

U.S. Department of Labor Office of the Secretary



November 2016

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TAB 1: AGENCY ORGANIZATIONAL OVERVIEW

Mission

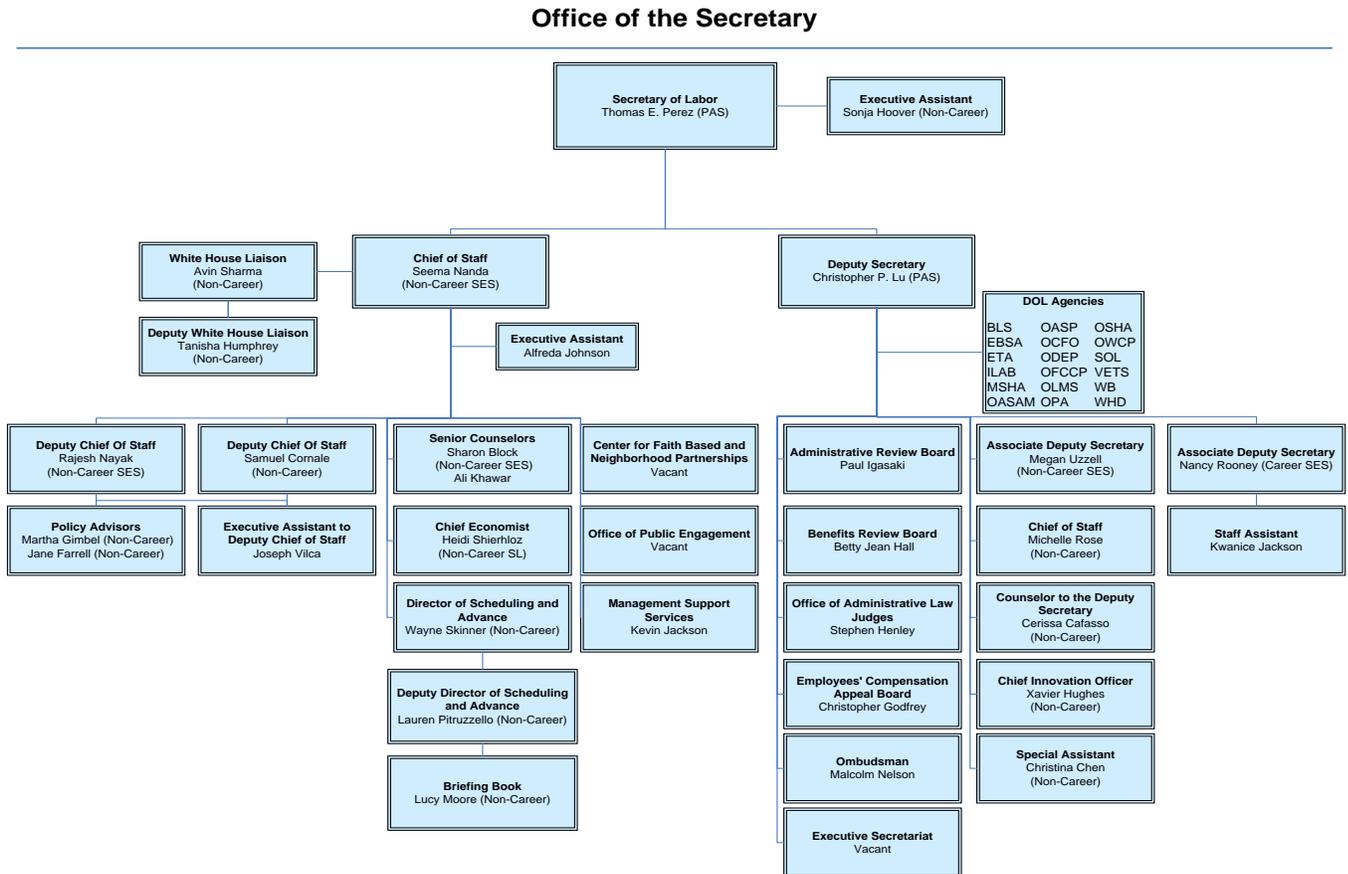
The Department of Labor (DOL or Department) is a cabinet-level department with the mission to foster, promote, and develop the welfare of the wage earners, job seekers, and retirees of the United States; improve working conditions; advance opportunities for profitable employment; and assure work-related benefits and rights. In carrying out this mission, the DOL component agencies administer and enforce more than 180 federal laws and thousands of federal regulations which cover many workplace activities for about 10 million employers and 125 million workers. The Secretary of Labor heads the Department and is the principal advisor to the President on the development and execution of policies and the administration and enforcement of laws relating to wage earners, their conditions, and their employment opportunities. The agency, OSEC, supports the Secretary in fulfilling the Secretary's responsibilities.

Authorizing Legislation

The Act to Establish the Bureau of Labor, 1884, was amended by the Act of 1913 to establish the Department of Labor (29 U.S.C. 1); this act also authorizes the Departmental Management functions.

Organizational Structure

Organizational Chart



TAB 1: Agency Organizational Overview

Workforce At-A-Glance

**DEPARTMENT OF LABOR EMPLOYMENT *
AS OF 11/1/2016 - OSEC**

AGENCY			
Subagency	National Office	Total	
OSEC	66	66	
Total	66	66	

RACE & GENDER			
Ethnicity	F	M	Total
Asian	4	4	8
Black	21	4	25
Hispanic	0	4	4
Two or more Races	1	0	1
White	21	7	28
Total	47	19	66

BARGAINING UNIT	
Local 12	17
NCFL	1
Non-BU	48

SUPERVISORY**	
Non Supervisor	53
Supervisor	13

WORK SCHEDULE	
F-Full Time	66

REGIONS	
Natl Ofc	66
Total	66

GRADE DISTRIBUTION	
00	6
01	1
02	1
06	2
07	2
08	2
09	4
10	1
11	10
12	1
13	10
14	10
15	16
Total	66

DISABLED STATUS	
No Disability	61
Non-targeted	5

APPOINTMENT TENURE	
Indefinite	27
Permanent	39

RETIREMENT ELIGIBILITY	
Early Out	3
Eligible	10
Not Eligible	53

METRO D.C. AREA EMPLOYEES BY BUILDING	
FRANCES PERKINS BLDG	66
Total	66

Includes regional employees working in the D.C. area

GRADE 13 & ABOVE		
Ethnicity	F	M
Asian	2	4
Black	8	1
Hispanic	0	4
Two or more Races	1	0
White	18	6

* Permanent and Temporary Employees
** Supervisor count includes manager levels 2 and 4

Key Leaders

Secretary's Office:

- Secretary of Labor – Thomas E. Perez (non-career)
- Chief of Staff – Seema Nanda (non-career)
- Deputy Chief of Staff – Raj Nayak (non-career)
- Deputy Chief of Staff – Sam Cornale (non-career)
- White House Liaison – Avin Sharma (non-career)
- Briefer – Lucy Moore (non-career)
- Current FTE: career – 2; non-career – 11

Office of Scheduling and Advance: The Office of Scheduling and Advance coordinates and plans the meeting, events, and travel for the Secretary of Labor. The Office of Scheduling and Advance has eight FTE.

