

Occupational Safety and Health Review Commission

Fiscal Year 1999 Annual Program Performance Report



March 2000

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MESSAGE FROM THE CHAIRMAN

I am pleased to present the Review Commission's first Annual Program Performance Report required by the Government Performance Results Act for fiscal year (FY) 1999. When I became Chairman of the Review Commission in June of 1999, I was impressed by the ambitious goals and objectives we had adopted for the Review Commission as a whole, at both the Administrative Law Judge (ALJ or trial) level, and the Commission (appellate) level. This report provides a detailed description of the Review Commission's performance in FY 1999 in meeting its five (5) goals in the areas of public service, external communications, information technology, human resources, and quality improvement.

The Review Commission is committed to providing superior service to our customers, stakeholders, and employees. In that regard, the Review Commission strives to ensure that all parties who come before us - employers, employees and employee representatives, and Federal agencies - receive fair and timely resolutions to safety and health disputes in American work places. We continue to seek ways to improve our service to the public by reducing the cycle time for decisions, providing greater access to Review Commission processes, and enhancing our communication with, and understanding of, the public we serve.

In FY 1999, the Review Commission failed to meet articulated performance goals related to cycle time at both the ALJ level and the Commission level. Our FY 1999 performance has not kept pace with the progressive cycle time goals established in our FY 1997 five year strategy. We view our deficiencies in projected performance to be a very serious matter. To that end, we have instituted and will continue to institute aggressive corrective action. We have completed a review of work processes at the Commission level and have begun to implement changes in case processing. Likewise, at the ALJ level, we are instituting measures that, we are confident, will yield substantial process improvements. While our primary response to our deficient performance has been the development and implementation of targeted corrective action, we are also reassessing the achievability of FY 1999 goals, as established in FY 1997.

At the Commission level, one of the biggest obstacles to achieving the cycle time goals is the profile of cases in our inventory. Currently, more than 50 cases are older than two years. A large percentage of these cases are more than four years old. As we resolve these old cases that have been on our docket for several years, our average cycle time will inevitably increase since the cycle time for cases is not calculated until a case has been resolved and closed. This creates a dilemma, possibly creating an incentive to resolve last-in cases first, in order to meet the cycle time goal.

When I became Chairman, I recognized our responsibility to resolve all our cases, including our oldest cases, as expeditiously as possible, without regard for the impact that resolving older cases would have on achieving of our cycle time goals. Undoubtedly, over time, as we retire more and more of the older cases, this dilemma will be resolved. But in the meantime, our aggressive retirement of old cases will result in cycle times that far exceed our goals, unless we revise the performance plan to put the older cases on a separate time frame. We have begun discussions with the Office of Management and Budget about realigning the cycle time goals just for this category of cases. At this time, however, our focus is on eliminating those deficiencies in performance over which the Review Commission has control.

In FY 1999, the Review Commission accomplished many achievements. The agency received a Hammer Award for its E-Z Trial program in FY 1999. Thirty-one percent of cases were assigned to the program in FY 1999. We piloted a new initiative to resolve high penalty cases more quickly and economically with mandatory settlement talks under the supervision of a judge. This "Settlement Part" to our procedural rules requires formal settlement efforts before a trial is scheduled for cases where the proposed penalty is \$200,000 or more, or if the Chief Judge decides that the case is appropriate. We substantially exceeded our goal of Settlement Part referrals in FY 1999, and the pilot has yielded excellent results. (We will complete our evaluation of the effectiveness of both the Settlement Part pilot and E-Z Trial programs by the end of FY 2000 and March 31, 2001, respectively.)

As noted, at the Commission level, we began the process of reducing the inventory of pending older cases. The results of this process should be evident in FY 2000, albeit at a significant cost in our cycle time goal. During FY 1999, when the Commission had a quorum for approximately a nine-month period, there were 43 dispositions, as compared to only 13 dispositions in FY 1998. Eighteen of the 43 dispositions (42%) occurred during the last three months of the fiscal year.

In FY 1999, we also continued the development of the Review Commission's website, adding ALJ and Commission decisions from earlier years. For the first time, we published decisions on CD-ROM for use by litigants and depository libraries. We published and widely distributed two user-friendly guides to Review Commission procedures, and a draft procedural guide for labor unions and employees. We also implemented visual standards for all nonlegal Commission documents, upgraded all printing and reproduction processes and equipment, and made legal writing training available to most judges and attorneys.

We will continue to improve our services to the public, our stakeholders and customers, and most importantly, our employees. My goals of improved communications, collegiality, and openness will be supported by continuous improvements to our internal and external

communications, active open dialogues within the safety and health communities, and enhanced website capabilities.

As this report makes clear, we have committed more resources to redesigning our procedures and processes to speed case resolution, improve the quality of our decisions and motivate our workforce. While a few objectives were not realized in the projected time frames, the mechanisms designed to achieve the goals remain in place and are providing improvements, albeit more slowly than hoped. Undoubtedly, our Commission level cycle time goal will suffer in the short term as a result of our effort to resolve long-pending cases. However, any meaningful commitment to public service must have at its core the disposition of old cases, especially since the abatement of cited work place hazards is not required during the pendency of cases at the Review Commission. This performance report will serve as a catalyst to action, pushing the Commission to both retire our older pending cases and, in time, achieve our cycle time goals. We remain steadfast in our intent to maintain an impeccable reputation for objectivity, evenhandedness, promptness, and professionalism.

We are committed to fully realizing the benefits of the "information age" and the technology that allow us to provide the best quality service to the American public as we fulfill our mission of providing fair and timely adjudication of workplace safety and health disputes. In doing this, the Review Commission will continue to play a vital role in encouraging safe and healthy workplaces for American workers.

Thomasina V. Rogers
CHAIRMAN

Occupational Safety and Health Review Commission

Annual Performance Report

Fiscal Year 1999

Report Overview

The Government Performance and Results Act (GPRA) of 1993 requires that a program performance report be submitted to the President and Congress not later than March 31, 2000 for FY 1999 and no later than March 31 of each year thereafter. This report is submitted in compliance with this requirement.

Highly effective organizations constantly reassess the environment within which they operate, including their customers, their legal mandates, available technology and economic factors. They use this information to identify areas needing improvements and then set goals and specific strategies to reach these goals. The Review Commission's leadership has been engaged in this process since 1994 and has involved stakeholders, managers, and employees in discussions of its current environment and its strategy for the future. Since that time, it has made significant progress against its original strategic goals which were set in 1994.

In September 1997, new goals were set by the Review Commission which built upon earlier progress made since 1994. The agency's updated strategic plan, issued in September 1997, provided details on specific objectives for fiscal years 1997 through 2002. This document isolates and expands on the objectives included in that plan for FY 1999. This FY 1999 Annual Program Performance Report was prepared in accordance with guidance contained in OMB Circular No. A-11, which explains the requirements of the GPRA. The performance indicators and the specific objectives for FY 1999 were developed to enable the Review Commission to improve how it performs its mission and the level of its service to the public. During FY 1999, the Review Commission was able to meet 68 percent of the FY 1999 goals set forth in the Review Commission's FY 1999 Annual Performance Plan.

This report includes the annual goals for FY 1999 excerpted from the Review Commission's Strategic Plan. Greater details on actual performance for fiscal years 1997 and 1998 are also included in the applicable sections, provided such data were available for reporting. Some performance indicators found in the FY 1999 Annual Performance Plan have performance goals for FY 1998 only. We addressed them in the FY 1999 report because they were completed in FY 1999 (P10, P13).

For the complete copy of the Review Commission's Strategic Plan, see our website at www.oshrc.gov.

*Figure 1, below, summarizes the Review Commission's achievement in fulfilling its FY 1999 performance goals.

