

Occupational Safety and Health Review Commission

OSHRC

Fiscal Year 2014

Performance Budget and Justification



April 2013

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Fiscal Year 2014 Performance Budget and Justification

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I. INTRODUCTION -- MISSION, VISION, AND STRATEGIC GOALS

Occupational Safety and Health Review Commission

Our Mission

The 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). Our sole statutory mission 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 completely independent of the Department of Labor to ensure that OSHA's enforcement actions are carried out in accordance with the law and that all parties are treated consistent with due process when disputes arise with OSHA.

Our Functions and Procedures

Our Rules of Procedure (which mirror the Federal Rules of Civil Procedure) provide two levels of adjudication when an employer contests an OSHA citation for alleged violations of the Act or failure to abate such alleged violations. The first is a trial level, which affords an opportunity for a hearing before a Review Commission Administrative Law Judge (ALJ). The Judge's decision becomes final unless the decision is directed for review by a Commission Member. The second level is a discretionary appellate review of the Judge's decision by Commission Members who are appointed by the President. Both before its judges and the Commissioners, the Review Commission provides fair and impartial adjudication of cases concerning the safety and health of employees' working conditions in the United States.

Our principal (National) office is located in Washington, D.C. OSHRC also has two regional offices: one in Atlanta, GA, and one in Denver, CO. The regional offices are staffed with support staff, attorneys, and ALJs. The ALJs travel, as necessary, to adjudicate cases near locales where the alleged workplace violations took place.

Vision Statement

The Review Commission strives to be:

- A judicial 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 explain 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

OSHRC has three overarching strategic goals: 1) Respect for the rule of law by assuring fair, just, and expeditious adjudication of disputes brought before the Commission and its judges; 2) 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; and 3) Responsible stewardship of the fiscal and human resources employed by the Review Commission in accordance with the agency's statutory mandate and other applicable law.

II. BUDGET REQUEST SUMMARY

Budget Request Summary

To continue our mission of adjudicating OSHA-issued workplace safety citations, the Occupational Safety and Health Review Commission requests an appropriation of \$12,634,830 to fund essential agency programs and support 69 full-time equivalent (FTE) positions in FY 2014.

The funding request would 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. The request also supports the goal in the Review Commission's Strategic Plan to improve service to the public.

Our case intake at the ALJ level increased about fifty percent between FY 2009 and FY 2011. While recent data suggests that the number of new cases may appear to be stabilizing, our FY 2012 case intake was 31 percent above that of FY 2009. At the same time, our end-of-year case inventory in FY 2012 was 48.5 percent above that of FY 2009. Thus, to continue our mission of adjudicating OSHA-issued workplace safety citations, and to avoid the type of severe case backlog that has affected the Federal Mine Safety and Health Review Commission, the Review Commission is requesting three additional FTE positions to support the ALJs in the Office of the Chief Administrative Law Judge. Specifically, this includes two attorney positions and one support staff position. The attorneys will primarily be engaged in drafting decisions for the ALJs in cases that go to hearing, helping to minimize delays and eliminate chokepoints in issuing decisions once a hearing has been completed. This is of particular concern since, under the Act, a cited employer has no obligation to abate an alleged violation until the Review Commission has finished its adjudication of a case. The additional support staff position will primarily handle the increased legal assistant work resulting from our caseload increase.

The Review Commission is also requesting one FTE position, a supervisory attorney advisor, to support the Commission function. Filling this position will facilitate the legal analysis of cases pending at the Commission level and thus help expedite the issuance of decisions by the Commission.

Our FY 2014 estimated costs include:

- \$9,806,830 to support direct payroll and related costs for 69 FTE positions. These costs are approximately 78 percent of the Review Commission's budget request. This level of FTE positions will be used to handle the increased case load which has developed over the past several fiscal years, especially at the ALJ level.
- \$1,540,000 for office space rent.
- \$440,000 for services provided by other Federal agencies, such as support for financial and administrative services provided by the Bureau of the Public Debt (BPD) and personnel and payroll services provided by the National Finance Center (NFC).

- Funds 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.

**FY 2014
Appropriations Language**

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission, \$12,634,830. Note.--A full-year 2013 appropriation for this account was not enacted at the time the budget was prepared: therefore, this account is operating under a continuing resolution (P.L. 112-175). The amounts included for 2013 reflect the annualized level provided by the continuing resolution.

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

Justification by Organizational Unit

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

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

Each office has staff and resources assigned exclusively to it, but all three work collaboratively to meet or exceed the Review Commission's strategic goals. The separation of staff between the Administrative Law Judges and Commission Members stems principally from the nature of their functions, which must be apart so that each of these review levels is, both in fact and appearance, independent of the other. The Office of the Executive Director function supports both the Administrative Law Judge and Commission functions, and the Agency's strategic planning efforts.

Funding and staffing by function is as follows:

Funding (in millions) and FTE by Function						
Function	FY 2012 Enacted*		FY 2013 CR Level**		FY 2014 Request	
	\$	FTE	\$	FTE	\$	FTE
Administrative Law Judge	4.6	24	4.6	25	5.1	28
Commission	5.2	26	5.3	30	5.7	31
Executive Director	<u>1.8</u>	<u>9</u>	<u>1.8</u>	<u>10</u>	<u>1.8</u>	<u>10</u>
Total	11.6	59	11.7	65	12.6	69

*FY 2012 reflects actual FTE.

