

U.S. Department of Labor

Wage and Hour Division



November 2020

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TAB 1: AGENCY ORGANIZATIONAL OVERVIEW

Mission

The Wage and Hour Division’s (WHD) mission is to promote and achieve compliance with labor standards to protect and enhance the welfare of the nation's workforce. For more information, please visit [DOL.gov](https://www.dol.gov).¹

Authorizing Legislation

Major laws administered and enforced by WHD include the following statutes (for more information, visit [DOL.gov](https://www.dol.gov)).²

Public Law / Act	Legislation	Statute No. / US Code
PUB. L. 75-718	Fair Labor Standards Act of 1938, as amended.	29 U.S.C. 201-219
PUB. L. 74-846	Walsh-Healey Public Contracts Act, as amended (1936).	41 U.S.C. 6501-6511
PUB. L. 90-321	Consumer Credit Protection Act (Title III – Restriction on Garnishment) (1968).	15 U.S.C. 1671-1677
PUB. L. 87-581	Contract Work Hours and Safety Standards Act, as amended (1962).	40 U.S.C. 3701-3708
PUB. L. 89-286	McNamara-O’Hara Service Contract Act, as amended (1965).	41 U.S.C. 6701-6707
PUB. L. 71-798	Davis-Bacon Act, as amended and related acts (1931).	40 U.S.C. 3141-3148
PUB. L. 97-470	Migrant and Seasonal Agricultural Worker Protection Act (1983).	29 U.S.C. 1801-1872
PUB. L. 99-603 PUB. L. 101-649	Immigration and Nationality Act, as amended by the Immigration Reform and Control Act.	8 U.S.C. 1101(a)(15)(E), (H), 1184(c), 1324b; 29 U.S.C. 1802, 1813(a)
PUB. L. 100-347	Employee Polygraph Protection Act (1988).	29 U.S.C. 2001-2009
PUB. L. 103-3	Family and Medical Leave Act of 1993.	29 U.S.C. 2601-2654
PUB. L. 105-277	American Competitiveness and Workforce Improvement Act (ACWIA), Title IV of the Omnibus Consolidated and Emergency Supplemental Appropriation Act (1998).	Pub. L. 105, Title IV, Sec. 414(b) and (c)
PUB. L. 108-447	L-1 Visa and H-1B Visa Reform Act, Title IV of the Consolidated Appropriations Act (2005).	Pub. L. 108-447, Title IV, Sec. 401-430
PUB. L. 89-209, 94-462, and 99-164	National Foundation for the Arts and Humanities Act, as amended, Sections 5(j), 5(k), 7(g), and 7(j) (1965).	20 U.S.C. 954 (m), (n) and 956 (g), (j)
PUB. L. 116-127	Families First Coronavirus Response Act.	Pub. L. 116-117, 29 U.S.C. 2601

¹ <https://www.dol.gov/agencies/whd/about>.

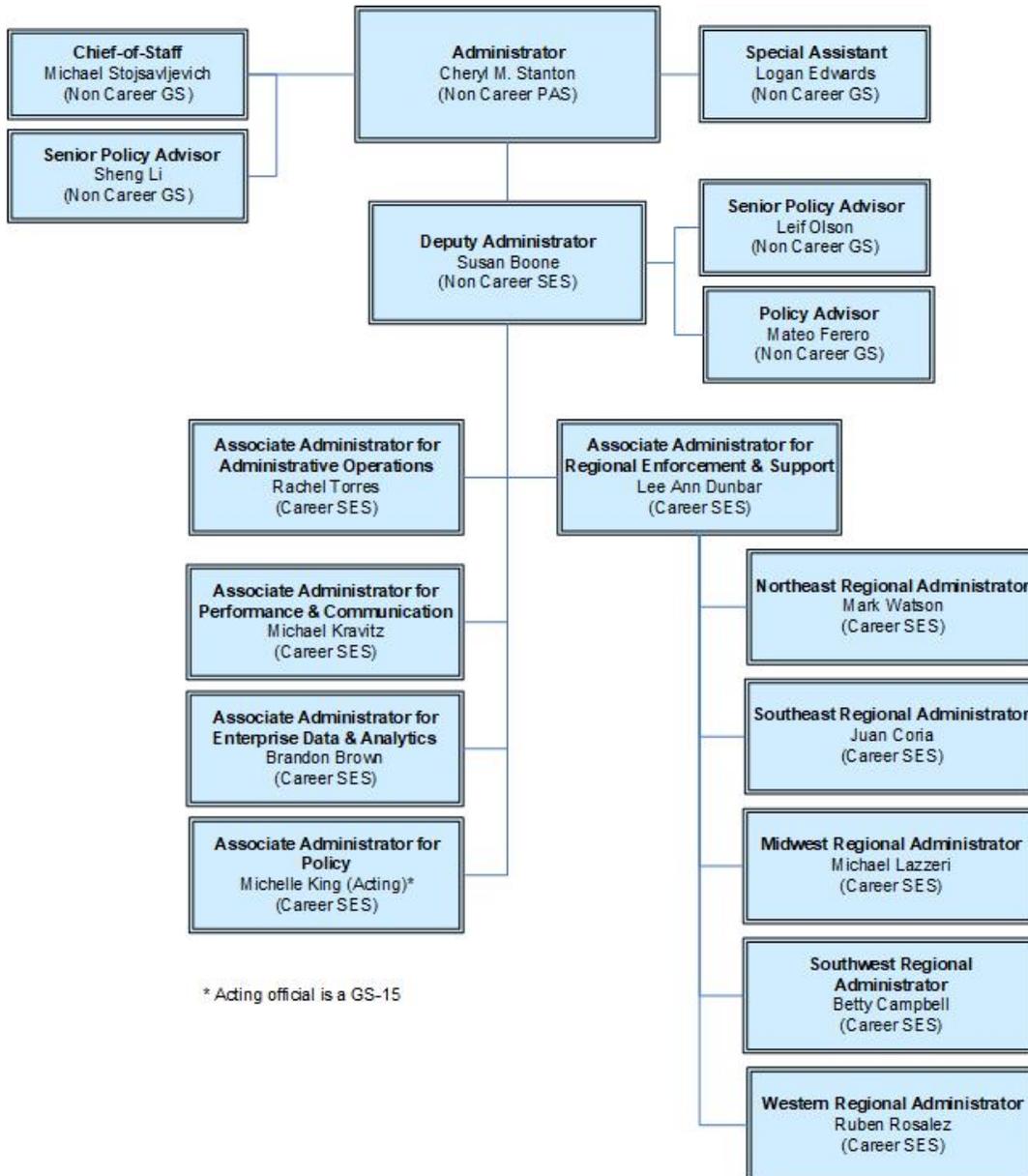
² <https://www.dol.gov/agencies/whd/laws-and-regulations/laws>.