FY 1999 Performance

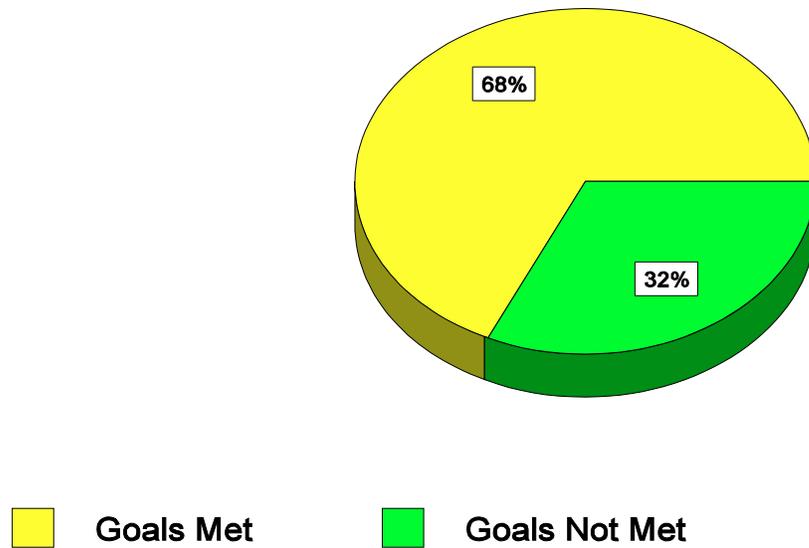


Figure 1

* The percentages shown in the pie chart represent the combination of goals achieved and not achieved, with each performance indicator for FY 1999 performance having a value of one.

Background on the Review Commission

The Review Commission is an independent, adjudicatory agency created by the Occupational Safety and Health Act of 1970 (the Act). Its sole statutory mandate is to serve as a court providing just and expeditious resolution of disputes between the Occupational Safety and Health Administration (OSHA), employers charged with violations of federal safety and health standards, and employees or their union representatives. The Review Commission was designed by Congress as an agency completely independent of the Department of Labor to provide a check on OSHA's enforcement powers and to assure that employers could appeal and receive relief from any arbitrariness in the exercise of that power. In fact it was the provision that established the Review Commission (the "Javits Compromise") that ended the stalemate in Congress and led to the Act's passage. Resolution for employers, and the abatement of alleged occupational hazards, do not occur until the Review Commission issues its final decisions and orders. For this reason, the agency's ability to provide speedy adjudication is of the utmost importance in both providing prompt justice and assuring worker safety.

The Review Commission has three members, appointed by the President and subject to Senate confirmation, who serve six year terms. Employers contesting citations are entitled to a hearing before the Review Commission's administrative law judges. The agency's principal office is located in Washington, D.C. There are also regional offices -- currently Atlanta and Denver-- where some of the Review Commission's administrative law judges and staff are assigned.

The Review Commission's Rules of Procedure provide two levels of adjudication. The first is a trial before an administrative law judge. The second level is a discretionary appellate review of the judge's decision by the agency's Commissioners. In the hearing phase, a Review Commission judge hears the evidence and issues a written decision based on findings of fact and conclusions of law. As part of the judge's decision, the citation(s) will be either affirmed, modified, or vacated. The decision becomes final unless one of the parties requests review, and one of the three Commissioners directs that the case be reviewed. The Commissioners review the evidence, briefs, and the judge's decision and renders a decision affirming or reversing the Administrative Law Judge.

Mission Statement

The mission of the Occupational Safety and Health Review Commission is to provide fair and timely adjudication of workplace safety and health disputes between the Department of Labor and employers. In doing this, the Review Commission plays a vital role in encouraging safe and healthy workplaces for American workers.

Vision Statement

The Review Commission should be a world class judicial Commission -- one with an impeccable reputation for objectivity, evenhandedness, promptness, and professionalism. It should be a model federal agency with highly effective processes, a highly motivated and diverse workforce and modern information management, communications, and financial management systems. Finally, the Review Commission should be an agency that values and develops its people and constantly strives to improve its performance, and its value and service to the American people.

Fiscal Year 1999 Performance Goals

The Review Commission has established goals to effectively accomplish its mission -- to provide fair and timely adjudication of work place safety and health disputes between the Occupational Safety and Health Administration and employers charged with violations of federal safety and health standards; some cases also involve employees or their union representatives. We have defined two broad external goals to improve the agency's service to and its communication with its customers and the public and three operational goals critical to the overall mission performance of the agency.

Public Service Goal

To assure the ready availability of fair, user friendly and timely adjudication of all disputes brought before the Commission and its judges and achieve a high level of readability and quality in Commission legal decisions.

External Communications Goal

To significantly enhance the efficiency and effectiveness of communications between the Commission and the public, its customers and other stakeholders.

Information Technology Goal

To capitalize on recent investments in modern computer hardware and software to increase organizational effectiveness, operate more efficiently and better serve internal and external customers.

Human Resource Management Goal

To build a highly motivated diverse workplace by developing a first class human resource management system, including highly effective affirmative action, recruitment, training, award, and performance management processes.

Quality Improvement Goal

To develop and institutionalize a process for continuous quality improvement.

Performance Indicators

For each strategic goal and its related objectives, the Review Commission has formulated performance measures and annual targets, numerical whenever possible. A few measures are necessarily qualitative in nature. We have noted the specific objectives and targets, definitions, and actual performance results for FY 1999 for each performance measure in this report. Cycle time data is kept in the case management/tracking system. In order to assure the quality of the data we review the information in the case management/tracking system periodically. We conduct test runs of the data to ensure that information is input and updated on a timely basis. The appropriate management official analyzes the data and ensures the accuracy of test runs and the reports produced. The Review Commission cycle times, the numbers of cases assigned to and processed through the E-Z Trial procedures, the number of settlement judges assigned to large dollar cases, and number of settlements exceeding one year are all tracked by our case management/tracking system.

Program Evaluation

In FY 1999, the Review Commission contracted for professional consultants to assess the effectiveness of the current appeals case processing procedures at the Commission level and provide information upon which to base improvements in the procedures. While the study revealed the existence of competent, experienced and professional staff, and up-to-date automation, it also identified certain barriers within the Commission, which hampered effective and efficient performance. These barriers include: lack of clarity of purpose or sense of direction; tumultuous professional working relationships; limited case management and use of automation; low job satisfaction; and conflicting projections of future caseloads. Based on their findings, the consultants recommended clarification of the agency's goals and objectives and an in-depth analysis of work flow, automation enhancements, and benchmarking studies. Finally, the report identified the need for effective management of initiatives.

The Review Commission embraced the findings of the report and immediately started to take action consistent with the findings and recommendations. Specifically, we have established new methods of case processing, created teams to handle complex cases, and

conducted staff meetings to assist in clarifying the goals and purposes of the organizations. We have also replaced personnel to facilitate in the development of more professional working relationships among colleagues in the agency. We will also hold a training workshop in May 2000 for the entire agency to allow employees to participate in setting the direction for the agency and developing strategic plans for future action. Finally, employee training in automation has been made a priority to ensure that employees make the most effective use of automation in the delivery of service objectives and goals.

Fiscal Year 1999 Performance Report

Public Service Goal

To assure the ready availability of fair, user friendly and timely adjudication of all disputes brought before the Commission and its judges and achieve a high level of readability and quality in Commission legal decisions.

P1. Public Service Indicator #1: Average cycle time for conventionally tried cases

Definition: We plan to reduce the cycle time for conventionally heard ALJ cases to less than a year, measured as the number of days from assignment to a judge to the date a decision is filed with the Executive Secretary. Because some very complex cases will necessarily take more than one year, the goal is for 90 percent of heard cases closed each year.

- Target: Reduce cycle time for most conventionally tried ALJ cases. For FY 1999, the target is to complete 90 percent of cases within 350 days from the date of assignment to a judge, down from 375 days in FY 1998.

Report: **We did not meet our target.** Although we did not meet our goal of 90 percent of the cases, 67 percent of the cases were closed within 350 days from assignment to a judge. More importantly, the number of cases that have met the cycle time goal has increased, despite the fact that the cycle time goal continues to decrease. Moreover, average case processing time has been reduced from 393 days in 1998 to 357 days in FY 1999.