- Director: Wayne Skinner (non-career)
- Deputy Director: Lauren Pitruzzello (non-career)
- Current FTE: career - 2; non-career - 6

Office of the Deputy Secretary of Labor: The Deputy Secretary (DS) is the Department's chief operating officer. As such, the Deputy Secretary oversees key operational functions such as: strategic planning; budget formulation; financial management; information technology; and human resource management. Additionally, the Deputy Secretary provides the leadership and management of DOL's agencies necessary to support the Secretary and the Department's mission. In doing so, the Deputy Secretary utilizes performance management, program evaluation, and cross agency collaboration. The Deputy Secretary also oversees the administration of DOL's adjudicatory boards, which are responsible for reviewing and determining thousands of appeals each year. The DS staff supports these efforts by working directly with agency leadership and senior staff.

Deputy Secretary's Office:

- Deputy Secretary of Labor - Christopher P. Lu (non-career)
- Associate Deputy Secretary for Policy – Megan Uzzell (non-career)
- Associate Deputy Secretary for Management – Nancy Rooney (career)
- Briefer/Staff Assistant - Kwanice Jackson (career)
- Current FTE: career - 2; non-career - 4

Adjudicatory Boards:

- Office of the Administrative Law Judges (OALJ)
- Administrative Review Board (ARB)
- Benefits Review Board (BRB)
- Employee Compensation Appeals Board (ECAB)
- Office of the Ombudsman for the Energy Employees Occupational Illness Compensation Program (Ombudsman)

Management Support Services (MSS):

MSS provides administrative support to OSEC and works closely with the Office of the Assistant Secretary for Administration and Management in areas including: budget; facilities; human resources; IT; procurement; property management; recordkeeping; and travel. Additionally, MSS works closely with the Office of the Chief Financial Officer with regard to financial management. Another key service provided through MSS is the executive motor pool which provides transportation for the Secretary, Deputy Secretary, and DOL's Assistant Secretaries. MSS has 13 career FTEs.

- Director: Kevin Jackson (career)
- Deputy Director: Janet Newkirk (career)

The following are also component offices within OSEC; overviews of these offices are attached.

- Office of the Executive Secretariat (ExecSec)
- Office of Public Engagement (OPE)
- Center for Faith Based and Neighborhood Partnerships (CFBNP)
- Office of the Chief Economist (CHECO)
- Office of Congressional and Intergovernmental Affairs (OCIA)
*OCIA is not technically part of OSEC except for the purposes of this document

Budget

The Secretary's Office and the Office of the Deputy Secretary are funded through the Program Direction and Support (PDS) account. The FY 2016 PDS funding level for OSEC is \$5,067,000. Additionally, the Secretary is allocated a Reception and Representation Fund (R&R Fund) of \$28,000 annually for the purpose of official workforce development-related receptions and engagements. As of September 1, the non-disbursed balance for the R&R fund is \$2,255.32. The Secretary also has available a Gifts and Bequests account. This account is funded through philanthropic gifts and bequests from external, non-governmental entities to the Department for the purpose of official receptions, engagements, or events that further the Department's mission. This account has no current funding available as of September 1. The budget accounts of the other OSEC components are addressed in their respective overviews. Detailed budget information provided below.

TAB 2: OFFICE OF THE SECRETARY OFFICES

Office of the Executive Secretariat

Mission

The Office of the Executive Secretariat (ExecSec) is part of the immediate Office of the Secretary and serves as a liaison between the Office of the Secretary (including, the Office of the Deputy Secretary) and DOL agencies. ExecSec establishes, implements, and manages processes and procedures to ensure prompt and efficient processing of Executive correspondence/records from sources internal and external to the Department. ExecSec also assists agencies in producing timely, accurate, and quality responses to Executive correspondence. Additionally, ExecSec secures appropriate clearance of decision memoranda and other documents requiring Secretarial or Deputy Secretarial approval and/or signature. Furthermore, ExecSec assists with agency-management. Each ExecSec Senior Policy Advisor covers an assigned portfolio of DOL agencies and assists in the orderly administration and implementation of Departmental policies, including the distribution and management of decisions and assignments coming out of key management and operational meetings. Finally, ExecSec is responsible for the oversight of the Department's 17 Federal Advisory Committees.

Organizational Structure

ExecSec is comprised of a policy division and an operations division. Although the work of the policy and operations divisions are interrelated and the staff work closely together, it was determined, in 2011, that each division be headed by a deputy director given the nature of ExecSec's work. As such, the single SES-level career deputy director position was eliminated and replaced by two GS-15 deputy directors. Including the director position, ExecSec currently has 20 FTEs, 19 of which are career positions. The career positions are filled; additionally, ExecSec does have two detailees given the current workload.

Key Leaders

- Director of the Executive Secretariat – vacant (non-career)
- Deputy Director for Policy converted to Principal Deputy Director for the Executive Secretariat (SES conversion NTE 9/5/2018) – Elizabeth (Bea) Way (career)
- Deputy Director for Operations – Nalini Close (career)

Key Issues

ExecSec has established processes for achieving our mission; however, there are some key procedural matters that must be addressed quickly by the incoming Secretary and Deputy Secretary. These matters include: signature blocks; auto-pen and electronic signatures and use; sign-off authority; blanket approvals; briefing book archiving; the handling of Executive (including Secretarial) correspondence; and the clearances and approval processes. Given that the work ExecSec performs is integral to the Office of the Secretary, ExecSec requests to brief

the key Transition personnel and the Secretary, Deputy Secretary, and their appropriate staff as early as possible.

