

FY 2014

CONGRESSIONAL BUDGET JUSTIFICATION

DEPARTMENTAL MANAGEMENT

DEPARTMENTAL MANAGEMENT

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APPROPRIATION LANGUAGE

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for Departmental Management, including the hire of three passenger motor vehicles \$347,630,000 together with not to exceed \$326,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund: Provided, That \$66,375,000 for the Bureau of International Labor Affairs shall be available for obligation through December 31, 2014: 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 \$49,887,000 shall be for programs to combat exploitative child labor internationally and not less than \$16,488,000 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 \$9,000,000 shall be used for program evaluation and shall be available for obligation through September 30, 2015: 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.

Note.—A full-year 2013 appropriation for this account was not enacted at the time the budget was prepared; therefore, this account is operating under a continuing resolution

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(P.L. 112-175). The amounts included for 2013 reflect the annualized level provided by the continuing resolution.

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AMOUNTS AVAILABLE FOR OBLIGATION						
(Dollars in Thousands)						
	FY 2012 Revised Enacted		FY 2013 Full Year C.R.		FY 2014 Request	
	FTE	Amount	FTE	Amount	FTE	Amount
A. Appropriation	1,279	\$346,683	1,251	\$348,145	1,238	\$347,630
Pursuant to P.L. 112-10	0	\$0	0	\$0	0	\$0
Reduction pursuant to P.L. 112-10	0	\$0	0	\$0	0	\$0
Reduction pursuant to P.L. 112-74	0	-\$655	0	\$0	0	\$0
<i>Subtotal Appropriation</i>	<i>1,279</i>	<i>\$346,028</i>	<i>1,251</i>	<i>\$348,145</i>	<i>1,238</i>	<i>\$347,630</i>
Reimbursements	30	\$15,808	43	\$46,494	43	\$46,494
Trust Funds - Black Lung	128	\$25,217	128	\$25,217	128	\$25,365
Trust Funds - Unemployment Trust Fund	3	\$325	2	\$327	2	\$326
Non-Expenditure Transfers for Program Evaluation (SUIESO-\$15,876; WHD-\$600; EBSA-\$916)	0	\$17,392	0	\$0	0	\$0
Non-Expenditure Transfer from MSHA for FMSHRC Backlog Reduction	0	\$770	0	\$0	0	\$0
Unobligated Balance Carried Forward	0	\$29,880	0	\$77,303	0	\$0
<i>Subtotal</i>	<i>1,440</i>	<i>\$435,420</i>	<i>1,424</i>	<i>\$497,486</i>	<i>1,411</i>	<i>\$419,815</i>
B. Gross Budget Authority	1,440	\$435,420	1,424	\$497,486	1,411	\$419,815
Reimbursements	-30	-\$15,808	-43	-\$46,494	-43	-\$46,494
Non-Expenditure Transfers for Program Evaluation (SUIESO-\$15,876; WHD-\$600; EBSA-\$916)	0	-\$17,392	0	\$0	0	\$0
Non-Expenditure Transfer from MSHA for FMSHRC Backlog Reduction	0	-\$770	0	\$0	0	\$0
Unobligated Balance Carried Forward	0	-\$29,880	0	-\$77,303	0	\$0
<i>Subtotal</i>	<i>1,410</i>	<i>\$371,570</i>	<i>1,381</i>	<i>\$373,689</i>	<i>1,368</i>	<i>\$373,321</i>
C. Budget Authority Before Committee	1,410	\$371,570	1,381	\$373,689	1,368	\$373,321
Reimbursements	30	\$15,808	43	\$46,494	43	\$46,494
Unobligated Balance Carried Forward	0	\$29,880	0	\$77,303	0	\$0
<i>Subtotal</i>	<i>1,440</i>	<i>\$417,258</i>	<i>1,424</i>	<i>\$497,486</i>	<i>1,411</i>	<i>\$419,815</i>
D. Total Budgetary Resources	1,440	\$417,258	1,424	\$497,486	1,411	\$419,815
Unobligated Balance End of Year	0	\$0	0	\$0	0	\$0
FTE Lapse and Unobligated Balance Expiring	-16	-\$1,668	0	\$0	0	\$0
E. Total, Estimated Obligations	1,424	\$415,590	1,424	\$497,486	1,411	\$419,815

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SUMMARY OF CHANGES

(Dollars in Thousands)

	FY 2012 Revised Enacted	FY 2014 Request	Net Change
Budget Authority			
General Funds	\$346,028	\$347,630	+\$1,602
Trust Funds	\$25,542	\$25,691	+\$149
Total	\$371,570	\$373,321	+\$1,751
Full Time Equivalents			
General Funds	1,251	1,238	-13
Trust Funds	130	130	0
Total	1,381	1,368	-13

Explanation of Change	FY 2012 Base		Trust Funds		FY 2014 Change General Funds		Total	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Increases:								
A. Built-Ins:								
To Provide For:								
Costs of pay adjustments	1,333	\$155,364	0	\$113	0	\$304	0	\$417
Personnel benefits	0	\$0	0	\$0	0	\$0	0	\$0
One day more of pay	48	\$9,564	0	\$0	0	\$1	0	\$1
Federal Employees' Compensation Act (FECA)	0	\$492	0	\$0	0	\$273	0	\$273
Benefits for former personnel	0	\$65	0	\$0	0	\$0	0	\$0
Travel and transportation of persons	0	\$3,856	0	\$0	0	\$297	0	\$297
Transportation of things	0	\$57	0	\$0	0	\$271	0	\$271
Rental payments to GSA	0	\$18,719	0	\$0	0	\$1,257	0	\$1,257
Rental payments to others	0	\$0	0	\$0	0	\$0	0	\$0
Communications, utilities, and miscellaneous charges	0	\$0	0	\$0	0	\$0	0	\$0
Printing and reproduction	0	\$0	0	\$0	0	\$0	0	\$0
Advisory and assistance services	0	\$14,723	0	\$0	0	\$0	0	\$0
Other services from non-Federal sources	0	\$6,887	0	-\$5	0	\$2,006	0	\$2,001
Working Capital Fund	0	\$34,369	0	\$0	0	\$1,359	0	\$1,359
Other Federal sources (Census Bureau)	0	\$0	0	\$0	0	\$0	0	\$0
Other Federal sources (DHS Charges)	0	\$0	0	\$0	0	\$0	0	\$0
Other goods and services from Federal sources	0	\$3,875	0	\$0	0	\$597	0	\$597
Research & Development Contracts	0	\$875	0	\$0	0	\$0	0	\$0
Operation and maintenance of facilities	0	\$206	0	\$0	0	\$100	0	\$100
Operation and maintenance of equipment	0	\$0	0	\$0	0	\$0	0	\$0
Supplies and materials	0	\$2,803	0	\$0	0	\$143	0	\$143

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Explanation of Change	FY 2012 Base		Trust Funds		FY 2014 Change General Funds		Total	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Equipment	0	\$2,010	0	\$0	0	\$446	0	\$446
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
Built-Ins Subtotal	1,381	+\$320,239	0	+\$108	0	+\$7,054	0	+\$7,162
B. Programs:								
Technical Assistance Increase FY 2014	101	\$93,209	0	\$0	10	\$2,500	10	\$2,500
Office of External Enforcement Increase	34	\$7,273	0	\$0	3	\$868	3	\$868
Program Evaluation Increase	0	\$8,484	0	\$0	0	\$516	0	\$516
EBSA Enforcement Support	83	\$15,610	0	\$0	3	\$501	3	\$501
Adjudicatory Boards' DOL Appeals Management System Operation & Maintenance (O&M) Costs Increase	109	\$20,648	0	\$0	0	\$237	0	\$237
Programs Subtotal			0	\$0	16	+\$4,622	16	+\$4,622
Total Increase	1,381	+\$320,239	0	+\$108	16	+\$11,676	16	+\$11,784
Decreases:								
A. Built-Ins:								
To Provide For:								
Personnel benefits	0	\$38,977	0	\$36	0	-\$298	0	-\$262
Rental payments to others	0	\$0	0	\$0	0	-\$213	0	-\$213
Communications, utilities, and miscellaneous charges	0	\$2,461	0	\$0	0	-\$661	0	-\$661
Printing and reproduction	0	\$369	0	\$0	0	-\$14	0	-\$14
Other Federal sources (DHS Charges)	0	\$790	0	\$5	0	-\$12	0	-\$7
Operation and maintenance of equipment	0	\$8,734	0	\$0	0	-\$707	0	-\$707
Built-Ins Subtotal	0	+\$51,331	0	+\$41	0	-\$1,905	0	-\$1,864
B. Programs:								
FMSHRC Case Backlog Project Reduction	74	\$12,000	0	\$0	0	-\$4,300	0	-\$4,300
Women's Bureau Reduction	56	\$11,785	0	\$0	-21	-\$2,500	-21	-\$2,500
Elimination of the Office of Recovery for Auto Communities and Workers	8	\$1,369	0	\$0	-8	-\$1,369	-8	-\$1,369
Programs Subtotal			0	\$0	-29	-\$8,169	-29	-\$8,169
Total Decrease	0	+\$51,331	0	+\$41	-29	-\$10,074	-29	-\$10,033
Total Change	1,381	+\$371,570	0	+\$149	-13	+\$1,602	-13	+\$1,751

NOTE: FY 2012 reflects actual FTE.

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SUMMARY BUDGET AUTHORITY AND FTE BY ACTIVITY								
(Dollars in Thousands)								
	FY 2012 Revised Enacted		FY 2013 Full Year C.R.		FY 2014 Request		Diff. FY 14 Request / FY 12 Rev. Enacted	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Program Direction and Support	121	32,722	121	32,922	113	31,812	-8	-910
General Funds	121	32,722	121	32,922	113	31,812	-8	-910
Legal Services	693	137,019	693	137,810	696	135,873	3	-1,146
General Funds	648	128,877	648	129,666	651	127,684	3	-1,193
Unemployment Trust Funds	2	325	2	327	2	326	0	1
Black Lung Disability Trust Funds	43	7,817	43	7,817	43	7,863	0	46
International Labor Services	101	92,309	101	92,874	111	95,425	10	3,116
General Funds	101	92,309	101	92,874	111	95,425	10	3,116
Administration and Management	115	29,982	115	30,165	115	30,435	0	453
General Funds	115	29,982	115	30,165	115	30,435	0	453
Adjudication	243	46,895	243	47,076	243	47,854	0	959
General Funds	158	29,495	158	29,676	158	30,352	0	857
Black Lung Disability Trust Funds	85	17,400	85	17,400	85	17,502	0	102
Women's Bureau	56	11,559	56	11,630	35	9,214	-21	-2,345
General Funds	56	11,559	56	11,630	35	9,214	-21	-2,345

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SUMMARY BUDGET AUTHORITY AND FTE BY ACTIVITY								
(Dollars in Thousands)								
	FY 2012 Revised Enacted		FY 2013 Full Year C.R.		FY 2014 Request		Diff. FY 14 Request / FY 12 Rev. Enacted	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Civil Rights	34	7,260	34	7,304	37	8,268	3	1,008
General Funds	34	7,260	34	7,304	37	8,268	3	1,008
Chief Financial Officer	18	5,340	18	5,373	18	5,440	0	100
General Funds	18	5,340	18	5,373	18	5,440	0	100
Departmental Program Evaluation	0	8,484	0	8,536	0	9,000	0	516
General Funds	0	8,484	0	8,536	0	9,000	0	516
Total	1,381	371,570	1,381	373,690	1,368	373,321	-13	1,751
General Funds	1,251	346,028	1,251	348,146	1,238	347,630	-13	1,602
Unemployment Trust Funds	2	325	2	327	2	326	0	1
Black Lung Disability Trust Funds	128	25,217	128	25,217	128	25,365	0	148

NOTE: FY 2012 reflects actual FTE.

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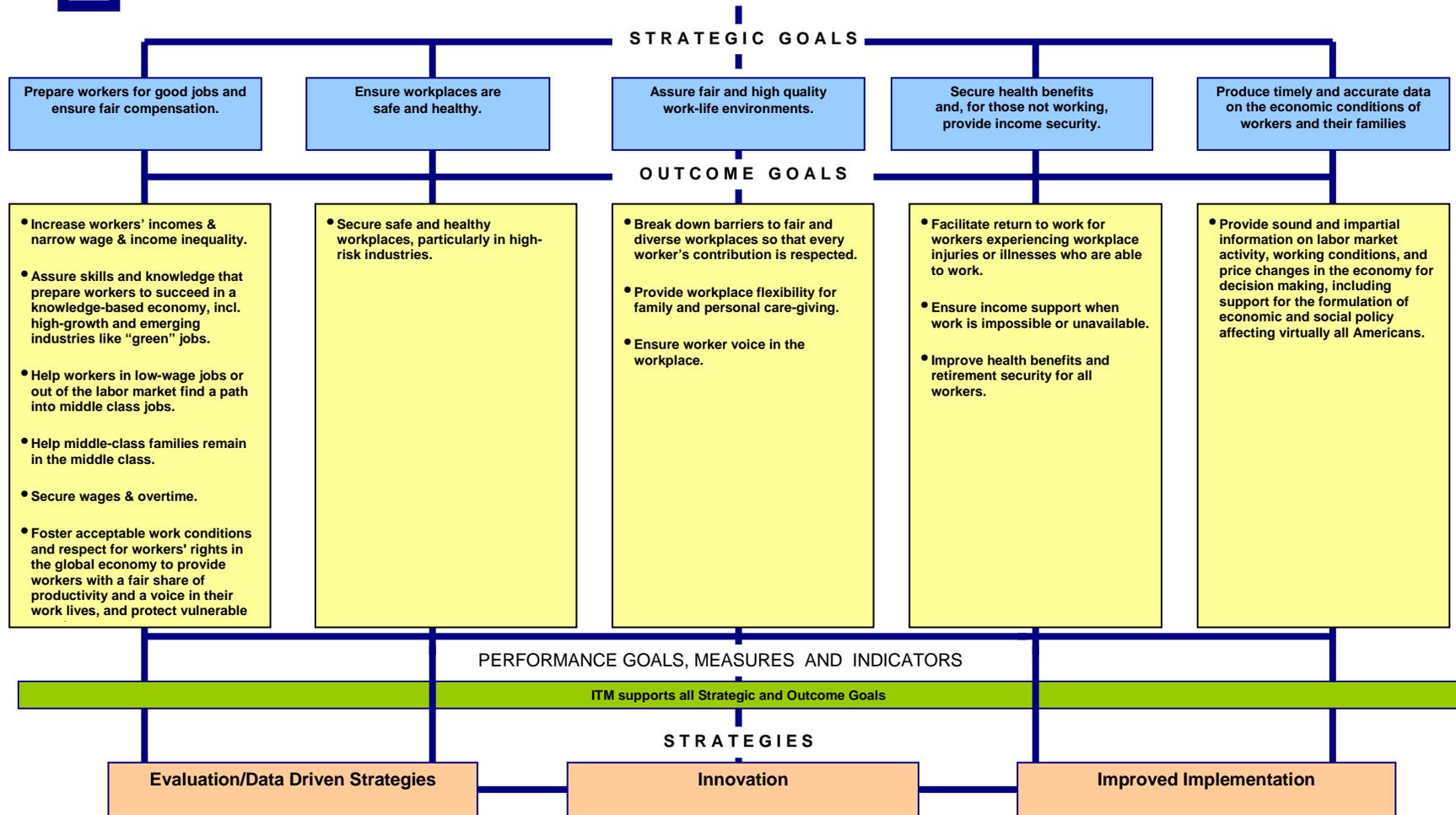
BUDGET AUTHORITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2012 Revised Enacted	FY 2013 Full Year C.R.	FY 2014 Request	Diff. FY14 Request / FY 12 Rev. Enacted
	Full-Time Equivalent				
	Full-time Permanent	1,381	1,381	1,368	-13
	Reimbursable	43	43	43	0
	Total	1,424	1,424	1,411	-13
	Average ES Salary	\$164,211	\$165,032	\$162,357	-\$1,854
	Average GM/GS Grade	12/5	12/5	12/5	0
	Average GM/GS Salary	\$105,586	\$106,114	\$105,179	-\$407
	Average Salary of Ungraded Positions	162,223	163,034	163,223	1,000
11.1	Full-time permanent	158,732	157,666	156,661	-2,071
11.3	Other than full-time permanent	811	55	447	-364
11.5	Other personnel compensation	3,440	1,415	969	-2,471
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	162,983	159,136	158,077	-4,906
12.1	Civilian personnel benefits	41,414	40,779	40,153	-1,261
13.0	Benefits for former personnel	65	67	67	2
21.0	Travel and transportation of persons	3,856	3,975	4,150	294
22.0	Transportation of things	57	28	328	271
23.1	Rental payments to GSA	18,719	19,571	19,800	1,081
23.2	Rental payments to others	0	541	331	331
23.3	Communications, utilities, and miscellaneous charges	2,461	1,954	1,950	-511
24.0	Printing and reproduction	369	418	391	22
25.1	Advisory and assistance services	14,723	16,046	14,374	-349
25.2	Other services from non-Federal sources	6,887	8,951	9,709	2,822
25.3	Other goods and services from Federal sources 1/	39,034	43,048	43,229	4,195
25.4	Operation and maintenance of facilities	206	155	543	337
25.5	Research and development contracts	875	875	875	0
25.7	Operation and maintenance of equipment	8,734	7,263	7,647	-1,087
26.0	Supplies and materials	2,803	2,604	2,900	97
31.0	Equipment	2,010	1,905	2,423	413
41.0	Grants, subsidies, and contributions	66,374	66,374	66,374	0
42.0	Insurance claims and indemnities	0	0	0	0
51.1	Benefits	0	0	0	0
	Total	371,570	373,690	373,321	1,751
	1/Other goods and services from Federal sources				
	Working Capital Fund	34,369	36,717	35,588	1,219
	DHS Services	790	907	783	-7
	Services by DOL Agencies	140	136	135	-5
	Services by Other Government Departments	3,557	5,165	6,508	2,951
	GSA Services	55	0	55	0
	HHS Services	0	0	37	37

NOTE: FY 2012 reflects actual FTE.

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Department's Vision: "Good Jobs for Everyone"



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PERFORMANCE STRUCTURE

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

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AUTHORIZING STATUTES

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

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	Employees' Compensation	
	Appeals Board. Review appeals	5 U.S.C. Section
	of claims under Federal	8101 et seq.
	Employees' Compensation Act	
Pub. L. 99-570	Anti-Drug Act of 1986	

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APPROPRIATION HISTORY					
(Dollars in Thousands)					
	Budget Estimates to Congress	House Allowance	Senate Allowance	Appropriations	FTE
2004					
Base Appropriation...1/	\$273,536	\$276,419	\$375,010	\$350,319	1,553
2005					
Base Appropriation...2/	\$287,168	\$259,967	\$350,319	\$320,685	1,420
2006					
Base Appropriation...3/	\$244,423	\$264,022	\$344,800	\$297,580	1,419
2007					
Base Appropriation	\$242,091	\$262,039	\$267,346	\$298,920	1,380
2008					
Base Appropriation...4/	\$254,236	\$318,046	\$338,503	\$291,874	1,237
2009					
Base Appropriation...5/	\$263,483	\$0	\$0	\$314,198	1,374
2010					
Base Appropriation	\$355,154	\$375,245	\$382,245	\$355,154	1,461
2011					
Base Appropriation...6/	\$428,624	\$0	\$0	\$356,861	1,463
2012					
Base Appropriation	\$371,554	\$0	\$0	\$346,353	1,440
2013					
Base Appropriation	\$348,927	\$0	\$0	\$348,473	1,381
2014					

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

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

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

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

5/ This bill was only reported out of Subcommittee.