**OSHRC's FY 2013 costs are estimated at the annualized Continuing Resolution (CR) level, as outlined in P.L. 112-175. The FTE level of 65 is estimated as of 9/30/13 and accounts for vacant Commissioner positions being filled during FY 2013.

Administrative Law Judge Function

The front line of our agency's delivery of services to the American public rests with the Administrative Law Judges. Our judges travel around the country to conduct formal hearings and related proceedings in a fair, just and expeditious manner. (These hearings are required to be conducted in a location that involves as little inconvenience and expense to the parties as practicable.) The ALJ function is directly related to the public service goal of fair, just and expeditious adjudication of disputes brought before the Commission and its ALJs.

The Administrative Law Judges report through the Chief Judge to the Chairman. However, they act independently in arriving at case decisions. The Commission's rules are similar to the Federal rules. In the absence of specific Review Commission rules, the Federal Rules of Civil Procedure are followed. The Commission's Rules are constructed and administered to secure the just and timely determination of every action.

Proceedings before the Review Commission's Administrative Law Judges

The events leading to the presentation of an OSHA case before a Review Commission Administrative Law Judge follow an established procedure, and 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 from the receipt of the citation proposed 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 Judge for assignment to an Administrative Law Judge. The case is generally assigned to an Administrative Law Judge in the Review Commission office closest to where the alleged violation occurred. Thereafter, the Administrative Law 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 constant monitoring of its Simplified Proceedings and Mandatory Settlement programs. The Administrative Law Judge function addresses a caseload that is becoming larger and more complex, as reflected by the increasing number and complexity of OSHA citations.

OSHA conducted 40,961 inspections in FY 2012 and estimates that it will complete 41,000 inspections in FY 2013 and 39,250 inspections in FY 2014. Of particular importance from the Review Commission's resource perspective has been a marked increase in the number of citations being contested, and the resulting number of contests being docketed. In FY 2009, the Review Commission docketed 2,058 contests whereas in FY 2010, the Review Commission docketed 2,565 contests. This represents an increase of approximately 25 percent in one fiscal year. In FY 2011, we received 3,175 new cases which is an increase of over 50 percent over two years. Moreover, OSHA implemented a new administrative penalty policy at the beginning of

FY 2011. As a result of this new policy, the average penalty for a serious violation has increased, and the contest rate estimated by OSHA has increased from seven percent in FY 2009 to eleven percent in FY 2011 and FY 2012, which contributed to the increase in our caseload. While recent data suggests that the number of new cases may appear to be stabilizing, our FY 2012 case intake was 31 percent above that of FY 2009. At the same time, our case inventory at the end of FY 2012 was 48.5 percent above that of FY 2009.

Moreover, in addition to the higher level of contests as a result of the new OSHA administrative penalty policy, OSHA's emphasis in more recent years has been on serious workplace hazards, and the consequent increase in proposed penalties has translated into more complicated cases and more costly trials (cases involving lock-out/tag-out, confined spaces, health care hazards, asbestos, lead poisoning, process safety, and construction industry hazards, etc.). These cases command a greater portion of the ALJs' time.

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 such fields 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)
- Technical, novel, difficult or new issues raised
- Various types of cases, such as those involving asbestos, lead poisoning, ergonomics, and process safety management and/or confined spaces.

The Review Commission is working to increase the efficiency of case processing by moving an appropriate portion of its ALJ docket into its Mandatory Settlement Part and Simplified Proceedings programs, both of which are innovative methodologies to speed the settlement or adjudication of pending cases. During FY 2011, the Review Commission began an evaluation of its current Mandatory Settlement Part system to ascertain whether even greater improvement in this settlement process can be achieved. This evaluation, "Dispute Resolution in the Administrative Process: Evaluation of the Occupational Safety and Health Review Commission Settlement Part Program," was completed in FY 2013 by alternative dispute resolution experts at the Indiana University School of Public & Environmental Affairs. The evaluation declared the Commission's dispute resolution program to be "successful" and noted that OSHRC "has done an admirable job addressing an increased caseload within constrained resources while at the same time meeting the expectations of its external stakeholders." With the higher caseload levels of recent years, Mandatory Settlement Part has been an important tool in minimizing a

backlog of cases at the ALJ level. The Commission is currently considering specific suggestions for improvement contained in the evaluation. In particular, the evaluation recommended that the Commission provide “training and regular continuing legal education in mediation and dispute resolution to every ALJ who is expected to serve as a settlement judge.” The Commission agrees with this recommendation, since training of our ALJs is critical to the success of Mandatory Settlement Part. However, its implementation is dependent on adequate budgetary resources.

Under Commission Rule 2200.120, where the parties consent thereto, the Chief Administrative Law 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 \$100,000 or greater, the Mandatory Settlement procedure goes into effect. The Settlement Judge appointed by the Chief Administrative Law Judge has full control of the proceeding and may require that the parties’ representatives be accompanied by officials having full settlement authority. This procedure has aided the Commission in disposing of some extremely complex cases, with the participation and 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 proposed penalties are not more than \$20,000, and 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 the formal Rules of Procedure and evidence, while ensuring that due process requirements will be maintained. Under this process, a business, with or without counsel, can present its case before a Review Commission judge 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 2012, approximately 58 percent of new cases were assigned to Simplified Proceedings. The Review Commission projects that approximately 63 percent of new cases will be assigned to the Simplified Proceedings process in FY 2013 and FY 2014.