Initiatives

Many of ExecSec processes are paper-based, including clearances, approvals, and recordkeeping. However, ExecSec relies on the Secretary's Information Management System (SIMS) for tracking and the assignment of Executive correspondence. SIMS is web-based database that was developed in-house in the late 1990s. As technology has advanced, the limitations of SIMS have become more burdensome from both management and user perspectives. In 2011, OASAM committed to replacing SIMS with a document management system; however, it has been unable to fulfill this commitment due to functionality requirements and funding. The need for a modern, more robust, document management system is becoming more urgent, not just due to efficiency, but due to the requirement that the Executive branch components *must submit records electronically to the National Archives and Records Administration by 2019*. The Deputy Secretary determined that the system replacing SIMS will serve as ExecSec's vehicle for meeting the electronic archiving requirement.

Office of Public Engagement (OPE)

Overview

The Office of Public Engagement (OPE) serves to advance the Secretary's efforts to effectively engage stakeholders by making the Department inclusive, transparent, accountable and responsible. OPE is DOL's primary liaison to external organizations, stakeholder and advocacy groups, and the private sector. While DOL agencies maintain their own external relationships, OPE is used to both consult on and manage longer-term, more strategic initiatives. OPE serves as trusted messengers to complement the outreach efforts of DOL's agencies to ensure a broad cross section of stakeholder participation in all facets of the Department's efforts. OPE also manages and supports many of the Secretarial- and Presidential-level roll-outs of rules, regulations, and new initiatives, coordinating with internal DOL staff and agencies to ensure material, outreach and time lines are being managed and met. OPE facilitates and coordinates external meeting requests, ensures that obstacles to participation are mitigated and provide recommendations to inform and influence Departmental resources, programs and policies. Additionally, OPE is the primary means of staff support for the Secretary, Deputy Secretary, and other senior department officials in travel, event development, and briefing materials.

OPE works in close coordination with the Office of Intergovernmental Affairs (OCIA) and the Center for Faith-Based and Neighborhood Partnerships (CFBNP) to form the Secretary's Outreach Team. OPE is based in the National Office but does extensive outreach to the Regions by leveraging the Regional presences of DOL's agencies.

Organizational Structure

OPE has five non-career FTE and one career assistant.

Key Personnel

- Advisor to the Secretary – Shauna McCarty (non-career)
- Advisor to the Secretary – Jumoke Balogun (non-career)
- Advisor on Working Family Engagement - Kimble Burke DellaFave-Snyder (non-career)
- Advisor on Private Sector Engagement – Edgar Gonzalez (non-career)
- Advisor on Private Sector Engagement – Alison Omens (non-career)

Center for Faith-Based and Neighborhood Partnerships (CFBNP)

Overview

DOL's Center for Faith-Based and Neighborhood Partnerships (CFBNP) reaches out to faith-based groups, community organizations, and neighborhood leaders to provide information and seek input on the important work that DOL performs. <https://www.dol.gov/cfbnp/> CFBNP seeks to build lasting community partnerships between these groups and DOL's workforce development agencies. It coordinates with the White House Office for Faith-Based and Neighborhood Partnerships and similar offices within other Executive-Branch departments.

The establishment of CFBNP stems from Executive Order (EO) 13199 (2001) by which President Bush established the White House Office for Faith-Based and Community Initiatives. That Office had lead responsibility to establish policies, priorities, and objectives for the Federal Government's comprehensive effort to enlist, equip, enable, empower, and expand the work of faith-based and other community organizations. It worked closely with corresponding offices in Federal departments. The primary focus at DOL was to make grants more accessible to small faith-based organizations. In 2009, this effort was re-established with a change in focus and name by EO 13498. <https://www.whitehouse.gov/administration/eop/ofbnp/about> At DOL, CFBNP has focused its work in four primary areas: outreach; worker protection partnerships; job club partnerships; and grants and partnerships.

Organizational Structure

CFBNP has three non-career FTEs: Director; Deputy Director; and Staff Assistant. However, it currently has no permanently assigned staff. A decision was made in 2015 to limit its day-to-day activities. Currently, the VETS Deputy Assistant Secretary (Policy) leads CFBNP on a part-time basis and detailee provides administrative support.

Key Leadership

- Director – vacant - non-career; Teresa Gerton, Deputy Assistant Secretary in VETS, is acting
- Deputy Director – vacant - non-career

Initiatives

Outreach: Outreach is a primary focus of CFBNP and it has approximately 20,000 contacts. Additionally, CFBNP maintains a more active, smaller list of about 250 strategic contacts comprised of leaders of national or regional organizations, denominations, and associations who can reach thousands of more organizations and people. CFBNP uses this list to share information on DOL regulations, grants, and other noteworthy information. The CFBNP also works closely with DOL's Office of Public Engagement in support of DOL outreach efforts to faith and community organizations.

Worker Protection Partnerships: CFBNP works closely with DOL's worker protection agencies (such as, WHD, OSHA, and OFCCP) to facilitate relationships between these agencies (national, regional, and field offices) and a wide range of worker-centric faith and community organizations that can be helpful in performing outreach to vulnerable workers about DOL laws and rules, providing input on regulations, and assisting in investigations as appropriate.

Job Club Initiative: In 2011, the CFBNP launched its Job Clubs Initiative to create a community of practice among the faith-based and community-based job search support groups to better connect these groups with the public workforce system. These groups are typically run by volunteers in familiar community settings like churches. The Job Club Initiative has: connected with over 2,000 active groups; maintains a community of practice web site and a state job club directory; helped develop formal relationships between job clubs and the public workforce system in more than 20 states; held over 15 Job Club Symposia nationwide from 2011-2013; helped raise awareness about the needs of the long-term unemployed through regional events and roundtables; and facilitated the inclusion of job clubs as partners in ETA's Ready to Work and Job Driven NEG grants. The Job Clubs Initiative was the lead item in a White House Office of Faith-Based and Neighborhood Partnership's Year of Action Report for 2014.

Grants Partnerships: CFBNP has worked both DOL grant-making agencies, such as ETA, and externally with faith-based and community organizations to increase opportunities for smaller community organizations to participate in grants as partners and sub-grantees. To help facilitate partnerships, CFBNP maintains a grantee web site that lists all DOL grantees since 2011 by state.

Policy and Regulatory Issues: The White House recently updated the original "faith-based" rules promulgated by the Bush Administration. The new rule, known as the Equal Treatment Rule, (EO 13599) was issued in November 2010 and amended in March 2016. <https://www.dol.gov/newsroom/releases/cfbnp/cfbnp20160331> DOL issued its corresponding guidance in July 2016. <https://www.dol.gov/cfbnp/20160705.htm> The rule requires DOL grantees to provide participants with access to alternative, secular providers if participants are opposed to receiving services from organizations that are faith-based. The DOL Civil Rights Center, in OASAM, will be responsible for administering the rule.