6/ Reflects a \$29,172,000 reduction pursuant to P.L. 112-10.

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OVERVIEW

Introduction

The primary goal of the U.S. Department of Labor (DOL) is to protect and promote the interests of the American worker—a goal that is captured in the Department’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; International Labor Affairs; Administration and Management; Adjudication; Women’s Bureau; Civil Rights; Chief Financial Officer; and Departmental 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; and the Center for Faith-based and Neighborhood Partnerships.

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. Unlike many of the general counsels’ offices in the federal government, SOL has independent litigating authority under a number of Federal statutes. Approximately half of the attorneys in SOL are in regional offices outside Washington, D.C., and their responsibilities deal primarily with 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 oversees and coordinates the Department’s international activities. ILAB focuses on three primary areas: 1) international trade and labor, including mandates related to free trade

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agreements; 2) international child labor, forced labor, and human trafficking, including reporting and program mandates; and 3) international organizations, including mandated representation before the International Labor Organization.

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 2014, the Office of the Assistant Secretary for Administration and Management (OASAM) will continue to direct resources to support the following three key Departmental initiatives: (1) IT Modernization; (2) Improved Customer Service; and (3) Budget and Performance Integration and Analysis of Performance Results.

Adjudication

The Adjudication activity includes the Office of Administrative Law Judges, the Benefits Review Board, the Employees' Compensation Appeals Board, and the Administrative Review Board. They review and determine several thousand appeals each year, make legal interpretations, and establish legal precedents that set standards 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 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 that cover DOL employees, applicants for employment, DOL conducted programs, and 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.

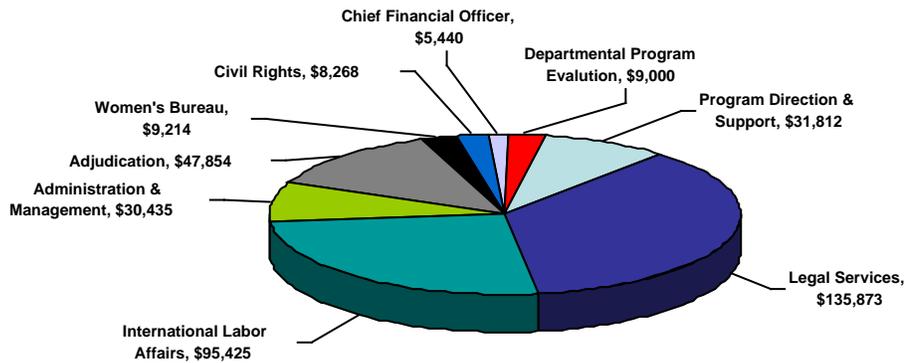
Departmental Program Evaluation

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

Cost Model

The FY 2014 budget request for the Departmental Management Salaries and Expenses appropriation is \$373,321,000 and 1,368 FTE. The total includes \$347,630,000 and 1,238 FTE provided for general funds; \$25,365,000 and 128 FTE provided from the Black Lung Disability Trust Fund; and \$326,000 and 2 FTE provided from the Unemployment Trust Fund. The total of \$373,321,000 includes net built-in increases in the amount of \$5,298,000 and net program decreases totaling \$3,547,000.

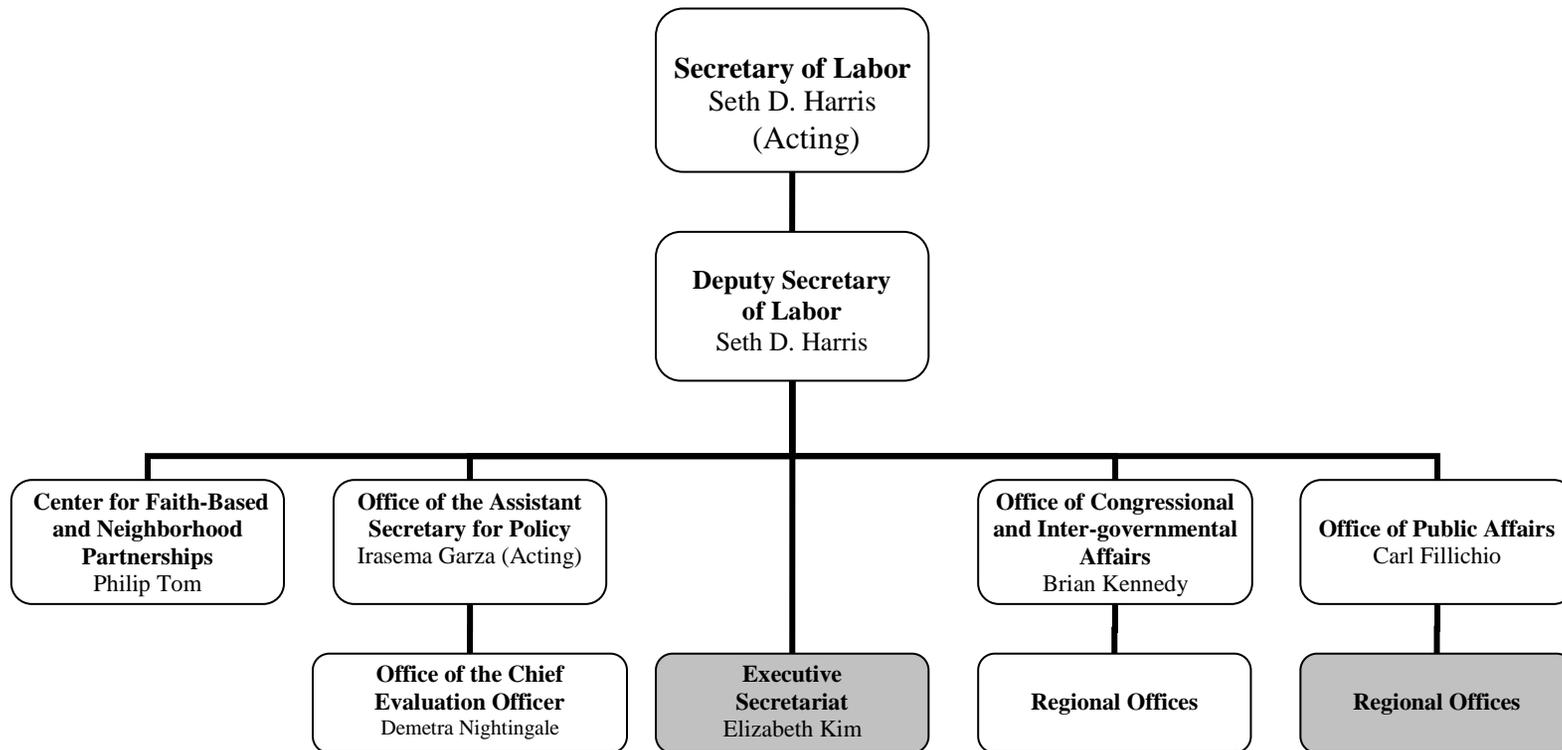
FY 2014 Budget Request by Program Activity
Total DM Budget: \$373,321
(Dollars in Thousands)



DEPARTMENTAL MANAGEMENT

ORGANIZATION CHARTS

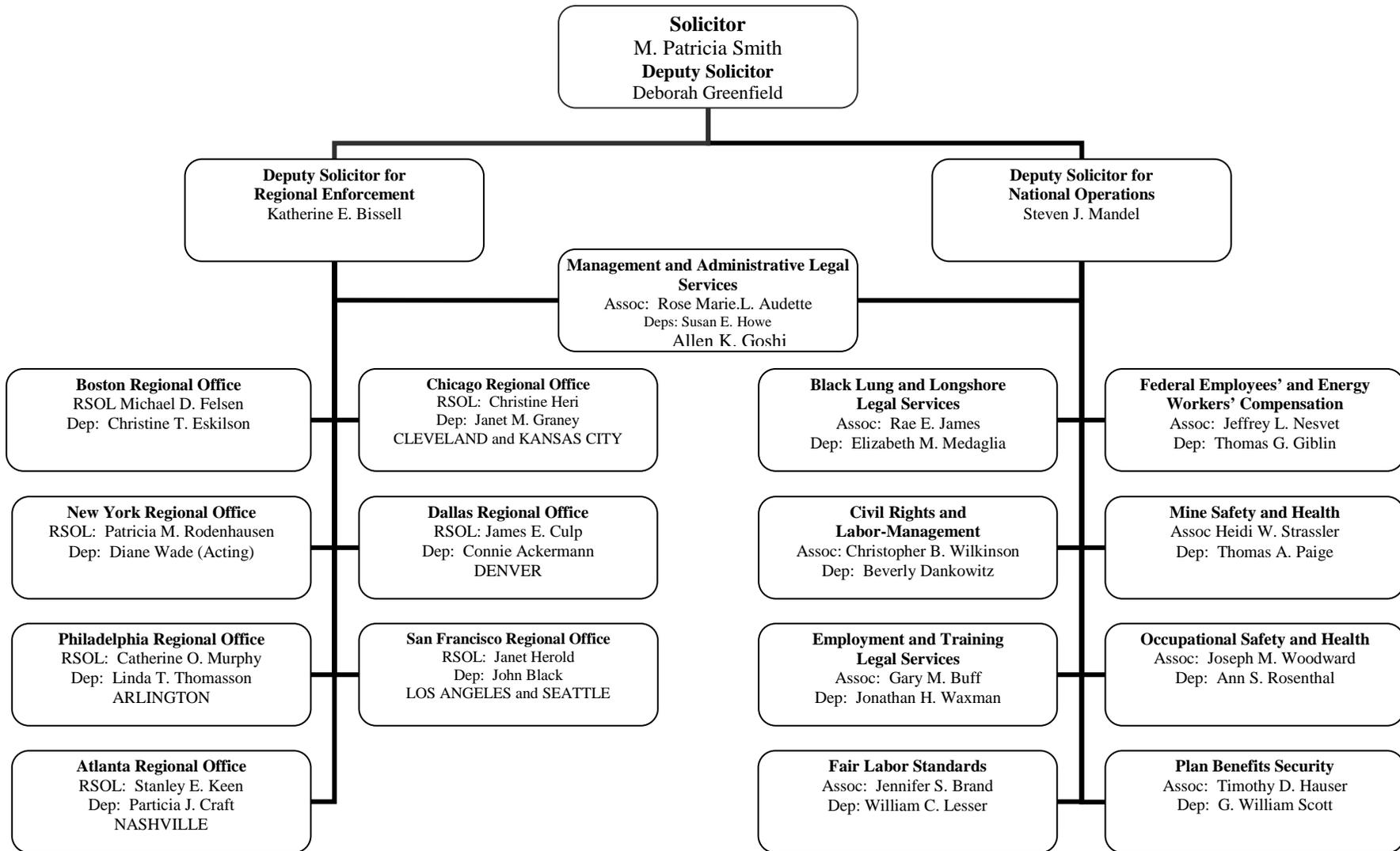
PROGRAM DIRECTION AND SUPPORT



Shaded box indicates funding through the Departmental Management Working Capital Fund

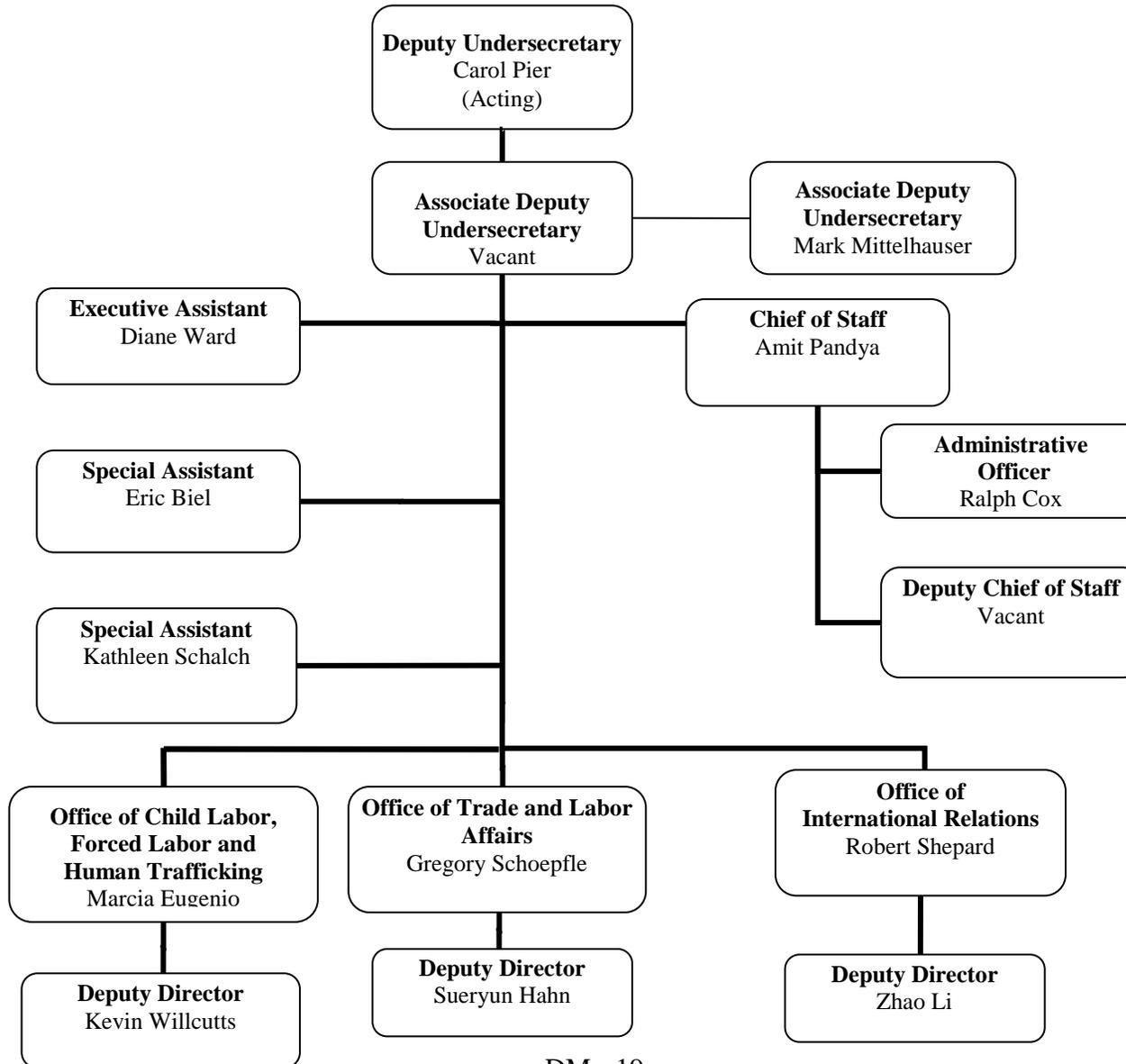
DEPARTMENTAL MANAGEMENT

OFFICE OF THE SOLICITOR



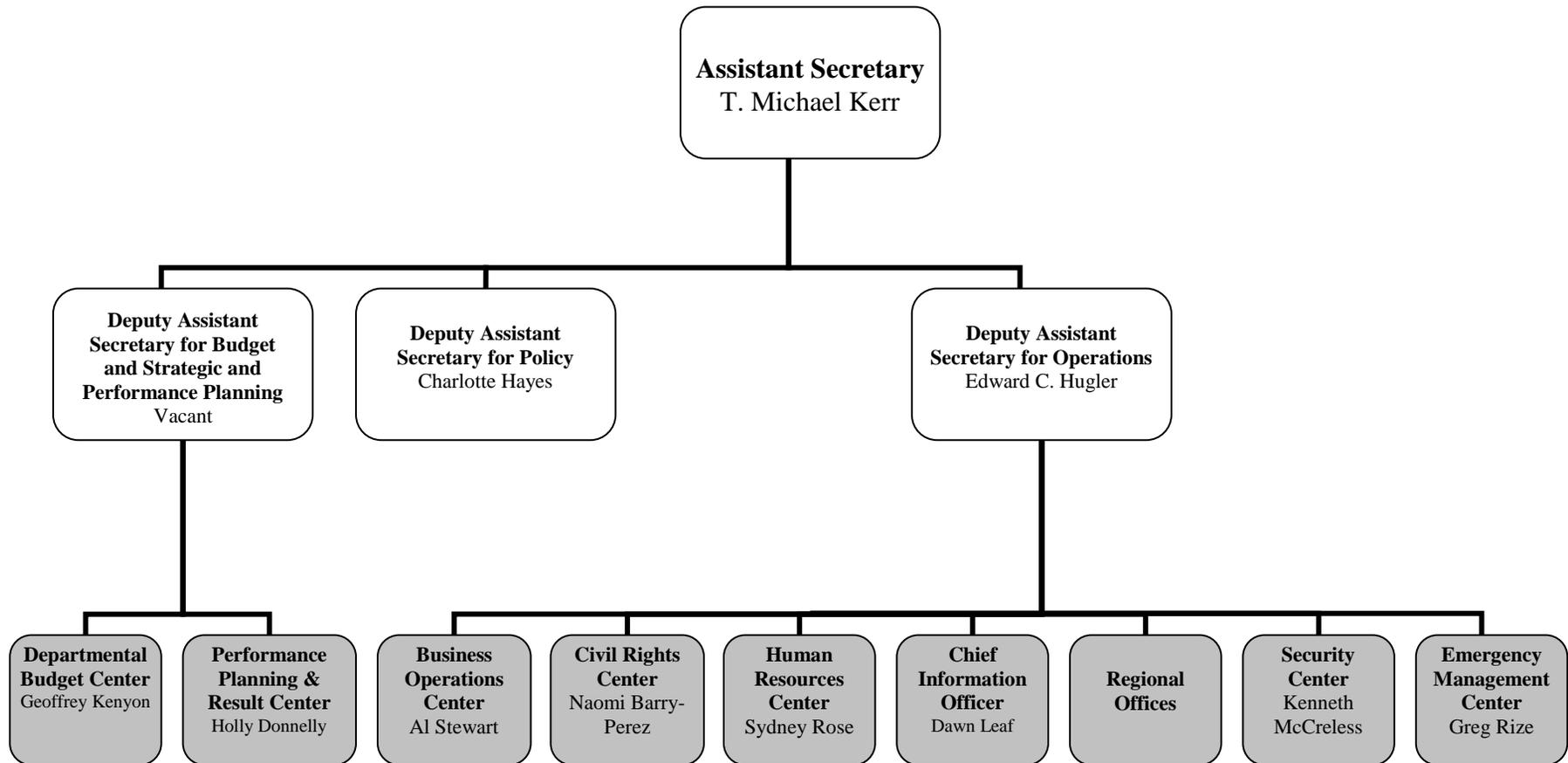
DEPARTMENTAL MANAGEMENT

INTERNATIONAL LABOR AFFAIRS BUREAU



DEPARTMENTAL MANAGEMENT

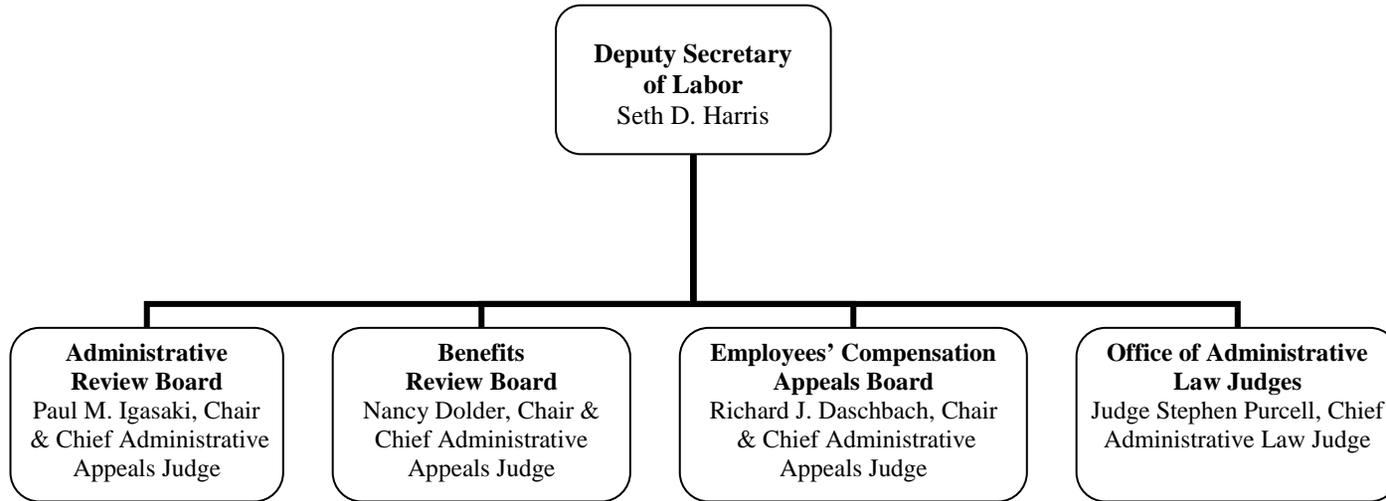
OFFICE OF ASSISTANT SECRETARY FOR ADMINISTRATION AND MANAGEMENT



Shaded box indicates funding through the Departmental Management Working Capital Fund