TAB 1: Agency Organizational Overview

Public Law / Act	Legislation	Statute No. / US Code
PUB. L. 116-113	United States-Mexico-Canada Agreement Implementation Act.	United States-Mexico-Canada Agreement Implementation Act

Organizational Structure

Organizational Chart



TAB 1: Agency Organizational Overview

Workforce At-A-Glance

**DEPARTMENT OF LABOR EMPLOYMENT *
AS OF 11/1/2020 - WH**

AGENCY			
Subagency	National Office	Regional Office	Total
WH	107	1450	1557
Total	107	1450	1557
RACE & GENDER			
Ethnicity	F	M	Total
American Indian		2	2
Asian	67	54	121
Black	198	99	297
Hawaiian/PI	2	1	3
Hispanic	247	235	482
Two or more Races	12	10	22
White	293	335	628
Total	821	736	1557

BARGAINING UNIT	
Local 12	77
NCFLL	1180
Non-BU	300
SUPERVISORY**	
Non Supervisor	1302
Supervisor	255
WORK SCHEDULE	
F-Full Time	1542
I-Intermittent	4
P-Part Time	11
REGIONS	
Midwest	254
Northeast	337
Southeast	288
Southwest	268
Western	302
Natl Ofc	108
Total	1557

GRADE DISTRIBUTION	
00	10
04	3
06	5
07	195
08	11
09	154
11	86
12	715
13	250
14	105
15	23
Total	1557
DISABLED STATUS	
No Disability	1275
Non-targeted	230
Targeted	52
APPOINTMENT TENURE	
Indefinite	5
Permanent	1544
Temporary	8
RETIREMENT ELIGIBILITY	
Early Out	234
Eligible	208
Not Eligible	1115

METRO D.C. AREA EMPLOYEES BY BUILDING		
2300 CLARENDON BLVD	6	
ALAN ZILBERMAN HOME WORKSITE	1	
FRANCES PERKINS BLDG	104	
PATRIOTS PLAZA	2	
Total	113	
Includes regional employees working in the D.C. area		
GRADE 13 & ABOVE		
Ethnicity	F	M
American Indian	1	2
Asian	14	15
Black	48	26
Hispanic	41	53
Two or more Races	3	3
White	77	106

* Permanent and Temporary Employees

** Supervisor count includes manager levels 2 and 4

Organizational Changes During the Past Four Years

On October 1, 2019, WHD’s National Office was reorganized to operate under one Deputy Administrator and five program offices. An SES position, Associate Administrator, now leads each of the program offices. Restructuring management to align with more effective national programs has provided such benefits as establishing a single program focus to improve operating plan goals, build internal consistency within each office, and reduce competing priorities among them.

Office of Regional Enforcement and Support

The restructuring included eliminating the Office of Program Operations and the position of Deputy Administrator for Program Operations (SES, career). These positions have been replaced with the Office of Regional Enforcement and Support led by the Associate Administrator for Regional Enforcement and Support (SES, career). This Associate Administrator is dedicated to supporting all five Regional Administrators (SES, career) and coordinating all field enforcement activities including investigations, litigation, and compliance assistance. The restructuring also eliminated the Division of Enforcement Strategy and Support (including the GS-15 supervisor position). These functions have been disseminated throughout the other offices. Please visit [DOL.gov](https://www.dol.gov) for the latest directory of [Key Personnel](#).

Office of Enterprise Data and Analytics

The new Office of Enterprise Data and Analytics is led by an SES (career). This Office oversees the agency's strategies for the collection, processing, storage, and dissemination of WHD data assets as well as external data. It designs and develops data analytics products and services to support a wide range of programs across the agency to improve decision-making and identify opportunities for process improvements and efficiency gains. It leads efforts to use data as a strategic asset at all levels of the agency, through staff training on the use of data visualization and reporting tools to aid workload management, establishing standardized data management practices, and collaborating with other DOL components and federal agencies to share data. It also leads agency efforts to leverage advanced data science and statistical techniques to forecast agency performance and increase insight into the behaviors of relevant labor markets. This office promotes transparency and supports open data standards by identifying high value data that can be made available publicly in structured, machine-readable format to meet the needs of a variety of customers, including academic researchers, industry and governmental officials, and other stakeholders.

