

## **A Note about the Annual Performance Report during Transition of Presidential Administrations**

The majority of the report provides a backward look at the Department of Labor's (DOL) performance through September 30, 2020. As such, it aligns with the previous Administration's Strategic Plan and priorities. The sections of this report aligned with the previous Administration include:

- FY 2020 Strategic Review Summary of Findings
- FY 2020 Performance Analysis
- Performance Measure Results
- Other Information

DOL is currently developing the FY 2022-2026 Strategic Plan, which will replace the current plan.

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**U.S. DEPARTMENT OF LABOR**  
**FY 2020 ANNUAL PERFORMANCE REPORT**

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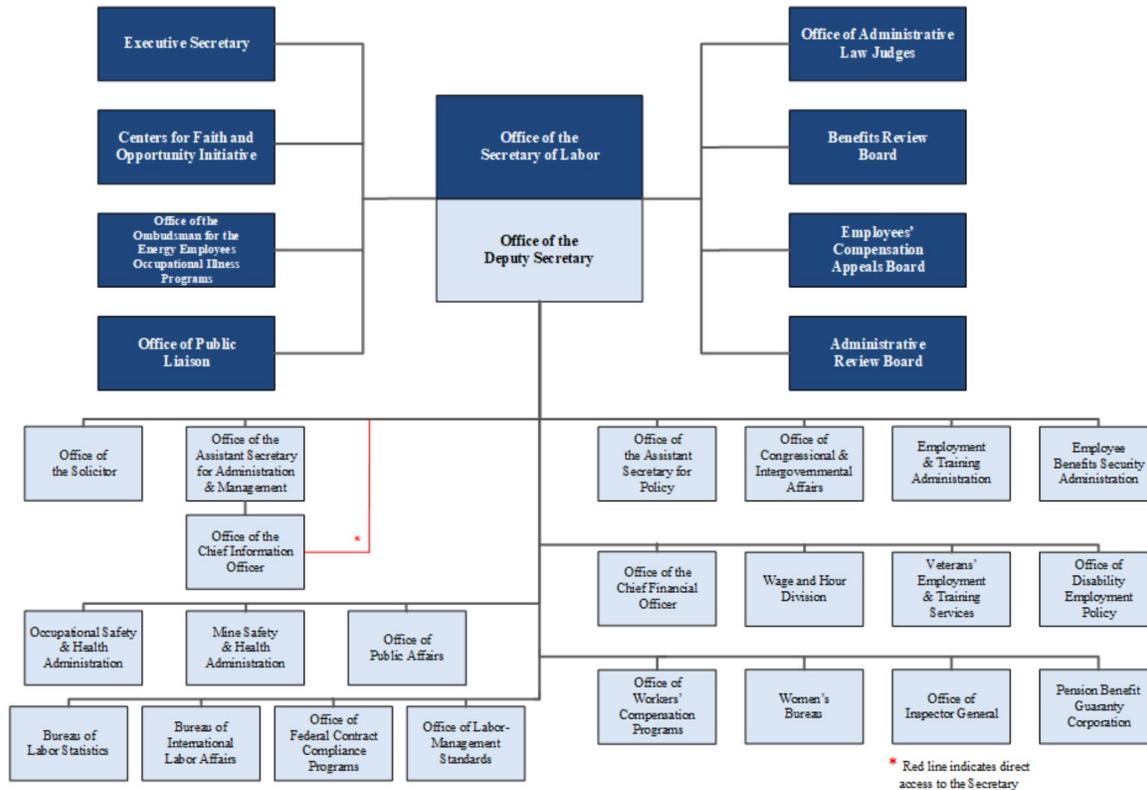
This report, as well as the FY 2020 Agency Financial Report, can be found at <https://www.dol.gov/general/aboutdol#budget>.

If you have questions or comments regarding this report, contact:

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# Organization



This document explains how the Department of Labor (DOL) improves the lives of American workers through the management of its agencies and programs. As required by the Government Performance and Results Modernization Act of 2010 (GPRMA), it provides information on planned and actual performance and progress in achieving goals and objectives identified in the [DOL FY 2018-2022 Strategic Plan](#), which was developed and executed by the Trump Administration. Also as required by GPRMA, it includes a Strategic Review Summary of Progress (Summary) that assesses evidence of progress, challenges, and risks for each objective at one of three levels: Noteworthy Progress, Adequate Progress, or Area for Improvement. The next four chapters present the Summary, an Analysis and Future Plans section, and measure tables with targets and results for three Strategic Goals and one Management Goal. These four goals are supported by eighteen Strategic and Management Objectives (1.1, etc.—each the responsibility of one DOL component agency) that reflect DOL’s vision and mission.

This report, which also serves as DOL’s FY 2022 Annual Performance Plan, updates measures and targets for FY 2021 and establishes targets consistent with those reflected in the FY 2022 Congressional Budget Justification. Some measures are deleted or modified between annual updates. To present the most current information, this plan provides complete information for the budget year measures only—in this case, those retained or added in FY 2022—including actual performance for the five preceding years, if available.

Strategic objective measure tables list applicable measures, targets, results, and status (whether or not results reached or exceed the target, indicated by Y or N). Where “baseline” appears in

the target cell for new indicators, no data were available for establishing a numerical target. If results improved over the prior year but did not reach the target, “I” appears in the status cell. The last column identifies the level of success and plans to improve results.<sup>1</sup>

## **FY 2018 – 2022 DOL Vision, Mission, and Strategic Goals**

**Vision:** Helping American workers gain and hold good, safe jobs.

**Mission:** To foster, promote, and develop the welfare of the wage earners, job seekers, and retirees of the United States; improve working conditions; advance opportunities for profitable employment; and assure work-related benefits and rights.

### **Strategic Goal 1: Support the Ability of All Americans to Find Good Jobs**

- 1.1 Create customer-focused workforce solutions for American workers.
- 1.2 Provide veterans, service members, and their spouses with resources and tools to gain and maintain employment.
- 1.3 Develop evidence-based policies, practices, and tools to foster a more inclusive workforce to increase quality employment opportunities for individuals with disabilities.
- 1.4 Provide timely, accurate, and relevant information on labor market activity, working conditions, and price changes in the economy.
- 1.5 Formulate policies and initiatives to promote the interests of working women.

### **Strategic Goal 2: Promote Safe Jobs and Fair Workplaces for All Americans**

- 2.1 Secure safe and healthful working conditions for America’s workers.
- 2.2 Prevent fatalities, disease, and injury from mining, and secure safe and healthful working conditions for America’s miners.
- 2.3 Secure lawful wages and working conditions for America’s workers.
- 2.4 Improve the security of retirement, health, and other workplace-related benefits for America’s workers and their families.
- 2.5 Promote fair and diverse workplaces for America’s federal contractor employees.
- 2.6 Promote a fair global playing field for American workers and businesses by effectively enforcing U.S. trade agreements and combating global child labor and modern slavery.
- 2.7 Promote union financial integrity, transparency, and democracy.

### **Strategic Goal 3: Administer Strong Workers’ Compensation and Benefits Programs**

- 3.1 Provide workers’ compensation benefits for workers who are injured or become ill on the job.
- 3.2 Support states’ timely and accurate benefit payments for unemployed workers.

### **Management Goal: Optimize the Department of Labor’s Enterprise Services Opportunities**

- M.1 Improve human resources efficiency, effectiveness, and accountability.
- M.2 Provide modern technology solutions that empower the DOL mission and serve the American public through collaboration and innovation.
- M.3 Maximize DOL’s federal buying power through effective procurement management.
- M.4 Safeguard fiscal integrity, and promote the effective and efficient use of resources.

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<sup>1</sup> Some measures are “contextual”; i.e., they are important for management purposes but not for judging Agency performance. Contextual measures do not have targets, but they may have projections, which are marked in the target cell as [p]. Status (Y, N, or I) does not apply. Similarly, [r] indicates that results have been revised since last reported, and [e] means the results in that cell are estimated.

## Strategic Goal 1: Support the Ability of All Americans to Find Good Jobs

ETA Strategic Objective 1.1 – Create customer-focused workforce solutions for American workers.

The Employment and Training Administration (ETA) oversees the provision of employment assistance, labor market information, and education through programs authorized by the Workforce Innovation and Opportunity Act of 2014 (WIOA)—for adults, dislocated workers, youth, Job Corps, employment services authorized by the Wagner-Peyser Act, amended by title III of WIOA, and National Programs; Trade Adjustment Assistance (TAA) authorized by the Trade Act of 1974, as amended; Foreign Labor Certification activities authorized by the Immigration and Nationality Act; the Senior Community Service Employment Program authorized by the Older Americans Act; and Apprenticeship programs authorized by the National Apprenticeship Act. Additionally, ETA oversees the federal-state Unemployment Insurance (UI) program, authorized under the Federal Unemployment Tax Act and Title III of the Social Security Act (see Strategic Objective 3.2).

The public workforce system contributes to our nation’s global competitiveness and economic productivity by providing lifelong learning opportunities and a wide range of employment services. The workforce system provides critical services to a broad array of customers at all skill levels. These services include career counseling, case management, assessments that identify transferable skills, and skill development. ETA and the workforce system are committed to expanding access to apprenticeships; providing and improving strategies and tools that help connect employers and skilled workers; and continuously improving the effectiveness and efficiency of workforce development programs by providing flexibilities, ensuring accountability, and building and applying evidence of what works in these programs.

### **FY 2020 Strategic Review Summary of Progress** (Area for Improvement)

This objective has been a focus area for improvement for three consecutive fiscal years. Therefore, following the summary of progress and as required by GPRMA are milestones for actions being taken to improve performance.

#### *Staff-Assisted Services*

ETA successfully collaborated with states to leverage staff-assisted services. Because [staff-assisted employment services \(such as career guidance and job search assistance\) have repeatedly been found effective](#), ETA communicated that these services be included in virtually all of its competitive employment and training grants, and are required by statute in nearly all formula-funded employment and training programs. As employers need to rapidly hire, the public workforce system will play an important role in re-engaging workers who were sidelined through no fault of their own, and

### **Previous Administration**

### **Agency Priority Goal**

### **Job Creation: Apprenticeship Expansion**

*By Sept 30, 2021, the Department of Labor (DOL) will have enrolled one million new apprentices.*

## Strategic Goal 1

quickly and efficiently match jobseekers with businesses that need to fill openings.

### *Training-Related Employment*

[The OIG was concerned about training-related employment under the Workforce Investment Act](#). Under WIOA, ETA continues to provide guidance and technical assistance that addresses this concern, including enhanced reporting of the occupation/industry of employment, and emphasis on expanding employer-driven apprenticeship opportunities across industry sectors, which is significantly expanding training-related opportunities to all job-seeker customers. ETA continues to promote training-related employment, help customers better understand the availability and value of skill-based training offered through formula-funded and discretionary grant programs, and encourage all employment and training programs to deliver training that is directly responsive to the skill needs in their regional economy. However, there are different approaches to determining what is and isn't training-related, and in judging and classifying skills in training and skills used in a job. Several external initiatives include components that will contribute to a better understanding of mappings between skills, credentials, and occupations, including Credential Engine and the Credential Registry and T3 Innovation Network's Open Competency Framework Collaborative. ETA continues to make its data publicly available, including data on program outcomes through TrainingProviderResults.gov and occupational information contained in O\*NET, and will continue to review its program outcomes in the context of an evolving skills data landscape.

### *Customer Experience in AJCs*

[ETA and the DOL Chief Evaluation Office completed three studies of American Job Centers \(AJCs\)](#). Generally, customers appear to have positive experiences at the AJCs. With some exceptions, customers were satisfied with center staff and services. Individual, one-on-one interactions with staff can shape a customer's whole experience. Program registration and enrollment processes and requirements can feel overwhelming or arbitrary to customers. New customers spend time registering online and filling out paperwork—activities that may feel distant from their immediate needs. Most employer customers have one point of contact at the center who caters to their specific needs. Employer customers have said that they had established rapport with a specific AJC staff member who understands their needs and minimizes their administrative burden. The customer experience will be critical as more AJCs move to a virtual experience and away from the bricks and mortar setting. Strengthened partnerships with other programs will be essential to serve all customers. To this end, ETA has incorporated the concept of One Workforce into guidance documents, funding opportunity announcements, and inter-agency agreements. Key aspects of this "One Workforce" vision are, systematic collaboration, integrated service delivery, leveraging resources, sharing data, and focusing on outcomes for business and job seeker.

### *Performance Reporting Systems*

ETA has been working with the Department's OCIO to build a new performance reporting and case management system for all of its competitive grantees. Such a system would enhance reliability and validity of performance information. Until those systems are available, grantees' ability to report and ETA's ability to observe data trends and performance outcomes are hindered, which makes it hard to detect program performance issues. Grantees continue to use a patchwork of legacy systems and manual reporting, leaving room for error and confusion.

## **Performance Improvement/Next Steps**

Key milestones for improving progress of programs in support of this objective include:

### *Training-Related Employment*

ETA has taken several steps to improve reporting of training-related employment: (1) delivered technical assistance to states with low reporting/obvious collection issues; (2) implemented data integrity checks to improve reporting of training-related employment; and (3) proposed revisions to the Information Collection Request (ICR) definition to accurately measure only the incidence of training-related employment for those participants who received training and were employed. To better inform ETA monitoring and technical assistance activities, ETA developed the Quarterly Report Analysis (QRA) to serve as a technical assistance tool for states that will help them identify areas in their reported data that may require additional attention or correction. Coupled with the formal guidance on data validation, the QRA supports grantees' data validation processes by offering an additional tool to inform data quality assurance activities, thus ensuring that grantees are aware of potentially significant data reporting errors. Measures reflecting employment related to training were added to the QRA results shared with states in an effort to provide the results more frequently (quarterly as opposed to annually) and will help ETA staff to engage with state grantees on employment related to training results. ETA will also continue to promote the use of linked open data formats, such as CTDL, to increase the comparability and transparency of available information relating to factors, such as credentials, that impact training-related employment. ETA has made O\*NET occupational information available as open linked data in CTDL format and will be making the 26 industry competency models available in that format.

ETA will continue to provide the tools necessary for grantees to deliver relevant and useful career counseling to participants so that participants can choose a training program and intended occupation based on an understanding of the jobs available in their local economy and the training necessary to obtain those jobs. These tools include clear and actionable labor market information produced by states' Workforce Information Grants to States, data-driven career exploration sites such as MyNextMove.org, and information about training providers' outcomes and quality in the TrainingProviderResults.gov website. ETA will also continue to require in WIOA State Plan requirements and in Funding Opportunity Announcements that labor market information about jobs in demand or growing must be the foundation of all services and training, that grantees must provide labor market information to participants as part of their service delivery strategy; and, in competitive grants, that applicants must partner with businesses to, among other things, validate that the training offered to participants meets their skill needs.

### *Customer Experience in AJCs*

In FY 2021, ETA will continue to provide training to the workforce system on customer centered design and accessibility of AJCs. Additionally, ETA will continue to take steps to increase and encourage maximum flexibility for states and local areas in designing service delivery and aligning integrated services into One Workforce, across WIOA, TAA, Wagner Peyser, TANF, SNAP, and other partner programs. ETA along with HHS's Administration for Children and Families and Department of Agriculture's Food and Nutrition Service has invited states to adjust their service delivery strategies so that federally-funded programs jointly contribute to customers' economic mobility, and will continue to provide technical assistance to states aiming to align services. ETA will continue to assist states in providing virtual services wherever possible through various

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technical assistance mechanisms. Several states are adapting their services to continue to operate virtually, and ETA has provided grantees with flexibilities to operate in a virtual environment during the COVID-19 pandemic.

### *Performance Reporting Systems*

The Department has taken several steps to improve progress on the competitive grantees' performance and case management system. These include adjusting contract provisions to strengthen contractors' accountability, increasing federal oversight of the project, ensuring thorough quality assurance procedures, and accelerating project deliverables through better scope management. All of these measures resulted in completing three modules in 2020. The first module for the new system was made available to Indian and Native American grantees in November 2020. A second module for use by YouthBuild grantees is scheduled for deployment in early 2021. In addition, work on a module for Reentry Employment Opportunity grantees begins in the first quarter of 2021, and a replacement system for the Senior Community Service Employment Program grantees' system for case management and performance will be developed before the end of 2021.

To improve data reporting on Eligible Training Provider performance results, the Department developed technical assistance tools to assist state grantees to identify common Eligible Training Provider reporting issues and implemented an error report in the grantee reporting system – the Workforce Integrated Performance System (WIPS). The Department issued Training and Employment Notice (TEN) 24-19, “*Eligible Training Provider Reporting and Data Publication*” in May 2020 to announce its intent to publish the ETA-9171 Eligible Training Provider Performance Report results on the TrainingProviderResults.gov website in December 2020, which was subsequently completed.

### **FY 2020 Performance Analysis**

ETA was working with the Office of Management and Budget (OMB) by representing the Department on the Executive Steering Committee and participating in two workgroups to support the previous Administration's Cross-Agency Priority Goal 8: Results-Oriented Accountability for Grants.