FY		1997	1998	1999	2000	2001	2002
Cycle time in days	Goal	90% in 400 days or less	90% in 375 days or less	90% in 350 days or less	90% in 325 days or less	90% in 325 days or less	90% in 325 days or less
Cases meeting cycle time goal	Actual	62	79	83			
Percent meeting cycle time goal	Actual	79%	59%	67%			
Average cycle time for cases issued	Actual	325 days	393 days	357 days			

Conventionally Tried Cases

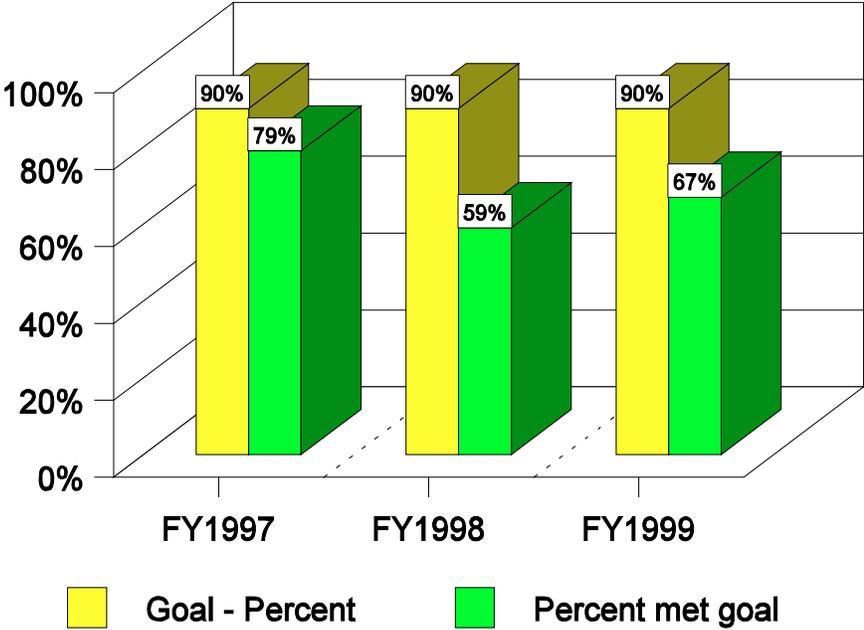


Figure 2

P2. Public Service Indicator #2: Cycle time for conventional case settlements

Definition: We plan to maintain the average cycle time for conventional ALJ cases disposed of without a hearing to less than 180 days. Cycle time is the number of days from the date of docketing to the date the decision is filed with the Executive Secretary for cases closed during the fiscal year.

- Target: Maintain average cycle time for conventional ALJ case settlements for non-trial cases. For FY 1999, the target is to maintain 180 days, the same as FY 1998.

Report: **We exceeded our goal.** The actual average cycle time for conventional ALJ case settlements was 155 days from docketing to closure, well below the goal.

FY		1997	1998	1999	2000	2001	2002
Cycle time in days	Goal	180	180	180	180	180	180
	Actual	151	158	155			
Number of cases settled	Actual	1,307	1,607	1,494			

Conv. Case Settlements

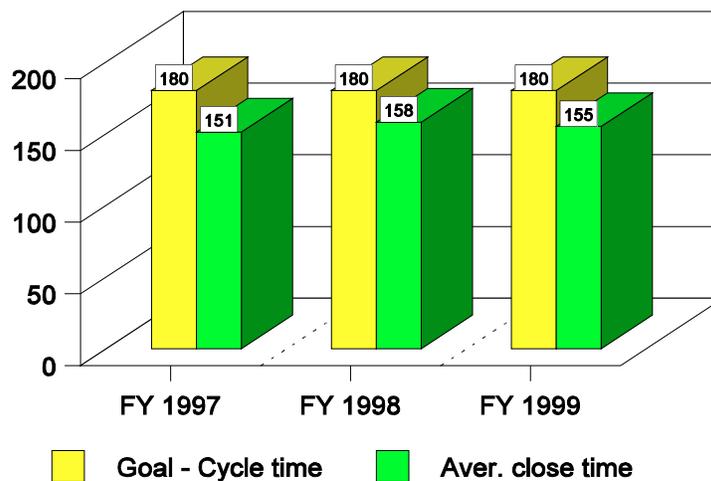


Figure 3

P3. Public Service Indicator #3: Percent of settlements exceeding one year cycle time

Definition: We plan to virtually eliminate cases that take more than one year to settle. Cycle time is measured from the date of notice of docketing to the date the decision is filed. We will track the percentage of cases closed without a hearing for which cycle time exceeds one year.

- Target: Reduce the number of ALJ cases taking more than one year to settle. The FY 1999 target is that no more than 3 percent of the cases closed without a hearing take more than one year from docketing, down from 5 percent in FY 1998.

Report: **We met our goal.** Only three percent of these cases were open longer than a year. The performance trend for this indicator continues to be positive.

FY		1997	1998	1999	2000	2001	2002
Percent exceeding one year	Goal	10%	5%	3%	2%	1%	1%
	Actual	5%	4%	3%			
Number of cases settled in one year	Actual	1,681	2,125	2,023			

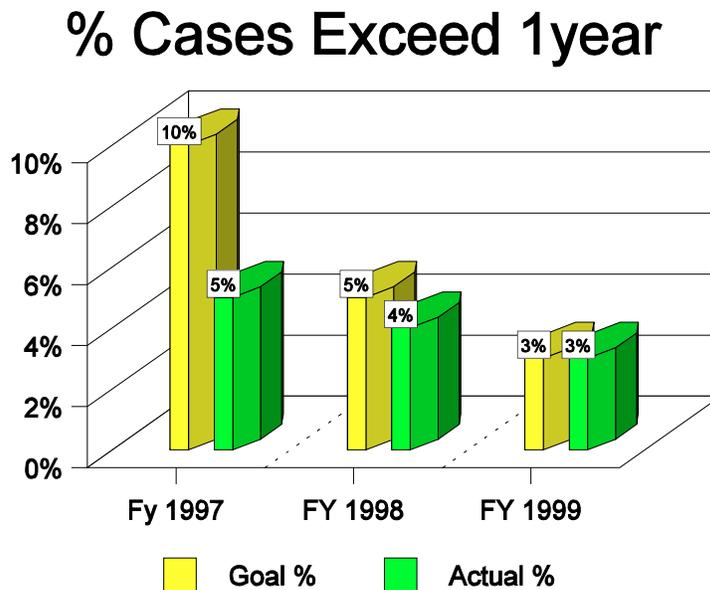


Figure 4

P4. Public Service Indicator #4: Commission review cycle time.

Definition: The Commission plans to reduce the cycle time to less than a year for most cases reviewed at the Commission level, measured as the number of days from direction for review by a Commissioner to the date a decision is issued. Because a few cases involve extremely complex issues and staff effort beyond what is reasonable to expect in a one year period, the goals are set for 95 percent of all cases closed in each fiscal year.

- Target: Reduce Commission Review cycle times for most cases. The fiscal year 1999 target is 350 days for most cases (95 percent), down from 375 days in FY 1998.

Report: **We did not meet our target.** Forty-seven percent of decisions were issued within 350 days of a case being directed for review. However, the number - 43 - represents more than a 200 percent increase over FY 1998 dispositions, despite the three-month absence of a quorum. Although we made significant progress in FY1999, the lack of a quorum for several months in FY1999 and during part of FY 1998 has had a negative effect on our cycle time since cases can not be decided without a quorum.

