

The U.S. Occupational Safety and Health Review Commission

OSHRC

FISCAL YEAR 2026

PERFORMANCE BUDGET AND JUSTIFICATION



May 2025

Table of Contents
Fiscal Year 2026
Performance Budget and Justification

I. INTRODUCTION – MISSION, VISION, AND STRATEGIC GOALS

Our Mission.....	1
Functions and Procedures.....	1
Vision Statement	1
Strategic Goals	2

II. BUDGET REQUEST SUMMARY

Budget Request Summary	3
E-Filing System.....	3

III. APPROPRIATIONS

Appropriations Language	4
-------------------------------	---

IV. PERFORMANCE BUDGET JUSTIFICATION BY ORGANIZATIONAL UNIT

Performance Budget Justification.....	5
Administrative Law Judge Function	6
Commission-Review Level Function	16
Office of the Executive Director Function	24

V. BUDGET BY OBJECT CLASSIFICATION CATEGORY

Object Classification Table	43
Budget Object Classification Detail	44

VI. OTHER TABLES

Appropriation History	48
Authorized Full Time Positions by Function	49

VII. AGENCY PERFORMANCE PLAN 50

I. INTRODUCTION – MISSION, VISION, AND STRATEGIC GOALS

The U.S. Occupational Safety and Health Review Commission

Our Mission

The U.S. Occupational Safety and Health Review Commission (OSHRC or Review Commission) is an independent adjudicatory agency created by the Occupational Safety and Health Act of 1970 (the Act). The agency's sole statutory mandate is to provide the fair and expeditious resolution of disputes involving the Occupational Safety and Health Administration (OSHA), employers charged with violations of the Act, 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 parties are accorded due process.

Functions and Procedures

The Act and the Review Commission's Rules of Procedure provide two levels of adjudication when an OSHA citation is contested. The first level affords an employer and/or affected employee who files a timely notice of contest the opportunity for a hearing before a Review Commission Administrative Law Judge (ALJ). The ALJ's decision becomes a final order under the Act unless a member of the three-member Commission exercises discretion to direct the case for review. The second level involves the Commission's review of the ALJ decision.

The Commission's three members, appointed by the President and subject to Senate confirmation, serve six-year staggered terms. As required by the Act, the principal (National) office of the Review Commission is located in Washington, DC. There is also one regional office in Denver, where additional Review Commission ALJs and staff are assigned. Before its ALJs and Commission members, the agency seeks to provide fair, impartial, and timely adjudication of contested cases concerning employee safety and health.

Vision Statement

The Review Commission strives to be:

1. An adjudicative body that is—and is recognized for being—objective, fair, prompt, professional, and respected.
2. An agency that creates a body of law through its decisions that defines and clarifies the rights and responsibilities of employers and employees under the Act.
3. A model federal agency with highly effective processes; a highly motivated and qualified workforce; and modern information management, communications, and administrative systems.

4. An agency that values teamwork, develops its employees, and strives to improve its performance, service, and value to the American people.

Strategic Goals

The Review Commission has set measurable, outcome-oriented objectives that advance the agency's ability to meet its strategic goals. The agency has included its strategic goals and objectives and their associated measures in its Strategic Plan (covering fiscal years 2022 through 2026) and as part of its performance budget. OSHRC has four overarching strategic goals:

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

II. BUDGET REQUEST SUMMARY

Budget Request Summary

The Review Commission requests an appropriation of \$14,214,000 to continue its mission of adjudicating OSHA workplace safety and health citations, fund essential agency programs, support 51 full-time equivalents (FTE) positions, and maintain its electronic filing (e-filing) system in fiscal year (FY) 2026. This funding request allows OSHRC to fulfill its statutory mandate to provide fair and expeditious resolutions of disputes involving OSHA, employers charged with violations of federal safety and health standards, and employees and/or their representatives.

OSHRC's FY 2026 estimated costs, which total \$14,214,000 include:

- \$10,735,109 to support direct payroll and related costs for 51 FTE positions. These costs are approximately 75 percent of the Review Commission's budget request;
- \$1,692,343 for office space rent;
- \$520,000 for services provided by other federal agencies, such as support for financial and administrative services provided by the Bureau of the Fiscal Service (BFS) and personnel and payroll services provided by the National Finance Center (NFC);
- \$95,000 to support and maintain OSHRC's e-filing system; and
- \$1,171,548, for all other costs, such as travel expenses for ALJs to hold hearings, court reporting services, the annual financial audit, the Federal Information Security Management Act (FISMA) audit, employee training and development, the maintenance and purchase of equipment, the completion of annual performance plan goals and targets, and the implementation of government-wide and agency-specific initiatives.

E-Filing System

The Review Commission maintains an e-filing system that requires the electronic filing and service of case documents. The e-filing system serves as a case management system that supports the parties to every agency proceeding, as well as agency staff. It is also the sole repository for the official files of all pending cases and directly supports OSHRC's annual performance plan's goals and targets, promotes transparency, supports technology improvements, and integrates business process automation to improve accuracy and efficiency in case management practices. This budget request includes \$55,000 for licensing and \$40,000 for customized reporting and continued enhancements to the e-filing system.