Simplified Proceedings Case Activity
FY 2009 through FY 2014

	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
	<u>Actual</u>	<u>Actual</u>	<u>Actual</u>	<u>Actual</u>	<u>Estimate</u>	<u>Estimate</u>
New Cases	2,058	2,565	3,175	2,696	2,800	2,800
Cases assigned to Simplified Proceedings	1,041	1,327	1,783	1,571	1,750	1,750

Anticipated ALJ Workload for FY 2014

Four major factors have an impact on the ALJs' workload: (1) the quantity, magnitude, and nature of the cases; (2) the success 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 directly 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 also 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 lengthy and complicated.

The following table provides actual Administrative Law Judge workloads for fiscal years 2009, 2010, 2011, and 2012, and estimated workloads for fiscal years 2013 and 2014.

	<u>FY 2009</u> <u>Actual</u>	<u>FY 2010</u> <u>Actual</u>	<u>FY 2011</u> <u>Actual</u>	<u>FY2012</u> <u>Actual</u>	<u>FY 2013</u> <u>Estimate</u>	<u>FY 2014</u> <u>Estimate</u>
OSHA Inspections*:	40,549	40,942	40,648	40,961	41,000	39,250
Administrative Law Judge Workload:						
a. Case Inventory, Start of Year	739	777	983	1,345	1,154	1,179
b. New Cases	2,058	2,565	3,175	2,696	2,800	2,800
c. Total Caseload	2,797	3,342	4,158	4,041	3,954	3,979
d. Disposals						
(1) With Hearing	67	107	111	95	110	120
(2) Without Hearing	1,953	2,252	2,702	2,792	2,665	2,655
e. Total Dispositions	2,020	2,359	2,813	2,887	2,775	2,775
Total Case Inventory, End of Year	777	983	1,345	1,154	1,179	1,204

*Provided by Directorate of Evaluation and Analysis, OSHA.

Staffing

The Office of the Chief Administrative Law Judge requires 28 FTE positions in FY 2014 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. This FTE position level includes two additional attorneys to support the ALJs in the Office of the Chief Administrative Law Judge. These attorneys will primarily be engaged in drafting decisions for the ALJs in cases that go to hearing. These positions are required to help minimize delays and chokepoints in issuing decisions once a hearing has been completed, a critical necessity as employers have no obligation to abate an alleged violation until the Review Commission has finished its adjudication of a case. This FTE position level also includes an additional support staff position to primarily handle the increased legal assistant work resulting from our caseload increase.

The Chief Administrative Law Judge manages the effort to meet the Agency’s GPRA goals at the Administrative Law Judge level.

The Chief Administrative Law Judge:

- Reviews and screens all docketed cases, determines the level of complexity and assigns each 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.

<u>Funding (in millions) and FTE</u>						
	<u>FY 2012 Enacted*</u>		<u>FY 2013 CR Level**</u>		<u>FY 2014 Estimated</u>	
	<u>\$</u>	<u>FTE</u>	<u>\$</u>	<u>FTE</u>	<u>\$</u>	<u>FTE</u>
Administrative Law Judge	4.6	24	4.6	25	5.1	28

*FY 2012 reflects actual FTE.

**OSHRC’s FY 2013 costs are estimated at the annualized Continuing Resolution (CR) level, as outlined in P.L. 112-175. The FTE level of 65 is estimated as of 9/30/13 and accounts for vacant Commissioner positions being filled during FY 2013.

Strategic Plan and Outcome Goals

The Review Commission’s Strategic Plan for 2010 – 2015 includes the following goals and outcomes related to this function:

<u>Public Service Goal</u>	<u>Outcome Goals</u>
<i>Respect for the rule of law by assuring fair, just, and expeditious adjudication of disputes brought before the Review Commission and its Judges.</i>	<ul style="list-style-type: none"> • Ensure that a significant proportion of both complex and non-complex cases at the Administrative Law Judge level are resolved in less than one year.

The Office of the Chief Administrative Law Judge will advance this strategic goal through the following strategies:

- Expeditious assignment of cases to judges;
- Using objective criteria to determine complex cases, and track the processing of these cases;
- Monitoring case performance, and improving case management information systems and reports;
- Providing training to all judges on a variety of subjects, including technical and legal issues, legal writing, case management and alternative dispute resolution (ADR), to help develop services and processes equal to the very best in judicial practice;
- Enhancing the current case tracking system in FY 2013 to accommodate e-filing. In FY 2014, explore options to expand e-filing in a cost-effective manner;
- Implementing appropriate changes in the agency’s Rules of Procedure to improve case processing (e.g., Mandatory Settlement Part and Simplified Proceedings), and seeking new ADR methods, including a review of recommendations resulting from the evaluation of the Mandatory Settlement Part; and
- Continuing to use a team of judges to handle, on a rotational basis, extremely complex cases and assigning appropriate staff to timely process and monitor such cases, including settlement discussions.

To best serve the American people, the Review Commission revised its strategic plan for the period FY 2010 through FY 2015. OSHRC's Strategic Plan includes the following goals for the Office of the Chief Administrative Law Judge for fiscal years 2010 through 2015.