To establish this office, WHD restructured the Office of Government Contracts, returning the government contracts enforcement function to the Office of Policy to be managed alongside the other enforcement programs. This shift recognizes the Service Contract Act and Davis Bacon Act wage determinations program as a data strategy, comprised of the principle components of all organizational data strategies—to collect, process, and disseminate data. By co-locating this data strategy with the data management function, the agency seeks to improve the transparency, integrity, and methodological rigor of the wage survey and publication process: goals that align with the Federal Data Strategy and the Foundations for Evidence Policy-making Act of 2018. The Office consists of the Division of Data Analytics and the Division of Wage Determinations. Furthermore, within the Division of Wage Determinations, the agency consolidated surveying Davis-Bacon wage rates currently performed by the field, establishing for the first time a formal Branch of Wage Surveys at the national level. This not only brings cohesion and standardization to the survey program, it frees up regional resources and allows the regions to place a greater emphasis on work related to the agency's core mission.

Office of Policy

The Office of Policy is led by a career Associate Administrator. There is one Deputy to oversee the Office's diverse Divisions, which include the Division of Regulations, Legislation, and

TAB 1: Agency Organizational Overview

Interpretations (DRLI); the Division of Fair Labor Standards Act and Child Labor (FLSA/CL); the Division of Immigration and Farm Labor (IMM/FL); the Division of Family and Medical Leave Act and Section 14(c) (FMLA/14(c)); and the Division of Government Contracts Enforcement (DGCE). The DGCE was added to the Office of Policy with the FY 2020 restructure, which eliminated the Office of Government Contracts. This has further aligned policy and enforcement related to government contracts.

The Office of Policy is responsible for the development and dissemination of policy and procedural guidance in all areas of law administered and enforced by WHD. The Office of Policy functions as a hub for the agency by supporting the field in strategic enforcement, developing regulations, writing and disseminating field guidance materials, facilitating decision-making on the most complex policy issues, and partnering with Planning, Training, and others in their key functions. The Office of Policy represents WHD on policy and procedural issues with external stakeholders and internal customers.

Office of Performance and Communications

In addition to the Division of Communications and the Division of Strategic Planning and Performance, the office includes the Branch of Training and Education, which previously resided under the Office of Administrative Operations. This better aligns performance and internal communications with internal training.

The restructure has also created a new Division of Certificate Processing under this office, consolidating processing of certificates under sections 11(d) and 14(a), (b), and (c) of the Fair Labor Standards Act (FLSA), and certificates provided to individuals to serve as farm labor contractors. Previously, certificate personnel in the regions implemented the policy and reported to the respective Regional Administrators while carrying out policy and protocols of the National Office. This certificate work is outside of the core function of civil-law enforcement and compliance assistance, which is the focus in the regions. Consolidating the certificate functions under the National Office allows for eventual cross-training of staff to process certificate programs WHD administers and better aligns the certificate processing with policy implementation.

Office of Administrative Operations

In light of the Department's Enterprise-wide Shared Services Initiative, the Division of Information Technology was absorbed under the Office of the Assistant Secretary for Administration and Management's (OASAM's) Office of Chief Information Officer (OCIO). As a result, the WHD Division for Business Transformation and Product Management was created. This division works to identify business process improvements, and develops product strategy, roadmaps, and requirements to successfully implement solutions in alignment with agency priorities and operating plans. It ensures alignment of the agency's business needs with available information technology (IT) solutions (while working with OCIO) that improve the Agency's ability to meet its mission and achieve its performance goals.

The restructuring also led to consolidating processing Freedom of Information Act (FOIA) requests under the Office of Administrative Operations. WHD has consolidated the FOIA function in the National Office while retaining the nationwide deployment of FOIA staff,

allowing for maximum flexibility, improved oversight, consistency in records disclosure, and enhanced efficiency.

Key Leaders

- **Cheryl M. Stanton**, Administrator
- **Susan Boone**, Deputy Administrator
- **Michael Stojavljevich**, Chief of Staff
- **Sheng Li**, Senior Policy Advisor
- **Leif Olson**, Senior Policy Advisor
- **Mateo Forero**, Policy Advisor
- **Lee Ann Dunbar**, Associate Administrator for Regional Enforcement and Support
- **Michele R King**, Acting Associate Administrator for Policy
- **Brandon Brown**, Associate Administrator for Enterprise Data and Analytics
- **Michael Kravitz**, Associate Administrator for Performance and Communications
- **Rachel Torres**, Associate Administrator for Administrative Operations

TAB 2: STATE OF PLAY

Key Meetings, Decisions, and Announcements

In April or May of 2021, the agency will hold its annual Spring Executive Leadership Team meeting to set priorities for the upcoming fiscal year.

Construction Surveys to Determine Wage Rates

Federally financed or assisted construction projects subject to the Davis-Bacon and Related Acts (DBRA) must contain a prevailing wage determination. The agency has planned surveys for the following areas to determine wage rates and plans to publicly announce dates for those surveys in November.

Region	Survey Type	State
SW	Building and Heavy (Metro Counties)	New Mexico
NE	Statewide Building	Connecticut
NE	Building (Select Counties)	New York
W	Statewide All Types	Guam
NE	Statewide Highway	Virginia
SE	Statewide Residential	North Carolina
SE	Statewide Residential	South Carolina
SE	Statewide Highway	Alabama
MW	Statewide Highway	Kansas
W	Statewide Residential	Alaska

Policy and Regulatory Issues

The Family and Medical Leave Act of 1993, Request for Information

Next steps: reviewing comments

The Family and Medical Leave Act (FMLA) provides eligible employees up to 12 workweeks of unpaid leave a year, and requires group health benefits to be maintained during the leave as if employees continued to work instead of taking leave. Employees are also entitled to return to their same or an equivalent job at the end of their FMLA leave.

The FMLA also provides certain military family leave entitlements. Eligible employees may take FMLA leave for specified reasons related to certain military deployments of their family members. Additionally, they may take up to 26 weeks of FMLA leave in a single 12-month period to care for a covered service member with a serious injury or illness.

