

FY 2021

CONGRESSIONAL BUDGET JUSTIFICATION

DEPARTMENTAL MANAGEMENT

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DEPARTMENTAL MANAGEMENT

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DEPARTMENTAL MANAGEMENT

APPROPRIATION LANGUAGE

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for Departmental Management, including the hire of three passenger motor vehicles, [~~\$348,056,000~~]~~\$271,644,000~~, together with not to exceed \$308,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund: [*Provided*, That \$67,325,000 for the Bureau of International Labor Affairs shall be available for obligation through December 31, 2020: [*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, *and manage grants that were awarded prior to December 31, 2020*: [*Provided further*, That not more than \$53,825,000 shall be for programs to combat exploitative child labor internationally and not less than \$13,500,000 shall be used to implement model programs that address worker rights issues through technical assistance in countries with which the United States has free trade agreements or trade preference programs:]*Provided further*, That \$8,040,000 shall be used for program evaluation and shall be available for obligation through September 30, [2021]~~2022~~: *Provided further*, That funds available for program evaluation may be used to administer grants for the purpose of evaluation: *Provided further*, That grants made for the purpose of evaluation shall be awarded through fair and open competition: *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 Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer[: *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: *Provided further*, That of the amounts made available to the Women's Bureau, not less than \$1,294,000 shall be used for grants authorized by the Women in Apprenticeship and Nontraditional Occupations Act]. (Department of Labor Appropriations Act, 2020.)

DEPARTMENTAL MANAGEMENT

EXPLANATION OF LANGUAGE CHANGE

Language Provision

Explanation

“...[*Provided*, That \$67,325,000 for the Bureau of International Labor Affairs shall be available for obligation through December 31, 2020:]*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, *and manage grants that were awarded prior to December 31, 2020: [Provided further*, That not more than \$53,825,000 shall be for programs to combat exploitative child labor internationally and not less than \$13,500,000 shall be used to implement model programs that address worker rights issues through technical assistance in countries with which the United States has free trade agreements or trade preference programs: *Provided further*,] ...”

The Budget proposes eliminating grant programs administered by the Bureau of International Labor Affairs.

“... [:*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: *Provided further*, That of the amounts made available to the Women's Bureau, not less than \$1,294,000 shall be used for grants authorized by the Women in Apprenticeship and Nontraditional Occupations Act].

The Budget proposes eliminating Women’s Bureau’s grant development and management responsibilities.

DEPARTMENTAL MANAGEMENT

| AMOUNTS AVAILABLE FOR OBLIGATION | | | | | | |
|---|----------------------------|------------------|----------------------------|------------------|----------------------------|------------------|
| (Dollars in Thousands) | | | | | | |
| | FY 2019 Enacted | | FY 2020 Enacted | | FY 2021 Request | |
| | FTE | Amount | FTE | Amount | FTE | Amount |
| A. Appropriation | 1,151 | \$337,756 | 1,086 | \$348,056 | 1,076 | \$271,644 |
| Reimbursements | 62 | \$29,882 | 61 | \$91,981 | 61 | \$91,981 |
| Trust Funds - Black Lung | 135 | \$31,994 | 120 | \$32,844 | 120 | \$33,033 |
| Trust Funds - Unemployment Trust Fund | 2 | \$308 | 2 | \$308 | 2 | \$308 |
| Reduction Pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 | 0 | -\$1,984 | 0 | -\$1,938 | 0 | \$0 |
| Transfers for Program Evaluation | 0 | \$1,800 | 0 | \$3,262 | 0 | \$0 |
| Transfers for OASAM | 0 | \$554 | 0 | \$554 | 0 | \$0 |
| Unobligated Balance Carried Forward | 0 | \$44,011 | 0 | \$50,097 | 0 | \$0 |
| <i>Subtotal</i> | <i>1,350</i> | <i>\$444,321</i> | <i>1,269</i> | <i>\$525,164</i> | <i>1,259</i> | <i>\$396,966</i> |
| B. Gross Budget Authority | 1,350 | \$444,321 | 1,269 | \$525,164 | 1,259 | \$396,966 |
| Reimbursements | -62 | -\$29,882 | -61 | -\$91,981 | -61 | -\$91,981 |
| Transfers | 0 | -\$1,800 | 0 | -\$3,262 | 0 | \$0 |
| Unobligated Balance Carried Forward | 0 | -\$44,011 | 0 | -\$50,097 | 0 | \$0 |
| Shared Services Realignment | -9 | \$0 | -9 | \$0 | 0 | \$0 |
| <i>Subtotal</i> | <i>1,279</i> | <i>\$368,628</i> | <i>1,199</i> | <i>\$379,824</i> | <i>1,198</i> | <i>\$304,985</i> |
| C. Budget Authority Before Committee | 1,279 | \$368,628 | 1,199 | \$379,824 | 1,198 | \$304,985 |
| Reimbursements | 62 | \$29,882 | 61 | \$91,981 | 61 | \$91,981 |
| Unobligated Balance Carried Forward | 0 | \$0 | 0 | \$0 | 0 | \$0 |
| <i>Subtotal</i> | <i>1,341</i> | <i>\$398,510</i> | <i>1,260</i> | <i>\$471,805</i> | <i>1,259</i> | <i>\$396,966</i> |
| D. Total Budgetary Resources | 1,341 | \$398,510 | 1,260 | \$471,805 | 1,259 | \$396,966 |
| Direct FTE Lapse and Unobligated Balance Expiring | -81 | \$0 | 0 | \$0 | 0 | \$0 |
| Reimbursable FTE Lapse and Unobligated Balance Expiring | 0 | \$0 | 0 | \$0 | 0 | \$0 |
| Shared Services Realignment | 9 | \$0 | 0 | \$0 | 0 | \$0 |
| E. Total, Estimated Obligations | 1,269 | \$398,510 | 1,260 | \$471,805 | 1,259 | \$396,966 |

DEPARTMENTAL MANAGEMENT

SUMMARY OF CHANGES

(Dollars in Thousands)

| | FY 2020 Enacted | FY 2021 Request | Net Change |
|----------------------------------|--------------------|--------------------|------------------|
| Budget Authority | | | |
| General Funds | \$348,610 | \$271,644 | -\$76,966 |
| Trust Funds | \$31,214 | \$33,341 | +\$2,127 |
| Total | \$379,824 | \$304,985 | -\$74,839 |
| Full Time Equivalents | | | |
| General Funds | 1,077 | 1,076 | -1 |
| Trust Funds | 122 | 122 | 0 |
| Total | 1,199 | 1,198 | -1 |

| Explanation of Change | FY 2021 Change | | | | | | | |
|--|----------------|-----------|-------------|--------|---------------|---------|-------|---------|
| | FY 2020 Base | | Trust Funds | | General Funds | | Total | |
| | FTE | Amount | FTE | Amount | FTE | Amount | FTE | Amount |
| Increases: | | | | | | | | |
| A. Built-Ins: | | | | | | | | |
| To Provide For: | | | | | | | | |
| Costs of pay adjustments | 1,204 | \$159,676 | 0 | \$189 | 0 | \$2,618 | 0 | \$2,807 |
| Personnel benefits | 0 | \$0 | 0 | \$0 | 0 | \$0 | 0 | \$0 |
| One day less of Pay | 0 | \$0 | 0 | \$0 | 0 | \$0 | 0 | \$0 |
| Federal Employees' Compensation Act (FECA) | 0 | \$0 | 0 | \$0 | 0 | \$0 | 0 | \$0 |
| Benefits for former personnel | 0 | \$55 | 0 | \$0 | 0 | \$0 | 0 | \$0 |
| Travel and transportation of persons | 0 | \$3,236 | 0 | \$0 | 0 | \$0 | 0 | \$0 |
| Transportation of things | 0 | \$511 | 0 | \$0 | 0 | \$0 | 0 | \$0 |
| Rental payments to GSA | 0 | \$19,185 | 0 | \$0 | 0 | \$0 | 0 | \$0 |
| Rental payments to others | 0 | \$29 | 0 | \$0 | 0 | \$0 | 0 | \$0 |
| Communications, utilities, and miscellaneous charges | 0 | \$1,620 | 0 | \$0 | 0 | \$0 | 0 | \$0 |
| Printing and reproduction | 0 | \$275 | 0 | \$0 | 0 | \$0 | 0 | \$0 |
| Advisory and assistance services | 0 | \$12,511 | 0 | \$0 | 0 | \$0 | 0 | \$0 |
| Other services from non-Federal sources | 0 | \$2,978 | 0 | \$0 | 0 | \$0 | 0 | \$0 |
| Working Capital Fund | 0 | \$49,681 | 0 | \$0 | 0 | \$0 | 0 | \$0 |
| Other Federal sources (Census Bureau) | 0 | \$0 | 0 | \$0 | 0 | \$0 | 0 | \$0 |
| Other Federal sources (DHS Charges) | 0 | \$302 | 0 | \$0 | 0 | \$0 | 0 | \$0 |
| Other goods and services from Federal sources | 0 | \$3,931 | 0 | \$0 | 0 | \$0 | 0 | \$0 |
| Research & Development Contracts | 0 | \$56 | 0 | \$0 | 0 | \$0 | 0 | \$0 |
| Operation and maintenance of facilities | 0 | \$2,726 | 0 | \$0 | 0 | \$0 | 0 | \$0 |

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| Explanation of Change | FY 2021 Change | | | | | | | |
|---|----------------|-------------------|-------------|-----------------|---------------|------------------|------------|------------------|
| | FY 2020 Base | | Trust Funds | | General Funds | | Total | |
| | FTE | Amount | FTE | Amount | FTE | Amount | FTE | Amount |
| Operation and maintenance of equipment | 0 | \$2,777 | 0 | \$0 | 0 | \$0 | 0 | \$0 |
| Supplies and materials | 0 | \$2,122 | 0 | \$0 | 0 | \$0 | 0 | \$0 |
| Equipment | 0 | \$541 | 0 | \$0 | 0 | \$0 | 0 | \$0 |
| Grants, subsidies, and contributions | 0 | \$70,075 | 0 | \$0 | 0 | \$0 | 0 | \$0 |
| Insurance claims and indemnities | 0 | \$0 | 0 | \$0 | 0 | \$0 | 0 | \$0 |
| Built-Ins Subtotal | 1,204 | +\$332,287 | 0 | +\$189 | 0 | +\$2,618 | 0 | +\$2,807 |
| B. Programs: | | | | | | | | |
| SOL Increase to Support Client Agencies | 607 | \$136,497 | 0 | \$0 | 28 | \$5,879 | 28 | \$5,879 |
| Office of Compliance Initiatives | 0 | \$0 | 0 | \$0 | 5 | \$1,777 | 5 | \$1,777 |
| Adjudication - OALJ Office Move | 0 | \$0 | 0 | \$0 | 0 | \$1,664 | 0 | \$1,664 |
| Adjudication Processing of Mandatory Workload | 0 | \$0 | 0 | \$1,518 | 0 | \$0 | 0 | \$1,518 |
| SOL Processing of Mandatory Workload | 0 | \$0 | 0 | \$501 | 0 | \$0 | 0 | \$501 |
| Programs Subtotal | | | 0 | +\$2,019 | 33 | +\$9,320 | 33 | +\$11,339 |
| Total Increase | 1,204 | +\$332,287 | 0 | +\$2,208 | 33 | +\$11,938 | 33 | +\$14,146 |
| Decreases: | | | | | | | | |
| A. Built-Ins: | | | | | | | | |
| To Provide For: | | | | | | | | |
| Personnel benefits | 0 | \$47,587 | 0 | -\$59 | 0 | \$0 | 0 | -\$59 |
| One day less of Pay | -5 | -\$562 | 0 | -\$22 | 0 | -\$726 | 0 | -\$748 |
| Federal Employees' Compensation Act (FECA) | 0 | \$512 | 0 | \$0 | 0 | -\$181 | 0 | -\$181 |
| Built-Ins Subtotal | -5 | +\$47,537 | 0 | -\$81 | 0 | -\$907 | 0 | -\$988 |
| B. Programs: | | | | | | | | |
| ILAB Technical Assistance and Staff Reduction | 0 | \$0 | 0 | \$0 | -14 | -\$77,625 | -14 | -\$77,625 |
| Women's Bureau Program Reduction | 0 | \$0 | 0 | \$0 | -20 | -\$10,372 | -20 | -\$10,372 |
| Programs Subtotal | | | 0 | \$0 | -34 | -\$87,997 | -34 | -\$87,997 |
| Total Decrease | -5 | +\$47,537 | 0 | -\$81 | -34 | -\$88,904 | -34 | -\$88,985 |
| Total Change | 1,199 | +\$379,824 | 0 | +\$2,127 | -1 | -\$76,966 | -1 | -\$74,839 |

DEPARTMENTAL MANAGEMENT

| SUMMARY BUDGET AUTHORITY AND FTE BY ACTIVITY | | | | | | | | |
|---|--------------------|----------------|--------------------|----------------|--------------------|----------------|--------------------------------------|----------------|
| (Dollars in Thousands) | | | | | | | | |
| | FY 2019 Enacted | | FY 2020 Enacted | | FY 2021 Request | | Diff. FY21 Request / FY20 Enacted | |
| | FTE | Amount | FTE | Amount | FTE | Amount | FTE | Amount |
| Program Direction and Support | 96 | 30,250 | 96 | 30,250 | 101 | 32,342 | 5 | 2,092 |
| General Funds | 96 | 30,250 | 96 | 30,250 | 101 | 32,342 | 5 | 2,092 |
| | | | | | | | | |
| Legal Services | 572 | 131,672 | 572 | 131,697 | 600 | 138,848 | 28 | 7,151 |
| General Funds | 539 | 123,745 | 539 | 123,745 | 567 | 130,371 | 28 | 6,626 |
| Unemployment Trust Funds | 2 | 308 | 2 | 308 | 2 | 308 | 0 | 0 |
| Black Lung Disability Trust Funds | 31 | 7,619 | 31 | 7,644 | 31 | 8,169 | 0 | 525 |
| | | | | | | | | |
| International Labor Services | 108 | 86,125 | 108 | 96,125 | 94 | 18,660 | -14 | -77,465 |
| General Funds | 108 | 86,125 | 108 | 96,125 | 94 | 18,660 | -14 | -77,465 |
| | | | | | | | | |
| Administration and Management | 99 | 29,004 | 99 | 29,004 | 99 | 29,158 | 0 | 154 |
| General Funds | 99 | 29,004 | 99 | 29,004 | 99 | 29,158 | 0 | 154 |
| | | | | | | | | |
| Adjudication | 230 | 57,391 | 230 | 58,262 | 230 | 61,945 | 0 | 3,683 |
| General Funds | 141 | 35,000 | 141 | 35,000 | 141 | 37,081 | 0 | 2,081 |
| Black Lung Disability Trust Funds | 89 | 22,391 | 89 | 23,262 | 89 | 24,864 | 0 | 1,602 |
| | | | | | | | | |
| Women's Bureau | 38 | 13,750 | 38 | 14,050 | 18 | 3,525 | -20 | -10,525 |
| General Funds | 38 | 13,750 | 38 | 14,050 | 18 | 3,525 | -20 | -10,525 |
| | | | | | | | | |
| Civil Rights | 30 | 6,880 | 30 | 6,880 | 30 | 6,927 | 0 | 47 |
| General Funds | 30 | 6,880 | 30 | 6,880 | 30 | 6,927 | 0 | 47 |

DEPARTMENTAL MANAGEMENT

| SUMMARY BUDGET AUTHORITY AND FTE BY ACTIVITY | | | | | | | | |
|---|--------------------|----------------|--------------------|----------------|--------------------|----------------|--------------------------------------|----------------|
| (Dollars in Thousands) | | | | | | | | |
| | FY 2019 Enacted | | FY 2020 Enacted | | FY 2021 Request | | Diff. FY21 Request / FY20 Enacted | |
| | FTE | Amount | FTE | Amount | FTE | Amount | FTE | Amount |
| Chief Financial Officer | 17 | 5,516 | 17 | 5,516 | 17 | 5,540 | 0 | 24 |
| General Funds | 17 | 5,516 | 17 | 5,516 | 17 | 5,540 | 0 | 24 |
| Departmental Program Evaluation | 9 | 8,040 | 9 | 8,040 | 9 | 8,040 | 0 | 0 |
| General Funds | 9 | 8,040 | 9 | 8,040 | 9 | 8,040 | 0 | 0 |
| Total | 1,199 | 368,628 | 1,199 | 379,824 | 1,198 | 304,985 | -1 | -74,839 |
| General Funds | 1,077 | 338,310 | 1,077 | 348,610 | 1,076 | 271,644 | -1 | -76,966 |
| Unemployment Trust Funds | 2 | 308 | 2 | 308 | 2 | 308 | 0 | 0 |
| Black Lung Disability Trust Funds | 120 | 30,010 | 120 | 30,906 | 120 | 33,033 | 0 | 2,127 |

NOTES: 2019 reflects actual FTE. FTE for all years reflect the Shared Services Realignment.

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| BUDGET AUTHORITY BY OBJECT CLASS | | | | | |
|---|--|----------------------------|----------------------------|----------------------------|--|
| (Dollars in Thousands) | | | | | |
| | | FY 2019 Enacted | FY 2020 Enacted | FY 2021 Request | Diff. FY21 Request / FY20 Enacted |
| | Full-Time Equivalent | | | | |
| | Full-time Permanent | 1,191 | 1,258 | 1,287 | 29 |
| | Reimbursable | 73 | 73 | 62 | -11 |
| | Total | 1,264 | 1,331 | 1,349 | 18 |
| | Average ES Salary | \$183,262 | \$183,262 | \$185,094 | \$1,832 |
| | Average GM/GS Grade | 13/8 | 13/8 | 13/8 | 0 |
| | Average GM/GS Salary | \$118,532 | \$118,532 | \$120,663 | \$2,131 |
| | Average Salary of Wage Grade Positions | 174,848 | 174,848 | 176,596 | 1,748 |
| | | | | | |
| 11.1 | Full-time permanent | 154,436 | 155,223 | 154,379 | -844 |
| 11.3 | Other than full-time permanent | 1,201 | 1,201 | 933 | -268 |
| 11.5 | Other personnel compensation | 2,686 | 2,685 | 2,611 | -74 |
| 11.8 | Special personal services payments | 5 | 5 | 5 | 0 |
| 11.9 | Total personnel compensation | 158,328 | 159,114 | 157,928 | -1,186 |
| 12.1 | Civilian personnel benefits | 48,089 | 48,099 | 48,190 | 91 |
| 13.0 | Benefits for former personnel | 55 | 55 | 55 | 0 |
| 21.0 | Travel and transportation of persons | 3,234 | 3,236 | 2,288 | -948 |
| 22.0 | Transportation of things | 536 | 511 | 1,011 | 500 |
| 23.0 | Rent, Communications, and Utilities | 0 | 0 | 0 | 0 |
| 23.1 | Rental payments to GSA | 19,166 | 19,185 | 19,349 | 164 |
| 23.2 | Rental payments to others | 26 | 29 | 29 | 0 |
| 23.3 | Communications, utilities, and miscellaneous charges | 1,600 | 1,620 | 1,585 | -35 |
| 24.0 | Printing and reproduction | 324 | 275 | 374 | 99 |
| 25.1 | Advisory and assistance services | 12,529 | 12,511 | 10,662 | -1,849 |
| 25.2 | Other services from non-Federal sources | 3,630 | 2,978 | 2,974 | -4 |
| 25.3 | Other goods and services from Federal sources 1/ | 52,747 | 53,914 | 52,359 | -1,555 |
| 25.4 | Operation and maintenance of facilities | 2,716 | 2,726 | 2,727 | 1 |
| 25.5 | Research and development contracts | 306 | 56 | 56 | 0 |
| 25.7 | Operation and maintenance of equipment | 2,809 | 2,777 | 2,776 | -1 |
| 26.0 | Supplies and materials | 1,961 | 2,122 | 2,104 | -18 |
| 31.0 | Equipment | 497 | 541 | 518 | -23 |
| 41.0 | Grants, subsidies, and contributions | 60,075 | 70,075 | 0 | -70,075 |
| 42.0 | Insurance claims and indemnities | 0 | 0 | 0 | 0 |
| 51.1 | Benefits | 0 | 0 | 0 | 0 |
| | Total | 368,628 | 379,824 | 304,985 | -74,839 |
| | | | | | |
| | 1/Other goods and services from Federal sources | | | | |
| | Working Capital Fund | 49,483 | 49,681 | 49,681 | 0 |
| | DHS Services | 302 | 302 | 302 | 0 |
| | Services by DOL Agencies | 406 | 406 | -1,149 | -1,555 |
| | Services by Other Government Departments | 1,965 | 2,000 | 2,000 | 0 |
| | CIGIE | 0 | 323 | 323 | 0 |
| | GSA Services | 0 | 251 | 251 | 0 |

NOTE: FTE for all years reflect the Shared Services Realignment.