<u>Outcome Goals</u>	<u>Performance Measures</u>	FY 2009 Actual (Target)	FY 2010 Actual (Target)	FY 2011 Actual (Target)	FY 2012 Actual (Target)	FY 2013 (Target)	FY 2014 (Target)
Ensure that a significant proportion of non-complex cases at the ALJ level are resolved in less than one year.	Percent within one year.	98% Target Met (98%)	98% Target Met (98%)	98% Target Met (98%)	96% Target Not Met (98%)	98%	98%
Ensure that a significant proportion of complex cases at the ALJ level are resolved in less than one year.	Percent within one year.*	98% Target Exceeded (95%)	89% Target Not Met (95%)	84% Target Not Met (95%)	87% Target Not Met (95%)	95%	95%

*Note: For FY 2008 – 2009, the target case resolution period for complex cases at the ALJ level was 18 months (540 days). In accordance with the Review Commission's revised Strategic Plan (FY 2010- 2015), the target period has been reduced to one year commencing in FY 2010.

The Office of the Chief Administrative Law Judge in the last year had operated at less than full capacity due to vacancies which had occurred in the past two years. This, along with the significant increase in our caseload, had impacted the time in resolving cases. However, all of the judicial vacancies have been filled and we are now operating with a full complement of ALJs. Nevertheless, our end-of-the year case inventory was 48.5 percent higher in FY 2012 than it was in FY 2009. Furthermore, with a full complement of judges on board, our current legal support staff is stretched thinner, resulting in potential delays and chokepoints in issuing decisions. As a result, absent additional legal and writing support for our ALJs, the downturn in our performance indicators at the ALJ level may continue. This is of particular concern since, under the Act, a cited employer has no obligation to abate an alleged violation until the Review Commission has finished its adjudication of a case.

Commission Function

The Act provides for Presidential appointment and Senate confirmation of three Commissioners, each with a six-year term. The Commissioners sit as an appellate review body to review any case decided by the Review Commission's Administrative Law Judges. This appellate level of review must be prompt, fair, and protective of the parties' rights.

Proceedings before the Commission

The Commission adjudicates contested cases independently from the enforcement and rule-making functions vested in OSHA. Disputed enforcement proceedings are tried initially before the Review Commission's Administrative Law Judges. 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 Administrative Law Judges become final by operation of law. Once a case is directed for review, the Commission members have authority to review all aspects of a case, including the Judge's findings of fact, conclusions of law, penalty assessments and abatement orders.

Each Commissioner has a counsel who is responsible for providing assistance and advice on all pending matters, including the proper disposition of cases and motions, and whether cases are appropriate for Commission review. Each counsel also aids the Commissioner in researching and editing draft opinions submitted by the General Counsel 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 also provides legal advice on ethics, FOIA, EEO, procurement, appropriations, Privacy Act and other areas. The Commission function also includes the work of the Commission's Executive Secretary, who is responsible for the docketing of cases at both the ALJ and Commission levels.

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: the presence of a quorum, the size and complexity of cases, and the novelty of the issues presented for review.

The Act requires a quorum of two Commissioners to take official action. Further, by statute, decisions require the affirmative vote of two Commissioners. During periods when the Commission lacks a quorum, no cases can be decided. If 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 with only two Commissioners in FY 2012 due to the third Commissioner's term expiring in FY 2011. The Commission resolved 23 cases during fiscal year 2012 and met all of its GPRA goal targets for FY 2012 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, and longer, more costly trials. Consequently, the complexity and size of the cases both at the Administrative Law Judge and at the Commission levels has increased significantly in recent years.

Anticipated Commission Workload for FY 2014

The Review Commission focuses on solid case production, including deciding and issuing decisions in older cases in an effort to reduce case inventory. However, the cases that are going to hearings before the Commission's ALJs are becoming more complex (e.g., imposition of higher penalties and/or more complex technical issues), which may result in a higher percentage of cases being petitioned for review.

In FY 2012, the Commission had 35 cases pending at the beginning of the year. It received 19 new cases and issued 23 decisions by year-end. Thus, the Commission entered FY 2013 with 31 cases pending review. For FY 2013, the Commission anticipates receiving 19 new cases and disposing of 15 cases, ending that year with an inventory of 35 cases. As noted, the Commission currently has one vacancy, and a sitting Commissioner's term expires on April 27, 2013. The potential lack of a quorum could adversely affect our performance at the Commission level in FY 2013.

Commission Case Activity

	<u>FY 2009</u> <u>Actual</u>	<u>FY 2010</u> <u>Actual</u>	<u>FY2011</u> <u>Actual</u>	<u>FY 2012</u> <u>Actual</u>	<u>FY 2013</u> <u>Estimate</u>	<u>FY 2014</u> <u>Estimate</u>
New Cases:						
Cases Directed for Review:	16	24	24	14	15	20
Other New Cases:						
Interlocutory Appeals	0	0	6	2	2	2
Remands	6	0	0	3	2	2
Other	0	0	0	0	0	0
Total Other New Cases:	6	0	6	5	4	4
Total New Cases:	22	24	30	19	19	24
Case Inventory from Prior Year:	20	22	31	35	31	35
Total Caseload:	42	46	61	54	50	59
Dispositions:	20	15	26	23	15	25
Case Inventory, End of Year:	22	31	35	31	35	34

Staffing

We request funding for 31 FTE positions for the Commission function in FY 2014. This staff level includes 10 FTE positions for the three Commissioners and their immediate staff, 16 FTE positions for the Office of General Counsel and 5 FTE positions for the Office of the Executive Secretary. This level includes a supervisory attorney advisor to support the Office of the General Counsel. Filling this position will facilitate the legal analysis of cases pending at the Commission level and thus help expedite the issuance of decisions by the Commission, a critical necessity as employers have no obligation to abate an alleged violation until the Review Commission has finished its adjudication of a case. This FTE position was included in OSHRC's FY 2012 budget submission.