In July 2020, The Department published a Request for Information to solicit comments on ways to improve its regulations under the FMLA to (a) better protect and suit the needs of workers; and (b) reduce administrative and compliance burdens on employers.

Modernizing Section 3(m) Regulations, Notice of Proposed Rulemaking

FLSA section 3(m) defines “wage” to include the reasonable cost to the employer of furnishing board, lodging, or other facilities. WHD’s regulations in 29 CFR part 531 interpret the meaning of this provision, but aspects of these regulations do not provide adequate clarity and are out of date. The Department proposes to update part 531 to provide greater clarity on the meaning of other facilities and better guidance for complying with the FLSA in the 21st century workplace.

Independent Contractor Status Under the Fair Labor Standards Act, Notice of Proposed Rulemaking

In June 2020, the Department of Labor proposed a regulation for determining independent contractor status under the FLSA.

Tip Regulations Under the Fair Labor Standards Act (FLSA), Final Rule

In the FY 2018 Consolidated Appropriations Act, Congress amended multiple provisions of the FLSA with respect to an employer’s use of employees’ tips and additionally provided that portions of the Department’s 2011 rule regarding tips shall have no further force or effect until any future action taken by the Department. In this Notice of Proposed Rulemaking (NPRM), the Department proposed to align its regulations with the recent statutory changes. Additionally, the Department proposed to revise the existing “dual jobs” regulation to provide greater clarity, consistent with current guidance, regarding an employer's ability to take a tip credit to satisfy minimum wage obligations for time a tipped employee spends performing duties that are related to the employee’s tipped occupation.

On December 9, 2019, the Department announced an extension to the period for submitting written comments on the NPRM entitled “Tip Regulations Under the Fair Labor Standards Act (FLSA).” The Department is currently reviewing comments.

Major Policy in the Past Four Years

- In June 2017, WHD announced it was reinstating the practice of issuing [opinion letters](#).³ An opinion letter is an official written opinion by WHD on how a particular law it enforces applies in specific circumstances presented by a worker, business, or other entity requesting the opinion. Opinion letters are designed to help the public understand their rights and responsibilities under the law. Although opinion letters are fact-bound legal interpretations, WHD writes every opinion letter with the goal of providing thorough, comprehensive guidance for the public on the specific legal principles that are implicated in the letter. These crucial compliance assistance documents help the public more fully understand their rights and duties under federal law.

³ <https://www.dol.gov/agencies/whd/opinion-letters/search>.

- In 2018, WHD launched the Payroll Audit Independent Determination (PAID) program, a compliance assistance-based self-audit tool for good faith employers to proactively resolve potential FLSA violations. WHD released a [report on the PAID program](#)⁴ showing promising results over the last couple of years in achieving the initiative's intended goals of bringing more employers into compliance and getting wages back to the workers who earned them. The program design and implementation are built on existing protocols and practices and involve a significant outreach effort. The agency will continue using and evaluating self-audits, consistent with the goals, priorities, and data-driven practices of the agency. Effective use of these tools has always been critical to the mission, and increasingly, agency decisions require strong data analytics and evolving skill sets.
- On September 27, 2019, WHD published the [Overtime Final Rule](#),⁵ resulting in 1.3 million workers who will be newly eligible for overtime pay.
- On December 16, 2019, WHD published the [Regular Rate Final Rule](#),⁶ clarifying for stakeholders certain types of perks and payments that may be excluded from the regular rate of pay for overtime computation purposes.
- On January 12, 2020, WHD published the [Joint Employer Final Rule](#)⁷ to revise and update its regulations interpreting joint employer status under the FLSA. The final rule provides updated guidance for determining joint employer status when an employee performs work for his or her employer that simultaneously benefits another individual or entity, including guidance on the identification of certain factors that are not relevant when determining joint employer status. The effective date of the final rule is March 16, 2020.
- On May 20, 2020, the U.S. Department of Labor announced a [final rule](#)⁸ that allows employers to pay bonuses or other incentive-based pay to salaried, nonexempt employees whose hours vary from week to week. The final rule clarifies that payments in addition to the fixed salary are compatible with the use of the fluctuating workweek method under the Fair Labor Standards Act (FLSA).
- In FY 2020 WHD was delegated new authority to administer and enforce two new laws: the [Labor Value Content \(LVC\) provision of the United States-Mexico-Canada Agreement \(USMCA\)](#)⁹ and the [Families First Coronavirus Response Act \(FFCRA\)](#).¹⁰ The Families First Coronavirus Response Act (FFCRA) is effective through December 31, 2020, and requires covered employers to provide employees with paid sick leave or expanded family and medical leave for specified reasons related to COVID-19. The United States-Mexico-Canada Agreement Implementation Act (USMCA) requires that, to receive preferential tariff treatment, a producer of a covered vehicle must file a certification that the production of the covered vehicle meets the high-wage components of the labor value content requirements. Implementation and enforcement of both laws were incorporated into the existing Office of Policy organizational structure, with FFCRA oversight falling to the Division of FMLA/14(c)

⁴ <https://www.dol.gov/sites/dolgov/files/WHD/publications/PAID-programreport.pdf>.

⁵ <https://www.federalregister.gov/documents/2019/09/27/2019-20353/defining-and-delimiting-the-exemptions-for-executive-administrative-professional-outside-sales-and>.

⁶ <https://www.federalregister.gov/documents/2019/12/16/2019-26447/regular-rate-under-the-fair-labor-standards-act>.

⁷ <https://www.dol.gov/agencies/whd/flsa/2020-joint-employment>.

⁸ <https://www.dol.gov/agencies/whd/overtime/fww>.

