

**The U.S. Occupational Safety and Health Review Commission**

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**OSHRC**

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**FISCAL YEAR 2021**

**PERFORMANCE BUDGET AND JUSTIFICATION**



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February 2020

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**Fiscal Year 2021**  
**Performance Budget and Justification**

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# **I. INTRODUCTION – MISSION, VISION, AND STRATEGIC GOALS**

# **The U.S. Occupational Safety and Health Review Commission**

## **Our Mission**

The U.S. Occupational Safety and Health Review Commission (OSHRC or Review Commission) is an independent adjudicatory agency created by the Occupational Safety and Health Act of 1970 (the Act). The sole statutory mandate is to serve as an administrative court providing fair and expeditious resolution of disputes involving the Occupational Safety and Health Administration (OSHA), employers charged with violations of federal safety and health standards, and employees and/or their representatives. The Review Commission was created by Congress as an agency independent of the Department of Labor to ensure that OSHA's enforcement actions are carried out in accordance with the law and that parties are accorded due process.

## **Functions and Procedures**

The Act and the Review Commission's Rules of Procedure provide two levels of adjudication when an employer timely contests an OSHA citation. The first level affords an employer and/or affected employee who files a timely notice of contest with the opportunity for a hearing before a Review Commission Administrative Law Judge (ALJ). The ALJ's decision becomes a final order under the Act unless a member of the three-member Commission exercises their discretion to direct the case for review. The second level involves the Commission's review of an ALJ decision. The Commission's three members, appointed by the President and subject to Senate confirmation, serve six-year terms. The principal (National) office of the Review Commission is located in Washington, DC. There are also regional offices in Atlanta and Denver, where additional Review Commission ALJs and staff are assigned. Before both its ALJs and the Commission members, the agency seeks to provide fair, impartial, and timely adjudication of cases concerning the safety and health of employees' working conditions in the United States.

## **Vision Statement**

The Review Commission strives to be:

- An adjudicative body that is, and is recognized for being objective, fair, prompt, professional, and respected.
- An agency that creates a body of law through its decisions that define and clarify the rights and responsibilities of employers and employees under the Act.
- A model federal agency with highly effective processes, a highly motivated, qualified and diverse workforce, and modern information management, communications, and administrative systems.
- An agency that values teamwork, develops its employees, and strives to improve its performance, service, and value to the American people.

## Strategic Goals

The Review Commission has set measurable, outcome-oriented objectives that advance the agency's ability to meet its strategic goals. The agency has included its strategic goals and objectives and their associated measures in its Strategic Plan (FY 2018 – FY 2022) and as part of its performance budget. OSHRC has four overarching strategic goals:

1. Promptly and fairly resolving the cases before it, including reducing the average age of Review-level cases;
2. To the extent consistent with the agency's statutory authority and responsibilities, seeking to enhance the transparency of its operations;
3. Promoting organizational excellence, including a culture of professionalism, mutual respect, and organizational pride, and ensuring that staff members are adequately trained and developed; and
4. Managing agency resources in a manner that instills public trust, including using information and technology to monitor, evaluate, and improve programs and processes in order to better accomplish the agency's mission.

## **II. BUDGET REQUEST SUMMARY**

## **Budget Request Summary**

The U.S Occupational Safety and Health Review Commission (Review Commission or OSHRC) requests an appropriation of \$13,721,000 to continue its mission of adjudicating OSHA-issued workplace safety citations, fund essential agency programs, support 63 full-time equivalent (FTE) positions, and maintain our electronic filing (e-filing) system in fiscal year (FY) 2021. We are requesting two additional Attorney-Advisor positions to assist with the ALJ caseload. This funding request would also allow us to fulfill our legislative mandate to serve as an administrative court providing fair and prompt resolution of disputes involving OSHA, employers charged with violations of federal safety and health standards, and employees and/or their representatives. This request supports the goal in the Review Commission's Strategic Plan to improve service to the public.

Our FY 2021 estimated costs, which combined total \$13,721,000, include:

- \$10,181,110 to support payroll and related costs for 63 FTE positions. These costs are approximately 74 percent of the Review Commission's budget request.
- \$1,638,690 for office space rent.
- \$444,750 for services provided by other federal agencies, such as support for financial and administrative services provided by the Bureau of the Fiscal Service (BFS) and personnel and payroll services provided by the National Finance Center (NFC).
- \$105,000 to support and maintain OSHRC's e-filing system. The e-filing system directly supports our annual performance plan's goals and targets, promotes transparency, supports technology improvements, and integrates business process automation to improve accuracy and efficiency in case management practices. This budget request includes \$55,000 for licensing and \$50,000 for customized reporting and continued enhancements to the e-filing system.
- \$1,351,450, the remaining amount, to be used for travel expenses for ALJs to hold hearings, court reporting services, management of the language access plan, the annual financial audit, the Federal Information Security Management Act (FISMA) audit, employee training and development, the maintenance and purchase of equipment, to enable the Review Commission to complete its annual performance plan goals and targets, and to implement government-wide and Review Commission specific transparency initiatives.

# **III. APPROPRIATIONS LANGUAGE**

**FY 2021**

## **Appropriations Language**

**U.S. OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION**

### **SALARIES AND EXPENSES**

**FOR EXPENSES NECESSARY FOR THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION, [*\$13,225,000*] *\$13,721,000*. (DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2020.)**



**IV. PERFORMANCE  
BUDGET JUSTIFICATION  
BY ORGANIZATIONAL  
UNIT**

## Performance Budget Justification

The Review Commission has three main units which function in concert to achieve the agency’s overarching mission:

1. The Administrative Law Judge function;
2. The Commission function; and
3. The Office of the Executive Director function.

Each unit has staff and resources assigned exclusively to it, but all three units work collaboratively to meet or exceed the Review Commission’s strategic goals. This separation of staff between the ALJs and Commissioners stems principally from the nature of their functions, so that each review level is, in fact and in appearance, independent of the other. The Office of the Executive Director (OEXD) function supports the ALJ and Commission functions, as well as the agency’s strategic planning efforts.

Funding and staffing by function is as follows:

<b>FUNDING (IN MILLIONS) AND FTE BY FUNCTION</b>						
	<b>FY 2019 Actual</b>		<b>FY 2020 Enacted</b>		<b>FY 2021 Request</b>	
	<b><u>\$</u></b>	<b><u>FTE</u></b>	<b><u>\$</u></b>	<b><u>FTE</u></b>	<b><u>\$</u></b>	<b><u>FTE</u></b>
<b>Administrative Law Judge</b>	6.9	24	5.5	25	5.8	27
<b>Commission</b>	4.3	15	5.9	28	6.1	28
<b>Executive Director</b>	2.0	7	1.8	8	1.8	8
<b>Total</b>	<b>13.2</b>	<b>46</b>	<b>13.2</b>	<b>61</b>	<b>13.7</b>	<b>63</b>

## **Administrative Law Judge Function**

The front line of our agency's delivery of services to the American public rests with the Administrative Law Judges (ALJs or Judges). Our Judges travel around the country to conduct formal hearings and related proceedings in a fair, just, and expeditious manner. This function is directly related to achieving the public service goal of fair, just, and expeditious adjudication of disputes brought before the Review Commission and its ALJs.

The ALJs report through the Chief Judge to the Chairman of the agency. However, they act independently when arriving at case decisions. The Review Commission's procedural rules are similar to the Federal Rules of Civil Procedure and are designed and administered to secure the just and timely determination of every contested case. In the absence of a specific Review Commission rule, the Federal Rules apply.

### **Proceedings Before the Review Commission's Administrative Law Judges**

The events leading to the presentation of an OSHA case before a Review Commission Judge follow an established procedure, and they are designed to provide all parties with a fair hearing and swift adjudication of their case. To contest all or part of a citation, penalty, or abatement period, an employer must file a notice of contest with the Secretary of Labor within 15 working days of receipt of the citation issued by OSHA. The Secretary of Labor transmits the notice of contest and all relevant documents to the Review Commission's Executive Secretary for filing and docketing. After the case is docketed, it is forwarded to the Office of the Chief Administrative Law Judge (OCALJ) for assignment to an ALJ. The case is generally assigned to an ALJ in the Review Commission office closest to where the alleged violation occurred. Thereafter, the Judge has full responsibility for all pre-hearing and pre-trial procedures and is charged with providing a fair and impartial hearing in an expeditious manner and rendering a decision promptly.

### **Administrative Law Judge Operations**

The Review Commission strives to expedite the judicial process in a fair and impartial manner, and to strengthen its settlement procedures and case management responsibilities by constantly monitoring its Simplified Proceedings and Mandatory Settlement Part programs. The ALJ function handles a caseload that continues to grow in complexity as reflected by the increased number and complexity of OSHA citations over the last several years.

OSHA completed 33,401 inspections in FY 2019, and it estimates it will complete 33,293 in FY 2020 and 33,793 inspections in FY 2021. Over the last several years the number of citations being contested by employers has remained high, resulting in a high number of contested cases being docketed at the Review Commission. This is due in part to the increase in penalty levels OSHA is required to implement annually pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Public Law 114-74, Sec. 701)<sup>1</sup>, which impacts the

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<sup>1</sup> Under the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, OSHA is required to adjust its minimum and maximum penalty amounts to account for inflation.

rate of contested cases. In FY 2017, the Review Commission docketed 2,168 contested cases; 2,144 in FY 2018; 2,017 in FY 2019; and it estimated there will be 2,300 in FY 2020 and 2,400 in FY 2021.