Since Program Year 2016,<sup>2</sup> the WIOA core programs and ETA's other WIOA-authorized and partner programs have been required to report on six WIOA primary indicators of performance: employment in the 2nd quarter after exit, employment in the 4th quarter after exit, median earnings in the 2nd quarter after exit, credential attainment, measurable skill gains, and effectiveness in serving employers. For PY 2020 and PY 2021, ETA established national targets for employment in the 2nd quarter after exit, median earnings in the 2nd quarter after exit, and measurable skill gains performance indicators for WIOA Adult, WIOA Dislocated Worker, WIOA Youth, and TAA, as well as establishing national targets for employment in the 2nd quarter after exit and median earnings in the 2nd quarter after exit for the Wagner-Peyser Act Employment Service.

ETA has aligned performance reporting definitions and calculations and implemented a streamlined performance reporting system for WIOA and other DOL partner programs. Eighteen workforce grant programs use a common record layout (the Participant Individual Record Layout or PIRL) to

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<sup>2</sup> Most DOL employment programs are forward-funded and report performance on a Program Year (PY) that lags the fiscal year by nine months (e.g., PY 2019 – July 1, 2019 to June 30, 2020). Exceptions that report on a standard fiscal year are the Apprenticeship program and the Trade Adjustment Assistance program.

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report program participant service and outcome information. Using one system enhances data reliability and accuracy.

Under the previous administration, ETA was working to: (1) make apprenticeship a “go-to” and valued solution to enable a greater number and variety of industries to hire skilled workers and increase the skills of incumbent workers to meet their needs; and (2) advance modern work-based learning solutions to provide high-quality alternatives to college for youth and adults. Nationwide, 713,754 individuals began a registered apprenticeship program in FYs 2018-2020.

For participants engaged in work-based learning, ETA has provided extensive technical assistance to state workforce practitioners, including apprenticeship and business outreach staff. Apprenticeship Directors also share information on how resources like WIOA formula grants and TAA funds can be used to support work experience, pre-apprenticeship programs, on-the-job training, and supports for apprentices. One outcome from this technical assistance was the development of [an apprenticeship toolkit for workforce practitioners](#) and dissemination of a Fact Sheet explaining the TAA program represents another funding vehicle to support Apprenticeship participation. In FY 2020, ETA provided technical assistance documents and webinars to help states leverage apprenticeships in serving TAA recipients.

The President’s 2017 Executive Order, *Buy American and Hire American*, touched on three temporary worker programs for which DOL shares administrative or enforcement responsibilities: H-1B, H-2B, and H-2A. Within the “Hire American” directive, the Order called on DOL to fully enforce the protections in the laws governing temporary worker visas and to prevent any abuse of these programs. Additionally, the previous Administration directed federal agencies to review all nonimmigrant visa programs and propose new rules and guidance to eliminate fraud and abuse. A continuing challenge for the foreign labor certification programs has been balancing the quality review of applications while meeting statutory and regulatory processing timeframes in the context of shifting volumes and legislative changes. As a result of the significant increases in the filing of H-2B (temporary non-agricultural) applications in the first few weeks of calendar year 2016, only 25.5 percent of applications were resolved within 30 days before the date of need. In response, in FY 2017, ETA implemented an Interoperability Plan designed to facilitate reassignment of staff to respond to shifts in application filing – leading to an improvement in timely H-2B processing to 78.4 percent by the end of FY 2018. Rising demand for a limited number of H-2B visas continued to condense the peak H-2B filing season during FYs 2019-2020, as an increasing number of employers submitted their applications within a few hours or days of January 1 for workers needed to start work on April 1. Despite implementing a modernized FLAG system and timely processing H-2B applications covering more than twice the statutory cap by March 1 (i.e., 30 days before April 1), the larger and more condensed workload slightly reduced overall performance in each of the last two fiscal years to 73.9 percent (FY 2019) and 70.8 percent (FY 2020). For example, during the first 6 months of FY 2020, the period in which 80 percent of the entire annual workload is received, ETA processed more than 7,200 H-2B applications certifying more than 126,656 worker positions at an average timely processing rate of 86 percent per week; nearly two times larger than the annual statutory cap of 66,000 H-2B visas. Although a large portion of the remaining H-2B workload was processed outside the established performance target due to the condensed filings of more than 5,700 applications in early January, employers could not use those certifications anyway without the statutory visa cap being raised, which did not occur during FY 2020 due to the economic disruptions caused by the COVID-19 pandemic.

Strategic Goal 1

ETA – Create customer-focused workforce solutions for American workers.

*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2016	FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	What Worked	What Didn't Work	Program Performance Improvement Plan
Number of New Apprentices	Target	--	--	200,000	400,000	720,000	1,000,000	1,300,000	Policy on virtual apprenticeship increased flexibility during COVID. Expanded partnerships in nontraditional industries, while encouraging greater involvement from underrepresented populations.	As apprenticeships are a job, the employment disruption created by COVID led to a slowdown of new apprenticeships nationwide. Prior to COVID, the first two quarters were on pace with historic highs.	Ramp-up industry promotion strategies to support post-COVID recovery. Implement a streamlined process to rapidly approve in demand RAP occupations.
	Result	--	--	238,549	490,820 [r]	713,754	--				
	Status	--	--	Y	Y	I	--	--			
Percentage of participants engaged in work-based learning opportunities, including apprenticeships (OWI/OJC/OTAA/OA)	Target	--	--	Base	Base	TBD	TBD	TBD	This is the 2nd year of the baseline for this measure.	Challenges stem from various stages of PIRL implementation for each ETA program and beginning impact of COVID-19 pandemic on service delivery.	Continue to align methodology across all ETA programs.
	Result	--	--	23.8%	--	--	--				
	Status	--	--	--	--	--	--	--			
Percentage of youth participants in training or education who attained credential within one year of program completion (OWI)	Target	--	--	Base	Base	TBD	TBD	TBD	Improved 0.8 percentage points from previous year. Implemented many credential technical assistance resources housed on credential attainment resource page on Workforce GPS.	Some states and local areas continue to have challenges with determining what counts as a credential.	Continued technical assistance efforts.
	Result	--	--	62.2%	--	--	--				
	Status	--	--	--	--	--	--	--			

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*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2016	FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	What Worked	What Didn't Work	Program Performance Improvement Plan
Percentage of program participants employed in the second quarter after exit (OWI/OJC/OTAA)	Target	--	--	Base	Base	TBD	TBD	TBD	This is the 2nd year that ETA has calculated the 2nd quarter outcome across these programs.	Current results do not include competitive grant programs. Beginning impact of COVID-19 pandemic on service delivery.	Continued work on wage data sharing agreement to facilitate additional results for Job Corps and enable the inclusion of discretionary grant programs in OWI.
	Result	--	--	68.5%	--	--	--	--			
	Status	--	--	--	--	--	--	--			
Percent of H-2B Employer Applications Resolved 30 days Before the Date of Need	Target	Base	50.0%	60.0%	75.0%	75.0%	75.0%	75.0%	Interoperability training to surge staff processing capacity during peak season (Jan – Apr). Implementation of new H-2B forms and FLAG system with electronic certification process.	Processing H-2B applications after DHS statutory cap is reached. Prevents ETA staff from handling other visa applications. Ensuring equitable issuance of first actions between randomization groups	None. ETA strategies resulted in timely processing more than twice the statutory visa cap for April 1 start dates.
	Result	25.5%	63.7%	78.4%	73.9%	70.8%	--	--			
	Status	--	Y	Y	N	N	--	--			

**Sources:** State and grantee reports submitted through the Workforce Integrated Performance System (WIPS), Registered Apprenticeship Partners Information Data System (RAPIDS), and electronic Filing and Case Processing System.

**Notes:** [r] = revised

## VETS Strategic Objective 1.2 – Provide veterans, service members, and their spouses with resources and tools to gain and maintain employment.

The Veterans’ Employment and Training Service (VETS) oversees programs that assist veterans seeking employment and provides outreach to employers seeking skilled workers. These efforts are focused on enabling all veterans to reach their full potential in the workplace. VETS administers several programs to meet the employment and education needs of veterans, transitioning service members, and eligible spouses. The Jobs for Veterans State Grants (JVSG) program provides funding to states for Disabled Veterans’ Outreach Program (DVOP) specialists and Local Veterans’ Employment Representative (LVER) staff. The Homeless Veterans’ Reintegration Program (HVRP) addresses one of the most vulnerable populations by reintegrating homeless veterans into society and the workforce. DOL’s Transition Assistance Program (TAP) provides workshops to

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support a successful transition from military to civilian employment. Pursuant to the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and the Veterans' Employment Opportunities Act of 1998, VETS investigates complaints received from individuals who believe their employment or reemployment rights under USERRA and federal employment preference rights under Veterans' Preference were violated. Also, VETS operates the Honoring Investments in Recruiting and Employing (HIRE) Veterans Medallion Program—the only federal-level veterans' employment award that recognizes a company or organization's commitment to recruiting, employing, and retaining veterans.

### **FY 2020 Strategic Review Summary of Progress (Adequate Progress)**

#### *Transition Assistance Program (TAP)*

VETS is finalizing its Memorandum of Understanding (MOU) between the Departments of Labor and Health and Human Services to receive wage information from the National Directory of New Hires (NDNH), as well as receiving social security numbers from the Department of Defense in order to match these two data sets. Once these MOUs are effective, the information gathered will assist VETS in measuring military to civilian employment transition outcomes (job placement, wages, and retention) for transitioning service members. This is a priority as there are limited sources that can provide reliable post-TAP employment outcome data.

#### *Uniformed Services Employment and Reemployment Rights Act (USERRA)*

VETS has seen a consistent increase in the percent of closed cases that meet the quality standard – from 83 percent in FY 2013 to 96 percent in FY 2020. VETS continuously reviews the quality standards of USERRA cases to ensure the highest level of claimant satisfaction. In FY 2020, VETS designated one full-time USERRA investigator in each of the six regions to further professionalize the program. These specialized investigators will handle complex cases, as well as conduct employer outreach designed to lower USERRA violations.

#### *HIRE Vets Medallion Program*

Based on an initial regulatory analysis, VETS estimated that approximately 4,000 applications are needed each year for the HIRE Vets Medallion Program to be an entirely fee-funded program, as prescribed in statute. It may take an additional three or more years of employer engagement to receive that number of applications in a given year. VETS continues to promote partnerships with other government agencies and private organizations with stakeholder interest in the program through increased outreach and communications.

### **FY 2020 Performance Analysis**

DVOP specialists provide individualized career services to veterans with significant barriers to employment, transitioning service members, and wounded, ill, or injured service members and their caretakers. VETS tracks the employment outcomes for those served by DVOP specialists, such as the employment rate in the second quarter after exit.

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VETS manages its USERRA investigations to ensure each complaint is appropriately investigated in terms of quality and timely completion. The quality is determined by measuring how well VETS developed and investigated the allegations in each complaint. A sample of closed cases is reviewed quarterly; in FY 2020, 96 percent of the closed USERRA cases met VETS’ quality standard.

VETS – Provide veterans, service members, and their spouses with resources and tools to gain and maintain employment.

*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2016	FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	What Worked	What Didn't Work	Program Performance Improvement Plan
Employment rate (2nd quarter after exit) for veterans served by DVOP	Target	--	--	Base	Base	60.0%	60.0%	60.0%	All states (except PR) were able to meet WIOA reporting requirements and submit accurate and timely data.	With the impact of COVID-19, VETS anticipates lower placement rates during the recovery period.	VETS will support states with flexibility to best serve veterans with barriers to employment
	Result	--	--	58.0%	58.0%	57.6%	--				
	Status	--	--	--	--	N	--	--			
Percent of closed USERRA cases meeting the agency's quality standard (annual)	Target	92.0%	95.0%	95.0%	95.0%	95.0%	95.0%	95.0%	The quality of USERRA closed cases remained strong again in FY 2020. VETS maintains a high level of rigor in reviewing cases and ensuring that the USERRA legislation is followed appropriately.	The sample size of USERRA cases reviewed is small due to VETS capacity. Use of a statistically significant sample would entail increasing the sample size, and thus increasing the workload burden.	VETS compliance staff will continue the review and improve the report of investigation (ROI). The ROI provides necessary feedback to reviewing officials on ways to improve case quality in the future.
	Result	95.5%	99.0%	96.0%	98.0%	96.0%	--				
	Status	Y	Y	Y	Y	Y	--	--			

Sources: WIPS (Employment Rate measure), USERRA Information Management System (Closed Cases Quality measure).

### ODEP Strategic Objective 1.3 – Develop evidence-based policies, practices, and tools to foster a more inclusive workforce to increase quality employment opportunities for individuals with disabilities.

The Office of Disability Employment Policy (ODEP) promotes policies and practices and coordinates to increase the number and quality of employment opportunities for individuals with disabilities. ODEP employs strategies to help employers meet their business objectives by fully integrating the skills and talents of job seekers and employees with disabilities. Additionally, ODEP uses data and evidence to promote the adoption and implementation of policy strategies and effective practices to increase the number and quality of job opportunities for people with disabilities. Based on research and evaluation, ODEP develops or identifies effective policy and practices, conducts outreach to share this critical information,

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and provides technical assistance to all levels of government and employers to aid them in adoption and implementation.

### **FY 2020 Strategic Review Summary of Progress** (Adequate Progress)

#### *The Retaining Employment and Talent after Injury/Illness Network (RETAIN) Demonstration Projects*

ODEP awarded RETAIN Phase I demonstration projects jointly with ETA to pilot evidence-based solutions designed to improve stay-at-work/return-to-work outcomes. To mitigate the risk of grantees not making adequate progress due to the COVID-19 pandemic, ODEP engaged subject matter experts to support each grantee.

#### *State Exchange on Employment & Disability (SEED)*

In FY 2020, SEED added new state intermediary organizations and expanded its scope to include initial lessons from ODEP's RETAIN initiative. Through SEED, ODEP will provide disability employment policy expertise to proposed new state task forces. Recent SEED methods were some of ODEP's most effective policy adoption mechanisms to date. They have generated more new laws, executive orders, task forces, and senior state official collaborations.

#### *Obtaining Information from Employers about Disability Employment Barriers*

ODEP has difficulty obtaining accurate, self-reported information from employers about disability employment barriers. Consequently, ODEP contracted with a third party researcher to conduct a survey of employers on their disability employment policies and practices. ODEP's employer technical assistance center, the Employer Assistance and Resource Network on Disability Inclusion (EARN), which helps employers recruit, hire, retain, and advance people with disabilities, reviewed the results and is updating work plans to address employer concerns. ODEP presented findings at various venues, including the Annual Disability Statistics Compendium and the President's Committee for People with Intellectual Disabilities. The findings will provide more accurate information and statistics on the specific employment barriers faced by people with disabilities.

### **FY 2020 Performance Analysis**

In FY 2020, ODEP issued 98 implementation tools, which significantly exceeded the target of 84 tools, to aid entities in adopting and implementing proven practices in disability employment while dealing with the COVID-19 pandemic. For example, ODEP partnered with the Council of State Governments to develop the practice brief on "COVID-19 and the Workforce: Impacts on Workers with Disabilities" to help workers with disabilities remain employed during the pandemic. ODEP's EARN developed an implementation tool, "Mentally Healthy Workplaces Checklist," to assist employers in supporting workers' mental wellness during the pandemic. The ODEP-funded Job Accommodation Network produced a series of videos to educate supervisors and managers in workplaces on topics such as "Ergonomic Chairs," "Color Coding," "Adjustable Workstation," and "Hearing Aid Use with Telephones." The RETAIN Initiative's technical assistance provider developed three implementation guides to aid RETAIN service providers in serving their participants during the pandemic -- "Using Technology to Support RETAIN Program Implementation," "Creating a Positive Virtual Experience for RETAIN Participants," and "Best Practices for Virtual Learning."

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In FY 2020, ODEP focused its investments on initiatives of higher priority such as the RETAIN Demonstration Projects that will test the impact of early intervention strategies on stay-at-work/return-to-work outcomes of individuals who experience an injury or illness that could result in a work disability while employed. ODEP also funded SEED to promote adoption and implementation of ODEP’s policies and practices at the state level, and to advance ODEP’s policy development and dissemination efforts. ODEP produced 51 policy outputs which exceeded the target of 35.

ODEP – Develop evidence-based policies, practices, and tools to foster a more inclusive workforce to increase quality employment opportunities for individuals with disabilities.