⁹ <https://www.dol.gov/agencies/whd/usmca>.

¹⁰ <https://www.dol.gov/agencies/whd/ffcra>.

and the USMCA implemented by the Division of IMM/FL. The Office of Policy's DRLI was responsible for development of initiating regulations for each and the FFCRA includes a certification component which will be managed by the Office of Performance and Communication's Division of Certificate Processing.

- On June 29, 2020, the Department of Labor announced an [interim final rule](#)¹¹ providing regulations necessary to implement and administer the high-wage components of the Labor Value Content (LVC) requirements set forth in the United States-Mexico-Canada Agreement (USMCA) and the treaty's implementing statute. The LVC requirements promote more high-wage jobs for the U.S. auto industry by requiring that a significant portion of motor vehicles be made with high-wage labor. Among other provisions, the rule details what information the Department will review for omissions and errors on LVC certifications submitted by vehicle producers to U.S Customs and Border Protection, defines the scope of the Department's role in conducting verifications to help ensure producer compliance, sets forth recordkeeping requirements, and describes the Department's whistleblower enforcement process. The interim final rule was effective July 1, 2020.

Enforcement

In today's environment of competing priorities and shifting resources, WHD is focusing on the fundamentals. Foremost, WHD is an enforcement agency, and collectively, the work we undertake helps both employees and employers. Our mission provides employees with a basic level of economic security and levels the playing field with employers. Enforcement restores wages owed to workers and eliminates unfair competitive advantages of unscrupulous employers who are not paying their workers the wages they are due.

In FY 2019, WHD recovered a record amount of back wages for workers—topping the 2018 record by recovering more than \$322 million in back wages for more than 313,000 workers. Using resources judiciously, WHD works with employers to remedy their violations and move them into compliance. WHD has always relied upon a combination of rigorous enforcement and robust education to improve compliance and has long maintained that enforcement alone will never be sufficient to achieve the Division's mission.

WHD prioritizes resources using evidence-based, multi-pronged strategies to improve compliance that include delivering compliance assistance to employers; conducting investigations in high-violation industries; engaging and educating private and public stakeholders on compliance issues; and using traditional and social media to inform employers, workers, consumers, and the public about WHD and the resources available to them. WHD protects fair competition through investigations of employers that have gained an unfair advantage through violations of wage and hour laws. WHD also helps employers proactively address and prevent violations through new and innovative approaches to compliance assistance. WHD rigorously enforces all laws within its jurisdiction governing the administration and

¹¹ <https://www.federalregister.gov/documents/2020/07/01/2020-14014/high-wage-components-of-the-labor-value-content-requirements-under-the-united-states-mexico-canada>.

enforcement of non-immigrant visa programs in order to protect American workers and guest workers.

WHD enforcement is focused on the most egregious violators, such as those who engage in criminal activity, retaliation, and other forms of exploitation most damaging to the American workforce. WHD leverages data to prioritize enforcement around those industries with a history and prevalence of violations. WHD invests resources where data analytics and evidence suggest they will have the broadest impact—improving compliance beyond just those employers investigated. Given the size of the organization relative to the size of the regulated community—more than 143 million workers and 9.8 million workplaces—WHD must make wise use of every resource in order to achieve the greatest effect.

Key Agency Stakeholders

Stakeholders interested in WHD’s actions:

- [American Payroll Association \(APA\)](#)
- [American Staffing Association \(ASA\)](#)
- [American Network of Community Options and Resources \(ANCOR\)](#)
- [Associated General Contractors \(AGC\)](#)
- [Associated Builders and Contractors, Inc. \(ABC\)](#)
- Building and Construction Trades Department, AFL-CIO (BCTD)
- [North America’s Building Trades Union \(NABTU\)](#)
- [National Day Laborers Organizing Network \(NDLON\)](#)
- [HR Policy Association](#)
- [American Association of People with Disabilities](#)
- [Interfaith Worker Justice \(IWJ\)](#)
- [Jobs With Justice](#)
- [National Alliance for Fair Contracting](#)
- [National Association of Home Builders \(NAHB\)](#)
- [American Hotel and Lodging Association \(AHLA\)](#)
- [National Employment Law Project \(NELP\)](#)
- [National Restaurant Association](#)
- [Paraprofessional Healthcare Institute \(PHI\)](#)
- [Public Welfare Foundation](#)
- [American Farm Bureau Federation](#)
- [National Farmers Union](#)
- [Farmworker Justice](#)

- [United States Breastfeeding Committee](#)

Stakeholders that the Secretary should engage in the first 90 days:

The following organizations are key stakeholders for the agency because they are very active around wage and hour issues, including policy, enforcement, and outreach perspectives.

- [American Federation of Labor and Congress of Industrial Organizations \(AFL-CIO\)](#)
- [Service Employees International Union \(SEIU\)](#)
- [Society for Human Resource Management \(SHRM\)](#)
- [U.S. Chamber of Commerce](#)
- [National Employment Law Project \(NELP\)](#)

TAB 3: CALENDAR

Event	Date
Anniversary of Family and Medical Leave Act in 1993	February 5, 2021
National Nurses Week	May 2021
National Small Business Week	May 2021
Anniversary of Fair Labor Standards Act in 1938	June 25, 2021
International Youth Day	August 12, 2021
Labor Day and Labor Rights Weeks	September 2021
National Farm Safety and Health Week	September 2021
National Disability Employment Awareness Month (NDEAM)	October 2021
National Work and Family Month	October 2021
Military Family Month	November 2021

WHD enforcement and operations activities follow the fiscal year cycle, October 1 to September 30.

