percent of funds appropriated under the following major program accounts be allowed for evaluations: Job Corps, State Unemployment Insurance and Employment Service Operations, Employee Benefits Security Administration, Office of Workers' Compensation Programs, Wage and Hour Division, Office of Federal Contract Compliance Programs, Office of Labor Management Standards, Occupational Safety and Health Administration, Mine Safety and Health Administration, and Veterans Employment and Training, along with the addition of the Training and Employment Services account. Under this approach, the Administration proposes to consolidate funding for all DOL Evaluation activities in the Office of the Chief Evaluation Officer. Evaluation and applied research projects previously funded under the Training and Employment Services account will be developed and conducted in consultation with the Employment and Training Administration.

The Department will rely on the set-aside provision to ensure a base level of rigorous evaluations for a variety of programs. This approach is used by other Federal agencies and would provide resources for large evaluations in priority areas. The combined resources would allow the Department's increased investment in the worker protection agencies to be accompanied by evaluation.

Funding at the requested level will allow the Department to continue its commitment to strengthen its research and evaluation program to assure that DOL initiatives are cost effective and serve their intended goals and the larger vision of "*good jobs for everyone.*" In FY 2013, the Department plans to conduct evaluations designed to examine the cost effectiveness of alternative enforcement techniques, penalty strategies, compliance assistance and/or media strategies. In addition, the Department plans to both continue gathering baseline data with respect to areas of labor rights such as pensions, health benefit rights and equal pay rights, as well as evaluate the effectiveness of various outreach strategies being developed by OSHA and the Wage and Hour Division. These evaluations will support the Secretary of Labor's outcome goal to increase workers' knowledge of their rights and their ability to exercise those rights without fear of recrimination.

Finally, the Department also plans to conduct evaluations that impact several of its large budgetary FY 2013 initiatives such as apprenticeships and pre-apprenticeship programs, on-the-job training, and skills training for demand occupations. The Department is particularly interested in examining strategies that focus on upgrading the skills of economically disadvantaged populations and that involve collaboration with Community Colleges and other Federal agencies such as the Department of Education and the Department of Health and Human Services.

## **DEPARTMENTAL PROGRAM EVALUATION**

### **FY 2012**

The FY 2012 appropriation included two-year funding of \$8,484,000 for the Chief Evaluation Office to support rigorous evaluations across the Department of Labor. These funds will be used to continue the implementation of several important evaluations. In the area of enforcement, the evaluation of the Occupational Safety and Health Administration (OSHA) Site Specific Targeting (SST) program is measuring the impacts of alternative enforcement mechanisms. Another OSHA evaluation is examining the deterrent effect of industry-wide approaches to targeted multi-establishment enterprises, and the third enforcement evaluation looks at the responsiveness of employers to various OSHA compliance strategies, including the On-Site Consultation Program. The design of the national study of Worker Misclassification was finalized, and the findings from that survey will produce critical information about the classification practices in particular occupations and industries.

In addition to providing direct funding for this account, the FY 2012 appropriation allowed a set-aside of up to 0.5 percent of funds appropriated under the following major program accounts be allowed for evaluations: Job Corps, State Unemployment Insurance and Employment Service Operations, Employee Benefits Security Administration, Office of Workers' Compensation Programs, Wage and Hour Division, Office of Federal Contract Compliance Programs, Office of Labor Management Standards, Occupational Safety and Health Administration, Mine Safety and Health Administration, and Veterans Employment and Training. The authority requires the submission of a plan to the Committees on Appropriations of the House of Representatives and the Senate prior to the transfer of funds from these accounts. The Chief Evaluation Office is in the process of determining the additional evaluations that will be funded via this set-aside and will submit the plan as required.

### **FY 2011**

The FY 2011 appropriation included \$8,500,000 for the Chief Evaluation Office to support rigorous evaluations across the Department of Labor. These funds were used to continue the implementation of several important evaluations.

In the area of examining the impacts of alternative enforcement mechanisms, an evaluation was developed to examine the Occupational Safety and Health Administration (OSHA) Site Specific Targeting (SST) program. This evaluation enables the Department to determine the impact of sending just a warning letter as well as the marginal impact of an inspection. Another project undertaken in FY 2011 examines the effect of taking an enterprise-wide approach to enforcement, especially examining the deterrent effects of all the establishments in the targeted multi-establishment enterprise. A third enforcement evaluation looks at the responsiveness of employers to various WHD remedy strategies. In addition, several studies about the impact of various types of enforcement activities are being undertaken using the administrative data sets from various agencies within the Department.

To start investigating the effects of compliance assistance, the other tool used by DOL agencies to improve compliance, a rigorous evaluation of OSHA's On-Site Consultation Program is being undertaken. The impact on the future compliance rates is the key outcome of interest.

## **DEPARTMENTAL PROGRAM EVALUATION**

To inform the Department better on the nature and types of worker misclassification, a national representative sample of workers are being surveyed to examine the prevalence of misclassification.

Finally, the Chief Evaluation Office established the DOL Scholars Program to form relationships with outside scholars and obtain creative analysis and additional research capacity to answer questions of interest to policy-makers.

## DEPARTMENTAL PROGRAM EVALUATION

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2011 Enacted</b>	<b>FY 2012 Enacted</b>	<b>FY 2013 Request</b>	<b>Diff. FY13 Req./ FY12 Enacted</b>
11.1	Full-time permanent	0	0	0	0
11.9	Total personnel compensation	0	0	0	0
24.0	Printing and reproduction	0	0	0	0
25.1	Advisory and assistance services	8,500	8,484	9,000	516
25.2	Other services from non-Federal sources	0	0	0	0
25.3	Other goods and services from Federal sources 1/	0	0	0	0
25.4	Operation and maintenance of facilities	0	0	0	0
25.7	Operation and maintenance of equipment	0	0	0	0
31.0	Equipment	0	0	0	0
	<b>Total</b>	<b>8,500</b>	<b>8,484</b>	<b>9,000</b>	<b>516</b>
1/Other goods and services from Federal sources					

# DEPARTMENTAL PROGRAM EVALUATION

## CHANGES IN FY 2013

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

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

**Built-Ins Subtotal** \$0

**Net Program** \$516

**Direct FTE** 0

	Estimate	FTE
<b>Base</b>	\$8,484	0
<b>Program Increase</b>	\$516	0