Funding (in millions) and FTE

	<u>FY 2012 Enacted*</u>		<u>FY 2013 CR Level**</u>		<u>FY 2014 Estimated</u>	
	<u>\$</u>	<u>FTE</u>	<u>\$</u>	<u>FTE</u>	<u>\$</u>	<u>FTE</u>
Commission	5.2	26	5.3	30	5.7	31

*FY 2012 reflects actual FTE.

**OSHRC’s FY 2013 costs are estimated at the annualized Continuing Resolution (CR) level, as outlined in P.L. 112-175. The FTE level of 65 is estimated as of 9/30/13 and accounts for vacant Commissioner positions being filled during FY 2013.

Strategic Plan and Outcome Goals

The Review Commission’s Strategic Plan includes the following goals and outcomes related to this function:

<u>Public Service Goal</u>	<u>Outcome Goal</u>
<i>Respect for the rule of law by assuring fair, just, and expeditious adjudication of disputes brought before the Review Commission and its Judges.</i>	<ul style="list-style-type: none"> • Resolve the oldest cases on the Review Commission’s docket. • Reduce the average age of open cases at the Commission-level. • Resolve all priority cases in a timely manner.

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

- Having disposed of all “legacy” cases, reviewing what changes and improvements in our processes could prevent the accumulation of legacy cases in the future, and reflecting these changes and improvements in the new Strategic Plan to be developed in fiscal year 2014;
- Continuing our effort to reduce the average age of Commission-level cases to two years or less;
- Expediting the disposition of priority cases that require immediate action (in general, court remands, interlocutory reviews, Federal Rule 60(b) cases, and Commission Rule 101(a) defaults);
- Implementing internal markers to assist in the preparation of cases and issuance of Commission decisions;

- Accelerating the processing of cases through a variety of efforts, including early intervention of the Commissioners' counsels, computerization of changes to draft decisions and development of strategies to resolve cases when there are only two Commission members;
- Expanding the use of teams in the Office of the General Counsel to reduce the time needed to write decisional memoranda and draft decisions;
- Developing new methods to shorten case preparation time;
- Developing procedures for case processing and decision quality;
- Implementing changes to the Agency's Rules of Procedure to improve case processing;
- Making greater use of oral arguments and requests for amicus briefs for complex cases and cases that present significant questions of law; and
- Developing case processing measures for employees assigned to cases to ensure individual performance plans support priorities in the Review Commission's strategic and annual performance plans.

The following performance goals have been developed for fiscal years 2010 through 2014 to support the FY 2010 – 2015 Strategic Plan:

<u>Outcome Goals</u>	<u>Performance Measures</u>	FY 2010 Actual (Target)	FY 2011 Actual (Target)	FY 2012 Actual (Target)	FY 2013 (Target)	FY 2014 (Target)
Resolve the oldest cases on the Review Commission's docket.	All cases docketed at the Commission level prior to 2008 resolved.	20% Target Not Met (30% of oldest cases)	80% Target Met (70% of oldest cases)	Completed by end of FY 2011	Completed by end of FY 2011	Completed by end of FY 2011
Reduce the average age of open cases at the Commission-level.	Average age of open cases.	32 months Target Met (41 months or less)	15 months Target Met (36 months or less)	18 months Target Met (33 months or less)	(30 months or less)	(27 months or less)
Resolve all priority cases in a timely manner.	Percent of priority cases disposed of within 6 months.	100% Target Met (100%)	100% Target Met (100%)	100% Target Met (100%)	(100%)	(100%)

Office of the Executive Director Function

The Office of the Executive Director 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, and 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 Executive Director Workload for FY 2014

During FY 2014, Office of the Executive Director 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 Washington, DC and the regional offices in Denver and Atlanta;
- Make use of best 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. In particular, the Review Commission's personal computer (PC) configuration is based on Microsoft Windows XP SP3 which is scheduled to move into end of life in April 2014 and will no longer be supported by Microsoft. In an effort to minimize the cost of upgrading both hardware and software, the Review Commission's IT staff will repurpose machines that are Microsoft Windows 7 compatible and will make every effort to make as many PC's Windows 7 compatible as possible. This is part of the ongoing software and hardware maintenance required to maintain a more stable and secure environment.

In FY 2013 and FY 2014, we plan to continue to enhance our web-based transparency initiatives, including enhancing the OSHRC website to make more information available to internal and external customers, revising our COOP plan, and undertaking other activities in support of the Review Commission's mission. We also plan to explore options to expand e-filing in a cost-effective manner. The Review Commission will also consider providing public access to the docket sheets of its cases to enhance the open government initiative.