In addition to the high number of contested cases the Review Commission has received since the implementation of the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, OSHA's emphasis in recent years has been on serious workplace hazards, and the consequent increase in proposed penalties has translated into more complicated cases and more costly hearings (e.g., cases involving heat stress, lock-out/tag-out, workplace violence, confined spaces, health care hazards, asbestos, process safety, construction industry hazards). Over the past few years, the Review Commission has noted an increase in the complexity of cases handled by ALJs. We attribute this trend to two factors. First, OSHA has increasingly focused its attention on encouraging more resource and time-intensive inspections. Second, the Department of Labor's Office of the Solicitor has decided to leverage litigation resources and focus less on high volume in favor of high-impact strategic cases. The increase in the complexity of cases challenges the Review Commission because our ALJs must invest a greater amount of time in handling those matters.

The complexity of these cases is the result of the existence of one or a combination of the following:

- Intricacies of the law (complex questions of law);
- Volume of documents, including transcripts;
- Large number of witnesses (including expert witnesses in fields such as engineering, architecture, construction, soil, physics, epidemiology, pathology, neurology, and infectious diseases);
- Number of alleged violations, items, and affirmative defenses (including distinct and separate items); or
- Technical, novel, difficult, or new issues raised, such as cases involving workplace violence, heat stress, asbestos, ergonomics, process safety management, and/or confined spaces.

Under Commission Rule 120, 29 Code of Federal Regulations (CFR) § 2200.120, and where the parties consent, the Chief Judge may assign a Settlement Judge to a pending proceeding to aid the parties in disposing of the case. Where the aggregate amount of the penalty sought by the Secretary of Labor is \$180,000 or greater, the Mandatory Settlement procedure goes into effect. The Settlement Judge appointed by the Chief ALJ has full control of the proceeding and may require that the parties' representatives be accompanied at the settlement conference by officials having full settlement authority. This procedure has aided the Commission in disposing of some extremely complex cases, with the approval of all parties (if settlement efforts are not successful, the case may be assigned to a different Judge for trial).

The Simplified Proceedings process includes cases where the total proposed penalty is not more than \$20,000, or up to \$30,000 when found eligible by the Chief Judge. The Simplified Proceedings process allows parties with relatively simple cases to have their “day in court” unencumbered by formal procedural and evidentiary rules, while ensuring that due process requirements will be maintained. Under this process, a business, with or without counsel, can present its case before an ALJ and receive a prompt decision. Most paperwork, including legal filings, has been eliminated so that justice can be rendered swiftly and inexpensively. The process reduces the time and legal expenses to employers contesting relatively small penalty cases.

In FY 2019, approximately 27 percent of new cases were assigned to Simplified Proceedings. The Review Commission also projects that approximately 28 percent of new cases will be assigned to the Simplified Proceedings process in FY 2020 and approximately 27 percent in FY 2021.

**Simplified Proceedings Case Activity**

**FY 2016 through FY 2021**

	<b>FY 2016 <u>Actual</u></b>	<b>FY 2017 <u>Actual</u></b>	<b>FY 2018 <u>Actual</u></b>	<b>FY 2019 <u>Actual</u></b>	<b>FY 2020 <u>Estimate</u></b>	<b>FY 2021 <u>Estimate</u></b>
New Cases	2,183	2,168	2,144	2,017	2,300	2,400
Cases Assigned to Simplified Proceedings	738	630	649	550	650	650

**Anticipated Administrative Law Judge Workload for FY 2021**

Four major factors impact the ALJs’ workload: (1) the quantity, magnitude, and nature of the cases; (2) the utilization of the Simplified Proceedings process; (3) the time, effort, and complexity of cases assigned to the Mandatory Settlement process; and (4) the number of trials held and their length and complexity.

The number of OSHA inspections and their focus also affects the Review Commission’s caseload. In particular, inspections of high hazard workplaces – especially those with high injury and illness rates, fatalities, repeat offenders, and egregious violations – generally result in larger contestable proposed penalties. These inspections tend to result in more complex and contentious cases, which consume extensive time. The discovery process is lengthy and time-consuming, motion practice is expanded, legal research and decision-writing time is protracted, and, of necessity, the trial process is elongated and complicated.

### Administrative Law Judge Workloads

The following table provides actual Administrative Law Judge workloads for FY 2016 – FY 2019 and estimated workloads for FY 2020 and FY 2021.

	<b>FY 2016</b> <u>Actual</u>	<b>FY 2017</b> <u>Actual</u>	<b>FY 2018</b> <u>Actual</u>	<b>FY 2019</b> <u>Actual</u>	<b>FY 2020</b> <u>Estimate</u>	<b>FY 2021</b> <u>Estimate</u>
<b>OSHA Inspections<sup>2</sup>:</b>	31,948	32,369	32,020	33,401	33,293	33,793
<b>Administrative Law Judge Workload:</b>						
<b>A. Case Inventory, Start of Year</b>	1,099	1,109	1,129	1,064	1,248	1,248
<b>B. New Cases</b>	2,183	2,168	2,144	2,017	2,300	2,400
<b>C. Total Caseload</b>	<b>3,282</b>	<b>3,277</b>	<b>3,273</b>	<b>3,081</b>	<b>3,548</b>	<b>3,648</b>
<b>D. Disposals</b>						
<b>(1) With Hearing</b>	42	44	38	35	40	45
<b>(2) Mandatory Settlement Conferences</b>	86	85	45	35	60	65
<b>(3) Without Hearing</b>	2,045	2,019	2,126	1,763	2,200	2,250
<b>E. Total Dispositions</b>	<b>2,173</b>	<b>2,148</b>	<b>2,209</b>	<b>1,833</b>	<b>2,300</b>	<b>2,360</b>
<b>Total Case Inventory, End of Year</b>	<b>1,109</b>	<b>1,129</b>	<b>1,064</b>	<b>1,248</b>	<b>1,248</b>	<b>1,288</b>

<sup>2</sup> Provided by OSHA.

## Staffing

The OCALJ requires 27 FTE positions in FY 2021, an increase of 2 FTE over the 2020 Enacted level, to support the workload based on OSHA's planned inspections and contest rates in the coming years and to meet performance targets, given the number and complexity of the cases anticipated.

The complexity of the cases increased the time required to resolve cases at the ALJ level. Factors leading to the increased complexity of cases include OSHA's focus on encouraging more resource and time-intensive inspections, as well as the Office of the Solicitor's decision to leverage litigation resources and focus away from high-volume and in favor of high-impact strategic cases. The increase in complexity of cases is a challenge for the Review Commission because processing such cases requires the Judges to invest a greater amount of time in handling the matters and places an increased demand on the FTE positions assigned to handle the volume of cases. Therefore, we are requesting two additional Attorney-Advisor positions to assist with the ALJ caseload. This request supports the goal in the Review Commission's Strategic Plan to improve service to the public.

The Chief Administrative Law Judge manages the effort to meet the agency's goals at the Administrative Law Judge level to include:

- Reviews and screens all docketed cases, determines their level of complexity, and assigns each case to an Administrative Law Judge;
- Exercises strong management and monitors the progress of cases in order to ensure that performance goals are met;
- Supervises judicial and administrative staff and ensures that they receive appropriate training to perform their responsibilities; and
- Examines judicial case management practices of other entities to ensure that OSHRC's procedures are as efficient as possible.

<b><u>FUNDING (IN MILLIONS) AND FTE</u></b>						
	<b><u>FY 2019 Actual</u></b>		<b><u>FY 2020 Enacted</u></b>		<b><u>FY 2021 Request</u></b>	
	<b><u>\$</u></b>	<b><u>FTE</u></b>	<b><u>\$</u></b>	<b><u>FTE</u></b>	<b><u>\$</u></b>	<b><u>FTE</u></b>
<b>Administrative Law Judge Function</b>	6.9	24	5.5	25	5.8	27

**Strategic Plan and Outcome Goals**

In accordance with Public Law 111-352, the Government Performance and Results Modernization Act of 2010 (GPRA Modernization Act of 2010) and Public Law 103-62, the Government Performance and Results Act (GPRA) of 1993, the Review Commission revised its Strategic Plan for FY 2018 through FY 2022. The revised plan focuses on four goals of (1) Promptly and fairly resolving the cases before it, including reducing the average age of Review-level cases; (2) Enhancing transparency of its operations; (3) Promoting organizational excellence; and (4) Managing agency resources in a manner that instills public trust. It also identifies innovative and comprehensive strategies to achieve strategic goals and objectives. The Review Commission’s Strategic Plan for FY 2018 – FY 2022 includes the following goals and outcomes related to this function:

<b><u>Public Service Goal</u></b>	<b><u>Outcome Goals</u></b>
<p><i>Promptly and fairly resolving cases, including reducing the average age of cases pending at the agency.</i></p>	<ul style="list-style-type: none"> <li>• Develop and implement case management practices that will minimize the average age of all pending ALJ-level cases.</li> <li>• Ensure that a significant proportion of both complex and non-complex cases at the ALJ level are resolved within one year to 20 months from docketing.<sup>3</sup></li> <li>• Provide training opportunities to (1) ALJs and (2) all attorneys and support staff, in order to enhance their capabilities on technical and legal issues, legal writing, ethics, and technology and case management.</li> </ul>

OCALJ will advance this strategic goal through the following strategies:

1. Expedite the assignment of cases to ALJs.
2. Use objective criteria to designate complex cases and track the processing of these cases.
3. Closely monitor case performance and improve case management information systems and reports.

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<sup>3</sup> Complex cases have one or more of the following characteristics: intricacies of the law; number of parties; volume of documents, including transcripts; large number of witnesses (including expert witnesses in such fields as engineering, architecture, construction, soil, physics, epidemiology, pathology, neurology, and infectious diseases); length of the trial; large proposed penalties; number of alleged violations, items (including distinct and separate items), and affirmative defenses; technical, novel, difficult or new standards raised; type of cases, such as those involving toxins (such as asbestos and lead); or extensive pre-trial discovery, including large numbers of interrogatories, conferences, and motions.