DEPARTMENTAL MANAGEMENT

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 (ILAB) Trafficking Victims Protection Reauthorization Act (ILAB) Generalized System of Preferences (ILAB) African Growth and Opportunity Act (ILAB) Participating in the negotiation of and providing information and advice on proposed trade agreements | 22 U.S.C.A. 5801 et seq. 22 USC 7112(b)(2)(C), 19 USC 2461 et seq. 19 U.S.C. 3701 et seq 19 USC 2152, Executive Order 12188 | | | |
| Pub. L. 103-82 | (ILAB) Canada-Mexico- United States: North America Agreement on Labor Cooperation (NAALC) (ILAB) Consulting and reporting on labor laws of a country seeking a trade agreement and assessing the effect of a proposed agreement on US employment. | 19 USC 3802(c) | | | |
| Pub. L. 106-200 | (ILAB) Trade and Development Act of 2000 (ILAB) DOL appropriation provided for funding to be used for ...Departmental bilateral and multilateral foreign technical assistance... | 19 U.S.C. 2464 | | | |
| Pub. L. 106-554 | (ILAB) Providing and administering international technical assistance. | Stat. 2763 | | | |
| Pub. L. 115-245, division B, title I | Women's Bureau Act to establish the Women's Bureau 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. | 29 U.S.C. 11-14 | | | |
| Pub. L. 66-259 | Office of the 21 st Century Workforce | E.O. 13218 | | | |
| Pub. L. 103-353 | | 38 U.S.C. 4301- 4333 | | | |

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| | |
|---|---|
| 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. |
| Benefits Review Board – Black Lung Appeals Program & Longshore Appeals Program | 33 U.S.C. Section 901 et seq. |
| Employees’ Compensation Appeals Board. Review appeals of claims under Federal Employees’ Compensation Act | 5 U.S.C. Section 8101 et seq. |
| Pub. L. 99-570 | Anti-Drug Act of 1986 |

DEPARTMENTAL MANAGEMENT

| APPROPRIATION HISTORY | | | | | |
|------------------------------|---|----------------------------|-----------------------------|-----------------------|------------|
| (Dollars in Thousands) | | | | | |
| | Budget Estimates to Congress | House Allowance | Senate Allowance | Appropriations | FTE |
| 2011 | | | | | |
| Base Appropriation...1/ | \$428,624 | \$387,927 | \$411,982 | \$354,627 | 1,257 |
| 2012 | | | | | |
| Base Appropriation...2/ | \$371,554 | \$268,733 | \$347,009 | \$346,353 | 1,282 |
| 2013 | | | | | |
| Base Appropriation...3/ | \$348,927 | | | \$328,237 | 1,255 |
| 2014 | | | | | |
| Base Appropriation...4/ 5/ | \$347,856 | | | \$336,929 | 1,259 |
| 2015 | | | | | |
| Base Appropriation...5/ | \$346,189 | | | \$337,929 | 1,250 |
| 2016 | | | | | |
| Base Appropriation...5/ 6/ | \$375,985 | \$284,229 | \$258,727 | \$334,373 | 1,239 |
| 2017 | | | | | |
| Base Appropriation...5/ 6/ | \$387,925 | | | \$334,844 | 1,139 |
| 2018 | | | | | |
| Base Appropriation...7/ | \$259,858 | \$247,911 | | \$343,969 | 1,128 |
| 2019 | | | | | |
| Base Appropriation...8/ | \$261,035 | | | \$338,064 | 1,153 |
| 2020 | | | | | |
| Base Appropriation...9/ 10/ | \$266,866 | | | \$348,918 | 1,079 |
| 2021 | | | | | |
| Base Appropriation...10/ | \$271,952 | | | | 1,078 |

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

2/ Reflects a .189% across the board reduction pursuant to P.L. 112-74

3/ Reflects a 0.2% across the board rescission pursuant to P.L. 113-6 and the sequestration reduction pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

4/ Reflects the full appropriation pursuant to P.L. 113-76 without enacted rescissions.

5/ Reflects sequestration reduction to mandatory accounts pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

6/ Budget estimates to Congress and Appropriations do not reflect transfers from the Employment and Training Administration for the purposes of program evaluation.

7/ A full-year 2018 appropriation for this account was not enacted at the time the budget was prepared.

8/ This bill was passed by the Senate. It was passed out of the House Subcommittee but was not reported out of the House Committee or by the full House.

9/ This bill was passed by the House. It was not taken up by the Senate Appropriations Subcommittee or full Appropriations Committee.

10/ FTE for FY 2020 and FY 2021 reflect the Shared Services Realignment.

DEPARTMENTAL MANAGEMENT

OVERVIEW

Introduction

The Departmental Management (DM) Salaries and Expenses (S&E) appropriation provides 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, the PDS oversees a program of analysis and general research on issues affecting America's workforce, and also evaluates the effectiveness of Departmental programs. The PDS includes funding for the following organizations: Office of the Secretary; Office of the Deputy Secretary; Office of the Assistant Secretary for Policy; Office of Congressional and Intergovernmental Affairs; Office of Public Affairs; Office of Public Liaison; and the Centers for Faith and Opportunity Initiatives.

Office of the Solicitor

The Office of the Solicitor (SOL) provides 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) promotes a fair global playing field for workers in the United States and around the world by monitoring and enforcing trade commitments, strengthening labor standards, and combating international child labor, forced labor, and human trafficking. ILAB combines trade and labor monitoring and enforcement, policy engagement, research, and technical cooperation to carry out the international responsibilities of the Department of Labor.

DEPARTMENTAL MANAGEMENT

Administration and Management

The Office of the Assistant Secretary for Administration and Management (OASAM) provides the infrastructure and support that enables the Department of Labor to perform its mission. OASAM provides leadership and support for departmental business operations and procurement; information technology; human resources and civil rights; security and emergency management; and budget and strategic planning.

Adjudication

The Adjudication activity includes the Office of Administrative Law Judges (OALJ), the Benefits Review Board (BRB), the Employees' Compensation Appeals Board (ECAB), and the Administrative Review Board (ARB). OALJ holds hearings and adjudicates over 7,000 cases each year. The Boards 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

Women's full engagement in the workforce is critical to the Nation's economic prosperity, as well as the financial well-being of their individual families. In 2021, the WB will continue its more than 100-year tradition as a trusted source of accurate, objective quantitative data and qualitative information, fielding requests from constituents seeking information about various workplace rights and resources. As articulated in its authorizing legislation, the Women's Bureau is authorized to develop policies and standards and conducts inquiries to safeguard the interests of working women, to advocate for their equality and economic security for themselves and their families, and to promote quality work environments.

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.

Office of the Chief Financial Officer

The Office of Chief Financial Officer (OCFO) is responsible for the financial leadership of DOL. Its mission is to foster effective stewardship of public funds; to safeguard fiscal integrity; and to deliver timely, accurate, and reliable financial information.

Departmental Program Evaluation

Departmental Program Evaluation (DPE) funds evaluations, including rigorous experimental impact studies and other systematic analyses of programs and policies, to better understand the effectiveness, efficiency, and implementation of DOL investments. The Department-wide evaluation activities are overseen by the Chief Evaluation Officer in the Office of the Assistant Secretary for Policy, and the findings from evaluations inform policy, management, and resource allocation decisions. The

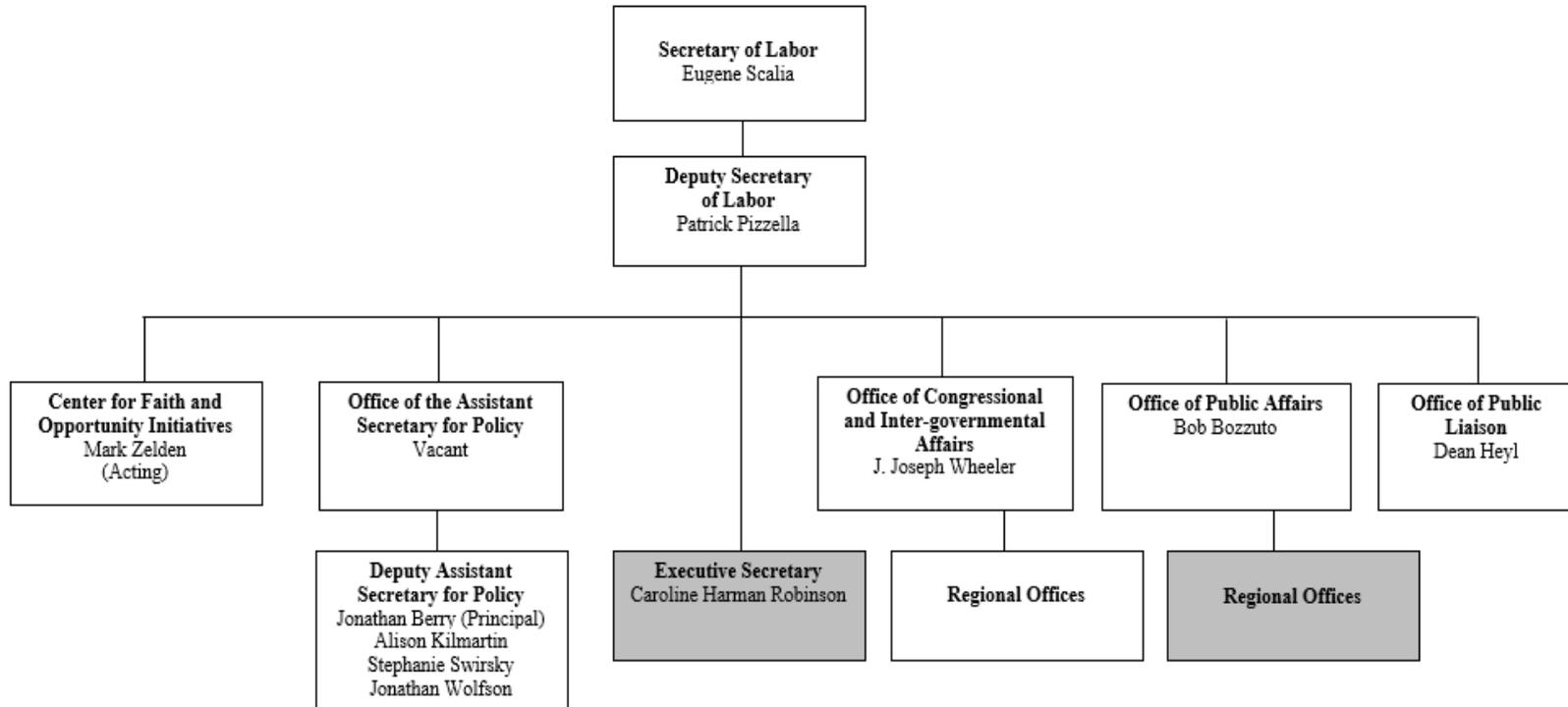
DEPARTMENTAL MANAGEMENT

Department's annual research and evaluation agenda, called the DOL Evaluation Plan, is developed from 4-year component-level learning agendas which are updated annually and lay out priority areas for which evaluations are needed. These priority areas and evaluations are aligned with the Department's priorities specified in the Strategic Plan.

DEPARTMENTAL MANAGEMENT

ORGANIZATION CHARTS

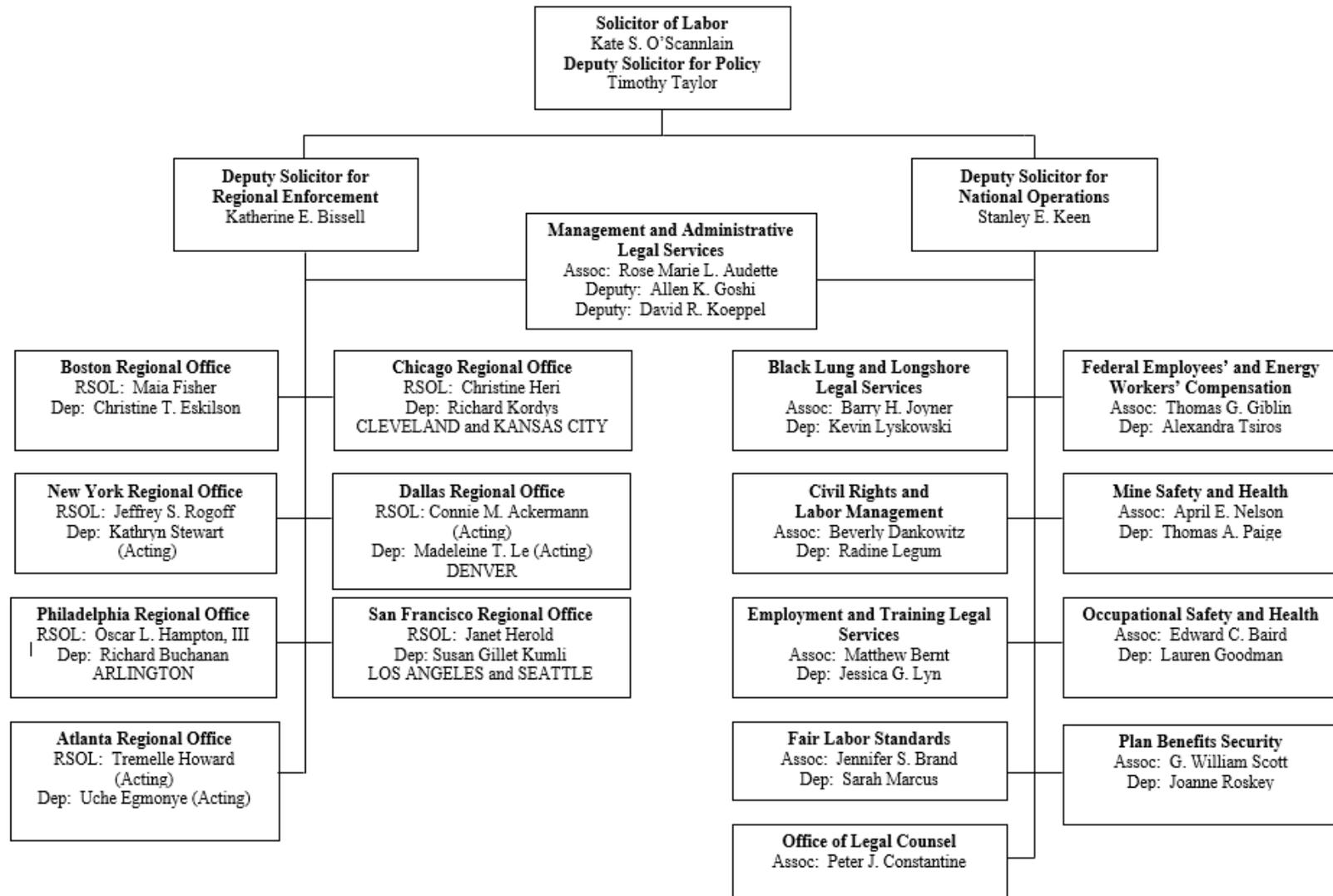
PROGRAM DIRECTION AND SUPPORT



Shaded box indicates funding through the Working Capital Fund

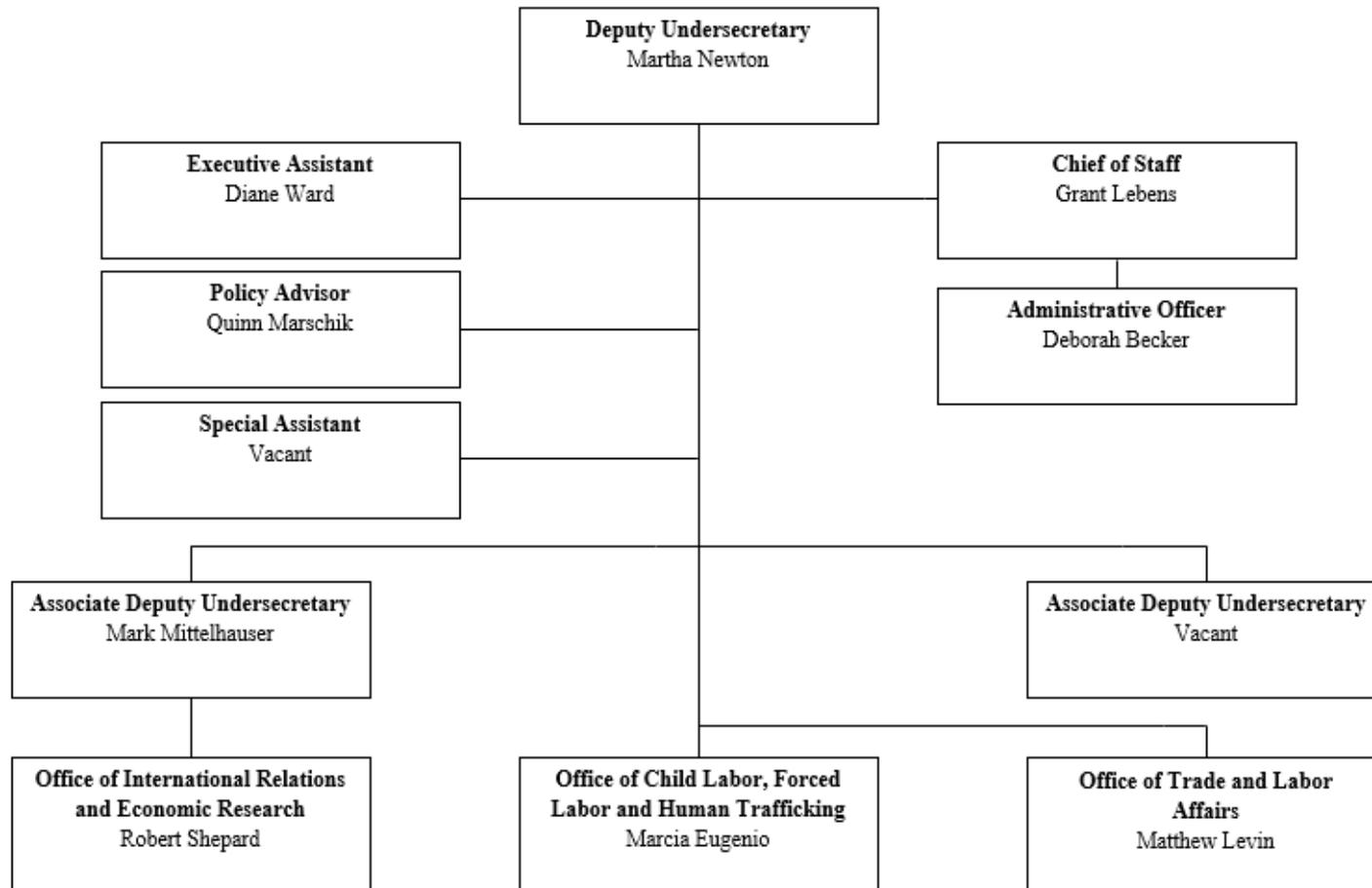
DEPARTMENTAL MANAGEMENT

OFFICE OF THE SOLICITOR OF LABOR



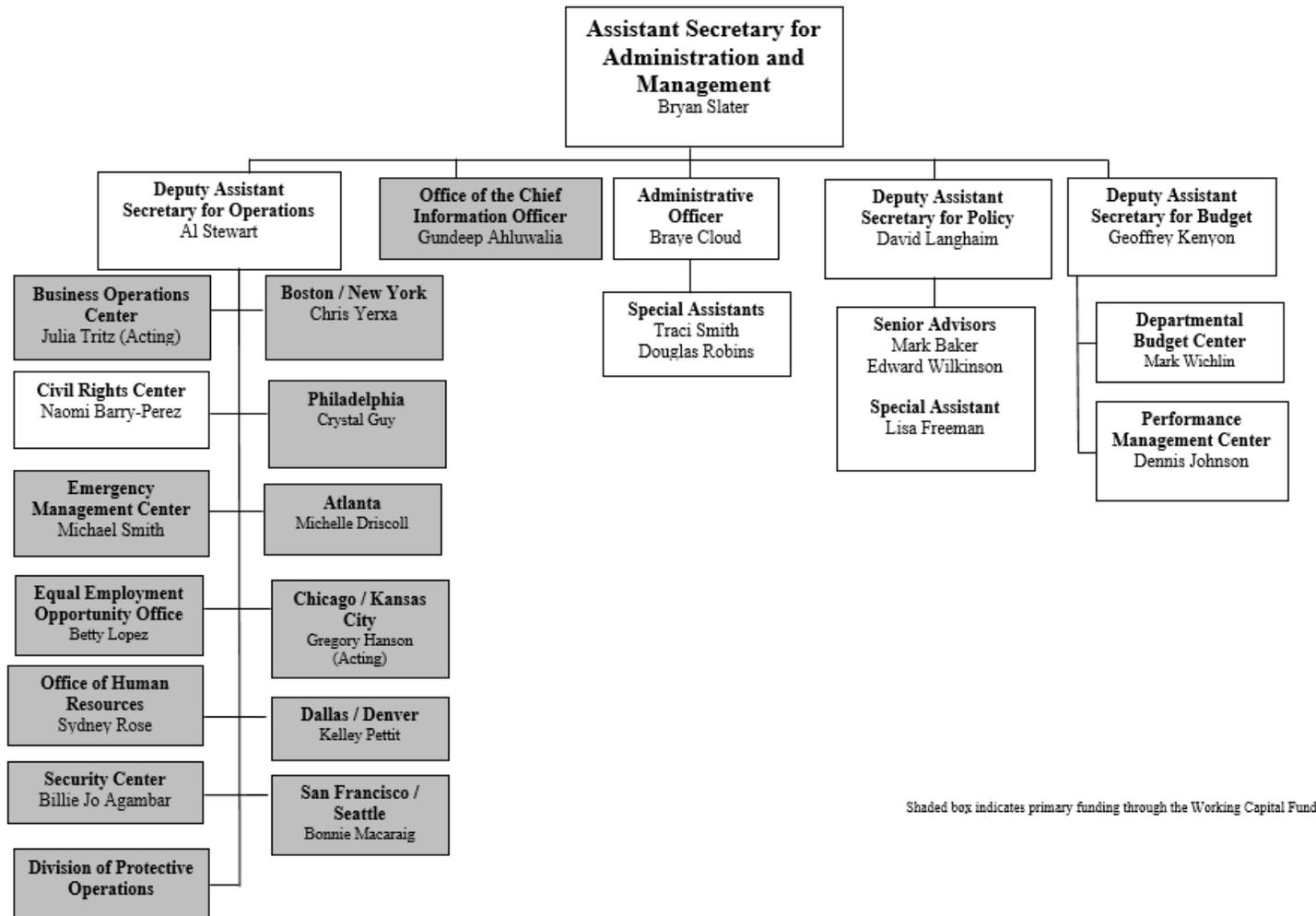
DEPARTMENTAL MANAGEMENT

INTERNATIONAL LABOR AFFAIRS BUREAU



DEPARTMENTAL MANAGEMENT

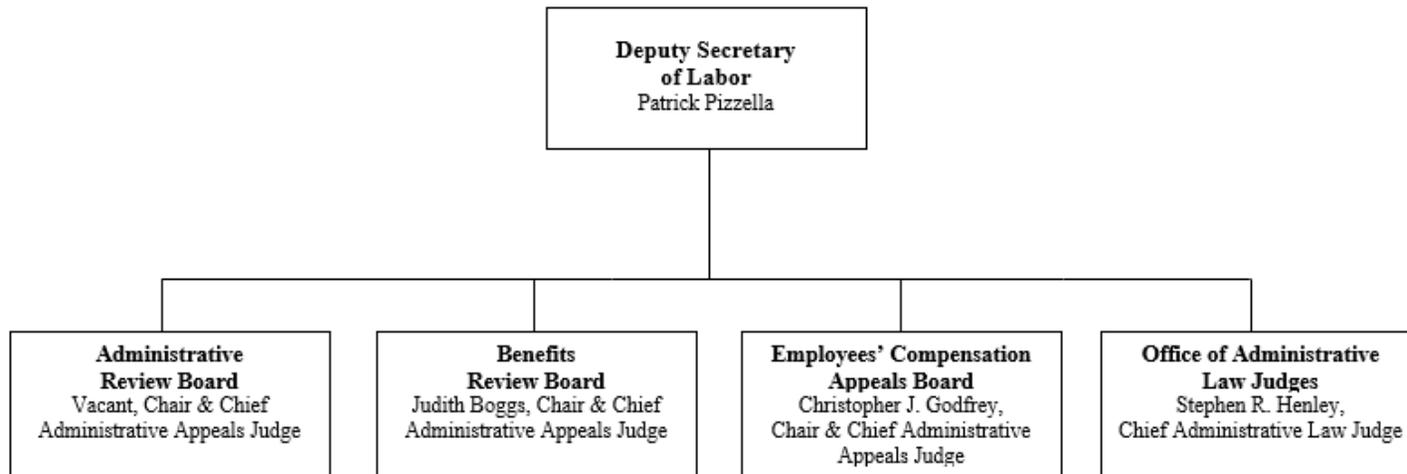
OFFICE OF ASSISTANT SECRETARY FOR ADMINISTRATION AND MANAGEMENT