III. APPROPRIATIONS

FY 2026

Appropriations Language

U.S. OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

*For expenses necessary for the U.S. Occupational Safety and Health Review Commission,
\$14,214,000.*

*Note --This account is operating under the Full-Year Continuing Appropriations and Extensions
Act, 2025 (Division A of Public Law 119-4).*

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

Performance Budget Justification

The Review Commission has three main functions that operate in concert to achieve the agency's statutory mission:

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

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

Funding and staffing by function are as follows:

<u>FUNDING (IN MILLIONS) AND FTE POSITIONS BY FUNCTION</u>						
	<u>FY 2024 Actual</u>		<u>FY 2025 Enacted</u>		<u>FY 2026 Request</u>	
	<u>\$</u>	<u>FTE</u>	<u>\$</u>	<u>FTE</u>	<u>\$</u>	<u>FTE</u>
Administrative Law Judge	7.6	25	7.0	23	6.4	23
Commission-Review Level	6.0	20	6.9	23	6.4	23
Executive Director	<u>1.8</u>	<u>6</u>	<u>1.5</u>	<u>5</u>	<u>1.4</u>	<u>5</u>
Totals*	15.4	51	15.4	51	14.2	51

*Totals are rounded to the nearest thousand.

Administrative Law Judge Function

Accomplishing OSHRC's mission begins with the Administrative Law Judges (ALJs), who travel to various locations throughout the United States and its territories to conduct formal hearings and related proceedings. This function is directly related to achieving the goal of fair, just, and expeditious adjudication of disputes brought before the agency.

Proceedings Before the Review Commission's ALJs

Presentation of an OSHA case before a Review Commission ALJ follows an established agency procedure designed to provide all parties with a fair hearing and swift adjudication of their case. OSHRC proceedings are governed by its own procedural rules, which are similar to the Federal Rules of Civil Procedure and are designed and administered to ensure the just and timely resolution of every contested case. In the absence of a specific Review Commission rule, the Federal Rules of Civil Procedure apply.

To contest all or part of a citation, penalty, or abatement period, the Act requires an employer to file a notice of contest with the Secretary of Labor within 15 working days of receipt of the citation issued by OSHA. An employee and/or employee representative may challenge the abatement period by filing a notice of contest with the Secretary of Labor within 15 working days of receipt of the citation issued by OSHA. The Secretary of Labor transmits the notice of contest and all relevant documents to the Review Commission's Executive Secretary for filing and docketing.

After the case is docketed, it is forwarded to the Office of the Chief Administrative Law Judge (OCALJ) for assignment to an ALJ. The case is generally assigned to an ALJ in the Review Commission office closest to where the alleged violation(s) occurred. Thereafter, the ALJ has full responsibility for all pre-hearing procedures and is charged with providing a fair and impartial hearing and rendering a decision promptly.

ALJ Operations

The Review Commission strives to expedite the adjudicatory process in a fair and impartial manner and to strengthen its settlement procedures and case management responsibilities by constantly monitoring its Simplified Proceedings and Mandatory Settlement Part programs, described in detail below.

OSHA completed 34,696 inspections in FY 2024, and it estimates that it will complete 34,374 inspections in FY 2025, and 24,929 inspections in FY 2026. Over the last several years, the number of citations contested has remained high, resulting in OSHRC docketing a high number of cases compared to historical averages.

In addition to the high number of contested cases, OSHA's emphasis in recent years on serious workplace hazards has translated into more complicated cases and lengthy hearings (e.g., cases involving heat stress, lock-out/tag-out, workplace violence, confined spaces, health care hazards, asbestos, process safety management). Accordingly, over the past few years, the Review

Commission has noted an increase in the complexity of cases handled by ALJs. This trend can be attributed to two factors. First, as noted above, OSHA has increasingly prioritized more resource- and time-intensive high-impact inspections that target serious workplace hazards. Second, the Department of Labor's Office of the Solicitor is leveraging litigation resources and focusing less on high volume in favor of high-impact strategic cases. The increase in the complexity of cases requires Review Commission ALJs to invest more time in handling those matters.

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

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

The Review Commission continues to improve the efficiency of case processing at the ALJ level by assigning a select number of cases to OSHRC's Mandatory Settlement Part and Simplified Proceedings programs, both of which are innovative methodologies designed to speed the resolution of pending cases. The Mandatory Settlement Part program remains an important tool in avoiding a backlog of complex cases at the ALJ level. Under Commission Rule 120, 29 CFR § 2200.120, and where the parties consent, the Chief ALJ may assign a Settlement Judge to a pending proceeding to aid the parties in resolving the case without a hearing.

Where the aggregate amount of the penalty proposed by the Secretary of Labor is \$205,000 or greater, the Mandatory Settlement Part program is triggered. Under this program, the Settlement Judge appointed by the Chief ALJ has full control of the proceeding and typically requires that the parties' representatives be accompanied at the settlement conference by individuals having full settlement authority. Furthermore, the Review Commission ensures that training and continuing legal education in mediation and dispute resolution is provided to every ALJ expected to serve as a Settlement Judge as reflected in the performance goal in OSHRC's Strategic Plan for FYs 2022 – 2026. The Mandatory Settlement Part program allows the agency, with the approval of all parties, to dispose of some extremely complex cases, which frees up agency resources that can be directed to other pending cases.

Approximately five percent of new cases were assigned to the Mandatory Settlement Part program in FY 2024. The Review Commission projects that approximately three percent of new cases will be assigned to the program in FYs 2025 and 2026.