Staffing

We request funding for 10 FTE positions for the Office of the Executive Director function to perform the duties and responsibilities outlined above. 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.

<u>Funding (in millions) and FTE</u>						
	<u>FY 2012 Enacted*</u>		<u>FY 2013 CR Level**</u>		<u>FY 2014 Estimated</u>	
	<u>\$</u>	<u>FTE</u>	<u>\$</u>	<u>FTE</u>	<u>\$</u>	<u>FTE</u>
Executive Director	1.8	9	1.8	10	1.8	10

*FY 2012 reflects actual FTE.

**OSHR’s FY 2013 costs are estimated at the annualized Continuing Resolution (CR) level, as outlined in P.L. 112-175. The FTE level of 65 is estimated as of 9/30/13 and accounts for vacant Commissioner positions being filled during FY 2013.

Strategic Plan and Outcome Goals

The Office of the Executive Director’s responsibilities include implementation of and/or providing Strategic Plan guidance for the following goals and outcomes:

<u>Public Service Goal</u>	<u>Outcome Goals</u>
<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"> • Ensure that the Review Commission’s website is accurate, current and complete, and serves as a useful repository for information about the agency and its adjudicatory activities. • Produce timely and accurate reports on the Review Commission’s activities, including all reports required by law. • Update agency’s FOIA regulations and FOIA reference guide. [Note: This priority goal was achieved during FY 2010.]
<i>Responsible stewardship of the fiscal and human resources employed by the Review Commission in accordance with the agency’s statutory</i>	<ul style="list-style-type: none"> • Improve the Review Commission’s outreach activities with affected public and with other Federal agencies. • Recruit and maintain a diverse and highly motivated staff with the skills to support the mission of the agency.

<p><i>mandate and other applicable law.</i></p>	<ul style="list-style-type: none"> • Invest in human capital by increasing staff development and training opportunities and increasing employees' capabilities and potential. • Ensure that the agency's performance management system enhances individual and organizational effectiveness. • Improve case tracking through continued implementation and enhancement of a new IT case management system. • Develop metrics to measure ALJ effort devoted to non-hearing case resolution. • Make use of best knowledge management (KM) practices to ensure that employees are better prepared to perform their work, and to provide for continuity and succession planning. • Improve the quality of employee work life through enhanced use of IT, telework, wellness programs, etc. • Examine opportunities for insourcing of work that has been outsourced to contractors.
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The following performance goals have been developed for fiscal years 2011, 2012, 2013 and 2014 to support the FY 2010 – 2015 Strategic Plan:

<u>Outcome Goals</u>	<u>Performance Measures</u>	FY 2011 Actual (Target)	FY 2012 Actual (Target)	FY 2013 (Target)	FY 2014 (Target)
Invest in human capital by increasing staff development and training opportunities and increasing employees' capabilities and potential.	One percent of basic payroll devoted to staff training and development by FY 2015, and no fewer than 24 hours training per staff member per year.	.45% Target Partially Met (.45% of basic payroll to training and 10 hours)	.54% of basic payroll to training and 62% of staff had 12 hours of training* Target Not Met; (.55% of basic payroll to training and 12 hours)	(.55 of basic payroll to training and 12 hours)	(.55 of basic payroll to training and 12 hours)
Examine and identify contracted positions appropriate for insourcing.	Percentage of positions identified appropriate for insourcing that are insourced	One position identified Target Met (Positions identified)	One position insourced. No other position eligible. Target Met (Insource position identified and identify additional positions to insource)	(Insource any additional positions identified)	(Insource any additional positions identified)
Use of 360 degree employee-supervisor feedback mechanisms.	All supervisors subject to 360 degree feedback, and feedback is used to ensure that individual and organizational effectiveness goals are being met.	Feedback Instrument developed Target Met (Appropriate feedback instrument developed)	Feedback Instrument used to evaluate supervisors Target Met (Feedback mechanism used to evaluate all supervisors)	(Feedback mechanism used to evaluate all supervisors)	(Feedback mechanism used to evaluate all supervisors)

*\$39,589, or .54 percent of basic payroll, was devoted to training in FY 2012. We were challenged in fully meeting this goal due in part to being under a continuing resolution the first quarter of FY 2012, during which spending on training was severely constrained. Tracking the number of hours devoted to employee training was implemented in FY 2012. Approximately 62 percent of employees received twelve or more hours of training.

IV. BUDGET BY OBJECT CLASSIFICATION CATEGORY

Budget by Object Classification (BOC) Category

The Occupational Safety and Health Review Commission requests an appropriation of \$12,634,830 for FY 2014 to continue our mission of adjudicating OSHA-issued workplace safety citations. This amount will fund 69 FTE positions as well as pay other costs.

The proposed budget for FY 2014 by object classification category is shown in the table below, along with the FY 2012 actual costs, and the FY 2013 costs estimated at the annualized Continuing Resolution (CR) level as outlined in P.L. 112-175. A narrative explanation of the amount requested for each object classification follows the table.