Office of the Chief Economist

Overview

Office of the Chief Economist (CHECO): CHECO provides economic and statistical analysis to the Secretary of Labor and its components. CHECO works closely with internal and external stakeholders, with a special relationship with the Bureau of Labor Statistics, to ensure the provision of:

- up-to-date information to the Secretary and others in DOL on labor market and economic conditions,
- representation on “rule” teams, ensuring the quality of the economic impact analysis of each rule,
- support in the review of reports, speeches, fact sheets, social media items, etc. for appropriate use of economics and data,
- relevant economic data and justifications for departmental priorities,
- written blog posts, speeches, and expert participation on panels related to departmental priorities,
- representation at CEA and other CHECO offices in the administration (e.g. at Treasury and Commerce), and
- representation in DOL and White House policy processes, in particular, quantifying the economic impact of proposed policies.

Key Personnel

In addition to the Chief Economist, the CHECO office has three full-time staff -- two policy advisors (political) who are integral staff on all of the above and one BLS detail (career) who is the CHECO liaison to BLS and focuses primarily on the above tasks where BLS data plays an integral role.

- Chief Economist: Heidi Shierholz (non-career)
- Policy Advisor: Keith Miller (non-career)
- Policy Advisor: Patrick Oakford (non-career)
- BLS/CHECO Liaison: Lyda Ghanbari (career – detailee)

30/60/90 Days

Aside from normal economic data releases, no key issues, decisions, meetings, or announcements are expected in this timeframe. By far the most important data release for the Secretary is the release of the employment and unemployment numbers on, generally, the first Friday of every month. On the day of the release (also known as “numbers day”), the Secretary is briefed at 8:00AM by the Commissioner of BLS, then works with staff to develop talking points as the Secretary customarily does many TV, radio, and print interviews throughout the day. The 2017 calendar has not been released yet but it is likely that the first three numbers days of the new administration will be **February 3rd, March 10th, and April 7th**.

Office of Congressional & Intergovernmental Affairs (OCIA)

Organizational Overview

OCIA is the Department of Labor's (the Department) liaison to Members of Congress (MOCs) as well as state and local government officials and entities. OCIA's primary responsibility is communicating and advocating for the Department's priorities and policies. This effort is accomplished by coordinating and communicating with federal, state, and local elected officials and their staff. Areas covered include, but are not limited to:

- **Legislative Work & Regulatory Action**
 - Reviewing pending and proposed legislation and its impact on the Department
 - Coordinating requests for technical assistance on legislation
 - Providing input on the Department's legislative agenda
 - Monitoring all Department-related legislative actions
 - Developing a strategy for notifying and briefing elected officials on regulatory action at all stages of the process
 - Delivering Congressional Review Act packages to the House & Senate
- **Budget**
 - Managing the roll-out of the President's budget to the Hill
 - Monitoring appropriations bills and riders
 - Advocating for Departmental budget priorities and initiatives
- **Oversight**
 - Leading the Department's efforts on responding to Congressional oversight requests by working in coordination with the Office of the Solicitor
- **Nominations**
 - Managing the Senate confirmation process for all Department nominated officials
- **Outreach & Education**
 - Scheduling, coordinating and preparing Department staff for briefings and meetings
 - Responding to Congressional requests for information
- **Congressional Hearings**
 - Coordinate with agencies on drafting testimony for Congressional hearings
 - Scheduling and preparing Departmental witnesses for Congressional hearings
 - Coordinating responses to QFRs
- **Grants**
 - Issuing notifications to MOCs and state/local elected officials when funding opportunities are announced, providing information on the status of grant solicitations, and notifying when successful applicants are awarded
- **Notifications**
 - OCIA is responsible for notifying Congress when certain instances occur: the death of a miner, a major OSHA incident, the death of a Job Corps student, etc. Agencies are responsible for sharing this information with OCIA timely so that appropriate notifications can occur.

- Casework
 - Managing incoming casework and coordinating with the appropriate agency on responses
- Travel/Event Invitations
 - Notifying staff when the Secretary or Deputy Secretary are scheduled to travel to a specific area, and inviting participation from elected officials when appropriate
 - Determining which invitations from elected officials should be accepted or declined

Organizational Structure

OCIA has 30 FTEs, all of which are Schedule C Political appointees with the exception of five career administrative personnel. OCIA is headed by a Senate-confirmed Assistant Secretary (A/S). Four leadership positions all report to the A/S: one (1) Deputy Assistant Secretary; one (1) Associate Assistant Secretary for Budget & Appropriations; one (1) Chief of Staff; and one (1) Director of Intergovernmental Affairs (IGA).

Key Leadership

- Assistant Secretary: Adri Jayaratne (Acting) (non-career)
- Deputy Assistant Secretary: Nikki McKinney (non-career)
- Associate Assistant Secretary for Budget & Appropriations: Julie Aaronson (non-career)
- Chief of Staff: Andria Oliver (non-career)
- Director of Intergovernmental Affairs: Carrianna Suiter (non-career)

Within the Congressional Affairs office, there is a cadre of Senior Legislative Officers (SLO) whose responsibility is to be the primary liaison between a set of the Department's sub-agencies that they are assigned to as part of their portfolio. Beneath that level of SLOs are Legislative Officers (LOs) who provide support to the SLOs who handle the agencies within the LOs assigned portfolio. LOs also handle the casework for their agencies. Additionally, OCIA has a Senior Counselor position which is the lead for all Congressional oversight related matters for both OCIA and the Department. The Senior Counselor works closely and coordinates with the Office of the Solicitor on oversight related matters.

Within the IGA office, the Deputy Director for IGA reports to the Director. Up to six (6) staff, known as Secretary's Representatives are based in various regions and handle outreach to state and local elected officials and track legislative efforts at the state/local level on Department-related issues. The Secretary's Representatives the only political appointees the Department has outside of the National Office.

30/60/90 Day State of Play

- **Appropriations:** Depending on how Congress decides to fund the government in September 2016, it is likely that negotiations on a long-term CR or Omnibus would be in play in the short term.