Mandatory Settlement Part Case Activity

FYs 2021 through 2026

	<u>FY 2021 Actual</u>	<u>FY 2022 Actual</u>	<u>FY 2023 Actual</u>	<u>FY 2024 Actual</u>	<u>FY 2025 Estimate</u>	<u>FY 2026 Estimate</u>
New Cases	1,365	1,510	1,881	1,819	1,845	1,661
Cases Assigned to Mandatory Settlement Part	44	78	150	87	60	54

Cases assigned to the Simplified Proceedings program typically involve relatively few citation items, a small employer who may be self-represented, and a total proposed penalty of not more than \$20,000. This program allows parties with relatively simple cases to have their “day in court” unencumbered by formal procedural and evidentiary rules, while ensuring that due process requirements are maintained. Most paperwork, including legal filings, is eliminated so that justice can be rendered swiftly and inexpensively. The program effectively reduces the time and legal expenses to employers contesting relatively small penalty cases.

Approximately sixteen percent of new cases were assigned to Simplified Proceedings in FY 2024. The Review Commission projects that approximately 22 percent of new cases will be assigned to the Simplified Proceedings process in FY 2025 and in FY 2026.

Simplified Proceedings Case Activity

FYs 2021 through 2026

	<u>FY 2021 Actual</u>	<u>FY 2022 Actual</u>	<u>FY 2023 Actual</u>	<u>FY 2024 Actual</u>	<u>FY 2025 Estimate</u>	<u>FY 2026 Estimate</u>
New Cases	1,365	1,510	1,881	1,819	1,845	1,661
Cases Assigned to Simplified Proceedings	178	318	339	302	400	360

Anticipated ALJ Workload for FY 2026

Four major factors impact the ALJs' workload: (1) the quantity, magnitude, and nature of contested cases; (2) the ability to assign cases to the Simplified Proceedings program; (3) the complexity of cases assigned to the Mandatory Settlement Part program; and (4) the number of hearings held and their length and complexity.

The number of OSHA inspections and their focus also affects the ALJs' workload. In particular, high hazard workplace inspections – especially those with high injury and illness rates, fatalities, repeat offenders, and egregious violations – tend to result in more complex and contentious cases, which require more time and effort to resolve. The discovery process can be lengthy and time-consuming, motion practice expanded, legal research and decision-writing time protracted, and, of necessity, the hearing process elongated and complicated. Additionally, these cases tend to result in higher proposed penalties, which leads to more cases being contested.

ALJ Workloads

The following table provides actual ALJ workloads for FYs 2021 through 2024 and estimated workloads for FYs 2025 and 2026.

	<u>FY 2021</u> <u>Actual</u>	<u>FY 2022</u> <u>Actual</u>	<u>FY 2023</u> <u>Actual</u>	<u>FY 2024</u> <u>Actual</u>	<u>FY 2025</u> <u>Estimate</u>	<u>FY 2026</u> <u>Estimate</u>
OSHA Inspections¹:	31,013	31,400	34,249	34,696	34,374	24,929
Administrative Law Judge Workload:						
A. Case Inventory, Start of Year	1,259	1,201	1,165	1,377	1,410	1,520
B. New Cases	1,365	1,510	1,881	1,819	1,845	1,661
C. Total Caseload	2,624	2,711	3,046	3,196	3,255	3,181
D. Disposals						
(1) With Hearing	14	24	24	19	20	18
(2) Mandatory Settlement Conferences	59	31	44	34	31	33
(3) Without Hearing	1,350	1,491	1,601	1,733	1,684	1,567
E. Total Dispositions	1,423	1,546	1,669	1,786	1,735	1,618
Total Case Inventory, End of Year	1,201	1,165	1,377	1,410	1,520	1,563

¹Data provided by OSHA.

Staffing

The OCALJ will operate with 23 FTE positions in FY 2026 to support the anticipated workload described above and to meet performance targets.

The Chief ALJ manages the effort to meet the agency's goals at the ALJ level, which includes:

- Reviewing and screening all docketed cases, determining their level of complexity, and assigning each case to an ALJ;
- Monitoring the progress of cases in order to ensure that performance goals are met;
- Supervising OCALJ staff and ensuring that they receive appropriate training to perform their responsibilities; and
- Examining the case management practices of other entities to ensure that OSHRC's procedures and programs are as efficient as possible.

<u>FUNDING (IN MILLIONS) AND FTE POSITIONS</u>						
	<u>FY 2024 Actual</u>		<u>FY 2025 Enacted</u>		<u>FY 2026 Request</u>	
	<u>\$</u>	<u>FTE</u>	<u>\$</u>	<u>FTE</u>	<u>\$</u>	<u>FTE</u>
Administrative						
Law Judge						
Function	7.6	25	7.0	23	6.4	23

Strategic Plan and Outcome Goals

In accordance with Public Law 111-352, the Government Performance and Results Modernization Act of 2010 (GPRA Modernization Act of 2010) and Public Law 103-62, the Government Performance and Results Act (GPRA) of 1993, the Review Commission's Strategic Plan for FYs 2022 – 2026 focuses on four goals: (1) Promptly and fairly resolving the cases before it, including reducing the average age of all pending cases; (2) To the extent consistent with the agency's statutory authority and responsibilities, and consistent with due process requirements, seeking to enhance the transparency of its operations; (3) Promoting organizational excellence, including a culture of professionalism, mutual respect, and organizational pride, and ensuring that staff members are adequately trained and developed; and (4) Managing agency resources in a manner that instills public trust, including using information and technology to monitor, evaluate, and improve programs and processes in order to better accomplish the agency's mission. It also identifies innovative and comprehensive strategies to achieve strategic goals and objectives. The Strategic Plan includes the following goals and outcomes related to the ALJ function:

<u>Strategic Goal</u>	<u>Outcome Goals</u>
<i>Promptly and fairly resolving the cases before it, including reducing the average age of all pending cases.</i>	<ul style="list-style-type: none"> • Develop and implement case management practices that will minimize the average age of all pending ALJ-level cases. • Ensure that a significant proportion of both complex and non-complex cases at the ALJ level are resolved within one year to 20 months from docketing.²

OCALJ will advance these goals through the following strategies:

1. Expedite the assignment of cases to ALJs.
2. Closely monitor the management of cases and improve case management information systems and reports.
3. Conduct an early review of cases using objective criteria to screen for potentially complex cases and track the processing of such cases to expedite their disposition.
4. Use a team of ALJs to handle, on a rotational basis, extremely complex cases and assign appropriate staff to timely process and monitor such cases, including settlement discussions.
5. Provide training to ALJs on a variety of subjects, including technical and legal issues, legal writing, case management, and Alternative Dispute Resolution (ADR) to help them develop services and processes to promote efficient adjudication. In addition, provide ALJs and support staff with training on interacting with and serving the public.

²Complex cases have one or more of the following characteristics: various intricacies of the law; more than two parties; violations characterized as willful and/or repeat; high volume of documents, including lengthy transcripts; large number of witnesses (including expert witnesses in such fields as engineering, architecture, construction, soil, physics, epidemiology, pathology, neurology, and infectious diseases); multiple days of hearing; high number of alleged violations, citation items (including distinct and separate items), and affirmative defenses; technical, difficult, or new OSHA standards raised; novel issues or issues of first impression; or extensive pre-trial discovery.

The following are the performance goals for the OCALJ for FYs 2022 through 2026:

<u>Outcome Goals</u>	<u>Performance Measures</u>	FY 2022 Actual (Target)	FY 2023 Actual (Target)	FY 2024 Actual (Target)	FY 2025 Target	FY 2026 Target
Develop and implement case management practices that will minimize the average age of all pending ALJ level cases.	Whether new case management practices have been developed and implemented.	98% of cases received in our electronic filing system as a result of scheduling orders directing e-filing and the implementation of mandatory e-filing in June 2019. Target not met (100% of all pleadings received in our electronic filing system would have been initiated electronically.)	98% of all pleadings received in our electronic filing system were initiated electronically. Target not met (100% of all pleadings received in our electronic filing system would have been initiated electronically.)	98% of all pleadings received in our electronic filing system were initiated electronically. Target not met (100% of all pleadings received in our electronic filing system would have been initiated electronically.)	100% of all pleadings received in the agency's e-filing system are initiated electronically.	100% of all pleadings received in the agency's e-filing system are initiated electronically.

<u>Outcome Goals</u>	<u>Performance Measures</u>	FY 2022 Actual (Target)	FY 2023 Actual (Target)	FY 2024 Actual (Target)	FY 2025 Target	FY 2026 Target
Ensure that a significant proportion of both complex and non-complex cases at the ALJ level are resolved within one year to 20 months from docketing. ³	<p>-Percent of simplified cases disposed of within one year at the ALJ level.</p> <p>-Percent of non-complex conventional cases disposed of within 17 months at the ALJ level.</p> <p>-Percent of settlement part cases disposed of within 19 months.</p> <p>-Percent of complex cases disposed of within 20 months at the ALJ level.</p>	<p>94% Target met</p> <p>(Dispose of 90 percent of simplified cases within one year.)</p> <p>89% Target not met</p> <p>(Dispose of 95 percent of conventional cases within 17 months.)</p> <p>91% Target not met</p> <p>(Dispose of 95 percent of settlement part cases within 19 months.)</p> <p>87% Target met</p> <p>(-Dispose of 85 percent of complex cases within 20 months.)</p>	<p>99% Target met</p> <p>(Dispose of 90 percent of simplified cases within one year.)</p> <p>93% Target not met</p> <p>(Dispose of 95 percent of conventional cases within 17 months.)</p> <p>96% Target met</p> <p>(Dispose of 95 percent of settlement part cases within 19 months.)</p> <p>87% Target not met</p> <p>Cases were more complex and novel and there were staffing issues.</p> <p>(Dispose of 90 percent of complex cases within 20 months.)</p>	<p>99% Target met</p> <p>(Dispose of 90 percent of simplified cases within one year.)</p> <p>96% Target met</p> <p>(Dispose of 95 percent of conventional cases within 17 months.)</p> <p>89% Target not met</p> <p>(Dispose of 95 percent of settlement part cases within 19 months.)</p> <p>88% Target not met</p> <p>(Dispose of 90 percent of complex cases within 20 months.)</p>	<p>-Dispose of 90 percent of simplified cases within one year.</p> <p>-Dispose of 95 percent of conventional cases within 17 months.</p> <p>-Dispose of 95 percent of settlement part cases within 19 months.</p> <p>-Dispose of 90 percent of complex cases within 20 months.</p>	<p>-Dispose of 90 percent of simplified cases within one year.</p> <p>-Dispose of 95 percent of conventional cases within 17 months.</p> <p>-Dispose of 95 percent of settlement part cases within 19 months.</p> <p>-Dispose of 90 percent of complex cases within 20 months.</p>

³Except for mandatory settlement cases, which are assigned by the Chief ALJ upon receipt from the Office of the Executive Secretary, OSHRC ALJs are not assigned cases until initial pleadings have been filed. This assignment generally occurs approximately 60 days after the case has been docketed due to the parties' frequent requests for extensions of time for filing initial pleadings.