4. Conduct early review and screen potentially complex cases to expedite the disposition of such cases.
5. Implement appropriate changes in the agency’s Rules of Procedure to improve case processing (e.g., Mandatory Settlement Part and Simplified Proceedings), and seek new ADR methods, including a review of recommendations resulting from the evaluation of the Mandatory Settlement Part.
6. Provide training to all Judges on a variety of subjects, including technical and legal issues, legal writing, case management, and ADR to help them develop services and processes equal to the very best in judicial arenas.
7. Continue to use a team of Judges to handle, on a rotational basis, extremely complex cases and assign appropriate staff to timely process and monitor such cases, including settlement discussions.

The following are the performance goals for the OCALJ for fiscal years 2017 through 2021:

<b><u>Outcome Goals</u></b>	<b><u>Performance Measures</u></b>	<b>FY 2017 Actual (Target)</b>	<b>FY 2018 Actual (Target)</b>	<b>FY 2019 Actual (Target)</b>	<b>FY 2020 (Target)</b>	<b>FY 2021 (Target)</b>
Develop and implement case management practices that will minimize the average age of all pending ALJ-level cases.	Whether new case management practices have been developed and implemented.	New goal developed to support the FY 2018 – FY 2022 Strategic Plan.	Less than 75% of all pleadings received in our electronic filing system were initiated electronically.  <b>Target not met</b> (75% of all pleadings received in our electronic filing system would have been initiated electronically)	95% of all pleadings received in our electronic filing system were initiated electronically.  <b>Target not met</b> (100% of all pleadings received in our electronic filing system would have been initiated electronically)	100% of all pleadings received in our electronic filing system would have been initiated electronically.	100% of all pleadings received in our electronic filing system would have been initiated electronically.

<b><u>Outcome Goals</u></b>	<b><u>Performance Measures</u></b>	<b>FY 2017 Actual (Target)</b>	<b>FY 2018 Actual (Target)</b>	<b>FY 2019 Actual (Target)</b>	<b>FY 2020 (Target)</b>	<b>FY 2021 (Target)</b>
Ensure that a significant proportion of both complex and non-complex cases at the ALJ level are resolved within one year to 20 months from docketing. <sup>4</sup>	-Percent of simplified cases disposed of within one year at ALJ level.	-Dispose of 95% of simplified cases within one year. 95% <b>Target met</b>	-Dispose of 95% of simplified cases within one year. 97% <b>Target met</b>	-Dispose of 95% of simplified cases within one year. 96% <b>Target met</b>	-Dispose of 95% of simplified cases within one year.	-Dispose of 95% of simplified cases within one year.
	-Percent of conventional cases disposed of within 17 months.	-Dispose of 90% of conventional cases within 17 months. 88% <b>Target not met</b>	-Dispose of 90% of conventional cases within 17 months. 95% <b>Target met</b>	-Dispose of 90% of conventional cases within 17 months. 95% <b>Target met</b>	-Dispose of 90% of conventional cases within 17 months.	-Dispose of 90% of conventional cases within 17 months.
	-Percent of settlement part cases disposed of within 19 months.	-Dispose of 98% of settlement part cases within 19 months. 93% <b>Target not met</b>	-Dispose of 95% of settlement part cases within 19 months. 96% <b>Target met</b>	-Dispose of 95% of settlement part cases within 19 months. 93% <b>Target not met</b>	-Dispose of 95% of settlement part cases within 19 months.	-Dispose of 95% of settlement part cases within 19 months.
	-Percent of complex cases disposed of within 20 months at ALJ level.	-Dispose of 95% of complex cases within 20 months. 86% <b>Target not met</b>	-Dispose of 95% of complex cases within 20 months. 86% <b>Target not met</b>	-Dispose of 95% of complex cases within 20 months. 85% <b>Target not met</b>	-Dispose of 95% of complex cases within 20 months.	-Dispose of 95% of complex cases within 20 months.

<sup>4</sup> Except for mandatory settlement cases, which are assigned by the Chief Judge upon receipt from the Office of the Executive Secretary, Judges are not assigned cases until initial pleadings have been filed. This assignment generally occurs approximately 90 to 120 days after the case has been docketed due to the parties' frequent requests for extensions of time for filing initial pleadings.

<b><u>Outcome Goals</u></b>	<b><u>Performance Measures</u></b>	<b>FY 2017 Actual (Target)</b>	<b>FY 2018 Actual (Target)</b>	<b>FY 2019 Actual (Target)</b>	<b>FY 2020 (Target)</b>	<b>FY 2021 (Target)</b>
Improve training opportunities for ALJs.	Time and resources dedicated to judicial training with special emphasis on mediation and dispute resolution.	Pro rata share of the agency's training resources was devoted.  <b>Target met</b> (Continue to designate a pro rata share of the agency's training resources)	New goal developed to support the FY 2018 – FY 2022 Strategic Plan.	New goal developed to support the FY 2018 – FY 2022 Strategic Plan.	New goal developed to support the FY 2018 – FY 2022 Strategic Plan.	New goal developed to support the FY 2018 – FY 2022 Strategic Plan.
Provide training opportunities to (1) ALJs and (2) all attorneys and support staff, in order to enhance their capabilities on technical and legal issues, legal writing, ethics, and technology and case management.	Increased attendance and participation in training opportunities, internal and/or external, for ALJs and all attorneys and support staff.	New goal developed to support the FY 2018 – FY 2022 Strategic Plan.	Training opportunities were offered to all ALJs, attorneys and support staff.  <b>Target met</b> (Attendance and participation by ALJs and attorneys and support staff, at no less than one training opportunity annually, internally and/or externally)	Training opportunities were provided to all ALJs, attorneys and support staff. Attorneys attended live hearings for professional growth.  <b>Target met</b> (Attendance and participation in at least one training opportunity devoted to management of electronic documents prior to and during hearings (i.e., e-filing, electronic discovery, or electronic exhibits))	Attendance and participation in at least one training opportunity devoted to management of electronic documents prior to and during hearings (i.e., e-filing, electronic discovery, or electronic exhibits).	Attendance and participation in at least one training opportunity devoted to management of electronic documents prior to and during hearings (i.e., e-filing, electronic discovery, or electronic exhibits).

<b><u>Outcome Goals</u></b>	<b><u>Performance Measures</u></b>	<b>FY 2017 Actual (Target)</b>	<b>FY 2018 Actual (Target)</b>	<b>FY 2019 Actual (Target)</b>	<b>FY 2020 (Target)</b>	<b>FY 2021 (Target)</b>
Publish significant procedural decisions and non-dispositive orders separately from other decisions.	Key decisions and orders published within 4 months of the order.	15 key decisions and orders published.  <b>Target not met</b> (20 key decisions and orders published)	New goal developed to support the FY 2018 – FY 2022 Strategic Plan.	New goal developed to support the FY 2018 – FY 2022 Strategic Plan.	New goal developed to support the FY 2018 – FY 2022 Strategic Plan.	New goal developed to support the FY 2018 – FY 2022 Strategic Plan.

## **Commission Function**

OSHRC's Commissioners are appointed by the President and confirmed by the Senate, and they serve as an appellate level of review. The Commissioners review and decide cases contested under the Act, following an initial decision by an ALJ. This appellate level of review must be prompt, fair, and protective of the parties' rights.

### **Proceedings Before the Commission**

The Review Commission adjudicates contested cases independently from the enforcement and rule-making functions vested in OSHA. Disputed enforcement proceedings are tried initially before OSHRC Judges. The Commission members may then review an ALJ's decision.

Each Commission member has the discretionary authority to direct for review by the full Commission any case decided by any Judge. Absent such a direction for review, the decisions of the ALJs becomes a final order of the Review Commission by operation of law. Once a case is directed for review, the Commission members have the authority to review all aspects of the case, including the Judge's findings of fact, conclusions of law, penalty assessments, and abatement orders.

Each Commissioner has a Chief Counsel who is responsible for providing assistance and advice on all pending matters, determining whether cases are appropriate for Commission review, and the proper disposition of motions and cases. The Chief Counsel also aids the Commissioner in researching, drafting, and editing opinions after the Commission decides a case.

The Office of the General Counsel (OGC) provides legal advice and assists the Review Commission in complying with the various laws, regulations, and executive orders governing its operations. OGC has primary responsibility for preparing and presenting factual and legal analyses to assist Commission members in adjudicating appeals and in the issuance of their opinions; OGC also provides legal advice agency-wide on ethics, the Freedom of Information Act (FOIA), Equal Employment Opportunity (EEO), procurement, appropriations, the Privacy Act, and other areas.

The Commission function also includes the work of the Office of the Executive Secretary, which is responsible for docketing cases at both the ALJ and Commission levels. The Executive Secretary serves as the Records Management Officer in coordination with the National Archives and Records Administration (NARA).

### **Commission Operations**

The Commissioners strive to minimize the time for deciding cases. Aided by improved case management technology, the Commission seeks to strengthen the internal processes by which a case is prepared for decision. Three external factors that have a major impact on the operations of the Commission are: (1) the presence of a quorum; (2) the size and complexity of cases; (3) and the novelty of the issues presented for review.

The Act requires a quorum of two Commissioners to take official action, therefore decisions require the affirmative vote of two Commissioners. During periods when the Commission lacks a quorum, no cases can be decided. During periods when there are only two Commissioners, it may be more difficult to reach agreement sufficient to dispose of some cases. In cases where such agreement cannot be reached, deadlocks result, and action on important issues and issuance of some pending cases may be delayed.

The Commission operated without a full complement of Commissioners for six months in FY 2019. This was the result of one Commissioner resigning as of March 29, 2019, and another Commissioner's term expiring as of April 27, 2019. Despite not having a full complement of Commissioners for half of the FY, the Commission resolved 13 cases and met two of its four GPRA goal targets at the Commission level.