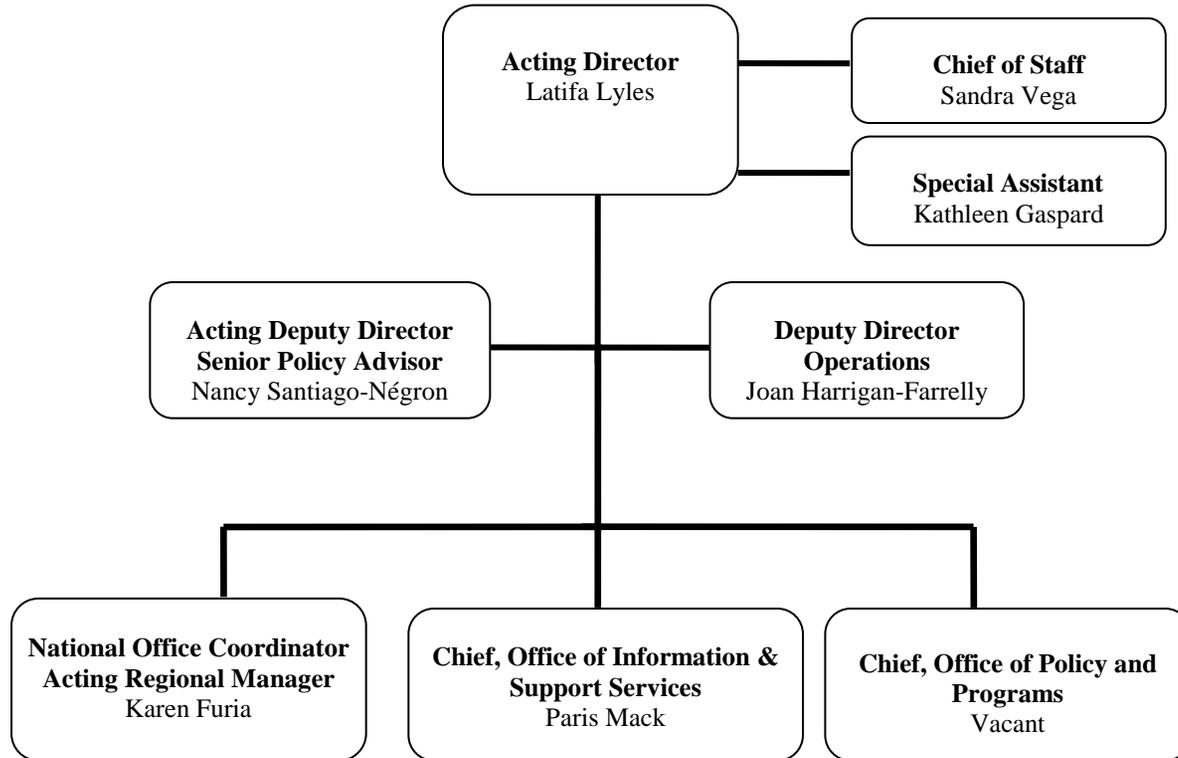
DEPARTMENTAL MANAGEMENT

ADJUDICATION



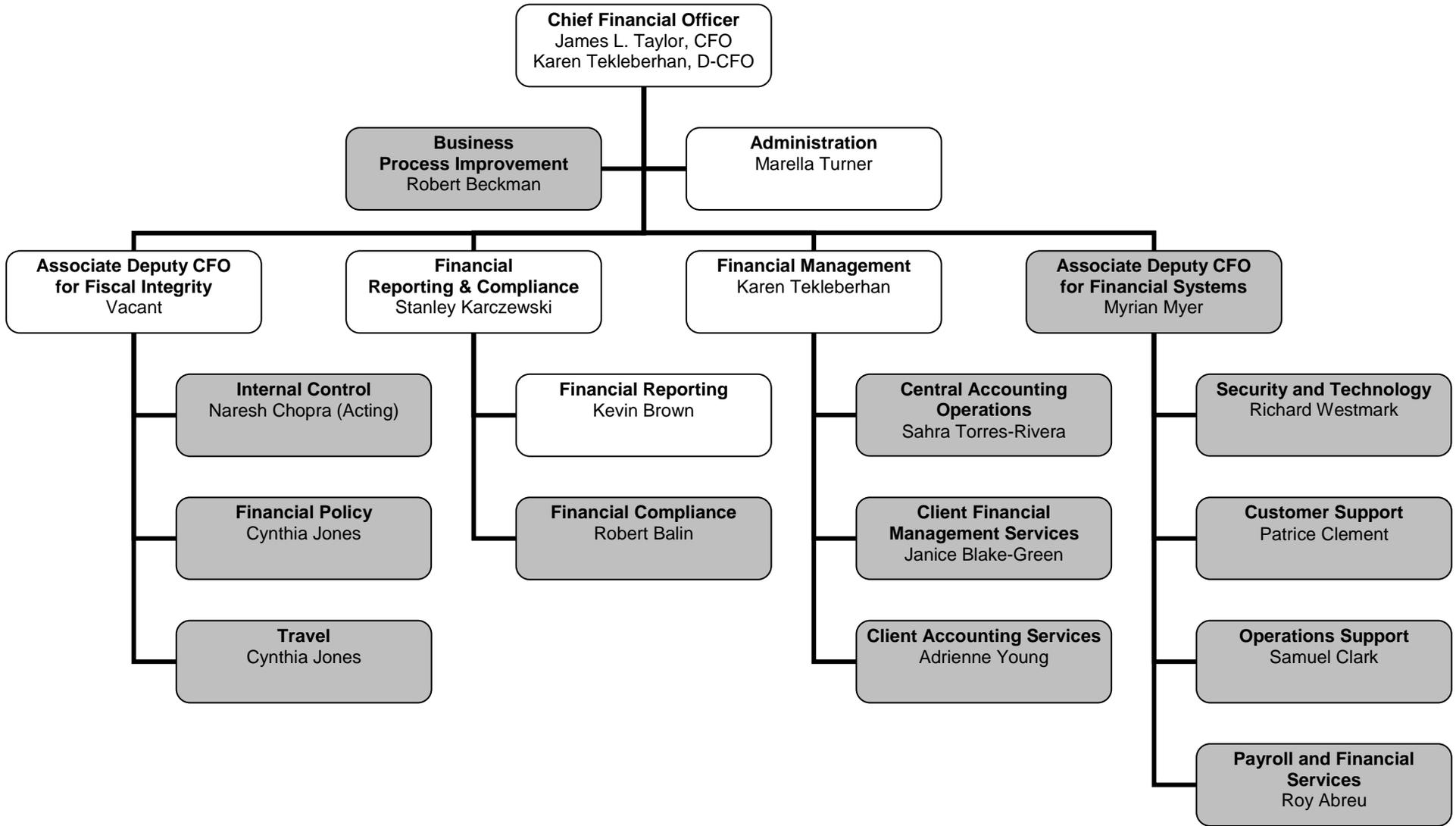
DEPARTMENTAL MANAGEMENT

WOMEN'S BUREAU



DEPARTMENTAL MANAGEMENT

OFFICE OF THE CHIEF FINANCIAL OFFICER



PROGRAM DIRECTION AND SUPPORT

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2012 Revised Enacted	FY 2013 Full Year C.R.	FY 2014 Request	Diff. FY 14 Request / FY 12 Rev. Enacted
Activity Appropriation	32,722	32,922	31,812	-910
FTE	121	121	113	-8

NOTE: FY 2012 reflects actual FTE. Authorized FTE for FY 2012 was 118

Introduction

The Program Direction and Support activity includes the following seven organizations: (1) the 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; and (7) the Office of Public Engagement.

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

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2009	\$22,831	148
2010	\$33,375	160
2011	\$32,909	130
2012	\$33,220	118
2013	\$32,922	121

FY 2014

The FY 2014 budget request for Program Direction and Support (PDS) is \$31,812,000 and 113 FTE. Funding at this level includes a program decrease of \$1,369,000 associated with the elimination of the Office of Recovery for Auto Communities and Workers, and built-ins totaling \$459,000. PDS will continue to support the Secretary, Deputy Secretary, and their respective offices on key DOL initiatives and mandates, such as furthering the Department’s vision of “good jobs for everyone”.

PROGRAM DIRECTION AND SUPPORT

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

- Office of the Assistant Secretary for Policy (OASP): coordinates and advances the Department's regulatory agenda and ongoing involvement in interagency planning and policy development efforts, promoting a culture within DOL that produces greater transparency and encourages public participation in DOL agencies' initiatives (all within the Regulation, Transparency and Disclosure theme);
- The Chief Evaluation Office (CEO): manages 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, and advises 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.

FY 2013

Figures shown for FY 2013 reflect the annualized Continuing Resolution (P.L. 112-175) as a full-year appropriation, which had not been replaced or amended at the time the budget was produced. In addition, these numbers do not reflect the impact of sequestration. The operating plans for Department of Labor programs for FY 2013 including sequestration are being provided to the Committee in a separate communication.

FY 2012

In FY 2012, resources under the PDS budget activity were used to further the Department's vision of "*good jobs for everyone.*" DOL leadership ensured that agencies were 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 were accountable for achieving performance goals by adjusting strategies based on concrete evidence—fostering a culture that emphasizes continuous improvement in all DOL agencies.

PROGRAM DIRECTION AND SUPPORT

DETAILED WORKLOAD AND PERFORMANCE				
	FY 2012 Revised Enacted		FY 2013 Full Year C.R.	FY 2014 Request
	Target	Result	Target	Target
Program Direction and Support				
Strategic Goal ALL - All Strategic Goals				
Outcome Goal ALL.1 - All Outcome Goals				
News Releases and Media Advisories	1,100	1,100	1,100	1,100
Outreach Support for Secretary's Initiatives (Number of Events)	100	100	100	100
Stories Published for Frances E-Magazine & DOL Newsletter	200	200	200	200
DOL Newsletter	52	52	52	52
DOL Facebook, Friends and Twitter Followers	15,000	15,000	15,000	15,000
Program Direction and Support				
Strategic Goal ALL - All Strategic Goals				
Outcome Goal ALL.1 - All Outcome Goals				
OASP- REG-009 Completion of Regulatory Documents consistent with OMB requirements.	--	--	90%	--

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

PROGRAM DIRECTION AND SUPPORT

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.

OASP contributes to the accomplishment of all Departmental strategic and outcome goals, using a variety of strategies to leverage efforts and ensure optimal performance of the program and enforcement.

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 efforts to provide workers with a 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 2014, OASP will continue to use its periodic management meetings and regulatory issue meetings with the Deputy Secretary to ensure planning reflects Departmental priorities.

Office of Public Affairs (OPA)

OPA is committed to furthering the efforts of all DOL agencies in support of the Department's vision of "good jobs for everyone." To that end, an essential component of OPA's contribution is creative, timely and effective messaging about DOL's work as it relates to the Department's vision. OPA will continue the implementation of a multi-dimensional communications plan to educate the media and the public as a whole about DOL's efforts. In FY 2014, OPA will perform the following tasks as a part of its internal and external communication strategies and in support of Departmental outcome goals:

- 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*.

PROGRAM DIRECTION AND SUPPORT

- Ensure that the *good jobs for everyone* message is consistent in the Department's internal and external new media forums such as Facebook, Twitter, Web chats and blogs.
- Draft and publish "Dear Colleagues from the Secretary" to DOL staff to communicate important updates or messages.
- Use Frances—the DOL (intranet only) online magazine—as a means of communicating with and connecting to DOL staff.
- Host employee Web chats to engage employees in dialogue regarding current events or developments.
- Eliminate unnecessary or non-compliant external websites to make information more accessible and centralized.
- Establish a Social Media Strategy Team to better analyze and plan social media initiatives.
- Ensure that press materials are translated into foreign languages, if appropriate.

OPA will continue to improve DOL's expansive news media work, as well as manage multiple Facebook and Twitter accounts, a reinvigorated YouTube account, two blogs (one internal and one external), and a Flickr account. The Department's use of social networking sites continues to expand, including BLS and Job Corps acquiring agency-managed accounts for Twitter and Facebook, respectively. To meet this increased demand, OPA will begin using the content management tool HootSuite, which will allow the Department to better meet agency and customer needs, as well as track progress towards performance metrics.

OPA will continue publishing the DOL newsletter in FY 2014. Nearly everyone on the OPA staff contributes to this messaging tool. The newsletter is issued each Thursday and has more than 120,000 non-DOL subscribers, with an average of more than 330 new subscribers each week. This figure is in addition to the 16,200 DOL employees who receive the newsletter in electronic format each week.

PROGRAM DIRECTION AND SUPPORT

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2012 Revised Enacted	FY 2013 Full Year C.R.	FY 2014 Request	Diff. FY14 Request / FY 12 Rev. Enacted
11.1	Full-time permanent	15,001	14,553	13,631	-1,370
11.3	Other than full-time permanent	336	0	392	56
11.5	Other personnel compensation	869	0	100	-769
11.9	Total personnel compensation	16,206	14,553	14,123	-2,083
12.1	Civilian personnel benefits	4,053	3,829	3,420	-633
13.0	Benefits for former personnel	65	67	67	2
21.0	Travel and transportation of persons	670	408	463	-207
22.0	Transportation of things	0	0	0	0
23.1	Rental payments to GSA	2,432	2,255	2,400	-32
23.3	Communications, utilities, and miscellaneous charges	313	475	513	200
24.0	Printing and reproduction	68	117	123	55
25.1	Advisory and assistance services	100	2,145	100	0
25.2	Other services from non-Federal sources	258	5	258	0
25.3	Other goods and services from Federal sources 1/	7,487	8,603	9,362	1,875
25.4	Operation and maintenance of facilities	174	5	174	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	73	0	73	0
26.0	Supplies and materials	437	384	425	-12
31.0	Equipment	386	76	311	-75
42.0	Insurance claims and indemnities	0	0	0	0
	Total	32,722	32,922	31,812	-910
1/Other goods and services from Federal sources					
	Working Capital Fund	4,544	4,098	3,801	-743
	DHS Services	100	0	100	0
	Services by Other Government Departments	2,843	4,505	5,461	2,618

PROGRAM DIRECTION AND SUPPORT

CHANGES IN FY 2014

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$264
Personnel benefits	20
One day more of pay	0
Federal Employees' Compensation Act (FECA)	7
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	79
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	89
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	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 **\$459**

Net Program **-\$1,369**

Direct FTE **-8**

	Estimate	FTE
Base	\$33,181	121
Program Decrease	-\$1,369	-8

NOTE: Base reflects actual FY 2012 FTE.

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BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2012 Revised Enacted	FY 2013 Full Year C.R.	FY 2014 Request	Diff. FY 14 Request / FY 12 Rev. Enacted
Activity Appropriation	137,019	137,810	135,873	-1,146
FTE	693	693	696	3

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 further goals that support the President’s strategic vision to improve opportunities and quality of life for the American people. 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 works closely with DOL agencies to develop and implement specific policies and programs. In addition, SOL helps improve the effectiveness of programs that train American workers, ensures the nation’s workers’ protection laws are forcefully and fairly applied, and advises the Secretary and Departmental leadership on a full range of legal issues. As a result, SOL shares the outcome goals of each of its clients. SOL’s services to its clients fall into four primary categories: pre-litigation, litigation, opinion and advice, and assistance in development of regulations. 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
- providing **legal opinions/advice** to the Secretary and 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 2014 mirror the Department’s budget and program priorities and seek some additional FTE necessary to enable SOL to provide enhanced

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legal services in support of the Department's Strategic and Outcome Goals. SOL's budget also includes reductions that will begin the process of an orderly draw down of SOL's involvement in the special project for reduction of the case backlog before the Federal Mine Safety and Health Review Commission (FMSHRC).

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2009	\$100,709	636
2010	\$117,448	675
2011	\$119,447	754
2012	\$129,202	741
2013	\$129,993	693

FY 2014

In FY 2014, SOL is requesting \$135,873,000 and 696 FTE.

In addition to built-in increases, the funding level includes a program increase of \$501,000 and 3 FTE to provide legal services to support the increase in the enforcement and regulatory efforts by the Employee Benefits Security Administration (EBSA), particularly in the areas of pension and health care benefits.