Shaded box indicates primary funding through the Working Capital Fund

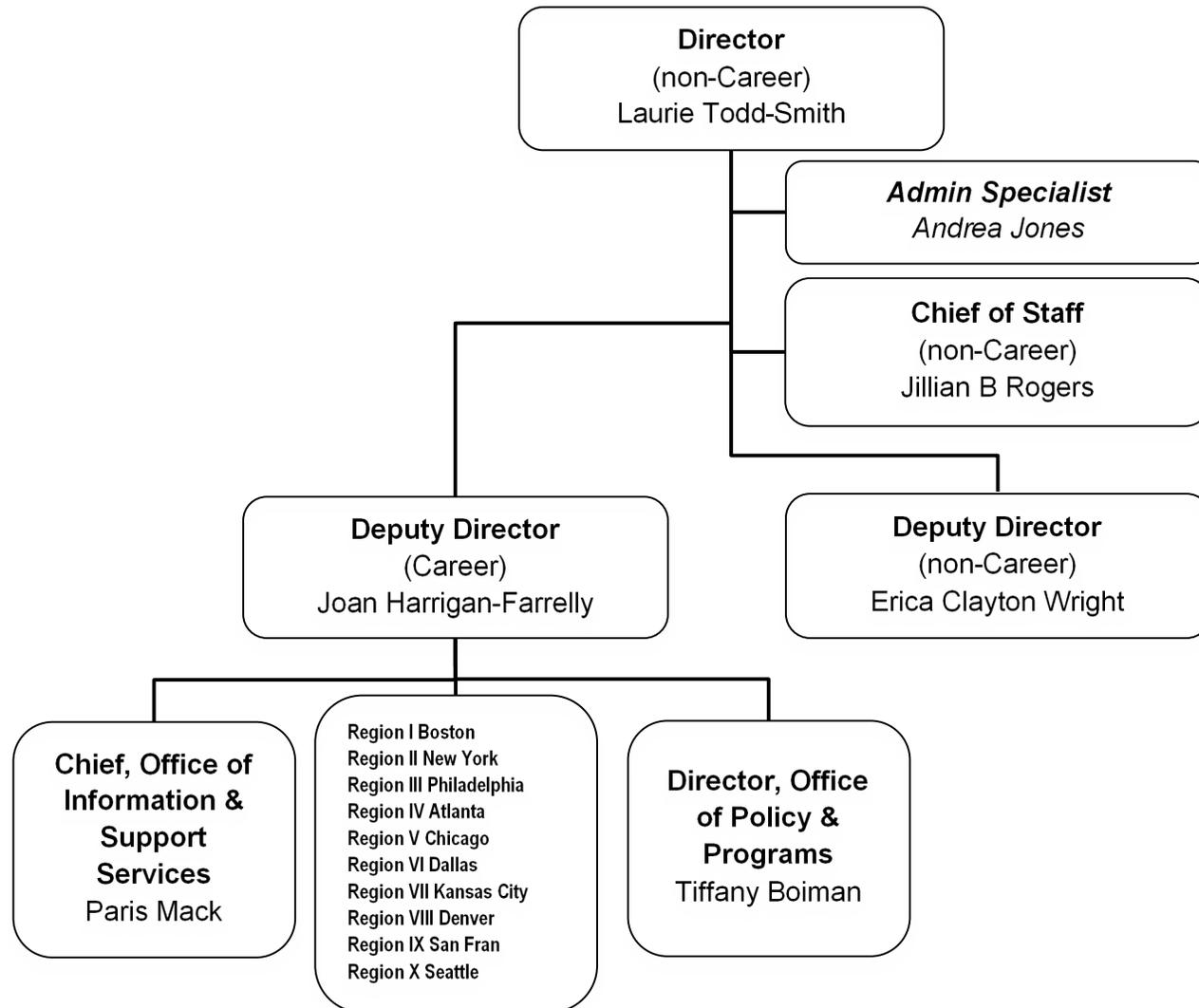
DEPARTMENTAL MANAGEMENT

ADJUDICATION



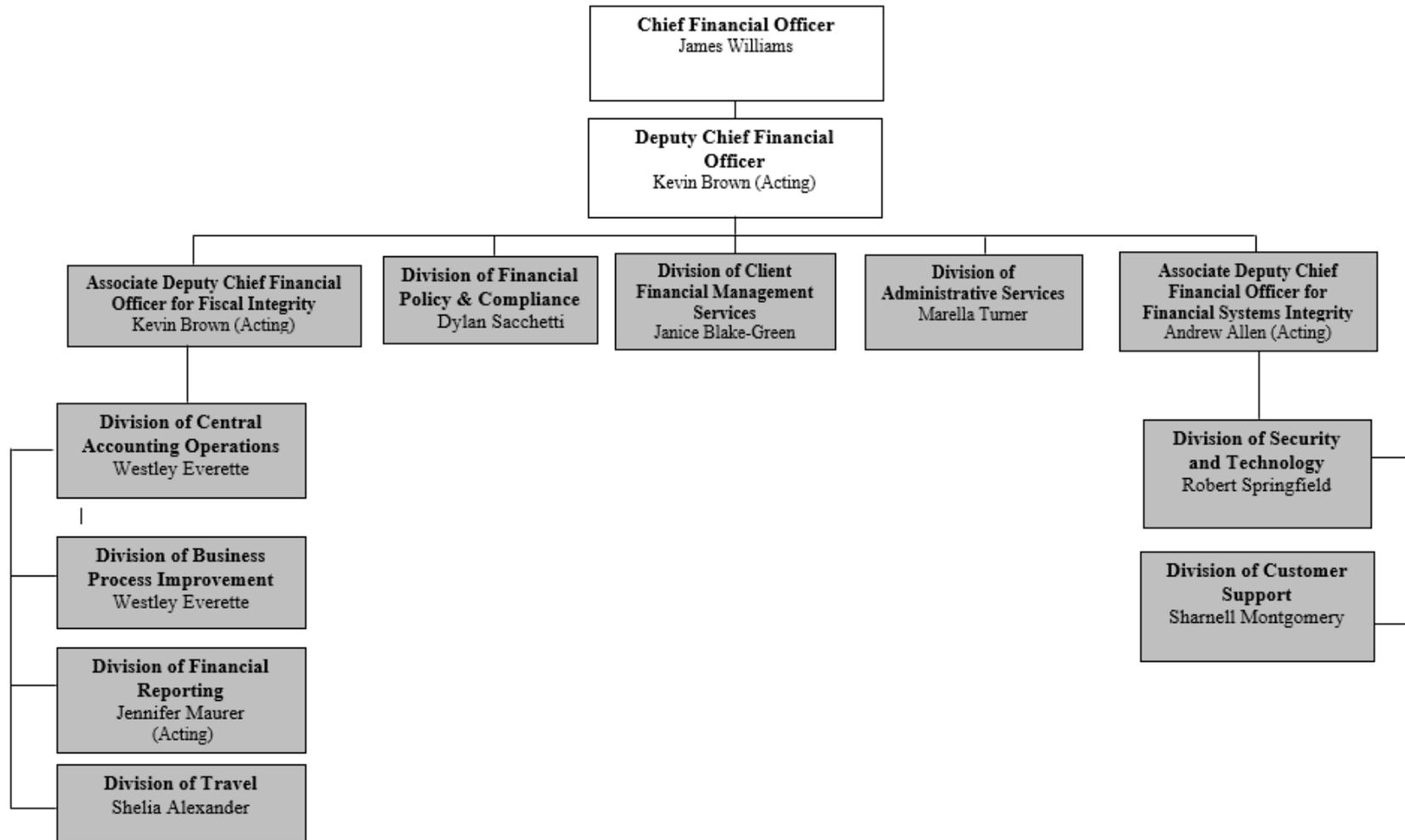
DEPARTMENTAL MANAGEMENT

WOMEN'S BUREAU



DEPARTMENTAL MANAGEMENT

OFFICE OF THE CHIEF FINANCIAL OFFICER



PROGRAM DIRECTION AND SUPPORT

| BUDGET AUTHORITY BEFORE THE COMMITTEE | | | | |
|--|----------------------------|----------------------------|----------------------------|--|
| (Dollars in Thousands) | | | | |
| | FY 2019 Enacted | FY 2020 Enacted | FY 2021 Request | Diff. FY21 Request / FY20 Enacted |
| Activity Appropriation | 30,250 | 30,250 | 32,342 | 2,092 |
| FTE | 96 | 96 | 101 | 5 |

NOTE: FTE for all years reflect the Shared Services Realignment.

NOTE: FY 2019 reflects actual FTE. Authorized FTE for FY 2019 was 105.

Introduction

The Program Direction and Support (PDS) activity provides funding for the offices that offer centralized leadership and direction for the Department.

In addition to the Office of the Secretary of Labor and the Office of the Deputy Secretary of Labor, PDS includes the following offices:

Office of Public Affairs: The Office of Public Affairs (OPA) directs and coordinates the public affairs programs and activities of the U.S. Department of Labor. OPA is the chief adviser on public affairs to the Secretary, Deputy Secretary, agency heads, and departmental staff in developing communication strategies, public affairs, and media relations goals and objectives.

Centers for Faith and Opportunity Initiatives: The Centers for Faith and Opportunity Initiatives (CFOI) builds partnerships with faith-based groups, community organizations, and neighborhood leaders to better serve disadvantaged and underserved workers and job seekers.

Office of Congressional and Intergovernmental Affairs: The Office of Congressional and Intergovernmental Affairs is the principal representative for the Department's legislative program and coordinates legislative proposals with staff of other Federal agencies.

Office of the Assistant Secretary for Policy: The Office of the Assistant Secretary for Policy (OASP) serves as a source of independent policy analysis and advice for the Secretary, Deputy Secretary, and the Department. The work of OASP staff may be divided into seven areas:

- **Policy and Data Analysis:** OASP undertakes broad analytical studies of issues, identifies gaps in policy and data, and initiates policy planning and formulation to fill these gaps.
- **Program Evaluation:** The Chief Evaluation Office (CEO) coordinates the Department's evaluation agenda and also includes a data analytics component which carries out consultative statistical and data analytical projects. The CEO evaluation FTEs are funded in the Departmental Program Evaluation activity, where evaluation performance is reported.
- **Regulatory Policy and Reform:** OASP serves as the Department's Regulatory Policy Officer, has responsibilities as the Regulatory Reform Officer, and chairs the Department's Regulatory Reform Task Force.
- **Data Governance:** The Chief Data Officer (CDO) manages the DOL Data Board, an interagency working group that promotes data capacity and establishes data governance

PROGRAM DIRECTION AND SUPPORT

models advancing the Department's management of data as a strategic asset. The move towards data-informed policymaking across the government has led to an increased need for a modern data infrastructure, strengthened data capacity, and proven models for developing, maintaining, and leveraging data in strategic planning and decision-making.

- **Compliance Initiatives:** OASP collaborates and partners across DOL agencies to develop best practices and materials to advance innovative strategies for enforcement and compliance. The Office develops enhanced stakeholder outreach methods; helps develop innovative online and social media compliance tools; works to build an internal culture of compliance; and, expands upon data quality, sharing, and usage to inform compliance assistance.
- **Policy Coordination:** OASP engages agencies within the Department to coordinate and integrate policy initiatives with Secretarial and Administration objectives. OASP staff coordinates the Government Accountability Office (GAO) review process, leads cross-agency initiatives, supports the implementation of agency-led policy initiatives, and offers policy feedback on and coordinates agency input into Secretarial communications.
- **Liaison and Outreach:** OASP acts as a liaison with nongovernmental organizations, the academic community, think tanks, and others to exchange expert views on matters relevant to labor policy and to ensure that broad public opinion informs the policy formulation process.

Office of Public Liaison: The Office of Public Liaison maintains 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> |
|---------------------------|---|-------------------|
| 2016 | \$31,010 | 136 |
| 2017 | \$30,250 | 88 |
| 2018 | \$30,250 | 90 |
| 2019 | \$30,250 | 105 |
| 2020 | \$30,250 | 96 |

FY 2021

The FY 2021 Budget request for the PDS activity is \$32,342,000 and 101 FTE. Funding at this level will provide for continued support of leadership on key DOL initiatives and mandates. OASP is requesting \$1,777,000 and 5 FTE to support development of the Office of Compliance Initiatives (OCI). Base resources have been used to establish, with additional resources required in FY 2021 to fully support the office. This high priority activity is the foundation for implementing the goal of providing employers, associations and workers with critical tools, services and information about their obligations and rights under Federal labor laws and regulations. Although the Department currently has some resources devoted to compliance assistance embedded in its agencies, there is a need to coordinate those efforts in a way that allows the various enforcement agencies to better coordinate, and integrate their efforts to maximize the compliance assistance the Department can offer to American workers and employers. OCI will complement the Department's enforcement activities by providing

PROGRAM DIRECTION AND SUPPORT

leadership and support in advancing the expansion and development of innovative approaches to compliance assistance outreach and enforcement. OCI seeks to accomplish these goals through 4 key objectives:

1. **OUTREACH:** Enhance and expand stakeholder outreach and engagement. Conduct outreach to business associations and employers through innovative stakeholder engagement
 - Engage national stakeholder associations (SBA, US Chamber, NFIB, SHRM) and other Federal partners.
 - Engage small business owners throughout the country by participating in existing Departmental small business outreach efforts.
2. **INNOVATION:** Create innovative ways to inform employers and workers about their obligations and rights under Federal labor laws and regulations
 - Build and expand on *elaws Advisors*, **Employer.gov**, and **Worker.gov**.
 - Develop social media and new online compliance assistance tools.
3. **CULTURE:** Foster and institutionalize a compliance assistance culture at the Department
 - Identify and share best practices and innovations with agency and field staff.
 - Work with agencies to develop compliance-assistance metrics to measure impact.
4. **ANALYSIS:** Leverage data analysis for more impactful compliance and enforcement strategies through DOL Data Board and enforcement agencies
 - Enhance and expand upon data quality, sharing, and usage.
 - Develop behavioral insights and other economic resources to facilitate compliance.

Simultaneous with the launch of OCI, DOL relaunched **Worker.gov** and launched **Employer.gov**. Both engage user-centered design to enable workers and employers to access direct information about their rights and obligations under Federal labor laws. *ELaws Advisors* (initially launched in 1996) continues to be a powerful tool for helping employers and workers understand and navigate compliance with DOL's regulations.

Ultimately, more effective compliance assistance as a result of OCI's work and efforts will help the Department target its enforcement resources on repeat and willful violators.

FY 2020

The FY 2020 enacted funding level for PDS is \$30,250,000. Actual FTE usage from these appropriated funds was 96 FTE. High priority activities in FY 2020 include the continued work of OCI and the standing up of the Office of Data Governance (ODG). The Office is leading efforts in data quality assessment and standard establishment, to build out roles for more robust data oversight, and to support open data efforts that expand access to Federal data for the public. Data Governance staff coordinate and lead these activities through the DOL Data Board; the enterprise data governance body led by the Chief Data Officer and Chief Information Officer. The DOL Data Board operates in a manner consistent with the guidance described in the Federal

PROGRAM DIRECTION AND SUPPORT

Data Strategy and the Evidence Act. The Office seeks to increase data quality and comprehensibility through governance, to increase transparency in Federal activities and impacts through open data, and to increase the Department's capacity to leverage the strategic value in all data.

OCI promotes greater understanding of federal labor laws and regulations, allowing job creators to prevent violations and protect Americans' wages, workplace safety and health, retirement security, and other rights and benefits, and has expanded the Department's efforts to promote full compliance with federal labor laws. OCI works with worker protection agencies to ensure they can more effectively target their compliance assistance activities and focus their enforcement resources on willful and repeat violators

FY 2019

The FY 2019 revised enacted funding for PDS was \$30,250,000 and actual FTE was 96. High-priority activities in FY 2020 included establishing and funding the Office of Compliance Initiatives (OCI) within OASP.

Though FY 2020 is still ongoing and total obligations are not finalized, the Department of Labor obligated a total of \$2,325,000 for advertising for the Job Corps program during FY 2019. In addition, the Department has contracted with a marketing firm to expand apprenticeship through a strategic marketing campaign. The budget for that contract allocates approximately \$2,500,000 of the two-year \$7,400,000 contract budget for paid media and advertising buys. As of January 22, 2020, none of the media/advertising allocation had been expended.

PROGRAM DIRECTION AND SUPPORT

| BUDGET ACTIVITY BY OBJECT CLASS | | | | | |
|--|--|--------------------|--------------------|--------------------|--|
| (Dollars in Thousands) | | | | | |
| | | FY 2019 Enacted | FY 2020 Enacted | FY 2021 Request | Diff. FY21 Request / FY20 Enacted |
| 11.1 | Full-time permanent | 13,059 | 13,059 | 14,114 | 1,055 |
| 11.3 | Other than full-time permanent | 383 | 383 | 383 | 0 |
| 11.5 | Other personnel compensation | 239 | 239 | 239 | 0 |
| 11.9 | Total personnel compensation | 13,681 | 13,681 | 14,736 | 1,055 |
| 12.1 | Civilian personnel benefits | 3,943 | 3,943 | 4,378 | 435 |
| 13.0 | Benefits for former personnel | 0 | 0 | 0 | 0 |
| 21.0 | Travel and transportation of persons | 417 | 417 | 417 | 0 |
| 22.0 | Transportation of things | 0 | 0 | 0 | 0 |
| 23.1 | Rental payments to GSA | 2,510 | 2,510 | 2,510 | 0 |
| 23.3 | Communications, utilities, and miscellaneous charges | 226 | 226 | 226 | 0 |
| 24.0 | Printing and reproduction | 209 | 209 | 309 | 100 |
| 25.1 | Advisory and assistance services | 948 | 948 | 1,450 | 502 |
| 25.2 | Other services from non-Federal sources | 515 | 361 | 361 | 0 |
| 25.3 | Other goods and services from Federal sources 1/ | 4,791 | 4,945 | 4,945 | 0 |
| 25.4 | Operation and maintenance of facilities | 2,685 | 2,685 | 2,685 | 0 |
| 25.5 | Research and development contracts | 0 | 0 | 0 | 0 |
| 25.7 | Operation and maintenance of equipment | 82 | 82 | 82 | 0 |
| 26.0 | Supplies and materials | 176 | 176 | 176 | 0 |
| 31.0 | Equipment | 67 | 67 | 67 | 0 |
| 42.0 | Insurance claims and indemnities | 0 | 0 | 0 | 0 |
| | Total | 30,250 | 30,250 | 32,342 | 2,092 |
| | | | | | |
| | 1/Other goods and services from Federal sources | | | | |
| | CIGIE | 0 | 154 | 154 | 0 |
| | Working Capital Fund | 4,791 | 4,791 | 4,791 | 0 |

PROGRAM DIRECTION AND SUPPORT

CHANGES IN FY 2021

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

| | |
|--|-------|
| Costs of pay adjustments | \$228 |
| Personnel benefits | 0 |
| One day less of Pay | -68 |
| Federal Employees' Compensation Act (FECA) | 155 |
| Benefits for former personnel | 0 |
| Travel and transportation of persons | 0 |
| Transportation of things | 0 |
| Rental payments to GSA | 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 | 0 |
| 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 **\$315**

Net Program **\$1,777**

Direct FTE **5**

| | Estimate | FTE |
|-------------------------|-----------------|-----------|
| Base | \$30,565 | 96 |
| Program Increase | \$1,777 | 5 |
| Program Decrease | \$0 | 0 |

LEGAL SERVICES

| BUDGET AUTHORITY BEFORE THE COMMITTEE | | | | |
|--|----------------------------|----------------------------|----------------------------|--|
| (Dollars in Thousands) | | | | |
| | FY 2019 Enacted | FY 2020 Enacted | FY 2021 Request | Diff. FY21 Request / FY20 Enacted |
| Activity Appropriation | 131,672 | 131,697 | 138,848 | 7,151 |
| FTE | 572 | 572 | 600 | 28 |

NOTE: FTE for all years reflect the Shared Services Realignment.

NOTE: FY 2019 reflects actual FTE. Authorized FTE for FY 2019 was 567.

Introduction

The Office of the Solicitor of Labor (SOL) is the legal enforcement and support arm of DOL. 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 safety and protection laws and implementation of the Secretary’s regulatory and program agendas. SOL works closely with other DOL agencies to develop and implement specific policies and mission critical programs. Additionally, SOL helps improve the effectiveness of training programs for American workers and advises the Secretary and Departmental leadership on a full range of legal issues. As a result, SOL shares the goals of each of its clients. SOL’s services to its client agencies 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 enforcement, strategic, and outcome goals by:

- undertaking litigation to carry out the Secretary’s priority enforcement initiatives, and to defend the Secretary’s vision 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 to Departmental and agency officials.

In support of all DOL actions, SOL provides sound legal advice that is:

- timely;
- understandable;
- able to identify and mitigate legal risk;
- effective; and
- in line with clients’ goals and priorities.

LEGAL SERVICES

SOL's priorities for FY 2021 mirror the Department's budget and program priorities, and seek the funding necessary to enable SOL to provide timely and effective advice and litigation services, in support of worker wages, benefits, safety, and rights, thus contributing to a sound economy and economic growth.

In FY 2021, the Department is committed to implementing the President's Management Agenda (PMA) and an Enterprise Shared Services delivery model for administrative functions. The purpose of the Enterprise Shared Services initiative is to create an administrative services delivery model that is streamlined, consistent, and efficient. Instead of directly funding information technology, the Department's current plan is that SOL will use a shared services provider through the proposed IT Working Capital Fund (IT WCF). Under this plan 4 FTE will be realigned from SOL to the IT WCF as part of the implementation of this model. The FY 2021 OMB Submission reflects this FTE realignment and the corresponding realignment of personnel compensation and benefits. The Budget does not include any related changes to non-personnel funding. The Department continues to develop and implement plans for Enterprise Shared Services. All FTE and funding estimates related to the Enterprise Shared Services initiative are preliminary and will be validated before final implementation.