Historically, the number of safety and health inspections carried out by OSHA each year, the nature of those inspections, and the rate at which employers choose to contest the citations issued and penalties proposed by OSHA all have an impact on the number of cases before the Review Commission. In addition, OSHA's emphasis during recent years on more serious workplace hazards and the consequent increase in proposed penalties has translated into more complicated cases. This means the complexity and size of the cases at the ALJ and Commission levels have increased significantly in recent years.

### **Anticipated Commission Workload for FY 2021**

The Commission focuses on solid case production, including deciding and issuing decisions in older cases in an effort to reduce case inventory. In FY 2019, the Commission had 22 cases pending on its docket at the beginning of the year. It received 10 new cases and resolved 13 cases by year-end. Thus, the Commission entered FY 2020 with 19 cases pending review. During FY 2020, the Commission estimated receiving 15 new cases and resolving 14 cases, ending FY 2020 with 20 cases pending review. For FY 2021, the Commission anticipates receiving 15 new cases, and disposing of 17 cases, ending that year with an inventory of 18 cases.

	<b><u>FY 2016</u></b> <b><u>Actual</u></b>	<b><u>FY 2017</u></b> <b><u>Actual</u></b>	<b><u>FY 2018</u></b> <b><u>Actual</u></b>	<b><u>FY 2019</u></b> <b><u>Actual</u></b>	<b><u>FY 2020</u></b> <b><u>Estimate</u></b>	<b><u>FY 2021</u></b> <b><u>Estimate</u></b>
<b>New Cases:</b>						
Cases Directed for Review:	14	12	14	8	13	13
<b>Other New Cases:</b>						
Interlocutory Appeals:	0	0	0	0	0	0
Remands:	1	0	2	2	2	2
Other:	0	1	0	0	0	0
Total Other New Cases:	1	1	2	2	2	2
<b>Total New Cases:</b>	<b>15</b>	<b>13</b>	<b>16</b>	<b>10</b>	<b>15</b>	<b>15</b>
Case Inventory from Prior Year:	33	29	29	22	19	20
<b>Total Caseload:</b>	<b>48</b>	<b>42</b>	<b>45</b>	<b>32</b>	<b>34</b>	<b>35</b>
Dispositions:	19	14	23	13	14	17
<b>Case Inventory, End of Year:</b>	<b>29</b>	<b>29<sup>5</sup></b>	<b>22</b>	<b>19</b>	<b>20</b>	<b>18</b>

<sup>5</sup> Revised to reflect actual case inventory for the end of FY 2017.

## Commission Case Activity

### Staffing

The Commission function requires 28 FTE positions in FY 2021. This includes 9 FTE positions for the three Commissioners and their immediate staff, 14 FTE positions for the Office of General Counsel, and 5 FTE positions for the Office of the Executive Secretary.

<b><u>FUNDING (IN MILLIONS) AND FTE</u></b>						
	<b><u>FY 2019 Actual</u></b>		<b><u>FY 2020 Enacted</u></b>		<b><u>FY 2021 Request</u></b>	
	<b><u>\$</u></b>	<b><u>FTE</u></b>	<b><u>\$</u></b>	<b><u>FTE</u></b>	<b><u>\$</u></b>	<b><u>FTE</u></b>
<b>Commission Function</b>	4.3	15	5.9	28	6.1	28

### **Strategic Plan and Outcome Goals**

In accordance with Public Law 111-352, the Government Performance and Results Modernization Act of 2010 (GPRA Modernization Act of 2010) and Public Law 103-62, the Government Performance and Results Act (GPRA) of 1993, the Review Commission revised its strategic plan for the period FY 2018 through FY 2022. The revised plan focuses on four goals of: (1) Promptly and fairly resolving the cases before it, including reducing the average age of Review-level cases; (2) Enhancing transparency of its operations; (3) Promoting organizational excellence; and (4) Managing agency resources in a manner that instills public trust. It also identifies innovative and comprehensive strategies to achieve the strategic goals and objectives. The Review Commission’s Strategic Plan for FY 2018 – FY 2022 includes the following goals and outcomes related to this function:



<b><u>Public Service Goal</u></b>	<b><u>Outcome Goals</u></b> <sup>6</sup>
<i>Promptly and fairly resolving cases, including reducing the average age of cases pending at the agency.</i>	<ul style="list-style-type: none"> <li>• Resolve all priority cases at the Agency in a timely manner.<sup>7</sup></li> <li>• Develop and implement case management practices that will minimize the average age of all pending Review-level cases.</li> <li>• Reduce the average age of all pending Review-level cases to 20 months from direction for review.<sup>8</sup></li> <li>• Reduce the number of Review-level cases over two years in age.</li> </ul>

The Commission will advance its strategic goal through the following strategies:

1. Focus on reducing the average age of the oldest pending cases and of all pending cases, with immediate aim of developing and implementing improvements in case management.
2. Expedite the disposition of priority cases that are designated as requiring rapid action (e.g., court remands, interlocutory reviews, and certain Rule 60(b) cases), such that they are disposed of within six months of designation.
3. Expand knowledge management and research tools to accelerate the preparation of cases and issuance of decisions.
4. Identify and provide training opportunities to all agency attorneys and support staff that will enhance their capabilities, such as training on technical and legal issues, legal writing, ethics, and technology and case management.
5. Use individual performance standards that support priorities in the Review Commission’s strategic and annual performance plans.
6. Implement appropriate changes to the agency’s procedures to expedite case processing.

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<sup>6</sup> These goals will not apply to cases that are stayed at the Review Commission because criminal law investigations or prosecutions are being pursued.

<sup>7</sup> Priority cases include Federal Rule of Civil Procedure (FRCP) 60(b) cases, Commission Rule (CR) 101(a) defaults, court remands, and interlocutory reviews. However, some FRCP 60(b) and CR 101(a) cases – those with significant threshold issues, for instance – are not treated as priority cases because of the complexity of those issues. Also, where the parties have indicated intent to settle a priority case, the timeframe will be tolled.

<sup>8</sup> External factors, such as lack of a quorum or recusal of a Commissioner, may adversely affect the Review Commission’s ability to meet these goals.

The following are the performance goals for the Commission for FY 2017 – FY 2021:

<b><u>Outcome Goals</u></b>	<b><u>Performance Measures</u></b>	<b>FY 2017 Actual (Target)</b>	<b>FY 2018 Actual (Target)</b>	<b>FY 2019 Actual (Target)</b>	<b>FY 2020 (Target)</b>	<b>FY 2021 (Target)</b>
Resolve all priority cases in a timely manner.	Percent of priority cases disposed of within 6 months.	100% <b>Target met (100%)</b>	New goal developed to support the FY 2018 – FY 2022 Strategic Plan.	New goal developed to support the FY 2018 – FY 2022 Strategic Plan.	New goal developed to support the FY 2018 – FY 2022 Strategic Plan.	New goal developed to support the FY 2018 – FY 2022 Strategic Plan.
Resolve all priority cases at the Agency in a timely manner.	Percent of priority cases disposed of within 6 months.	New goal developed to support the FY 2018 – FY 2022 Strategic Plan.	100% <b>Target met (100%)</b>	100% <b>Target met (100%)</b>	100%	100%
Develop and implement case management practices that will minimize the average age of all pending Commission-level cases.	Average age of all pending Commission-level cases.	Implemented case management practices. The estimated average age of all pending Commission-level cases is 28 months. <b>Target not met (Continue to implement case management practices, 22 months or less)</b>	New goal developed to support the FY 2018 – FY 2022 Strategic Plan.	New goal developed to support the FY 2018 – FY 2022 Strategic Plan.	New goal developed to support the FY 2018 – FY 2022 Strategic Plan.	New goal developed to support the FY 2018 – FY 2022 Strategic Plan.
Develop and implement case management practices that will minimize the average age of all pending Review-level cases.	Whether case management practices have been developed and implemented.	New goal developed to support the FY 2018 – FY 2022 Strategic Plan.	Case management practices were developed and assessed. <b>Target met (Assess whether new case management practices should be developed and implemented)</b>	Case management practices were developed and assessed. <b>Target met (Develop new case management practices)</b>	Implement new case management practices.	Evaluate implementation of case management practices.

<b><u>Outcome Goals</u></b>	<b><u>Performance Measures</u></b>	<b>FY 2017 Actual (Target)</b>	<b>FY 2018 Actual (Target)</b>	<b>FY 2019 Actual (Target)</b>	<b>FY 2020 (Target)</b>	<b>FY 2021 (Target)</b>
Reduce the average age of all pending Review-level cases to 20 months from direction for review.	Average age of all pending Review-level cases.	New goal developed to support the FY 2018 – FY 2022 Strategic Plan.	Average age of all Review-level cases was reduced to 24 months.  <b>Target met</b> (Average age of all Review-level cases reduced to 26 months <sup>9</sup> )	Average age of all Review-level cases reduced to 26 months.  <b>Target not met</b> (Average age of all Review-level cases reduced to 24 months)	Average age of all Review-level cases reduced to 22 months.	Average age of all Review-level cases reduced to 20 months.
Reduce the number of Review-level cases over two years in age.	Percent reduction in the number of Review-level cases over two years in age.	New goal developed to support the FY 2018 – FY 2022 Strategic Plan.	Share of Review-level cases over two years in age was 51% of all cases.  <b>Target not met</b> (Reduce the share of Review-level cases over two years in age as follows: No greater than 40% of all cases <sup>10</sup> )	Share of Review-level cases over two years in age was 53% of all cases.  <b>Target not met</b> (Reduce the share of Review-level cases over two years in age as follows: No greater than 33% of all cases)	Reduce the share of Review-level cases over two years in age as follows: No greater than 25% of all cases.	Reduce the share of Review-level cases over two years in age as follows: No greater than 20% of all cases.