This funding level also includes a program reduction of \$4,300,000 associated with the MSHA Litigation Backlog Project (MLBP) to begin the process of achieving an orderly draw down of SOL's involvement in the special project for reduction of the case backlog before the Federal Mine Safety and Health Review Commission (FMSHRC). SOL will reduce temporary staffing for the project by 30 FTE, maintaining the project in FY 2014 through 44 FTE and three special project offices. SOL will manage this orderly reduction in staff by concluding employment of temporary, term, and reemployed annuitant employees, and transitioning back to MSHA responsibility for handling the type of routine, noncomplex FMSHRC matters that had been handled by MSHA prior to creation of this special project.

For the past four fiscal years, Congress and the Administration have provided special funding to reduce the backlog of FMSHRC cases. SOL first received supplemental appropriations in FY 2010, additional funding in FY 2011 and FY 2012, and sought funding in the FY 2013 Request to continue the effort. The MLBP project was designed as a temporary project to address a discrete workload crisis while the Department developed a longer-term plan to address the overall volume of FMSHRC cases. DOL and FMSHRC's plan for the project anticipated that this multi-year effort would take from 2.9 to 3.5 years, and the targeted backlog reduction effort would be separate from other litigation and legal services SOL provides to MSHA and all other DOL client agencies. To carry out the MLBP project, SOL developed specialized litigation teams in separate temporary offices to work closely with MSHA technical advisors to address smaller impact, lower dollar citations that were normally handled solely by MSHA staff. SOL staffed its temporary MLBP offices with a mix of temporary, term, and reemployed annuitants,

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all subject to “Not To Exceed” date personnel status, with SOL’s existing regional offices providing management oversight and coordinating with the MLBP offices to ensure effective balancing of efforts with ongoing legal support to MSHA.

At the start of the project, approximately 10,000 pending cases (66,000 violations) were designated as the “targeted” backlog to be addressed by the MLBP project; by late 2012, only about 700 (4,000 violations) of the original “targeted” backlog cases remained. As the “targeted” backlog decreased, MSHA and SOL agreed that MSHA would transfer some cases assigned to its Conference Litigation Representative (CLR) program to the MLBP project and MLBP staff shifted their focus to handling these newer cases as well as the “targeted” backlog cases. The MSHA CLR staff has continued to handle a significant portion of newer cases, while SOL permanent attorney staff has handled the more complex matters before the Commission, including violations designated as flagrant, cases involving accidents, fatalities and serious injuries, unwarrantable failure orders, high penalty and “special assessment” cases, temporary reinstatement and discrimination (whistleblower) cases, jurisdictional issues and other cases presenting novel or complex legal issues. Through the combined work of the MLBP staff, MSHA CLR staff, and SOL permanent staff, the total number of cases pending before FMSHRC has fallen from a peak of 15,000 cases (89,000 violations) in January 2011 to 9,500 cases (50,000 violations) in late 2012.

SOL has coordinated with MSHA to determine that in combination with strategies to improve compliance and maximize efficiencies in the case resolution process, the Department can achieve an acceptable steady state of pending FMSHRC cases with a reduction of 30 of SOL’s temporary backlog project staff. SOL will continue to work with MSHA to ensure coordination on the MLBP program.

FY 2013

Figures shown for FY 2013 reflect the annualized Continuing Resolution (P.L. 112-175) as a full-year appropriation, which had not been replaced or amended at the time the budget was produced. In addition, these numbers do not reflect the impact of sequestration. The operating plans for Department of Labor programs for FY 2013 including sequestration are being provided to the Committee in a separate communication.

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. For the FMSHRC effort, SOL received \$12,543,200 to continue addressing the backlog of mine safety and health cases pending before FMSHRC, which consisted of a one-time transfer of \$770,000 from MSHA and \$12,000,000 included in SOL’s FY 2012 appropriation, which was subject to a 1.89 percent rescission. SOL continued its IT Modernization Initiative through development and implementation of an IT system called “Matter Management,” which manages and tracks cases and legal activities, and provides information used in SOL performance management and budgeting. In September 2011, SOL awarded a contract for an Evidence Management Initiative (EMI), to provide enhanced nationwide litigation support services. In addition to providing basic litigation support services,

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SOL implemented the necessary IT security controls to support an Authorization to Operate (ATO) a secure, cloud-based, web-enabled evidence management solution to allow multiparty collaboration on significant litigation matters involving large document collections.

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DETAILED WORKLOAD AND PERFORMANCE					
		FY 2012 Revised Enacted		FY 2013 Full Year C.R.	FY 2014 Request
		Target	Result	Target	Target
Legal Services					
Strategic Goal ALL - All Strategic Goals					
Outcome Goal ALL.1 - All Outcome Goals					
Pre Litigation:					
PRE-03	Percentage of Strategic Matters Opened	27.72%[e]	31.59%	29.11%[e]	30.56%
PRE-01	Matters Opened	3,485[p]	2,918	2,984[p]	2,882[p]
PRE-02	Matters Concluded	3,116[p]	2,702	2,994[p]	2,800[p]
PRE-04	Matters Pending	2,192[p]	1,745	--	2,359[p]
Litigation:					
LIT-03	Percentage of Strategic Matters Opened	22.61%[e]	19.75%	23.74%[e]	24.93%
LIT-01	Matters Opened	14,873[p]	15,006	14,523[p]	11,141[p]
LIT-02	Matters Concluded	17,068[p]	16,529	16,718[p]	13,983[p]
LIT-04	Matters Pending	12,476[p]	18,481	--	7,441[p]
Opinion/Advice:					

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DETAILED WORKLOAD AND PERFORMANCE					
		FY 2012 Revised Enacted		FY 2013 Full Year C.R.	FY 2014 Request
		Target	Result	Target	Target
OA-03	Percentage of Strategic Matters Opened	23.32%[e]	22.79%	23.79%[e]	24.26%
OA-01	Matters Opened	8,451[p]	7,752	8,451[p]	8,286[p]
OA-02	Matters Concluded	6,298[p]	16,273	6,298[p]	5,536[p]
OA-04	Matters Pending	11,234[p]	11,549	--	16,138[p]
Regulations:					
REG-03	Percentage of Strategic Matters Opened	45.49%[e]	46.36%	47.76%[e]	48.72%
REG-01	Matters Opened	81[p]	78	81[p]	91[p]
REG-02	Matters Concluded	54[p]	52	54[p]	61[p]
REG-04	Matters Pending	191[p]	170	--	248[p]

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

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Detailed Workload Performance Narrative

SOL continues to take concrete steps to improve the way that it measures and evaluates its work. For many years, SOL had measured workload production by tracking the number of Matters opened and concluded in three categories of work: Litigation, Opinion/Advice, and Regulation. In FY 2012, SOL revised its basic workload measures to separate Pre-Litigation Matters from Litigation Matters, and also renamed “Matters Received” as “Matters Opened.” While these basic workload measures track production on a quarterly and annual basis, and allow for comparisons over longer periods of time, they do not provide a qualitative measure of SOL’s legal services or help SOL assess its success in directing resources toward strategic, high-impact cases that more significantly advance DOL’s Strategic and Outcome Goals.

Priority Performance Measures: “Percentage of Strategic Matters Opened”

In FY 2011, SOL began development of priority performance measures to help assess its performance regarding four major “Solicitor’s Strategies” that drive implementation of the SOL Operating Plan: (1) Early Intervention; (2) Leveraging Litigation Resources; (3) Providing Opinions and Advice for Strategic Initiatives; and (4) Supporting Priority Regulations. Each of the Solicitor’s Strategies can be connected to one of the categories of Matters, and reflect SOL’s best efforts at abstracting general principles that will most effectively help DOL agencies implement the Department’s Strategic Goals and Outcome Goals through the provision of legal services. These priority performance measures, called “Percentage of Strategic Matters Opened,” are designed to help gauge how many of SOL’s Matters opened each quarter within each category of SOL work connect to one or more of the Solicitor’s Strategies derived from the SOL Operating Plan.

SOL has made significant strides in determining which Matters are strategic. SOL designed the priority performance measures with an understanding that the ultimate target for these measures cannot be 100%, and that non-“strategic” Matters are not unimportant. Every day, SOL expends resources on a large number of Matters that will not register as “strategic” by the definitions that SOL has chosen, but nonetheless are important for the functioning of SOL and the Department. With that caveat, SOL supports the concept of measuring the resources it expends on “strategic” Matters and finding ways to increase the share of its resources devoted to them, as possible.

To that end, SOL spent four quarters across FY 2011 and FY 2012 establishing a baseline for its priority performance measures, Percentage of Strategic Matters Opened, in each of the four categories. SOL measured its results over those four quarters, and set the baseline for FY 2012 as the average results over the course of four quarters. Thus, the baseline average in each of the four categories was 27.72% for the Percentage of Strategic Pre-Litigation Matters Opened, 22.61% for the Percentage of Strategic Litigation Matters Opened, 23.32% for the Percentage of Strategic Opinion/Advice Matters Opened, and 45.49% for the Percentage of Strategic Regulatory Matters opened. For FY 2013 and FY 2014, SOL is targeting a 5% annual increase in the Percentage of Strategic Matters Opened for Litigation, Pre-Litigation, and Regulations, and a 2% annual increase for Opinion/Advice. As an example, the Percentage of Strategic Pre-Litigation Matters opened for the FY 2013 target is 29.11% and the target for FY 2014 is 30.56%

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which is a 5% annual increase. SOL has set the priority performance measure targets for Opinion/Advice lower because SOL believes it will be more difficult for client agencies to anticipate their needs for strategic advice for the coming years during the development of operating plans. SOL may need to revisit its priority performance measure targets for Regulations after further consultations with its client agencies.

Impact of Priority Performance Measures on Basic Workload Production Measures

The ambitious priority performance measure targets SOL is setting to increase its Percentage of Strategic Matters Opened are likely to require increased time and FTE devoted to these Matters. Especially in the Litigation and Pre-Litigation categories, Matters that would meet SOL's definition of Strategic are more complex and require a greater investment of time and FTE than non-Strategic Matters. With greater emphasis being placed on the Strategic Matters, and not wanting demands of increasing basic workload measures to thwart the push for more Strategic Matters, SOL is not setting stretch targets for its basic workload targets and adjusting downward certain targets within the basic performance measures. Furthermore, SOL is working with its client agencies to encourage a shift in focus away from high-volume and in favor of high-quality, high-impact Strategic cases. As SOL and the client agencies adopt this new mindset, the number of Matters as reflected in the basic workload performance measures should decline, while the Percentage of Strategic Matters Opened increases.

SOL does not yet know the rate of change to expect. As a result SOL developed targets for the basic workload performance measures based on variations in FTE levels and review of prior trends. However, if SOL is successful in achieving its targets set for increasing the Percentage of Strategic Matters Opened, SOL would expect to see basic workload performance results below the projected targets.

Specifically, SOL is revising downward its targets for Pre-Litigation Matters. Based on FY 2011 results, SOL had previously projected a 5% increase in Pre-Litigation Matters Opened and Pre-Litigation Matters Concluded in FY 2012, and an additional 5% increase in both categories in FY 2013, because the increased emphasis placed on early consultation between SOL and its clients as part of SOL's Operating Plan. As of the end of FY 2012, the number of Pre-Litigation Matters Opened and Concluded was lower than expected. As a result, SOL is revising downwards its projections for both categories in FY 2013 and FY 2014. As noted above, as SOL works with its client agencies to shift focus away from a preference for a high volume of Matters in favor of high-quality and high-impact cases, the number of Matters is expected to decline.

In the basic workload performance table, changes in the projections for Litigation Matters are most often associated with changes in the number of SOL FTE. SOL based these projections on a review of prior data; however, SOL recognizes that success in increasing the Percentage of Strategic Matters Opened and prioritization of high-quality over a high volume of Matters may mean these projections are too high.

Beginning with FY 2011, Litigation Matters workload projections included an influx of matters associated with a special project to reduce the backlog of contested cases before the Federal Mine Safety and Health Review Commission (FMSHRC). For FY 2014, basic workload

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performance projections are adjusted to account for (1) a reduction in the number of term and temporary employees in the Mine Safety and Health Litigation Backlog Project (MLBP) and (2) the addition of 3 FTE to provide legal services to support the Employee Benefit Security Administration's growing pension and health care related enforcement workload.

Specifically, the FY 2014 targets for Litigation Matters Opened and Concluded are reduced commensurate with the reduction in MLBP workload, and because rather than opening new cases, the focus will be on maximizing disposal of pending cases and assisting in transitioning this responsibility back to MSHA. If SOL is able to conclude an unusually high number of cases, for instance, via "global settlements" creating additional capacity for SOL to handle more MLBP litigation matters, SOL will advise MSHA. As SOL gains experience with its priority performance measures, projections for basic workload measures will be adjusted accordingly to support achievement of the priority performance measures to increase the Percentage of Strategic Matters Opened to the extent SOL's overall workload and mission will allow.

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BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2012 Revised Enacted	FY 2013 Full Year C.R.	FY 2014 Request	Diff. FY14 Request / FY 12 Rev. Enacted
11.1	Full-time permanent	80,563	79,966	79,124	-1,439
11.3	Other than full-time permanent	420	0	0	-420
11.5	Other personnel compensation	1,325	1,115	6	-1,319
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	82,308	81,081	79,130	-3,178
12.1	Civilian personnel benefits	21,586	20,866	20,517	-1,069
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	1,324	1,546	1,655	331
22.0	Transportation of things	29	0	300	271
23.1	Rental payments to GSA	8,081	9,026	8,902	821
23.2	Rental payments to others	0	541	331	331
23.3	Communications, utilities, and miscellaneous charges	1,383	741	692	-691
24.0	Printing and reproduction	110	99	96	-14
25.1	Advisory and assistance services	1,900	0	0	-1,900
25.2	Other services from non-Federal sources	3,036	4,937	5,180	2,144
25.3	Other goods and services from Federal sources 1/	11,700	14,406	13,558	1,858
25.4	Operation and maintenance of facilities	1	119	101	100
25.7	Operation and maintenance of equipment	2,885	1,982	2,161	-724
26.0	Supplies and materials	1,417	1,218	1,553	136
31.0	Equipment	1,259	1,248	1,697	438
42.0	Insurance claims and indemnities	0	0	0	0
	Total	137,019	137,810	135,873	-1,146
1/Other goods and services from Federal sources					
	Working Capital Fund	11,275	13,707	13,143	1,868
	DHS Services	352	681	342	-10
	GSA Services	55	0	55	0

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CHANGES IN FY 2014

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	-\$707
Personnel benefits	-580
One day more of pay	0
Federal Employees' Compensation Act (FECA)	100
Benefits for former personnel	0
Travel and transportation of persons	297
Transportation of things	271
Rental payments to GSA	966
Rental payments to others	-213
Communications, utilities, and miscellaneous charges	-661
Printing and reproduction	-14
Advisory and assistance services	0
Other services from non-Federal sources	2,001
Working Capital Fund	1,206
Other Federal sources (DHS Charges)	-10
Other goods and services from Federal sources	15
Operation and maintenance of facilities	100
Operation and maintenance of equipment	-707
Supplies and materials	143
Equipment	446
Insurance claims and indemnities	0

Built-Ins Subtotal **\$2,653**

Net Program **-\$3,799**

Direct FTE **3**

	Estimate	FTE
Base	\$139,672	693
Program Increase	\$501	3
Program Decrease	-\$4,300	0

NOTE: Base reflects actual FY 2012 FTE.

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BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2012 Revised Enacted	FY 2013 Full Year C.R.	FY 2014 Request	Diff. FY 14 Request / FY 12 Rev. Enacted
Activity Appropriation	92,309	92,874	95,425	3,116
FTE	101	101	111	10

NOTE: FY 2012 reflects actual FTE. Authorized FTE for FY 2012 was 98

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 levels the playing field and ensures that the wages and working conditions of U.S. workers are not harmed by unfair competition.

ILAB’s efforts at leveling the playing field for American workers by promoting fair working conditions 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 to ILAB’s Performance Goal, to improve worker rights and livelihoods for vulnerable populations.

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 and US government relations with foreign governments relative to labor issues; oversees and implements technical assistance programs; and conducts research and analysis and publishes reports on international labor issues.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2009	\$86,074	83
2010	\$92,669	95

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2011	\$92,484	99
2012	\$92,309	98
2013	\$92,874	101

FY 2014

For FY 2014 ILAB request includes a program increase of \$2,500,000 and 10 FTE for a total budget of \$95,425,000 and 111 FTE. With these resources, ILAB will

- significantly enhance its capacity to promote fair working conditions in America's global trading partners through monitoring and enforcement of trade related labor provisions,
- continue its global leadership role in reducing and eliminating child labor through policy leadership, research and substantial grant funding for projects overseas,
- continue to effectively conduct the labor dimensions of USG bilateral diplomacy, and
- ensure that the U.S. maintains a leading role in multilateral fora – principally the ILO and the G20 - for the discussion of international labor standards and international efforts to sustainably create jobs and improve livelihoods.

New Initiatives

In FY 2014 ILAB is requesting an increase in funding to support expansion and intensification of systematic monitoring and enforcement of the labor obligations of US free trade agreements (FTAs) and programs. As the United States potentially expands the number of FTA partners, including countries that have significant labor issues like Vietnam and Malaysia under the Trans-Pacific Partnership, these resources will allow ILAB to meet its responsibilities as the designated point of contact for labor submissions and labor cooperation under the Labor Chapters of FTAs. In addition, the new funding will enable ILAB to intensify its engagement with regard to the large number of developing countries that receive trade preferences. These initiatives help to ensure an equitable and balanced trading system so that American workers can compete on a level playing field.

The United States has free trade agreements currently with 15 developing and 5 developed countries, is engaged in new trade negotiations with 9 countries under the Trans-Pacific Partnership FTA, and provides trade preferences to approximately 140 developing countries. The FY 2014 request would allow ILAB to systematically monitor and engage three types of countries. These are the highest priority FTA partners, such as Colombia, prospective partners such as Vietnam, and beneficiaries or potential beneficiaries of trade preferences. The last group includes Haiti, Egypt, Bangladesh, Democratic Republic of the Congo, Georgia, Iraq, Niger, Pakistan, Philippines, Sri Lanka, Swaziland, Burma and Uzbekistan.

ILAB monitors and enforces these labor obligations through analysis of each country's labor practices and engages with the country to remedy the problems identified. In some cases, ILAB staff or consultants work directly to assist ministries of labor to improve their capacity to enforce international labor standards and other agreements. ILAB has observed an increasing number of submissions made under various free trade agreements (Bahrain, Guatemala, Honduras, Peru, Dominican Republic, Mexico), alleging non-compliance with their terms. The workload

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presented by this high volume of evidence gathering and legal analysis has strained ILAB's capacity to maintain proper oversight of the entire range of trade relationships with significant labor dimensions. Monitoring, enforcement, and remediation under the Colombia Labor Action Plan accompanying the US-Colombia free trade agreement has required substantial additional FTE allocations from current ILAB resources, given its complexity and scope. This has further strained ILAB's capacity to maintain its other trade relationships with significant labor dimensions, and forced relative neglect of other important trade relationships. Whereas additional opportunities for promoting labor standards are provided by additional FTA labor submissions and by other worker rights commitments such as the Columbia Action Plan, these impose opportunity costs that the additional resources for monitoring and enforcement are designed to address.