<u>Outcome Goals</u>	<u>Performance Measures</u>	FY 2022 Actual (Target)	FY 2023 Actual (Target)	FY 2024 Actual (Target)	FY 2025 Target	FY 2026 Target
Provide training opportunities to (1) ALJs and (2) all attorneys and support staff, in order to enhance their capabilities on technical and legal issues, legal writing, ethics, and technology and case management.	Increased attendance and participation in training opportunities, internal and/or external, for ALJs and all attorneys and support staff.	<p>Training opportunities were provided to all ALJs, attorneys, and support staff.</p> <p>Target met (Attendance and participation in at least one training opportunity devoted to management of electronic documents prior to and during hearings (i.e., e-filing, electronic discovery, or electronic exhibits.))</p>	<p>Training opportunities were provided to all ALJs, attorneys, and support staff.</p> <p>Target met (Attendance and participation in at least one training opportunity devoted to management of electronic documents prior to and during hearings (i.e., e-filing, electronic discovery, or electronic exhibits.))</p>	<p>Training opportunities were provided to all ALJs, attorneys, and support staff.</p> <p>Target met (Attendance and participation in at least one training opportunity devoted to management of electronic documents prior to and during hearings (i.e., e-filing, electronic discovery, or electronic exhibits.))</p>	Attendance and participation in at least one training opportunity devoted to management of electronic documents prior to and during hearings (i.e., e-filing, electronic discovery, or electronic exhibits).	Attendance and participation in at least one training opportunity devoted to management of electronic documents prior to and during hearings (i.e., e-filing, electronic discovery, or electronic exhibits).

Commission-Review Level Function

OSHRC's three Commission members are appointed by the President and confirmed by the Senate and together serve as an appellate level of review. The Commission members, one of whom is designated by the President to serve as Chairman, review and decide contested cases following an initial decision by an ALJ. This appellate level of review must be prompt, fair, and protective of the parties' rights.

Proceedings Before the Commission

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

Each Commissioner has a counsel who is responsible for assisting and providing advice on all pending matters, determining whether cases are appropriate for Commission review, and the proper disposition of motions and cases. The counsel also aids the Commissioner in researching, drafting, and editing opinions after the Commission votes on how to decide a case.

The Office of the General Counsel (OGC) provides legal advice to the entire agency to ensure compliance with the various laws, regulations, and executive orders governing its operations. OGC also has primary responsibility for preparing and presenting factual and legal analyses to assist Commission members in adjudicating cases pending on appeal and in the issuance of opinions; this includes drafting decisions for approval by the Commissioners and their staff. In addition, OGC operates the agency's statutorily required FOIA, Ethics, and Privacy programs.

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

Commission-Review Level Operations

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

The Act requires a quorum of two Commissioners to take official action, therefore decisions resolving pending matters require the affirmative vote of two Commissioners. During periods when the Commission lacks a quorum, no review-level cases can be decided. If there are only two Commissioners, it can be difficult to reach agreement sufficient to dispose of pending cases. In cases in which agreement cannot be reached, deadlocks may result, and action on important

matters and the issuance of some pending decisions may be delayed.

The Commission-review level operated without a full complement of Commissioners for all of FY 2024 and thus far in FY 2025. A Commissioner's term expired in April of 2023 leaving only one Commissioner and no quorum throughout both FYs. As a result, the Commission-review level was unable to resolve any cases in FY 2024 and has resolved one case thus far in 2025 due to a settlement terminating the proceedings before the Commission.⁴ Nevertheless, two of the four Government Performance and Results Act (GPRA) goal targets were met in FY 2024.

Historically, the number of safety and health inspections conducted by OSHA each year, the nature of those inspections, and the rate at which employers contest the citations issued by OSHA all have an impact on the number of cases before the Review Commission. And more contested cases before the ALJs can translate into more cases at the Commission review-level. In addition, OSHA's emphasis during recent years on more serious workplace hazards has resulted in more contested cases, more complex cases and lengthy hearings. Consequently, the complexity and size of the cases at the Commission-review level has increased significantly in recent years.

Anticipated Commission-Review Level Workload for FY 2026

The Commission is focused on solid, high-quality case production with a focus on deciding and issuing decisions in older cases to reduce case inventory.

In FY 2024, the Commission review-level had 20 cases pending on its docket at the beginning of the year. It received 12 new cases and did not resolve any cases by year-end due to the lack of a quorum. Thus, the Commission review-level entered FY 2025 with 32 cases pending review. During FY 2025, the Commission review-level estimates receiving 6 new cases and resolving 5 cases, ending FY 2025 with 33 cases pending review (this estimate relies on reaching a quorum in FY 2025). For FY 2026, the Commission review-level anticipates receiving 15 new cases and disposing of 17 cases, ending that year with an inventory of 31 cases.

⁴ See 41 Fed. Reg. 37,173 (Sept. 2, 1976), amended at 44 Fed. Reg. 7255 (Feb. 6, 1979) (Commission delegated Executive Secretary authority to grant settlement agreements).

Commission-Review Level Case Activity

	<u>FY 2022</u> <u>Actual</u>	<u>FY 2023</u> <u>Actual</u>	<u>FY 2024</u> <u>Actual</u>	<u>FY 2025</u> <u>Estimate</u>	<u>FY 2026</u> <u>Estimate</u>
New Cases:					
Cases Directed for Review:	14	16	12	4	14
Other New Cases:					
Interlocutory Appeals:	0	0	0	0	0
Remands:	1	2	0	2	1
Other:	0	0	0	0	0
Total Other New Cases:	1	2	0	2	1
Total New Cases:	15	18	12	6	15
Case Inventory from Prior Year:	16	19	20	32	33
Total Caseload:	31	37	32	38	48
Dispositions:	12	17	0	5	17
Case Inventory, End of Year:	19	20	32	33	31

Staffing

The Commission-review level function will operate with 23 FTE positions in FY 2026. This includes 9 FTE positions reserved for the three Commissioners and their immediate staff, 10 FTE positions for the Office of the General Counsel, and 4 FTE positions for the Office of the Executive Secretary.