- Each year, the Executive Leadership Team, which consists of the Administrator’s political staff, the Regional and Deputy Regional Administrators, and the Senior Executive Service Staff in the National Office, gathers input from each WHD functional area to set the priorities for the coming fiscal year, consistent with the Department’s strategic plan. This step usually occurs in April through June with the development of a draft plan that outlines how the agency plans to achieve the mission in the upcoming year. The framework is communicated through the Regional Offices to the District Office Managers, typically in early summer. District Offices meet with their staff during the summer to develop strategies and local initiatives in support of the plan. In August, the District Offices communicate their local plans through the Regional Office to the National Office for review and modification, as appropriate. The Administrator then finalizes the plan after consultation in the DOL and approves local initiatives by the end of the fiscal year.
- There are typically Executive Leadership Team meetings in the fall, winter, and spring. Training activities, accountability reviews, and prevailing wage surveys occur throughout the fiscal year.

TAB 4: BUDGET

Wage and Hour Division

Budget Authority and FTE
(Dollars in millions)

	FY 2017 Enacted	FY 2018 Enacted	FY 2019 Enacted	FY 2020 Enacted	FY 2021 Request
Budget Authority	\$227.5	\$227.5	\$229.0	\$242.0	\$244.3
FTE	1,404	1,355	1,297	1,293	1,387

At-A-Glance

WHD receives funding through an annual appropriation. In addition, WHD receives funding for its H-1B L-Fraud account through collected fees. The H-1B account supports additional FTE not included in the table above. In FY 2020, WHD apportioned \$50.0 million to support 214 FTE through its H-1B account. A portion of H-1B funds are allocated to the Office of the Solicitor (up to \$6 million in FY 2020).

Budget and FTE Trends

In FY 2010, WHD received an increase of approximately \$34.0 million over its FY 2009 funding level for an appropriated funding level of \$227.3 million. With the exception of FY 2013, the agency’s enacted funding levels remained flat at \$227.5 million through FY 2018. The agency received a \$1.5 million increase in FY 2019 to raise its funding to \$229.0 million, and subsequently a \$13 million increase in FY 2020 to increase appropriated funding to \$242.0 million. In FY 2013, WHD was subject to the sequester and funded at \$215.2 million. The agency is requesting \$244.3 million in FY 2021, which is an increase of \$2.3 million over the FY 2020 enacted level.

WHD’s overall FTE usage increased in FY 2010 with the increased funding level. FTE usage continued to increase through FY 2012, when WHD used 1,810 FTE between its S&E and H-1B accounts. FTE usage began to decrease in FY 2013 due to sequestration, and this trend continued through FY 2015 due to flat funding levels and higher-than-expected attrition levels. FTE usage in FY 2019 was 1,492. WHD planned to begin a large hiring push to increase FTE usage in FY 2020; the agency apportioned 1,507 FTE. The FY 2021 request would fund 1,601 FTE, 94 more than the FY 2020 enacted level.

In FY 2009 and 2010, WHD received approximately \$15.0 million in funding for the American Recovery and Reinvestment Act transferred from the worker protection pool. In FY 2013, WHD received \$1.0 million in supplemental funding from the Superstorm Sandy Supplemental to cover travel costs to the Northeast region for national office staff to perform outreach activities and enforcement. Additionally, in FY 2020, WHD received \$2.5 million in supplemental