FY		1997	1998	1999	2000	2001	2002
Cycle time in days	Goal	95% in 400 days or less	95% in 375 days or less	95% in 350 days or less	95% in 325 days or less	95% in 325 days or less	95% in 325 days or less
Cases meeting cycle time goal	Actual	23	11	20			
Percent meeting cycle time goal	Actual	46%	85%	47%			
Total cases issued	Actual	50	13	43			
Average cycle time days	Actual	465 days	262 days	447 days			

Comm. Issued Decisions

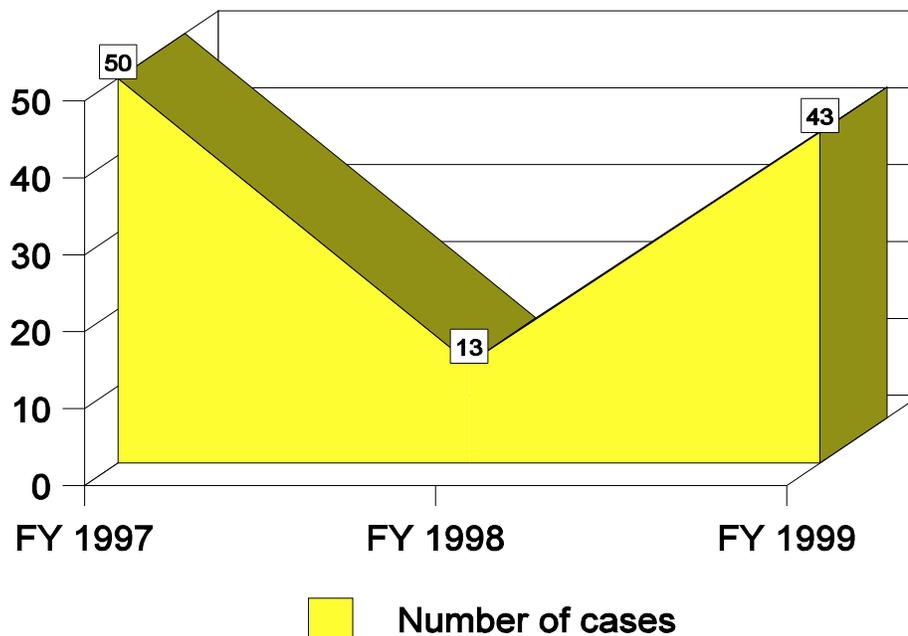


Figure 5

P5. Public Service Indicator #5: Cycle time for E-Z Trial cases.

Definition: The Commission wants to maintain the recently improved cycle times for less complex cases processed under the E-Z Trial program. Cycle time is measured as the average time elapsed from the date of docketing of the case to the date the decision is filed with the Executive Secretary, for all heard E-Z Trial cases closed during the fiscal year.

- Target: Cycle time (in days) for cases heard under the E-Z Trial program. The goal is to maintain cycle time to 160 days for all years covered by the Strategic Plan.

Report: **We did not meet our target.** It is noteworthy that the FY 1999 average time of 166 days was achieved at a time when we experienced the highest number of E-Z Trial hearings since the beginning of the program. The agency’s commitment to make E-Z Trial cases simpler, quicker, and less costly for employers continues to be one of our highest priorities.

FY		1997	1998	1999	2000	2001	2002
Cycle time in days	Goal	160	160	160	160	160	160
	Actual	168	162	166			
Number of cases heard	Actual	29	27	31			

E-Z Trial Hearings

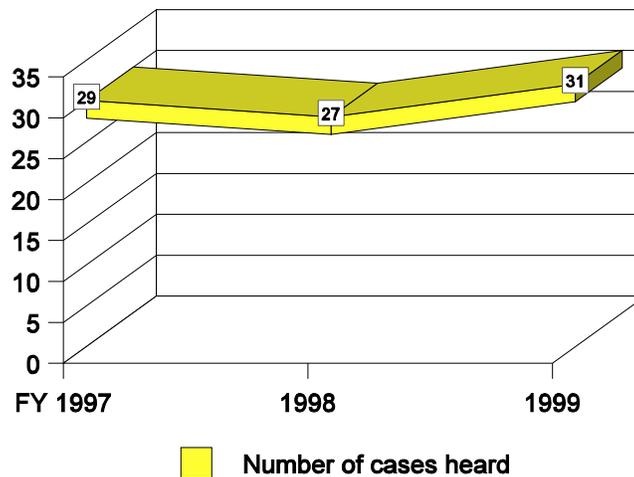


Figure 6

P6. Public Service Indicator #6: Percent of total cases received which are designated E-Z Trial.

Definition: The Review Commission hopes to continue to expand the use of the E-Z Trial process to a higher proportion of the Review Commission’s cases. It has changed its rules to make more cases eligible, completed a successful pilot program, and the Chief Judge will begin gradually increasing the percentage designated to the program so that any transition problems can be avoided.

- Target: Expand the use of E-Z Trial. The FY 1999 target is to assign 30 percent of new cases to E-Z Trial, up from a 25 percent goal for FY 1998.

Report: **We met our goal.** The Review Commission designated 31 percent of all cases docketed in FY 1999 to the E-Z Trial program.

FY		1997	1998	1999	2000	2001	2002
Percent of cases designated	Goal	20%	25%	30%	30%	30%	30%
	Actual	25%	28%	31%			
Number of cases docketed	Actual	2,067	2,141	2,324			
Number of cases designated as E-Z trial	Actual	524	611	733			

E-Z Trial Cases

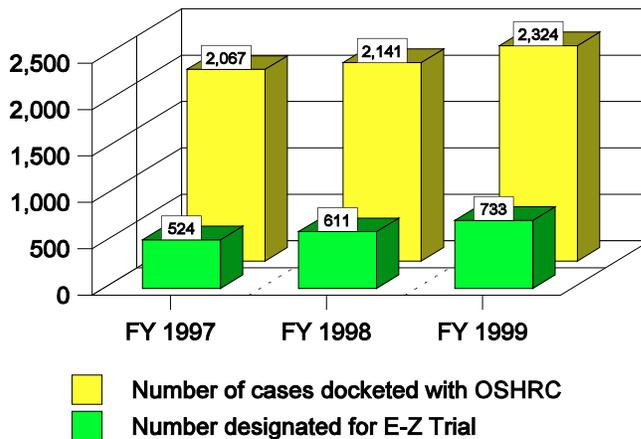


Figure 7

P7. Public Service Indicator #7: Number of significant cases where settlement judges are appointed and the percentage where settlement conferences are held.

We revised the target for this objective in March of 1999.

Definition: The agency will draft procedural changes in FY 1998 to require our Chief Judge to appoint settlement judges for cases involving more than \$200,000 in proposed penalties and in other cases where he deems it appropriate, under the "Settlement Part" pilot. The measure is defined as the number of cases during the year for which a settlement judge was appointed.

- Target: Significantly expand the use of settlement judges and conferences by implementing a new procedural rule for large cases (those over \$200,000), the "Settlement Part" pilot. During FY 1999, we will expand the settlement procedures to include large cases -- more than \$200,000 in a proposed penalties and other cases the Chief Judge deems appropriate. The target for FY 1999 is to appoint settlement judges for 10 cases which have proposed penalties of \$200,000 or other cases he deems appropriate.

Report: **We met and substantially exceeded our goal.** There were 32 cases in which a settlement judge was assigned a settlement conference under the "Settlement Part" pilot in FY 1999.

FY		1997	1998	1999	2000	2001	2002
Number of cases using settlement procedures	Goal	N/A	N/A	10	20	30	30
	Actual	N/A	N/A	32			

P8. Number of major changes implemented in structure and format standards for decisions and other legal documents.

Definition: Three major sets of documents are to be redesigned throughout a three-year period: (1) Commission decisions, (2) judges’ decisions and (3) legal documents, such as notices, orders and other legal documents. The redesign of one set of documents is planned for each fiscal year to improve quality and enhance operational efficiency.

- Target: Make a number of major changes to structure and format standards for decisions and other legal documents. The target is to redesign one of the following: (1) Commission decisions; (2) judges’ decisions; and (3) legal documents such as notices, orders and other legal documents. Explore the possibility of allowing contesting parties to file legal documents electronically.

Report: **We met our goal.** In FY 1999, the Commission’s decisions were redesigned to reflect changes made in the Commission Style Manual for Commission decisions. This manual is used as a reference for drafting Commission decisions. The Review Commission also explored the feasibility of allowing contesting parties to file legal documents electronically. We have assessed our ability to file legal documents electronically and have scheduled pretesting to commence in FY 2000.

FY		1997	1998	1999	2000	2001	2002
Number of documents to redesign	Goal	0	1	1	1	0	0
	Actual	0	1	1			

Discussion of Unmet Performance Targets

ALJ Disposition

There are a variety of factors that affected our ability to meet our goal at the administrative law judge level. These include: (1) the magnitude, and nature of the cases received, (2) the success of the settlement process initiatives (E-Z Trial and Settlement Part pilot) in reducing the number of hearings needed, and (3) number, location, length and complexity of trials held. Although these factors are not wholly within the Review Commission's control, the Strategic Plan and the Annual Performance Plan acknowledge that the Review Commission is committed to working within such constraints to improve its service to the public.