<u>FUNDING (IN MILLIONS) AND FTE POSITIONS</u>						
	<u>FY 2024 Actual</u>		<u>FY 2025 Enacted</u>		<u>FY 2026 Request</u>	
	<u>\$</u>	<u>FTE</u>	<u>\$</u>	<u>FTE</u>	<u>\$</u>	<u>FTE</u>
Commission Review Level Function	6.0	20	6.9	23	6.4	23

Strategic Plan and Outcome Goals

In accordance with Public Law 111-352, the Government Performance and Results Modernization Act of 2010 (GPRA Modernization Act of 2010) and Public Law 103-62, the Government Performance and Results Act (GPRA) of 1993, the Review Commission's Strategic Plan for FY 2022 through FY 2026 focuses on four goals: (1) Promptly and fairly resolving the cases before it, including reducing the average age of all pending cases; (2) To the extent consistent with the agency's statutory authority and responsibilities, and consistent with due process requirements, seeking to enhance the transparency of its operations; (3) Promoting organizational excellence, including a culture of professionalism, mutual respect, and organizational pride, and ensuring that staff members are adequately trained and developed; and (4) Managing agency resources in a manner that instills public trust, including using information and technology to monitor, evaluate, and improve programs and processes in order to better accomplish the agency's mission. It also identifies innovative and comprehensive strategies to achieve strategic goals and objectives. The Review Commission's Strategic Plan for FYs 2022 – 2026 includes the following goals and outcomes related to the Commission-review level function:

<u>Strategic Goal</u>	<u>Outcome Goals⁵</u>
<i>Promptly and fairly resolving the cases before it, including reducing the average age of all pending cases.</i>	<ul style="list-style-type: none"> • Resolve all priority cases at the agency in a timely manner.⁶ • Develop and implement case management practices that will minimize the average age of all pending Commission review-level cases. • Ensure that the average age of all Commission review-level cases is no greater than 18 months from direction for review.⁷ • Ensure that no more than 20 percent of Commission review-level cases are older than two years and ensure that no cases are older than three years in age from direction for review.

The Commission will advance its goals through the following strategies:

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

⁵These goals will not apply to cases that are stayed at the Review Commission because criminal law investigations or prosecutions are being pursued.

⁶Priority cases include Federal Rule of Civil Procedure (FRCP) 60(b) cases, Commission Rule (CR) 101(a) defaults, court remands, and interlocutory reviews. However, some FRCP 60(b) and CR 101(a) cases – those with significant threshold issues, for instance – are not treated as priority cases because of the complexity of those issues. Also, where the parties have indicated intent to settle a priority case, the time frame will be tolled.

⁷External factors, such as the lack of a quorum or recusal of a Commissioner from a particular matter, may adversely affect the Review Commission's ability to meet these goals. See additional "External Factors" on page 13 of the Strategic Plan.

The following are the performance goals for the Commission-Review Level for FYs 2022 through 2026:

<u>Outcome Goals</u>	<u>Performance Measures</u>	FY 2022 Actual (Target)	FY 2023 Actual (Target)	FY 2024 Actual (Target)	FY 2025 Target	FY 2026 Target
Resolve all priority cases at the agency in a timely manner.	Percent of priority cases disposed of within 6 months.	100% Target met (Dispose of 100 percent of all priority cases within 6 months of designation.)	100% Target met (Dispose of 100 percent of all priority cases within 6 months of designation.)	0% ⁸ Target not met (Dispose of 100 percent of all priority cases within 6 months of designation.)	Dispose of 100 percent of all priority cases within 6 months of designation.	Dispose of 100 percent of all priority cases within 6 months of designation.
Develop and implement case management practices that will minimize the average age of all pending Commission review-level cases.	Whether case management practices have been developed and implemented.	Case management practices were fully implemented. Target met (Full implementation of case management practices.)	Case management practices were fully implemented. Target met (Full implementation of case management practices.)	Case management practices were fully implemented. Target met (Full implementation of case management practices.)	Full implementation of case management practices.	Full implementation of case management practices.

⁸ This measure has been updated from the Review Commission's FY 2024 Performance and Accountability Report to correct a reporting error. This update does not change the outcome of the goal.