*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2016	FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	What Worked	What Didn't Work	Program Performance Improvement Plan
Number of policy outputs	Target	--	23	64	44	35	37	42	ODEP excelled in leveraging state intermediaries to generate state-level policy supporting and increasing disability employment by influencing state-level business environments.		ODEP will continue to engage state intermediaries to seek additional state-level policy development opportunities.
	Result	--	43	63	66	51	--				
	Status	--	Y	I	Y	Y	--	--			
Number of implementation tools	Target	--	117	70	60	84	107	112	ODEP continues to excel in producing implementation tools as requested by practitioners at all levels of government and employers.		ODEP will continue to engage practitioners and stakeholders in providing input to develop implementation tools that address their dynamic business needs.
	Result	--	147	136	110	98	--				
	Status	--	Y	Y	Y	Y	--	--			

Sources: ODEP Data Management System

## BLS Strategic Objective 1.4 – Provide timely, accurate, and relevant information on labor market activity, working conditions, and price changes in the economy.

The Bureau of Labor Statistics (BLS) is the principal federal statistical agency responsible for measuring labor market activity, working conditions, price changes, and productivity in the economy. Its mission is to collect, analyze, and disseminate some of the nation’s most sensitive and important economic data to support public and private decision-making. BLS executes its mission with independence from partisan interests while protecting the confidentiality of data providers and strives to meet the needs of a diverse set of customers for accurate, objective, relevant, timely, and accessible information and analysis. BLS serves the general public, the U.S. Congress, DOL and other federal agencies, state and local governments, and business and labor. Policies and decisions based on BLS data affect virtually all Americans, and the wide range of BLS data products is necessary to fulfill the diverse needs of a broad customer base.

BLS is committed to maintaining the highest level of scientific integrity in producing official statistics. BLS complies with the Statistical Policy Directives and the Standards and Information Quality Guidelines from OMB, as well as the National Research Council’s *Principles and Practices for a Federal Statistical Agency*. Together, these form the foundation for achieving and maintaining scientific integrity within and among the principal statistical agencies. BLS also conforms to the conceptual framework of the Interagency Council on Statistical Policy’s Guidelines for Reporting Performance by Statistical Agencies and the “Strengthening Federal Statistics” chapter of the Analytical Perspectives volume in the President’s Budget. BLS reports the full cost to produce its data products. BLS also measures accuracy, timeliness, relevance, dissemination, and mission achievement. These six criteria are common among statistical agencies because they represent critical aspects of a statistical program’s performance. Using these common concepts as a basis for measuring and reporting on statistical agency outcomes helps inform decision-makers more consistently about the performance of statistical agencies.

### **FY 2020 Strategic Review Summary of Progress (Adequate Progress)**

#### *Delivering High Quality Statistical Products*

From 2009 to 2019, BLS has more than doubled the number of indexes, estimates, and other published information produced each year. In FY 2020, BLS produced several new products. The Producer Price Index published experimental indexes in the net inputs to industry data series; the National Compensation Survey published data series, consolidated benefits tables, and released factsheets to improve customer access to benefits data; and the Employment Projections program published the inaugural annual employment projections (2019-2020) to replace the biennial release. In response to the COVID-19 pandemic, BLS added questions to the Current Population Survey to help data users understand the effects of the pandemic on the labor market.

#### *Expanding Data Sharing to Improve Quality of Economic Statistics*

BLS engages regularly with agencies across the federal government to leverage opportunities for sharing data to reduce respondent burden and

Strategic Goal 1

improve the quality of the economic statistics it produces. While barriers exist to sharing economic data across federal statistical agencies, BLS continues to promote the sharing of existing economic data among BLS, the Census Bureau, and the Bureau of Economic Analysis (BEA), as well as with other federal agencies, where feasible. The passage of the Foundations for Evidence-based Policymaking Act of 2018 affords statistical agencies, including BLS, the ability to request data assets from any federal agency for statistical purposes, provided the data is otherwise statutorily allowed to be shared. BLS continues to explore opportunities to use this new provision to improve its data. Communication and collaboration were enhanced during the pandemic, as statistical agencies worked together to find solutions to the measurement challenges created by the unprecedented downturn in economic activity that began in March of 2020. In order to understand changes in employment, BLS created special tabulations of the Department of Labor’s Employment and Training Administration weekly reports of initial claims for unemployment insurance benefits, by industry. These special tabulations were shared across federal agencies (i.e., BLS, BEA, and the Federal Reserve) in order to improve estimates of essential economic data, including GDP, productivity, and industrial production.

**FY 2020 Performance Analysis**

In FY 2020, BLS achieved 100 percent of its underlying timeliness and accuracy targets, and reached 86 percent (6 out of 7 measures) of the underlying relevance targets for all of its PFEIs, missing the Consumer Price Index (CPI) *Indexes published monthly*. The CPI program missed its target because fewer average price series met publication standards due to the impacts of COVID-19 on collection.

In FY 2020, BLS continued investigating how customers access its data products. As its website is the primary mode of dissemination, BLS used Google Analytics to track the average number of BLS website page views each month. The website experienced a decline in page views compared to previous years. Technology trends and data accessibility via modern methods, such as Application Programming Interfaces (APIs), potentially impacted this figure. BLS began including API requests in the *Dissemination* measure in FY 2020.

BLS achieved its target for the FY 2020 year-end customer satisfaction score of 75 through the ForeSee Experience Index, which was the same as the FY 2019 BLS result of 75.

BLS – Provide timely, accurate, and relevant information on labor market activity, working conditions, and price changes in the economy.

*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2016	FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	What Worked	What Didn't Work	Program Performance Improvement Plan
Percentage of timeliness targets achieved for the Principal Federal Economic Indicators (PFEIs)	Target	100%	100%	100%	100%	100%	100%	100%	BLS released all of its PFEI news releases on schedule.	--	--
	Result	100%	100%	100%	100%	100%	--				
	Status	Y	Y	Y	Y	Y	--	--			

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*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2016	FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	What Worked	What Didn't Work	Program Performance Improvement Plan
Percentage of accuracy targets achieved for the PFEIs	Target	100%	100%	100%	100%	100%	100%	100%	BLS met all its underlying PFEI accuracy targets.	--	--
	Result	100%	100%	85%	100%	100%	--				
	Status	Y	Y	N	Y	Y	--	--			
Percentage of relevance targets achieved for the PFEIs	Target	100%	100%	100%	100%	100%	100%	100%	BLS achieved 6 out of 7 of its underlying PFEI relevance targets.	CPI missed its Indexes published monthly measure target because fewer average price series met publication standards due to the impacts of COVID-19 on collection.	With COVID-19 data collection restrictions remaining in place, CPI will continue with alternative modes of collection.
	Result	100%	100%	88%	75%	86%	--				
	Status	Y	Y	N	N	I	--	--			
Average number of BLS website page views each month (Dissemination)	Target	17,000,000	16,400,000	15,600,000	15,000,000	13,700,000	11,400,000	11,400,000	--	Technology trends and modern methods of accessing data, such as using APIs and retrieving data through intermediaries, potentially have impacted the number of page views across the website.	BLS will continue to analyze website trends and make adjustments as necessary.
	Result	16,324,885	15,514,973	14,924,242	13,682,746	12,960,823	--				
	Status	--	N	N	N	N	--	--			
Customer satisfaction with the BLS website through the ForeSee Experience Index (Mission Achievement)	Target	75	76	76	76	75	75	75	BLS continued to update the website to ensure its data products are readily accessible and meet users' evolving needs.	--	--
	Result	76	75	77	75	75	--				
	Status	Y	N	Y	N	Y	--	--			

**Sources:** For most cross-cutting measures, internal BLS documents. For the Mission Achievement measure, the cumulative BLS website FXI score for the FY.

## WB Strategic Objective 1.5 – Formulate policies and initiatives to promote the interests of working women.

The Women’s Bureau (WB) conducts research to formulate practices and policies aimed at increasing economic and employment opportunities and advancement for the 75 million working women and their families in the U.S. WB identifies trends, data gaps, policy and programmatic needs, and strategic mechanisms to safeguard the interest of working women. These efforts allow WB to inform and educate individuals and organizations at the local, state, and national levels about the issues facing women in the labor force.

### **FY 2020 Strategic Review Summary of Progress (Adequate Progress)**

#### *Women in Apprenticeship*

Over \$26 million in grants have been awarded through the Women in Apprenticeship and Nontraditional Occupations (WANTO) grant program since 1994. Results of [a 2001 independent evaluation of programs designed to increase women’s participation in nontraditional occupations](#) found that women who had access to the WANTO program were 5 percent to 15 percent more likely to work in a nontraditional occupation compared to women who did not have access to a WANTO project in their community. Grant applications have increased each year, particularly since the program was transferred to the WB. In four years of administering the WANTO program, applications for the grants have increased significantly, growing from 10 in 2016 (the year prior to WB taking over) to 82 in 2020. However, due to changes in grant reporting over time and across grantees, the outcomes of the WANTO program are difficult to aggregate across the life of the program. In FY 2018, WB conducted a historical review of the WANTO grant program, developed recommendations for program improvements/modifications, and began gathering data to better quantify the outcomes of the WANTO program.

#### *Advancing Paid Leave*

WB has played a key role in advancing research and the national dialogue around the need for paid leave through grants and stakeholder meetings. In July 2020, WB announced a Request for Information (RFI) on the impact of paid family and medical leave on employees and employers. WB collected public comments concerning the effectiveness of current state- and employer-provided paid leave programs, and how access or lack of access to paid leave programs has affected women and their families. The information provided will help the Department identify promising practices related to eligibility requirements, related costs, and administrative models of existing paid leave programs. In FY 2014-2016, WB awarded a total of \$3.15 million in grants to 17 states and municipalities to conduct research and analyze how paid leave programs can be developed and implemented. Over the past three years, there has been a variety of legislation or gubernatorial actions implemented to provide paid leave for state employees. As of January 2020, there were 20 states with paid leave for state workers. Additionally, the 2020 National Defense Authorization Act legislation includes provisions to provide federal workers up to 12 weeks of paid parental leave in connection with the birth, adoption, or foster care placement of a child occurring after October 1, 2020.

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*Childcare and Women in the Workforce*

In FY 2018, WB initiated a project to produce a National Database of Childcare Costs based on local area data that will facilitate a better understanding of the effects of childcare prices on women’s labor force participation. Pilot data was collected in 2019 from 11 states that publicly report childcare market price data at the county level. Data collection was completed in February 2020, and the final database, which includes a public-use data set that draws data from state childcare market price surveys, in addition to county-level demographic and labor market data from the American Community Survey, was completed in September 2020.

**FY 2020 Performance Analysis**

In FY 2020, WB conducted research and developed 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; reduce occupational licensing barriers to employment for military spouses; assess working families’ access to affordable, quality child care; and expand opportunities for women in entrepreneurship. WB exceeded its target for the number of policy and research deliverables, producing a total of 17 issue briefs, reports, and other resources. In FY 2020, WB celebrated its 100th anniversary and continued to highlight the work done to advance opportunities for women and serve as a reliable and up-to-date source of information and research on women and the workforce.

WB – Formulate policies and initiatives to promote the interests of working women.

*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2016	FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	What Worked	What Didn't Work	Program Performance Improvement Plan
Number of policy & research deliverables	Target	20	18	6	16	15	9	4	WB collected public comments on the effectiveness of current state- and employer-provided paid leave programs, and how access or lack of access to paid leave programs affects women and their families.	WB conducted virtual rather than in-person grantee site visits due to the Covid-19 pandemic. This limited its ability to document apprenticeship models and collect feedback from program participants.	In FY 2021, WB will continue work on its website to reflect research, policy, and data priorities. WB will work to ensure that all data on its website is up to date, and archive old data sets.
	Result	21	21	16	21	17	--				
	Status	Y	Y	Y	Y	Y	--	--			

Sources: WB quarterly productivity reports

## Strategic Goal 2: Promote Safe Jobs and Fair Workplaces for All Americans

### OSHA Strategic Objective 2.1 – Secure safe and healthful working conditions for America’s workers.

The Occupational Safety and Health Administration (OSHA) was established by the Occupational Safety and Health Act of 1970 with the mission to ensure employers provide American workers safe and healthful working conditions. OSHA ensures the safety and health of America’s workers by setting and enforcing workplace safety and health standards; delivering effective enforcement; providing training, outreach, and education; and encouraging continual improvement in workplace safety and health. Through these efforts, OSHA aims to reduce the number of worker illnesses, injuries, and fatalities and contribute to DOL’s broader goals.

#### **FY 2020 Strategic Review Summary of Progress** (Adequate Progress)

##### *Enforcement*

During FY 2018, OSHA created the new OSHA Weighting System (OWS). The OWS aligns OSHA’s resources and priorities by focusing compliance on the most common hazards that have the most serious consequences. In FY 2019, the agency finalized the Enforcement Unit values and received clearance to implement the new OWS beginning FY 2020. On February 5, 2020, OSHA issued a National Emphasis Program (NEP) for respirable crystalline silica (RCS) to identify and reduce or eliminate worker exposures to RCS. This NEP covers exposures in general industry, maritime, and construction. At least 2 percent of inspections in each OSHA region were to include targeted inspections of sites within industries that are expected to have the highest exposures to RCS; however, the impact of the COVID-19 pandemic in FY 2020 prevented this action.

##### *Compliance Assistance*

In FY 2020, OSHA completed 227 Voluntary Protection Program (VPP) approvals and re-approvals. VPP recognizes employers and workers in the private industry and federal agencies who maintain injury and illness rates below the Bureau of Labor Statistics averages for their respective industries by implementing effective safety and health management systems. New approvals decreased by 30 percent and re-approvals by 39 percent compared to FY 2019 results. For FY 2020, due to the implementation of strict social distancing and state stay-at-home orders to address COVID-19 across multiple regions and jurisdictions, OSHA has been unable to perform many of the required on-site evaluations for participation in VPP. Some worksites have closed or are restricting outside persons. In addition, many VPP participants are restricting travel of their Special Government

#### **Previous Administration** **Agency Priority Goal**

#### **Worker Safety: Reduce Trenching and Excavation Hazards**

*By September 30, 2021, increase trenching and excavation hazards abated by 12 percent compared to FY 2017 through inspections and compliance assistance at workplaces covered by the Occupational Safety and Health Administration (OSHA).*

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Employees (SGEs) that normally assist during on-site evaluations. In addition to the impact on FY 2020 approvals and re-approvals, this creates a backlog of re-approvals, which OSHA anticipates will have a significant ongoing impact into FY2022.

On June 19, 2020, OSHA released “Temporary Policy Revisions to OSHA’s Voluntary Protection Programs (VPP) During the COVID-19 Pandemic” modifying some of the programs’ policies and procedures to allow VPP to maintain normal functions to the greatest extent possible, including recognizing the VPP status of applicants and participants and processing evaluation reports. As the COVID-19 response continues to evolve, OSHA will continue to review and revise its activities to support VPP applicants and participants.

### *Agency Priority Goal (APG)*

For the APG in FY 2020, OSHA, together with its state plan partners, conducted a combination of enforcement, compliance assistance, and outreach activities focused on reducing hazards associated with trenching and excavation activities. The effort is on track to exceed the associated performance goal. OSHA will continue this initiative through the current APG cycle, which ends in September 30, 2021.

### *Whistleblower Protection Program*

The volume of workplace retaliation complaints received under the Whistleblower Protection Program has steadily increased, from 7,557 new complaints in FY 2014 to 11,865 in FY 2020, due in large part to new complaints filed related to the COVID-19 pandemic. The number of new cases docketed for investigation also increased significantly to 3,469, again due to the COVID-19 pandemic.

### **FY 2020 Performance Analysis**

In FY 2020, as part of the previous Administration’s Cross-Agency Priority Goal 4 on improving customer experience, OSHA worked with OMB to implement a Customer Experience Plan related to the VPP that included a public-facing dashboard.

In FY 2020, OSHA began testing a new online VPP application and re-approval portal. OSHA’s multi-year Recalibration Plan for FY 2020 also included ongoing improvements to VPP such as the digitization of VPP processes and documentation (e.g., online VPP application), redesigning VPP Corporate, and increasing customer service and responsiveness through the use of an online customer service dashboard.

OSHA’s regional and area offices strategically prioritize enforcement resources to target high hazard industries and irresponsible employers. Corporate Wide Settlement Agreements and the Severe Violator Enforcement Program are additional tools OSHA uses to target establishments that require improvement across a number of locations.

In FY 2020, OSHA abated 1,981 trenching/excavation hazards. OSHA sought to reduce injuries and fatalities by targeting workplaces where there were potential trenching/excavation hazards for inspections in addition to outreach. OSHA worked with industry associations and the public utilities who hire a significant portion of the workers to create a public-private effort to reduce these fatalities.

Strategic Goal 2

Safety training is a critical piece of OSHA’s strategic effort to prevent workplace fatalities, injuries, and illnesses. OSHA conducts training programs at the OSHA Training Institute (OTI), administers the OTI Education Centers Program, and administers the Outreach Training Program. In FY 2020, OSHA provided training for 1,336,246 individuals based on preliminary results.

OSHA also administers and enforces 23 whistleblower protection statutes that protect workers who experience retaliation for reporting violations of the law. Principally, this includes Section 11(c) of the Occupational Safety and Health Act, which prohibits employers from retaliating against employees who bring workplace hazards to the attention of the employer or the Agency. The additional 22 whistleblower protection provisions protect workers in a variety of industries who speak out against unsafe and/or unlawful behavior, including violations of transportation, consumer protection, or financial reform laws. In FY 2020, final results show that OSHA completed 3,122 docketed whistleblower investigations, awarding more than \$30 million to complainants, including 56 reinstatements.