- **FY2018 Budget roll-out:** The President’s budget is usually rolled out in February/March.
- **Nominations & Confirmations:** The full slate of Senate-confirmed nominees for the Department will be coming in waves throughout the first weeks of the new Administration. OCIA works closely with White House Legislative Affairs to clear pre-hearing QFRs, Committee paperwork, prep for confirmation hearings, and post-hearing QFRs. Nominees should draft their own testimony, but OCIA staff will review.
- **Secretary hearing on the Budget:** Typically the Secretary has three (3) budget hearings. One each before the House & Senate Labor-HHS Appropriations Subcommittees and a third before the House Education & Workforce Committee. Senate HELP has not traditionally held a budget hearing.
- **Create a list of key staff on the Committees of jurisdiction:** This will make it easy to send notifications.
- **Create a system for handling incoming casework:** OCIA has an email system that was developed in coordination with the IT team here at DOL, but casework will still come in via snail mail, fax and email.
- **Spring Regulatory Agenda Roll-Out:** There is no specific timing for this, but be prepared with a plan to push out the regulatory agenda.
- **Grant/Reports Cycle:**
 - June is a big push for ETA grants that must be awarded before the end of the program year (June 30);
 - September is a big push for grants that must be awarded before the end of the fiscal year (Sept 30). ILAB also releases their child labor reports in September/October.

General Approach to Communicating with Elected Officials

While there will always be unique situations, OCIA’s interactions with the Hill are done on a bipartisan, bicameral basis. Advanced notifications to the Hill—using strict embargo language—is standard operating procedure.

Leadership: OCIA includes staff from the Speaker, Senate Majority Leader, and House and Senate Minority Leaders on major notifications and is in regular touch with leadership staff.

Key Committees:

House	Senate
Education & Workforce	HELP
Ways and Means	Finance
Labor-HHS Appropriations	Labor-HHS Appropriations
HSGAC	OGR
Foreign Relations (ILAB)	Foreign Affairs (ILAB)
Veterans’ Affairs (VETS)	Veteran’s Affairs (VETS)
Budget	Budget

- In some instances, we interact with House & Senate Armed Services on issues related to federal contracting and/or when NDAA is used as a vehicle to address a DOL issue.
- The House and Senate Small Business Committees often hold hearings on issues related to the impact of DOL policies or programs on small businesses.

TAB 2: Office of the Secretary Offices

- The Joint Economic Committee has on occasion invited BLS to testify on jobs numbers or other economic indicators.
- The House/Senate Agriculture Committees will weigh in with DOL on issues related to farms, farming, or the agricultural industry.

IGA Stakeholders: National Governor's Association; National Association of Counties, National League of Cities, US Conference of Mayors, National Conference of State Legislators, State Innovation Exchange and the National Association of Latino Elected Officials.

TAB 3: ADJUDICATION OFFICES

Office of the Administrative Law Judges (OALJ)

Overview

Federal Administrative Law Judges (ALJs) within the DOL's Office of Administrative Law Judges (OALJ) preside over formal hearings concerning many labor-related matters. The OALJ mission is to render fair and equitable decisions under the governing law and the facts of each case. Hearings concerning Black Lung Benefits, Longshore Workers' Compensation and Permanent Alien Labor Certification constitute the largest part of the office's work. The Department's ALJs, however, also hear and decide cases arising from over 65 other labor-related statutes and regulations, including federal contract and wage disputes, requests for mine safety variances, and retaliation cases involving corporate fraud, safety violations in the nuclear, aviation, railway, public transit, and commercial trucking industries and violations of environmental, consumer protection and food safety laws.

Authorizing Legislation

The ALJs conduct these formal hearings under the Administrative Procedure Act (APA), 5 U.S.C. §§ 554-557 where a statute, Executive Order or regulation requires notice and opportunity for a hearing on the record.

Organizational Structure

Federal ALJs are appointed under the APA, 5 U.S.C. § 3105. Their appointments are non-political and based solely on scores achieved in a comprehensive testing procedure administered by the Office of Personnel Management (OPM). Any agency wishing to hire an ALJ must notify OPM of the number and geographic location of its ALJ vacancies. In response to this notice, OPM will generate a "Certificate of Eligibles" for the requesting agency which identifies applicants ranked by the score they achieved on the ALJ examination administered by OPM. Federal agencies may only hire ALJs from the certificate produced by OPM or individuals who are already ALJs with other federal agencies. Federal ALJs constitute the only merit-based judicial corps in the Federal government. There are approximately 1,700 ALJs assigned to 26 Federal agencies. The Department of Labor employs 43 ALJs, all within the OALJ, along with legal and administrative support staff of 129 FTE. DOL's OALJ is the third largest employer of ALJs in the Federal government, with the Social Security Administration employing over 1440 ALJs and the Office of Medicare Hearings and Appeals employing about 75 ALJs.

OALJ's National Office is located in the TechWorld complex at 800 K Street, NW, in Washington, DC. The Executive Judicial Staff at this location consists of a Chief Administrative Law Judge, Stephen R. Henley; an Associate Chief Administrative Law Judge for Black Lung, William S. Colwell; and a vacant Associate Chief Administrative Law Judge position for Immigration and Longshore. The entire agency is supported by the Office of Program Operations under Director, P.J. Soto and Deputy Director, Angel Perez and 16 FTE. OALJ has eight district offices ranging in size from 12 to 19 FTE managed by a District Chief

Administrative Law Judge. These locations are in Washington, DC; Boston, MA; Cherry Hill, NJ; Cincinnati, OH; Covington, LA; Newport News, VA; Pittsburgh, PA; and San Francisco, CA.

OALJ is purely an adjudicatory agency and does not make policy or issue policy statements.

Administrative Review Board (ARB)

Overview

The Secretary has delegated to the ARB the authority to issue final agency decisions for the Secretary in cases arising under a wide range of worker protection laws, primarily involving environmental, transportation, and securities whistleblower protection; H-1B immigration provisions; child labor; employment discrimination; job training; seasonal and migrant workers; and federal construction and service contracts. <https://www.dol.gov/arb/areas.pdf>. The Board's cases generally arise upon appeal from decisions of Department of Labor Administrative Law Judges or the Administrator of the Department's Wage and Hour Division. Depending upon the statute at issue, the parties may appeal the Board's decisions to federal district or appellate courts and ultimately to the United States Supreme Court. The Board's mission is to issue legally correct, just, and timely decisions.

Organizational Structure

The Board offices are located in the Frances Perkins Building. The Chair and Administrative Appeals Judges are appointed by the Secretary for two-year terms, subject to re-appointment. During the last eight years, one Judge resigned and was replaced.