Additional funding for the above functions would also contribute to ILAB's implementation of more comprehensive, practical, and sustainable programs to protect worker rights and improve livelihoods. ILAB increasingly takes an integrated approach that combines efforts to amend laws and strengthen enforcement with activities to assist worker organizations, improve industrial relations, effectively engage companies, and raise awareness about worker rights. Under this model, ILAB engages in in-depth monitoring, relationship building, and fact-finding in a country and then designs and awards a project that reflects this deep understanding of the country's practical and political reality. For example, ILAB may uncover a particularly critical labor law or enforcement weakness with a widespread impact on core labor standards that prevent accurate documentation of violations. The technical cooperation project would be designed to address such specific identified shortcomings. The result is technical cooperation with practical and concrete results that contribute to systemic, long-term change.

The new integrated approach will also contribute to the objective of elimination of the worst forms of child labor. ILAB is committed to ensuring that its projects to combat the worst forms of child labor are comprehensive and sustainable. To this end, ILAB is increasingly addressing the root causes of child labor, such as family poverty, gaps in social protection, and weak enforcement of labor laws. This reflects a comprehensive approach to the elimination of the worst forms of child labor—one of which a critical component of anti-child labor efforts is ensuring good jobs for parents and guardians. Such interventions are often more effective as part of dedicated workers' rights capacity-building programs or broader interventions to improve livelihoods and social protection that do not necessarily have child labor as the sole focus, but, nonetheless have a significant positive indirect impact on the elimination of the worst forms of child labor.

ILAB is committed to designing projects that integrate the elimination of the worst forms of child labor with the objective of improving livelihoods and respect for the rights of workers from child-hood through adulthood. Within this framework, ILAB would seek child labor projects in priority countries where ILAB is also engaging through trade-related interventions, such as Colombia, Haiti, Peru, and Vietnam. This approach would allow ILAB to achieve a significant reduction in child labor in these countries.

In recent years, ILAB has made grants of approximately \$60,000,000 for child labor eradication, and approximately \$6,500,000 for other worker rights initiatives. In FY 2014, ILAB proposes to

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dedicate \$10,000,000 of available grant funding to implementing worker rights programs that are closely integrated with child labor eradication efforts. The integrated efforts undertaken will be in countries where child labor is prevalent, where the political and institutional context offers particular opportunities for the effective application of an integrated approach, and where the adoption of an integrated approach will support both child labor eradication efforts and worker rights goals.

Continuing Programs and Activities

Monitoring and Enforcement of Labor Provisions of Free Trade Agreements and Trade Preferences

In FY 2014, ILAB will also continue its current monitoring, enforcement, and remediation activities with trade partners, and countries 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.

Systematic research and analysis on the status of labor rights in trade partner countries allows ILAB to coherently target policy engagement – including trade enforcement actions and technical cooperation activities – to specific countries and issues where the maximum impact may be achieved. Enforcement includes consideration and adjudication of formal complaints lodged under labor provisions of trade agreements, or under the preference petition process. These have increased substantially and are expected to continue to increase, requiring substantial resources for research, investigation and legal analysis. Enforcement also includes the application of remediation measures to assist trade partners in arriving at compliance with labor obligations. When monitoring identifies issues of concern that can be ameliorated, ILAB can provide experts in labor law, labor policy, labor administration, and other technical areas of enforcement.

ILAB will continue to 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. In addition, ILAB has developed a USG-wide system for sharing sensitive information that is improving interagency engagement with key trading partners.

Worker Rights Technical Assistance

ILAB makes grants for technical assistance to promote fair working conditions in FTA and trade preference partner countries. Priority countries for FTA-related technical cooperation might include Colombia, Morocco and Guatemala, existing FTA partners; Peru, an existing FTA partner and a TPP country; and Vietnam and Malaysia, TPP countries. ILAB will continue to deepen and expand its focus on other countries that receive trade preferences, such as Haiti and Bangladesh.

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ILAB programs are helping to build effective labor inspectorates, improve industrial relations, strengthen worker organizations, and support innovative supply-chain approaches to improve working conditions. For example, ILAB is a leading funder of the Better Work (BW) program, a joint initiative run by the International Labor Organization (ILO) and the International Finance Corporation to improve working conditions in the apparel sector of strategic countries. Current and future funding of BW will help ILAB to better comply with its statutory mandates in Haiti under the Haitian Hemispheric Opportunity through the Partnership Encouragement Act of 2008 (HOPE II), including monitoring compliance with core labor standards by Haitian apparel producers and facilitating remediation of identified violations. This funding would also be directed to some of the lowest cost apparel exporters with clear trade linkages, including Nicaragua, an FTA partner; Vietnam, Indonesia, Cambodia, Lesotho, and possibly Bangladesh. Empirical studies have shown BW to be an effective model for improving labor rights and working conditions in the apparel sector. By targeting the lower-cost apparel exporters, BW inhibits downward pressure on wages and working conditions throughout the global industry.

Child Labor and Forced Labor

ILAB will continue to undertake a strategic and global approach, in consultation – and often in partnership - with the ILO, to optimize efforts to address the root causes of child and forced labor. ILAB aims to improve the quality of life and increase household incomes of such laborers so that they do not fall victim to exploitation. ILAB will make 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 children, fostering family livelihoods and empowering adult workers, strengthening policies on child labor and education, and building and mainstreaming the capacity of national institutions to address these issues.

In order to meet Congressional reporting mandates and to improve the effectiveness of its grant-funded programs, ILAB will continue to support efforts to collect reliable data on the worst forms of child labor, raise awareness of child and forced labor, and mobilize a wide array of actors to address the problem. ILAB will continue to improve its reporting on the worst forms of child labor, as called for under the Trade and Development Acts of 2000 and 2002 on governments who are recipients of trade preferences under the Generalized System of Preferences. In line with its mandate under the Trafficking Victims Protection Reauthorization Acts (TVPRA) of 2005 and 2008, ILAB monitored efforts by governments and other actors to combat harmful child labor, forced labor, and human trafficking practices in foreign countries, and created and maintained a country-specific list of goods produced with forced labor or exploitative child labor. In FY 2014, ILAB will be in a position to apply the knowledge gained from recently initiated impact evaluations. If these evaluations prove that certain education or livelihood interventions 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

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ILAB will engage extensively and substantively with other countries' labor ministries and with international and regional organizations to defend, uphold, and promote international labor standards, livelihoods, and social protection. ILAB will continue to coordinate U.S. Government participation in the ILO and help support U.S. participation in the G20 Labor and Employment Ministers process. It will also continue to represent the U.S. government as part of 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 and the European Commission.

ILAB will continue working with the Department of State to promote labor diplomacy and ensure effective and timely reporting on labor issues, monitor developments in countries of particular importance to the United States, and 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 standards and employment issues and to facilitate exchanges at both the technical and policy levels.

ILAB's bilateral dialogues and technical cooperation with key economies such as China, India, Vietnam and Brazil, and with free trade partners such as Oman and Jordan, will be enhanced and given greater priority. This effort will also bring to bear significant in-house technical expertise on labor law, enforcement, and administration and thus contribute to the approach to improving worker rights described above.

ILAB will also maintain and seek to expand its work in large labor markets with an impact on the global labor market, such as China and India.

FY 2013

Figures shown for FY 2013 reflect the annualized Continuing Resolution (P.L. 112-175) as a full-year appropriation, which had not been replaced or amended at the time the budget was produced. In addition, these numbers do not reflect the impact of sequestration. The operating plans for Department of Labor programs for FY 2013 including sequestration are being provided to the Committee in a separate communication.

FY 2012

In FY 2012, ILAB continued 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 maintained Better Work programs in key countries such as Nicaragua, Haiti, Cambodia and Lesotho, and continued development with the ILO of a

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program for Bangladesh. ILAB also supported the Better Work program in Vietnam. 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 also ensured that other programs to promote worker rights were provided with the resources necessary to accomplish establish worker rights centers, strengthen labor inspectorates, and build the capacity of worker organizations in Colombia Haiti, Peru, Vietnam and Sri Lanka.

Monitoring and Enforcement of Trade Agreements: ILAB substantially increased activities in the area of monitoring in FY 2012. ILAB devoted substantial resources to public submissions alleging non-compliance by trade partners with labor provisions of free trade agreements, including Bahrain, Mexico, the Dominican Republic, Honduras and Peru, and conducted investigations and analysis of countries with trade preference benefits, including Sri Lanka, Bangladesh, the Philippines and South Sudan.

Child Labor and Forced Labor: In FY 2012, ILAB fully maintained its level of effort to address the root causes of child and forced labor. ILAB continued developing new approaches to improve the livelihood and household incomes of child and forced laborers so that they do not fall victim to exploitation. ILAB continued 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, fostering family livelihoods and empowering adult workers, strengthening policies on child labor and education, and building and mainstreaming the capacity of national institutions to address these issues. ILAB also continued 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: In addition to Congressionally-mandated and Presidentially-ordered research and publication on Child Labor and Forced Labor, ILAB continued 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 continued 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 monitored 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 also released 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 continued 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 continued to produce an annual report on the trade and employment effects of the Andean Trade Preference Act.

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International Cooperation and Improved Labor Diplomacy: ILAB engaged extensively and substantively with other countries' labor ministries and with international and regional organizations. ILAB continued to coordinate U.S. Government participation in the ILO and among labor and employment ministers of the G20 group of countries. It also continued 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 continued 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. ILAB also launched an annual bilateral dialogue on labor and employment with Brazil, as well as a new dialogue on worker health and safety with China.

Collaboration on International Labor Policy: ILAB continued to represent the Department of Labor in U.S. Government interagency trade and economic policy making as well as in labor advisory groups. These include the Trade Policy Staff Committee/Trade Policy Review Group (TPSC/TPRG), which are responsible for developing and administering U.S. trade policy and trade programs; the Labor Advisory Committee for Trade Negotiations and Trade Policy; the Committee for the Implementation of Textile Agreements (CITA); the Overseas Private Investment Corporation (OPIC); the President's Committee on the International Labor Organization; the Consultative Group on the Elimination of Child Labor and Forced Labor in Agricultural Products; and other standing and ad hoc committees and forums in which labor issues are addressed. ILAB also continued 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 worked 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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DETAILED WORKLOAD AND PERFORMANCE					
		FY 2012 Revised Enacted		FY 2013 Full Year C.R.	FY 2014 Request
		Target	Result	Target	Target
International Labor Services					
Strategic Goal 1 - Prepare workers for good jobs and ensure fair compensation.					
Outcome Goal 1.6 - Foster acceptable work conditions and respect for worker's rights in the global economy to provide workers with a fair share of productivity and a voice.					
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)	90	111	90	106
1.6.03	Number of countries in which ILAB engages in policy dialogue or negotiation.	28	38	30	35
1.6.04	Number of multilateral policy processes where stakeholders outside of the USG are engaged by ILAB	37	65	71	74
1.6.05	Number of countries in which the fundamental labor rights are systematically monitored and analyzed	34	43	50	50
1.6.12	Number of research papers published	15	30	13	13
1.6.06	Number of countries in which child labor or forced labor are systematically monitored and analyzed	140	155	155	155
Strategic Goal ALL - All Strategic Goals					
Outcome Goal ALL.1 - All Outcome Goals					
1.6.02	Number of countries with which ILAB engages in technical cooperation through technical assistance, technical exchanges or other forms of collaboration.	72	70	71	75

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DETAILED WORKLOAD AND PERFORMANCE					
		FY 2012 Revised Enacted		FY 2013 Full Year C.R.	FY 2014 Request
		Target	Result	Target	Target
1.6.08	Number of financial reports reviewed and processed	262	280	281	263
1.6.09	Number of technical progress reports reviewed and processed	167	160	204	182
1.6.10	Number of program evaluations and audits conducted	30	28	28	24
1.6.11	Percentage of grants and contracts closed by program office and submitted to OASAM	100.00%	100.00%	100.00%	100.00%

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

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Detailed Workload Performance Narrative

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. Continual refinement of the data calculation process during FY 2011 resulted in refinement of targets for policy process engagements for 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 were undertaken in FY 2012 and are planned for FY 2013, resulting in fewer technical assistance projects, but significantly greater quality, scope, and impact (in numbers of workers and children who benefit) of ILAB's technical assistance program. In FY 2014, with an additional \$2,500,000 and 10 FTE, ILAB will systematically monitor and analyze an additional 16 countries. This will lead to a total of 50 countries monitored in FY 2014.

In FY 2014, ILAB is requesting additional resources of \$2,500,000 (\$1,500,000 for 10 FTEs and \$1,000,000 for contracts and other incremental costs of monitoring including IT costs for open government initiatives) in order to monitor, enforce and remediate labor issues with major free trade partners, new trade negotiating partners, and selected high priority trade preference partners. The additional 10 FTE requested would enable ILAB to target key countries for monitoring and enforcement of labor issues.

ILAB's key target countries for monitoring and enforcement in FY2014 will include as many as feasible of the following: the 15 developing countries with which the U.S. has existing free trade agreements (the Dominican Republic and the countries of Central American, Colombia, Peru, Panama, Chile, Mexico, Bahrain, Oman, Morocco, and Jordan); other important trade partner countries such as South Korea, selected new negotiating partners such as Vietnam, Malaysia and the member states of the European Union; and high priority trade preference countries where labor rights and conditions are a significant concern and the U.S. possesses significant policy tools for engagement, such as Haiti, Bangladesh and the Philippines, and countries of high U.S. foreign policy interest where labor issues are significant and opportunities for engagement present themselves, such as Egypt, India, Brazil, China Burma and Russia. Other countries where a combination of U.S. policy tools for engagement and acute sources of concern arise will also be monitored intensively, such as Uzbekistan, Sri Lanka, Niger, Pakistan and the Democratic Republic of the Congo. Systematic research and analysis on the status of labor rights in trade partner countries allow ILAB to coherently target policy engagement – including trade enforcement actions and technical cooperation activities – to specific countries and issue areas where the maximum impact may be achieved.

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

ILAB's FY 2014 budget request will allow the agency to undertake proactive monitoring, self-initiation of consultations, an active policy role in the interagency process that determines enforcement action where required, and provision of direct and third-party assistance identified through free trade agreements and trade preference programs. This would provide the necessary foundation to carry out the President's public commitment to effectively enforce the labor rights provisions of trade agreements.

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BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2012 Revised Enacted	FY 2013 Full Year C.R.	FY 2014 Request	Diff. FY14 Request / FY 12 Rev. Enacted
11.1	Full-time permanent	10,947	10,947	12,462	1,515
11.3	Other than full-time permanent	15	15	15	0
11.5	Other personnel compensation	250	250	250	0
11.9	Total personnel compensation	11,212	11,212	12,727	1,515
12.1	Civilian personnel benefits	2,877	2,825	3,240	363
21.0	Travel and transportation of persons	1,078	1,300	1,253	175
22.0	Transportation of things	10	10	10	0
23.1	Rental payments to GSA	965	1,011	1,036	71
23.3	Communications, utilities, and miscellaneous charges	124	124	124	0
24.0	Printing and reproduction	168	168	149	-19
25.1	Advisory and assistance services	3,680	3,889	4,026	346
25.2	Other services from non-Federal sources	1,319	819	1,319	0
25.3	Other goods and services from Federal sources 1/	3,445	4,085	4,060	615
25.4	Operation and maintenance of facilities	0	0	0	0
25.5	Research and development contracts	875	875	875	0
25.7	Operation and maintenance of equipment	29	29	29	0
26.0	Supplies and materials	71	71	71	0
31.0	Equipment	82	82	132	50
41.0	Grants, subsidies, and contributions	66,374	66,374	66,374	0
	Total	92,309	92,874	95,425	3,116
	1/Other goods and services from Federal sources				
	Working Capital Fund	3,102	3,738	3,717	615
	DHS Services	23	27	23	0
	Services by Other Government Departments	215	215	215	0

INTERNATIONAL LABOR SERVICES

CHANGES IN FY 2014

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$115
Personnel benefits	73
One day more of pay	0
Federal Employees' Compensation Act (FECA)	-40
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	27
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	441
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	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 **\$616**

Net Program **\$2,500**

Direct FTE **10**

	Estimate	FTE
Base	\$92,925	101
Program Increase	\$2,500	10

NOTE: Base reflects actual FY 2012 FTE.

ADMINISTRATION AND MANAGEMENT

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2012 Revised Enacted	FY 2013 Full Year C.R.	FY 2014 Request	Diff. FY 14 Request / FY 12 Rev. Enacted
Activity Appropriation	29,982	30,165	30,435	453
FTE	115	115	115	0

NOTE: FY 2012 reflects actual FTE. Authorized FTE for FY 2012 was 126.

Introduction

The Office of the Assistant Secretary for Administration and Management (OASAM) provides the infrastructure and support that enables the Department of Labor to fulfill its mission. OASAM plays a critical role in advancing the Department’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.

Each of the five Administration and Management business units are designed as centers of excellence with unique mission responsibilities. OASAM emphasizes integrated performance along with seamless and transparent information sharing across business units. 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
- Performance Management Center
- Human Resources Center
- Office of the Chief Information Officer
- Business Operations Center

Each of the centers listed above also receive funding for certain activities funded through the Working Capital Fund (WCF). In addition, OASAM Field Services, Emergency Management Center and the Security Center 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 and analysis; 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>
2009	\$32,506	138
2010	\$33,707	151
2011	\$30,314	121
2012	\$30,282	126
2013	\$30,165	115

FY 2014

The FY 2014 budget request for the Office of the Assistant Secretary for Administration and Management (OASAM) is \$30,435,000 and 115 FTE. OASAM will continue to provide outstanding customer service and support client agencies as they identify ways to better achieve the outcome goals identified in the Department's strategic plan. OASAM remains committed to facilitating the integration of budget and performance planning across the Department of Labor, an increasingly vital part of its work. The ongoing collection and interpretation of budget and performance data will allow the Departmental Budget Center and the Performance Management Center to cooperate in the development of tools that help agencies improve outcomes despite tightening resources.

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 manage the DOL procurement and grants management programs. BOC will continue leadership, planning, and management of the automation of DOL's business activities.

FY 2013

Figures shown for FY 2013 reflect the annualized Continuing Resolution (P.L. 112-175) as a full-year appropriation, which had not been replaced or amended at the time the budget was produced. In addition, these numbers do not reflect the impact of sequestration. The operating plans for Department of Labor programs for FY 2013 including sequestration are being provided to the Committee in a separate communication.

FY 2012

In FY 2012, OASAM's budget of \$29,982,000 and 125 FTE allowed OASAM to enhance the Department's existing technology infrastructure, develop new technological capabilities which improved overall agency mission performance. OASAM continued to move toward a modernized, standardized, IT structure for the Department, which improved overall agency performance.

ADMINISTRATION AND MANAGEMENT

OASAM continued to consolidate and/or realign functions in FY 2012, resulting in improved 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.