The disposition rate of cases before the administrative law judges was set at an approximate level based on previous estimates and certain assumptions about the complexity of the cases that come to the Review Commission. The annual plan identified that 10 percent of cases would be "complex." In fact, the Review Commission realized a 23 percent increase in large or complex cases between FY 1998 and 1999. This increase in large and complex cases affected our ability to meet our goal. The complexity of these cases results from the existence of one or a combination of the following factors:

- the intricacies of the law;
- the number of parties;
- the volume of documents, including transcripts;
- the large number of witnesses (including expert witnesses in such fields as engineering, architecture, construction, soil, physics, epidemiology, pathology, neurology and infectious diseases);
- the length of the trial;
- the large amounts of money involved (maximum \$8.2 million in proposed penalties to date);
- the number of alleged violations, items, (including distinct and separate items), and affirmative defenses;
- the technical, novel, difficult or new standards raised;
- the type of cases, such as those involving air pollution, asbestos, lead poisoning, tuberculosis, and ergonomics; or
- the extensive pre-trial discovery in the largest or most complex cases, including volumes of depositions and interrogatories, conferences, and numerous motions.

We expect the number of large and complex cases to continue to increase. The Occupational Safety and Health Administration's (OSHA) emphasis during recent years on more serious workplace hazards, and the consequent increase in proposed penalties, has translated into more complicated cases, more costly trials, and, from the employer's perspective, harder

fought cases with higher economic stakes. This is illustrated by the fact that the number and proportion of large (those with proposed penalties more than \$50,000) or complex cases have steadily increased in recent years. Based on anticipated OSHA activity, OSHRC estimates that the number of complex cases could increase by nine percent over the FY 1999 estimate level in FY 2000.

Additional external factors that affect our disposition time include: unsuccessful settlement negotiations; the existence of prior orders staying the Review Commission proceedings because of ongoing federal criminal proceedings, and the receipt of cases from remote locations. Cases that are stayed can remain in that status until the United States Attorney has completed his criminal prosecution, which can take a year or more. Due to the complexity of issues and the number of cases received, the Review Commission will often consolidate trials involving the same employer and similar issues, and group cases from distant locations. For example, the Review Commission cases that are heard in Guam, Saipan MP, Mariana Islands, Alaska, and American Samoa increase the time in which the Commission adjudicates cases. In FY 1999 those cases made up more than 5 percent (or 119 cases) of the Review Commission's caseload, as compared to an average of 4 percent in FY 1998 and 1997. Because of the location of those cases, the Commission usually holds and groups these cases until there are a sufficient number of the cases to assign a judge to avoid multiple costly trips and extensive staff time to travel to such remote locations.

Corrective Action

We will take corrective action towards improving the cycle times for ALJ conventional and E-Z Trial cases that go to hearing so that they are completed within the time frames established in the annual performance plans.

ALJ Disposition

For FY 2000 and FY 2001, our goal is to have 95% of all cases completed within 325 days from the time a case is assigned to a judge, down from 350 days in FY 1999. The Chief Judge has instituted a two-part strategy to ensure that this goal is met -- case process improvement, including close monitoring of case performance with established criteria for grouping more complex or large cases, and improved management information systems.

The Chief Judge will employ additional judicial management techniques to improve case processing. These include early judicial controls of cases, strong management and monitoring of the progress of cases by both the judges and the Chief Judge, early review and screening of the potentially difficult cases and their expedited assignment, adherence to scheduling orders with time goals that are appropriate to the complexity of each case, and monitoring so that cases are promptly put on the trial calendar. The Chief Judge will shorten

the date of assignment to a judge, provide guidance and training to judges, develop a team of judges to handle complex cases on a rotational basis, report results periodically to the Executive Director, and benchmark other federal judicial processes to assist in streamlining processes and case management. Finally, we will hire additional temporary personnel to assist in processing decisions.

For example, in December 1999 the Chief Judge sent a memorandum to all judges establishing procedures for processing cases to assist in improving performance. In the memorandum judges were informed of the need to engage in aggressive case management. Specifically, they were informed to: establish and adhere to deadlines on pleadings, motion discovery; maintain a strict continuance policy; establish a comprehensive pre-hearing order and conference call schedule to identify and simplify issues, and set firm discovery dates; continue a hands-on approach to settlement discussion; schedule trial dates no more than three months after assignment, and in unusual cases, six months; establish calendar calls for cases to conserve travel expenses and judicial travel time; and monitor and track settlement agreements so that cases are timely closed, and if settlement is not forthcoming, issue an order to show cause.

In addition, the Review Commission will continue to work on automating its case processing to develop and generate timely reports. The Review Commission will develop improved management information systems to track large or complex cases, and stayed cases, and judicial performance on all cases. We will develop specific reports that can be used to anticipate possible variances of performance and expected performance throughout the year. A "tickler" approach, to alert users of pending action, will be part of the new operating procedures. We will also separately track cases that require extended travel -- Guam, Mariana Islands, Saipan MP, American Samoa -- since these cases tend to increase processing times beyond those contemplated during the development of the goals. Finally, case management statistical information for all judges will be shared among the judges to assist in maintaining a community of interest/knowledge with respect to average ALJ case processing performance.

Below is a chart that summarizes the enhanced judicial management efforts that are being or will be used to assist us in reaching our goals established for conventional and E-Z Trial cases which go to hearing.

Action Item	Schedule
Provide periodic guidance and reminders to all judges on case management, including processing requests for extensions of time and postponements of hearings, and routinely monitor the judges' compliance with such guidelines.	Memo sent to all judges in December 1999
Establish process improvements in the assignment of cases to judges to ensure that all cases are assigned with 60 days of notice of docketing.	By May 10, 2000
Provide case management training to all judges.	May 7-10, 2000 OSHRC Training Workshop
Develop a team of judges to handle, on a rotational basis, extremely complex cases that are likely to last more than one week at trial and assign appropriate staff to timely process and monitor such cases, including settlement discussions.	By June 1, 2000
On a quarterly basis prepare program narrative justifications of case processing goals and up-to-date caseload statistics to the Executive Director in support of the annual performance plan goals.	Started November 24, 1999 and ongoing
Work with the Executive Director on resource allocations needed to support the timely issuance of decisions in regional offices and the national office.	Started October 1999 and ongoing
Monitor, in consultation with the judges, the status of pending cases and recommend appropriate action regarding the quality, output, and general performance to assure the timely and expeditious processing of cases.	April 6, 2000-regional office visit May 7, 2000 - meet with all judges
Benchmark other federal judicial processes and conduct special studies and evaluations of program performance of judges and develop recommendations.	By June 1, 2000
Recommend training to judges concerning statutes, laws, regulations, policy statements, and rules of practice which have an impact on the disposition of cases.	February 22, 2000 and ongoing

Provide alternative dispute resolution training to all judges assigned to settlement conferences by FY 2002, and periodically meet with all judges to assess and share best practices.	Started 1999 and ongoing
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Discussion of Unmet Performance Target

Commission Disposition

Commission-level disposition objectives for new and pending cases were not achieved in FY 1999. Overwhelmingly, this was due to vacancies among the three Presidentially-appointed Commissioners in FY 1998 and FY 1999. During the FY 1996-1999 period, all three Commissioners were on board for only about 12 months out of the 36-month period. For over 10 months in FY 1998, only one Commissioner was on board. The Occupational Safety and Health Act requires a quorum of two Commissioners and a vote of two Commissioners to take official action. With only two Commissioners, it is more difficult to reach agreement sufficient to dispose of a case. A larger and more difficult case has a greater likelihood of an impasse. With only one Commissioner, cases cannot be decided. As a result, not only were very few cases issued in FY 1998, in addition to the significantly fewer issued in FY 1998, but also, all other pending cases aged beyond our targeted cycle times.