TAB 4: Budget

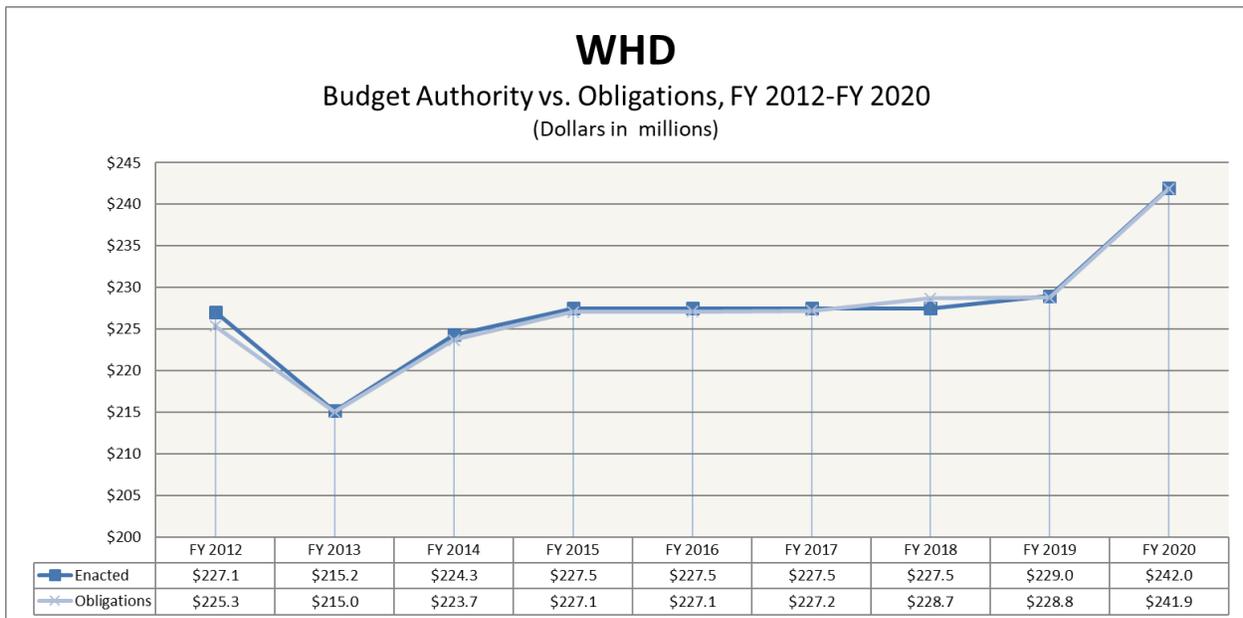
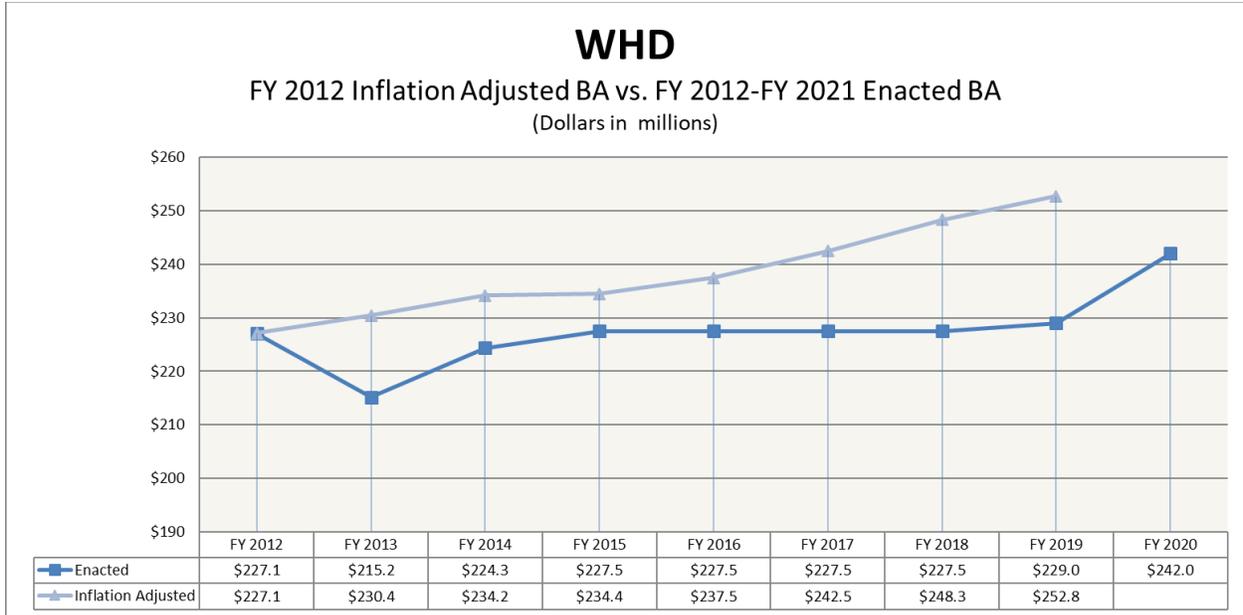
funding from the Coronavirus Aid, Relief, and Economic Security Act for response activities related to COVID-19 response.

In FY 2013, WHD reduced contracts usage to achieve savings for sequestration. The agency also implemented a temporary hiring freeze, eliminated performance bonuses, reduced overtime and premium pay, and reduced Permanent Change of Station (PCS) moves to reach the necessary funding level under sequestration.

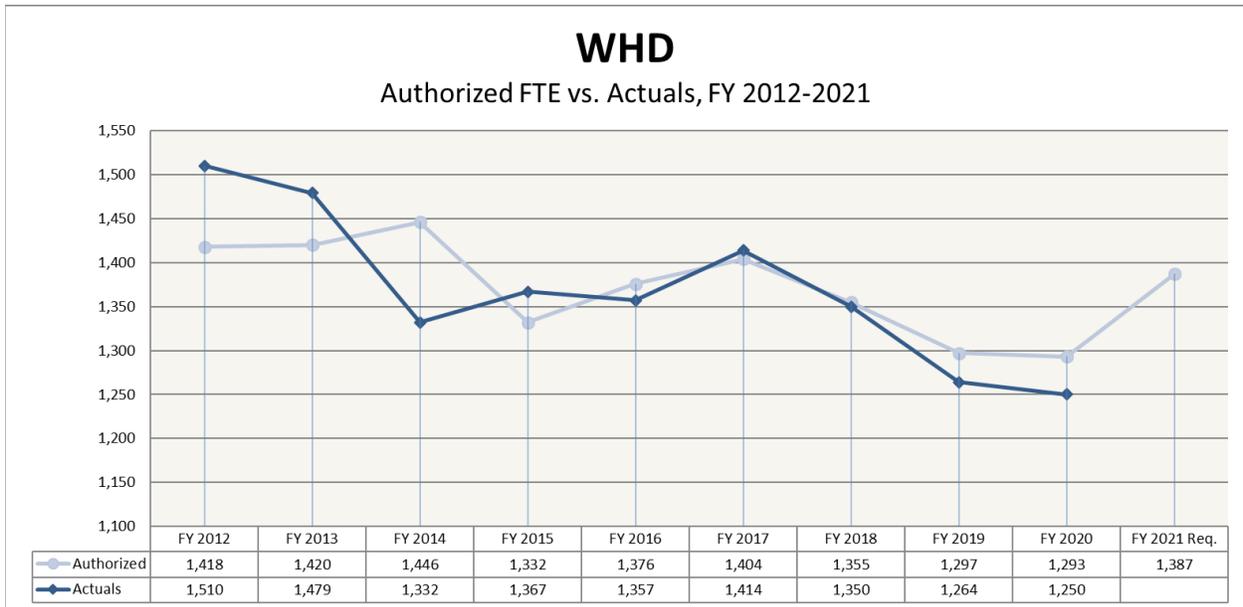
In recent fiscal years, WHD has requested additional funding to fund the IT modernization/legacy system replacement. In addition, the agency has requested additional resources for investigator FTE in recent budget submissions to support its strategic enforcement approach. Congress provided unspecified increases in FY 2019 and FY 2020 of \$1.5 million and \$13 million, respectively. WHD has used this funding to ramp up hiring and IT modernization efforts.