OSHA – Secure safe and healthful working conditions for America’s workers.

*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2016	FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	What Worked	What Didn't Work	Program Performance Improvement Plan
Number of hazards abated associated with falls in construction, general industry, and maritime	Target	--	--	7,500	7,810	7,900	7,810	--	OSHA implemented the National Safety Stand-Down to Prevent Falls in Construction Campaign with NIOSH, CPWR, and NORA, involving virtual public events and participation of industry and labor groups.	The number of programmed inspections addressing fall hazards was constrained by resources and other priorities resultant of the COVID-19 pandemic.	Refocus on existing enforcement emphasis programs and outreach to increase inspection and compliance assistance resources on fall hazards.
	Result	7,964	8,032	8,001	8,096	5,336	--				
	Status	--	--	Y	Y	N	--	--			

Strategic Goal 2

*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2016	FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	What Worked	What Didn't Work	Program Performance Improvement Plan
Number of trenching and excavation hazards abated	Target	--	--	--	2,572	2,619	2,619	--	OSHA used enforcement and compliance assistance programs to identify and address trenching and excavation hazards.	Despite substantial outreach efforts, general awareness about trenching and excavation hazards and safe work practices still needs to improve.	OSHA will promote awareness by supporting and participating in trench safety stand down events and by distributing materials and resources for trenching and excavation safety.
	Result	--	2,338	2,324	2,710	1,981	--				
	Status	--	--	--	Y	N	--	--			
Number of people trained by OSHA	Target	--	--	934,270	1,208,728	1,627,400	1,209,920	1,519,900	OSHA increased student access through video conferencing and moved to virtual platforms for events.	OSHA and Alliances rely on engagement at national conferences/meetings. Many of these were cancelled outright, those that were moved to virtual platforms often streamlined agendas and reduced content.	OSHA Staff and Alliances have become more agile with virtual technologies. Effective outreach/training opportunities will be available via virtual means at conferences/meetings as a result of planning
	Result	1,046,580	1,058,894	1,179,551	1,627,368	1,339,019	--				
	Status	--	--	Y	Y	N	--	--			
New VPP approvals	Target	--	59	100	90	80	16	16	IT providing online collaboration tools and training that were not previously available, allowed OPR to provide compliance assistance and services inside and outside of OSHA without incident.	Slow laptops caused connection issues for users. Interoperability between Federal Government branches was difficult – security requirements of DoD sites made passing electronic documents challenging.	OPR has developed contingencies for passing documents, such as limited in-person viewing.
	Result	--	79	58	70	49	--				
	Status	--	Y	N	I	N	--	--			

Strategic Goal 2

*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2016	FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	What Worked	What Didn't Work	Program Performance Improvement Plan
Whistleblower investigations completed	Target	3,200	2,900	2,725	2,655	3,200	2,900	4,500	OSHA initiated/continued a number of efficiency pilots and backlog strategies.	There been a significant increase in new complaints due to the COVID-19 pandemic, putting extra strain on the program.	Continue assigning complaints across regions to promote a more reasonable workload balance. Expand the ADR program across all regions as a viable alternative to the investigative process.
	Result	3,307	3,348	2,929	3,091	3,122	--				
	Status	Y	Y	Y	Y	N	--	--			
VPP re-approvals	Target	--	232	270	280	280	169	169	With the implementation of 100 percent telework, DCSP provided customer services, information and statistics without disruption and seamless to the public we serve.	Electronic contact info was not reliably updated by regions/VPP participants. National Offices staff had to create alternate means to get this data. Interoperability between Federal Government branches was difficult	OSHA is currently following up with individual sites and reemphasizing the importance of up-to-date electronic contact information with regions.
	Result	--	263	174	291	178	--				
	Status	--	Y	N	Y	N	--	--			

Sources: OSHA Information System (OIS) and Integrated Management Information System (IMIS).

Notes: [e] = estimated

## MSHA Strategic Objective 2.2 – Prevent fatalities, disease, and injury from mining, and secure safe and healthful working conditions for America’s miners.

The Mine Safety and Health Administration (MSHA) protects the safety and health of the nation’s miners through enforcement of the Federal Mine Safety and Health Act of 1977 (Mine Act), as amended by the Mine Improvement and New Emergency Response Act of 2006. MSHA’s mission is to prevent death, disease, and injury from mining and to promote safe and healthful workplaces for the nation’s miners. This mission is carried out through the promulgation and enforcement of mandatory safety and health standards; mandated inspections, which require four complete inspections annually at active underground mines and two complete inspections annually at active surface mines; miner training; and technical compliance assistance activities.

To prevent miner deaths, operators must have in place effective safety and health programs that are constantly evaluated to identify and eliminate mine hazards, and that provide training for all mining personnel. MSHA has undertaken several measures to prevent mining deaths including: increased monitoring and strategic enforcement through targeted inspections at mines with identified problem areas; a Pattern of Violations program; special initiatives such as focusing on inexperienced miners and miners working alone; and outreach efforts such as “Safety Pro in a Box,” which provides guidance to the metal/nonmetal mining industry on best practices and compliance responsibilities.

**Previous Administration**  
**Agency Priority Goal**

**Worker Safety: Reduce Miner Injuries**

*By September 30, 2021, reduce the reportable injury rate associated with powered haulage equipment, the primary cause of miners’ injuries, by four percent per year based on a rolling five-year average per 200,000 hours worked.*

### **FY 2020 Strategic Review Summary of Progress** (Noteworthy Progress)

#### *Mine Safety and Health*

In FY 2020, the preliminary five-year fatality rate per 200,000 hours worked was 0.0095, a 49 percent decrease from FY 2010 when the measure was first reported, and the lowest in mining history. MSHA also reached its target of reducing injury rates. The five-year rolling average rate fell from 2.44 injuries per 200,000 hours worked in FY 2016 to an estimated 2.08 in FY 2020. The reportable injury rate associated with powered haulage equipment decreased four percent in FY 2020 based on a rolling five-year average. MSHA completed 100 percent of its mandated regular inspections in FY 2020.

#### *Scofflaw Program*

In FY 2018, MSHA revised and began to vigorously enforce its Scofflaw Program that seeks to improve health and safety conditions at mines by leveraging the legal actions available when civil penalties are not being paid. At the end of FY 2020, MSHA has collected \$4.5 million with an additional \$850,000 still to be collected under installment plans.

Strategic Goal 2

*Enforcement*

The OIG identified management and performance challenges facing MSHA in “Protecting the Safety and Health of Workers,” a [DOL Top Management and Performance Challenge in FY 2019](#). MSHA needs to evaluate the effectiveness and implementation of the Respirable Coal Dust rule as new information becomes available. MSHA strictly enforces its regulatory standards for respirable dust and quartz. MSHA will continue to conduct targeted health inspections and to review the quality of coal mine dust controls in mine ventilation and dust control plans to foster continued improvement. MSHA reviews dust sampling quarterly and monitors operator sampling equipment during regular inspections. MSHA targets mine operators who fail to keep hazardous contaminant exposures below established limits.

**FY 2020 Performance Analysis**

MSHA’s Agency Priority Goal reflected efforts to reduce workplace hazards that represent a primary cause of fatalities and injuries. In FY 2020, accidents caused by powered haulage equipment, which is a category of moving machines used to transport miners or haul materials in mines, contributed to 17 percent of fatalities and 9 percent of total injuries. MSHA continued to promote best practices to prevent injuries and fatalities associated with powered haulage accidents. The [Powered Haulage Initiative](#) website included pages highlighting large equipment blind spots, seat belt usage, and conveyor safety. Inspectors at all field offices continued to focus on conveyor safety during mine visits, discussing best practices and distributing hardhat stickers and brochures. MSHA identified fatalities related to contractors and provided compliance assistance to address causes of these deaths. MSHA continued to promote its outreach efforts through social media, the Agency’s public website, [msha.gov](#), and quarterly stakeholder calls. MSHA also awarded \$400,000 in grant funding through its Brookwood-Sago grant program to support education and training opportunities for miners that focused on powered haulage safety.

MSHA – Prevent fatalities, disease, and injury from mining and secure safe and healthful working conditions for America’s miners.

*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2016	FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	What Worked	What Didn't Work	Program Performance Improvement Plan
Five-year rolling average of reportable injuries associated with powered haulage equipment per 200,000 hours worked	Target	--	--	0.170	0.170	0.171	0.164	TBD	MSHA achieved its Agency Priority Goal in FY 2020. The focus on injuries caused by powered haulage equipment remains a primary priority for MSHA.	MSHA is not able to identify any enforcement efforts or initiatives that did not work. MSHA continues to work on consistency in enforcement, and increased compliance assistance initiatives.	
	Result	0.190	0.185	0.181	0.178	0.171 [e]	--				
	Status	--	--	I	I	Y	--	--			

Strategic Goal 2

*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2016	FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	What Worked	What Didn't Work	Program Performance Improvement Plan
Five-year rolling average of fatal injuries per 200,000 hours worked	Target	0.0120	0.0121	0.0114	0.0114	0.0100	0.0091	TBD	MSHA completed 100% of mandatory health and safety inspections. Additionally, MSHA utilizes stakeholder outreach and safety initiatives to address safety and health concerns.	MSHA is not able to identify any enforcement efforts or initiatives that did not work. MSHA continues to work on consistency in enforcement, and increased compliance assistance initiatives.	MSHA plans to increase inspection and enforcement effectiveness, strengthen and modernize training and education, and increase efforts to protect miners' rights.
	Result	0.0123	0.0116	0.0110	0.0101	0.0095 [e]	--				
	Status	--	Y	Y	Y	Y	--	--			
Five-year rolling average of all injuries per 200,000 hours worked	Target	--	2.30	2.30	2.25	2.13	1.99	TBD	See above.	See above.	See above.
	Result	2.44	2.35	2.26	2.17	2.08[e]	--				
	Status	--	I	Y	Y	Y	--	--			

**Sources:** Injury data – Mine operators' and non-exempt contractors' Mine Accident, Injury, and Employment reports and MSHA's Standardized Information System.

**Notes:** [e] = estimated. MSHA's fatality and injury rates reflect the number of fatalities or injuries per 200,000 hours worked during the prior five-year period.

### WHD Strategic Objective 2.3 – Secure lawful wages and working conditions for America's workers.

The Wage and Hour Division (WHD) is responsible for administering and enforcing laws that establish the minimum standards for wages and working conditions. WHD enforces and administers the minimum wage, overtime pay, and child labor provisions of the Fair Labor Standards Act (FLSA); the prevailing wage requirements and wage determination provisions of the Davis-Bacon Act and Related Acts, Service Contract Act, Contract Work Hours and Safety Standards Act, Walsh-Healey Act, and Copeland Act; the wages and working conditions under the Migrant and Seasonal Agricultural Worker Protection Act; the Family and Medical Leave Act; the Employee Polygraph Protection Act; the garnishment provisions of the Consumer Credit Protection Act; the Labor Value Content requirements of the United States-Mexico-Canada Implementation Act; and the paid sick leave and expanded family and medical leave requirements of the Families First Coronavirus Response Act (FFCRA). WHD also enforces the field sanitation and temporary labor camp standards in agriculture, and certain employment standards and worker protections of the Immigration and Nationality Act. Collectively, these labor standards cover most private, state, and local government employment. They protect over 148 million of America's workers in more than 10.2 million establishments throughout the U.S. and its territories.

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WHD focuses its enforcement and compliance assistance efforts to achieve the greatest impact. The agency uses data and evidence to identify areas and industries in which serious violations may be widespread and often organizes educational and enforcement initiatives in those areas. WHD complements enforcement with outreach and education to employers. By partnering with industry and employers to produce meaningful compliance assistance, WHD can increase compliance with the laws it enforces. By combining enforcement with education, more workers in this country can obtain stable and secure income and responsible businesses can succeed.

Responding to the COVID-19 pandemic remains a top priority for WHD. The agency's response throughout this continuing crisis has been swift and comprehensive. WHD has simultaneously addressed the critical need to provide information to workers about their rights and benefits available under the FFCRA, while enforcing the new law to ensure workers receive the protections they need and deserve. In addition, WHD is ensuring the safety and wellbeing of agency staff and the uninterrupted continuation of the agency's mission. WHD continues to take steps to monitor the impact on operations and performance, and to employ innovative strategies to mitigate effects on performance while emphasizing and supporting quality investigations.

### **FY 2020 Strategic Review Summary of Progress (Adequate Progress)**

#### *Back Wages*

In the last 5 years, WHD has recovered more than \$1.4 billion dollars in back wages for over 1.3 million workers. In FY 2020 alone, WHD recovered over \$250 million in back wages and found, on average, more than \$1,120 for each employee due back wages.

#### *Compliance and Enforcement*

For several years, WHD has relied on two “no violation” measures to track the number of complaint and agency-initiated cases without a violation, as a measure of whether the agency-initiated investigations were well-targeted. These long-standing measures were effective in driving down the number of cases without a violation, demonstrating good investigation targeting, and for several years, performance results have exceeded the targets. In evaluating goals for continuous improvement, WHD considered the extent to which non-monetary findings played a role in that decline. Rather than continue pressing for lower rates, WHD will internally track the “no violation” rate, but will place a greater focus on the severity of violations in its performance measures. The WHD FLSA severity index incentivizes the agency to investigate the most egregious violators and to bring those investigations to successful conclusion. The FLSA severity index was built to inform decision-making about resource allocation and give credit to offices for investing time and resources in more impactful investigations. WHD continues to maintain a high percentage of “Agency-Initiated Investigations” within high violation industries that employ low-wage workers. In FY 2020, WHD conducted 47 percent of its investigative work in agency-initiated investigations, excluding conciliations.

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**FY 2020 Performance Analysis**

WHD continued to perform both enforcement and compliance assistance. The goal was to increase their impact through direct engagement with industry leaders and the use of more modern compliance assistance methods. WHD continued to track the percent of agency-initiated investigations and the total number of compliance actions to emphasize data-driven enforcement and manage productivity in a changing an environment. In FY 2020, WHD underwent a significant hiring effort to restore staffing levels. While the agency employed innovative strategies to mitigate COVID-19 effects on performance, such as increased flexibilities in the use of investigative and compliance assistance tools, the FY 2021 target was reduced to align with current enforcement staff levels, which reflect a combination of experienced and newly hired investigators, and the unprecedented challenges from the pandemic.

WHD – Secure lawful wages and working conditions for America’s workers.

*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2016	FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	What Worked	What Didn't Work	Program Performance Improvement Plan
Percent of FLSA compliance actions (excluding conciliations) with severity score of 30 or more	Target	--	--	--	--	Base	20%	20%	The agency is able to make more meaningful distinctions between FLSA compliance actions.	The agency needs to increase accessible data to better inform resource analysis.	WHD will use baseline data to perform a deeper analysis to evaluate the methodology. This will help to ensure the index is performing as intended and to identify opportunities for refinement.
	Result	--	--	--	--	20%	--				
	Status	--	--	--	--	--	--	--			
Number of compliance actions concluded	Target	30,500	30,500	29,500	28,000	26,270	24,872 [r]	25,500 [r]	WHD maintained a high number of compliance actions despite impacts due to the COVID-19 pandemic.	This measure does not account for differences in complexity between cases.	The measure does not make distinctions across statutes and investigation tools. WHD will continue to evaluate the best approach to measuring workload distribution and productivity.
	Result	28,589	28,771	28,397	26,876	26,096	--				
	Status	--	I	N	N	N	--	--			

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*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2016	FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	What Worked	What Didn't Work	Program Performance Improvement Plan
Percent of agency-initiated compliance actions (excluding conciliations)	Target	45%	46%	46%	46%	46%	46%	46%	WHD strengthened cross-regional initiative coordination through increased communication and data-driven strategies to maximize the impact of agency-initiated investigations.	WHD needs to continue evolving internal coordination, communication, and planning.	WHD will focus on integrating the learning from evaluation projects and using more nuanced data and external data sources to find and remedy the most severe and systemic violations.
	Result	46%	51%	53%	52%	47%	--				
	Status	Y	Y	Y	Y	Y	--	--			

Sources: Wage and Hour Investigative Support and Reporting Database (WHISARD).

Notes: [r] = revised

## EBSA Strategic Objective 2.4 – Improve the security of retirement, health, and other workplace-related benefits for America’s workers and their families.

The Employee Benefits Security Administration (EBSA) is charged with protecting nearly 154 million workers, retirees, and their families who are covered by approximately 722,000 private retirement plans, 2.5 million health plans, and similar numbers of other welfare benefit plans. Together, these plans hold estimated assets of \$10.7 trillion. EBSA employs a comprehensive, integrated approach encompassing programs for enforcement, compliance assistance, interpretive guidance, legislation, and research. In FY 2020, the agency recovered over \$3.1 billion for direct payment to plans, participants, and beneficiaries. EBSA’s enforcement program seeks to detect and correct violations that result in monetary recoveries for employee benefit plans, participants, and beneficiaries or secure other corrective remedies including, but not limited to, significant broad-based reforms for large plans or common service providers.