The FY 2020 President's Budget requested \$20,000,000 spread across 8 agencies, including SOL, to support the Department's Worker Protection Agencies' IT Modernization efforts.

Five-Year Budget Activity History¹

| <u>Fiscal Year</u> | <u>Funding</u> (Dollars in Thousands) | <u>FTE</u> |
|---------------------------|---|-------------------|
| 2016 | \$125,308 | 616 |
| 2017 | \$122,053 | 593 |
| 2018 | \$124,053 | 597 |
| 2019 | \$124,053 | 567 |
| 2020 | \$124,053 | 541 |

FY 2021

In FY 2021, SOL is requesting \$138,848,000 and 600 FTE. This request includes two increases, described further below. This funding level and FTE include General, Unemployment Trust Fund (UTF), and Black Lung Disability Trust Fund (BLDTF) funding. Reimbursement funding and FTE are not included in the above request.

This request includes a program increase of \$5,879,000 and 28 FTE so that SOL will have adequate capacity to provide legal advice, regulatory review, and litigation legal services in support of the Department's worker protection programs. SOL must not only provide continuing legal services on demand in support of the Department as a whole and all client agencies, but also faces enhanced workload as a result of the Department's regulatory agenda, the expansion of worker protection programs funded in the FY 2020 appropriation for OSHA, MSHA, OLMS,

¹ This table reflects direct discretionary funding sources and FTE.

LEGAL SERVICES

OFCCP and WHD without commensurate funding for legal services from SOL, and expanded initiatives included in the Department's FY2021 request for worker protection agencies. These FY 2021 initiatives include the Employee Benefits Security Administration (EBSA) budget initiatives, which will enhance funding and staffing for EBSA's Multiple Employer Welfare Arrangement (MEWA) enforcement, administration, and participant assistance efforts, which SOL anticipates will generate a significant increase in legal service demand, as well as EBSA's audit investment related to the Thrift Savings Plan (TSP). The Department's FY2021 budget request also seeks an increase for the Occupational Safety and Health Administration (OSHA) for investigators in OSHA's Whistleblower Protection Program, which will generate increased workload for SOL in advising the Whistleblower program and providing litigation support for enforcement efforts.

Additionally, the request for SOL includes an increase of \$501,000 and no FTE in Black Lung Disability Trust Funds (BLDTF) to address workload increases in adjudication before Administrative Law Judges and the Benefits Review Board (BRB), in order to ensure the Black Lung Benefits program continues to be properly administered in addressing the needs of American workers. SOL represents the Director, Office of Workers' Compensation Programs (OWCP), in all black lung cases before the Office of Administrative Law Judges (OALJ), the BRB, and the U.S. Courts of Appeals. Because of an increase in black lung claims filings and increasing OALJ adjudication rates aimed at reducing case backlog, the number of black lung matters before the OALJ and BRB requiring SOL's involvement has multiplied over the last several years. Further, because of novel issues presented in black lung adjudications, such as constitutional challenges to ALJs' authority to decide claims, SOL expends more resources per case than it ever has before.

Absent additional resources, SOL's ability to provide legal support to the Department will be substantially diminished, particularly in light of the flat level of appropriated funding that SOL received in FY 2020. Without enhanced resources as sought in this request, SOL will be unable to support the Department's enhanced worker protection compliance and enforcement efforts as already funded for FY 2020 and proposed for FY 2021. SOL will also be unable to satisfy the legal workload generated by new Administration directives and initiatives, and to keep pace with the demands for legal services to support ongoing programs and activities, which span the full breadth of DOL programs, enforcement, and compliance assistance activities. Ultimately, this would result in slower or deferred provision of legal services, given the legal specialty and professional resources that are required to meet client demands for legal support as they engage in new and innovative efforts to help America's working men and women and job creators.

FY 2020

In FY 2020, SOL's enacted funding level is \$131,697,000 and 572 FTE. SOL received the same funding level for FY2020 as in FY2019, even though many of the Department's worker protection programs received expanded FY 2020 funding that will increase their programmatic activities and therefore demand for legal advice and litigation enforcement support. Additionally, SOL operational and personnel costs will increase in FY 2020, in part due to the federal pay raise for which SOL received no additional funds. As a result, SOL will be

LEGAL SERVICES

challenged in stretching its FY 2020 funding to carry out SOL's mandate to provide comprehensive legal services to the Department to advance the Department's mission, the programs and priorities of the Secretary, and each of our client agencies, especially when combined with the Department's expanded worker protection initiatives funded for FY 2020. While SOL will seek to maximize the strategic and efficient use of its resources, working closely with client agencies on prioritization, some triaging and diminished legal service output will result.

FY 2019

In FY 2019, SOL's enacted funding level was \$131,672,000. Actual FTE usage from these appropriated funds was 572 FTE. SOL used this funding to carry out its responsibility of providing comprehensive legal services to the Department to advance the Department's mission, the programs and priorities of the Secretary and each of our client agencies. SOL worked closely with its client agencies to support priority initiatives, such as regulatory reform, compliance assistance, worker protection efforts, and launch of departmental efficiency initiatives including shared service, as well as SOL's continuing legal role in providing timely, accurate and supportive program opinion and advice, pre-litigation, and litigation support in support of the department's enforcement and benefit priorities.

LEGAL SERVICES

| WORKLOAD AND PERFORMANCE SUMMARY | | | | | |
|---|-------------------|----------------------------|---------------|----------------------------|----------------------------|
| | | FY 2019 Enacted | | FY 2020 Enacted | FY 2021 Request |
| | | Target | Result | Target | Target |
| Legal Services | | | | | |
| Strategic Goal ALL - All Strategic Goals | | | | | |
| Strategic Objective ALL.1 - All Strategic Objectives | | | | | |
| Pre Litigation: | | | | | |
| PRE-01 | Matters Opened | 3,200[p] | 3,122 | 3,000[p] | 3,100[p] |
| PRE-02 | Matters Concluded | 3,100[p] | 2,987 | 2,850[p] | 2,950[p] |
| PRE-04 | Matters Pending | 3,150[p] | 3,063 | 3,200[p] | 3,100[p] |
| Litigation: | | | | | |
| LIT-01 | Matters Opened | 7,800[p] | 6,942 | 6,650[p] | 6,850[p] |
| LIT-02 | Matters Concluded | 10,200[p] | 8,269 | 7,950[p] | 8,200[p] |
| LIT-04 | Matters Pending | 10,300[p] | 10,235 | 10,650[p] | 10,350[p] |
| Opinion/Advice: | | | | | |
| OA-01 | Matters Opened | 9,300[p] | 7,586 | 7,300[p] | 7,500[p] |
| OA-02 | Matters Concluded | 9,850[p] | 9,717 | 9,350[p] | 9,600[p] |
| OA-04 | Matters Pending | 21,500[p] | 18,053 | 18,800[p] | 18,200[p] |
| Regulations: | | | | | |
| REG-01 | Matters Opened | 60[p] | 55 | 53[p] | 55[p] |

LEGAL SERVICES

| WORKLOAD AND PERFORMANCE SUMMARY | | | | | |
|---|-------------------|----------------------------|---------------|----------------------------|----------------------------|
| | | FY 2019 Enacted | | FY 2020 Enacted | FY 2021 Request |
| | | Target | Result | Target | Target |
| REG-02 | Matters Concluded | 50[p] | 43 | 41[p] | 42[p] |
| REG-04 | Matters Pending | 105[p] | 114 | 119[p] | 115[p] |

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

LEGAL SERVICES

Detailed Workload and Performance Narrative

SOL's workload performance measures involve a simple count of the number of Matters that SOL opens and concludes and the number of pending Matters each quarter in each of four categories of Matters (Pre-litigation, Litigation, Opinion/Advice, and Regulation). SOL considers a Matter a collection of related activities that contribute to a specific investigation, litigation, regulation, or opinion/advice. These performance measures help SOL track its production on a quarterly and annual basis, and provide a contextual basis for SOL to compare its production over time, and help SOL track the demand for and provision of legal services to specific DOL client agencies.

SOL's FY 2021 workload performance targets are best estimates for increased performance that would result from the funding increases sought for FY2021, informed by FY 2019 year-end results, results to date for FY 2020, and targets established for projected final results for FY 2020. The FY 2021 projections are further informed by analysis of SOL's Matter data as a reflection of SOL's client agencies' requests for legal services. The FY 2020 targets have been revised downward from prior projected targets in light of SOL's receipt of a FY2020 appropriations at the FY2019 level and need to absorb significant cost increases, which will result in staffing reductions that will reduce SOL's ability to provide SOL legal services to the Department. It should be noted that simple Matter counts do not capture variations in the level of effort and resource investment SOL may need to make for a given Matter, especially with respect to highly complex litigation or regulation Matters.

LEGAL SERVICES

| BUDGET ACTIVITY BY OBJECT CLASS | | | | | |
|--|--|----------------------------|----------------------------|----------------------------|--|
| (Dollars in Thousands) | | | | | |
| | | FY 2019 Enacted | FY 2020 Enacted | FY 2021 Request | Diff. FY21 Request / FY20 Enacted |
| 11.1 | Full-time permanent | 74,788 | 74,547 | 79,579 | 5,032 |
| 11.3 | Other than full-time permanent | 411 | 411 | 411 | 0 |
| 11.5 | Other personnel compensation | 1,338 | 1,338 | 1,338 | 0 |
| 11.8 | Special personal services payments | 5 | 5 | 5 | 0 |
| 11.9 | Total personnel compensation | 76,542 | 76,301 | 81,333 | 5,032 |
| 12.1 | Civilian personnel benefits | 23,018 | 23,010 | 25,041 | 2,031 |
| 13.0 | Benefits for former personnel | 45 | 45 | 45 | 0 |
| 21.0 | Travel and transportation of persons | 600 | 637 | 644 | 7 |
| 22.0 | Transportation of things | 0 | 0 | 0 | 0 |
| 23.0 | Rent, Communications, and Utilities | 0 | 0 | 0 | 0 |
| 23.1 | Rental payments to GSA | 7,904 | 7,904 | 7,904 | 0 |
| 23.2 | Rental payments to others | 13 | 16 | 16 | 0 |
| 23.3 | Communications, utilities, and miscellaneous charges | 561 | 581 | 585 | 4 |
| 24.0 | Printing and reproduction | 12 | 18 | 19 | 1 |
| 25.1 | Advisory and assistance services | 0 | 0 | 0 | 0 |
| 25.2 | Other services from non-Federal sources | 248 | -105 | -40 | 65 |
| 25.3 | Other goods and services from Federal sources 1/ | 20,305 | 20,720 | 20,720 | 0 |
| 25.4 | Operation and maintenance of facilities | 30 | 40 | 41 | 1 |
| 25.5 | Research and development contracts | 0 | 0 | 0 | 0 |
| 25.7 | Operation and maintenance of equipment | 1,357 | 1,415 | 1,416 | 1 |
| 26.0 | Supplies and materials | 916 | 950 | 957 | 7 |
| 31.0 | Equipment | 121 | 165 | 167 | 2 |
| 42.0 | Insurance claims and indemnities | 0 | 0 | 0 | 0 |
| | Total | 131,672 | 131,697 | 138,848 | 7,151 |
| | | | | | |
| | 1/Other goods and services from Federal sources | | | | |
| | CIGIE | 0 | 169 | 169 | 0 |
| | Working Capital Fund | 20,305 | 20,391 | 20,391 | 0 |

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CHANGES IN FY 2021

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

| | |
|--|---------|
| Costs of pay adjustments | \$1,294 |
| Personnel benefits | 0 |
| One day less of Pay | -390 |
| Federal Employees' Compensation Act (FECA) | -133 |
| Benefits for former personnel | 0 |
| Travel and transportation of persons | 0 |
| Transportation of things | 0 |
| Rental payments to GSA | 0 |
| 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 | 0 |
| 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 **\$771**

Net Program **\$6,380**

Direct FTE **28**

| | Estimate | FTE |
|-------------------------|------------------|------------|
| Base | \$132,468 | 572 |
| Program Increase | \$6,380 | 28 |
| Program Decrease | \$0 | 0 |

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| BUDGET AUTHORITY BEFORE THE COMMITTEE | | | | |
|--|----------------------------|----------------------------|----------------------------|--|
| (Dollars in Thousands) | | | | |
| | FY 2019 Enacted | FY 2020 Enacted | FY 2021 Request | Diff. FY21 Request / FY20 Enacted |
| Activity Appropriation | 86,125 | 96,125 | 18,660 | -77,465 |
| FTE | 108 | 108 | 94 | -14 |

NOTE: FTE for all years reflect the Shared Services Realignment.

Introduction

The Bureau of International Labor Affairs (ILAB) promotes a fair global playing field for workers and businesses in the United States and around the world by enforcing trade commitments, strengthening labor standards, and combating international child labor, forced labor, and human trafficking. These efforts support DOL’s Strategic Goal to promote safe jobs and fair workplaces for all Americans.

When other countries fail to enforce their labor laws and protect their workers, allow exported goods to be produced through child labor, forced labor, or in other exploitative labor conditions, or otherwise do not abide by their trade-related labor commitments, they gain an unfair competitive advantage that can harm workers and businesses in the United States. ILAB’s work supports U.S. workers and others around the world by:

- **Monitoring and enforcing labor provisions of U.S. trade agreements and preference programs.** ILAB negotiates, monitors, and enforces the labor provisions of trade agreements and trade preference programs, including the recently completed labor chapter of the U.S. – Mexico – Canada Free Trade Agreement, as part of its work to ensure that trade partners do not reduce workers’ protections in order to gain an unfair trade advantage or attract investment. ILAB also manages technical assistance projects to improve countries’ capacity to enforce labor rights agreed to under U.S. trade agreements and trade preference programs.
- **Strengthening global labor standards to promote a fair playing field for U.S. workers and businesses.** ILAB represents U.S. interests on labor and employment issues by working with key countries to promote worker rights and raise labor standards, promoting labor diplomacy around the globe, and advocating for the same at the International Labor Organization (ILO), G-20, G-7, Organization for Economic Co-operation and Development (OECD), and other multilateral institutions.
- **Combating exploitative child labor, forced labor, and human trafficking.** ILAB conducts in-depth research and produces reporting on child labor, forced labor, and human trafficking in more than 150 countries around the world. This reporting includes the annual *Findings on the Worst Forms of Child Labor*, as required by the Trade and Development Act of 2000; the *List of Goods Produced with Child Labor or Forced Labor* (TVPRA List), as mandated by the Trafficking Victims Protection Reauthorization Act of 2018; and the *List of Goods Produced by Forced or Indentured Child Labor*, as mandated by Executive Order 13126. ILAB also manages technical assistance projects in over 40 countries that combat child labor and forced labor, and help build capacity in

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countries to reduce such abusive labor practices.

Resource and Program Data International Labor Services

| Data Category | FY 2019 Enacted | FY 2020 Enacted | FY 2021 President's Budget |
|--------------------------------|--------------------|--------------------|----------------------------------|
| <u>Resource Data:</u> | | | |
| International Labor Activities | 59,825 | 67,325 | 0 |
| Grants | 55,550 | TBD | 0 |
| Research and Evaluation | 3,779 | TBD | 0 |
| Training/Technical Assistance | 100 | TBD | 0 |
| Program Support | 396 | TBD | 0 |
| Total Resources | 59,825 | 67,325 | 0 |
| <u>Program Data*:</u> | | | |
| Grants | 17 | TBD | 0 |
| New Starts | | | |
| # | 8 | TBD | 0 |
| \$ | 39,798 | TBD | 0 |
| Continuing | | | |
| # | 9 | TBD | 0 |
| \$ | 15,752 | TBD | 0 |
| Contracts | | | |
| # | 16 | TBD | 0 |
| \$ | 3,779 | TBD | 0 |
| Interagency Agreements | | | |
| # | 2 | TBD | 0 |
| \$ | 496 | TBD | 0 |

* Note: these figures do not include program data from previous fiscal years.

Five-Year Budget Activity History

| <u>Fiscal Year</u> | <u>Funding</u> (Dollars in Thousands) | <u>FTE</u> |
|---------------------------|---|-------------------|
| 2016 | \$86,125 | 112 |
| 2017 | \$86,125 | 116 |
| 2018 | \$86,125 | 108 |
| 2019 | \$86,125 | 114 |
| 2020 | \$96,125 | 108 |

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FY 2021

The FY 2021 request for ILAB is \$18,660,000 and 94 FTE. This funding level includes a program decrease of \$67,325,000 from the FY 2020 enacted funding level to eliminate new grants and a program decrease of \$10,300,000 from the FY 2020 enacted funding level to reduce staff levels. This reduction reflects the workload decrease associated with the elimination of new grants as well as a reduction in the intensity of other ILAB work activities. ILAB's grant funding is spent on promoting worker protection overseas, and many of the grants are awarded non-competitively to the International Labor Organization. ILAB will have continued representation for U.S. labor and employment priorities at the ILO, G20, G7, and in bilateral engagements. ILAB will focus available resources on efforts to make U.S. trade agreements fair for U.S. workers by monitoring and enforcing the labor provisions of free trade agreements (FTAs) and trade preference programs to ensure a fair global playing field for U.S. workers and businesses.

Ensuring U.S. trade agreements and preference programs are fair for American workers

With the resources requested, ILAB will strategically focus on monitoring and enforcing the labor provisions of the 19 U.S. FTAs that include such provisions. Attention will continue to be focused on Mexico and the obligations of the United States- Mexico-Canada Agreement (USMCA). Specifically, ILAB will be required to undertake increased monitoring and engagement with Mexico, as well as additional enforcement responsibilities. A first-of-its-kind rapid response mechanism under the USMCA will allow for facility specific challenges to labor violations in Mexico. ILAB will be involved in the deliberative process to determine when an action should be brought and, thereafter in building the case in support of such actions.

ILAB will also conduct targeted monitoring and enforcement of the labor provisions of trade preference programs with more than 130 countries under the Generalized System of Preferences (GSP), and the African Growth and Opportunity Act (AGOA).

ILAB will continue to act as the principal liaison with U.S. trading partners for the administration of FTA labor subcommittees and labor cooperation mechanisms. ILAB will also work to negotiate strong, enforceable, and clear labor provisions in any trade agreements negotiated or renegotiated in FY 2021 to ensure American workers' equities are protected, and conduct research on labor rights and to analyze the expected employment impact of trade and international investment flows and policies on workers and employers in the United States, per the terms of current Trade Promotion Authority.

ILAB will continue to work with interagency partners, as well as workers and businesses, to improve compliance with labor standards. These efforts will be bolstered by targeted technical cooperation and research to strengthen labor law enforcement and compliance with the labor requirements of U.S. trade agreements and preference programs.

ILAB will work with the U.S. Department of State and the Office of the U.S. Trade Representative (USTR) to conduct assessments of labor conditions in relevant countries.

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Improving global labor working conditions to ensure a level playing field for U.S. workers

ILAB will strategically use its leadership and expertise on international labor issues to promote U.S. labor and employment policies that benefit workers and businesses in the United States and around the world, support stronger and more inclusive global growth, and shape policy priorities among major trading partners. ILAB will strategically focus on promoting and defending U.S. Government's interests and policies in international fora, such as the ILO, G20, G7, and OECD, and ensuring that U.S. priorities are reflected in the international organizations' policies and programs. Similarly, ILAB will pursue more strategic dialogue and bilateral diplomacy with countries to help level the playing field for U.S. workers and companies while helping to bolster markets for American goods and services. ILAB will conduct strategic informational exchanges between DOL and foreign governments to influence policies and enable senior DOL officials to share with, and learn from, practices, policies and programs used in other countries.

ILAB also draws lessons from research identifying global best practices in labor market policy and works closely with DOL's domestic agencies and other U.S. government partners to use these lessons to further policies that support quality job creation in the United States.

Combating international child labor, forced labor, and human trafficking to ensure fair competition for U.S. workers and businesses

ILAB will continue its efforts to combat exploitative child labor, forced labor, and human trafficking. ILAB will focus its engagement on countries that are key trading partners with the United States to help prevent goods made under exploitative conditions from being imported into the U.S. market. To accommodate the proposed reduction in funding, ILAB might seek statutory changes from Congress to be able to reduce the reporting frequency on international progress in combating the worst forms of child labor, forced labor, and human trafficking, including through its annual *Findings on the Worst Forms of Child Labor* and TVPRA List. ILAB will also seek to eliminate the stand-alone reporting for E.O. 13126 - *List of Goods Produced by Forced or Indentured Child Labor* and incorporate this information in other ILAB reports. This will enable ILAB to maintain the accuracy and reliability of information reported in ILAB's reports, while supporting some limited policy engagement efforts to assist governments in addressing suggested actions identified through its reporting. ILAB will strategically work with key countries, workers, businesses, and civil society to address the child labor or forced labor that lead to inclusion of a good on ILAB's TVPRA List by providing a systematic framework to support removal of a good from the TVPRA List through the collection of information and development of effective systems.

ILAB will strategically work with governments to strengthen legal frameworks, enforcement actions, and policies and programs to end child labor and forced labor. ILAB will also strategically work with businesses and trade associations to help them identify risks, provide appropriate remediation services to those impacted by these abusive practices, and take steps to ensure that these labor abuses are not part of their global supply chains.

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Effective oversight of existing technical assistance grants

ILAB will provide basic oversight and steadily close out existing grants in its portfolio. ILAB will focus its efforts on ensuring that: (1) project funds are spent according to U.S. government and DOL requirements; (2) projects achieve stated outcomes; and (3) conduct some limited project evaluations or assessments to identify good practices. ILAB will use results and findings from implementation evaluations and assessments, and previously funded impact evaluations, to inform the implementation of its current projects and to make information available to the public, as required by regulation.

FY 2020

The FY 2020 ILAB enacted level is \$96,125,000 and 108 FTE, which reflects a \$10,000,000 increase in ILAB's enacted funding level from FY 2019.

Throughout FY 2020, ILAB will continue to focus its efforts and resources on ensuring that U.S. trade agreements are fair for U.S. workers by monitoring and enforcing the labor provisions of FTAs and trade preference programs, and working to secure strong labor provisions in any new FTAs negotiated this year. ILAB will continue representation of U.S. labor and employment priorities at the ILO, G20, G7, and in bilateral engagements. ILAB will continue efforts to combat exploitative child labor, forced labor, and human trafficking through research, policy engagement, and technical assistance activities.