Simultaneously, new cases continued to be docketed on review throughout the period. Decisions by Administrative Law Judges can be directed for review by any single Commissioner. Traditionally, Commissioners have always directed for review cases that each deemed to merit full Commission review. In addition, cases are remanded from the courts of appeals with no action on the part of the Commission. Despite the quorum difficulties, the Commission received 47 and 36 new cases in FY 1998 and FY 1999, respectively. Cycle time is not adjusted when the Commission is undermanned or without a quorum. Because cycle time is measured from the date the case is placed on the docket for review, agency efforts on case productivity and cycle times have been overwhelmed since FY 1997. When a quorum is finally achieved, the retirement of cases older than one year is always a priority, even though these cases impact negatively on Commission cycle time goals. Nevertheless, the body of older cases cannot be ignored to achieve goals on newer cases.

At the Commission level, one of the biggest obstacles to achieving the cycle time goals specified in the performance plan is the profile of cases in our inventory. Currently, more than 50 cases are older than two years. A large percentage of these cases are older than four years. As we resolve these old cases that have been on our docket for several years, our average cycle time will inevitably increase since the cycle time for cases is not calculated

until a case has been resolved and closed. This creates a dilemma, possibly creating an incentive to resolve last in cases first in order to meet the cycle time.

Another challenge that the Commission faces in the review docket is the resolution and issuance of decisions in very large and complex cases. The Commission now has 21 cases pending in this category. Most of the large and complex older cases could not be resolved with fewer than three Commissioners. Preparation of each of these cases consumes a huge amount of Commissioner and attorney time. In turn, work patterns in the General Counsel's office and Commissioners' staffs are distorted and other case work is slowed. These cases present a serious impediment to the consideration of new cases, which also compete for precious work time at the entire review level.

Corrective Action

We will take corrective action toward improving the cycle time for cases directed for Commission review so that they are completed within the time frames established in the annual performance plans.

Commission Disposition

With a quorum assured for the remainder of FY 2000, the Commission has developed a plan to focus on the disposition of a balance of older and newer cases. At the same time, with a full complement of Commissioners the resolution of larger, more significant and more complex cases has been identified as a priority. In addition, the Review Commission has budgeted for a temporary increase in personnel to assist in working to dispose of new and older cases. During fiscal years 2000 and 2001 a series of details and temporary hires will be used to expedite the processing of old and complex cases.

We have also developed an internal operating plan to assist in the retirement of old and complex cases, while balancing the need to review newer cases. This plan includes maintaining a rigorous schedule of Commission meetings, making all steps in the decisional process more effective and efficient, including greater efficiency in the conduct of Commission meetings, and improved case processing within the Office of the General Counsel. Our plan requires a rigorous schedule of meetings to be used to tentatively decide cases. About 40% of the FY 1999 case production occurred as a result of these efforts. We intend to continue this aggressive schedule. We have scheduled meetings and developed an agenda for each scheduled meeting through the Spring of 2000. All other stages of the process and the associated documents are also under examination as well. For example, cases with similar issues are grouped for consideration where possible, when putting cases on the meeting agenda. This not only aids resolution, but allows for more thorough examination of the issues presented.

In addition to a rigorous schedule of meetings, greater efficiency is being sought in the conduct of the meetings. The presentation of larger cases is structured by issue and item to simplify the consideration of issues by the Commissioners and to speed the meetings. The attorneys and chief counsels have engaged in strategic, coordinated efforts to identify non-problematic issues before meetings so as to remove them from the agenda for the meetings.

Progress is being made with these very large complex and older cases. Four of the 21 large and complex cases are in draft decision stage and nine more have been prepared for consideration. The Commission also is working to make efficient and effective all steps that are a part of the decisional process despite the fact that, in large part, the manner of operation is idiosyncratic to each group of Commissioners. We have therefore, developed a goal to optimize each contributor and segment in the case management process.

A three-day training workshop is being held in May 2000 for Review Commission employees. During that time, the Commissioners and the Office of the General Counsel staff will meet and discuss specific initiatives to improve case processing and goal setting. For example, the Commissioners will work with the Office of the General Counsel to establish response time for draft decisions, and expediting the processing and issuing of Commission-level decisions.

Finally, the Office of the General Counsel has created teams to assist in developing certain cases. For example, some large cases are prepared by teams in the General Counsel's office to expedite the presentation. Attorneys have also tried to shorten the length of decisions, however, we have found that the use of short decisions in select cases has been less successful. The General Counsel's office continues to strive to develop methods to shorten case preparation documents so as to be able to concentrate staff effort toward decision writing. Greater use of staff level meetings has also proven to be effective in the processing of cases and has been useful in knowledge management of issues and decisions.

We have already seen some increase in productivity. As noted, at the Commission level, we began the process of reducing the inventory of pending older cases. The results of this process should be evident in FY 2000, albeit at a significant cost in our cycle time goal. During FY 1999, when the Commission had a quorum for approximately a nine-month period, there were 43 dispositions as compared to only 13 dispositions in FY 1998. Eighteen of the 43 dispositions (42%) occurred during the last three months of the fiscal year. The size and difficulty of cases, however, suggest that this progress will not be linear. Each case presents individual challenges to optimize its processing.

Undoubtedly, over time, as we retire more and more of the older cases, this dilemma of balancing the disposition of older and newer cases will be resolved. But in the meantime, our aggressive retirement of old cases will result in cycle times that far exceed our goals,

unless we revise the performance plan to put the older cases on a separate time frame. We have begun discussions with the Office of Management and Budget about realigning the cycle time goals just for this category of cases. At this time, however, our focus is on addressing identified deficiencies in performance.

The Commission is also contemplating revising the cycle time for this indicator to reflect the need to ensure that older cases are retired. The current cycle time definition engenders a disincentive to work on cases that are more than one year old, because it will negatively affect the average time for cases decided in a fiscal year.

External Communications Goal

To significantly enhance the efficiency and effectiveness of communications between the Commission and the public, its customers and other stakeholders.

P9. External Communications Indicator #1: The extent to which Commission decisions and other publications and case information are made available electronically through the agency’s world wide website.

Definition: This effort involves three distinct phases in which: (1)the website is established and recent and new decisions and procedural guides and publications are made available (50%); (2) a more complete listing and copies of earlier decisions are added (20%); and (3) docket information on open cases is made available (30%). We intend to eliminate #3 because of a lack of interest by our customers.

- Target: The performance targets for fiscal years 1998 and 1999 are to continue development of a new website and produce a more complete listing and copies of earlier decisions so that Review Commission decisions, rules, press releases, guides, and other information are readily available electronically to the public. Future work will involve adding Commission decisions from the early 1990’s and enhancing the appearance and usefulness of the site.

Report: **We met our goal.** We completed our initial website development in FY 1998 and all current decisions are placed on the website within days of receipt and cases date back to 1993. The remaining 30 percent of the goal was to be dedicated to the development of a docket sheet/case status listing which has been eliminated due to a lack of customer/stakeholder interest. However, we will continue to enhance our website, including improvement in search capabilities.

FY		1997	1998	1999	2000	2001	2002
Percent complete	Goal	0	50%	70%	100%	Main-tain	Main-tain
	Actual	0	50%	70%	*		

* Eliminated because of lack of customer/stakeholder interest.

P10. E-Z Trial video developed.

Definition: The Commission plans to complete this project in FY 1998

- Target: Develop a video tape for the E-Z Trial Program. The FY 1998 target was to develop a video tape of an E-Z Trial.

Report: **We met our FY 1998 goal in FY 1999.** A video tape explaining the E-Z Trial program was completed in 1999, and sent to all small employers contesting OSHA citations under the E-Z Trial alternative. This tape explains the process along with a "Guide to E-Z Trial" to aid employers in bringing cases before the Review Commission.

FY		1997	1998	1999	2000	2001	2002
Number of E-Z Trial Videos	Goal	0	1	0	0	0	0
	Actual	0	0	1			

P11. External Communications Indicator #3: Number of issuances (and updates) of CD-ROM's providing Commission decisions made available to the public through the Superintendent of Documents.

Definition: The first edition will be published in 1998 and updated versions will be issued each year thereafter.

- Target: Publish Review Commission and ALJ decisions on CD-ROM for use by litigants, libraries and other interested parties. In FY 1999, we will update the CD-ROM to include the most recent decisions.