Object Classification Table

Fiscal Years 2012, 2013 and 2014

(Dollars in Thousands)

						Change FY 2012 Actual – FY 2014 Request	
Budget Object Class		FY 2012 Enacted	FY 2013 CR Level	FY 2014 Request	\$	%	
11.0	Personnel Compensation	6,573	\$7,229	\$7,719	+1,146	+17.43	
12.0	Personnel Benefits	1,676	1,811	2,088	+412	+24.58	
	Subtotal Personnel Costs	8,249	9,040	9,807	+1,558	+18.89	
21.0	Travel	188	185	185	-3	-1.6	
22.0	Transportation of Things	8	7	7	-1	-12.5	
23.1	Space Rental Payments (GSA)	1,322	1,415	1,540	+218	+16.49	
23.3	Communications, Utilities and Misc.	211	109	109	-102	-48.34	
24.0	Printing and Reproduction	12	17	17	+5	+41.67	
25.0	Other Services	1,187	800	805	-382	-32.18	
26.0	Supplies and Materials	44	43	43	-1	-2.27	
31.0	Equipment	232	122	122	-110	-47.41	
	Unobligated	214	--	--	--	--	
	Grand Total	11,667	11,738	12,635	+968	+8.3	

Budget Object Classification Detail

11.0 Personnel Compensation

Change FY 2012 Actual – FY 2014 Request

FY 2012 Actual	FY 2013 CR Level	FY 2014 Request	Amount	Percent
\$6,573,000	\$7,229,000	\$7,719,000	+\$1,146,000	+17.43%

The Review Commission requests \$7,719,000 to fund direct payroll costs in FY 2014. This includes funding for a comparability pay increase that is anticipated in January 2014. This amount will fund 69 FTE positions.

This object class also supports awards to recognize those employees whose performance is superior, and who perform special acts or services. In accordance with the guidance from the Office of Personnel Management, OSHRC reduced its spending on performance awards for non-SES employees and for members of the Senior Executive Service (SES) in FY 2011 and FY 2012. We expect that this reduced level will continue and have reduced our awards amount accordingly for FY 2014.

12.0 Personnel Benefits

Change FY 2012 Actual – FY 2014 Request

FY 2012 Actual	FY 2013 CR Level	FY 2014 Request	Amount	Percent
\$1,676,000	\$1,811,000	\$2,088,000	+\$412,000	+24.58%

The Review Commission requests \$2,088,000 to fund the payroll-related costs of employee benefits in FY 2014. These benefits principally consist of the government's contributions to the CSRS and FERS retirement programs, life and health insurance programs, the Transit Subsidy Program, and the Thrift Savings Plan.

21.0 Travel

Change FY 2012 Actual – FY 2014 Request

FY 2012 Actual	FY 2013 CR Level	FY 2014 Request	Amount	Percent
\$188,000	\$185,000	\$185,000	-\$3,000	-1.6%

The Review Commission requests \$185,000 for travel in FY 2014. Travel of Administrative Law Judges (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. These hearings are required to be conducted in a location that involves as little inconvenience and expense to the parties as practicable. OMB Memorandum M-12-12 requires agencies to reduce travel expenses to a level at least 30 percent less than the amount spent on travel in FY 2010 in Fiscal Years 2013 through 2016. However,

due to the inherent relationship between OSHRC ALJ hearings and the health and safety inspection process, OSHRC’s ALJ travel expenses were excluded from the 30 percent reduction. 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 2012 Actual – FY 2014 Request

FY 2012 Actual	FY 2013 CR Level	FY 2014 Request	Amount	Percent
\$8,000	\$7,000	\$7,000	-1,000	-12.5%

An amount of \$7,000 is requested to fund the cost of shipping materials between Review Commission offices and other locations.

23.1 Rental Payments to GSA

Change FY 2012 Actual – FY 2014 Request

FY 2012 Actual	FY 2013 CR Level	FY 2014 Request	Amount	Percent
\$1,322,000	\$1,415,000	\$1,540,000	+\$218,000	+16.49%

The request includes \$1,540,000 for office space rental for the National and Regional Offices. These projected rent costs are based on FY 2014 estimates provided by the General Services Administration (GSA) to the Review Commission.

23.3 Communications, Utilities and Miscellaneous Charges

Change FY 2012 Actual – FY 2014 Request

FY 2012 Actual	FY 2013 CR Level	FY 2014 Request	Amount	Percent
\$211,000	\$109,000	\$109,000	-102,000	-48.34%

Telephone and postage costs are projected to require a total of \$109,000 in FY 2014. This increase is due to the Review Commission’s transition to Networx and is based on the FY 2014 estimated costs received from the telecommunications vendor. Local phone service and telecommunications are projected to cost \$89,000. 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 2012 Actual – FY 2014 Request

FY 2012 Actual	FY 2013 CR Level	FY 2014 Request	Amount	Percent
\$12,000	\$17,000	\$17,000	+\$5,000	+41.67%

The Review Commission requests \$17,000 for printing costs in FY 2014. 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 \$10,000 in fiscal year 2014. The balance of the budget -- \$7,000 -- is needed for printing of Rules of Procedure and the Guide to the Review Commission pamphlets, which are provided to parties to Review Commission proceedings.

25.0 Other Contractual Services

Change FY 2012 Actual – FY 2014 Request

FY 2012 Actual	FY 2013 CR Level	FY 2014 Request	Amount	Percent
\$1,187,000	\$800,000	\$805,000	-382,000	-32.18%

The Review Commission requests \$805,000 for Other Services in FY 2014. 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 \$440,000 is requested for services provided by other Federal agencies. This area includes \$8,500 for personnel and payroll services provided by the National Finance Center, \$299,500 for financial and administrative services provided by the Bureau of the Public Debt (including funds to BPD to support infrastructure upgrades), and \$56,000 for building security (estimated) provided by the Department of Homeland Security. This category also includes funds needed for continuing maintenance of the Review Commission's Internet website (\$30,000), which is housed at and maintained by the Government Printing Office. 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), the General Services Administration, and the U.S. Office of Personnel Management.