Ensuring U.S. trade agreements and preference programs are fair for American workers

ILAB will focus on monitoring and enforcing the labor provisions of the 19 U.S. FTAs that include such provisions. With the anticipated passage of the USMCA, ILAB will be required to undertake significantly increased monitoring and engagement with Mexico. It is also expected that USMCA enactment will result in extensive enforcement responsibilities for ILAB. A first of its kind rapid response mechanism under the USMCA will allow for facility specific challenges to labor violations in Mexico. ILAB will be involved in the process for considering bringing, and in building the case in support of, such actions.

ILAB will also conduct targeted monitoring and enforcement of the labor provisions of trade preference programs with over 125 countries under GSP and AGOA. To accomplish this objective, ILAB will use a three-pronged strategy:

- (1) Conduct rigorous monitoring and research: proactively identify the most critical and high-priority labor concerns in trade partner countries, assess and affirmatively target those concerns, and develop the means to address them;
- (2) Increase efficiencies in receiving and reviewing trade complaints: develop streamlined processes for receiving, reviewing, and analyzing public complaints that allege a trade partner is not complying with its labor-related trade obligations, as well as for publishing reports that analyze the facts underlying the complaint and determine whether subsequent U.S. government trade enforcement actions are warranted; and

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(3) Identify and leverage a range of trade enforcement and engagement tools, including technical assistance projects: creatively use a variety of tools to enforce labor provisions of free trade agreements and trade preference programs, including trade and diplomatic leverage, policy engagement, involvement in international and multilateral organizations, targeted technical assistance projects, and direct capacity building, among others.

ILAB will continue to act as the principal liaison with U.S. trading partners for the administration of FTA labor subcommittees and labor cooperation mechanisms. ILAB will also work to negotiate strong, enforceable, and clear labor provisions in any trade agreements negotiated or renegotiated in FY 2020 and conduct research on labor rights and the expected employment impact in the United States, per the terms of current Trade Promotion Authority.

ILAB will work closely with the U.S. Department of State and the Office of the U.S. Trade Representative in relevant countries to assure reliable on-the-ground assessments of labor conditions. For example, ILAB will participate as the principal expert on worker rights in the new U.S. Trade Representative-led assessment of GSP beneficiary country eligibility. The assessment will focus on sub-Saharan Africa in FY 2020.

Improving global working conditions to ensure a level playing field for U.S. workers

In FY 2020, ILAB will continue to use its leadership and expertise on international labor issues to promote U.S. labor and employment policies that benefit workers and businesses in the United States and around the world. ILAB will continue to focus on promoting and defending U.S. Government's interests and policies in international fora, such as the ILO, G20, G7, and OECD, and ensure U.S. priorities are reflected in the international organizations' policies and programs. Similarly, ILAB will pursue dialogue and informational exchanges between DOL and foreign governments to influence policies and enable senior DOL officials to share with, and learn from, practices, policies, and programs used in other countries. ILAB will promote the Administration's perspective under the Saudi Arabian Presidency of the G20 in 2019 and at meetings of the Inter-American Conference of Ministers of Labor and Asia-Pacific Economic Cooperation.

Combating international child labor, forced labor, and human trafficking to ensure fair competition for U.S. workers and businesses

ILAB will continue and expand efforts to combat exploitative child labor, forced labor, and human trafficking. ILAB will focus on countries that are key trading partners with the United States to help prevent goods made under exploitative conditions from being imported into the U.S. market. ILAB will continue its reporting on international progress to combat the worst forms of child labor, including child trafficking, through its annual *Findings on the Worst Forms of Child Labor*, as required by the Trade and Development Act of 2000; its *List of Goods Produced by Child Labor or Forced Labor*, as mandated by the Trafficking Victims Protection Reauthorization Act of 2018; and its *List of Goods Produced by Forced or Indentured Child Labor*, as mandated by Executive Order 13126. ILAB will also take steps to address the new research and reporting requirements in the Trafficking Victims Prevention and Protection

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Reauthorization Act of 2018, which calls for the inclusion of goods, as practical, that are produced with inputs made with child labor or forced labor in violation of international standards. This includes developing a new research methodology, conducting and/or funding independent research in supply chains of certain goods, and systematically analyzing the information prior to the next scheduled publication of the TVPRA List in 2020.

ILAB will maintain the accuracy and reliability of information in these reports, while supporting policy engagement efforts to assist governments in addressing suggested actions identified through its reporting. ILAB will provide tools for governments and business to address these challenges, including our Sweat & Toil and Comply Chain mobile applications, and will continue to work with countries and businesses to address the child labor or forced labor that lead to inclusion of a good on its TVPRA List. ILAB will provide them with a systematic framework to demonstrate the steps that can be taken to support removal of a good from the TVPRA List through the collection of information and development of effective systems.

Technical assistance to address workers' rights issues and combat exploitative child labor and forced labor

ILAB makes grants for technical assistance to promote fair working conditions in FTA and trade preference partner countries and to combat exploitative child labor and forced labor internationally. In FY 2020, ILAB will focus technical assistance on activities to advance specific priorities of the administration, including in the following areas: supporting the rule of law and other Administration priorities in Mexico and Colombia; strengthening enforcement of trade agreements and preference programs in other priority countries; global women's economic empowerment; and combating modern slavery and the worst forms of child labor.

Effective oversight of existing technical assistance grants

In FY 2020, ILAB will continue to oversee its grants portfolio, including through the use of limited implementation evaluations and project level audits. ILAB will ensure that: (1) project funds are spent according to U.S. government and DOL requirements; (2) projects achieve desired outcomes; and (3) lessons are learned and incorporated into existing projects. ILAB will use results and findings from implementation evaluations and previously funded impact evaluations to inform and improve the implementation of its current projects and to make this information available to the public for broader use.

FY 2019

The FY 2019 ILAB enacted budget of \$86,125,000 continued ILAB's funding from FY 2018 levels. ILAB's actual FTE level for FY 2019 was 108. ILAB continued to enhance its effectiveness and results without an increase in program resources by deepening and expanding its use of an integrated, systemic approach to country engagement as well as focusing its efforts on strategic areas of importance where political will and regional or country-specific prioritization allowed for greater progress.

Ensuring U.S. Trade Agreements and Preference Programs are Fair for American Workers

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ILAB continued its 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.

ILAB monitors and enforces labor obligations under FTAs 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, working with USTR, completed the labor chapter of the USMCA. The USMCA is a significant step forward from the labor protections afforded under the labor side agreement to the North American Free Trade Agreement (NAFTA). The USMCA will benefit American workers by bringing labor obligations into the core of the agreement and making them fully enforceable, representing the strongest provisions of any trade agreement to date.

ILAB continues to hold trade partner countries to their labor-related trade commitments to the U.S., including through engagement following up on submissions made under various free trade agreements, alleging non-compliance with those agreements. Last year, ILAB continued to monitor and engage on submissions against Colombia, Honduras, Peru, the Dominican Republic, and Mexico. These engagements resulted in historic legal reforms and improved labor law enforcement in multiple countries.

To assist in these efforts, in FY 2019, ILAB continued to employ a labor attaché in the U.S. Embassy in Bogota, Colombia, to help address the Colombia Labor Action Plan recommendations related to the submission filed under the FTA.

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 submissions lodged under labor provisions of trade agreements, or under the preference petition process. In addition, the GSP and AGOA preference programs have annual review cycles, under which ILAB closely reviews countries' compliance with the worker rights eligibility criterion of those programs and selects priority countries for engagement. In FY 2019, ILAB followed up on the President's withdraw of Mauritania's eligibility from the AGOA program and pressed eligible countries to comply with the AGOA labor obligations. Additionally, in the second year of the formal GSP assessment program, ILAB spent considerable resources developing a system for conducting the assessment, gathering information about countries in Latin America and Europe that were under review, and engaging with the interagency advocating for DOL priorities. These enforcement activities 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

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ameliorated, ILAB can provide experts in labor law, labor policy, labor administration, and other technical areas of enforcement.

ILAB continued 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.

Improving Global Working Conditions to Ensure a Level Playing Field for U.S. Workers

ILAB engaged extensively and substantively with other countries' labor ministries and with international and regional organizations to defend, uphold, and promote international labor standards, promote inclusive economic growth, address the challenges of unemployment, and promote social protection. ILAB continued to lead U.S. Government participation in the ILO and the G20 Labor and Employment Ministerial process. It also continued to represent the U.S. government in the Employment, Labor and Social Affairs Committee of the Organization for Economic Co-operation and Development (OECD) and the labor bodies of other international and regional organizations, including the Asia Pacific Economic Cooperation Forum (APEC), the Inter-American Conference of the Ministries of Labor (IACML) of the Organization of American States and the ongoing dialogue with the European Union. ILAB also provided expert input on labor, employment and social protection issues for U.S. Government participation in the United Nations and its affiliated bodies. ILAB worked with the Department of State to advance U.S. foreign policy and human rights interests, 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 worked 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.

Combating International Child Labor, Forced Labor and Human Trafficking to Ensure Fair Competition for U.S. Workers and Businesses

ILAB continued to take a strategic and global approach to optimize efforts to address the root causes of child and forced labor, including a focus on countries that are key trading partners with the United States to help prevent goods made under exploitative conditions from being imported into the U.S. market. ILAB made 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 and improved livelihoods for vulnerable families; empowering adult workers, raising awareness of child labor and forced labor; strengthening policies on child labor and forced labor; and building and mainstreaming the capacity of national institutions to address these issues.

ILAB continued to collect reliable data on exploitative child labor and forced labor in order to meet Congressional reporting mandates and mobilize governments and a wide array of other

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actors to address the problem. ILAB's *Findings on the Worst Forms of Child Labor*, as mandated by the Trade and Development Act of 2000, reported on the efforts of over 130 trade beneficiary countries under the Generalized System of Preferences program to implement their commitments to eliminate the worst forms of child labor. The 2019 report included the most stringent criteria ever for countries to receive the report's highest rating. It also provided over 1,900 country-specific actions that government could implement in order to accelerate progress in their fight against child labor, including 1,200 related to improvements in and enforcement of laws. ILAB's *2018 List of Goods Produced with Child Labor or Forced Labor* (TVPRA List), as mandated by the Trafficking Victims Protection Reauthorization Act of 2005, added 10 new goods produced with forced labor or exploitative child and one new country. The 2018 edition also featured four removals of goods, which represents the largest number of removals in a single year. With these updates, the TVPRA List includes 148 goods from 76 countries, and a total of 418 line items. In addition, ILAB released updates to both its *Comply Chain* and *Sweat & Toil* mobile phone applications on the iTunes and Google Play stores in 2018 and 2019. To expand the utility of the *Comply Chain* application around the world, ILAB also released versions in French and Spanish.

ILAB took steps to apply the knowledge gained from its various evaluations to inform decisions about the replication and scaling up of interventions. Previous implementation evaluations have assessed ILAB's holistic approach to addressing child labor through a combination of institutional capacity-building, awareness-raising, and pilot education and livelihood interventions. In turn, ILAB has used learning from these implementation evaluations to inform new project design and investment of ILAB resources. For example, based on strong results from implementation evaluations of technical assistance projects in Colombia and Mexico, ILAB allocated additional funds in FY19 to support expansion of projects in both countries. In Colombia, funding will support the expansion of innovative work with vulnerable population in coal and gold mining communities, including efforts to address gender issues in mining, which the government and private sector partners hope to replicate and scale up. In Mexico, FY19 funds will allow the project to better address child labor identified in agricultural supply chains by helping youth of legal working age to access non-hazardous, decent work opportunities.

In addition, ILAB made efforts in FY19 to use lessons learned from previously funded impact evaluations to inform and strengthen projects funded this year.

Technical Assistance to Address Workers' Rights Issues and Combat Exploitative Child Labor and Forced Labor

ILAB makes grants for technical assistance to promote fair working conditions in FTA and trade preference partner countries and to combat exploitative child labor internationally. In FY 2019, ILAB focused technical assistance activities to advance specific priorities of the administration, including in the following areas: strict enforcement of trade agreements and trade preference programs, combating modern slavery and the worst forms of child labor, global women's economic empowerment, Southeast Asia in the context of Indo-Pacific relations, and G20 and G7 Administration priorities.

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Detailed Workload Performance Narrative

In support of its FY 2021 Budget request, ILAB will implement performance measures to demonstrate the effectiveness of the following priority strategies:

- Ensuring U.S. trade agreements and preference programs are fair for workers in the United States;
- Improving global working conditions to ensure a fair playing field for U.S. workers and businesses; and
- Combating international child labor, forced labor, and human trafficking to ensure fair competition for U.S. workers and businesses.

During FY 2020, ILAB will begin implementation of new performance measures that were developed to ensure they align with ILAB's strategic focus and Administration priorities.

In FY 2021, ILAB will work to:

- Increase the capacity of countries to address child labor, forced labor, trafficking in persons, and other violations of workers' rights;
- Improve key foreign government enforcement of labor laws or other labor-related trade commitments to the United States; and
- Improve access to education, training, or other appropriate services for individuals engaged in or at high risk of entering forced labor or child labor.

All of these activities contribute to assessing the effectiveness of all three ILAB priority strategies, as implementation of the strategies are not mutually exclusive but often occur in tandem as ILAB uses multiple avenues and tools in order to achieve its goal.

The successful achievement of ILAB's strategic goal does not rely solely on ILAB's performance. External factors outside ILAB's control will influence the agency's achievement of its outcome measures. For example, while ILAB may provide direct technical assistance to a country in drafting a new labor code and advocate for its adoption and implementation, adoption of the labor code and its enforcement ultimately depends on the country's legislators and enforcement officials, respectively, and not solely on ILAB's efforts.

The FY 2021 Budget request includes two measures that help evaluate whether ILAB has successfully carried out its activities:

- Number of trade partner countries in which labor rights, including child labor and forced labor, are systematically monitored and analyzed; and
- Percent of high engagement trading partner countries or multilateral institutions that implement actions to improve protection of labor rights, including through law or enforcement.

In FY 2021, ILAB will continue to be responsible for Congressionally-mandated and other required reporting functions related to trade, child labor, and forced labor. ILAB will develop

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new processes for producing its reports to increase efficiency, maintain the accuracy and reliability of information reported, and support policy engagement efforts to assist governments in addressing suggested actions identified through its reporting. In addition, ILAB will take steps to address the new research and reporting requirements in the Trafficking Victims Prevention and Protection Reauthorization Act of 2018, which calls for the inclusion of goods that are produced with inputs made with child labor or forced labor in violation of international standards.

The number of countries systematically monitored for child and forced labor in FY 2021 will include those countries featured in the annual *Findings on the Worst Forms of Child Labor* and the biennial TVPRA List. The precise number of countries included in the report fluctuates depending on GSP status in a given year.

In FY 2021, ILAB will continue to oversee and steadily close out grants in its portfolio.

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| BUDGET ACTIVITY BY OBJECT CLASS | | | | | |
|--|--|----------------------------|----------------------------|----------------------------|--|
| (Dollars in Thousands) | | | | | |
| | | FY 2019 Enacted | FY 2020 Enacted | FY 2021 Request | Diff. FY21 Request / FY20 Enacted |
| 11.1 | Full-time permanent | 13,744 | 13,996 | 9,343 | -4,653 |
| 11.3 | Other than full-time permanent | 168 | 168 | 3 | -165 |
| 11.5 | Other personnel compensation | 247 | 246 | 172 | -74 |
| 11.9 | Total personnel compensation | 14,159 | 14,410 | 9,518 | -4,892 |
| 12.1 | Civilian personnel benefits | 4,353 | 4,357 | 2,724 | -1,633 |
| 21.0 | Travel and transportation of persons | 1,100 | 1,065 | 430 | -635 |
| 22.0 | Transportation of things | 36 | 11 | 11 | 0 |
| 23.1 | Rental payments to GSA | 1,194 | 1,213 | 1,213 | 0 |
| 23.3 | Communications, utilities, and miscellaneous charges | 92 | 92 | 92 | 0 |
| 24.0 | Printing and reproduction | 60 | 5 | 5 | 0 |
| 25.1 | Advisory and assistance services | 1,740 | 1,740 | -185 | -1,925 |
| 25.2 | Other services from non-Federal sources | 140 | 17 | 17 | 0 |
| 25.3 | Other goods and services from Federal sources 1/ | 6,291 | 6,255 | 4,700 | -1,555 |
| 25.4 | Operation and maintenance of facilities | 0 | 0 | 0 | 0 |
| 25.5 | Research and development contracts | 0 | 0 | 0 | 0 |
| 25.7 | Operation and maintenance of equipment | 0 | 0 | 0 | 0 |
| 26.0 | Supplies and materials | 85 | 85 | 85 | 0 |
| 31.0 | Equipment | 50 | 50 | 50 | 0 |
| 41.0 | Grants, subsidies, and contributions | 56,825 | 66,825 | 0 | -66,825 |
| | Total | 86,125 | 96,125 | 18,660 | -77,465 |
| | | | | | |
| | 1/Other goods and services from Federal sources | | | | |
| | Working Capital Fund | 4,854 | 4,783 | 4,783 | 0 |
| | DHS Services | 32 | 32 | 32 | 0 |
| | Services by DOL Agencies | 405 | 405 | -1,150 | -1,555 |
| | Services by Other Government Departments | 1,000 | 1,035 | 1,035 | 0 |

INTERNATIONAL LABOR SERVICES

CHANGES IN FY 2021

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

| | |
|--|-------|
| Costs of pay adjustments | \$234 |
| Personnel benefits | 0 |
| One day less of Pay | -72 |
| Federal Employees' Compensation Act (FECA) | -2 |
| Travel and transportation of persons | 0 |
| Transportation of things | 0 |
| Rental payments to GSA | 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 | 0 |
| 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 **\$160**

Net Program **-\$77,625**

Direct FTE **-14**

| | Estimate | FTE |
|-------------------------|------------------|------------|
| Base | \$96,285 | 108 |
| Program Increase | \$0 | 0 |
| Program Decrease | -\$77,625 | -14 |

ADMINISTRATION AND MANAGEMENT

| BUDGET AUTHORITY BEFORE THE COMMITTEE | | | | |
|--|----------------------------|----------------------------|----------------------------|--|
| (Dollars in Thousands) | | | | |
| | FY 2019 Enacted | FY 2020 Enacted | FY 2021 Request | Diff. FY21 Request / FY20 Enacted |
| Activity Appropriation | 29,004 | 29,004 | 29,158 | 154 |
| FTE | 99 | 99 | 99 | 0 |

NOTE: FTE for all years reflect the Shared Services Realignment.

NOTE: FY 2019 reflects actual FTE. Authorized FTE for FY 2019 was 106.

Introduction

The Office of the Assistant Secretary for Administration and Management (OASAM) provides the infrastructure and support that enables the Department to carry out its core missions. OASAM develops policies, standards, procedures, systems, and materials for the administrative management of the department, including business operations and procurement; information technology (IT); human resource management; budget formulation; and strategic planning and performance.

Five Administration and Management business units receive funding from this appropriation and are designed as centers of excellence with unique mission responsibilities. OASAM emphasizes integrated performance along with seamless and transparent information sharing across business units. The five business units are:

- Departmental Budget Center (DBC)
- Performance Management Center (PMC)
- Office of Human Resources (OHR)
- Office of the Chief Information Officer (OCIO)
- Business Operations Center (BOC)

DBC, OHR, OCIO, and BOC 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’s civil rights activities are detailed in the Civil Rights budget activity below.

OASAM is leading the Department’s FY 2020-FY 2021 Agency Priority Goal (APG) on Shared Services. DOL will transition from multiple administrative service providers to one for each functional area with a central reporting authority. Realignment of staff and modification of service delivery will minimize duplicative resources within the Department and allow agency staff to devote more time and resources to mission-related work. OASAM is pursuing a collaborative, phased approach with DOL partners/clients through early and frequent communications; leveraging best practices and organizational efficiencies; and identifying and capturing savings, where possible.

The Shared Services solution will also allow agencies to shift from low-value to high-value work in support of the President’s Management Agenda (PMA) Cross-Agency Priority (CAP) Goal 6.

ADMINISTRATION AND MANAGEMENT

Policy development and management for these initiatives are funded in the OASAM budget activity; the implementation of the shared services model will be funded in the Working Capital Fund or IT Working Capital Fund in FY 2021.

Five-Year Budget Activity History

| <u>Fiscal Year</u> | <u>Funding</u> (Dollars in Thousands) | <u>FTE</u> |
|--------------------|--|------------|
| 2016 | \$28,413 | 111 |
| 2017 | \$28,834 | 93 |
| 2018 | \$34,475 | 85 |
| 2019 | \$28,450 | 106 |
| 2020 | \$29,004 | 99 |

FY 2021

The FY 2021 request for OASAM is \$29,158,000 and 99 FTE. OASAM will continue implementation of the enterprise-wide shared services model for DOL core administration functions, including procurement, human resources, information technology, and personnel security. The purpose of the DOL Enterprise-wide Shared Services Initiative is to create an administrative services delivery model that is streamlined, consistent, efficient, and measurable. A realigned administrative service delivery model will: improve strategic planning; create greater consistency in the delivery of administrative services across the Department; reduce overall costs; gain efficiency in service delivery through economies of scale; and improve efficiency and effectiveness of service delivery. The implementation of an effective shared services solution will permit DOL program agencies to focus time and resources on mission-oriented outcomes. The shared services solution will also allow agencies to shift from low-value to high-value work in support of the President's Management Agenda (PMA) Cross-Agency Priority (CAP) Goal 6. Policy development and management for these initiatives are funded in the OASAM budget activity; the implementation of the shared services model will be funded in the Working Capital Fund.

FY 2020

The FY 2020 enacted funding for OASAM is \$29,004,000 and 99 FTE. In FY 2020, OASAM will provide support to program agencies in fulfilling their missions, lead continued IT modernization efforts, implement strategic human capital improvements, and provide support for continuous process improvement effort. OASAM will also continue to provide policy development and management of the enterprise-wide shared services model implementation.

FY 2019

The FY 2019 revised enacted funding for OASAM was \$29,004,000 and actual FTE was 99. This included a transfer from the Occupational Safety and Health Administration (OSHA) for the consolidation of OSHA's human resources function. In FY 2019, OASAM provided policy development and management of the enterprise-wide shared services model implementation.