- Chair and Chief Administrative Appeals Judge - Paul M. Igasaki
- Administrative Appeals Judge - E. Cooper Brown
- Administrative Appeals Judge - Joanne Royce
- Administrative Appeals Judge Luis A. Corchado
- Administrative Appeals Judge Anuj C. Desai
- General Counsel - Janet R. Dunlop

Supporting the Board is a staff of seven Attorney-Advisors and two Paralegals. There are no vacant Judge or staff positions. <https://www.dol.gov/arb/members.htm>

Key Initiatives

The Board's Rules of Practice and Procedure are pending final Department review.

Congressional Issues

Senators Charles Grassley and Ron Wyden and Representative Jackie Speier have filed an amici curiae brief in a case before the Board, *Palmer v. Canadian National Railway/Illinois Central Railroad Co.*, ARB No. 16-035, ALJ No. 2014-FRS-154, involving issues of proof in

whistleblower cases arising under the Federal Rail Safety Act, 49 U.S.C.A. § 20109 (Thomson Reuters Supp. 2015).

Benefits Review Board (BRB)

Overview

DOL's BRB was created by Congress in 1972 to review appeals of administrative law judges' decisions arising under the Black Lung Benefits Act, Title IV of the Coal Mine Health and Safety Act, 30 U.S.C. §901 et seq., and the Longshore and Harbor Workers' Compensation Act, 33 U.S.C. §901 et seq., and its extensions, including the Outer Continental Shelf Lands Act, 43 U.S.C. §1331 et seq., the Defense Base Act, 42 U.S.C. §1651 et seq., and the Nonappropriated Fund Instrumentalities Act, 5 U.S.C. §8171 et seq. The Board has authority to resolve appeals under these statutes, filed by any party-in-interest, which raise a substantial question of law or fact, and it reviews the decisions of administrative law judges in order to determine whether the findings are supported by substantial evidence and are in accordance with law. The Board's decisions may be appealed to the U.S. Courts of Appeals in the circuit where the injury arose, and from there to the U.S. Supreme Court. The Board, by statute, consists of five Members appointed by the Secretary of Labor, one of whom is designated as Chairman and Chief Administrative Appeals Judge. Consistent with its statutory mandate, the Board's mission is to issue decisions on the appeals pending before it with expediency, consistency and impartiality.

Organizational Structure

BRB consists of 61 FTEs, and includes the Clerk's Office which services all three of the Adjudicatory Boards. All FTEs are located at the Frances Perkins Building as the Board has no regional presence. The Benefits Review Board has no key vacancies, and has undergone no major organizational changes over the past eight years. Key leadership roles filled by career staff, and are as follows:

- Chairman and Chief Administrative Appeals Judge - Betty Jean Hall
- Vice-Chairman and Administrative Appeals Judge - Ryan C. Gilligan
- Administrative Appeals Judge - Judith S. Boggs
- Administrative Appeals Judge - Greg J. Buzzard
- Administrative Appeals Judge - Jonathan Rolfe
- General Counsel - Loretta Santacrose
- Clerk of the Boards - Thomas O. Shepherd

Initiatives

Along with other internal IT enhancements, the Benefits Review Board began a pilot in FY 2016 leveraging the OWCP Imaging System (OIS) to receive appeals in completely digital format. The Board looks to continue this pilot in FY 2017 to further leverage technology to enhance case processing, and work toward the creation of a comprehensive case tracking system to enable data sharing and improved public access to case information.

Employees' Compensation Appeals Board (ECAB)

Overview

The Board's mission is to hear and decide cases on appeal from decisions of the Office of Workers' Compensation Programs (OWCP) in an impartial and expeditious manner. The decisions of the Board are made in accordance with its statutory mandate, based on a thorough review of the case record as compiled by OWCP and shared through the iFECs application. Injured federal workers have the opportunity for a full evidentiary hearing with OWCP's Branch of Hearings and Review prior to review of the record by the Board.

Authorizing Legislation

ECAB, <http://www.dol.gov/ecab/welcome.html>, was created in 1946 by statute to hear appeals taken from determinations and awards under the Federal Employees' Compensation Act¹ with respect to claims of federal employees injured in the course of their employment. The Board has final authority to determine the liability of the Federal government with respect to the disability or death of employees. The Board hears appeals from decisions and orders of the Department of Labor's Office of Workers' Compensation Programs (OWCP)². There is no further administrative or judicial appeal of ECAB decisions. The Board and its staff, consisting of 34 individuals at present, are located in the national Headquarters office on the northwest section of the Fifth floor.

Organizational Structure

The Board³, by statute, consists of three permanent judges (members) who are appointed by the Secretary and are SL-level employees. One judge is designated as Chairman of the Board, Chief Judge, and administrative manager. To address the increasing number of FECA claims being filed and ECAB's backlog, alternate members were created to increase ECAB's capacity. Alternate members are GS 15-level employees and generally perform the same duties as permanent judges. Due to the reassignment of an alternate member, there is one GS 15 vacancy on the Board.

- Chairman is Chief Judge - Christopher James Godfrey
- Vice Judge and Judge - Patricia Howard Fitzgerald
- Judge - Colleen D. Kiko
- Alternate member - Judge Alec J. Koromilas
- Alternate member - Judge Valerie Evans-Harrell

ECAB also consists of three attorney supervisors who report to the Vice Chair. The attorney supervisors are responsible for supervision of 19 staff attorneys who prepare draft decisions and orders for the Board. There is a docket preparation unit consisting of one supervisor, who reports to the Vice Chair, and four staff who are responsible for preparation and publication of

¹ <https://www.dol.gov/owcp/dfec/regs/compliance/fecafact.htm>

² <https://www.dol.gov/owcp/>

³ <https://www.dol.gov/ecab/members.htm>

TAB 3: Adjudication Offices

final decisions and orders from the Board. The Chairman supervises the work of the Administrative Officer and Budget Analyst of the Adjudicatory Boards. The Chairman has one confidential assistant. ECAB utilizes a consolidated Docket, under the Clerk of the Appellate Boards, which is supervised by the Benefits Review Board (BRB). All decisions and orders of the Board are published for public review following necessary redaction.⁴

⁴ <https://www.dol.gov/ecab/decisions.htm>

TAB 4: ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM

Overview

Congress created the Office of the Ombudsman in October 2004 to provide information and to address the concerns of claimants and potential claimants relating to benefits available under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA). As designed by Congress, the Office has three primary responsibilities: (1) to provide information to claimants and potential claimants, and other interested parties on the benefits available under procedures applicable to the provision of these benefits; (2) to make recommendations to the Secretary of Labor on where to locate resource centers for the acceptance and development of claims; and (3) to submit an Annual Report to Congress by July 30th of each year, setting forth the numbers and types of complaints, grievances, and requests for assistance received by the Ombudsman, and to provide an assessment of the most common difficulties encountered by claimants and potential claimants during the year. Pursuant to EEOICPA, the Office is scheduled to sunset on October 28, 2019. However, it is expected, given the need, for the Office to continue past that date; previously, a Secretary's Order continued the Office beyond a prior sunset date.