Other Contractual Services. OSHRC procures a variety of services to support us in carrying out our mission. These include: court reporting (\$94,000); maintenance of the Review Commission's information technology system (\$53,000); evaluation and support for information technology security (\$29,000); and on-line legal research (\$35,500). This category also includes funding for other contractual services such as the annual audit of our financial statements (\$32,000), library operations (\$80,000), training and other requirements to support the agency's mission.

26.0 Supplies and Materials

Change FY 2012 Actual – FY 2014 Request

FY 2012 Actual	FY 2013 CR Level	FY 2014 Request	Amount	Percent
\$44,000	\$43,000	\$43,000	-1,000	-2.27%

The Review Commission requests \$43,000 for supplies and materials in FY 2014. This amount includes general office supplies (\$22,000) and information technology supplies and software (\$21,000).

31.0 Equipment

Change FY 2012 Actual – FY 2014 Request

FY 2012 Actual	FY 2013 CR Level	FY 2014 Request	Amount	Percent
\$232,000	\$122,000	\$122,000	-110,000	-47.41%

The Review Commission requests \$122,000 for equipment costs in FY 2014. Subscriptions and other publications necessary to maintain our legal libraries make up the bulk of the costs in this object class. The remainder is required for new and/or replacement computer and other information technology requirements, and to enable us to comply with Government-wide mandates such as the Federal Information Security Management Act. 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.

V. OTHER TABLES

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>
1995	\$7,655,000	\$7,595,000	\$7,595,000	\$7,595,000
1996	\$8,127,000	\$8,200,000	\$8,100,000	\$8,081,000 ¹
1997	\$7,753,000	\$7,753,000	\$7,753,000	\$7,738,000 ²
1998	\$7,800,000	\$7,900,000	\$7,800,000	\$7,900,000
1999	\$8,050,000	\$8,100,000	\$8,100,000	\$8,092,000 ³
2000	\$8,500,000	\$8,100,000	\$8,500,000	\$8,470,000 ⁴
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 ⁵
2003	\$9,577,000	\$9,577,000	\$9,577,000	\$9,673,000 ⁶
2004	\$10,115,000	\$10,115,000	\$9,610,000	\$9,863,000 ⁷
2005	\$10,516,000	\$10,595,000	\$10,595,000	\$10,510,240 ⁸
2006	\$10,510,000	\$10,510,000	\$10,510,000	\$10,404,900 ⁹
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 ¹⁰
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 ¹¹
2012	\$12,773,000	\$11,689,000	\$11,689,000	\$11,689,000 ¹²
2013	\$11,965,000 ¹³			

¹ Reduced to \$8,081,000 by P.L. 104-134

² Reduced to \$7,738,000 by P.L. 104-208

³ Reduced to \$8,092,000 by H.R. 1664

⁴ Reduced to \$8,470,000 by P.L. 106-113

⁵ Reduced to \$8,958,000 by P.L. 107-206

⁶ Reduced to \$9,610,125 by P.L. 108-7

⁷ Reduced to \$9,863,000 by P.L. 108-199

⁸ Reduced to \$10,510,240 by P.L. 108-447

⁹ Reduced to \$10,404,900 by P.L. 109-149

¹⁰ Reduced to \$10,509,141 by P.L. 110-161

¹¹ Reduced to \$11,688,576 by P.L. 112-10

¹² Reduced to \$11,666,908 by P.L. 112-74

¹³ A full year FY 2013 appropriation for this account was not enacted at the time the budget was prepared.

**Authorized Full Time Positions
By Function**

	<u>FY 2012</u> Actual	<u>FY 2013</u> Estimate	<u>FY 2014</u> Estimate
Administrative Law Judge:			
AL-II	1	1	1
AL-III	11	11	11
GS-14	2	3	4
GS-13	1	1	3
GS-12	2	1	0
GS-11	2	2	2
GS-10	0	0	1
GS-9	1	1	1
GS-8	4	4	5
GS-7	<u>0</u>	<u>1</u>	<u>0</u>
<i>Sub-total</i>	24	25	28
Commission:			
Executive Level III	1	1	1
Executive Level IV	1	2	2
ES-00	2	2	2
GS-15	4	5	6
GS-14	5	5	7
GS-13	5	5	5
GS-12	2	2	1
GS-11	3	5	4
GS-10	1	1	1
GS-9	1	1	1
GS-8	0	0	1
GS-7	<u>1</u>	<u>1</u>	<u>0</u>
<i>Sub-total</i>	26	30	31
Office of the Executive Director:			
ES-00	1	1	1
GS-15	2	2	2
GS-14	1	1	1
GS-13	0	1	1
GS-12	3	3	3
GS-11	1	0	0
GS-7	0	1	1
GS-6	1	0	0
GS-5	<u>0</u>	<u>1</u>	<u>1</u>
<i>Sub-total</i>	9	10	10
Total full-time positions:	59	65	69