<u>Outcome Goals</u>	<u>Performance Measures</u>	FY 2022 Actual (Target)	FY 2023 Actual (Target)	FY 2024 Actual (Target)	FY 2025 Target	FY 2026 Target
Reduce the average age of all Commission review-level cases to 18 months from direction for review.	Average age of all pending Commission review-level cases.	<p>The average age of all Commission-review level cases was reduced to 12 months.</p> <p>Target met (Average age of all pending Commission review-level cases reduced to 22 months.)</p>	<p>The average age of all Commission-review level cases was reduced to 12 months.</p> <p>Target met (Average age of all pending Commission review-level cases reduced to 21 months.)</p>	<p>The average age of all Commission-review level cases was reduced to 16 months.</p> <p>Target met (Average age of all pending Commission review-level cases reduced to 20 months.)</p>	Average age of all pending Commission review-level cases reduced to 18 months.	Average age of all pending Commission review-level cases reduced to 18 months.
Ensure that no more than 20 percent of Commission review-level cases are older than two years and ensure that no cases are older than three years from direction for review.	<p>-Percent reduction in the number of Review-level cases over two years in age.</p> <p>-Reduction in total number of Commission review-level cases exceeding three years in age.</p>	<p>The share of Commission-review-level cases over two years in age was 19% of all cases.</p> <p>-Number of Commission review-level cases exceeding three years was zero.</p> <p>Target met (-Reduce the percent of Commission review-level cases over two years in age as follows: No greater than 20% of all cases.</p>	<p>-The share of Commission-review-level cases over two years in age was 18% of all cases.</p> <p>-Number of Commission Review-level cases exceeding three years was zero.</p> <p>Target met (-Reduce the percent of Commission review-level cases over two years in age as follows: No greater than 20% of all cases.</p>	<p>-The share of Commission-review-level cases over two years in age was 22% of all cases.</p> <p>Target not met (-Reduce the percent of Commission review-level cases over two years in age as follows: No greater than 20% of all cases.)</p> <p>-Number of Commission Review-level cases exceeding three years was zero.</p>	<p>-Reduce the percent of Commission review-level cases over two years in age as follows: No greater than 20% of all cases.</p> <p>-Reduce the number of Commission review-level cases exceeding three years to zero.</p>	<p>-Reduce the percent of Commission review-level cases over two years in age as follows: No greater than 20% of all cases.</p> <p>-Reduce the number of Commission review-level cases exceeding three years to zero.</p>

<u>Outcome Goals</u>	<u>Performance Measures</u>	FY 2022 Actual (Target)	FY 2023 Actual (Target)	FY 2024 Actual (Target)	FY 2025 Target	FY 2026 Target
		-Reduce the number of Commission review-level cases exceeding three years to zero.)	-Reduce the number of Commission review-level cases exceeding three years to zero.)	Target met (Reduce the number of Commission review-level cases exceeding three years to zero.)		

Office of the Executive Director Function

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

Administrative Operations

OEXD provides operational management for the agency, including procurement, information technology (IT) 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, 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 OEXD Workload for FY 2026

During FY 2026, OEXD staff will:

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

- Provide improved 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 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 such evaluations;
- Execute the Continuity of Operations Plan (COOP) including maintenance, testing, and (if needed) implementation of the COOP for OSHRC offices;
- Make use of Knowledge Management practices to ensure that employees are better prepared to perform their work and to provide for continuity and succession planning; and
- Review IT programs to determine ways to achieve cost savings.

During the past few fiscal years, the Review Commission has made great strides with improving the quality of its web-based transparency initiatives, including redesigning the agency's website to improve access for internal and external stakeholders. In FY 2025, OSHRC launched its redesigned, more robust, and user-friendly website.

Additionally, effective management of the e-filing system is demonstrative proof of the agency's commitment to using technology to improve accuracy and efficiency in its case management practices.

Staffing

The Executive Director function will operate with 5 FTE positions in FY 2026. OEXD has responsibility for implementing the Administration's performance improvement efforts, including implementing and monitoring strategic and performance plans and reports, budget, performance integration, human capital development, and E-government.

<u>FUNDING (IN MILLIONS) AND FTE POSITIONS BY FUNCTION</u>						
	<u>FY 2024</u>		<u>FY 2025 Enacted</u>		<u>FY 2026</u>	
	<u>Actual</u>				<u>Request</u>	
	<u>\$</u>	<u>FTE</u>	<u>\$</u>	<u>FTE</u>	<u>\$</u>	<u>FTE</u>
Executive Director Function	1.8	6	1.5	5	1.4	5

Strategic Plan and Outcome Goals

In accordance with Public Law 111-352, the Government Performance and Results Modernization Act of 2010 (GPRA Modernization Act of 2010) and Public Law 103-62, the Government Performance and Results Act (GPRA) of 1993, the Review Commission's Strategic Plan for FY 2022 through FY 2026 focuses on four goals: (1) Promptly and fairly resolving the cases before it, including reducing the average age of all pending cases; (2) To the extent consistent with the agency's statutory authority and responsibilities, and consistent with due process requirements, seeking to enhance the transparency of its operations; (3) Promoting organizational excellence, including a culture of professionalism, mutual respect, and organizational pride, and ensuring that staff members are adequately trained and developed; and (4) Managing agency resources in a manner that instills public trust, including using information and technology to monitor, evaluate, and improve programs and processes in order to better accomplish the agency's mission. It also identifies innovative and comprehensive strategies to achieve strategic goals and objectives. The Review Commission's Strategic Plan for FYs 2022 – 2026 includes the following goals and outcomes related to OEXD's function:

<u>Strategic Goals</u>	<u>Outcome Goals</u>
<i>To the extent consistent with the agency's statutory authority and responsibilities, and consistent with due process requirements, seeking to enhance the transparency of its operations.</i>	<ul style="list-style-type: none"> • Ensure that the agency's website provides access to all users and serves as a useful repository for information about the agency and its adjudicatory activities. • Broaden the agency's outreach activities to the regulated community. • Ensure that the agency's electronic filing (e-filing) system provides access to all users.
<i>Promoting organizational excellence, including a culture of professionalism, mutual respect, and organizational pride, and ensuring that staff members are adequately trained.</i>	<ul style="list-style-type: none"> • Recruit, invest in, and value all employees through professional development, workplace flexibilities, fair treatment, and recognition. • Provide training for all agency personnel, including ALJs and Commission members in interacting with and serving the public. • Ensure that all agency personnel are aware of the agency's mission and how they contribute to its accomplishments. • Provide training opportunities to all agency personnel, including ALJs and Commission members. In particular, provide training to all attorneys and support staff in order to enhance their capabilities on technical and legal issues,