### FY 2020 Strategic Review Summary of Progress (Adequate Progress)

#### *Strategic Enforcement*

In FY 2014, EBSA changed its performance measures when it initiated its Major Case Program. This method of strategic enforcement focuses on the identification and pursuit of investigations that have the greatest potential to correct ERISA violations for a large number of plans and plan participants. As this strategy matured, EBSA implemented two new performance measures in FY 2018: Major Case Monetary Recoveries per Major

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Case Staff Day and Monetary Recoveries on Major Cases Closed per Staff Day. These measures are designed to give EBSA a fuller understanding of the efficiency and effectiveness of the Major Case priority. With EBSA's prioritization of Major Cases, monetary recoveries increased in each of the previous six years (FY 2015-2020). Major Case Monetary Recoveries per Major Case Staff Day increased from \$108,807 in FY 2019 to \$135,288 in FY 2020. A significant portion of FY 2020 Major Case recoveries, over \$1.5 billion or 57 percent, is attributable to the Terminated Vested Participant Program (TVPP). However, even if one excludes results from the TVPP, EBSA still exceeded its targets for the Major Case efficiency and effectiveness measures.

### *Participant Assistance and Customer Service*

Before FY 2018, EBSA used a Gallup customer satisfaction survey to track customer satisfaction. In FY 2018 and FY 2019, EBSA lacked funding to continue the Gallup customer satisfaction survey. As a result, EBSA was not able to objectively measure customer satisfaction. EBSA renewed its contract with Gallup for FY 2020 and began work to establish a benchmark. In the past, EBSA used the data obtained through the survey and worked with the contractor to identify areas to improve its score from a customer satisfaction rating in the low 60 percent range to 71 percent in 2017.

### *Reporting Compliance Reviews*

Since FY 2016, EBSA has placed special emphasis on reviewing the audit work of Certified Public Accountant (CPA) firms that audit fewer than 100 employee benefit plans yearly, because analysis has shown that these firms have higher audit deficiency rates. EBSA's targeted reviews of audit work papers from these CPA firms provided coverage in FY 2020 for \$289.9 billion in plan assets and 5.727 million participants, as the agency continued to surpass its targets each year since FY 2016. Prior to FY 2016, case targeting was not based on "coverage" of the overall asset and participant universe, but on identifying cases that coincided with EBSA's overall enforcement activities. Consequently, case targeting did not provide a minimum level of coverage to the overall universe of plan assets or plan participants.

### **FY 2020 Performance Analysis**

In FY 2020, EBSA continued to concentrate a significant portion of its enforcement resources on the Major Case Enforcement Priority which focused on cases likely to have the greatest impact on the protection of plan assets and participants' benefits. EBSA also employed metrics to evaluate the efficiency and effectiveness of investigative time. Because Major Case results can be highly volatile from year to year, EBSA based its enforcement measures on careful consideration of historical data. The majority of FY 2020 recoveries came from a single initiative, the TVPP. The TVPP cases obtained unusually large recoveries for participants and beneficiaries while expending minimal investigative resources. In EBSA's view, the TVPP results are anomalous, and TVPP recoveries will begin to decline over the next two to three years, as plan fiduciaries and sponsors improve their recordkeeping and notification practices with respect to "missing" terminated vested participants, and as EBSA increasingly directs its limited enforcement resources to other categories of violations.

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EBSA – Improve the security of retirement, health, and other workplace-related benefits for America’s workers and their families.

*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2016	FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	What Worked	What Didn't Work	Program Performance Improvement Plan
Major Case Monetary Recoveries per Major Case Staff Day	Target	--	--	\$16,936	\$23,151	\$39,996	\$69,871	\$69,871	Major Cases are a priority because they enable EBSA to use its limited resources in a way that has the greatest possible positive impact on large numbers of plans and participants.	This year’s large recoveries could create false expectations. Over-performance stemmed from TVPP results and three large non-TVPP cases.	EBSA anticipates adjusting its targets in future years as TVPP winds down. Given the volatility of results from year to year, targets rely on historical data.
	Result	\$15,947	\$30,269	\$62,956	\$108,807	\$135,288	--				
	Status	--	--	Y	Y	Y	--	--			
Monetary Recoveries on Major Cases Closed per Staff Day	Target	--	--	\$30,737	\$23,667	\$29,271	\$61,288	\$61,288	See above.	See above.	See above.
	Result	\$44,986	\$13,301	\$22,131	\$79,773	\$86,759	--				
	Status	--	--	I	Y	Y	--	--			
Percent of Delinquent Employee Contribution, Abandoned Plan, Bonding, Health-Part 7 Violation, and Other Reporting and Disclosure Non-Fiduciary Breach Cases Closed or Referred for Litigation in the fiscal year within 18 Months of Case Opening	Target	69%	70%	70%	70%	76%	76%	76%	In FY 2020, EBSA exceeded the targets for its three investigation timeliness measures. Both civil and criminal investigations exhibited greater efficiencies than expected.	EBSA met its goal of timely resolving cases. EBSA is carefully monitoring its timeliness measures, however, to ensure that cases are not closed before issues are appropriately explored and resolved.	The agency is in the process of implementing additional actions to improve the efficiency and effectiveness of enforcement actions.
	Result	76%	89%	84%	89%	84%	--				
	Status	Y	Y	Y	Y	Y	--	--			

Sources: Enforcement Management System.

### OFCCP Strategic Objective 2.5 – Promote fair and diverse workplaces for America’s federal contractor employees.

The Office of Federal Contract Compliance Programs (OFCCP) requires that employers that do business with the federal government comply with contractual equal employment opportunity and affirmative action requirements to ensure a fair and diverse workplace, free of discrimination and

harassment. OFCCP recognizes the value of performing both enforcement and compliance assistance activities. The agency is strengthening contractor engagement through the use of additional compliance resources, tools, national training, and education and outreach activities.

### **FY 2020 Strategic Review Summary of Progress (Adequate Progress)**

#### *Enforcement*

[GAO-18-69: Federal Agencies Could Improve Oversight of Equal Employment Opportunity Requirements](#) recommended OFCCP address delays during compliance evaluations. In response, in 2019, OFCCP issued guidance on early resolution procedures to encourage contractors to pursue early resolutions where OFCCP identifies possible violations in compliance evaluations. These efforts helped reduce the aged case rate from 27.7 percent in FY 2017 to 7.8 percent in FY 2020, and in the same period, the median number of days to complete a desk audit dropped from 140 days to 40 days. The “aged case” is a case that remain unresolved after two years from the issuance of the scheduling letter. During the same period, the median number of days to complete a desk audit dropped from 140 days to 40 days. The report also recommended that OFCCP assess its method for selecting contractors for evaluation to identify the establishments at greater risk of noncompliance. In FY 2019, OFCCP changed its [scheduling methodology](#), focusing one third of scheduled evaluations on the three industries with the highest discrimination violation rates. Evaluations of cases selected with this methodology started in May of 2019.

#### *Compliance Assistance Strategies*

In a 2016 study of OFCCP compliance evaluations ([GAO-16-750 Equal Employment Opportunity: Strengthening Oversight Could Improve Federal Contractor Nondiscrimination Compliance](#)), the GAO recommended OFCCP assess existing contractor guidance for clarity. OFCCP issued the Educational Institutions and Construction Technical Assistance Guides, and conducted seven town halls with different industry sectors and stakeholder groups to clarify guidance for contractors.

#### *Compliance Assistance Activities*

In FY 2019, OFCCP launched new compliance assistance tools and resources to help federal contractors better understand nondiscrimination and affirmative action requirements. OFCCP completed revisions to the Federal Contractor Compliance Manual (last updated in 2014). The agency also established an Ombuds Service for external stakeholders to provide feedback.

### **FY 2020 Performance Analysis**

OFCCP implemented a strategy of conducting more focused reviews compared to full compliance evaluations, prioritizing larger systemic cases, and maximizing remedies to reach more contractors - and achieve timelier resolutions with larger, corporate wide conciliations. In FY 2020, OFCCP experienced significant performance improvements, such as completing desk audits in 40 days, reducing the aged case rate to 7.8 percent, timely completing complaint investigations at the rate of 86 percent, identifying discrimination at the rate of 5 percent, and collecting the second highest amount of financial remedy for affected workers. OFCCP obtained \$40.6 million in monetary settlements for affected class members during FY

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2019. OFCCP continued this activity in FY 2020 during the pandemic, with recoveries of \$35.6 million. At the same time, the agency completed 683 technical assistance events. In addition, OFCCP produced a neutral and centralized scheduling list of construction contractors and included contractor establishments at a higher risk of noncompliance in the Supply & Service and Construction scheduling lists.

OFCCP – Promote fair and diverse workplaces for America’s federal contractor employees.

*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2016	FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	What Worked	What Didn't Work	Program Performance Improvement Plan
Number of Construction Evaluations Completed	Target	--	--	--	--	300	300	300	Released first-ever neutral and centralized construction scheduling list. Also used risk-based approach to address contractors at higher risk of noncompliance, implementing an OIG audit recommendation	Unable to conduct construction compliance reviews due to COVID-19 restrictions. Also a delay in clearance of Construction Scheduling Letter and development of construction module in agency's new CMS.	OFCCP anticipates sending the Construction Scheduling Letter to OMB for clearance in Q1 of FY 2021. The Compliance Management System (CMS) construction module will be completed by Q2 of FY 2021.
	Result	185	118	--	--	2	--				
	Status	--	--	--	--	--	--	--			
Percent of Compliance Evaluations Closed with Discrimination Findings	Target	--	--	--	--	3.0%	3.0%	3.0%	Implementation of Early Resolution Procedures (ERP) and employee training.	N/A	N/A
	Result	--	--	--	--	5.0%	--				
	Status	--	--	--	--	Y	--	--			

**Sources:** Case Management System, Branch of Performance

**Notes:** OFCCP placed on hold the scheduling of construction contractors due to delays in the clearance of the Constructions Scheduling Letter and the development of the construction module in the CMS.

### ILAB Strategic Objective 2.6 – Promote a fair global playing field for American workers and businesses.

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 and forced labor. ILAB encourages countries to enforce their labor laws and adhere to internationally recognized worker rights so as to prevent exploitation of workers abroad and any risk that American workers are harmed by global competition based on such exploitation. The majority of ILAB’s work involves engagement with

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other U.S. government agencies; foreign governments; and employers, workers, and other civil society organizations to strengthen the rule of law with respect to labor rights globally and support the creation of quality jobs in the United States.

### **FY 2020 Strategic Review Summary of Progress (Adequate Progress)**

#### *Performance Results*

Since 2002, ILAB's targeted initiatives have rescued and provided education to close to two million children, and supported over 200,000 families to meet basic needs without relying on child labor. In FY 2020, ILAB monitored and analyzed labor rights conditions, including child labor and forced labor, in 154 countries and [published timely and rigorous information for public use](#). ILAB also engaged with 48 countries to provide technical assistance, technical exchanges, or other forms of collaboration on labor rights. Additionally, ILAB engaged with over 30 trade partner countries to improve the protection of labor rights. Despite the significant disruption of the COVID-19 pandemic, which precluded most travel during the second half of FY 2020, ILAB's engagement contributed to concrete actions taken by over 20 trade partner countries (representing more than 70 percent of high engagement trade partner countries) to improve protection of labor rights. Among these, nine countries<sup>3</sup> took action to strengthen the legal framework for protection of labor rights; 12 countries<sup>4</sup> took policy or programmatic actions to improve protection of labor rights; and 15 countries<sup>5</sup> took action to improve labor law enforcement. In FY 2020, three trade partner countries took actions in all three of these domains (Armenia, Jordan, and Uzbekistan); and seven trade partner countries took action in two of these domains (Colombia, Costa Rica, Dominican Republic, Haiti, Ethiopia, Georgia and Vietnam).

#### *Establishing Performance Measures*

In FY 2019, ILAB conducted a series of in-depth consultations to review its performance measures and to develop a new measure that would better capture outcomes of ILAB's policy engagement and technical assistance activities. As a result of these consultations, ILAB developed a data collection process and tool for tracking and analyzing its engagements with trade partner countries and multilateral institutions. Additionally, ILAB developed a metric to report data on significant actions taken to improve protection of labor rights by countries or multilateral institutions as a result of these engagements.

#### *United States-Mexico-Canada Agreement*

In FY 2020, the United States-Mexico-Canada Agreement (USMCA) was formed. ILAB was instrumental in drafting the USMCA Labor Chapter provisions and a first-of-its-kind enforcement annex for facility-specific enforcement, the Rapid Response Labor Mechanism, which allows the United States to pursue remedies against Mexican factories that are unfairly competing in trade through violating certain labor laws. ILAB is

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<sup>3</sup> Countries strengthening their legal frameworks include: Costa Rica, Armenia, Burma, Cambodia, Georgia, Jordan, Kazakhstan, Uzbekistan, and Vietnam.

<sup>4</sup> Countries upgrading their policy or programmatic framework include: Colombia, Dominican Republic, Guatemala, Haiti, Honduras, Democratic Republic of Congo, Ethiopia, Armenia, Jordan, South Korea, Uzbekistan, and Vietnam.

<sup>5</sup> Countries improving their labor law enforcement include: Colombia, Costa Rica, Dominican Republic, El Salvador, Haiti, Mexico, Ethiopia, Madagascar, Mauritania, Afghanistan, Armenia, Bangladesh, Georgia, Jordan, and Uzbekistan.

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working closely with the Government of Mexico and funding technical assistance projects to help Mexico’s compliance with the USMCA labor obligations. From FY 2018-2020, ILAB provided more than \$80 million in grant funding to help Mexico raise labor standards consistent with its labor obligations under the USMCA. With the passage of the USMCA Implementation Act (the Act), ILAB received \$210 million in supplemental funding to support Mexico in its labor reform and to provide ILAB sufficient staffing to monitor enforcement of the USMCA labor provisions. Of this supplemental funding, ILAB received \$180 million to support labor law reform implementation in Mexico, including grants to support worker-focused capacity building, efforts to reduce workplace discrimination, as well as efforts to reduce child labor, forced labor, and human trafficking.

**FY 2020 Performance Analysis**

ILAB’s intensive engagement with governments, civil society, employers, and workers throughout FY 2020 contributed to significant actions taken to improve labor rights in trade partner countries, particularly in key export sectors such as the automobile sector in Mexico, sugarcane sector in the Dominican Republic, the vanilla sector in Madagascar, cotton harvesting in Uzbekistan, and the garment sector in Jordan and Haiti. Several countries also reformed their labor laws and systems to provide or restore the government’s authority to inspect workplaces and enforce labor laws (e.g., Armenia and Georgia), and empowered their labor inspectorates to conduct OSH inspections, particularly in light of new health risks posed by COVID-19. A number of trade partner governments established new institutions and protocols for labor enforcement, such as local labor courts and conciliation centers (Mexico), and mediation and conciliation services (Costa Rica and Jordan). Afghanistan, Mauritania, and Uzbekistan stiffened criminal prosecutions, convictions and penalties for severe labor rights abuses such as slave labor, child sexual exploitation and human trafficking, while several countries took actions to strengthen laws and enforcement of labor rights in the mining sector (Afghanistan, Colombia and DRC). A number of countries also improved knowledge of labor rights issues by conducting and publishing research, such as the first national child labor survey conducted in Mexico and the comprehensive statistics on human trafficking published by Thailand.

ILAB – Promote a fair global playing field for American workers and businesses.

*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2016	FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	What Worked	What Didn't Work	Program Performance Improvement Plan
Number of trade partner countries in which labor rights, including child labor and forced labor, are systematically monitored and analyzed.	Target	--	--	154	154	154	154	154	ILAB monitored, analyzed and reported on child labor, forced labor and other labor rights in 154 trade partner countries. ILAB also increased the accessibility and robustness of its published reports.	ILAB’s systematic monitoring and analysis provided evidence that some trade partner countries continue to lack the political will, knowledge or capacity to prevent and address labor rights abuses.	ILAB will increase access to its reports by main stakeholders. ILAB will work to build government capacity to identify and address labor rights abuses through bilateral and other forms of engagement.
	Result	--	--	154	155	154	--				
	Status	--	--	Y	Y	Y	--	--			

**Sources:** Grantee Technical Progress Reports, project monitoring and internal records, administrative records and ILAB’s annual Trade and Development Act Report.

## OLMS Strategic Objective 2.7 – Promote union financial integrity, transparency, and democracy.

The Office of Labor-Management Standards (OLMS) administers the Labor-Management Reporting and Disclosure Act of 1959, as amended, and related laws. These laws primarily establish safeguards for union democracy and union financial integrity and require public disclosure reporting by unions, union officers, union employees, employers, labor consultants, and surety companies.