<sup>9</sup> Beginning with FY 2018, the target goal calculates the average age of a Review-level case based on: (1) cases that are docketed at the review level and decided during the timeframe of October 1 through September 30; and (2) the age of all cases pending on September 30.

<sup>10</sup> Beginning with FY 2018, the target goal takes into account case production from October 1 through September 30, with the final percentage measured as of the end of the FY.

<u>Outcome Goals</u>	<u>Performance Measures</u>	FY 2017 Actual (Target)	FY 2018 Actual (Target)	FY 2019 Actual (Target)	FY 2020 (Target)	FY 2021 (Target)
Further reduce the average age of the oldest pending Commission level cases.	Using experience gained from the recent disposition of the legacy cases, as well as recommendations derived from Commission's public meeting on legacy cases, to develop and implement case management practices that minimize the average age of the oldest fifteen (15%) percent of pending cases.	Average age of the oldest 15 percent of pending Commission level cases increased by 4 percent from FY 2014 level.  <b>Target not met</b> (Reduce average age of the oldest 15 percent of pending Commission level cases by 10 percent from FY 2014 level)	New goal developed to support the FY 2018 – FY 2022 Strategic Plan.	New goal developed to support the FY 2018 – FY 2022 Strategic Plan.	New goal developed to support the FY 2018 – FY 2022 Strategic Plan.	New goal developed to support the FY 2018 – FY 2022 Strategic Plan.

## **Office of the Executive Director Function**

The Office of the Executive Director (OEXD) provides administrative support services for the entire Review Commission to assure success in fulfilling its mission.

### **Administrative Operations**

The Executive Director function provides operational management for the agency, including procurement, information technology management, human resources management, budget and financial management, and administrative services. The day-to-day tasks of this office are led by the Executive Director and include:

- Supporting the development and implementation of the agency's strategic goals;
- Maintaining and enhancing a website to provide the public with greater access to Review Commission information;
- Providing agency-wide support in the areas of finance, budget, procurement and contracting, human resources, equal opportunity, and general administrative services;
- Providing personnel, payroll, benefits, reproduction, mail services, and travel assistance to agency employees;
- Procuring goods and services, maintenance and needed repairs of equipment, training, reference materials, supplies, and office space;
- Implementing case management and administrative systems through IT hardware and software;
- Developing and maintaining computer systems and information security enhancements; and
- Enhancing telecommunications and improving technology efficiency and effectiveness.

### **Anticipated Office of the Executive Director Workload for FY 2021**

During FY 2021, OEXD staff will:

- Implement the Administration's government-wide performance initiatives;
- Improve financial and administrative services and enhance integrity and efficiency of the agency's financial management and human resources programs;
- Provide greater online access to information generated by OSHRC to citizens and other interested parties as a part of the Review Commission's transparency initiatives;

- Provide faster and better public access to, and dissemination of, Review Commission information and decisions through the use of modern automated technology and techniques, including the agency's website;
- Improve computer information security based on an evaluation of the Review Commission's computer security, compliance with the various security acts, and the implementation of corrections or improvements in any weaknesses found as a result of evaluations;
- Execute the Continuity of Operations Plan (COOP) including maintenance, testing, and (if needed) implementation of the COOP for the National office, and the regional offices in Denver and Atlanta;
- Make use of Knowledge Management practices to ensure that employees are better prepared to perform their work and to provide for continuity and succession planning; and
- Review information technology programs to determine ways to achieve cost savings.

During the past few fiscal years, the Review Commission began the process of improving the quality of its web-based transparency initiatives, including enhancing the OSHRC website to make more information available to internal and external customers, and undertaking other activities in support of our mission. In FY 2016, the e-filing system was deployed and fully implemented. In FY 2017, we continued to enhance and customize the e-filing system to better support the user community. In FY 2018, we updated our COOP. We continued these efforts in FY 2019 and will do so in FYs 2020 and 2021.

Significant revisions were made to the Review Commission's website to reflect organizational and visual enhancements. These enhancements included:

- Updating the homepage to include the Review Commission's new procedural rules and instructional guides that went into effect in June 2019;
- Redefining heading tabs to reflect agency data, department functionality and required postings;
- Developing drop down menus to the heading tabs to enable easier access to sub-menus and additional information;
- Reorganizing content in the Reports and Submissions tab by relevancy; and
- Removing redundancies in the footer links.

This budget request includes \$105,000 for continued support (\$55,000 for licensing/hosting and \$50,000 for enhancements) of the e-filing system. Effective management of the e-filing system is demonstrative proof of the agency's commitment of using technology to improve accuracy and efficiency in its case management practices.

## Staffing

The Executive Director function requires 8 FTE positions in FY 2021. The Office has responsibility for implementing the Administration's performance improvement efforts, including implementing and monitoring strategic and performance plans and reports, budget, and performance integration, human capital development, and E-government.

<b><u>FUNDING (IN MILLIONS) AND FTE</u></b>						
	<b><u>FY 2019 Actual</u></b>		<b><u>FY 2020 Enacted</u></b>		<b><u>FY 2021 Request</u></b>	
	<b><u>\$</u></b>	<b><u>FTE</u></b>	<b><u>\$</u></b>	<b><u>FTE</u></b>	<b><u>\$</u></b>	<b><u>FTE</u></b>
<b>Executive Director Function</b>	2.0	7	1.8	8	1.8	8

## **Strategic Plan and Outcome Goals**

In accordance with Public Law 111-352, the GPRA Modernization Act of 2010 and Public Law 103-62, the GPRA of 1993, the Review Commission revised its strategic plan for the period FY 2018 through 2022. The revised plan focuses on four goals of: (1) Promptly and fairly resolving the cases before it, including reducing the average age of Review-level cases; (2) Enhancing transparency of its operations; (3) Promoting organizational excellence; and (4) Managing agency resources in a manner that instills public trust. It also identifies innovative and comprehensive strategies to achieve the strategic goals and objectives. The OEXD's responsibilities include implementation of and/or providing Strategic Plan guidance for the following goals and outcomes:

<b><u>Public Service Goal</u></b>	<b><u>Outcome Goals</u></b>
<i>Expanding transparency and openness by providing for stakeholder engagement and ensuring that the Review Commission keeps interested parties and the public it serves informed of the agency's work at all levels, consistent with due process requirements.</i>	<ul style="list-style-type: none"> <li>• Ensure that the Review Commission's website is user-friendly, accessible to people with disabilities, and serves as a useful repository for information about the agency and its adjudicatory activities.</li> <li>• Broaden the Review Commission's outreach activities to the regulated community.</li> </ul>
<i>Encouraging a culture of professionalism, mutual respect, and organizational pride; ensuring that staff members are adequately trained and developed.</i>	<ul style="list-style-type: none"> <li>• Recruit, invest in, and value all employees through professional development, workplace flexibilities, fair treatment, and recognition.</li> <li>• Ensure that employees are aware of the agency's mission and how they contribute to its accomplishments.</li> </ul>
<i>Providing responsible stewardship of resources to monitor, evaluate, and improve programs and processes in order to better accomplish the agency's mission.</i>	<ul style="list-style-type: none"> <li>• Develop and present an annual budget and performance plan that clearly presents how the organization will accomplish government-wide management priorities, agency-wide goals, and organizational goals.</li> <li>• Improve technology infrastructure through efficiencies and investments (e.g., training, equipment, services) to support the effective use of broadband, cyber security, and energy efficiency.</li> <li>• Conduct all internal and external agency business in an ethical and timely manner.</li> </ul>

The OEXD will advance its strategic goals through the following strategies:

1. Develop and present an annual budget and performance plan that clearly presents how the organization will accomplish government-wide management priorities, agency-wide goals, and organizational goals.
2. Provide greater public access to Review Commission activities, information, and decisions, including education and outreach for LEP individuals and posting procedural decisions and non-dispositive orders on the Review Commission's website.



3. Create a culture that incorporates core values and provides a work environment that encourages diversity and workplace policies and programs that enable employees to excel, including special emphasis programs (e.g., People with Disabilities, Federal Women’s Program, Hispanic Employment Program), telework policies, family-friendly policies, and wellness programs.
4. Enhance employee development and learning opportunities by devoting available budgetary resources to staff training.
5. Develop and implement recruitment strategies to ensure a highly qualified and diverse workforce.
6. Streamline IT operations, simplify day-to-day management and maintenance, and create a more stable operating environment by eliminating duplication, investing in standardized platforms, realizing cloud first opportunities, and minimizing storage and application sprawl and locally housed servers.
7. Improve network/communications performance to ensure commission personnel have seamless access to systems necessary to perform their work in a timely fashion.
8. Maintain an information security and privacy management program through acceptance and deployment of appropriate federally mandated guidelines and enforce active policies. Ensure annual FISMA audits are performed.

The following are the performance goals for the Office of the Executive Director for FY 2017 – FY 2021:

<b><u>Outcome Goals</u></b>	<b><u>Performance Measures</u></b>	<b>FY 2017 Actual (Target)</b>	<b>FY 2018 Actual (Target)</b>	<b>FY 2019 Actual (Target)</b>	<b>FY 2020 (Target)</b>	<b>FY 2021 (Target)</b>
Ensure that the Review Commission’s website is accessible to people with disabilities and serves as a useful repository for information about the agency and its adjudicatory activities.	Timeliness of postings to agency website.	All required material was posted to the website in less than 7 days and usually within one day after issuance.  <b>Target met</b> (All material posted no later than 7 days after issuance)	Internal process was implemented to allow staff to post materials directly to the agency’s website. All materials were posted within one day after issuance.  <b>Target met</b> (All material posted no later than 6 days after issuance)	Materials were posted to the agency’s website within one day after issuance.  <b>Target met</b> (All material posted no later than 5 days after issuance)	All material posted no later than 4 days after issuance.	All material posted no later than 3 days after issuance.