Key Personnel

- Ombudsman – Malcolm Nelson (career)

Budget

The Office of the Ombudsman is funded from the same appropriation as DOL's Office of Workers' Compensation Programs (OWCP). Although, the Office is on the same apportionment, organizationally it is fully independent of OWCP and its finances are managed by the budget team that manages OSEC's finances.

TAB 5: BUDGET
Office of the Secretary (OSEC)

OSEC BUDGET AUTHORITY AND FTE SUMMARY

(Dollars in millions)

	FY 2013 Enacted	FY 2014 Enacted	FY 2015 Enacted	FY 2016 Enacted	FY 2017 Request
Budget Authority	\$31.0	\$31.0	\$31.0	\$31.0	\$37.4
FTE	120	122	136	130	161

At-A-Glance

- The Program Direction and Support (PDS) activity is a component of the Departmental Management (DM) appropriation and receives General Funds. The activity includes the following offices:
 - The Office of the Secretary of Labor;
 - The Office of the Deputy Secretary of Labor;
 - The Office of Congressional and Intergovernmental Affairs;
 - The Center for Faith-based and Neighborhood Partnerships; and
 - The Office of Public Engagement.
- ExecSec is funded out of the Working Capital Fund.
- Budget information for Adjudication provided with the Adjudication materials below.

Budget and FTE Trends

- From FY 2009 to FY 2010, PDS’s budget increased from \$25.8 million to \$33.2 million. The FY 2010 President’s Budget requested additional resources for the Office of Recovery for Auto Communities and Workers (ORACW) and to support implementation of the American Reinvestment and Recovery Act (ARRA). In FY 2011 and FY 2012, resources were shifted from PDS to other DM activities to address deficits.
- Actual FTE use increased along with the increased budget authority. Actual FTE use was 109 in FY 2009 and 121 in FY 2016.
- PDS’s budget authority was reduced by a total of \$1.7 million in FY 2013 due to sequestration and a small rescission.

Program Direction and Support Funding, FY 2016

(Dollars in millions)

Office of the Secretary	\$5.1
Office of the Deputy Secretary of Labor	\$1.3
Office of Congressional and Intergovernmental Affairs	\$4.2
Center for Faith-based and Neighborhood Partnerships	\$1.0
Office of Public Engagement	\$0.9

Upcoming Issues

- The FY 2017 Budget request also included resources under PDS for the implementation of the Fair Pay and Safe Workplaces executive order. In FY 2016, Congressional report language stated that the Department was not to use resources for the creation of an office to implement this executive order, so the FY 2017 request was modified to clarify that no new office would be created.

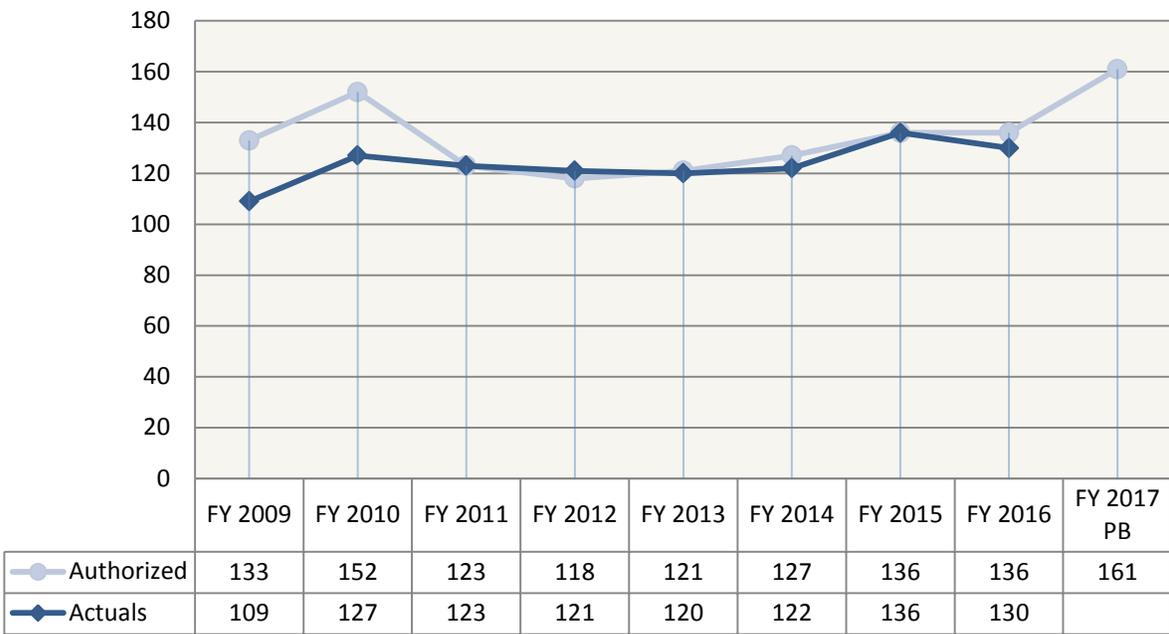
PDS

Request vs. Enacted, FY 2009-FY 2016
(Dollars in millions)



PDS

Authorized FTE vs. Actuals, FY 2009-2017



Adjudication

Budget Authority and FTE Summary

(Dollars in millions)

	FY 2013 Enacted	FY 2014 Enacted	FY 2015 Enacted	FY 2016 Enacted	FY 2017 Request
Budget Authority	\$44.5	\$45.7	\$50.3	\$52.7	\$58.8
FTE	243	241	254	257	292