Report: **We met our goal.** In August 1999 we submitted our intent to publish the updated CD-ROM to our web master, the Government Printing Office for October 1999. Although the developmental work for our first CD-ROM was completed in FY 1998, publication of the first CD-ROM by GPO was delayed until July 1999, due to circumstances beyond our control. We plan to issue two additional CD ROMs in April and August 2000.

FY		1997	1998	1999	2000	2001	2002
Number of CD-ROMs	Goal	0	1	1	1	1	1
	Actual	0	0	1			

P12. External Communications Indicator #4: Extent to which communication enhancing activities are completed to aid state adjudicators.

Definition: The Commission will facilitate a national conference of adjudicators in FY 1998 and hopes to hold such conferences periodically thereafter. We will also attempt to create a mechanism by which officials from one jurisdiction can get safety and health decisions and other useful information from all other jurisdictions. The bulk of this effort will occur in FY 1998, but the availability of state decisions and procedural data in electronic media will occur in FY 1999, with continuing activities in subsequent years.

- Target: Develop better mechanisms for communications to aid state adjudicators who resolve occupational safety and health cases. For FY 1999 the performance target is to establish: (1) a database of state decisions; and (2) a procedural database so the states may benefit from each other's experience.

Report: **We did not meet this target.** The Review Commission performed a substantial portion of the targeted effort; however, we did not complete the project in FY 1999. We updated most of the links to the state websites that are on the Review Commission's website, and in February 1999, we developed a comprehensive draft report complying all state plans' procedures and websites. The report was a comprehensive compilation of information on how each state adjudicates disputes arising from their job safety and health enforcement programs. The report also provides contact resources in each state's job safety adjudicatory system. Because of other mission-driven priorities, and changes in personnel, we could not complete our goal; however, we will work with the appropriate federal and state agencies to facilitate further communications with adjudicators. In FY 1998, we held a National Safety and Health Adjudicator's Conference.

FY		1997	1998	1999	2000	2001	2002
Percent complete	Goal	N/A	50%	80%	100%		
	Actual	N/A	50%	70%			

P13. External Communications Indicator #5: Biennial reports for the Commission issued as planned.

Definition: The Review Commission plans to produce a highly professional biennial report for fiscal years 1996 and 1997 and for every two-year period thereafter as an element of the Commission’s evaluation strategy. The report will include the results of financial statement audits for applicable years.

- Target: Publish Biennial Commission reports. The Review Commission did not intend to produce biennial reports of the Commission’s activities for FY 1999 since it was scheduled to have done so in FY 1998.

Report: **We met our FY 1998 target in FY 1999.** The Commission published its first Biennial Commission Report for fiscal years 1996 and 1997 in FY 1999. That report was due to be published in FY 1998. The results of the financial audit were published separately in FY 1998.

FY		1997	1998	1999	2000	2001	2002
Number of Biennial Reports	Goal	0	1	0	1	0	1
	Actual	0	0	1			

Discussion of Unmet Performance Target

Activities to Aid State Adjudicators (P12)

The Occupational Safety and Health Act allows states with OSHA-approved plans to assume responsibility for occupational safety and health matters. In FY 1998, the Commission held a National Safety and Health Adjudicators conference attended by 74 state-level officials, review board commissioners, judges, and administrators from 19 states, Puerto Rico and the Virgin Islands. The purpose of the meeting was to study technical topics, share ideas, and discuss common problems with respect to resolving disputes under the Act.

During the conference, the Review Commission found that states used a variety of procedural approaches, but that there was no clearinghouse of information or guide to the various state administrative appeal processes. Shortly thereafter, the Review Commission undertook an effort to compile summaries of the basic state-plan adjudicatory structures. Further, we updated most of the links to state websites that are on the Review Commission’s website. Unfortunately, because of more mission-driven priorities and change in personnel, we were unable to bring a final report to fruition.

Our draft report of the "State Post-Contest Administrative Review Procedures" is an excellent resource document. The report identifies levels of administrative review, availability of alternative dispute resolution forums, statistics on the number of contests and hearings, and information resources, including websites. We shared this information with the American Bar Association Labor and Employment Law Section to benefit its members.

Corrective Action

Activities to Aid State Adjudicators (P12)

The Review Commission has identified the need to involve appropriate federal agencies in its activities involving the state adjudicators. The Review Commission will move toward serving in a liaison role with appropriate adjudicators in the safety and health communities. The Review Commission plans to work in coordination with appropriate federal and state agencies, and other stakeholders. This exchange of information will be mutually beneficial and will assist us in learning lessons from the states to more effectively enhance our adjudicating responsibilities. The Review Commission's website will continue to provide links to appropriate state websites. These links will assist the public in gaining easy access to information from each of the states that operates its own federally approved job safety and health enforcement and adjudication system.

In our FY 2001 plan, we have clarified this measure to include stakeholders, customers and federal adjudicators, in our effort to further expand and enhance external communication activities.

Information Technology Goal

To capitalize on recent investments in modern computer hardware and software to increase organizational effectiveness, operate more efficiently and better serve internal and external customers.

Information Technology Indicators

P14. Information Technology Indicator #1: Completion of case management/tracking system.

Definition: This measurement is defined as the percent of total effort completed. We will: (1) enhance internal communications of case information (20%); (2) ensure better management and evaluation reports (20%); (3) provide links to electronically stored legal documents (20%); and (3) enhance automation of business processes (30% spread over three years).

- Target: Enhance the case management/case tracking system to provide, among other things, better reports and data communications. For FY 1999 the target is to have these enhancements to the system 90 percent complete. In FY 2000 we will link electronically stored legal documents to other case information and continue to automate business processes.

Report: **We did not meet our target.** However, we did achieve substantial progress toward our goal, completing 80% of the planned improvements. The Review Commission has enhanced its internal communication of case information, created better management and evaluation reports, provided electronic pointers to the Review Commission decisions, automated business processes, and determined the feasibility of filing certain legal documents with the Commission. All appropriate offices now have the ability to review and track cases at the desktops. Reports are periodically disseminated to appropriate staff. We have automated several business processes over the past three years, such as creating: (1) a database to track records stored at the Federal Records Center; (2) a subsystem for controlled correspondence to manage and report on information requests; (3) a database for tracking training taken by employees; and (4) a financial subsystem to consolidate and reduce paper. Finally, we have assessed our ability to file legal documents electronically and have scheduled pretesting and the pilot to start in FY 2000; however, we did not start electronic filing of legal documents in FY 1999.

The Review Commission has met all but a small portion of the total target for this goal. Linkage to the electronic documents was not started because the capability for electronic filing of legal documents had not yet been realized. In FY 1999, the Review Commission determined that it is feasible to file legal documents electronically. We have developed an action plan to pretest the electronic filing of legal documents and will begin a pilot in FY 2000. Linkage to electronic legal documents is dependent on the results of our pilot for the filing of legal documents, but is expected to begin later in FY 2000.

FY		1997	1998	1999	2000	2001	2002
Percent Complete	Goal	10%	60%	90%	100%		
	Actual	10%	60%	80%			

Goal - % Complete

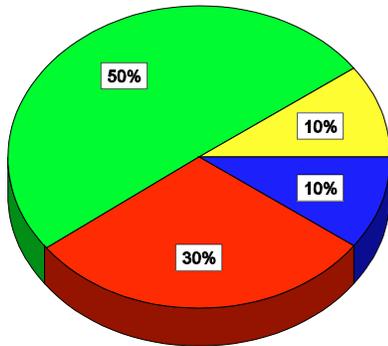


Figure 8

Actual % Complete

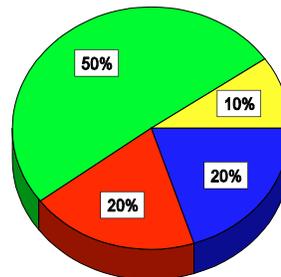


Figure 9

P15. Information Technology Indicator #2: Complete a wide area network and improve communications with regional offices

Definition: The Review Commission will upgrade its wide area network to include file servers in each region and strengthen data transfer. A portion of this effort will be completed in fiscal year 1997 and the remainder in fiscal year 1998, and we will assess our needs again in fiscal year 1999.