<u>Outcome Goals</u>	<u>Performance Measures</u>	<b>FY 2017 Actual (Target)</b>	<b>FY 2018 Actual (Target)</b>	<b>FY 2019 Actual (Target)</b>	<b>FY 2020 (Target)</b>	<b>FY 2021 (Target)</b>
Broaden the Review Commission's outreach activities with other federal agencies and the affected public, including targeted education and outreach for individuals with LEP.	Participation in professional conferences and meetings and strategic engagement with stakeholders.	Review Commission documents were reviewed, translated, and posted on the agency's website.  <b>Target met</b> (Review documents to be translated and posted on the agency's website)	New goal developed to support the FY 2018 – FY 2022 Strategic Plan.	New goal developed to support the FY 2018 – FY 2022 Strategic Plan.	New goal developed to support the FY 2018 – FY 2022 Strategic Plan.	New goal developed to support the FY 2018 – FY 2022 Strategic Plan.
Broaden the Review Commission's outreach activities to the regulated community.	-Participation in professional conferences and meetings and strategic engagement with the regulated community.  -Creation of electronic subscription service.	New goal developed to support the FY 2018 – FY 2022 Strategic Plan.	Alert service was implemented on the agency's website to engage the public.  <b>Target met</b> (-Increased participation in at least two activities or meetings that promote strategic engagement to disseminate information including trends and services (e.g., LEP) provided by the agency.  -Use of alert service to engage the public)	Alert service on the agency's website was utilized and monitored for purposes of engaging the public.  <b>Target met</b> (-Increased participation in at least two activities or meetings that promote strategic engagement to disseminate information including trends and services (e.g., LEP) provided by the agency.  -Monitor the use of alert service used to engage the public)	-Increased participation in at least two activities or meetings that promote strategic engagement to disseminate information including trends and services (e.g., LEP) provided by the agency.  -Monitor the use of alert service used to engage the public.	-Increased participation in activities or meetings that promote strategic engagement to disseminate information including trends and services (e.g., LEP) provided by the agency.  -Monitor the use of alert service used to engage the public.

<u>Outcome Goals</u>	<u>Performance Measures</u>	<b>FY 2017 Actual (Target)</b>	<b>FY 2018 Actual (Target)</b>	<b>FY 2019 Actual (Target)</b>	<b>FY 2020 (Target)</b>	<b>FY 2021 (Target)</b>
Recruit, invest in, and value all employees through professional development, workplace flexibilities, fair treatment, and recognition.	<p>-Recruit, develop, and retain a highly motivated, talented, and diverse workforce to accomplish its mission.</p> <p>-Identify areas in which the agency can enhance diversity and talent through annual analysis of the MD-715<sup>11</sup> guidance.</p>	New goal developed to support the FY 2018 – FY 2022 Strategic Plan.	<p>-Job postings were developed to attract qualified and diverse candidates.</p> <p>-Agency directives pertaining to workplace flexibilities were reviewed.</p> <p><b>Target met</b> (-Attract qualified and diverse candidates, including veterans and persons with disabilities.</p> <p>-Annually review and/or update agency directives pertaining to workplace flexibilities (e.g., hours of work, telework))</p>	<p>-Agency directives pertaining to workplace flexibilities were updated.</p> <p>-Reviewed performance management directives and established new critical element for supervisors.</p> <p>-Devoted budgetary resources to training.</p> <p><b>Target met</b> (-Ensure that the agency’s performance management system(s) are aligned with its goals and objectives.</p> <p>-Enhance employee development and learning opportunities by making budgetary resources available for staff training.</p> <p>-Annually review and/or update agency directives pertaining to workplace flexibilities (e.g., hours of work, telework))</p>	<p>-Ensure that the agency’s performance management system(s) are aligned with its goals and objectives.</p> <p>-Enhance employee development and learning opportunities by making budgetary resources available for staff training.</p> <p>-Annually review and/or update agency directives pertaining to workplace flexibilities (e.g., hours of work, telework)</p>	<p>the agency’s performance management system(s) are aligned with its goals and objectives.</p> <p>-Enhance employee development and learning opportunities by making budgetary resources available for staff training.</p> <p>-Annually review and/or update agency directives pertaining to workplace flexibilities (e.g., hours of work, telework)</p>

<u>Outcome Goals</u>	<u>Performance Measures</u>	<b>FY 2017 Actual (Target)</b>	<b>FY 2018 Actual (Target)</b>	<b>FY 2019 Actual (Target)</b>	<b>FY 2020 (Target)</b>	<b>FY 2021 (Target)</b>
Develop and present an annual budget and performance plan that clearly presents how the organization will accomplish government-wide management priorities, agency-wide goals, and organizational goals.	System that links resources to specific activities that support measurable programmatic outcomes and objectives.	Agency program goals are aligned with the budget to efficiently accomplish the mission.  <b>Target met</b> (Align budget with agency program goals to efficiently accomplish mission (e.g., program, human capital, procurement, IT infrastructure/ space, and facilities))	Aligned budget with agency program goals to efficiently accomplish mission (e.g., program, human capital, procurement, IT infrastructure/ space, and facilities).  <b>Target met</b> (Align budget with agency program goals to efficiently accomplish mission (e.g., program, human capital, procurement, IT infrastructure, space, and facilities))	Aligned budget with agency program goals to efficiently accomplish mission.  <b>Target met</b> (Align budget with agency program goals to efficiently accomplish mission (e.g., program, human capital, procurement, IT infrastructure, space, and facilities))	Align budget with agency program goals to efficiently accomplish mission (e.g., program, human capital, procurement, IT infrastructure, space, and facilities).	Align budget with agency program goals to efficiently accomplish mission (e.g., program, human capital, procurement, IT infrastructure, space, and facilities).

<sup>11</sup> Equal Employment Opportunity (EEO) Management Directive 715 – Reporting Requirement for Federal Agencies

<u>Outcome Goals</u>	<u>Performance Measures</u>	<b>FY 2017 Actual (Target)</b>	<b>FY 2018 Actual (Target)</b>	<b>FY 2019 Actual (Target)</b>	<b>FY 2020 (Target)</b>	<b>FY 2021 (Target)</b>
Implement a comprehensive human capital plan designed to recruit, retain, and develop staff; support succession planning by strategically aligning present and future human capital needs and workforce planning; and evaluate the performance management system based on individual and organizational effectiveness.	Increase personnel capabilities and development by improving training opportunities.	.80 percent of basic payroll devoted to staff training and development.  <b>Target met</b> (.80 percent of basic payroll devoted to staff training and development)	New goal developed to support the FY 2018 – FY 2022 Strategic Plan.	New goal developed to support the FY 2018 – FY 2022 Strategic Plan.	New goal developed to support the FY 2018 – FY 2022 Strategic Plan.	New goal developed to support the FY 2018 – FY 2022 Strategic Plan.

<u>Outcome Goals</u>	<u>Performance Measures</u>	<b>FY 2017 Actual (Target)</b>	<b>FY 2018 Actual (Target)</b>	<b>FY 2019 Actual (Target)</b>	<b>FY 2020 (Target)</b>	<b>FY 2021 (Target)</b>
Integrate knowledge management (KM) processes into a plan to capture, share, and generate knowledge and establish a unified knowledge network of people, processes, and technology to enhance operations and efficiencies in all aspects of essential agency operations.	<p>-Conduct periodic knowledge audits to identify sources of knowledge and “at risk” knowledge gaps.</p> <p>-Tailor IT infrastructure to support the effortless sharing and transfer of knowledge.</p> <p>-Degree to which best practices and lessons learned are integrated into the performance management system.</p>	<p>Reviewed agency policies, organizational charts, and position descriptions to identify knowledge gap vulnerabilities.</p> <p><b>Target met</b> (Evaluate and address KM vulnerabilities to further enhance agency operations and programs)</p>	New goal developed to support the FY 2018 – FY 2022 Strategic Plan.	New goal developed to support the FY 2018 – FY 2022 Strategic Plan.	New goal developed to support the FY 2018 – FY 2022 Strategic Plan.	New goal developed to support the FY 2018 – FY 2022 Strategic Plan.

<b><u>Outcome Goals</u></b>	<b><u>Performance Measures</u></b>	<b>FY 2017 Actual (Target)</b>	<b>FY 2018 Actual (Target)</b>	<b>FY 2019 Actual (Target)</b>	<b>FY 2020 (Target)</b>	<b>FY 2021 (Target)</b>
<p>Improve technology infrastructure through efficiencies and investments (e.g., training, equipment, services) to support the effective use of broadband, cyber security, and energy efficiency.</p>	<p>-Streamline operations and infrastructure to eliminate duplication; minimize servers, storage and application sprawl.</p> <p>-Maintain standardized platforms including hardware and software.</p> <p>-Improve network/communications to ensure customers can access necessary information without delay.</p>	<p>-Migration of Mail (exchange) to FedRAMP certified Office 365.</p> <p>-Moved locally administered share point (intranet) to Office 365.</p> <p>-Instituted changes to e-filing system to accommodate the user community.</p> <p>-Encrypted and upgraded software on agency laptops.</p> <p>-Started deployment of two factor authentication using personal identity verification.</p> <p><b>Target met</b> (Continue monitoring technology infrastructure to determine if additional resources are required)</p>	<p><b>Target met</b> (Continuous monitoring of the agency's technology infrastructure was done to determine if new or additional resources were necessary)</p> <p><b>Target met</b> (-Reduce physical servers through virtualization.</p> <p>-Reduce the number of operating systems in use.</p> <p>-Evaluate and address enhancements to our e-filing system.</p> <p>-Increase bandwidth for migration to cloud initiatives (i.e., electronic mail services to the cloud and expand cloud storage space))</p>	<p>-Enhanced the Office 365 licensing model.</p> <p>-Upgraded the remote access application (Citrix environment).</p> <p>-Upgraded the speed of the agency's Wide Area Network circuits.</p> <p>-Introduced Adobe Acrobat Pro 2017.</p> <p><b>Target met</b> (-Reduce physical servers through virtualization.</p> <p>-Reduce the number of operating systems in use.</p> <p>-Increase bandwidth for migration to cloud efficiencies)</p>	<p>-Reduce physical servers through virtualization.</p> <p>-Reduce the number of operating systems in use.</p> <p>-Increase bandwidth for migration to cloud efficiencies.</p>	<p>-Reduce physical servers through virtualization.</p> <p>-Reduce the number of operating systems in use.</p> <p>-Increase bandwidth for migration to cloud efficiencies.</p>