### **FY 2020 Strategic Review Summary of Progress** (Adequate Progress)

#### *Resolving Union Officer Election Complaints and Targeted Audits*

OLMS has reduced the number of days to resolve union officer election complaints from 79 days in FY 2011 to 64.9 days in FY 2020. This is due in part to early consultation and coordination with the Solicitor’s Office and by negotiating Voluntary Compliance Agreements that allow OLMS to conduct supervised reruns in action cases with greater urgency and tighter deadlines. OLMS has instituted a risk-based audit targeting model to more effectively identify where criminal activity may be present by identifying anomalies in financial reports and using other targeting strategies. The percent of targeted audits that result in a criminal case rose from 15.2 percent in FY 2011 to 20.0 percent in FY 2020.

#### *Electronic Filing and Voluntary Compliance Partnership Program*

The percent of disclosure reports filed electronically went from 21.4 percent in FY 2011 to 89.6 percent in FY 2019, the highest ever. While LM-2 filers have been required to file electronically since 2004, OLMS began requiring smaller unions to file Forms LM-3 and LM-4 electronically in FY 2018. The number of chronically delinquent filers of labor organization financial reports fell from 1,835 in FY 2011 to 805 in FY 2020. In FY 2020, OLMS continued leveraging relationships with the 43 national and international unions participating in the Voluntary Compliance Partnership program. This program is designed to improve compliance with filing deadlines, increase electronic filing, and ensure that unions are adequately bonded. This has enabled investigators to devote more of their time to high-priority investigations.

#### *Electronic Labor Organization Reporting System (e.LORS)*

A significant challenge for OLMS is its IT legacy system, e.LORS, which in its current state risks crashes or becoming unavailable, inhibiting the ability of investigators, supervisors, and others to access data, track cases, and generally carry out their assignments efficiently. Further, the system makes it increasingly difficult for unions to file financial reports electronically. OLMS and OCIO are exploring low/no cost ways to incrementally remove the greatest risks from the legacy system architecture while pursuing modernization funding for a replacement to the legacy system.

### **FY 2020 Performance Analysis**

Timely resolution of election complaints accelerates restoration of democratic voice and a democratically-operated union. OLMS continues to fine-tune methods for further reducing its elapsed days, including use of a team-based approach for handling election cases when resources permit and early engagement with the Office of the Solicitor in cases that may result in litigation. Targets balance the changes OLMS can make to its processes

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with outside factors that can affect resolution of these types of cases, such as cooperation from the unions being investigated. OLMS’ investments in expanding the number forms available electronically, outreach to facilitate electronic filing of union financial reports, and a rule that required electronic filing of the Form LM-3 and LM-4 reports for fiscal years beginning on or after January 1, 2017, led to great progress in transparency. OLMS made additional LM forms available for electronic filing over the course of FY 2020.

OLMS – Promote union financial integrity, transparency, and democracy.

*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2016	FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	What Worked	What Didn't Work	Program Performance Improvement Plan
Average number of days to resolve union officer election complaints	Target	72.0	71.0	70.0	69.0	68.0	67.0	66.0	Continuing increased coordination and communication with the Office of the Solicitor. Implementation of refined procedures for electronic reports of investigation.		Continue to incorporate early coordination with Office of the Solicitor and refined procedures for electronic reports of investigation.
	Result	67.4	64.7	68.8	65.6	64.9	--				
	Status	Y	Y	Y	Y	Y	--	--			
Percent of targeted audits that result in a criminal case	Target	15.25%	15.50%	15.75%	16.00%	16.50%	16.75%	17.00%	Use of particular financial data to focus on unions most likely to have experienced fraud or embezzlement.		Continue to update and refine targeting criteria.
	Result	17.14%	18.75%	20.00%	19.00%	20.00%	--				
	Status	Y	Y	Y	Y	Y	--	--			
Percent of disclosure reports filed electronically	Target	46.0%	48.0%	60.0%	70.0%	80.0%	85.0%	85.0%	1) Forms LM-3 and LM-4 available electronically 2) regulatory change requiring Forms LM-3 and LM-4 to be filed electronically.		Continue to add to the inventory of LM forms that are available to be filed electronically.
	Result	50.1%	58.0%	76.5%	85.3%	89.6%	--				
	Status	Y	Y	Y	Y	Y	--	--			

**Sources:** Office of Labor-Management Standards (OLMS) electronic Labor Organization Reporting System (e.LORS) and internal data tracked by the OLMS Division of Enforcement.

## **Strategic Goal 3: Administer Strong Workers' Compensation and Benefits Programs**

### **OWCP Strategic Objective 3.1 – Provide workers' compensation benefits for workers who are injured or become ill on the job.**

The role of the Office of Workers' Compensation Programs (OWCP) is to provide workers' compensation benefits for workers injured or ill on the job. OWCP implements four statutory federal workers' compensation programs that provide monetary, medical, and return-to-work benefits for work-related injuries and illnesses to federal employees, coal mine workers, nuclear weapons workers, longshore and harbor workers, contractors serving overseas, and certain other designated employee groups. The agency adjudicates claims, administers the benefit funds authorized for these purposes, and provides oversight of claims resolutions by responsible parties.

#### **FY 2020 Strategic Review Summary of Progress (Noteworthy Progress)**

##### *Federal Employees' Compensation Act (FECA) Improper Payments*

After being a Top Management and Performance Challenge (TMPC) from FY 2014 to 2018, the DOL Office of Inspector General (OIG) no longer identified FECA improper payments as a TMPC in FY 2019. The Federal Employees program reduced its improper payment rate from 3.54 percent in FY 2016 to 2.34 percent in FY 2020. The program made great strides in its partnership with the DOL OIG to detect and refer potential fraud.

##### *Federal Employees Program Management of Medical Benefits, Including Opioids*

OWCP's FY 2018-2019 Agency Priority Goal was to reduce both the percentage of initial opioid prescriptions and duration of new opioid prescriptions for federal employees with work-related injuries by 30 percent from the FY 2016 baseline by September 30, 2019. Final results for FY 2019 show that OWCP reduced initial opioid prescriptions with durations over 29 days for federal employees with work-related injuries by 66 percent from the FY 2016 baseline. FY 2020 results are not available for this measure as the program discontinued this measure. The Federal Employees program increased the number of referrals of suspected medical provider and pharmaceutical fraud to the DOL OIG and communicated with the DOL OIG on all potential fraud matters. The Federal Employees program also monitored the over-prescribing of opioids, billing patterns, and multi-party networks of interest, using predictive analytics and risk metrics.

##### *Black Lung Program Management of Sustained High Volume Workload*

The Black Lung program implemented new timeliness measures in FY 2019 tied directly to the prototype performance standards for claims examiners. The timeliness measures, which focus on employee "touch times" and not overall aggregate timeframes, better reflect program priorities and assess key performance outcomes. Concurrently, the Black Lung program shifted away from specialized roles in claims work to an end-to-end claims adjudication model to enhance overall efficiency and productivity. In FY 2020, the COVID-19 pandemic significantly impacted the Black

Strategic Goal 3

Lung program’s operations, including the widespread cancelation of Black Lung medical exams. The program took an average of 307 days to process Black Lung claims in FY 2020 compared to 304 days in FY 2019. In addition, 14.7 percent of Black Lung claims were pending over 365 days in FY 2020 compared to 12.3 percent in FY 2019.

**FY 2020 Performance Analysis**

In FY 2020, the Federal Employees program announced the Protecting Employees, Enabling Reemployment Initiative, a joint initiative with OSHA. Also in FY 2020, the Energy Workers program created a new unit of quality assurance analysts, who review the quality of individual cases throughout the year, supplementing the existing annual accountability reviews.

In FY 2020, OWCP discontinued the measures, “percentage decrease in initial opioid prescriptions and duration of new opioid prescriptions for federal employees with work-related injuries,” and “percent of First Payment of Compensation issued within 30 days for non-Defense Base Act cases.” OWCP replaced these measures with “percent of wage-loss claims timely processed within 14 days for claims not requiring further development” and “percent of First Report of Injury filed within 20 days for non-Defense Base Act cases.” These measures help the Federal Employees and Longshore programs oversee the prompt delivery of claims filed for compensation to ensure the worker does not undergo unnecessary financial hardship.

OWCP – Provide workers' compensation benefits for workers who are injured or become ill on the job.

*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2016	FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	What Worked	What Didn't Work	Program Performance Improvement Plan
Percent of wage-loss claims timely processed within 14 days: claims not requiring further development	Target	90.0%	90.0%	90.0%	90.0%	90.0%	90.0%	92.0%	The program has emphasized the importance of processing payments timely on Claims Examiner performance management plans.	Focusing on timeliness alone will not work; the program will also keep its complementary focus on payment accuracy/quality.	The program will continue its dual focus on payment quality and timeliness so that it can assist returning the worker to pre-injury status economically as soon as possible.
	Result	91.8%	91.9%	92.4%	93.2%	94.0%	--				
	Status	Y	Y	Y	Y	Y	--	--			

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*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2016	FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	What Worked	What Didn't Work	Program Performance Improvement Plan
Percent of Employer's First Report of Injury filed within 20 days: non-Defense Base Act cases	Target	--	--	--	--	88%	88%	88%	The program has done several outreach initiatives to inform stakeholders of the importance of timely filing and the consequences for failure to file reports of injury.	Focus on new reporting processes alone will not work and the program will need to monitor the specific entity's filing patterns.	The program will continue outreach initiatives to educate entities of timely filing requirements and improve electronic methods available to employers to file reports with the program.
	Result	--	--	--	--	90%	--				
	Status	--	--	--	--	Y	--	--			
Percent of black lung claims over 365 days in pending Proposed Decision and Order inventory	Target	--	--	18%	15%	13%	11%	9%	OWCP continued to prioritize the adjudication of claims pending for more than 365 days, reallocated resources, and reprioritized work to mitigate the impact of the pandemic on program operations.	Low incoming claims volumes resulting from the pandemic led to a large drop in the total pending claims volume, which made it challenging to maintain the percentage of aged claims below the target.	OWCP will leverage specific work units to develop targeted case management strategies and automated reporting capabilities to facilitate a reduction in the percentage of claims pending over 365 days.
	Result	--	--	15%	12%	15%	--				
	Status	--	--	Y	Y	N	--	--			
Average number of days between filing date and final decision for Energy cases not sent to the National Institute for Occupational Safety and Health when a hearing is not held	Target	175	170	170	170	170	170	170	The program continues to monitor timeliness of each major development action through performance goals in Claims Examiners' performance standards.	The program has been successful in meeting this goal.	The program will continue to monitor timeliness of decisions from claim intake through final decision.
	Result	167	169	163	155	161	--				
	Status	Y	Y	Y	Y	Y	--	--			

**Sources:** Integrated Federal Employee's Compensation System (iFECS), OWCP Workers' Compensation System (OWCS), Black Lung Program Automated Support Package (ASP), and Energy Compensation System (ECS).

## ETA Strategic Objective 3.2 – Support states’ timely and accurate benefit payments for unemployed workers.

The federal-state Unemployment Insurance (UI) program, authorized under the Federal Unemployment Tax Act and Title III of the Social Security Act, provides temporary, partial wage replacement for unemployed workers, providing them with income support when suitable work is unavailable. To be eligible for benefits, unemployed workers must meet eligibility requirements established by state laws that conform to federal law, including that they are involuntarily unemployed, and are able, available, and actively seeking work. The federal role is to set broad policy for the program, establish performance measures and standards, provide technical assistance and training to states, monitor state performance, promote conformity and compliance of state laws and operations with federal law; and fund the administration of state and federal UI programs. States that do not meet minimum standards are required to develop and submit a corrective action plans as part of the State Quality Service Plan (SQSP) process.

**Previous Administration**  
**Agency Priority Goal**

**Decrease Unemployment Insurance Improper Payments**

*By September 30, 2021, the Unemployment Insurance (UI) improper payment rate will be 9.0 percent.*

### **FY 2020 Strategic Review Summary of Progress (Adequate Progress)**

#### *Improper Payments*

ETA has reversed an upward trend in the improper payment rate and was on track to achieve the new APG until the pandemic significantly impacted the UI system’s performance in this area. However, Reduce Improper Payments remains on [the Department’s list of Major Management Challenges](#), and the proposed Unemployment Insurance Program Letter that prohibits states’ use of work search formal warnings will require states to remain vigilant. In FY 2020, ETA continued to work aggressively with states and the UI Integrity Center to implement the [Program Integrity Strategic Plan](#) that includes strategies and actions to address the leading causes of improper payments, fraud, and identity theft. Since March 2020, ETA expanded this work to include the newly enacted UI programs under the Coronavirus Aid, Relief, and Economic Security Act of 2020 (CARES Act). Additionally, in the FY 2021 President’s Budget, ETA proposed a comprehensive integrity legislative package comprised of seven individual proposals that are designed to provide states with new tools and resources to combat UI fraud and improper payments.

#### *Integrity Data Hub*

Since October 2017, ETA has partnered with the UI Integrity Center to create and enhance an Integrity Data Hub (IDH) for the UI program. The IDH serves as a secure portal for states to submit UI claims for cross-matching and analysis to support the detection and prevention of UI fraud and improper payments. The IDH now includes public and private sources of data, including a new identity verification (IDV) dataset launched in July 2020. As of April 2021, 29 states are actively using the IDV tool with other states on-boarding as quickly as feasible. The Suspicious Actor Repository, a dataset available through the IDH, is now used by 38 states to share specific data elements associated with fraudulent UI claims for cross-matching and has prevented an estimated \$242.9 million in improper payments since its inception. Additionally, the Multi-State Cross-match,

### Strategic Goal 3

an important dataset to identify individuals filing claims in multiple states, is used by 37 states. Currently, 51 states/territories have completed agreements to use the IDH, and two states/territories are in the process of entering into such agreements. ETA is working with the UI Integrity Center to further enhance state participation in and use of the IDH through additional guidance and technical assistance to states.

#### *UI Trust Fund Solvency*

As of September 30, 2020, 13 states had sufficient reserves to weather a future recession – down from 31 states as of September 30, 2019. ETA has actively promoted trust fund solvency by supporting state development of rational taxing structures with a new benefit financing model and providing one-on-one technical assistance to states to support use of the model. However, the unprecedented increase in unemployment compensation benefit payments due to coronavirus related layoffs resulted in deterioration of many states trust fund reserves. As of September 30, 2020, 19 state accounts were insolvent and receiving Title XII advances. This is consistent with the design of the unemployment insurance financing structure; i.e., state unemployment trust fund accounts fall in recessions as unemployment rates and benefit payments increase, and state unemployment trust fund accounts grow during periods of economic expansion, as unemployment rates and benefits fall, and tax contributions increase. In FY 2021, ETA will continue providing technical assistance to states by promoting the benefit financing model for the development of rational taxing structures and providing guidance and technical assistance to states on the provisions of the Federal Unemployment Tax Act, the associated potential credit reductions, and states' options for handling these reductions.

#### **FY 2020 Performance Analysis**

In FY 2020, due to an unprecedented surge in claims due to the pandemic and the new UI programs created in the CARES Act, first payment timeliness fell to 67 percent, detection of recoverable overpayments fell to 43 percent,<sup>6</sup> and so far in FY 2021 the improper payment rate increased to 14.34 percent. ETA continued to work with the UI Integrity Center to provide technical assistance and required states that are not meeting acceptable levels of performance to provide corrective action plans as part of the SQSP process.

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<sup>6</sup> The FY 2020 detection of recoverable overpayments result was estimated using an alternative methodology that included 3 years of data to minimize volatility due to missing reports and to account for data lags.

Strategic Goal 3

ETA – Support states' timely and accurate benefit payments for unemployed workers.