ADMINISTRATION AND MANAGEMENT

| BUDGET ACTIVITY BY OBJECT CLASS | | | | | |
|--|--|----------------------------|----------------------------|----------------------------|--|
| (Dollars in Thousands) | | | | | |
| | | FY 2019 Enacted | FY 2020 Enacted | FY 2021 Request | Diff. FY21 Request / FY20 Enacted |
| 11.1 | Full-time permanent | 14,515 | 14,588 | 14,728 | 140 |
| 11.3 | Other than full-time permanent | 0 | 0 | 0 | 0 |
| 11.5 | Other personnel compensation | 201 | 201 | 201 | 0 |
| 11.8 | Special personal services payments | 0 | 0 | 0 | 0 |
| 11.9 | Total personnel compensation | 14,716 | 14,789 | 14,929 | 140 |
| 12.1 | Civilian personnel benefits | 4,440 | 4,434 | 4,448 | 14 |
| 13.0 | Benefits for former personnel | 0 | 0 | 0 | 0 |
| 21.0 | Travel and transportation of persons | 177 | 177 | 177 | 0 |
| 22.0 | Transportation of things | 0 | 0 | 0 | 0 |
| 23.1 | Rental payments to GSA | 2,032 | 2,032 | 2,032 | 0 |
| 23.3 | Communications, utilities, and miscellaneous charges | 137 | 137 | 137 | 0 |
| 24.0 | Printing and reproduction | 27 | 27 | 27 | 0 |
| 25.1 | Advisory and assistance services | 203 | 85 | 85 | 0 |
| 25.2 | Other services from non-Federal sources | 320 | 320 | 320 | 0 |
| 25.3 | Other goods and services from Federal sources 1/ | 6,430 | 6,481 | 6,481 | 0 |
| 25.4 | Operation and maintenance of facilities | 0 | 0 | 0 | 0 |
| 25.5 | Research and development contracts | 56 | 56 | 56 | 0 |
| 25.7 | Operation and maintenance of equipment | 105 | 105 | 105 | 0 |
| 26.0 | Supplies and materials | 240 | 240 | 240 | 0 |
| 31.0 | Equipment | 121 | 121 | 121 | 0 |
| | Total | 29,004 | 29,004 | 29,158 | 154 |
| | | | | | |
| | 1/Other goods and services from Federal sources | | | | |
| | Working Capital Fund | 6,430 | 6,481 | 6,481 | 0 |

ADMINISTRATION AND MANAGEMENT

CHANGES IN FY 2021

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

| | |
|--|-------|
| Costs of pay adjustments | \$215 |
| Personnel benefits | 0 |
| One day less of Pay | -75 |
| Federal Employees' Compensation Act (FECA) | 14 |
| Benefits for former personnel | 0 |
| Travel and transportation of persons | 0 |
| Transportation of things | 0 |
| Rental payments to GSA | 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 | 0 |
| Other Federal sources (Census Bureau) | 0 |
| 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 |

Built-Ins Subtotal **\$154**

Net Program **\$0**

Direct FTE **0**

| | Estimate | FTE |
|-------------------------|-----------------|-----------|
| Base | \$29,158 | 99 |
| Program Increase | \$0 | 0 |
| Program Decrease | \$0 | 0 |

ADJUDICATION

| BUDGET AUTHORITY BEFORE THE COMMITTEE | | | | |
|--|----------------------------|----------------------------|----------------------------|--|
| (Dollars in Thousands) | | | | |
| | FY 2019 Enacted | FY 2020 Enacted | FY 2021 Request | Diff. FY21 Request / FY20 Enacted |
| Activity Appropriation | 57,391 | 58,262 | 61,945 | 3,683 |
| FTE | 230 | 230 | 230 | 0 |

NOTE: FTE for all years reflect the Shared Services Realignment.

NOTE: FY 2019 reflects actual FTE. Authorized FTE for FY 2019 was 157.

Introduction

The Adjudication activity is part of the Department’s overarching Worker Protection effort. Adjudication funds two major components: (1) the Office of the Administrative Law Judges (OALJ) and (2) the Adjudicatory Boards, consisting of the Administrative Review Board (ARB), the Benefits Review Board (BRB), and the Employees’ Compensation Appeals Board (ECAB).

In FY 2021, the Department is committed to implementing the President’s Management Agenda (PMA) and an Enterprise Shared Services delivery model for administrative functions. The purpose of the Enterprise Shared Services initiative is to create an administrative services delivery model that is streamlined, consistent, and efficient. Instead of directly funding information technology, the Adjudication components will use a shared services provider through the proposed IT Working Capital Fund (IT WCF). Five FTE will be realigned from the Adjudication activity to the IT WCF as part of the implementation of this model. The FY 2021 OMB Submission reflects this FTE realignment and the corresponding realignment of personnel compensation and benefits. The budget does not include any related changes to non-personnel funding. The Department continues to develop and implement plans for Enterprise Shared Services. All FTE and funding estimates related to the Enterprise Shared Services initiative are preliminary and will be validated before final implementation.

Office of Administrative Law Judges (OALJ)

OALJ presides over formal hearings concerning many labor-related matters. OALJ’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 Department’s administrative law judges hear and decide cases arising from more than 80 labor-related statutes and regulations, including 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; and
- Civil fraud in federal programs.

ADJUDICATION

Hearings concerning Black Lung benefits and Longshore Workers' compensation constitute the largest part of the office's work in addition to the significantly increased Permanent Labor Certification (PERM) Immigration case backlog.

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

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

The Adjudicatory Boards

The Adjudicatory Boards (referred to collectively as the Boards) are quasi-judicial bodies that review and make decisions on several thousand appeals every year under a variety of workers' compensation benefit and protection laws and programs that are part of the Department's worker protection mission and that set nationwide standards and legal precedent.

The Administrative Review Board (ARB). The ARB issues final agency decisions in appeals of cases arising under more than 60 worker-protection statutes and executive orders as outlined in Secretary's Order No. 01-2019, dated February 15, 2019. Most of the ARB's cases involve retaliation complaints arising under securities fraud, environmental, nuclear, aviation, trucking, rail and other employee protection statutes filed with the OSHA Whistleblower 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 H-1B non-immigrant visa provisions of the Immigration and Naturalization Act. In the past 10 years, the federal courts have upheld the ARB decisions in more than 83 percent of cases appealed.

The Benefits Review Board (BRB). The BRB was created by Congress in 1972 and decides appeals from the OALJ under the Black Lung Benefits Act, the Longshore and Harbor Workers' Compensation Act, and the Defense Base Act.

The BRB has authority to resolve appeals under these statutes, filed by any party-in-interest. It reviews the decisions of administrative law judges in order to determine whether the findings are supported by substantial evidence and are in accordance with law. The BRB's decisions may be appealed to the U.S. Courts of Appeals in the circuit where the injury arose, and from there to the U.S. Supreme Court. Historically, less than 15 percent of the BRB decisions are appealed to the federal circuit courts, and more than 85 percent of these are affirmed.

ADJUDICATION

By statute, the BRB consists of five members appointed by the Secretary of Labor, one of whom is designated as Chair and Chief Administrative Appeals Judge.

The Employees' Compensation Appeals Board (ECAB). The ECAB was established by statute in 1946 to hear and make final decisions on appeals from determinations of the Office of Workers' Compensation Programs (OWCP) in claims of federal employees arising under the Federal Employees' Compensation Act (FECA). Any ill or injured federal employee adversely affected by an OWCP decision may request a review of that decision by the ECAB, either before or after a full evidentiary hearing before OWCP's Branch of Hearings and Review. The ECAB's exclusive jurisdiction extends to deciding questions of fact and law, as well as the exercise of discretion. The ECAB, through its written decisions, has the responsibility for definitively interpreting the FECA in the resolution of controversies raised on appeal and in such a manner as will fully protect the rights of all interested parties. The ECAB decisions are final, binding on OWCP, and not subject to judicial review.

Five-Year Budget Activity History²

| <u>Fiscal Year</u> | <u>Funding</u> (Dollars in Thousands) | <u>FTE</u> |
|---------------------------|---|-------------------|
| 2016 | \$32,000 | 158 |
| 2017 | \$35,000 | 146 |
| 2018 | \$35,000 | 141 |
| 2019 | \$35,000 | 157 |
| 2020 | \$35,000 | 141 |

FY 2021

The FY 2021 Budget for the Adjudication activity is \$61,945,000 and 230 FTE. This includes a program increase of \$1,664,000 for the OALJ office move. The Department has made significant progress in address the backlog in black lung cases, as performance data below demonstrates, and additional resources are required to continue this progress. \$956,000 restores the activity to pre-sequestration levels to maintain production and \$562,000 provides resources for BRB to address increased case production from OALJ.

Administrative Law Judges:

OALJ projects that the Black Lung backlog of cases awaiting decision will be maintained at the 26-month level with 2,817 cases at the end of FY 2021. OALJ is receiving higher numbers of new Black Lung cases than projected, with 1,300 new cases projected for FY 2019; however, 1,560 cases were actually received. Progress on the Longshore, Immigration and Traditional backlogs continues to decrease from 11 to 10-months, 10 to 6-months, and 17 to 16-months respectively. Defense Base Act and Traditional Immigration program area backlogs remain at a 15-month or 5-month pending backlogs respectively.

² This table reflects direct discretionary funding sources and FTE.

ADJUDICATION

Adjudicatory Boards: At the enacted level, the Boards will continue their commitment to the careful review and consideration of appeals and the issuance of high quality decisions both impartially and expeditiously.

BRB will commit FY 2021 funding toward adjudicating incoming appeals within target timeframes for disposition. BRB BLDTF will increase targets based on an assumption that the agency will have added 5 FTEs in FYs 2020 and 2021. BRB BL will thus increase closed appeals to 490; therefore, pending appeals will decrease to 435 with an average case processing time of 13.50 months. BRB LS/LDA will maintain its current level of work with 130 new and closed cases, 105 pending cases, and an average case processing time of 11 months.

At the enacted level, ECAB will strategically utilize its funding to maximize productivity and the quality of its decisions. ECAB projects 1,900 new and closed cases, 1,561 pending cases, and an average case processing time of nine months.

ARB will continue to maintain its current level of work with 90 new and closed cases, 145 pending cases, and an average case processing time of 17 months.

FY 2020

The FY 2020 revised enacted for the Adjudication activity is \$58,262,000 and 230 FTE.

Administrative Law Judges: At the enacted level, OALJ will have a Black Lung program 26-month pendency rate in FY 2020 because of an unexpected increase of over 260 incoming cases above the projected 1,300 new cases in FY 2019. The backlog in months will slightly decrease from 12 to 11-months, for Longshore and from 15 to 10-months for Immigration. Traditional Immigration will increase from 3 to 5 months based on the over 100 additional cases received in FY 2019 as the agency works on the non-procedural cases that have been filed. The Traditional program area will remain at 17-months. The Defense Base Act program will increase from 13 to 15-month case backlog due to a 300 increase of new cases over the projection of 900 new cases in FY 2019.

Adjudicatory Boards: At the enacted level, the Boards will continue their commitment to the careful review and consideration of appeals and the issuance of high quality decisions both impartially and expeditiously.

BRB will commit FY 2020 funding toward adjudicating incoming appeals within target timeframes for disposition. BRB expects to finalize regulations in FY 2020 that will require digital filing for all represented parties. This regulatory change will allow BRB to maximize digital automation efficiencies, while allowing unrepresented parties the ability to continue paper-based filings. BRB will digitally image the documents received in unrepresented cases. With the additional 5 FTEs, BRB BL is expecting to close 460 cases, thus reducing the pending appeals to 450. In light of the learning curve of new staff, average case processing time is expected to increase to 14 months.

ADJUDICATION

At the enacted level, ECAB will strategically utilize its funding to maximize productivity and the quality of its decisions. ECAB projects 1,900 new and closed cases and 1,561 pending cases. The average case processing time will increase slightly to nine months.

ARB will adjust its current level of work with 90 new and closed cases, 145 pending cases, and an average case processing time of 17 months.

FY 2019

The FY 2019 revised enacted for the Adjudication activity is \$57,391,000 and actual FTE was 230.

Administrative Law Judges: At the enacted level, OALJ projected a Black Lung program 24-month pendency rate in FY 2019; however, because of an unexpected increase of over 260 incoming cases OALJ ended with a 25-month backlog while disposing of 1,358 Black Lung cases. The Longshore case backlogs remained at 12-months. The Defense Base Act case backlog only increased from 12 to 13-months while receiving 1,508 cases with 925 cases projected. OALJ increased its productivity to above 350 more than the 975 projected dispositions. The Traditional Immigration and Traditional program areas decreased from a projected 4 to 3-months, and from 19 to 17-months respectively. The case backlog with Immigration fluctuated up in FY 2019 from a projected 14 to 15-months as the agency worked through the non-procedural cases that have been filed.

Adjudicatory Boards:

Although ARB received slightly more cases in FY 2019 than the previous year, substantially difficult and novel issues along with no judges for several months led to an increase in closed appeals and average case processing time above the target. Once a quorum was established by mid-fiscal year 2019, ARB was able to close 88 appeals with 141 pending appeals at an average time of 20.13 months.

BRB BL received 450 new appeals and closed 460 appeals, resulting in 450 pending appeals. LS/LDA received 115 new appeals and closed 162, resulting in 65 pending appeals. The BRB had an overall affirmance rate of 93.6 percent for cases appealed to the Federal Circuit Courts of Appeals with BRB BL achieving an 87.2 percent affirmance rate and LS/LDA achieving a 100 percent affirmance rate. The BRB exceeded its timeliness goal in LS/LDA (11 months) by nearly three months to 8.72 months.

Appeals to ECAB come directly from the Office of Workers' Compensation Programs (OWCP). ECAB received 1,988 new appeals in FY 2019 which was 5 percent above their original projection of 1,900. At the request level, despite this high volume of appeals and training of new Law Clerks, ECAB closed 1,913 appeals, resulting in 1,630 pending appeals with an average case processing time of 8.95 months. Through proactive efforts to increase case processing efficiencies, the variances from the projected 2018 targets were relatively minimal.

ADJUDICATION

| WORKLOAD AND PERFORMANCE SUMMARY | | | | | | |
|---|----------------------------------|---------------|----------------------------|----------------------------|----------|----------|
| | FY 2019 Enacted | | FY 2020 Enacted | FY 2021 Request | | |
| | Target | Result | Target | Target | | |
| Adjudication | | | | | | |
| Administrative Law Judges | | | | | | |
| Strategic Goal ALL - All Strategic Goals | | | | | | |
| Strategic Objective ALL.1 - All Strategic Objectives | | | | | | |
| ALJ-BL- 01 | OALJ BLACK LUNG New Cases: | | 1,300[p] | 1,560 | 1,300[p] | 1,300[p] |
| ALJ-BL- 02 | OALJ BLACK LUNG Dispositions: | | 1,315 | 1,358 | 1,315 | 1,315 |
| ALJ-BL- 03 | OALJ BLACK LUNG Pending Cases: | | 2,630[p] | 2,847 | 2,832[p] | 2,817[p] |
| ALJ-BL- 04 | OALJ BLACK LUNG Pending Months: | | 24 | 25 | 26 | 26 |
| ALJ-IM- 01 | OALJ IMMIGRATION New Cases: | | 100[p] | 188 | 100[p] | 100[p] |
| ALJ-IM- 02 | OALJ IMMIGRATION Dispositions: | | 500 | 512 | 400 | 300 |
| ALJ-IM- 03 | OALJ IMMIGRATION Pending Cases: | | 566[p] | 642 | 342[p] | 142[p] |
| ALJ-IM- 04 | OALJ IMMIGRATION Pending Months: | | 14 | 15 | 10 | 6 |

ADJUDICATION

| WORKLOAD AND PERFORMANCE SUMMARY | | | | | |
|---|--|----------------------------|---------------|----------------------------|----------------------------|
| | | FY 2019 Enacted | | FY 2020 Enacted | FY 2021 Request |
| | | Target | Result | Target | Target |
| ALJ-TI-01 | OALJ TRADITIONAL IMMIGRATION New Cases: | 250[p] | 353 | 250[p] | 250[p] |
| ALJ-TI-02 | OALJ TRADITIONAL IMMIGRATION Dispositions: | 250 | 342 | 250 | 250 |
| ALJ-TI-03 | OALJ TRADITIONAL IMMIGRATION Pending Cases: | 88[p] | 99 | 99[p] | 99[p] |
| ALJ-TI-04 | OALJ TRADITIONAL IMMIGRATION Pending Months: | 4 | 3 | 5 | 5 |
| ALJ-T-01 | OALJ TRADITIONAL New Cases: | 425[p] | 457 | 425[p] | 425[p] |
| ALJ-T-02 | OALJ TRADITIONAL Dispositions: | 465 | 507 | 465 | 465 |
| ALJ-T-03 | OALJ TRADITIONAL Pending Cases: | 724[p] | 714 | 674[p] | 634[p] |
| ALJ-T-04 | OALJ TRADITIONAL Pending Months: | 19 | 17 | 17 | 16 |
| ALJ-LS-01 | OALJ LONGSHORE New Cases: | 1,300[p] | 1,505 | 1,350[p] | 1,350[p] |
| ALJ-LS-02 | OALJ LONGSHORE Dispositions: | 1,450 | 1,578 | 1,500 | 1,500 |
| ALJ-LS-03 | OALJ LONGSHORE Pending Cases: | 1,473[p] | 1,550 | 1,400[p] | 1,250[p] |

ADJUDICATION

| WORKLOAD AND PERFORMANCE SUMMARY | | | | | |
|---|---------------------------------------|----------------------------|---------------|----------------------------|----------------------------|
| | | FY 2019 Enacted | | FY 2020 Enacted | FY 2021 Request |
| | | Target | Result | Target | Target |
| ALJ-LS-04 | OALJ LONGSHORE Pending Months: | 12 | 12 | 11 | 10 |
| ALJ-LDA-01 | OALJ DEFENSE BASE ACT New Cases: | 925[p] | 1,508 | 925[p] | 925[p] |
| ALJ-LDA-02 | OALJ DEFENSE BASE ACT Dispositions: | 975 | 1,204 | 975 | 975 |
| ALJ-LDA-03 | OALJ DEFENSE BASE ACT Pending Cases: | 942[p] | 1,296 | 1,246[p] | 1,196[p] |
| ALJ-LDA-04 | OALJ DEFENSE BASE ACT Pending Months: | 12 | 13 | 15 | 15 |
| Employees' Compensation Appeals Board | | | | | |
| Strategic Goal ALL - All Strategic Goals | | | | | |
| Strategic Objective ALL.1 - All Strategic Objectives | | | | | |
| ECAB-01 | New Appeals | 1,900[p] | 1,988 | 1,900[p] | 1,900[p] |
| ECAB-02 | Closed Appeals | 1,900 | 1,913 | 1,900 | 1,900 |
| ECAB-03 | Pending Appeals | 1,561 | 1,630 | 1,630 | 1,630 |
| ECAB-05 | Average Case Processing Time | 8.00 | 8.95 | 9.00 | 9.00 |

ADJUDICATION

| WORKLOAD AND PERFORMANCE SUMMARY | | | | | |
|---|------------------------------|---------------|----------------------------|----------------------------|--------|
| | FY 2019 Enacted | | FY 2020 Enacted | FY 2021 Request | |
| | Target | Result | Target | Target | |
| Adjudication General Fund | | | | | |
| Strategic Goal ALL - All Strategic Goals | | | | | |
| Strategic Objective ALL.1 - All Strategic Objectives | | | | | |
| BRB- LS/LDA- 01 | New Appeals | 150[p] | 118 | 130[p] | 130[p] |
| BRB- LS/LDA- 02 | Closed Appeals | 150 | 162 | 130 | 130 |
| BRB- LS/LDA- 03 | Pending Appeals | 105 | 65 | 65 | 65 |
| BRB- LS/LDA- 05 | Average Case Processing Time | 11.00 | 8.74 | 11.00 | 11.00 |
| BRB- LS/LDA- 12 | Affirmance Rate | 85.00% | 100.00% | 85.00% | 85.00% |
| Administrative Review Board | | | | | |
| Strategic Goal ALL - All Strategic Goals | | | | | |
| Strategic Objective ALL.1 - All Strategic Objectives | | | | | |

ADJUDICATION

| WORKLOAD AND PERFORMANCE SUMMARY | | | | | |
|---|------------------------------|----------------------------|---------------|----------------------------|----------------------------|
| | | FY 2019 Enacted | | FY 2020 Enacted | FY 2021 Request |
| | | Target | Result | Target | Target |
| ARB-01 | New Appeals | 100[p] | 82 | 90[p] | 90[p] |
| ARB-02 | Closed Appeals | 100 | 88 | 90 | 90 |
| ARB-03 | Pending Appeals | 140 | 141 | 141 | 141 |
| ARB-05 | Average Case Processing Time | 13.00 | 20.13 | 17.00 | 17.00 |
| Adjudication Black Lung Fund | | | | | |
| Strategic Goal ALL - All Strategic Goals | | | | | |
| Strategic Objective ALL.1 - All Strategic Objectives | | | | | |
| BRB- BL-01 | New Appeals | 475[p] | 462 | 460[p] | 475[p] |
| BRB- BL-02 | Closed Appeals | 475 | 460 | 460 | 490 |
| BRB- BL-03 | Pending Appeals | 442 | 450 | 450 | 435 |
| BRB- BL-05 | Average Case Processing Time | 12.00 | 13.67 | 14.00 | 13.50 |
| BRB- BL-12 | Affirmance Rate | 85.00% | 87.20% | 85.00% | 85.00% |

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 2021 request level will enable OALJ to remain steady in the Black Lung program area at around 2,800 pending cases and a 26-month pending case backlog. In FY 2021, OALJ is projected to dispose of 1,315 Black Lung cases.

OALJ will continue to reduce the projected backlogs in the Permanent Alien Labor Certification (PERM) Immigration Program area. OALJ projects a reduction in pending cases from 642 cases at the end of FY 2019 to 142 projected pending cases at the end of FY 2021 with only a six-month pending case backlog. During FY 2021, OALJ projects to dispose of 1,500 Longshore cases along with 975 Defense Base Act cases to reduce the Longshore program to a 10-month backlog and the Defense Base Act remaining at a 15-month backlog pendency. The Traditional mix of cases is projected at 465 case dispositions reducing its backlog from 17 to 16-months.

OALJ will continue to address a changing mix of adjudicatory responsibilities, with a projected declining number of Black Lung cases, new types of whistleblower cases, and Defense Base Act hearings, plus Longshore and Immigration cases. OALJ will adjust to these changes by assigning cases throughout the country based on geographic location without regard to case type; continuing efforts to make the higher production levels achievable by training the newly hired judges and additional Law Clerks. Hiring in early FY 2019 completed the replacement of 25 percent of the aging and retiring judge workforce plus adjudication team members.