<u>Outcome Goals</u>	<u>Performance Measures</u>	<b>FY 2017 Actual (Target)</b>	<b>FY 2018 Actual (Target)</b>	<b>FY 2019 Actual (Target)</b>	<b>FY 2020 (Target)</b>	<b>FY 2021 (Target)</b>
Use existing real property more effectively by implementing energy efficiency by implementing energy practices, space alignment efforts (e.g., sustainability), and expanding telework.	Implement measures to reduce operating expenses when negotiating lease and develop a system to evaluate areas of consumption that impact sustainability.	-Expanded the use of Virtual Machines. -Moved infrastructures to FedRAMP providers.  <b>Target met</b> (Continue monitoring to ensure supplies and equipment are procured from eco-friendly sources)	New goal developed to support the FY 2018 – FY 2022 Strategic Plan.	New goal developed to support the FY 2018 – FY 2022 Strategic Plan.	New goal developed to support the FY 2018 – FY 2022 Strategic Plan.	New goal developed to support the FY 2018 – FY 2022 Strategic Plan.
Enhance the agency's FOIA processing system by developing internet-based capabilities.	Development of an electronic form and/or request tracking capability.	Increased use of FOIA online form and dedicated FOIA email address expanded tracking capability and improved communication with requesters; eliminated need to implement online tracking system.  <b>Target met</b> (Explore advanced options for online tracking capability)	New goal developed to support the FY 2018 – FY 2022 Strategic Plan.	New goal developed to support the FY 2018 – FY 2022 Strategic Plan.	New goal developed to support the FY 2018 – FY 2022 Strategic Plan.	New goal developed to support the FY 2018 – FY 2022 Strategic Plan.



<u>Outcome Goals</u>	<u>Performance Measures</u>	<b>FY 2017 Actual (Target)</b>	<b>FY 2018 Actual (Target)</b>	<b>FY 2019 Actual (Target)</b>	<b>FY 2020 (Target)</b>	<b>FY 2021 (Target)</b>
Conduct all internal and external agency business in an ethical and timely manner.	Promote an ethical culture within the Review Commission through leadership, awareness, resources, and oversight.	New goal developed to support the FY 2018 – FY 2022 Strategic Plan.	<p>Expanded outreach primarily to new employees, in particular political appointees, which generated increased opportunities to provide ethics advice.</p> <p><b>Target met</b> (-Provide in-person ethics training to all agency filers.</p> <p>-Increase opportunities for outreach to all agency employees on ethics issues)</p>	<p>-Provided ethics training to agency filers.</p> <p>-Developed procedures to (1) conduct internal discussions of ethics inquiries as they arise; (2) promptly gather information needed from inquirer to respond; and (3) timely consult OGE regulations and guidance, past advice, and additional resources.</p> <p><b>Target met</b> -Provide in-person ethics training to all agency filers.</p> <p>-Develop a plan to decrease response time to ethics inquiries.</p>	<p>-Provide in-person ethics training to all agency filers.</p> <p>-Implement a plan to decrease response time to ethics inquiries.</p>	<p>-Provide annual and more frequent ethics training to all agency filers.</p> <p>-Implement a plan to decrease response time to ethics inquiries.</p>

**V. BUDGET BY OBJECT  
CLASSIFICATION  
CATEGORY**

## Budget by Object Classification (BOC) Category

The U.S. Occupational Safety and Health Review Commission requests an appropriation of \$13,721,000 to continue our mission of timely adjudicating OSHA-issued workplace safety citations. The requested amount would support 63 FTE positions as well as funding for other expenses.

The proposed budget for FY 2021 along with the FY 2019 actual and FY 2020 enacted amounts are shown in the table below by object classification category. A narrative explanation of the amount requested for each object classification follows the table.

### Object Classification Table

Fiscal Years 2019, 2020 and 2021  
(Dollars in Thousands)

Budget Object Class		Change				
		FY 2020 Enacted –				
		FY 2021 Request				
		FY 2019 Actual	FY 2020 Enacted	FY 2021 Request	\$	%
11.0	Personnel Compensation	\$6,483	\$7,462	\$7,840	+378	+5.07
12.0	Personnel Benefits	1,963	2,237	2,341	+104	+4.65
<b>Subtotal Personnel Services</b>		<b>8,446</b>	<b>9,699</b>	<b>10,181</b>	<b>+482</b>	<b>+4.97</b>
21.0	Travel	171	185	185	-0-	-0-
22.0	Transportation of Things	2	10	10	-0-	-0-
23.1	Space Rental Payments (GSA)	1,686	1,625	1,639	+14	+0.86
23.3	Communications, Utilities and Misc.	214	272	272	-0-	-0-
24.0	Printing and Reproduction	2	17	10	-7	-41.18
25.0	Other Services	1,760	1,005	1,012	+7	+0.7
26.0	Supplies and Materials	71	43	43	-0-	-0-
31.0	Equipment	362	369	369	-0-	-0-
	Unobligated	511				
<b>Grand Total</b>		<b>\$13,225</b>	<b>\$13,225</b>	<b>\$13,721</b>	<b>+496</b>	<b>+3.75</b>

## Budget Object Classification Detail

### 11.0 Personnel Compensation

#### Change FY 2020 Enacted – FY 2021 Request

FY 2020 Enacted	FY 2021 Request	Amount	Percent
7,462,000	7,840,000	+378,000	+5.07

The Review Commission requests \$7,840,000 to fund direct payroll in FY 2021. This amount will fund 63 FTE positions.

This object class also supports awards to recognize those employees whose performance is superior and who perform special acts or services, which assists in recruiting and retaining talented employees. The Review Commission’s monetary awards program for General Schedule employees’ rewards and recognizes high-performing individuals in accordance with 5 C.F.R § 451. Its performance-based awards program is designed to reflect meaningful distinctions based on levels of performance to ensure employees with higher ratings of record receive larger cash awards. Performance plans and critical elements are developed to align with the Review Commission’s strategic goals and to support organizational values (e.g., interpersonal skills, team participation and relationships, innovation), and to focus on specific, measurable, attainable, relevant, and timely results. Recommendations for awards (i.e., rating-based, superior accomplishment, productivity gain, or personal effort that contributes to the efficiency, economy, or other improvements of agency operations) are thoroughly reviewed to determine if they are supportive of the goals and objectives of the Review Commission as expressed in its Strategic Plan for FY 2018 - FY 2022.

In FY 2020, the Review Commission plans to stay within the spending limits that are typically defined by the Office of Personnel Management (OPM) and OMB. Currently this is 1.5 percent of the aggregate salaries of all General Schedule employees for the combination of 1) individual performance awards, and 2) individual contribution awards (e.g., special act awards). The estimated cost of this awards spending is \$65,000.

In FY 2021, the Review Commission plans to increase awards spending to 2.5 percent of the aggregate salaries of all for General Schedule employees for the combination of 1) individual performance awards, and 2) individual contribution awards (e.g., special act awards). The estimated cost of this awards spending is \$70,000.

### 12.0 Personnel Benefits

#### Change FY 2020 Enacted – FY 2021 Request

FY 2020 Enacted	FY 2021 Request	Amount	Percent
2,237,000	2,341,000	+104,000	+4.65

The requested amount for benefits in FY 2021 is \$2,341,000. This amount will fund payroll-related costs of employee benefits in FY 2021. These benefits principally consist of the

government’s contributions to the Civil Service Retirement System and the Federal Employees Retirement System, life and health insurance programs, the Transportation Subsidy Program, and the Thrift Savings Plan.

21.0 Travel

**Change FY 2020 Enacted – FY 2021 Request**

<b>FY 2020 Enacted</b>	<b>FY 2021 Request</b>	<b>Amount</b>	<b>Percent</b>
185,000	185,000	-0-	-0-

The requested amount for travel in FY 2021 is \$185,000. Travel of ALJs to conduct hearings accounts for the majority of this request. It should be noted that approximately 90 percent of the Review Commission’s travel budget pays for ALJ travel in order to conduct hearings. By law, these hearings must be conducted as close as possible to the site of the alleged violation. The remainder of these funds is for travel associated with training, necessary travel to the regional offices, and other requirements.

22.0 Transportation of Things

**Change FY 2020 Enacted – FY 2021 Request**

<b>FY 2020 Enacted</b>	<b>FY 2021 Request</b>	<b>Amount</b>	<b>Percent</b>
10,000	10,000	-0-	-0-

An amount of \$10,000 is requested to fund the cost of shipping materials between Review Commission offices and other locations.

23.1 Rental Payments to GSA

**Change FY 2020 Enacted – FY 2021 Request**

<b>FY 2020 Enacted</b>	<b>FY 2021 Request</b>	<b>Amount</b>	<b>Percent</b>
1,625,000	1,639,000	+14,000	+0.86

The request includes \$1,639,000 for office space rental for the National and Regional Offices. These projected rent costs are based on FY 2021 estimates provided by the General Services Administration (GSA) to the Review Commission.