ADMINISTRATION AND MANAGEMENT

DETAILED WORKLOAD AND PERFORMANCE					
		FY 2012 Revised Enacted		FY 2013 Full Year C.R.	FY 2014 Request
		Target	Result	Target	Target
Administration and Management					
Strategic Goal ALL - All Strategic Goals					
Outcome Goal ALL.1 - All Outcome Goals					
OASAM- DM-CRC- 31	External Enforcement: Final Agency Actions Issued	105	8	[base]	--
OASAM- DM-CRC- P-6	Internal Enforcement: Number of training sessions provided	24[p]	5	12	--
OASAM- DM-CRC- P-4	Internal Enforcement: Number of internal cases closed (demand)	--	--	100	--
OASAM- DM-CRC-4	Internal Enforcement: Mediation Success Rate	47.00% [p]	46.75%	36.00% [p]	--
OASAM- DM-CRC-6	Internal Enforcement: Percent of investigations issued within regulatory timeframes	92.00%	99.00%	92.00%	--
OASAM- DM-CRC-7	Internal Enforcement: Percent of Final Agency Decisions (FADs) issued within regulatory timeframes	97.00%	99.00%	90.00%	--
Administration and Management					
Strategic Goal ALL - All Strategic Goals					

ADMINISTRATION AND MANAGEMENT

DETAILED WORKLOAD AND PERFORMANCE				
	FY 2012 Revised Enacted		FY 2013 Full Year C.R.	FY 2014 Request
	Target	Result	Target	Target
Outcome Goal ALL.1 - All Outcome Goals				
OASAM- DM- DBC-3	Percent of apportionments processed within 3 days of receipt from agencies			
	90.00%	--	90.00%	90.00%
OASAM- DM- DBC-4	Percent of allotments processed within 3 days of receipt from agencies			
	90.00%	--	90.00%	90.00%
Administration and Management				
Strategic Goal ALL - All Strategic Goals				
Outcome Goal ALL.1 - All Outcome Goals				
OASAM- DM- OCIO-P-1	Enterprise Services: Percent of network and application services uptime			
	99.00%	--	99.00%	99.00%
OASAM- DM- OCIO-9	IT Governance: Percent of ITARB requests not referred for remediation resolved within 10 business days			
	[base]	--	TBD	0.00%
Administration and Management				
Strategic Goal ALL - All Strategic Goals				
Outcome Goal ALL.1 - All Outcome Goals				

ADMINISTRATION AND MANAGEMENT

DETAILED WORKLOAD AND PERFORMANCE				
	FY 2012 Revised Enacted		FY 2013 Full Year C.R.	FY 2014 Request
	Target	Result	Target	Target
OASAM- DM- HRC-7	Percent of Workforce Transition Flexibilities (i.e., VERA/VSIP) approved by OPM			
	--	--	85.00%	--
OASAM- DM- HRC-8	Percent satisfaction reported by managers on the Chief Human Capital Officer (CHCO) management survey regarding applicant quality on the certificate			
	85.00%	--	85.00%	85.00%

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

ADMINISTRATION AND MANAGEMENT

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

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2012 Revised Enacted	FY 2013 Full Year C.R.	FY 2014 Request	Diff. FY14 Request / FY 12 Rev. Enacted
11.1	Full-time permanent	14,351	14,529	14,603	252
11.3	Other than full-time permanent	0	0	0	0
11.5	Other personnel compensation	0	0	0	0
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	14,351	14,529	14,603	252
12.1	Civilian personnel benefits	3,728	3,733	3,894	166
21.0	Travel and transportation of persons	172	172	172	0
22.0	Transportation of things	0	0	0	0
23.1	Rental payments to GSA	1,900	1,900	1,958	58
23.3	Communications, utilities, and miscellaneous charges	120	120	120	0
24.0	Printing and reproduction	4	4	4	0
25.1	Advisory and assistance services	31	31	31	0
25.2	Other services from non-Federal sources	226	787	226	0
25.3	Other goods and services from Federal sources 1/	4,610	4,049	4,587	-23
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	4,327	4,327	4,327	0
26.0	Supplies and materials	429	429	429	0
31.0	Equipment	84	84	84	0
	Total	29,982	30,165	30,435	453
1/Other goods and services from Federal sources					
	Services by Other Government Departments	110	110	692	582
	Working Capital Fund	4,500	3,939	3,895	-605

ADMINISTRATION AND MANAGEMENT

CHANGES IN FY 2014

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$252
Personnel benefits	62
One day more of pay	1
Federal Employees' Compensation Act (FECA)	103
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 from non-Federal sources	0
Working Capital Fund	-605
Other Federal sources (Census Bureau)	0
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	582
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 **\$453**

Net Program **\$0**

Direct FTE **0**

	Estimate	FTE
Base	\$30,435	115

NOTE: Base reflects actual FY 2012 FTE.

ADJUDICATION

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2012 Revised Enacted	FY 2013 Full Year C.R.	FY 2014 Request	Diff. FY 14 Request / FY 12 Rev. Enacted
Activity Appropriation	46,895	47,076	47,854	959
FTE	243	243	243	0

NOTE: FY 2012 reflects actual FTE. Authorized FTE for FY 2012 was 248.

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 under which OALJ has established its own rules of practice and procedures.

The Adjudicatory Boards (also referred to collectively as the Boards) make decisions on several thousand appeals every year that set nationwide standards and legal precedent. The Boards consist of the ARB, the BRB, and ECAB – three 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 worker protection mission.

Office of Administrative Law Judges (OALJ)

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) Immigration 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.

ADJUDICATION

Designated judges also serve as members of the Board of Alien Labor Certification Appeals (BALCA) which adjudicate the PERM Immigration 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 applications have not decreased as was anticipated upon the transition to the PERM program and have significantly increased since FY 2010, with the anticipated increase in receipt of new PERM cases.

The FY 2014 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 by providing economic benefits to employers, workers and their families by adjudicating workers' compensation cases in the Black Lung and Longshore programs; promoting safe and fair workplace environments for American workers 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 providing workers from other countries immigrating into the US an equitable opportunity to join the American workforce by adjudicating Immigration cases.

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 set not only legal precedent but nationwide standards.

The Administrative Review Board (ARB). The ARB issues final agency decisions in appeals arising from issues covered in approximately 50 worker-protection statutes and executive orders as outlined in Secretary's Order 1-2010, dated January 15, 2010. 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 arising under OFCCP's executive orders and statutes, and worker protection statutes such as the Child Labor and Migrant and Seasonal Worker Protection Acts. A growing number of appeals are also considered under the Davis-Bacon and Service Contract Acts and the H1B non-immigrant visa

ADJUDICATION

provisions of the Immigration and Naturalization Act. In the past 10 years, the federal courts have upheld ARB decisions in more than 96 percent 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.

In FY 2011, as part of the Department's information technology (IT) modernization effort, the BRB took the lead in implementing a consolidated, appeals management system. This new system provides reliable IT support to the Boards, improving production through better tracking and streamlined systems. The improved processes have resulted in other agencies expressing an interest in the system as a possible solution to their issues.

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 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 Department's goal of "*good jobs for everyone*" and contribute to the 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 IT modernization and to improve transparency, public disclosure, and customer service.

The ARB contributes to 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.

The BRB and ECAB contribute to 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.).

[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.

ADJUDICATION

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2009	\$28,560	250
2010	\$29,286	250
2011	\$29,451	245
2012	\$29,172	248
2013	\$29,676	243

FY 2014

A total of \$47,854,000 and 243 FTE is requested for Adjudication. This includes built-in increases of \$722,000 and a program increase of \$237,000 for the annual maintenance and support of the DOL Appeals Management initiative for the Adjudicatory Boards.

Administrative Law Judges: The FY 2014 agency request for the Office of Administrative Law Judges is \$26,758,000 and 132 FTE. OALJ will continue to adjudicate cases in support of the Department's goal of "*good jobs for everyone*," providing economic benefits to employers, workers and their families 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.

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.

Adjudicatory Boards:

The FY 2014 Request for the Adjudicatory Boards is \$21,095,931 and 111 FTE, an increase of \$237,000 above the FY 2013 request. As mentioned above, this increase represents the annual maintenance and support funding of the DOL Appeals Management initiative for the Adjudicatory Boards. Funding at this level will allow the Boards to maintain case dispositions at

ADJUDICATION

the FY 2013 levels and will ensure that the Boards are able to continue their strong support of the Department's goal of "*good jobs for everyone.*"

In FY 2014, 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.

At the Request Level with the program increase, decided cases are expected to keep pace with the new cases coming in. Funding in prior years of the DOL Appeals Management initiative was uncertain, and there was a risk of the loss of the system entirely each year. The loss of DOL Appeals would have a dramatic impact on the production of all Boards. Securing this funding allows production to continue to be strong at the Request Level.

Administrative Review Board: The number and range of cases appealed to ARB in FY 2014 are expected to remain steady with respect to the FY 2013 levels at the Request Level. Most of the appeals to ARB arise from decisions of the OALJ, and more than 80 percent of these originate under whistleblower statutes. The 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 2013, ARB projects the average age of pending cases to move closer to one year in FY 2014. These projections are affected, however, by the mix, volume and complexity of the cases received during the year and ARB resource levels.

At the Request Level, decided cases will be 130 while new cases are projected to be 120, resulting in pending appeals of 97.

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 2013 levels as the OALJ decisions rendered increases. The Longshore workload includes an increased number of appeals under the Defense Base Act (DBA) expected in FY 2013 and into FY 2014. The number of decisions rendered will also remain steady with FY 2013 levels given no change to the current staffing levels. Longshore/DBA will receive 202 new cases and decide 197 cases resulting in pending cases of 114. Black Lung will receive 516 new cases and decide 512 cases resulting in 463 Black Lung pending appeals.

Employees' Compensation Appeals Board: Appeals to ECAB come directly from OWCP. ECAB is expected to continue to have closed cases surpass new cases in FY 2014. At the Request Level, decided cases will be 2,476, resulting in pending appeals of 681. Since ECAB is expected to operate with the same level of resources it had in FY 2012, ECAB will continue to seek and make adjustments in its appeals case processing that will expedite final decisions.

ADJUDICATION

FY 2013

Figures shown for FY 2013 reflect the annualized Continuing Resolution (P.L. 112-175) as a full-year appropriation, which had not been replaced or amended at the time the budget was produced. In addition, these numbers do not reflect the impact of sequestration. The operating plans for Department of Labor programs for FY 2013 including sequestration are being provided to the Committee in a separate communication.

FY 2012

Administrative Law Judges: In FY 2012, OALJ continued to adjudicate cases in an effort to help achieve the Department's goal of "*good jobs for everyone.*" The agency projected to receive 7,920 cases and actually received 8,889. The increase in the number of cases received was in the Permanent Alien Labor Certification (PERM) Immigration cases. OALJ projected to receive 2,900 PERM Immigration cases and the agency actually received 3,768 cases. For FY 2012, OALJ disposed of 7,286 cases as compared to a target of 6,705 cases. This 9% increase in dispositions is also tied to the PERM Immigration program which increased dispositions by adding additional panels of judges working the caseload.

Adjudicatory Boards:

Administrative Review Board: ARB closed 122 appeals in FY 2012, received 112 new appeals and ended the year with 117 appeals pending. ARB was affirmed on 8 of 9 decisions referred to the U.S. Courts of Appeals, an affirmance rate of 89.0 percent.

Benefits Review Board: The BRB closed 827 appeals, disposed of 88 motions for reconsideration and 236 attorney fee petitions. The United States Courts of Appeals affirmed BRB decisions in more than 90% of the cases appealed.

Black Lung Program (BRB-BL): Closed 623 appeals, received 520 new appeals and ended the year with 455 appeals pending. Decisions received from the U.S. Courts of Appeals affirmed 35 of 38 (92.0 percent).

Longshore & Related Programs (BRB-LS): Closed 204 appeals, received 166 new appeals and ended the year with 114 appeals pending. Decisions received from the U.S. Courts of Appeals affirmed 28 of 30 appeals (93.3 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 2012, OCAB docketed 2,755 new appeals, handled the close-out of 3,316 appeals, prepared and transmitted 84 case records to the U.S. Courts of Appeals, and processed several thousand interim motions and requests.

Employees' Compensation Appeals Board: ECAB closed 2,367 appeals in FY 2012. There were 1,957 new appeals docketed and 1,263 appeals pending at the end of the fiscal year.

ADJUDICATION

DETAILED WORKLOAD AND PERFORMANCE					
	FY 2012 Revised Enacted		FY 2013 Full Year C.R.	FY 2014 Request	
	Target	Result	Target	Target	
Adjudication					
Adjudication					
Strategic Goal 1 - Prepare workers for good jobs and ensure fair compensation.					
Outcome Goal 1.4 - Help middle-class families remain in the middle class.					
ALJ- IM-01	OALJ IMMIGRATION New Cases:	2,900[p]	3,768	4,000[p]	4,000[p]
ALJ- IM-02	OALJ IMMIGRATION Dispositions:	1,610	2,602	2,400	2,400
ALJ- IM-03	OALJ IMMIGRATION Pending Cases:	3,895[p]	3,771	5,371[p]	6,971[p]
ALJ- IM-04	OALJ IMMIGRATION Pending Months:	29	17	27	35
ALJ- TI-01	OALJ TRADITIONAL IMMIGRATION New Cases:	500[p]	246	220[p]	220[p]
ALJ- TI-02	OALJ TRADITIONAL IMMIGRATION Dispositions:	550	238	220	220
ALJ- TI-03	OALJ TRADITIONAL IMMIGRATION Pending Cases:	12[p]	70	70[p]	70[p]
ALJ- TI-04	OALJ TRADITIONAL IMMIGRATION Pending Months:	1	4	4	4

ADJUDICATION

DETAILED WORKLOAD AND PERFORMANCE				
	FY 2012 Revised Enacted		FY 2013 Full Year C.R.	FY 2014 Request
	Target	Result	Target	Target
Outcome Goal 1.5 - Secure wages and overtime.				
ALJ-T-01 OALJ TRADITIONAL New Cases:	400[p]	487	400[p]	400[p]
ALJ-T-02 OALJ TRADITIONAL Dispositions:	375	393	375	375
ALJ-T-03 OALJ TRADITIONAL Pending Cases:	526[p]	595	620[p]	645[p]
ALJ-T-04 OALJ TRADITIONAL Pending Months:	17	18	20	21
Strategic Goal 4 - Secure health benefits and, for those not working, provide income security.				
Outcome Goal 4.1 - Facilitate return to work for workers experiencing workplace injuries or illnesses who are able to work.				
ALJ-LDA-02 OALJ DEFENSE BASE ACT Dispositions:	670	673	670	670
ALJ-LDA-03 OALJ DEFENSE BASE ACT Pending Cases:	632[p]	690	740[p]	790[p]
ALJ-LDA-04 OALJ DEFENSE BASE ACT Pending Months:	11	12	13	14

ADJUDICATION

DETAILED WORKLOAD AND PERFORMANCE					
		FY 2012 Revised Enacted		FY 2013 Full Year C.R.	FY 2014 Request
		Target	Result	Target	Target
ALJ- LS-01	OALJ LONGSHORE New Cases:	2,200[p]	2,186	2,200[p]	2,200[p]
ALJ- LS-02	OALJ LONGSHORE Dispositions:	2,310	2,301	2,310	2,310
ALJ- LS-03	OALJ LONGSHORE Pending Cases:	1,810[p]	1,805	1,695[p]	1,585[p]
ALJ- LS-04	OALJ LONGSHORE Pending Months:	9	9	9	8
ALJ- LDA- 01	OALJ DEFENSE BASE ACT New Cases:	720[p]	781	720[p]	720[p]
Outcome Goal 4.2 - Ensure income support when work is impossible or unavailable.					
ALJ- BL-01	OALJ BLACK LUNG New Cases:	1,200[p]	1,421	1,200[p]	1,200[p]
ALJ- BL-02	OALJ BLACK LUNG Dispositions:	1,190	1,079	1,190	1,190
ALJ- BL-03	OALJ BLACK LUNG Pending Cases:	2,227[p]	2,559	2,569[p]	2,579[p]
ALJ- BL-04	OALJ BLACK LUNG Pending Months:	22	28	26	26
Adjudication					

ADJUDICATION

DETAILED WORKLOAD AND PERFORMANCE				
	FY 2012 Revised Enacted		FY 2013 Full Year C.R.	FY 2014 Request
	Target	Result	Target	Target
Strategic Goal 4 - Secure health benefits and, for those not working, provide income security.				
Outcome Goal 4.1 - Facilitate return to work for workers experiencing workplace injuries or illnesses who are able to work.				
ECAB- New Appeals 01	2,200[p]	1,957	2,200[p]	2,200[p]
ECAB- Closed Appeals 02	2,476	2,367	2,203	2,476
ECAB- Pending Appeals 03	1,397	1,263	1,394	845
ECAB- Case Average Processing Time 05	6.00	7.50	8.00	6.00
Adjudication				
Strategic Goal 4 - Secure health benefits and, for those not working, provide income security.				
Outcome Goal 4.1 - Facilitate return to work for workers experiencing workplace injuries or illnesses who are able to work.				
BRB- New Appeals LS-01	202[p]	166	202[p]	202[p]
BRB- Closed Appeals LS-02	197	204	154	197
BRB- Pending Appeals LS-03	139	114	162	124

ADJUDICATION

DETAILED WORKLOAD AND PERFORMANCE				
	FY 2012 Revised Enacted		FY 2013 Full Year C.R.	FY 2014 Request
	Target	Result	Target	Target
BRB-LS-05 Case Average Processing Time	12	11	15	12
Adjudication				
Strategic Goal 4 - Secure health benefits and, for those not working, provide income security.				
Outcome Goal 4.1 - Facilitate return to work for workers experiencing workplace injuries or illnesses who are able to work.				
ARB-01 New Appeals	150[p]	112	120[p]	120[p]
ARB-02 Closed Appeals	150	122	104	130
ARB-03 Pending Appeals	125	117	133	97
ARB-05 Case Average Processing Time	16	16	20	16
Adjudication				
Strategic Goal 4 - Secure health benefits and, for those not working, provide income security.				
Outcome Goal 4.1 - Facilitate return to work for workers experiencing workplace injuries or illnesses who are able to work.				
BRB-BL-01 New Appeals	516[p]	520	516[p]	516[p]

ADJUDICATION

DETAILED WORKLOAD AND PERFORMANCE					
	FY 2012 Revised Enacted		FY 2013 Full Year C.R.	FY 2014 Request	
	Target	Result	Target	Target	
BRB- BL-02	Closed Appeals	512	623	401	512
BRB- BL-03	Pending Appeals	545	455	570	463
BRB- BL-05	Average Case Processing Time	12	12	15	12

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

ADJUDICATION

Detailed Workload Performance Narrative

Administrative Law Judges:

The FY 2014 Request will allow the Office of Administrative Law Judges (OALJ) to maintain its current workload levels. The agency will address backlogs by prioritizing the reduction of overage cases which have been awaiting a decision for more than 270 days so that all decisions are timely issued by the Office of Administrative Law Judges. This can be accomplished without additional funding.