*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2016	FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY <sup>7</sup> 2020	FY/PY 2021	FY/PY 2022	What Worked	What Didn't Work	Program Performance Improvement Plan
First Payment Timeliness (Unemployment Insurance)	Target	87.5%	87.0%	87.0%	87.0%	87.0%	87.0%	87.0%	Nine states exceeded the timeliness target, 2 states improved performance over the previous year, 2 “High Priority” states made significant progress and were removed from the designation in FY20.	Due to the pandemic situation resulting in unprecedented claims workload, timeliness performance for most states was significantly impacted during the past two quarters.	States failing to meet the standard must provide corrective actions on their State Quality Service Plan (SQSP). ETA continues monitoring and providing technical assistance to states.
	Result	84.5% [r]	84.5% [r]	84.5% [r]	85.8%	67.0%	--				
	Status	--	N	N	I	N	--	--			
Detection of Recoverable Overpayments (Unemployment Insurance)	Target	67.90%	61.40%	61.90%	54.50%	54.50%	57.50%	57.50%	Due to the pandemic, the FY 2020 result was estimated using an alternative methodology that included 3 years of data to minimize volatility due to missing reports and to account for data lags.	Due to the pandemic, the FY 2020 result was estimated using an alternative methodology that included 3 years of data to minimize volatility due to missing reports and to account for data lags.	States failing to meet the standard must provide corrective actions as part of their SQSP. ETA continues monitoring and providing technical assistance to states.
	Result	56.40% [r]	50.50% [r]	52.60% [r]	55.00% [r]	43.08% [e]	--				
	Status	--	N	I	Y	N	--	--			
Improper Payment Rate (Unemployment Insurance)	Target	10.63%	11.55%	13.75%	14.75%	9.50%	9.00%	14.00%	Drop in percentage points for root causes - Work Search (-8.0), Employment Service Registration (-0.11). ETA partners with UI Integrity Center for tools, training and technical assistance to states.	Benefit Year Earning (BYE) and Separation errors were the major drivers for the overall improper rate. BYE and Separation errors are approximately 37 and 18 percent of dollars overpaid respectively.	Implement the ETA Strategic Plan – promote states’ use of New Hire cross-matches, State Information Data Exchange system, and Integrity Data Hub data sources to reduce BYE and Separation errors.
	Result	11.65%	12.50%	13.05%	10.61% [r]	9.17% [e]	--				
	Status	--	N	Y	Y	Y	--	--			

**Sources:** First Payment Timeliness: ETA 9050 and 9050p reports; Detection of Recoverable Overpayments: Benefit Accuracy Measurement (BAM) survey and ETA 227 report.

**Notes:** [e] = estimated. [r] = revised

<sup>7</sup> The FY 2020 result for the Improper Payment Rate is for the 12 month period ending June 30.

## Management Goal: Optimize the Department of Labor’s Enterprise Services Opportunities

OASAM Strategic Objective M.1 – Improve human resources efficiency, effectiveness, and accountability.

The Office of the Assistant Secretary for Administration and Management’s (OASAM) Office of Human Resources (OHR) provides leadership, guidance, and technical expertise on all human capital areas to DOL. The OHR Director serves as DOL’s Chief Human Capital Officer (CHCO). OHR oversees accountability reviews and implements accountability processes to improve HR efficiency, effectiveness, and compliance with laws and regulations.

### FY 2020 Strategic Review Summary of Progress (Adequate Progress)

#### *Decreased Time for Key OHR Services*

FY 2020 time to hire results are promising and show improved hiring efficiency with an overall DOL decrease in average time to hire to 90 days during OHR baselining period, which is lower than the FY 2018 averages of 99 days. Hiring manager time is included in the average time to hire results. The model provides up to 15 days for hiring managers to make a selection but often it takes upwards of 30 days causing the results to be driven higher. For FY 2020 the DOL hiring manager average time is 29 days. Also in FY 2020, Average Days to Issue a Certificate (from Close Date of Vacancy Announcement) decreased to 10 days compared to the FY 2019 average of 20 days. This is in part due to the centralized shared service model customer service functions.

#### *OHR Shared Services Transition*

OHR completed the transition of all HR functions and employee reassignments to a shared services model. Establishing position classification/position management as a shared service has improved effectiveness and efficiency. Since 2018, OHR has reduced the DOL active Position Description (PD) inventory by 75 percent (12,624 PDs); increased the numbers of DOL standard position descriptions (SPDs) from 332 to 952; increased the percentage of the DOL workforce assigned to SPDs from 47.3 percent to 34 percent; eliminated 2,718 PDs through clean-up, PD updating, and standardization efforts; and completed 22 reorganizations and/or clean-up efforts that impacted 2,133 DOL employees.

### FY 2020 Performance Analysis

In support of the previous Administration’s Strategic Plan and the Agency Priority Goal, OASAM continued a four-phase implementation plan to transition DOL HR to an Enterprise-wide Shared Services delivery model in FY 2020. A realigned HR service delivery model improved strategic

**Previous Administration**  
**Agency Priority Goal**

**Administration: Implement an Enterprise-Wide Shared Services Model**

*By September 30, 2021, the Department of Labor (DOL) will transition from multiple administrative service providers to one for each functional area with a central reporting authority.*

Management Goal

HR planning, created greater consistency in the delivery of HR products and services across DOL, reduced overall HR costs, gained efficiency in HR service delivery through economies of scale, and improved efficiency and effectiveness of HR service delivery. The implementation of an effective shared services solution for HR service delivery permitted DOL program agencies to focus time and resources on mission-oriented outcomes. Specifically, OHR improved hiring outcomes and reduced burden on hiring managers particularly for mission critical positions.

In FY 2020, OASAM provided HR services for 93 percent of the entire DOL population, which is an increase from 77.5 percent at the end of FY 2017. OHR also worked toward improving employee performance management and engagement; reskilling and redeploying HR resources; and enabling simple and strategic hiring practices to enhance alignment and strategic management of the workforce.

OASAM – Improve human resources efficiency, effectiveness, and accountability.

*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2016	FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	What Worked	What Didn't Work	Program Performance Improvement Plan
Average Time to Hire	Target	80	80	80	80	80	80	80	Reviewing and managing the information through the baselining period for the new centralized hiring process for OHR.	Excessive hiring manager time is included in the results. The model provides up to 15 days for hiring managers to make a selection but often takes up to 30 days, causing results to be driven higher.	Continue to work closely with hiring managers to reduce turnaround time.
	Result	102	82	99[r]	86[r]	90	--				
	Status	--	I	N	I	N	--	--			
Hiring Manager Satisfaction Index Score	Target	--	80%	80%	85%	85%	85%	80%	Sending the survey to the hiring managers to provide feedback.	OHR increased its use of SME waivers, particularly for Q3 and Q4 during maximum telework posture, to ease manager burden	Continue to administer the survey and track the comments for areas of improvement.
	Result	71%	78%	74%	73%[r]	76%	--				
	Status	--	I	N	N	I	--	--			

**Sources:** Department of Labor Online Opportunities Recruitment System; Office of Personnel Management's Chief Human Capital Officers' Managers' Satisfaction Survey

**Notes:** [r] = revised

## OASAM Strategic Objective M.2 – Provide modern technology solutions that empower the DOL mission and serve the American public through collaboration and innovation.

OASAM’s Office of the Chief Information Officer (OCIO) provides IT leadership, products, and support for DOL. OCIO plays a critical leadership role in driving reforms in systems development, better managing technology spending, and succeeding in achieving real, measurable improvements in mission performance. OCIO provides guidance to DOL in support of government-wide directives for capital planning, IT security, information management, and enterprise architecture.

### **FY 2020 Strategic Review Summary of Progress (Area for Improvement)**

#### *OIG Recommendations*

By the end of FY 2020, OASAM had closed 40 percent (12 of 30) of OIG recommendations that were open at the beginning of the year: 2 from 2012 and 10 from 2019.

#### *FITARA Scorecard*

Federal Information Technology Acquisition Reform Act (FITARA) Scorecard 10.0, signaled progress in IT modernization at the Department. Notably, DOL maintained its overall grade, received an A rating in 4 of the 7 FITARA scoring categories, and received credit for its proactive measures that helped sustain a maximum telework environment and ensure continued mission execution of supporting American workers and employers.

#### *Cybersecurity Risks*

OIG identified “Securing and Managing Information Systems” as [a top management and performance challenge for FY 2020](#). “The OIG continues to identify information security deficiencies in the areas of configuration management, third-party oversight, risk management, and continuous monitoring. While the Department has made improvements in these areas, these deficiencies continue to exist and represent ongoing risks to the confidentiality, integrity, and availability of the Department’s information.”

### **FY 2020 Performance Analysis**

OCIO completed the transition of nearly all IT functions to a shared services model in FY 2020. OASAM consolidated DOL IT staff and resources under one central authority to increase efficiency and effectiveness in IT service delivery while also providing greater economies of scale, flexibility, and improved allocation of IT resources across the enterprise.

Management Goal

In FY 2020, OCIO continued to embrace modern technology solutions such as migrating major applications to the Cloud; working to continue to reduce cybersecurity risks; and building a modern IT workforce. DOL also further developed the common enterprise platform to refine enterprise-wide standards, processes, and governance. By leveraging a common platform, DOL eliminated redundancies and accelerated IT modernization; increased accessibility; and enhanced security. OCIO also enabled agencies to make data available more quickly and to conduct advanced analytics through its Enterprise Data Analytics Platform. OCIO embarked on a multi-year effort to create the DOL IT Platform to include cloud-hosted case management and data analytics capabilities. In addition, DOL developed a CXO dashboard to provide DOL executives with access to key administrative data and delivered CXO dashboards to OHR, the Office of the Chief Financial Officer (OCFO), the Business Operations Center, the Departmental Budget Center, and the Performance Management Center. As part of OCIO’s push towards Cloud services, 36 applications, or approximately 82 percent of major applications, are being hosted in the DOL Cloud.

In FY 2020 OCIO adopted Technology Business Management categorizations in the DOL IT budget formulation process. OCIO achieved a network and application services uptime of 99.98 percent in FY 2020.

OASAM – Provide modern technology solutions that empower the DOL mission and serve the American public through collaboration and innovation.

*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2016	FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	What Worked	What Didn't Work	Program Performance Improvement Plan
Percent of network and application services uptime	Target	99.00%	99.00%	99.00%	99.90%	99.90%	99.90%	99.90%	Consolidated infrastructure and services to single commercial data center or cloud. DOL standardized to allow for better surveillance and tighter focus while addressing points of failure.	Staffing numbers and patterns changed as four operations contracts ended and were transitioned to a single consolidated contract. Gaps were not always filled as quickly as needed.	Continue to address critical single points of failure and consolidate/standardize infrastructure, operating systems, and software, allowing for tighter focus, scrutiny, and security controls.
	Result	99.68%	99.86%	99.87%	99.96%	99.98%	--				
	Status	Y	Y	Y	Y	Y	--	--			

Sources: SolarWinds (LAN); Verizon Reporting (WAN)

## OASAM Strategic Objective M.3 – Maximize DOL’s federal buying power through effective procurement management.

OASAM’s Office of the Senior Procurement Executive (OSPE) provides leadership, guidance, and oversight of all procurement policy and services.

### **FY 2020 Strategic Review Summary of Progress** (Adequate Progress)

#### *Contracts*

OSPE’s percent of contracts awarded to small business reached a five-year high in FY 2019, with a result of 40.07 percent. FY 2020 results indicate a slight increase to 40.21 percent.

#### *OSPE Shared Services*

In FY 2020, OASAM transitioned all DOL procurement staff and functions into the Shared Services model. OASAM consolidated all DOL procurement staff and resources under one central authority to decrease cost, contract duplication, and inefficiencies in procurement service development and delivery while also providing greater economies of scale, flexibility, and improved allocation of procurement resources across the enterprise.

#### *Business Operations Management*

OSPE has increased its Contractor Performance Reporting System compliance rate from 69 percent to 95.71 percent between FY 2015 to FY 2020. Cumulative percent of addressable spend through Best-in Class (BIC) solutions in FY 2020 (40.6 percent) exceeded its target (30 percent). DOL obligated \$271.2 million in FY 2020 for BIC, which is 109.6 percent of the FY 2020 target. In FY 2020, DOL obligated \$652.1 million in FY 2020 as Spend under Management, which is 89.8 percent of the FY 2020 target of \$726.2 million. DOL also shifted 47.8 percent of “unmanaged” spend to “managed” spend in FY 2020, far exceeding the established 18 percent OMB target for Tier 0 Contract Reduction.

### **FY 2020 Performance Analysis**

OASAM began a four-phase implementation plan to transition DOL procurement services to an Enterprise-wide Shared Services delivery model in FY 2018. By centralizing procurement functions, DOL will achieve economies of scale; gain managerial oversight and efficiencies to more rapidly implement government-wide procurement directives; enforce procurement legislation, regulation, and policies; and strategically plan for customer needs. An effective shared services solution for departmental procurement services allows DOL program agencies to focus their resources on program delivery and mission outcomes. An effective shared services solution also leverages the government’s buying power, making it possible to obtain significant reductions in the price of goods and receive better services at lower costs. Cost savings may then be redirected toward high-priority mission activities.

Management Goal

OSPE also provides and promotes DOL-wide procurement vehicles and Best-in-Class contract solutions. These vehicles reduce redundancy in procurement vehicles for the same services and gain cost savings with DOL buying power. In FY 2020, OSPE matched its target of three new DOL enterprise-wide procurement vehicles, with three vehicles. Also in FY 2020, OSPE procured 109.6 percent of its addressable spend through Best-in-Class solutions. Addressable spend is a figure determined by OMB based on an analysis of DOL’s spend broken down by Product Service Code (PSC) and North American Industry Classification Code (NAICS), compared to the PSC codes and NAICS codes of established BIC vehicles. Where DOL’s PSC and NAIC codes overlap with BIC PSC and NAICS codes, it is determined to be addressable spend.

OASAM – Maximize DOL's federal buying power through effective procurement management

*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2016	FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	What Worked	What Didn't Work	Program Performance Improvement Plan
Number of new DOL enterprise-wide procurement vehicles	Target	--	--	Base	3	3	3	2	Continued engagement to strategize on common needs and identify improvements for enterprise-wide procurement vehicles. Enforcing mandatory use of enterprise-wide procurement vehicles.	Acquiring sufficient participation in integrated project teams can be challenging, specifically when gathering requirements for consolidation.	Introduce automated process to better analyze and track leakage when enterprise-wide vehicles are not used as intended.
	Result	--	--	1	6	3	--				
	Status	--	--	--	Y	Y	--	--			
Category Management: Cumulative Spend Through Best in Class Solutions (in millions)	Target	--	--	--	\$225.0	\$245.0	\$272.0	TBD	OSPE implemented a waiver process for open market requirements. OSPE targeted every requirement to category management with very few open market requirements which resulted in exceeding the goal.	The high percentage of Job Corps spend relative to total spend continues to present a challenge to achieving target goals. There are no BIC vehicles available for Job Corps-type requirements.	OSPE will continue to evaluate the effectiveness of the open market waiver process while utilizing the process to replicate successful FY20 results.
	Result	--	--	\$204.4	\$218.2	\$271.2	--				
	Status	--	--	--	I	Y	--	--			

Management Goal

*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2016	FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	What Worked	What Didn't Work	Program Performance Improvement Plan
Category Management: Cumulative Common Spend Under Management (in millions)	Target	--	--	--	\$648.0	\$726.2	\$827.7	TBD	OSPE implemented a waiver process for open market requirements. OSPE targeted every requirement to category management with very few open market requirements.	The high percentage of Job Corps spend relative to total spend presents a challenge to achieving target goals. There are no Tier 1 (or higher) vehicles available for Job Corps-type requirements.	OSPE intends to engage with OMB on the possibility of reclassifying DOL Job Corps contracts as Tier 1 SUM vehicles.
	Result	--	--	\$593.6	\$618.7	\$652.1	--				
	Status	--	--	--	I	I	--	--			

**Sources:** Acquisition Management System; Federal Procurement Data System- Next Generation

**Notes:** OMB establishes CM targets annually in Q1

### OCFO Strategic Objective M.4 – Safeguard fiscal integrity, and promote the effective and efficient use of resources.

OCFO provides financial management leadership, direction, and guidance to the Office of the Secretary of Labor and all DOL program agencies on matters arising from financial statutes, as appropriate. OCFO oversees DOL-wide accounting, financial management, and financial system, and leads DOL’s annual audit of the Consolidated Financial Statements. OCFO also supports Administration efforts in various PMA goals including CAP Goal 5, Sharing Quality Services. Accurate and timely financial information demonstrates DOL’s accountability to stakeholders and facilitates data-driven operational, budget, and policy decisions. OCFO oversees DOL’s responsibility for internal controls by assisting program management in establishing and ensuring strong controls over all financial resources in DOL. OCFO leads DOL’s annual financial audit and efforts to address findings resulting from the audit.

#### **FY 2020 Strategic Review Summary of Progress (Adequate Progress)**

##### *Audit Results*

OCFO works closely with agencies who have identified Significant Control Deficiencies. OCFO continues to work with DOL agencies to track and manage corrective action plans in response to audit findings while strengthening internal controls. OCFO has continued to guide DOL agencies in the prevention of material weaknesses and significant deficiencies by providing assistance ranging from documentation gathering, detailed analysis,

## Management Goal

and process walkthroughs, to corrective action planning to address prior year findings. OCFO will continue to ensure that all deliverables and audit requests are of high quality by performing quality assurance checks to tie audit documentation to the request provided.

### *Debt Management*

In FY 2021, the Debt Management Centralization initiative will centralize the enforcement debt management activities across DOL, from field activities to headquarters, while keeping existing mission-driven authorities and activities within the respective agencies. OCFO is working with OSHA, WHD, ESBA, and MSHA on the debt management side and OCIO on system development. Additionally, OCFO worked with enforcement agencies to establish targets for improving debt collection.

### *Enterprise Risk Management*

DOL is on its way through the maturity model to a more robust and impactful Enterprise Risk Management (ERM) program. Currently, DOL is on the forefront of the government on many ERM initiatives, from integrating ERM into the budget and strategic review process to including it in supervisor and SES performance plans. The ERM Council will take a strategic, risk-based, data driven approach to maximize value, reduce redundancies, and properly allocate resources.