TAB 4: Budget



TAB 4: Budget



TAB 5: AGENCY PERFORMANCE

WHD has a long history of engaging in strategic planning in order to efficiently and effectively manage enforcement and operations. With more than 10.2 million establishments and 148 million workers covered by the laws WHD administers, WHD must plan how to deploy its resources to have the greatest impact for workers and employers. WHD leverages data to prioritize enforcement around those industries where violations are most prevalent and where WHD believes the agency can and should effect change—improving compliance beyond just those employers investigated. Each fiscal year, WHD engages in a planning process to determine where to focus resources and to review performance measures. The agency plan is developed in consultation with all parts of the agency as well as the Department’s Performance Management Center (PMC), which manages the Department’s strategic planning process.

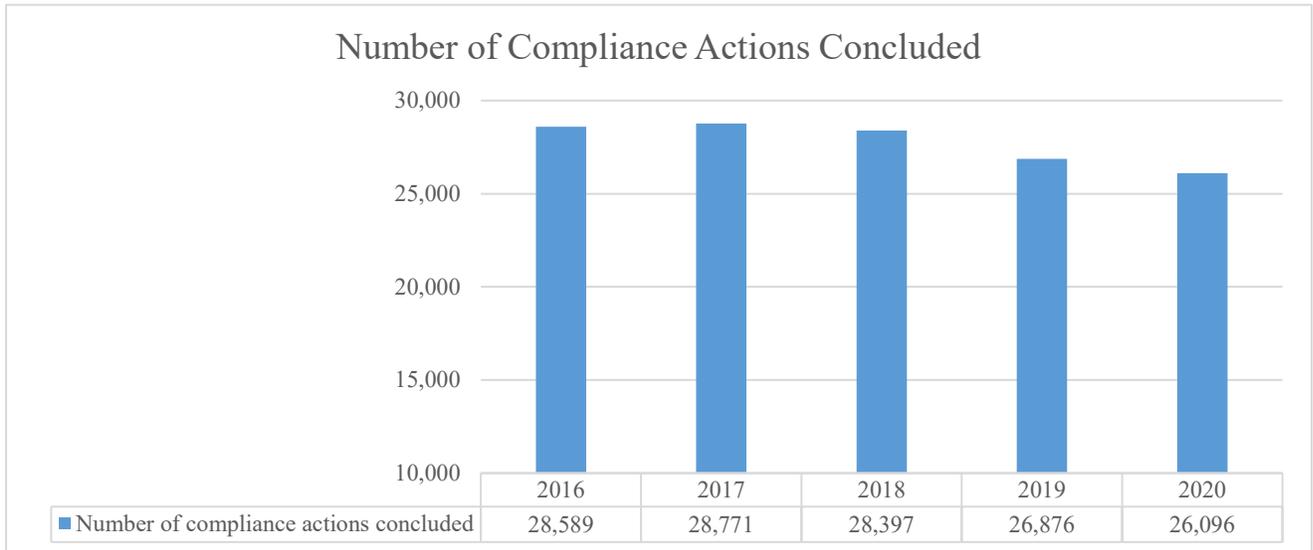
The Department of Labor establishes a five-year strategic plan consistent with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act. The WHD Division of Strategic Planning and Performance (DSPP) works with PMC to develop the Department’s strategic plan, WHD-level plans, and to refine and monitor performance measures to assess agency results.

WHD’s annual planning cycle follows the fiscal year, from October 1 to September 30. Each year, the Executive Leadership Team, which consists of the non-career leadership encompassing the Regional and Deputy Regional Administrators and Associate Administrators in the National Office, gather input from each WHD functional area to set the priorities for the coming fiscal year, consistent with the Department’s strategic plan. This step usually occurs in April through June with the development of a draft operating plan that outlines how the agency plans to achieve the mission in the upcoming year. The framework is communicated through the Regional Offices to the District Office Managers over the summer. Concurrently, the agency develops cross-regional and regional initiatives to focus enforcement and compliance assistance efforts on those industries where the evidence of violations is strongest and where WHD has identified an opportunity to impact compliance. Cross-regional initiatives demonstrate national strategies, whereas regional initiatives address priorities identified at the regional level. Regional initiatives are communicated to the National Office for review and modification, as appropriate. In consultation with Regional Offices, District Offices meet during the summer with their staff to develop plans to support of the cross-regional and regional initiatives. These plans are finalized by the end of the fiscal year. Mid-year reports are prepared in May to provide status updates on cross-regional and regional initiatives, followed by end-of-initiative reports about one month after the fiscal year concludes, if the initiative is ending. The information contained in these reports is used to share learning across the agency and to guide decision-making regarding the future direction of planned initiatives.

The agency has sought to establish a balanced set of performance measures aimed at improving agency efficiency and effectiveness across the broad array of statutory and program areas. These performance measures are established annually in consultation with the Executive Leadership Team and the DOL PMC. While some measures are used for internal management purposes (e.g., setting targets and monitoring performance at the regional level), other measures are included in the Department’s budget documents and included in the Annual Performance Report

TAB 5: Agency Performance

(APR) to Congress (e.g., number of compliance actions concluded per year). The measures are monitored on a regular basis by the DSPP through the use of the agency’s business intelligence reporting tools. The performance results are reported to the Department on a quarterly basis, and reviewed regularly by the WHD Executive Leadership Team. The complete set of annual performance measures is included in the FY 2020 Operating Plan. The performance measures included in the Department’s most recent Annual Performance Report are displayed below.



¹²

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

¹² Data excludes conciliations.