The pending backlogs for the six program areas will either increase or decrease slightly by one month except for the PERM Immigration cases which will increase from a projected 27 months at the end of FY 2013 to 35 months at the end of FY 2014. The disposition levels will remain at 7,165 total cases with the cases being received at 8,740.

Thus, in FY 2014, OALJ will need to continue to address a changing mix of adjudicatory responsibilities, with a rising number of enforcement actions, immigration-related appeals, new types of whistleblower cases, and Defense Base Act hearings, plus Longshore, Immigration and Black Lung cases. OALJ will adjust to these changes by assigning cases throughout the country based on geographic location without regard to case type.

Adjudicatory Boards:

Workload estimates for all three Adjudicatory Boards are based 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 original claim is generally several years old. Any delay at the appellate level is likely to be viewed as a hardship by the parties. The Boards' common goal is to close appeals within less than 12 months of receipt. FY 2014 funding will ensure that the Boards are able to meet this goal.

New appeals to ARB are expected to remain steady in FY 2013 at 120 and remain at this level in FY 2014. There are expected to be 130 closed appeals, leaving 97 pending appeals at the end of FY 2014.

New appeals to the BRB decreased slightly in FY 2012 in both Black Lung and Longshore/DBA. Given current trends toward more DBA cases seen in OALJ, new appeals are projected to increase in FY 2013 to 202 and remain steady in FY

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2014 for Longshore/DBA. Black Lung cases are projected to drop slightly in FY 2013 and remain at this level in FY 2014.

Closed appeals are targeted to be 512 for Black Lung which is slightly less than the new case projection. Longshore/DBA is also expected to be slightly less than the new cases projection at 197. With closed cases targeted to be only slightly less than new cases, the number of pending appeals will remain at low levels, and processing time will be less than 12 months.

New appeals to ECAB declined during FY 2012, and closed cases also declined by a similar percentage resulting in pending cases below FY 2011 levels. New cases are expected to increase slightly, to historic highs of 2,200 in FY 2013 and FY 2014. At the FY 2014 funding level, closed appeals will exceed new appeals in FY 2013 and FY 2014, decreasing the time from initial filing to closing an appeal, continuing the trend set in FY 2012. The lower number of new appeals along with the strong production figures will allow ECAB to continue reducing its pending cases to historic lows. Average Case Processing Time continues to decrease and is expected to meet the six month target in FY 2014. This will improve the timeliness of the decisions and therefore lessen the strain on appellants.

Funding at FY 2014 level will ensure that all three Boards are able to continue to produce strong decisions in a timely manner and support the Department's goal of *"good jobs for everyone."*

ADJUDICATION

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2012 Revised Enacted	FY 2013 Full Year C.R.	FY 2014 Request	Diff. FY14 Request / FY 12 Rev. Enacted
11.1	Full-time permanent	25,733	25,408	25,999	266
11.3	Other than full-time permanent	40	40	40	0
11.5	Other personnel compensation	388	0	388	0
11.9	Total personnel compensation	26,161	25,448	26,427	266
12.1	Civilian personnel benefits	6,180	6,549	6,409	229
21.0	Travel and transportation of persons	357	298	357	0
22.0	Transportation of things	16	16	16	0
23.1	Rental payments to GSA	3,834	3,811	3,910	76
23.3	Communications, utilities, and miscellaneous charges	417	400	417	0
24.0	Printing and reproduction	4	15	4	0
25.1	Advisory and assistance services	0	0	0	0
25.2	Other services from non-Federal sources	643	1,055	643	0
25.3	Other goods and services from Federal sources 1/	7,732	7,929	7,966	234
25.4	Operation and maintenance of facilities	27	27	264	237
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	1,130	915	1,047	-83
26.0	Supplies and materials	266	305	266	0
31.0	Equipment	128	308	128	0
	Total	46,895	47,076	47,854	959
	1/Other goods and services from Federal sources				
	Working Capital Fund	7,402	7,719	7,633	231
	DHS Services	253	133	256	3
	Services by Other Government Departments	77	77	77	0

ADJUDICATION

CHANGES IN FY 2014

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$266
Personnel benefits	124
One day more of pay	0
Federal Employees' Compensation Act (FECA)	105
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	76
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	148
Other Federal sources (DHS Charges)	3
Other goods and services from Federal sources	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 **\$722**

Net Program **\$237**

Direct FTE **0**

	Estimate	FTE
Base	\$47,617	243
Program Increase	\$237	0

NOTE: Base reflects actual FY 2012 FTE.

WOMEN'S BUREAU

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2012 Revised Enacted	FY 2013 Full Year C.R.	FY 2014 Request	Diff. FY 14 Request / FY 12 Rev. Enacted
Activity Appropriation	11,559	11,630	9,214	-2,345
FTE	56	56	35	-21

NOTE: FY 2012 reflects actual FTE. Authorized FTE for FY 2012 was 56.

Introduction

The Women’s Bureau, (the Bureau) provides collaborative and proactive leadership on policies, programs and initiatives that impact working women. The Bureau supports the Department’s vision of “*good jobs for everyone*” by focusing on advancing the Department of Labor’s (DOL) strategic goal to assure fair and high quality work-life environments. Specifically, the Bureau supports DOL’s efforts by focusing on the economic and financial security of working women, particularly vulnerable women workers.

The Congressionally mandated mission of the 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 to serve and promote the interests of women in the workforce. To this end, the Bureau conducts research and policy analysis, provides technical assistance, establishes influential collaborations, and provides information about women in the labor force to key stakeholders. The Bureau also conducts strategic outreach to promote the implementation of policy, practice, and program changes that may lead to positive changes in women’s employment opportunities or conditions.

The 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 DOL. The Bureau also works collaboratively on federal interagency efforts, including the White House Council on Women and Girls, the National Equal Pay Task Force, and the Council on Veterans Employment.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2009	\$10,419	52
2010	\$11,604	58
2011	\$11,581	57
2012	\$11,559	56
2013	\$11,630	56

WOMEN'S BUREAU

FY 2014

The FY 2014 request of \$9,214,112 and 35 FTE reflects a reduction of \$2,345,000 and 21 FTE from the FY 2012 Enacted level. The 21 FTE and \$2,345,000 will be allocated to the Wage and Hour Division for 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 restructure its organization, including consolidation of the regional offices to more efficiently conduct technical assistance and strategic outreach across the country. Additionally, the Bureau will rebuild the capacity of its national office to conduct public policy analyses and to carry out a strategically focused research agenda that will inform its activities, policy recommendations and other DOL training programs and enforcement efforts.

The Bureau will continue to advance the Administration's goal of improving working conditions and increasing employment opportunities for women. The Bureau will concentrate on the DOL's Strategic Goal 3: To promote fair and high quality work-life environments by breaking down barriers to fair and diverse workplaces and narrowing wage and income inequality.

The Bureau will conduct and promote women in non-traditional jobs such as information and technology (IT) and in the transportation sector, where, according to Bureau of Labor Statistics' *Women in the Labor Force: A Databook (2012 edition)*, women represent 15% of the workforce. This initiative will include analyses of recruitment and retention strategies in a range of jobs with varying education and training requirements. Findings of this research will assist in developing industry practice and/or policy recommendations and serve as resources as the Bureau works to increase, the rate of women's participation in various sectors.

The Bureau will continue to be a leading voice for equal pay for women and its national and continue to collaborate with national and local member agencies of the President's National Equal Pay Task Force, including DOL's Office of Federal Contract Compliance Programs, the Department of Justice, Office of Personnel Management and the Equal Employment Opportunities Commission

The Bureau will develop a series of worker education publications, including worker-focused materials aimed at empowering women workers about their rights under the law and the government resources available if they believe their rights have been violated or undermined. Focus areas will include information on workplace discrimination, including pregnancy and wage discrimination, particularly in those industries and communities where workers are most vulnerable and least likely to have ready access to information about their rights under the law. In addition to providing education and outreach directly to women who access DOL for information, the Bureau will also identify entities that serve women locally and disseminate the materials to them through the agency's new Clearinghouse (described in more detail below), DOL regional and district offices, American Jobs Centers, DOL grantee organizations, women's advocacy groups and other community-based organizations.

The Bureau will roll out its Working Women's Clearinghouse, an online portal for working women that provides access to federal government research and resources.

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The Bureau will also work with DOL's Veterans' Employment and Training Service and the Employment and Training Administration to conduct an analysis of programs focused on working women, vulnerable women and women veterans. Studies will focus on the participation rate and outcomes for women in programs that deliver needed services such as employment and skills training and education, and job-related supports. The analysis will help DOL determine where our collective programmatic strengths are and if there are gaps in services or in the delivery of those services.

FY 2013

Figures shown for FY 2013 reflect the annualized Continuing Resolution (P.L. 112-175) as a full-year appropriation, which had not been replaced or amended at the time the budget was produced. In addition, these numbers do not reflect the impact of sequestration. The operating plans for Department of Labor programs for FY 2013 including sequestration are being provided to the Committee in a separate communication.

FY 2012

The Bureau published three outreach tools: *A Guide to Women's Equal Pay Rights, An Employer's Guide to Equal Pay*, and a series of fact sheets developed with the Bureau of Labor Statistics. In addition, the Bureau worked with more than 141 collaborators across the country to conduct outreach, provide public education, and disseminate its resources. The Bureau, in collaboration with the White House Office of Public Engagement and members of the National Equal Pay Task Force, hosted a Twitter chat on equal pay with the Secretary of Labor on April 17. The *Equal Pay Twitter Chat* reached an audience of over four million. The Women's Bureau and Office of Federal Contract Compliance Programs (OFCCP), along with the support of the White House Office of Science and Technology Policy and members of the Equal Pay Task Force, launched the Equal Pay App Challenge to challenge developers to create software applications using the federal data.

The Bureau developed an online curriculum to accompany its *Trauma-Informed Care for Women Veterans Experiencing Homelessness: A Guide for Service Providers*. Both tools were used to provide technical assistance to more than 355 collaborators including workforce development professionals, DOL sister agencies, social service providers, and faith-based and other neighborhood partnership organizations.

The Bureau developed an online curriculum to accompany its publication *Why Green Is your Color: A Woman's Guide to a Sustainable Career*. The Bureau provided technical assistance to 335 collaborating organizations. Both tools were used with workforce development professionals, community colleges, and women's organizations to provide information on the range of green jobs, education and job training opportunities.

The Bureau worked with more than 80 collaborators including, employers, colleges and universities, advocacy organizations, and DOL agencies to expand knowledge and promote workplace policies and programs.

WOMEN'S BUREAU

DETAILED WORKLOAD AND PERFORMANCE					
	FY 2012 Revised Enacted		FY 2013 Full Year C.R.	FY 2014 Request	
	Target	Result	Target	Target	
Women's Bureau					
Strategic Goal 1 - Prepare workers for good jobs and ensure fair compensation.					
Outcome Goal 1.1 - Increase workers' incomes and narrow wage and income inequality.					
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.					
Outcome Goal 1.3 - Help workers in low-wage jobs or out of the labor market find a path into middle class jobs.					
Strategic Goal 3 - Assure fair and high quality work-life environments.					
Outcome Goal 3.1 - Break down barriers to fair and diverse workplaces so that every worker's contribution is respected.					
1-WB- PRO-01	Number of policy and research outputs created (aggregate)	11	11	4	5
2-WB- TA-01	Number of technical assistance tools created (aggregate)	14	9	7	5
3-WB- O-01	Number of outreach activities (aggregate)	184	214	181	115
4-WB- TA-02	Number of technical assistance hours provided (aggregate)	2,664	2,626	2,400	1,612
5-WB- AC-02	Percent of active collaborators who implement recommended policies/strategies (aggregate)	--	--	[base]	TBD

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DETAILED WORKLOAD AND PERFORMANCE					
		FY 2012 Revised Enacted		FY 2013 Full Year C.R.	FY 2014 Request
		Target	Result	Target	Target
6-WB- AC-03	Percent of active collaborators who take an action to increase awareness and education on the Bureau's behalf (aggregate)	--	--	[base]	TBD
7-WB- CS-01	Percent of all written correspondence inquiries responded to and sent to the inquirer within 3 weeks of WB's official receipt of correspondence (aggregate)	--	--	80.00%	TBD
Outcome Goal 3.2 - Provide workplace flexibility for family and personal care-giving.					

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

WOMEN'S BUREAU

Detailed Workload Performance Narrative

In FY 2013, the Women's Bureau had lower targets in the number of policy and research outputs and technical assistance tools created due to a strategic decision to work closely with sister DOL agencies on its policy and research initiatives, executing more extensive research and evaluation projects that require more financial resources. The Bureau made this decision in an effort to increase its efficiency and to ensure that sister agencies have the capacity to address gender issues through their respective programs. Coordinating with other offices on more extensive research allows for the development of more complex outputs than in previous years; however, it requires additional time and resources. The Bureau will have less FTE to carry out its research policy initiatives which then reduces the number of outputs that can be created. The contracts for the FY 2014 output creation will be funded for larger dollar amounts than past contracts, and they are expected to generate multiple outputs in future years.

In FY 2013, the Women's Bureau will create the FY 2014 baseline for the outcomes that measure the percent of active collaborators who implement recommended policies/strategies and the percent of active collaborators who take an action to increase awareness and education on the Bureau's behalf. In FY 2014, the Bureau will continue to provide and track its technical assistance and outreach; however, a decrease in resources is reflected in a reduced number of outreach activities and technical assistance hours. Additionally, the Bureau will decrease slightly the number of technical tools created. Although the outreach, technical assistance hours and technical tools targets are reduced, the Bureau has slightly increased the number of policy and research outputs created.

WOMEN'S BUREAU

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2012 Revised Enacted	FY 2013 Full Year C.R.	FY 2014 Request	Diff. FY14 Request / FY 12 Rev. Enacted
11.1	Full-time permanent	5,400	5,534	3,599	-1,801
11.5	Other personnel compensation	150	50	50	-100
11.9	Total personnel compensation	5,550	5,584	3,649	-1,901
12.1	Civilian personnel benefits	1,343	1,351	871	-472
21.0	Travel and transportation of persons	175	176	175	0
22.0	Transportation of things	2	2	2	0
23.1	Rental payments to GSA	773	729	729	-44
23.2	Rental payments to others	0	0	0	0
23.3	Communications, utilities, and miscellaneous charges	49	49	49	0
24.0	Printing and reproduction	5	5	5	0
25.1	Advisory and assistance services	262	270	262	0
25.2	Other services from non-Federal sources	1,322	1,266	2,008	686
25.3	Other goods and services from Federal sources 1/	1,919	2,038	1,305	-614
25.4	Operation and maintenance of facilities	4	4	4	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	5	5	5	0
26.0	Supplies and materials	100	101	100	0
31.0	Equipment	50	50	50	0
41.0	Grants, subsidies, and contributions	0	0	0	0
	Total	11,559	11,630	9,214	-2,345
1/Other goods and services from Federal sources					
	Working Capital Fund	1,751	1,864	1,100	-651
	DHS Services	40	45	40	0
	Services by DOL Agencies	128	129	128	0
	HHS Services	0	0	37	37

WOMEN'S BUREAU

CHANGES IN FY 2014

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$75
Personnel benefits	22
One day more of pay	0
Federal Employees' Compensation Act (FECA)	-2
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	25
Rental payments to others	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	35
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	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 **\$155**

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

Direct FTE **-21**

	Estimate	FTE
Base	\$11,714	56
Program Decrease	-\$2,500	-21

NOTE: Base reflects actual FY 2012 FTE.

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BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2012 Revised Enacted	FY 2013 Full Year C.R.	FY 2014 Request	Diff. FY 14 Request / FY 12 Rev. Enacted
Activity Appropriation	7,260	7,304	8,268	1,008
FTE	34	34	37	3

NOTE: FY 2012 reflects actual FTE. Authorized FTE for FY 2012 was 34.

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 American Job Center (formerly One-Stop Career Center) service delivery system (including the Job Corps program).

CRC administers DOL’s equal employment opportunity (EEO) program for employees of, and applicants for employment with, DOL. CRC’s Office of Internal Enforcement (OIE) is responsible for administering an effective system for processing discrimination complaints filed by DOL employees and applicants for employment with DOL. OIE also manages the Department’s Reasonable Accommodation Resource Center and Central Accommodations Fund.

The Office of External Enforcement (OEE) processes complaints alleging discrimination and/or violations of equal opportunity requirements; and the Office of Compliance Assistance and Planning (OCAP) conducts compliance reviews of the following “external entities”:

- recipients of financial assistance under Title I of the Workforce Investment Act (WIA);
- One-Stop partners listed in WIA Section 121(b) that offer programs or activities through the One-Stop system; and
- any other recipients of financial assistance from DOL.

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.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2009	\$6,535	42
2010	\$6,812	41
2011	\$6,973	38

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2012	\$6,785	34
2013	\$7,304	34

FY 2014

For FY 2014, the Civil Rights Center (CRC) is requesting a total of \$8,268,000 and 37 FTE. This includes an increase of \$868,000 and three (3) FTE for the Office of External Enforcement (OEE). Funding at the Agency Request Level will enable necessary changes in the infrastructure of OEE, which investigates and adjudicates discrimination complaints regarding the Nation's workforce development system. OEE's staffing level has decreased by 45 percent in the past 14 years. While staffing has decreased, the number of cases has increased by 94 percent (from 2001-2011). A recent quality review of a random sampling of cases indicated that in FY 2011, OEE improperly dismissed 69 percent of the complaints it received that required investigative action – three times as many complaints as were actually investigated. To address both the significant deficiencies disclosed by this review and the overall increase in the number of complaints received over the past ten years, CRC must reengineer OEE's complaint process.

CRC leadership took actions in FY 2012 to address the deficiencies—policies and procedures for complaint intake were speedily modified and intensive staff training was provided. CRC leadership temporarily reassigned staff to address the backlog of complaints; filled two existing vacancies in OEE; and met with representatives of other federal civil rights offices and agencies, including those at the Department of Education, the Environmental Protection Agency, the Equal Employment Opportunity Commission, the Department of Justice, as well as DOL's Office of Federal Contract Compliance Programs to discuss their systems and parameters for complaint triage to promote the efficient targeting of resources.

In FY 2013, in an effort to more efficiently and effectively investigate, and adjudicate complaints, CRC will conduct a more thorough reengineering of OEE's intake criteria, and will also continue to improve the processes and efficiency of OEE's complaint investigation and adjudication program. More specifically, new procedures will give precedence to complaints that appear clearly meritorious; present allegations regarding systemic policies or practices such as access for persons with disabilities or limited English proficiency; or raise issues related to CRC's increasing policy responsibilities. Complaints will be perfected (i.e., additional information will be gathered) at the intake stage to safeguard against improperly disposing of cases that have merit.

Although modest increases in the number of complaints investigated and findings of discrimination issued are expected to result from these improvements, the additional resources requested will provide critical support to these efforts.

CRC estimates that contractor support and an additional two (2) FTE at the GS 9/11/12 level are necessary to keep pace with the expected number of complaints/investigations. In addition, CRC intends to address quality and technical competency by hiring an additional GS-14 Technical Advisor to ensure that meritorious complaints are not dismissed at the intake stage, that Initial and Final Determinations are legally sound, and that findings of discrimination are timely issued.