### **FY 2020 Performance Analysis**

OCFO did not have any material weaknesses to eliminate in FY 2020 from its FY 2018 audit. There were no material weaknesses identified during the FY 2019 audit; therefore, OCFO will not have any to eliminate in FY 2021.

OCFO supports DOL's programs by providing reliable, relevant, and timely financial information and analysis. OCFO will develop and maintain integrated accounting and program management systems through modernized financial systems. OCFO provides DOL's managers and decision makers with the financial management tools to drive high performance and accountability, and to responsibly manage financial resources. A measure of spending efficiency is the "percent of discretionary appropriations cancelled after the five years period of obligation authority has expired." This measure indicates what dollars were not spent—1.60 percent for FY 2020.

Management Goal

OCFO – Safeguard fiscal integrity, and promote the effective and efficient use of resources.

*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2016	FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	What Worked	What Didn't Work	Program Performance Improvement Plan
Number of material weaknesses eliminated.	Target	--	1	2	1	0	0	TBD	The FY 2020 AFR did not identify any new material weaknesses.	DOL will continue to work to resolve and eliminate its Significant Deficiency.	OCFO will continue effective outreach to DOL programs to help ensure their program integrity to prevent a material weakness.
	Result	--	0	2	1	0	--				
	Status	--	--	Y	Y	--	--	--			
Percent of discretionary appropriations canceled after the five-year period of obligation authority has expired	Target	--	--	2.00%	1.95%	1.90%	1.85%	1.85%	In its Tri-annual certification process, OCFO works to ensure that obligations are deobligated timely. OCFO also posts a summary of balances that are set to cancel for program review.	DOL programs could do more to increase their awareness of which obligations are no longer valid and ensure the balances are deobligated and re-obligated to support the programs mission.	To provide agencies the information necessary to more effectively obligate funds, OCFO will send a regular summary of unobligated balances of funds near cancellation to the program financial managers.
	Result	--	1.10%	1.32%	1.69%	1.60%	--				
	Status	--	--	Y	Y	Y	--	--			

**Sources:** Agency Financial Reports; New Core Financial Management System

**Notes:** The targets for the measure "number of material weaknesses eliminated" are based on previous year independent audit findings.

## Other Information

### Quarterly Operating Plan Reviews

To continually improve the efficiency and effectiveness of its programs, DOL uses results-based, data-driven management techniques. Each DOL agency prepares an annual Operating Plan that details the strategies and resources it will apply to reach goals and objectives at all levels of the organization. Departmental leaders review performance against those operating plans each quarter to monitor progress and hold agencies accountable for implementing the plans, achieving milestones, and making adjustments as needed.

This review process has focused Departmental leadership on strategic management of core functions through the use of program performance and budget data. Identification and discussion of key measures; annual and seasonal targets; and how budgets, workload, and strategies affect results have helped clarify priorities and improve performance against benchmarks.

### President's Management Agenda (PMA)/Cross-Agency Priority (CAP) Goals

The PMA sets out a long-term vision for effective and modern government capabilities, with a focus on mission, service, and stewardship. DOL is committed to implementing the applicable CAP Goals, as discussed throughout the document.

### Agency Priority Goals (APGs)

DOL has five APGs that support three Strategic Objectives and one Management Objective; each is identified in a text box on the first page of the relevant narrative section of this report. More information about each goal is available on [Performance.gov](https://www.performance.gov).

### Major Management Challenges

The GPRMA requires that federal agencies identify and address in their Annual Performance Plans *Major Management Challenges (MMCs)*—*defined as programmatic or management functions that have greater vulnerability to waste, fraud, abuse, and mismanagement and where failure to perform well could seriously affect the ability of an agency or the federal government to achieve its mission or goals*. MMCs may include issues the GAO identifies as high risk or Top Management and Performance Challenges for DOL identified by OIG.

For FY 2020, DOL has identified three MMCs: 1) Reducing Improper Payments, 2) Job Corps Center Security, and 3) Securing and Maintaining Legacy Information Systems.<sup>8</sup> The Deputy Secretary is the accountable official for each of these challenges, which are described briefly below.

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<sup>8</sup> All three appear on the OIG's list (Identifying and Reducing Unemployment Insurance Improper Payments, Providing a Safe and Healthy Learning Environment at Job Corps Centers, and Securing and Managing Information Systems.)

### *Reducing Improper Payments*

As the OIG has noted, since the pandemic began in the U.S. in early 2020, unemployment compensation claims rose exponentially to 57.4 million initial claims by mid-August. This level of increase in initial claims is the largest increase since the Department began tracking Unemployment Insurance (UI) data in 1967, and the Department estimates \$360 billion in UI payments were made under the CARES Act.<sup>9</sup>

DOL established an APG of reducing improper payments to 9.0 percent by September 30, 2021, and has worked aggressively with states and the UI Integrity Center to implement the [Program Integrity Strategic Plan](#) that includes strategies and actions to address the leading causes of improper payments, including fraud and identity theft. One of the key strategies is ETA's partnership with the UI Integrity Center to create and enhance an Integrity Data Hub (IDH) for the UI system. The IDH serves as a secure portal for states to submit UI claims for cross-matching and analysis to support the detection and prevention of UI fraud and improper payments. In addition to a fraud alert system that allows for sharing emergent fraud alerts among states, the IDH now includes public and private sources of data, including the following:

- New identity verification (IDV) tools, implemented in July 2020 to help states identify false identities used in making UI claims (13 states are actively using the IDV tool with other states on-boarding as quickly as feasible);
- The Suspicious Actor Repository, a dataset to share specific data elements associated with fraudulent UI claims for cross-matching (30 states are currently using this tool and have prevented an estimated \$32.26 million in improper payments since its inception); and
- Multi-State Cross-Match, an important dataset to identify individuals filing claims in multiple states (18 states are currently using this tool).

In total, 51 states/territories have completed agreements to use the IDH, and two states/territories are in the process of entering into such agreements. ETA is working with the UI Integrity Center to further enhance state participation in and use of the IDH through additional guidance and technical assistance to states.

In FY 2020, the UI Integrity Center provided states with targeted consultative services and business process analysis to identify customized solutions to state specific root causes of improper payments. ETA also developed a wide array of strategies to address work search improper payments such as development and issuance of guidance to states on model state work search state legislation, implementation of improved communications and messaging of work search requirements, and leveraging the Reemployment Services and Eligibility Assessments program to support claimant compliance with work search requirements through continued reinforcement and understanding of work search requirements, development of individual reemployment plans that include specific work search activities that meet state work search requirements, and referrals to suitable employment.

Finally, the Department continues to actively address vulnerabilities in the UI system, and has made program integrity a top priority when implementing the CARES Act programs by putting agreements in place, issuing comprehensive operating guidance, and providing technical

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<sup>9</sup> Office of Inspector General (2020). [Top Management and Performance Challenges Facing the U.S. Department of Labor](#)

assistance to states individually and through webinars. The Department has included program integrity-related requirements for states in almost every piece of guidance related to the CARES Act, and has issued two pieces of guidance specifically addressing required activities to prevent and detect improper payments and fraud, and connecting states to integrity-related resources. The Department issued UI Program Letter (UIPL) No. 23-20<sup>10</sup> with explicit instructions that states must use the tools required to be used to prevent and detect UI improper payments in the regular UI program in processing claims under the new CARES Act UI programs. More recently, the Department published UIPL No. 28-20<sup>11</sup>, which provided states with \$100 million nationally to support addressing fraud in the CARES Act UI programs. In September 2020, the Department sent a formal letter to governors requesting their leadership to focus on addressing fraud and implementing proven strategies to prevent and detect UI fraud. In addition, the Department has consistently reinforced the need for states to actively partner with the OIG to address fraud in the UI program and reinforced that message in a joint call with states featuring the Inspector General and the Employment and Training Administration's Assistant Secretary.

Additional information is in the ETA Strategic Objective 3.2 section of this document and the Payment Integrity section of the [FY 2020 AFR](#).

#### *Job Corps Center Security*

OIG also identified safety and security at Job Corps centers as a DOL Top Management and Performance Challenge: "OIG audits over the past several years found a wide range of security and safety issues at Job Corps centers, from failure to report and investigate serious misconduct to shortages of security staff. Job Corps now faces new challenges in meeting its mission due to health risks that COVID-19 poses to students and staff. These could potentially become long-term challenges as Job Corps adjusts its operations to reflect new health requirements."<sup>12</sup>

Job Corps continues to enhance security at centers by implementing its multi-year, comprehensive center safety and security strategic plan, which it finalized in March 2019. Job Corps has developed standard operating procedures for its center oversight activities, including monitoring and identifying trends, developing video surveillance protocols, and using a risk-based approach to contractor compliance. In 2020, through the integration of Interagency Security Committee methodology, Job Corps has expanded this effort to establish a consistent and effective means to identify and mitigate risk for each center. In FY 2021, ETA plans to conduct reviews at all centers to ensure new security guidelines are in place.

Job Corps hired a physical security expert in 2019 and supplemented his work with contract physical security support in 2020. Job Corps conducted physical security assessments in 24 centers and will complete assessments of all centers in 2021. Conducting physical security assessments of all centers will allow Job Corps to document center physical security risks, prioritize centers for physical security improvements based on the severity of the assessed vulnerability or risk, and request and allocate available funds for addressing identified security vulnerabilities.

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<sup>10</sup> [https://wdr.doleta.gov/directives/attach/UIPL/UIPL\\_23-20.pdf](https://wdr.doleta.gov/directives/attach/UIPL/UIPL_23-20.pdf)

<sup>11</sup> [https://wdr.doleta.gov/directives/attach/UIPL/UIPL\\_28-20.pdf](https://wdr.doleta.gov/directives/attach/UIPL/UIPL_28-20.pdf)

<sup>12</sup> Office of Inspector General (2020). [Top Management and Performance Challenges Facing the U.S. Department of Labor](#)

Job Corps has invested approximately \$89 million in equipping centers with more than 11,500 cameras, 5,000 physical access control systems, walk-through and hand-held metal detectors, centralized security radio networks, emergency notification systems, and an intercom system with over 2,750 IP speakers. Job Corps is also developing updated standardized security training materials and job aids for center security staff. These materials will reflect updated safety and security procedures and the proper use and operation of recently installed security equipment.

Taken together, the actions described will minimize center risks and achieve a desired level of protection for students and staff.

*Securing and Maintaining Legacy Information Systems*

As noted in the Strategic Review Summary of Progress under OASAM Strategic Objective M.2 and OCFO Strategic Objective M.4, OIG has identified information security and management as a DOL Top Management and Performance Challenge. OIG notes that while DOL has made progress, challenges remain. These include information technology governance, information security, and modernization (replacing legacy systems and moving into secure cloud services).

Legacy systems increase risk of hardware or software failures from non-support for end-of-life products and the lack of current security patches. Degradation of any of DOL's mission-critical systems would imperil mission delivery, with potential impacts to worker safety, inviolability of sensitive economic data, or the confidentiality of citizens' Personally Identifiable Information. Whether the negative impacts are human-made, as is the case with hackers of an unpatched legacy system, or simply the failure of unsupported, irreplaceable legacy system components, the risks are significant.

DOL remains committed to its effort to address the highest-risk legacy systems by applying focused and purposeful attention to developing and implementing appropriate mitigation strategies. DOL OCIO, in partnership with all agencies, has developed a modernization plan for IT systems and applications. It has determined modernization sequencing plans for DOL systems and applications based on prioritization criteria that include years of operation, level of obsolescence and extent of end-of-life technologies, operational performance analysis, and overall operational and security risk assessment. OCIO will continue collaborating with agencies in executing system modernization efforts to align with IT and cybersecurity requirements, adapt the DOL Cloud environment, and leverage the common IT platforms. This will ensure both security of infrastructure and information and increased performance and capability in mission and business systems and applications. DOL has established additional measures to focus on the ongoing performance and effectiveness of IT security operations.

To secure DOL's sensitive information and improve data integrity, OCIO will focus on modernizing and standardizing DOL's infrastructure. Following government-wide guidance, OCIO will increase DOL's overall IT security posture and shift IT investments to more efficient and secure computing platforms and technologies. OCIO will create a centralized enterprise platform to improve service delivery by procuring commodity cloud services and establishing an enterprise cloud environment, allowing DOL component agencies to consume DOL cloud services. Additionally, OCIO will implement an enterprise-wide IT asset management solution to centrally manage all IT assets. To further secure and enhance the IT infrastructure, OCIO

reduced DOL's IT footprint through consolidating traditional data centers, promoting the use of Green IT, and reducing the cost of data center hardware.

To enhance safeguards to protect mission critical and sensitive information and reduce risk of unlawful breaches and unauthorized access, OCIO will defend the shared IT environment by rapidly completing technology assessments and using innovative technologies. OCIO will coordinate with the Department of Homeland Security and OMB on implementing a Continuous Diagnostics and Mitigation program. OCIO will also continue migrating DOL applications to incorporate personal identification verification usage, implement a single sign-on solution for logical access, and enable standard single sign-on capabilities across DOL.

DOL's IT modernization initiatives include the deployment of a centralized, enterprise-wide IT platform with multiple capabilities including case management, content management, and data analytics. The cloud-based platform has helped achieve DOL-wide operational efficiencies in support of mission-driven IT applications resulting in reduced support requirements, consolidated resources, eliminated redundancies, accelerated modernization, and enhanced security.

OCIO's sustained commitment to creating new and modernized applications began with securing Department and agency leadership agreement to the Platform concept. OCIO also partnered with the Departmental Budget Center to secure new authorities to enable the Department to implement the goals of the Modernizing Government Technology Act. With these new authorities, the Department can transfer unobligated balances into the Working Capital Fund that will be used to drive IT modernization.

Twenty-three applications have deployed to the DOL Cloud, including:

- OFCCP's Compliance Management System, which provides automated monitoring to support three major compliance evaluations and confirms contractors and sub-contractors comply with affirmative action and nondiscrimination requirements;
- ETA's Apprenticeship.gov Apprenticeship Finder tool which sifts through more than 1.4 million job postings to assist citizens seeking apprenticeships. The website and tool offers users a streamlined digital platform to search by city, state, and occupation, as well as connect job seekers to high-skill, salaried careers.
- Similarly, HIREVets.gov provides a portal for employers and veterans to recruit, employ, train, and support veterans and the veteran community including Transitioning Service Members (TSMs). By utilizing one content management system, and incorporating a single system to acquire and store TSM data, DOL can better serve veterans with targeted services for future employment opportunities.

#### Open Recommendations from OIG

Under the direction of the Deputy Secretary in FY 2018, DOL began an aggressive approach to closing outstanding OIG recommendations, especially those older than two years. In FY 2019, DOL began tracking the percentage of agreed-upon OIG recommendations from all previous fiscal years that have not been closed. Each DOL agency has a plan to attempt to address additional open recommendations by FY 2022.

Program Evaluations and Evidence-Building

The Chief Evaluation Office (CEO) in the Office of the Assistant Secretary for Policy leads DOL’s evaluation agenda, working closely with agency staff to implement program evaluations to answer key questions, as detailed in the annual Evaluation Plan. The results from evaluations inform policy and improve DOL’s performance-based management initiatives in support of the GPRMA. Further, as described in DOL’s Interim Learning Agenda and Interim Capacity Assessment for the Fiscal Year 2022 Budget, CEO coordinates key evidence-building activities (as per the Foundations for Evidence-Based Policymaking Act of 2018, Public Law No. 115-435). For more information see <http://www.dol.gov/asp/evaluation/>.

Measures Discontinued in FY 2022

Because this is primarily a planning document that uses historical information to inform future strategies and targets, it is organized around Departmental goals and measures for the budget year (FY 2022). However, DOL is obliged to report results for measures with PY 2019 or FY 2020 targets published in the FY 2019 APR but not included in this year’s plan.

The following table lists these performance measures with their targets and results organized by Strategic Objective. Results are not provided for measures that were collecting baseline data and therefore did not have targets.

Measure	Target FY 2020 PY 2019	Result FY 2020 PY 2019	Why not included?
<b>VETS Strategic Objective 1.2</b>			
HVRP Placement Rate of Total Enrollments	62.0%	53.2%	VETS is changing the way this measure is calculated.
<b>WHD Strategic Objective 2.3</b>			
Percent of no violation, agency-initiated compliance actions (excluding conciliations)	19%	16%	For several years, performance results have exceeded the targets by a large margin. Rather than continue pressing for lower rates, WHD will internally track the rate, but will place a greater focus on the severity of violations.
Percent of no violation, complaint compliance actions (excluding conciliations)	19%	16%	See above.
<b>OWCP Strategic Objective 3.1</b>			
Percentage decrease in initial opioid prescriptions and duration of new opioid prescriptions for federal employees with work-related injuries	--	--	This was an Agency Priority Goal for FY 2018-2019. The program discontinued the measure in FY 2020.