- Target: Complete a wide area network and improve communications with regional offices. For FY 1999, we will assess our FY 1997 - 1998 efforts to strengthen, up size and migrate to a client/server environment.

Report: **We met our goal.** The Review Commission has installed a wide-area network and E-mail system that links employees in Washington and its regions. After the assessment of our needs in FY 1999, the system was enhanced to provide higher speed communications and accommodate Internet usage in the national office. The Review Commission has also reviewed high-speed communications from regional offices to the national office. We will strategically determine the most cost effective means of improving electronic communications with our regional offices.

FY		1997	1998	1999	2000	2001	2002
Percent complete	Goal	30%	100%	Assess			
	Actual	30%	100%	Assess			

P16. Information Technology Indicator #3: Extent to which memory and processor for desktop computers are upgraded based on need.

Definition: During FY 1997, we will complete the needs assessment for the equipment and complete the installation of the majority of equipment requiring upgrading (70%), and complete the installation effort in FY 1998 (30%). We will reassess our need in FY 1999.

- Target: Upgrade memory and processes for desk top computers and other hardware, as necessary, and selectively upgrade network software to meet user needs. In FY 1999, the Commission’s target is to reassess the completed computer environment at the Review Commission and to determine if further upgrades are needed after the FY 1999 enhancements are in place. Most of the effort took place in FY 1998.

Report: **We met our goal.** The Review Commission has reassessed user desktop and laptop requirements, and concluded that continual upgrade of memory and replacement of parts were not viable long-term options. We also established minimum standards for laptop computers in order to ensure compability with the Commission’s standard software packages. The Review Commission has determined that it needs to replace desktop and network computers, software and peripherals on a four-year cycle.

FY		1997	1998	1999	2000	2001	2002
Percent complete	Goal	70%	100%	Assess			
	Actual	70%	100%	Assess			

P17. Information Technology Indicator #4: Level of completion of integrated financial management information system.

Definition: This measurement is defined as the percent of total effort completed in a given fiscal year. The broad design and input screen for this system were completed in FY 1997. We estimate that this comprises 25 percent of the effort. Initial programming was completed and the baseline system became operational in 1998 (65% of effort). The system will record transactions, and automate paperwork and approvals for procurement and payment processes. The links to budgeting and financial planning and additional enhancements will be added in FY 1999 and these segments comprise 10 percent of total effort.

- Target: Additional enhancements to the financial management system will be made in FY 1999. In FY 1999, we will use this system to reduce paperwork, automate finance and procurement functions and develop additional systems modules.

Report: **We met our goal.** The automated financial management system was implemented. Programming has been completed and a baseline system was operational during FY 1998. Significant enhancements targeted for completion in FY 1999 to add electronic signatures, credit card transcriptions, miscellaneous payments and better reports have been completed.

FY		1997	1998	1999	2000	2001	2002
Percent complete	Goal	25%	90%	100%	Assess	Main-tain	Main-tain
	Actual	25%	90%	100%			

Human Resource Management Goal

To build a highly motivated diverse workplace by developing a first class human resource management system, including highly effective affirmative action, recruitment, training, award, and performance management processes.

P18. Human Resource Management Indicator #1: Delivery of needed training measured in hours.

Definition: The Commission will identify annual and long-term training priorities and development needs for each employee and meet these needs by annually providing a target number of hours of formal or on-the-job training. Achievement of training goals will be included in both employee's and supervisor's performance appraisals.

- Target: In FY 1999, provide an average of 40 hours of training per employee, an increase over the 30 classroom hours targeted in FY 1998.

Report: **We did not meet our target.** Forty-three percent of the staff received the minimum amount of training dictated by the plan. The average number of training hours provided was 33 overall, 37 for career employees.

FY		1997	1998	1999	2000	2001	2002
Minimum hours per employee	Goal	20	30	40	40	40	40
	Actual	25	34	33			
Percent reaching minimum	Actual	59%	60%	43%			

P19. Human Resource Management Indicator #2: Percentage of employee performance plans redesigned to include Strategic Plan objectives and annual performance goals.

Definition: Performance plans will be revised for all employees rated, by linking employee performance standards to the strategic plan goals and objectives, and to internal performance indicators linked to our annual performance objectives. Percentages of employees in the table below are cumulative.

- Target: In FY 1999, the goal is to revise all performance plans for all employees rated to incorporate strategic goal expectations.

Report: **We met our goal.** All appraisals were revised for all employees rated during FY 1999 to incorporate the strategic goals objectives.

FY		1997	1998	1999	2000	2001	2002
Percent Complete	Goal	25%	75%	100%			
	Actual	25%	75%	100%			

Discussion of Unmet Performance Target

Training Hours (P18)

The Review Commission’s inability to meet its training hour goals can be attributed to major activities occurring during FY 1999. First, in February 1999 the Review Commission closed one of its regional offices, resulting in the displacement and relocation of some employees. Many of the employees who would have been required to meet these goals were otherwise involved in ensuring that the office closing was accomplished as smoothly as possible without disrupting mission accomplishments. Second, personnel changes further hampered our ability to meet this goal. The Review Commission underwent a change in leadership in FY 1999. In June 1999, a new Chairman was appointed. In September 1999, new personnel were placed in the positions of the Executive Director and the Director of the Office of Financial and Administrative Services Office. These unexpected leadership changes further detracted from the Review Commission’s ability to meet its goals and resulted in lost training hours for employees.

Corrective Action

Training Hours (P18)

The Review Commission will continue to invest in its most valuable resources -- human resources. We have taken systematic steps to ensure that all our employees receive the opportunity to improve their workplace skills through appropriate training. Managers are being instructed to more closely supervise the training classes taken, as well as the opportunities for training by their staffs. We will monitor our progress through the preparation and analysis of reports by our Human Resource Management Office. We are also participating in the Office of Personnel Management's Individual Learning Account Pilot Program which requires employees to withdraw 40 hours from their accounts for training each fiscal year. The pilot will also require that all employees work with their supervisors to develop a training plan which specifies the hours and types of educational activities the employees should attend during the fiscal year.

Quality Improvement Goal

To develop and institutionalize a process for continuous quality improvement.

P20. Quality Improvement Indicator #1: Percentage of staff provided quality management and quality team leader training.

Definition: The agency hopes to facilitate process redesign and to improve service to the public by reevaluating key processes using the concepts of quality management. To do this, it must have a trained cadre of staff who are familiar with quality management and customer service concepts. Our target is to train at least 20 percent of the staff each year to enable them to lead and participate in quality improvement teams.

- Target: Provide quality management and team leader training to Review Commission staff, with the expectation that such training will contribute to improvements in the internal processes and better service to the public. For FY 1999, the target is to provide 20 percent of the staff with such training.

Report: **We met and exceeded our goal.** Most administrative support, and other employees received training in teaming, reengineering, leadership, personality characteristics of team members (Myers-Briggs), time management, etc. We intend to accelerate our training in quality management and teams to be able to realize the benefits of the training sooner. We revised this target in our FY 2001 APP to complete training of all employees by FY 2001, rather than 2002.

FY		1997	1998	1999	2000	2001	2002
Percent complete	Goal	0%	30%	50%	70%	90%	100%
	Actual	0%	24%	59%			

P21. Quality Improvement Indicator #2: Number of teams appointed for key business processes evaluation and reengineering to achieve improved performance.

Definition: The agency needs to reevaluate all key business processes in order to streamline operations, and improve quality and performance. To do this it will appoint process improvement teams. This measure counts the number of teams that complete work each year with significant process improvements adopted.

- Target: Systematically review and improve all key business processes, contributing to both external and internal efficiencies. For FY 1999, the target is to establish two process improvement teams (Commission case processing and office administration) which will make suggestions for improving processes.

Report: **We met our goal.** Two key business processes were reviewed so that these business processes could be evaluated to improve quality and performance. In FY 1999, we established two teams to automate our correspondence system for our Public Affairs Office and redesign the processing of motions filed at the Commission appellate level.

FY		1997	1998	1999	2000	2001	2002
Teams appointed	Goal	1	2	2	2	2	2
	Actual	1	2	2			