Adjudicatory Boards

Workload estimates for all three Adjudicatory Boards are based on Worker Protection claims. Actual incoming workload remains outside the control of the Boards and is affected by such factors as changes to workers' compensation laws, attorney/representative involvement in the appeals process, and increases and decreases in the workforce.

More than 95 percent of the ARB appeals come from OALJ as do virtually all new appeals to BRB. All appeals to ECAB originate in the Federal Employees Compensation Division of OWCP. By the time the Boards receive an appeal, the original claim may be several years old. Any delay at the appellate level is likely to be viewed as a hardship by the parties.

ARB expects 90 new appeals to be filed in FY 2021. ARB's goal is to close 90 cases at the request level. Pending appeals will remain the same at 141 and average case processing time will be 17 months based on a four year average trend, 50% turnover in key, long-serving professional staff that process appeals, and renewed efforts to eliminate any backlog in aged cases.

The BRB Black Lung (BL) new appeals are expected to increase to 475 appeals in FY 2021 as a result of anticipated production by the OALJ. BRB BL production is directly related to OALJ BL production. Historically, 35 percent of OALJ BL decisions are appealed to BRB. With the expected new staff in FY 2020, closed appeals will increase to 490 during FY 2021. Pending

ADJUDICATION

appeals will decrease to 435, and the BRB is expecting average BL case processing time to decrease to 13.5 months. These expected decreases are based on current average trends from OALJ and the learning curve for new hires.

BRB projects new Longshore (LS/LDA) appeals filed in FY 2021 to decrease to 130 as volume is directly related to OALJ LS/LDA production. Historically, 5-7 percent of OALJ LS/LDA decisions are appealed to BRB. BRB LS/LDA closed appeals will decrease to 130 in FY 2021. Based on OALJ LS/LDA projections, pending appeals will remain at 105 at the end of FY 2021. Average case processing time is expected to remain 11 months.

New appeals to ECAB are expected to be 1,900 in FY 2021. At the request level, ECAB will close 1,900 appeals so that the pending appeals will not increase beyond the number of pending appeals in FY 2020. Average case processing time will remain at nine months.

ADJUDICATION

| BUDGET ACTIVITY BY OBJECT CLASS | | | | | |
|--|--|----------------------------|----------------------------|----------------------------|--|
| (Dollars in Thousands) | | | | | |
| | | FY 2019 Enacted | FY 2020 Enacted | FY 2021 Request | Diff. FY21 Request / FY20 Enacted |
| 11.1 | Full-time permanent | 27,597 | 28,247 | 29,951 | 1,704 |
| 11.3 | Other than full-time permanent | 111 | 111 | 111 | 0 |
| 11.5 | Other personnel compensation | 444 | 444 | 444 | 0 |
| 11.9 | Total personnel compensation | 28,152 | 28,802 | 30,506 | 1,704 |
| 12.1 | Civilian personnel benefits | 9,018 | 8,763 | 9,078 | 315 |
| 13.0 | Benefits for former personnel | 10 | 10 | 10 | 0 |
| 21.0 | Travel and transportation of persons | 750 | 750 | 750 | 0 |
| 22.0 | Transportation of things | 500 | 500 | 1,000 | 500 |
| 23.0 | Rent, Communications, and Utilities | 0 | 0 | 0 | 0 |
| 23.1 | Rental payments to GSA | 4,103 | 4,103 | 5,267 | 1,164 |
| 23.2 | Rental payments to others | 13 | 13 | 13 | 0 |
| 23.3 | Communications, utilities, and miscellaneous charges | 503 | 503 | 503 | 0 |
| 24.0 | Printing and reproduction | 9 | 9 | 9 | 0 |
| 25.1 | Advisory and assistance services | 215 | 315 | 315 | 0 |
| 25.2 | Other services from non-Federal sources | 1,820 | 1,820 | 1,820 | 0 |
| 25.3 | Other goods and services from Federal sources 1/ | 10,516 | 10,820 | 10,820 | 0 |
| 25.4 | Operation and maintenance of facilities | 1 | 1 | 1 | 0 |
| 25.5 | Research and development contracts | 0 | 0 | 0 | 0 |
| 25.7 | Operation and maintenance of equipment | 1,256 | 1,166 | 1,166 | 0 |
| 26.0 | Supplies and materials | 425 | 587 | 587 | 0 |
| 31.0 | Equipment | 100 | 100 | 100 | 0 |
| 42.0 | Insurance claims and indemnities | 0 | 0 | 0 | 0 |
| | Total | 57,391 | 58,262 | 61,945 | 3,683 |
| | | | | | |
| | 1/Other goods and services from Federal sources | | | | |
| | Working Capital Fund | 9,774 | 9,878 | 9,878 | 0 |
| | DHS Services | 201 | 201 | 201 | 0 |
| | Services by DOL Agencies | 1 | 1 | 1 | 0 |
| | Services by Other Government Departments | 40 | 40 | 40 | 0 |

ADJUDICATION

CHANGES IN FY 2021

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

| | |
|--|-------|
| Costs of pay adjustments | \$652 |
| Personnel benefits | -59 |
| One day less of Pay | -88 |
| Federal Employees' Compensation Act (FECA) | -4 |
| Benefits for former personnel | 0 |
| Travel and transportation of persons | 0 |
| Transportation of things | 0 |
| Rental payments to GSA | 0 |
| 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 | 0 |
| 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 **\$501**

Net Program **\$3,182**

Direct FTE **0**

| | Estimate | FTE |
|-------------------------|-----------------|------------|
| Base | \$58,763 | 230 |
| Program Increase | \$3,182 | 0 |
| Program Decrease | \$0 | 0 |

WOMEN'S BUREAU

| BUDGET AUTHORITY BEFORE THE COMMITTEE | | | | |
|--|----------------------------|----------------------------|----------------------------|--|
| (Dollars in Thousands) | | | | |
| | FY 2019 Enacted | FY 2020 Enacted | FY 2021 Request | Diff. FY21 Request / FY20 Enacted |
| Activity Appropriation | 13,750 | 14,050 | 3,525 | -10,525 |
| FTE | 38 | 38 | 18 | -20 |

NOTE: FTE for all years reflect the Shared Services Realignment.

NOTE: FY 2019 reflects actual FTE. Authorized FTE for FY 2019 was 43.

Introduction

Public Law 66-259 authorized the Women’s Bureau (WB) to “formulate standards and policies which shall promote the welfare of wage-earning women, improve their working conditions, increase their efficiency, and advance their opportunities for profitable employment.”

The mission of the WB is to develop policies and standards and conduct inquiries to safeguard the interests of working women, advocate for their equality and economic security for themselves and their families, and promote quality work environments. The mission is as critical today as it has been since the agency was established in 1920, as women now comprise almost half of the Nation’s workforce, and their contributions are vital to our country’s economic prosperity and the economic security of their families.

WB conducts research to help departmental agencies develop policies that advance the interests of working women. WB does this by: planning and executing in-house and commissioned research agenda, which includes both qualitative research and quantitative analysis; providing guidance and input to other agencies; and conducting community outreach efforts and education regarding the structure and implementation of a wide range of programs, policies, and initiatives with implications for women workers.

WB’s position as a government research and advocacy agency allows it to leverage the subject matter expertise of our own economists and policy analysts, as well as that of our large and diverse stakeholder network. This strength enables WB to provide expert guidance to our colleague agencies as WB work inter- and intra-agency to help craft or enhance workforce development policies and programs. It also enables the WB to engage with business leaders, state and local officials, and leaders from community groups, foundations, and educational institutions to share research, policy analysis, compliance strategies, and other critical information that builds our Nation’s families, communities, and workforce capacity.

While many women have made great advances in educational attainment, professional advancement, and individual economic security during the past several decades, many continue to face gender-specific barriers. The persistence of these barriers to women’s full and equal labor force participation supports the case for WB’s continued focus on research and advocacy for women preparing to enter and those currently in the workplace. WB believes in the power of community engagement to provide critical information to women and to bring about the policy and programmatic changes necessary to improve the well-being of working women.

WOMEN'S BUREAU

Five-Year Budget Activity History

| <u>Fiscal Year</u> | <u>Funding</u> (Dollars in Thousands) | <u>FTE</u> |
|--------------------|--|------------|
| 2016 | \$11,536 | 52 |
| 2017 | \$12,530 | 45 |
| 2018 | \$13,530 | 40 |
| 2019 | \$13,750 | 43 |
| 2020 | \$14,050 | 38 |

FY 2021

For FY 2021, the WB is requesting \$3,525,000 and 18 FTE. The WB is committed to maximizing its resources for the highest impact on policies and strategies that affect working women by providing sound data and statistics to policy makers, employers and stakeholders. In FY 2021, WB will deploy reduced resources by focusing on policies and practices that will be most effective in improving the status of the more than 75 million working women. The FY 2021 request includes \$600,000 for transition costs associated with the closure of regional offices and a decrease of \$11,125,000 for streamlining programs and eliminating grants. The Budget does not include funding for WANTO grants, but the WB will work with ETA to deploy its \$200 million in apprenticeship funding (a \$25 million increase over 2020 Enacted level) to expand the apprenticeship model and increase women's participation in it.

FY 2020

With the FY 2020 appropriated budget of \$14,050,000 and 38 FTE, WB will maintain its focus and build on the work it began in FY 2019, and develop expanded research and grant products as it honors the work of the WB over the past 100 years, and charts a new course for the future. The WB will continue with the Administration and the Secretary's priority work in the focus areas of apprenticeship, childcare, military spouses, entrepreneurship, and paid leave. WB will continue to collaborate with ETA on the Women in Apprenticeship and Non-Traditional Occupations grant programs and expand the objectives of its grant funding for opioids into research, as well as direct services. The WB will continue to work with VETS on state licensing and promoting employment for military spouses; with the White House and HHS to identify innovative solutions to child care; and with the White House and sister DOL agencies to focus on paid parental leave, and with U.S. Small Business Administration to expand opportunities for women to thrive in entrepreneurship.

FY 2019

At the enacted level of \$13,750,000 and actual FTE level of 38, WB's priorities for FY 2019 directly align with, and advance, DOL Strategic Plan Goal 1: *Support the Ability of All Americans to Find Good Jobs*, and specifically Strategic Objective 1.5, *Formulate Policies and Initiatives to Promote the Interest of Working Women*.

WOMEN'S BUREAU

Outcomes of the FY 19 Budget:

The Women's Bureau's FY 2019 priorities included conducting research and developing new products to help:

- Expand opportunities for women to access and thrive in apprenticeship programs;
- Assist women affected by opioid abuse in enhancing their skills and obtaining family-sustaining jobs;
- Expand employment opportunities and reducing occupational licensing barriers to employment for military spouses;
- Assess working families' access to affordable, quality childcare;
- Advance the President's support of paid parental leave;
- Expand opportunities for women in entrepreneurship;
- Broaden awareness on the rights, rules, resources, and role models available to women.

WB awarded nearly \$1.5 million in Women in Apprenticeship and Nontraditional Occupations (WANTO) grants to three organizations to help recruit, train, and retain women in pre-apprenticeship and apprenticeship programs. The WANTO grants will help women pursue careers in manufacturing, infrastructure, cybersecurity, health care, and other industries. Additionally, WB awarded nearly \$2.5 million in Re-Employment, Support, and Training for the Opioid Related Epidemic (RESTORE) grants to organizations in five states to provide skills development and employment services to women affected by the opioid crisis.

WB exceeded its target for the number of policy and research deliverables, producing a total of 21 issue briefs, reports, and other resources. WB analyzed data to better understand the connections between women's use of opioids and labor force participation. WB also continued work to assemble a database on county-level childcare costs and demographic and economic characteristics that will provide insight on the connection between childcare costs and women's labor force participation.

In February 2019, WB held a roundtable discussion at the White House on improving access to high-quality, affordable childcare for families, and collaborated with HHS on a series of regional childcare roundtables. WB also held listening sessions with military spouses to inform the national conversation about military spouse employment. In late 2019, WB conducted listening sessions on paid parental leave with trade associations and organizations.

WB also redesigned and updated its website with new data and statistics, visualizations, interactive state maps, communications materials, and a tool disaggregating monthly unemployment rates by gender.

WOMEN'S BUREAU

| WORKLOAD AND PERFORMANCE SUMMARY | | | | | | |
|---|--|---------------|----------------------------|----------------------------|-------|----|
| | FY 2019 Enacted | | FY 2020 Enacted | FY 2021 Request | | |
| | Target | Result | Target | Target | | |
| Women's Bureau | | | | | | |
| Strategic Goal 1 - Support the Ability of All Americans to Find Good Jobs | | | | | | |
| Strategic Objective WB 1.5 - Formulate policies and initiatives to promote the interests of working women. | | | | | | |
| 1-WB-PRO-01 | Number of policy & research deliverables | | 16 | 21 | 15[r] | 9 |
| 9-WB- PREOE-01 | Number of Policy and Research Education and Outreach Engagements | | 110 | 86 | 70 | 50 |
| 3-WB-POC-01 | Number of Public Outreach Communications | | 25 | 37 | 24 | 12 |

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

WOMEN'S BUREAU

Detailed Workload Performance Narrative

The strategic work of the WB is designed to influence policies both within and outside the federal government. To accomplish this goal and inform positive policy development and change, WB's primary functions or activities include: planning and executing the WB's research agenda; administering competitive grant making, collaborating with other Federal and state agencies; conducting stakeholder and public engagement; and, providing education through the development of tools and programs to increase and enhance women's workforce opportunities.

WB's leadership establishes short and long term strategies based on the priorities of the Administration, as well as ongoing and emerging needs of women workers, and policy and legislative developments. For FY 2021, the WB's primary priorities are pre/apprenticeship/apprenticeship programs for women, military spouses, childcare, and entrepreneurship, along with continued support for national paid leave. The WB has established measures that would track the impact of the work being done by staff in the areas of policy and research deliverables, education and outreach and ensuring that information is disseminated to our stakeholders.

WOMEN'S BUREAU

| BUDGET ACTIVITY BY OBJECT CLASS | | | | | |
|--|--|----------------------------|----------------------------|----------------------------|--|
| (Dollars in Thousands) | | | | | |
| | | FY 2019 Enacted | FY 2020 Enacted | FY 2021 Request | Diff. FY21 Request / FY20 Enacted |
| 11.1 | Full-time permanent | 4,800 | 4,823 | 629 | -4,194 |
| 11.3 | Other than full-time permanent | 103 | 103 | 0 | -103 |
| 11.5 | Other personnel compensation | 60 | 60 | 60 | 0 |
| 11.9 | Total personnel compensation | 4,963 | 4,986 | 689 | -4,297 |
| 12.1 | Civilian personnel benefits | 1,480 | 1,755 | 685 | -1,070 |
| 21.0 | Travel and transportation of persons | 160 | 160 | -160 | -320 |
| 22.0 | Transportation of things | 0 | 0 | 0 | 0 |
| 23.1 | Rental payments to GSA | 804 | 804 | -196 | -1,000 |
| 23.2 | Rental payments to others | 0 | 0 | 0 | 0 |
| 23.3 | Communications, utilities, and miscellaneous charges | 39 | 39 | 0 | -39 |
| 24.0 | Printing and reproduction | 2 | 2 | 0 | -2 |
| 25.1 | Advisory and assistance services | 426 | 426 | 0 | -426 |
| 25.2 | Other services from non-Federal sources | 69 | 69 | 0 | -69 |
| 25.3 | Other goods and services from Federal sources 1/ | 2,250 | 2,507 | 2,507 | 0 |
| 25.4 | Operation and maintenance of facilities | 0 | 0 | 0 | 0 |
| 25.5 | Research and development contracts | 250 | 0 | 0 | 0 |
| 25.7 | Operation and maintenance of equipment | 2 | 2 | 0 | -2 |
| 26.0 | Supplies and materials | 30 | 25 | 0 | -25 |
| 31.0 | Equipment | 25 | 25 | 0 | -25 |
| 41.0 | Grants, subsidies, and contributions | 3,250 | 3,250 | 0 | -3,250 |
| 42.0 | Insurance claims and indemnities | 0 | 0 | 0 | 0 |
| | Total | 13,750 | 14,050 | 3,525 | -10,525 |
| | | | | | |
| | 1/Other goods and services from Federal sources | | | | |
| | Working Capital Fund | 1,901 | 1,907 | 1,907 | 0 |
| | DHS Services | 59 | 59 | 59 | 0 |
| | GSA Services | 0 | 251 | 251 | 0 |
| | Services by Other Government Departments | 275 | 275 | 275 | 0 |

WOMEN'S BUREAU

CHANGES IN FY 2021

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

| | |
|--|------|
| Costs of pay adjustments | \$82 |
| Personnel benefits | 0 |
| One day less of Pay | -25 |
| Federal Employees' Compensation Act (FECA) | -210 |
| Travel and transportation of persons | 0 |
| Transportation of things | 0 |
| Rental payments to GSA | 0 |
| 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 | 0 |
| 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 |
| Insurance claims and indemnities | 0 |

Built-Ins Subtotal **-\$153**

Net Program **-\$10,372**

Direct FTE **-20**

| | Estimate | FTE |
|-------------------------|------------------|------------|
| Base | \$13,897 | 38 |
| Program Increase | \$0 | 0 |
| Program Decrease | -\$10,372 | -20 |

CIVIL RIGHTS

| BUDGET AUTHORITY BEFORE THE COMMITTEE | | | | |
|--|----------------------------|----------------------------|----------------------------|--|
| (Dollars in Thousands) | | | | |
| | FY 2019 Enacted | FY 2020 Enacted | FY 2021 Request | Diff. FY21 Request / FY20 Enacted |
| Activity Appropriation | 6,880 | 6,880 | 6,927 | 47 |
| FTE | 30 | 30 | 30 | 0 |

NOTE: FTE for all years reflect the Shared Services Realignment.

NOTE: FY 2019 reflects actual FTE. Authorized FTE for FY 2019 was 32.

Introduction

Operating under authority delegated pursuant to Secretary’s Orders, the Civil Rights Center (CRC) is the organizational unit within the Department of Labor (DOL) responsible for ensuring nondiscrimination and equal opportunity for two primary populations: 1) employees of, and applicants for employment with, DOL; and 2) nearly 60 million individuals served and employed by programs and activities across the nation that are related to labor and the workforce. CRC’s responsibility for the latter population is principally concentrated on the public workforce system, which delivers services primarily (although not exclusively) through the nationwide network of American Job Centers/One-Stop Career Centers.

CRC’s Office of Internal Enforcement (OIE) is responsible for processing discrimination complaints filed by DOL employees and applicants for employment with DOL and for managing the Department’s Reasonable Accommodation Resource Center and Centralized Accommodations Fund. OIE also coordinates enforcement of DOL compliance with the Architectural Barriers Act of 1968, develops and submits civil rights-related program plans and accomplishment reports, and provides training and technical assistance to DOL managers, supervisors, and employees about internal Equal Employment Opportunity (EEO) matters.

CRC’s Office of External Enforcement (OEE) assesses, investigates, and/or adjudicates complaints alleging discrimination and/or violations of equal opportunity requirements by recipients of financial assistance under Title I of the Workforce Investment Act (WIA), and, since July 1, 2015, Title I of the Workforce Innovation and Opportunity Act (WIOA); One-Stop partners listed in Section 121 of WIA and/or WIOA that offer programs or activities through the public workforce development system; for disability-related matters only, State and local governments and other public entities operating programs and activities related to labor and the workforce, regardless of whether they receive federal financial assistance; and any recipients of financial assistance from, or programs conducted by, DOL that are not included in the categories above. Public job referral and job training programs, as well as the Unemployment Insurance (UI) and Job Corps programs, are examples of the programs over which OEE has jurisdiction.

In addition, OEE conducts compliance reviews of the same entities listed above, including reviewing State Governors’ implementation of their nondiscrimination plans; develops regulations and guidance documents; reviews proposed legislation, draft regulations, guidance documents, and other materials developed by agencies within and outside of DOL; conducts other policy-related activities; and provides training and technical assistance for internal and external stakeholders.

CIVIL RIGHTS

Five-Year Budget Activity History

| <u>Fiscal Year</u> | <u>Funding</u> (Dollars in Thousands) | <u>FTE</u> |
|--------------------|--|------------|
| 2016 | \$6,880 | 37 |
| 2017 | \$6,880 | 30 |
| 2018 | \$6,880 | 32 |
| 2019 | \$6,880 | 32 |
| 2020 | \$6,880 | 30 |

FY 2021

For FY 2021, CRC requests a total of \$6,927,000 and 30 FTE. At this level of funding, CRC will be able to maintain its core functions. These functions include developing, administering, and enforcing DOL policies, practices, and procedures under various laws, including Section 188 of WIOA; Title VI and Title VII of the Civil Rights Act of 1964; Section 188 of WIA; Executive Orders 13160 and 13166; Sections 501, 504, and 508 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975; the Equal Pay Act; Title IX of the Education Amendments of 1972; Title II of the Americans with Disabilities Act; Secretary's Order 4-2000; and related statutes and Executive Orders. As applicable, these laws prohibit discrimination on various bases in programs and activities that receive Federal financial assistance, are federally operated, or are operated by public entities such as state and local governments. Certain of these laws also prohibit discrimination against, and assure equal opportunity for, all DOL employees and applicants for employment.

FY 2020

The FY 2020 enacted level for CRC is \$6,880,000 and 30 FTE. At this level, CRC will be able to perform the core functions detailed above.

FY 2019

The CRC FY 2019 enacted level was \$6,880,000 and actual FTE was 30. At this level, CRC was able to accomplish core program work, including revising the Department's Harassing Conduct Policy and Complaint process; developing a new complaint tracking and reporting system; and, developing a new external enforcement strategy that incorporates the use of compliance assistance tools, key program priorities, training for staff and stakeholders, and an outreach strategy for stakeholders.

In FY 2019, CRC met performance targets for key performance indicators. Specifically, OIE issued 100 percent of investigations and 97 percent of final agency decisions within regulatory timeframes. Additionally, OIE conducted 99 percent of all EEO counseling sessions within regulatory timeframes and was able to achieve a 38 percent Alternative Dispute Resolution

CIVIL RIGHTS

(ADR) success rate for EEO complaints deemed conducive for processing through the Department's Early Resolution of EEO Complaints (EREC) ADR program. In addition to initiating 23 new complaint investigations, and completing and resolving 17 external complaints, OEE prepared and delivered training and compliance assistance to stakeholders and developed a more formal protocol for conducting compliance reviews, which included the development of new performance metrics.