23.3 Communications, Utilities, and Miscellaneous Charges

**Change FY 2020 Enacted – FY 2021 Request**

<b>FY 2020 Enacted</b>	<b>FY 2021 Request</b>	<b>Amount</b>	<b>Percent</b>
272,000	272,000	-0-	-0-

The Review Commission requests \$272,000 for communication costs in FY 2021. This amount will allow the Review Commission to continue to support the e-filing system that was deployed in FY 2016. The e-filing system directly supports our annual performance plan’s goals and

targets, promotes transparency, supports technology improvements, and allows us to continue our cloud initiative with increased security and bandwidth requirements and pave the way for future cloud initiatives.

The Review Commission deployed an e-filing system with a hosted internet-based interface that accommodates the electronic filing of litigation documents. This request includes telecommunication costs to continue our cloud initiative with increased security and bandwidth requirements and pave the way for future cloud initiatives.

Local telephone service and telecommunication cost are projected to be \$252,000. Postage for the required mailing of letters, case files, and other materials related to cases is expected to be \$20,000.

#### 24.0 Printing and Reproduction

##### **Change FY 2020 Enacted – FY 2021 Request**

<b>FY 2020 Enacted</b>	<b>FY 2021 Request</b>	<b>Amount</b>	<b>Percent</b>
17,000	10,000	-7,000	-41.18

The requested amount for printing in FY 2021 is \$10,000. Printing costs consist mainly of the charges for publishing rules, proposed rules, and other announcements in the Code of Federal Regulations (CFR) and/or the Federal Register, and for purchasing copies of the CFR and other GPO publications. Together, these printing/publishing costs are expected to approximate \$5,000 in FY 2021. The balance of the budget – \$5,000 – is needed for printing of Rules of Procedure and Guide to the Review Commission pamphlets, which are provided to parties to Review Commission proceedings.

#### 25.0 Other Services

##### **Change FY 2020 Enacted – FY 2021 Request**

<b>FY 2020 Enacted</b>	<b>FY 2021 Request</b>	<b>Amount</b>	<b>Percent</b>
1,005,000	1,012,000	+7,000	+0.7

The requested for other services in FY 2021 is \$1,012,000. Requirements in this area fall into two basic categories: Interagency Agreements for services provided by other federal agencies and contractual services provided by non-federal vendors. Additional information on each of these is provided in the following paragraphs.

**Services Provided by Other Federal Agencies.** A total of \$444,000 is requested for services provided by other federal agencies. Our costs have increased in this category as a result of additional service costs associated with a new time and attendance system provided by the NFC, along with higher costs for our Interagency Agreements with the OPM and NARA. This area includes \$14,000 for personnel and payroll services provided by NFC, \$326,000 for financial and administrative services provided by the Bureau of the Fiscal Service (BFS), and approximately \$56,000 for building security provided by the Federal Protective Service. The remaining amount will be used to fund other Interagency Agreements such as with the U.S. Department of Health

and Human Services (Federal Occupational Health), GSA, OPM, and NARA.

**Other Contractual Services.** OSHRC procures a variety of services to support us in carrying out our mission. These include: court reporting (\$100,000); maintenance/incremental enhancements including security of the Review Commission’s information technology system, and for continued enhancements and customized reporting of the e-filing system (\$50,000); services for translation of documents and interpreters for individuals LEP (\$10,000); independent evaluation of IT security under the Federal Information Security Management Act (FISMA) (\$30,000); and on-line legal research (\$48,000). This category also includes funding for other contractual services such as the annual audit of our financial statements (\$35,000), library operations (\$90,000), training, and other requirements to support the agency’s mission. This category also includes funds needed for continuing maintenance of the Review Commission’s website (\$13,000).

26.0 Supplies and Materials

**Change FY 2020 Enacted – FY 2021 Request**

<b>FY 2020 Enacted</b>	<b>FY 2021 Request</b>	<b>Amount</b>	<b>Percent</b>
43,000	43,000	-0-	-0-

The requested amount for supplies and materials in FY 2021 is \$43,000. This amount includes general office supplies (\$22,000) and information technology supplies and software (\$21,000).

31.0 Equipment

**Change FY 2020 Enacted – FY 2021 Request**

<b>FY 2020 Enacted</b>	<b>FY 2021 Request</b>	<b>Amount</b>	<b>Percent</b>
369,000	369,000	-0-	-0-

The requested amount for equipment in FY 2021 is \$369,000. The Review Commission deployed an e-filing system in FY 2016 with a hosted internet-based interface that accommodates the electronic filing of litigation documents. As a result, our information technology infrastructure was upgraded, and licensing and hosting costs are required to maintain the system. We estimate that the licensing costs will be \$55,000. Subscriptions and other publications necessary to maintain our legal libraries are included in this object class. The remainder is required for new and/or replacement computers and other information technology requirements and to enable us to comply with government-wide mandates such as the FISMA. Our information technology equipment includes personal computers, printers, a local area network, and associated peripherals. Finally, a small portion of this funding will be used to purchase any office furniture that may be needed.

## **VI. OTHER TABLES**



## The U.S. Occupational Safety and Health Review Commission Appropriation History

<u>Fiscal Year</u>	<u>Request to Congress</u>	<u>House Allowance</u>	<u>Senate Allowance</u>	<u>Appropriation</u>
1999	\$8,050,000	\$8,100,000	\$8,100,000	\$8,092,000 <sup>12</sup>
2000	\$8,500,000	\$8,100,000	\$8,500,000	\$8,470,000 <sup>13</sup>
2001	\$8,720,000	\$8,600,000	\$8,720,000	\$8,720,000
2002	\$8,964,000	\$8,964,000	\$8,964,000	\$8,958,000 <sup>14</sup>
2003	\$9,577,000	\$9,577,000	\$9,577,000	\$9,673,000 <sup>15</sup>
2004	\$10,115,000	\$10,115,000	\$9,610,000	\$9,863,000 <sup>16</sup>
2005	\$10,516,000	\$10,595,000	\$10,595,000	\$10,510,240 <sup>17</sup>
2006	\$10,510,000	\$10,510,000	\$10,510,000	\$10,404,900 <sup>18</sup>
2007	\$10,346,000	\$10,510,000	\$10,346,000	\$10,470,779
2008	\$10,696,000	\$10,696,000	\$10,696,000	\$10,696,000 <sup>19</sup>
2009	\$11,186,000	\$11,186,000	\$11,186,000	\$11,186,000
2010	\$11,712,000	\$11,712,000	\$11,712,000	\$11,712,000
2011	\$12,051,000	\$11,712,000	\$12,051,000	\$11,712,000 <sup>20</sup>
2012	\$12,773,000	\$11,689,000	\$11,689,000	\$11,689,000 <sup>21</sup>
2013	\$11,965,000	\$11,667,000	\$11,667,000	\$11,666,908 <sup>22</sup>
2014	\$12,634,830			\$11,411,000
2015	\$12,651,000	\$12,651,000	\$12,651,000	\$11,639,000
2016	\$13,212,000	\$12,639,000	\$11,100,000	\$12,639,000
2017	\$13,411,000	\$12,975,000	\$13,411,000	\$13,225,000
2018	\$12,615,000	\$12,875,000	\$13,225,000	\$13,225,000
2019	\$12,615,000	\$12,975,000	\$13,225,000	\$13,225,000
2020	\$13,225,000	\$13,225,000	\$13,225,000	\$13,225,000
2021	\$13,721,000			

<sup>12</sup> Reduced to \$8,092,000 by H.R. 1664

<sup>13</sup> Reduced to \$8,470,000 by P.L. 106-113

<sup>14</sup> Reduced to \$8,958,000 by P.L. 107-206

<sup>15</sup> Reduced to \$9,610,125 by P.L. 108-7

<sup>16</sup> Reduced to \$9,863,000 by P.L. 108-199

<sup>17</sup> Reduced to \$10,510,240 by P.L. 108-447

<sup>18</sup> Reduced to \$10,404,900 by P.L. 109-149

<sup>19</sup> Reduced to \$10,509,141 by P.L. 110-161

<sup>20</sup> Reduced to \$11,688,576 by P.L. 112-10

<sup>21</sup> Reduced to \$11,666,908 by P.L. 112-74

<sup>22</sup> Reduced to \$11,056,659 by P.L. 113-6 and Sequestration Order issued March 1, 2013

## Authorized Full Time Positions By Function

	<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2021</u>
	Actual	Enacted	Request
<b>Administrative Law Judge:</b>			
AL-II	1	1	1
AL-III	11	11	11
GS-14	5	5	7
GS-13	0	0	0
GS-12	1	1	1
GS-11	0	0	0
GS-10	1	1	1
GS-9	3	3	2
GS-8	<u>2</u>	<u>3</u>	<u>4</u>
<i>Sub-total</i>	<b>24</b>	<b>25</b>	<b>27</b>
<b>Commission:</b>			
Executive Level III	1	1	1
Executive Level IV	0	2	2
ES-00	2	2	2
GS-15	2	5	5
GS-14	5	7	7
GS-13	1	2	2
GS-12	2	2	2
GS-11	1	4	4
GS-9	1	2	2
GS-8	0	1	1
GS-7	<u>0</u>	<u>0</u>	<u>0</u>
<i>Sub-total</i>	<b>15</b>	<b>28</b>	<b>28</b>
<b>Office of the Executive Director:</b>			
ES-00	1	1	1
GS-15	1	1	1
GS-14	0	0	0
GS-13	1	1	1
GS-12	3	3	4
GS-11	0	1	0
GS-9	1	0	0
GS-7	<u>0</u>	<u>1</u>	<u>1</u>
<i>Sub-total</i>	<b>7</b>	<b>8</b>	<b>8</b>
<b>Total full-time positions:</b>	<b>46</b>	<b>61</b>	<b>63</b>

Note: The FY 2019 Actual column reflects the number of filled FTE positions through September 30, 2019. The FY 2020 column reflects the number of FTE positions requested in our budget submission to Congress. Finally, the FY 2021 request column reflects the number of FTE positions needed to continue to support our mission.