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FY 2013

Figures shown for FY 2013 reflect the annualized Continuing Resolution (P.L. 112-175) as a full-year appropriation, which had not been replaced or amended at the time the budget was produced. In addition, these numbers do not reflect the impact of sequestration. The operating plans for Department of Labor programs for FY 2013 including sequestration are being provided to the Committee in a separate communication.

FY 2012

CRC's FY 2012 funding level is \$7,260,000. In FY 2012, CRC implemented its initiatives pertaining to rebuilding the foundation of the organization. CRC allocated resources to ensure timely EEO discrimination complaint processing (including counseling, alternative dispute resolution, investigations, and final agency decisions), developed and delivered mandatory EEO training, and ensured 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 processed 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 primarily involved 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 processed 1173 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 conducted LEP compliance reviews of

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the UI systems of at least two States, and investigated the worker protection group's allegations of discrimination against LEP persons and people with disabilities by a third State.

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DETAILED WORKLOAD AND PERFORMANCE				
	FY 2012 Revised Enacted		FY 2013 Full Year C.R.	FY 2014 Request
	Target	Result	Target	Target
Civil Rights				
Strategic Goal 1 - Prepare workers for good jobs and ensure fair compensation.				
Outcome Goal 1.6 - Foster acceptable work conditions and respect for worker's rights in the global economy to provide workers with a fair share of productivity and a voice.				
OEE - Number of Initial and Final Determinations Issued	6.00	9.00	15.00	25.00
Strategic Goal 3 - Assure fair and high quality work-life environments.				
Outcome Goal 3.1 - Break down barriers to fair and diverse workplaces so that every worker's contribution is respected.				
Strategic Goal 4 - Secure health benefits and, for those not working, provide income security.				
Outcome Goal 4.1 - Facilitate return to work for workers experiencing workplace injuries or illnesses who are able to work.				

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

CIVIL RIGHTS

Detailed Workload Performance Narrative

Office of External Enforcement

The CRC's Office of External Enforcement enforces nondiscrimination and equal opportunity laws among all programs receiving financial assistance from the Department of Labor, including grants that fund a plethora of job training programs, Unemployment Insurance, and Job Corps. The beneficiaries of the information, services, and programs offered by DOL grantees number between 37 and 39 million people annually. In addition to ensuring that DOL-supported programs do not discriminate intentionally or unintentionally, CRC also ensures that individuals with disabilities and others can effectively access the programs and services for which they may be eligible.

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 experience illness or injuries are not prevented from returning to work by unfair stereotyping about their capabilities, or from failure to receive reasonable accommodations. For people whose injuries or illnesses have forced them to leave the labor market for a time, CRC's work helps to ensure that the same types of barriers do not deny them an equal opportunity to receive the services and training they need from the workforce system.

CRC expects to receive no less than 1,300 discrimination complaints in FY 2014. In FY 2012, new leadership in the CRC determined that significant deficiencies existed in the external enforcement program. Among the reasons for this conclusion was the fact that few, if any, adverse findings had been issued in over ten (10) years. Resolution through other means such as settlement agreements similarly did not occur in significant numbers. The EEOC estimates that it issues findings of discrimination in approximately 2-3 percent of cases but notes that the approximately 30 percent of cases that are settled include complaints that would be found to be meritorious. See http://www1.eeoc.gov//eeoc/newsroom/wysk/federal_sector_eeo_process.cfm?renderforprint=1.

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As a result of these findings, in FY 2012 and FY 2013, CRC modified policies and procedures; provided intensive staff training; and, completed a rigorous review of every aspect of case processing. CRC also filled existing vacancies; engaged in a pilot program with a contractor to conduct investigations; and established parameters for complaint triage that promote the efficient targeting of resources. In FY 2012, the CRC issued its first finding of discrimination in many years against a State's Unemployment Insurance program. Finding egregious violations against an individual with a disability, CRC's ordered remedies included developing policies and procedures to avoid violations against any individual with a disability moving forward, outreach to the community, regular staff training, and sufficient monitoring to assess continued compliance. CRC has the ability to safeguard and indeed promote the goals of the programs funded by the Department of Labor in a impactful way.

Funding at the Agency's Request Level will help ensure that CRC's external enforcement program reflects the high standard of quality and professionalism expected from the federal government while fulfilling its mission of effectively investigating and resolving allegations of discrimination that arise throughout the Nation's workforce system. We seek an incremental investment in the infrastructure of this program to bolster staffing resources by an additional three FTEs. Additionally, we seek funding a cost-effective arrangement with contractors, who will conduct investigations. Specifically, we seek two GS-9/11/12 Equal Opportunity Specialists to perform quality review of contractors' work and prepare final decisions following investigations. We seek an additional GS-14 "Technical Advisor" to manage an increased investigative portfolio and oversee the issuance of legally sufficient decisions. The CRC has confronted years of disappointing results and seeks support, at this time, to fully realize the goals of this program.

Office of Compliance Assistance and Planning

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 has the authority to conduct compliance reviews to ensure that Governors and other responsible stakeholders are fully carrying out their equal opportunity obligations. Compliance reviews are beneficial for two primary purposes: 1) they target systemic concerns such as those arising from or perpetuated by policies or systems of administration; and 2) they are often proactive. Given these attributes, compliance reviews - while intensive - tend to catch problems before liability ensues and/or respond to problems in efficient, far-reaching ways. Compliance reviews promote prevention and resolution. In addition to reviews, CRC's Office of Compliance Assistance and Planning (OCAP) offers extensive training - through on-site visits, webinars, and tele/video conferencing - to workforce system administrators and other stakeholders so that they may effectively establish, monitor, review, and adjust programs to ensure nondiscrimination and equal opportunity. OCAP also devises and reviews policies and guidance on a range of equal opportunity issues for the Department. An effective compliance program must be seen and not just heard.

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States and other grantees must know about assistance that may be obtained while they must recognize the CRC's authority to show up and affect adherence to the law. CRC desires to sustain the more active compliance review schedule employed in FY 2012 and 2013.

Internal Enforcement

Funding at the Agency's Request Level will promote the reduction of Equal Employment Opportunity (EEO) complaints in the Department of Labor. CRC shall endeavor to discourage the filing of frivolous complaints while sustaining the accessibility of the complaint process for those who have legitimate concerns. To do this, CRC shall focus on robust training for employees that targets pertinent trends. Training will impart solid information to allow employees to make well-informed decisions while managing their expectations. Training, cost-effectively, including through on-line programs, webinars and videocasts, as well as desk guides, etc. Additionally, when employees file complaints, CRC shall offer enhanced Alternative Dispute Resolution (ADR) services. CRC has already improved resolution rates of EEO complaints through ADR.

By promoting intensive communications and creative negotiations, CRC improved the resolution rate by almost 100 percent in the first two quarters of FY 2012 compared to the first two quarters of FY 2011. According to cost savings estimates used by the Office of Personnel Management, this success produced savings of approximately \$690,000 for the Department of Labor. The method employed to make this happen requires significant staff effort and access to independent, experienced mediators. CRC turned a dysfunctional program into a high quality, compliant program in FY 2010. It has been recognized for this quality by the EEOC in public reports from 2010-2012. This was done, in part, by hiring new employees with high levels of education to oversee the work of cost-effective contract investigators. The cost of investigations is expected to increase as travel, technology and other expenses continue to rise.

In addition to the EEO complaint process, CRC's Office of Internal Enforcement supports the Department's commitment to persons with disabilities and efforts to create and maintain an inclusive, diverse work environment where all employees can reach their potential and maximize their contributions. CRC ensures that requests for accommodation are fulfilled in an efficient and effective manner, promoting the best employment outcomes and safeguarding the Department against liability.

The CRC intends to fully develop its Reasonable Accommodation Resource Center, a one-stop shop where managers and employees can come to understand their rights and responsibilities; discern options for realizing maximum performance capability; procure technology or other equipment without delay; plan for training and implementation of accommodations; and otherwise further the Department's goals of recruiting and retaining individuals, including veterans with disabilities. As actual accommodations shall be funded through a Centralized Accommodations Fund, an element of a model program that removes any perceived financial disincentives for recruiting and retaining individuals with disabilities, CRC must have the staff and related resources to stretch the dollars available and effect progress that can be sustained.

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BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2012 Revised Enacted	FY 2013 Full Year C.R.	FY 2014 Request	Diff. FY14 Request / FY 12 Rev. Enacted
11.1	Full-time permanent	4,022	4,241	4,477	455
11.5	Other personnel compensation	175	0	175	0
11.9	Total personnel compensation	4,197	4,241	4,652	455
12.1	Civilian personnel benefits	1,002	1,002	1,140	138
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	75	75	75	0
23.1	Rental payments to GSA	384	384	396	12
23.3	Communications, utilities, and miscellaneous charges	35	35	35	0
24.0	Printing and reproduction	10	10	10	0
25.2	Other services from non-Federal sources	75	75	75	0
25.3	Other goods and services from Federal sources 1/	1,409	1,353	1,812	403
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	51	86	51	0
31.0	Equipment	17	38	17	0
42.0	Insurance claims and indemnities	0	0	0	0
51.1	Benefits	0	0	0	0
	Total	7,260	7,304	8,268	1,008
1/Other goods and services from Federal sources					
	Working Capital Fund	1,331	1,080	1,734	403
	DHS Services	8	8	8	0
	Services by DOL Agencies	7	7	7	0
	Services by Other Government Departments	63	258	63	0

CIVIL RIGHTS

CHANGES IN FY 2014

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$101
Personnel benefits	0
One day more of pay	0
Federal Employees' Compensation Act (FECA)	0
Benefits for former personnel	0
Travel and transportation of persons	0
Rental payments to GSA	12
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Other services from non-Federal sources	0
Working Capital Fund	27
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	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 **\$140**

Net Program **\$868**

Direct FTE **3**

	Estimate	FTE
Base	\$7,400	34
Program Increase	\$868	3

NOTE: Base reflects actual FY 2012 FTE.

CHIEF FINANCIAL OFFICER

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2012 Revised Enacted	FY 2013 Full Year C.R.	FY 2014 Request	Diff. FY 14 Request / FY 12 Rev. Enacted
Activity Appropriation	5,340	5,373	5,440	100
FTE	18	18	18	0

NOTE: FY 2012 reflects actual FTE. Authorized FTE for FY 2012 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 on validating corrective actions aimed at enhancing internal controls. OCFO's mission supports overall Departmental management through effective and efficient stewardship of DOL's financial resources.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2009	\$5,278	25
2010	\$5,361	31
2011	\$5,350	19
2012	\$5,340	19
2013	\$5,373	18

FY 2014

In FY 2014, the funding request of \$5,440,000 and 18 FTE will allow the Office of the Chief Financial Officer (OCFO) to continue enhancing a range of financial information and services that support the Department and central governmental agencies, such as the Office of

CHIEF FINANCIAL OFFICER

Management and Budget (OMB) and the Department of Treasury. These activities underpin sound financial management and bolster transparent stewardship of public funds throughout the Department. The funds continue to support preparation of quarterly financial statements, 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. Additional resources and associated workload and performance data are included in the Working Capital Fund.

FY 2013

Figures shown for FY 2013 reflect the annualized Continuing Resolution (P.L. 112-175) as a full-year appropriation, which had not been replaced or amended at the time the budget was produced. In addition, these numbers do not reflect the impact of sequestration. The operating plans for Department of Labor programs for FY 2013 including sequestration are being provided to the Committee in a separate communication.

FY 2012

In FY 2012, the OCFO continued to provide and enhance 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 prepared and presented the FY 2012 Financial Statements accurately so that an unqualified independent auditors' opinion could be rendered in November 2012.

The OCFO assisted and educated 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.

CHIEF FINANCIAL OFFICER

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2012 Revised Enacted	FY 2013 Full Year C.R.	FY 2014 Request	Diff. FY14 Request / FY 12 Rev. Enacted
11.1	Full-time permanent	2,715	2,488	2,766	51
11.3	Other than full-time permanent	0	0	0	0
11.5	Other personnel compensation	283	0	0	-283
11.9	Total personnel compensation	2,998	2,488	2,766	-232
12.1	Civilian personnel benefits	645	624	662	17
21.0	Travel and transportation of persons	5	0	0	-5
23.1	Rental payments to GSA	350	455	469	119
23.3	Communications, utilities, and miscellaneous charges	20	10	0	-20
24.0	Printing and reproduction	0	0	0	0
25.1	Advisory and assistance services	266	1,175	955	689
25.2	Other services from non-Federal sources	8	7	0	-8
25.3	Other goods and services from Federal sources 1/	732	585	579	-153
25.4	Operation and maintenance of facilities	0	0	0	0
25.7	Operation and maintenance of equipment	280	0	0	-280
26.0	Supplies and materials	32	10	5	-27
31.0	Equipment	4	19	4	0
	Total	5,340	5,373	5,440	100
	1/Other goods and services from Federal sources				
	Working Capital Fund	464	572	565	101
	DHS Services	14	13	14	0
	Services by DOL Agencies	5	0	0	-5
	Services by Other Government Departments	249	0	0	-249

CHIEF FINANCIAL OFFICER

CHANGES IN FY 2014

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments		\$51
Personnel benefits		17
One day more of pay		0
Federal Employees' Compensation Act (FECA)		0
Travel and transportation of persons		0
Rental payments to GSA		14
Communications, utilities, and miscellaneous charges		0
Printing and reproduction		0
Advisory and assistance services		0
Other services from non-Federal sources		0
Working Capital Fund		18
Other Federal sources (DHS Charges)		0
Other goods and services from Federal sources		0
Operation and maintenance of facilities		0
Operation and maintenance of equipment		0
Supplies and materials		0
Equipment		0

Built-Ins Subtotal **\$100**

Net Program **\$0**

Direct FTE **0**

	Estimate	FTE
Base	\$5,440	18

NOTE: Base reflects actual FY 2012 FTE.

DEPARTMENTAL PROGRAM EVALUATION

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2012 Revised Enacted	FY 2013 Full Year C.R.	FY 2014 Request	Diff. FY 14 Request / FY 12 Rev. Enacted
Activity Appropriation	8,484	8,536	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

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

DEPARTMENTAL PROGRAM EVALUATION

2013

\$0

0

FY 2014

The FY 2014 request for Departmental Program Evaluation (DPE) is \$9,000,000. Three principles guide the Department's evaluation plan coordinated by the Chief Evaluation Office: 1) prioritize studies that focus on measuring the effectiveness of key program outputs and outcomes consistent with the overall Departmental Strategic Plan and the agency Operating Plans; 2) encourage the most rigorous evaluation designs possible, particularly experimental designs, but in a manner that is realistic given the programmatic missions/goals, programmatic maturity, data availability, and analytic capability; and 3) expand the knowledge, capacity, value, and understanding of high quality evaluation designs and methods department-wide. The annual evaluation plan is based on priorities included in agency learning agendas, evaluations required by statute, and studies on priority objectives in the Department's Strategic Plan. Thus, all evaluations are related to the Strategic Plan, statutory requirements, or emerging departmental priorities. The Department plans to conduct evaluations that impact several of its large budgetary FY 2014 initiatives related to employment and training such as apprenticeships and pre-apprenticeship programs, on-the-job training, and skills training for demand occupations, and targeted services for returning veterans and for persons with disabilities. 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.

In addition to evaluations of employment and training services and programs and the Unemployment Insurance program, DPE plans to conduct evaluations on worker protection and enforcement programs, to examine the effectiveness of alternative enforcement techniques, penalty strategies, compliance assistance and/or media strategies. Several evaluations involve gathering baseline data with respect to areas of labor rights such as pensions, health benefit rights and equal pay rights, and evaluating the effectiveness of various outreach strategies being developed by agencies, including the Occupational Safety and Health Administration and the Wage and Hour Division. These evaluations will support the Department's priorities on ensuring safe workplaces, promoting economic security, and increasing workers' knowledge of their rights.

The FY 2014 President's Budget includes a proposal which increases to one percent the amount of program dollars that agencies in the Department may set aside for evaluation purposes. The Department's budget request also extends the existing set-aside provision to the Training and Employment Services Account, the Bureau of International Labor Affairs, and the Women's Bureau. These funds will be coordinated by and complement those provided to the Chief Evaluation Office to conduct rigorous program evaluations.

FY 2013

Figures shown for FY 2013 reflect the annualized Continuing Resolution (P.L. 112-175) as a full-year appropriation, which had not been replaced or amended at the time the budget was

DEPARTMENTAL PROGRAM EVALUATION

produced. In addition, these numbers do not reflect the impact of sequestration. The operating plans for Department of Labor programs for FY 2013 including sequestration are being provided to the Committee in a separate communication.

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 provided for the implementation of several important evaluations. In the area of enforcement, the evaluation of the Occupational Safety and Health Administration's (OSHA) Site Specific Targeting program measured the impacts of alternative enforcement mechanisms. Another OSHA evaluation is examined the deterrent effect of industry-wide approaches to targeted multi-establishment enterprises, and the third enforcement evaluation looked 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 continue to produce critical information about 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.

In FY 2012, the Department provided the required plan to Congress, executing non-expenditure transfers of \$17,392,000 from three eligible DOL accounts. The set-aside funds were primarily used to initiate evaluations and research related to the Middle Class Tax Act, evaluating the impact of the Middle Class Tax Act of 2011 which included reforms to the Unemployment Insurance program. Unemployment Insurance program studies include statistical simulations of state Unemployment Trust Fund issues analyzing the effects of variations in tax rates; experimental demonstrations of reemployment strategies is building upon findings from an earlier evaluation of the UI Reemployment and Eligibility Assessment initiative, which found that rapid reemployment is more likely to occur when such Assessments are conducted. Additional work was initiated to analyze worker benefit data, compliance strategies and to assess the impact of nonpayment or underpayment of legal wages. These funds remain available through September 30, 2013 under the terms of the appropriation authority.

DEPARTMENTAL PROGRAM EVALUATION

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2012 Revised Enacted	FY 2013 Full Year C.R.	FY 2014 Request	Diff. FY14 Request / FY 12 Rev. Enacted
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	8,484	8,536	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
	Total	8,484	8,536	9,000	516
	1/Other goods and services from Federal sources				

DEPARTMENTAL PROGRAM EVALUATION

DETAILED WORKLOAD AND PERFORMANCE				
	FY 2012 Revised Enacted		FY 2013 Full Year C.R.	FY 2014 Request
	Target	Result	Target	Target
Departmental Program Evaluation				
Strategic Goal ALL - All Strategic Goals				
Outcome Goal ALL.1 - All Outcome Goals				
Economic Policy Briefs	9	--	9	9
Weekly Economic Conditions Summaries	50	--	50	--
Timely Clearance of Departmental Regulations (within 5 days)	90.00%	--	90.00%	90.00%

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

DEPARTMENTAL PROGRAM EVALUATION

CHANGES IN FY 2014

(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 from non-Federal sources	0
Other goods and services from Federal sources	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
Base	\$8,484	0
Program Increase	\$516	0

NOTE: Base reflects actual FY 2012 FTE.