CIVIL RIGHTS

| WORKLOAD AND PERFORMANCE SUMMARY | | | | | |
|---|--|----------------------------|---------------|----------------------------|----------------------------|
| | | FY 2019 Enacted | | FY 2020 Enacted | FY 2021 Request |
| | | Target | Result | Target | Target |
| Civil Rights | | | | | |
| Strategic Goal ALL - All Strategic Goals | | | | | |
| Strategic Objective ALL.1 - All Strategic Objectives | | | | | |
| Internal Enforcement | | | | | |
| OASAM-DM-CRC-02 | Internal Enforcement: Percent of EEO Counseling Sessions Completed within Regulatory Timeframes | 96% | 99% | 96% | 96% |
| OASAM-DM-CRC-06 | Internal Enforcement: Percent of Investigations Issued within Regulatory Timeframes | 88% | 100% | 90% | 88% |
| OASAM-DM-CRC-07 | Internal Enforcement: Percent of Final Agency Decisions (FADs) Issued within Regulatory Timeframes | 88% | 97% | 92% | 88% |
| External Enforcement | | | | | |
| OASAM-DM-CRC-13 | External Enforcement: Number of External Investigations Completed | 30 | 23 | 32 | 32 |
| OASAM-DM-CRC-22 | External Enforcement: Number of External Compliance Reviews Conducted | [base] | 0 | 3 | 3 |
| OASAM-DM-CRC-32 | External Enforcement: Number of Case Resolutions (Determinations and Conciliation/Settlement Agreements) | 30 | 17 | 30 | 30 |

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

CIVIL RIGHTS

Workload and Performance Summary

Internal (Equal Employment Opportunity (EEO)) Program

CRC's OIE administers DOL's internal EEO complaint program and the Reasonable Accommodation Resource Center. Funding at the requested level will support efforts designed to reduce EEO complaints within the Department and to investigate and adjudicate complaints in a timely and effective manner. CRC will focus on ADR and training for managers and employees that targets pertinent trends, while reinforcing DOL's commitment to equal employment opportunity and a harassment-free work environment.

In FY 2019, OIE worked with the Department's Office of the Chief Information Officer (OCIO) to design and develop the internal enforcement component of a new Complaints Tracking and Recording System (CTRS) database (which will replace the current complaints and tracking database used by the CRC). With the implementation of the CTRS in FY 2020 and the ability to fully digitize case files, OIE expects to further improve upon its case processing practices. CRC staff will undergo training on the new CTRS during FY 2020.

In FY 2019, continuing its emphasis on increasing training to help stakeholders better understand their rights, responsibilities, and how best to utilize CRC's services, OIE revised the Department of Labor's Manual Series on Harassing Conduct (or "Policy"). In FYs 2020 and 2021, OIE plans to roll out the changes to the Policy, to help build a climate with an emphasis on accountability and where harassment is not tolerated. Key components of the roll out include the: extensive training to a variety of audiences through multimedia platforms; expanded use of climate surveys to facilitate management and programmatic accountability; and, development of desk-aids/guidance. Training on the Policy will be a Department-wide effort that will include: the provision of training on the revised policy for managers and supervisors, separate training for line employees; and, the development of a written/interactive training for LearningLink that can be provided to new employees and given as a yearly refresher for current employees.

To maintain and enhance the EEO counseling services available to DOL employees and applicants for DOL employment, in FY 2020, OIE will also recruit and train a new cadre of approximately 40 EEO counselors. In FYs 2020 and 2021, CRC will continue to provide training and guidance to DOL employees and other interested parties on aspects of OIE's programs, such as the ADR program, the reasonable accommodation process, and the complaint process. A comprehensive approach to training will ensure that DOL employees, managers, supervisors, and other interested parties receive consistent information on the Department's EEO program, while being made aware of the benefits of resolving matters at an early stage.

In FY 2019, OIE completed 98 percent of EEO counseling sessions within regulatory timeframes, issued 98 percent of final agency decisions (FADs) within regulatory timeframes, and completed 100 percent of investigations within regulatory timeframes. In FYs 2020 and 2021, OIE commits to completing 96 percent of EEO counseling sessions within regulatory timeframes, issuing 88 percent of FADs within regulatory timeframes, and issuing 88 percent of investigations within regulatory timeframes.

CIVIL RIGHTS

Office of External Enforcement (OEE)

In FY 2018, CRC reorganized the former OEE, which processed, investigated, and adjudicated external discrimination complaints, and the Office of Compliance and Policy (OCAP), which handled all other duties related to the external program, including compliance reviews, outreach and training, and policy development, into one consolidated Office of External Enforcement. A unified enforcement / compliance program makes it easier to link strategic goals and allows staff the flexibility to work on multiple aspects of CRC's external program. Staff in the consolidated OEE is also being trained to conduct both complaint investigations / adjudications and compliance reviews, which will make CRC more flexible for additional external program activities.

The Workforce Innovation and Opportunity Act (WIOA) was signed into law on July 22, 2014. CRC's former OCAP team prioritized developing and publishing a final rule, and then providing training and technical assistance about the regulations to implement WIOA Section 188 (the non-discrimination and equal opportunity provisions). Following the publication of the Final Rule in December 2016, OCAP turned its attention to preparing and delivering training and compliance assistance about the new regulations to State and local Equal Opportunity Officers and other stakeholders, most notably at the National State-Level Equal Opportunity Officer Training Conference. In addition, the former OCAP staff provided guidance to state governments regarding the appointments of State-Level Equal Opportunity Officers and the development and submission of annual Nondiscrimination Plans. As a result, OCAP did not conduct any external compliance reviews in FYs 2018 or 2019.

In FYs 2020 and 2021, as stakeholders become more familiar with the requirements of the WIOA nondiscrimination regulations, OEE will shift its focus from solely providing technical assistance and guidance to enforcement and compliance – and the conduct and resolution of compliance reviews.

In FY 2019, to further unify the enforcement and compliance programs and prepare for enforcement of WIOA Section 188, OEE developed: a formal protocol for selecting and conducting compliance reviews under the WIOA Section 188 regulations; an external enforcement strategy (that utilizes compliance assistance tools and outreach to stakeholders); and, performance metrics for compliance assistance efforts that more accurately gauge program performance. In FY 2019, OEE also worked with the OCIO to develop and implement the external compliance module of the electronic filing/review system for investigative case processing (CTRS). This work, including additional technical adjustments, will continue in FY 2020 and likely into FY 2021. As OEE currently relies on paper files, it is expected that the electronic/filing review system will improve OEE's ability to meet internal investigative timeframes, and increase opportunities for staff to share, track, and store case files and documents.

Streamlining procedures and improving the quality of its external complaint program resulted in the elimination of a significant backlog of cases, as well as a more focused prioritization of cases and improved handling of cases in which violations of the law were identified. The new consolidated OEE will further improve its coordination and enforcement processes.

CIVIL RIGHTS

In FY 2019, OEE resolved 31 cases and completed 31 investigations. OEE plans to resolve 30 cases, complete 32 investigations and 3 compliance reviews in FYs 2020 and 2021.

CIVIL RIGHTS

| BUDGET ACTIVITY BY OBJECT CLASS | | | | | |
|--|--|----------------------------|----------------------------|----------------------------|--|
| (Dollars in Thousands) | | | | | |
| | | FY 2019 Enacted | FY 2020 Enacted | FY 2021 Request | Diff. FY21 Request / FY20 Enacted |
| 11.1 | Full-time permanent | 3,553 | 3,571 | 3,618 | 47 |
| 11.3 | Other than full-time permanent | 25 | 25 | 25 | 0 |
| 11.5 | Other personnel compensation | 58 | 58 | 58 | 0 |
| 11.9 | Total personnel compensation | 3,636 | 3,654 | 3,701 | 47 |
| 12.1 | Civilian personnel benefits | 1,070 | 1,070 | 1,070 | 0 |
| 13.0 | Benefits for former personnel | 0 | 0 | 0 | 0 |
| 21.0 | Travel and transportation of persons | 30 | 30 | 30 | 0 |
| 23.1 | Rental payments to GSA | 365 | 365 | 365 | 0 |
| 23.3 | Communications, utilities, and miscellaneous charges | 42 | 42 | 42 | 0 |
| 24.0 | Printing and reproduction | 5 | 5 | 5 | 0 |
| 25.2 | Other services from non-Federal sources | 198 | 198 | 198 | 0 |
| 25.3 | Other goods and services from Federal sources 1/ | 1,447 | 1,459 | 1,459 | 0 |
| 25.4 | Operation and maintenance of facilities | 0 | 0 | 0 | 0 |
| 25.7 | Operation and maintenance of equipment | 7 | 7 | 7 | 0 |
| 26.0 | Supplies and materials | 80 | 50 | 50 | 0 |
| 31.0 | Equipment | 0 | 0 | 0 | 0 |
| 42.0 | Insurance claims and indemnities | 0 | 0 | 0 | 0 |
| 51.1 | Benefits | 0 | 0 | 0 | 0 |
| | Total | 6,880 | 6,880 | 6,927 | 47 |
| | | | | | |
| | 1/Other goods and services from Federal sources | | | | |
| | Working Capital Fund | 711 | 723 | 723 | 0 |
| | DHS Services | 10 | 10 | 10 | 0 |
| | Services by Other Government Departments | 650 | 650 | 650 | 0 |

CIVIL RIGHTS

CHANGES IN FY 2021

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

| | |
|--|------|
| Costs of pay adjustments | \$65 |
| Personnel benefits | 0 |
| One day less of Pay | -18 |
| Federal Employees' Compensation Act (FECA) | 0 |
| Benefits for former personnel | 0 |
| Travel and transportation of persons | 0 |
| Rental payments to GSA | 0 |
| Communications, utilities, and miscellaneous charges | 0 |
| Printing and reproduction | 0 |
| Other services from non-Federal sources | 0 |
| Working Capital Fund | 0 |
| 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 **\$47**

Net Program **\$0**

Direct FTE **0**

| | Estimate | FTE |
|-------------------------|----------------|-----------|
| Base | \$6,927 | 30 |
| Program Increase | \$0 | 0 |
| Program Decrease | \$0 | 0 |

CHIEF FINANCIAL OFFICER

| BUDGET AUTHORITY BEFORE THE COMMITTEE | | | | |
|--|----------------------------|----------------------------|----------------------------|--|
| (Dollars in Thousands) | | | | |
| | FY 2019 Enacted | FY 2020 Enacted | FY 2021 Request | Diff. FY21 Request / FY20 Enacted |
| Activity Appropriation | 5,516 | 5,516 | 5,540 | 24 |
| FTE | 17 | 17 | 17 | 0 |

NOTE: FTE for all years reflect the Shared Services Realignment.

NOTE: FY 2019 reflects actual FTE. Authorized FTE for FY 2019 was 21.

Introduction

The Office of the Chief Financial Officer (OCFO) is responsible for oversight of all financial management activities in the Department and supports overall Departmental management through effective and efficient stewardship of DOL's financial resources.

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;
- The Improper Payments Enforcement and Recovery Act (IPERA) of 2010;
- The Improper Payments Enforcement and Recovery Improvement Act (IPERA) of 2012
- Budget and Accounting Act;
- Congressional Budget and Impoundment Control Act;
- Balanced Budget and Emergency Deficit Control Act, as amended; and
- Anti-deficiency Act

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.

The OCFO also receives funding from the Working Capital Fund.

CHIEF FINANCIAL OFFICER

Five-Year Budget Activity History

| <u>Fiscal Year</u> | <u>Funding</u> (Dollars in Thousands) | <u>FTE</u> |
|--------------------|--|------------|
| 2016 | \$5,061 | 17 |
| 2017 | \$5,132 | 28 |
| 2018 | \$5,616 | 35 |
| 2019 | \$5,516 | 21 |
| 2020 | \$5,516 | 17 |

FY 2021

The FY 2021 request for the Office of the Chief Financial Officer (OCFO) is \$5,540,000 and 17 FTE. In FY 2021, OCFO will prioritize oversight of the implementation of the centralization of the debt management process. By centralizing the debt management process, agencies within the Department will be able to shift time, effort, and resources currently spent on administrative services to core missions. Debt management centralization will increase DOL's debt collection rates, which will strengthen the financial integrity and fiscal stewardship of DOL.

FY 2020

The FY 2020 enacted funding for OCFO is \$5,516,000 and 17 FTE. In FY 2020, OCFO will begin implementation of the centralization of the debt management process. OCFO will also provide leadership for the centralization of all routine, transactional accounting and financial management operations across the Department to achieve greater economies of scale and improved risk mitigation. OCFO will continue to provide managers and decision makers with the financial management tools needed to drive high-performance and accountability and expand its role as a resource and financial management expertise for all DOL agencies

FY 2019

The FY 2019 enacted funding for OCFO was \$5,516,000. Actual FTE use was 17. In FY 2019, OCFO continued its core function of providing financial information to support the Department and central governmental agencies, such as the Office of Management and Budget and the Department of Treasury.

CHIEF FINANCIAL OFFICER

| BUDGET ACTIVITY BY OBJECT CLASS | | | | | |
|--|--|----------------------------|----------------------------|----------------------------|--|
| (Dollars in Thousands) | | | | | |
| | | FY 2019 Enacted | FY 2020 Enacted | FY 2021 Request | Diff. FY21 Request / FY20 Enacted |
| 11.1 | Full-time permanent | 2,380 | 2,392 | 2,417 | 25 |
| 11.3 | Other than full-time permanent | 0 | 0 | 0 | 0 |
| 11.5 | Other personnel compensation | 99 | 99 | 99 | 0 |
| 11.9 | Total personnel compensation | 2,479 | 2,491 | 2,516 | 25 |
| 12.1 | Civilian personnel benefits | 767 | 767 | 766 | -1 |
| 13.0 | Benefits for former personnel | 0 | 0 | 0 | 0 |
| 21.0 | Travel and transportation of persons | 0 | 0 | 0 | 0 |
| 23.1 | Rental payments to GSA | 254 | 254 | 254 | 0 |
| 23.3 | Communications, utilities, and miscellaneous charges | 0 | 0 | 0 | 0 |
| 24.0 | Printing and reproduction | 0 | 0 | 0 | 0 |
| 25.1 | Advisory and assistance services | 957 | 957 | 957 | 0 |
| 25.2 | Other services from non-Federal sources | 320 | 298 | 298 | 0 |
| 25.3 | Other goods and services from Federal sources 1/ | 717 | 727 | 727 | 0 |
| 25.4 | Operation and maintenance of facilities | 0 | 0 | 0 | 0 |
| 25.7 | Operation and maintenance of equipment | 0 | 0 | 0 | 0 |
| 26.0 | Supplies and materials | 9 | 9 | 9 | 0 |
| 31.0 | Equipment | 13 | 13 | 13 | 0 |
| | Total | 5,516 | 5,516 | 5,540 | 24 |
| | | | | | |
| | 1/Other goods and services from Federal sources | | | | |
| | Working Capital Fund | 717 | 727 | 727 | 0 |

CHIEF FINANCIAL OFFICER

CHANGES IN FY 2021

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

| | |
|--|------|
| Costs of pay adjustments | \$37 |
| Personnel benefits | 0 |
| One day less of Pay | -12 |
| Federal Employees' Compensation Act (FECA) | -1 |
| Benefits for former personnel | 0 |
| Travel and transportation of persons | 0 |
| Rental payments to GSA | 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 | 0 |
| 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 **\$24**

Net Program **\$0**

Direct FTE **0**

| | Estimate | FTE |
|-------------------------|----------------|-----------|
| Base | \$5,540 | 17 |
| Program Increase | \$0 | 0 |
| Program Decrease | \$0 | 0 |

DEPARTMENTAL PROGRAM EVALUATION

| BUDGET AUTHORITY BEFORE THE COMMITTEE | | | | |
|--|----------------------------|----------------------------|----------------------------|--|
| (Dollars in Thousands) | | | | |
| | FY 2019 Enacted | FY 2020 Enacted | FY 2021 Request | Diff. FY21 Request / FY20 Enacted |
| Activity Appropriation | 8,040 | 8,040 | 8,040 | 0 |
| FTE | 9 | 9 | 9 | 0 |

NOTE: FTE for all years reflect the Shared Services Realignment.

Introduction

Departmental Program Evaluation (DPE) funds evaluations, including rigorous experimental impact studies and other systematic analyses of programs and policies, to better understand the effectiveness, efficiency, and implementation of DOL investments. The findings from evaluations inform policy, management, and resource allocation decisions. The Department-wide evaluation activities are overseen by a Chief Evaluation Officer with staff skilled in evaluation design and statistical analysis. Evaluations are funded with the DM appropriation and through transferred funds. Transfer authority applies to accounts in the Employment and Training Administration, 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, Office of Disability Employment Policy, Bureau of International Labor Affairs, Women's Bureau and Veterans Employment and Training.

The Department's annual research and evaluation agenda, called the DOL Evaluation Plan, is developed from learning agendas updated by each agency annually that lay out priority areas for which evaluations are needed. These priority areas and evaluations are aligned with the Department's priorities specified in the Strategic Plan. The Department's evaluation plan is finalized based on feedback from stakeholders and is made public each year.

The underlying goals of the Department's centralization of key 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) facilitate the use of evaluation and research findings for performance management priorities; (4) ensure the independence of the evaluation and research functions; and (5) 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.

DEPARTMENTAL PROGRAM EVALUATION

Five-Year Budget Activity History

| <u>Fiscal Year</u> | <u>Funding</u> (Dollars in Thousands) | <u>FTE</u> |
|--------------------|--|------------|
| 2016 | \$8,040 | 0 |
| 2017 | \$8,040 | 0 |
| 2018 | \$8,040 | 0 |
| 2019 | \$8,040 | 8 |
| 2020 | \$8,040 | 9 |

FY 2021

The FY 2021 budget request for the DPE activity is \$8,040,000 and 9 FTE. Funding at this level will provide for evaluations related to department priorities and agency statutory and operational objectives, using the most rigorous evaluation methods appropriate, and designed and coordinated by CEO in collaboration with operating agencies. As in past years, these evaluations will support department priorities and agency statutory and operational objectives. New studies will align with Administration priorities, and will be identified through the learning agenda process. The CEO will complete 100 percent of contracts for evaluations on time and within budget.

The Budget includes a package of proposals to provide access to the National Directory of New Hires (NDNH) – a federal database of employment and unemployment insurance information administered by the Office of Child Support Enforcement within HHS – for evidence and program integrity purposes, while ensuring privacy and security safeguards.

This includes a proposal to provide state agencies with responsibilities for Workforce Innovation and Opportunity Act (WIOA)–as designated by the governor–the authority to match with the National Directory for New Hires (NDNH) for program administration, including program oversight and evaluation of: WIOA, other employment and training programs funded and administered by the U.S. Department of Labor, and Vocational Rehabilitation and Adult Education funded and administered by the U.S. Department of Education. The proposal would also authorize data exchanges between state child support agencies, state agencies that administer workforce programs, and state agencies that administer Adult Education and Vocational Rehabilitation to improve coordination between the programs that each operate.

Access to NDNH will also be provided for units within agencies that conduct evaluation or other statistical activities for research, statistical, evaluation, or performance measurement purposes associated with assessing labor market outcomes. For example, the proposal would enable the Departments of Labor and Education to have access to these data to conduct program evaluations for the purposes of WIOA.

If enacted, these proposals would eliminate duplicative efforts to collect the same employment and earnings data already in NDNH and improve government efficiencies. Please see the Analytical Perspectives Chapter 6 entitled, “*Building and Using Evidence to Improve Government Effectiveness,*” of the President’s Budget for discussion of the full package of

DEPARTMENTAL PROGRAM EVALUATION

NDNH access proposals.

The Budget also proposes a General Provision to capitalize on practices that optimize the use of evaluation funds for certain statistical and evaluation units (including CEO and Bureau of Labor Statistics at the Department of Labor), to give agencies the ability to make full use of these funds and spend funds over longer periods of time.

FY 2020

The FY 2020 enacted funding for DPE is \$8,040,000 and 9 FTE. CEO is currently developing learning agendas with each operating agency to identify research questions to be included the DOL Evaluation Plan. Based on the priorities identified, the Department will transfer additional resources to the DPE account pursuant to Division H, Title I, Section 107 of Public Law 115-113 which authorizes this transfer to DM for use by the CEO for departmental program evaluation. Evaluations will use the most rigorous evaluation methods appropriate, and will be designed and coordinated by the Chief Evaluation Office in collaboration with operating agencies. Additionally CEO has over 40 studies currently underway

FY 2019

The FY 2019 enacted funding for DPE was \$8,040,000 and actual FTE was 9. An additional \$3,300,000 was transferred from FY 2019 appropriations. Priority investments included a rigorous evaluation of innovations in Apprenticeship models, a Third party review of the Job Corps Program, and evaluation of work search error prevention strategies to avoid improper Unemployment Insurance payments. Additionally, CEO initiated efforts to support the Department in implementing the requirements for the *Foundations for Evidence-Based Policymaking Act of 2018*.

DEPARTMENTAL PROGRAM EVALUATION

| BUDGET ACTIVITY BY OBJECT CLASS | | | | | |
|--|---|----------------------------|----------------------------|----------------------------|--|
| (Dollars in Thousands) | | | | | |
| | | FY 2019 Enacted | FY 2020 Enacted | FY 2021 Request | Diff. FY21 Request / FY20 Enacted |
| 11.1 | Full-time permanent | 0 | 0 | 0 | 0 |
| 11.3 | Other than full-time permanent | 0 | 0 | 0 | 0 |
| 11.5 | Other personnel compensation | 0 | 0 | 0 | 0 |
| 11.9 | Total personnel compensation | 0 | 0 | 0 | 0 |
| 12.1 | Civilian personnel benefits | 0 | 0 | 0 | 0 |
| 24.0 | Printing and reproduction | 0 | 0 | 0 | 0 |
| 25.1 | Advisory and assistance services | 8,040 | 8,040 | 8,040 | 0 |
| 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 | 8,040 | 8,040 | 8,040 | 0 |
| | | | | | |
| | 1/Other goods and services from Federal sources | | | | |

DEPARTMENTAL PROGRAM EVALUATION

CHANGES IN FY 2021

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

| | |
|---|-----|
| Costs of pay adjustments | \$0 |
| Personnel benefits | 0 |
| One day less of Pay | 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 **\$0**

Direct FTE **0**

| | Estimate | FTE |
|-------------------------|----------------|----------|
| Base | \$8,040 | 9 |
| Program Increase | \$0 | 0 |
| Program Decrease | \$0 | 0 |