At-A-Glance

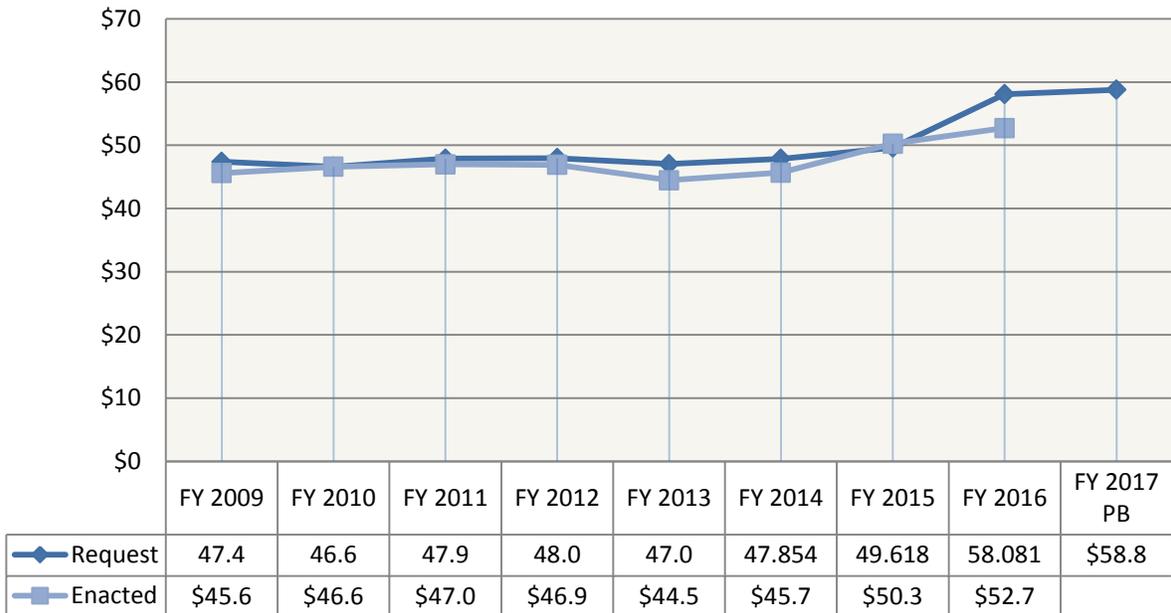
- The Adjudication budget activity is funded in the Departmental Management (DM) appropriation. The activity is made up of the Office of Administrative Law Judges (OALJ) and the Adjudicatory Boards (the Boards), which are the Benefits Review Board (BRB), the Employees' Compensation Appeals Board (ECAB), and the Administrative Review Board (ARB).
- Adjudication is funded by both general funds and the Black Lung Disability Trust Fund (BLDTF). The BLDTF supports staff and expenses in OALJ and the BRB to adjudicate cases related to black lung benefits.
- The head tables and subsequent graphs include both general fund and BLDTF resources. In FY 2016, Adjudication was appropriated \$32.0 million in general funds and \$20.7 million from the BLDTF.
- As a mandatory appropriation, BLDTF has been subject to sequestration since FY 2013. The FY 2016 sequestration percentage was 6.8 percent.

Budget and FTE Trends

- From FY 2009 to FY 2016, Adjudication's overall budget authority increased from \$45.6 million in FY 2009 to \$52.7 million in FY 2016, with a reduction to \$4.5 million in FY 2013 due to sequestration.
- The majority of the net change in budget authority was the result of an increase in BLDTF authority in FY 2015 for OALJ. Beginning in FY 2014, the appropriations committees put significant attention on the backlog of black lung cases before OALJ. An additional \$4.6 million above the FY 2015 enacted level was provided in the BLDTF to reduce this backlog in black lung cases. The funding was used to hire additional administrative law judges and support staff, as well as make IT investments to improve efficiency.
- In addition, the activity was appropriated an additional \$2.6 million in general funds in FY 2016. The report language did not specify where this increase should be directed, although there were two program increases in the FY 2016 President's Request for OALJ (\$3.0 million to adjudicate immigration cases and \$2.0 million to provide resources for productivity increases).
- Due to the combination of cost increases (primarily for shared services and personnel) and flat appropriations, the Boards have run deficits in FY 2015 and FY 2016. While the Department has requested resources for these inflationary increases, they have not been included in the enacted appropriations at sufficient levels. The Department has managed these deficits by reducing spending in OALJ and in other DM activities.

Adjudication

Request vs. Enacted, FY 2009-FY 2016
(Dollars in millions)



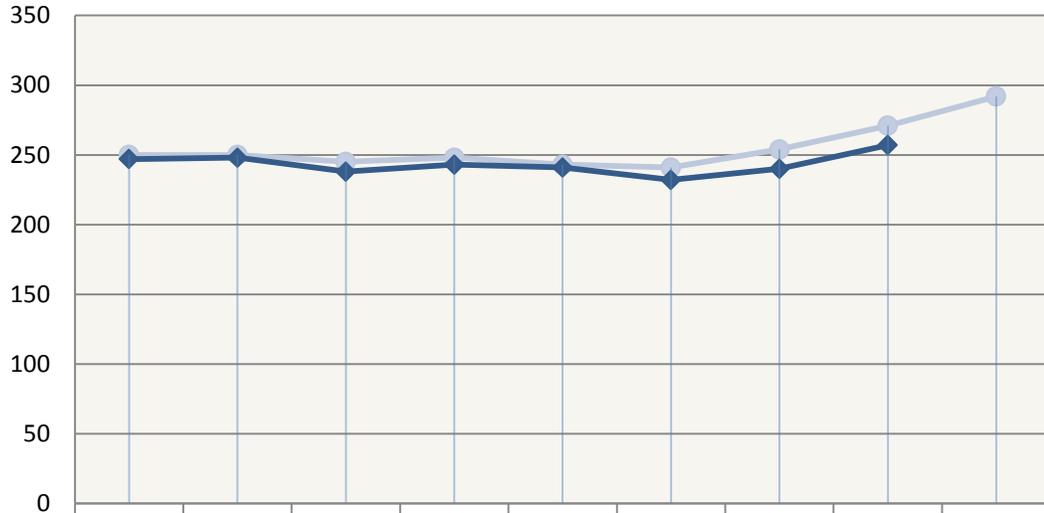
Adjudication

FY 2009 Inflation Adjusted BA vs. FY 2009-FY 2016
Enacted BA
(Dollars in millions)



Adjudication

Authorized FTE vs. Actuals, FY 2009-2017



- To meet the reduced funding in sequestration in FY 2013, all offices in the Adjudication activity had to furlough staff. Performance targets were adjusted downward for all activities.

Upcoming Issues

- (b) (5)