	<p>legal writing, ethics, and technology and case management.</p> <ul style="list-style-type: none"> • Integrate knowledge management processes into a plan to capture, share, and generate knowledge that establishes a unified network of personnel, processes, and technology to enhance all aspects of essential agency operations.
<p><i>Managing agency resources in a manner that instills public trust, including using information and technology to monitor, evaluate, and improve programs and processes in order to better accomplish the agency's mission.</i></p>	<ul style="list-style-type: none"> • Develop and present an annual budget and performance plan that clearly establishes how the agency will accomplish government-wide management priorities, agency-wide goals, and organizational goals. • Improve technology infrastructure through efficiencies and investments (e.g., training, equipment, services) to support the effective use of broadband, cyber security, and energy efficiency. • Maintain and enhance secure electronic information systems for case management, legal research, public access to data through the internet, and continuity of the agency's operations at all times. • Conduct all internal and external agency business in an ethical and timely manner.

OEXD will advance its strategic goals through the following strategies:

1. Develop and present an annual budget and performance plan that clearly reflects how the agency will accomplish government-wide management priorities, agency-specific goals, and organizational goals.
2. Provide greater public access to Review Commission activities, information, and decisions, such as posting procedural decisions and non-dispositive orders on the agency's website.
3. Create a work culture that incorporates the agency's core values and provides an environment that includes workplace policies and programs that enable employees to excel, including family-friendly policies and wellness programs.
4. Develop and implement recruitment strategies to ensure a highly qualified workforce.

5. Enhance employee development and learning opportunities by devoting available budgetary resources to staff training including courses on interacting with and serving the public.
6. Streamline IT operations, simplify day-to-day management and maintenance, and create a more stable operating environment by eliminating duplication, investing in standardized platforms, realizing cloud-first opportunities, and minimizing storage and application sprawl and locally housed servers.
7. Improve network/communications performance to ensure all personnel have seamless access to information systems necessary to perform their work in a timely fashion.
8. Maintain an information security and privacy management program through acceptance and deployment of appropriate federally mandated guidelines and enforcing active policies. Ensure that FISMA audits are performed annually.
9. Implement knowledge management practices to ensure that knowledge affecting essential agency programs and operations is captured, shared, and generated on a continuous basis.

The following are the OEXD performance goals for FYs 2022 through 2026:

<u>Outcome Goals</u>	<u>Performance Measures</u>	FY 2022 Actual (Target)	FY 2023 Actual (Target)	FY 2024 Actual (Target)	FY 2025 Target	FY 2026 Target
Ensure that the agency's website provides access to all users and serves as a useful repository for information about the agency and its adjudicatory activities.	-Timeliness of postings to agency website. -Perform annual vendor-initiated review of the agency's webpage for compliance with Section 508 of the Americans with Disabilities Act (ADA).	-Materials were posted to the agency's website within 2 days after issuance. -Accessibility information and guidelines were posted on the agency's website. Target met (-All material to be posted no later than 4 days after issuance. -Conduct periodic reviews of the agency's website to seek alternative methods for ensuring access to all users.)	-Materials were posted to the agency's website within 2 days after issuance. -Accessibility information and guidelines were updated and posted on the agency's website. Target met (-All material to be posted no later than 3 days after issuance. -Research opportunities for developing a mobile version of the agency's website to optimize access using smartphones or similar mobile devices.)	-Materials were posted to the agency's website within 2 days after issuance. -Committee was established to modernize and enhance the agency's website. -Established a process to perform routine reviews of the agency's webpage for compliance with Section 508 of the ADA. Target met (-All material to be posted no later than 2 days after issuance. -Conduct periodic reviews of the agency's website to seek alternative methods for ensuring access to all users.)	-All material to be posted no later than 2 days after issuance. -Conduct periodic reviews of the agency's website to seek alternative methods for ensuring fair access to all users.	-All material to be posted no later than 2 days after issuance. -Conduct periodic reviews of the agency's website to seek alternative methods for ensuring fair access to all users.

<u>Outcome Goals</u>	<u>Performance Measures</u>	FY 2022 Actual (Target)	FY 2023 Actual (Target)	FY 2024 Actual (Target)	FY 2025 Target	FY 2026 Target
Broaden the Review Commission's outreach activities to the regulated community.	<p>-Participation in professional conferences and meetings and strategic engagement with the regulated community.</p> <p>-Creation of electronic subscription service.</p>	<p>Social media outlets (e.g., alert service on the agency's website) was used to engage the public.</p> <p>Target met (-Increased participation in at least one activity or meeting that promotes strategic engagement to disseminate information including trends and services provided by the agency.</p> <p>-Research additional social media outlets to notify and engage with internal and external users.)</p>	<p>-Social media outlets (e.g., alert service on the agency's website) continued to be utilized to engage the public.</p> <p>-Colleges, universities, bar associations, and miscellaneous agencies were notified of Review Commission vacancies.</p> <p>Target met (-Increased participation in at least two activities or meetings that promote strategic engagement to disseminate information including trends and services provided by the agency.</p> <p>-Utilize social media outlets to notify and engage with internal and external users.)</p>	<p>-Social media outlets (e.g., alert service on the agency's website) continued to be utilized to engage the public.</p> <p>-Colleges, universities and bar associations were notified of Review Commission vacancies.</p> <p>Target met (-Increased participation in at least two activities or meetings that promote strategic engagement to disseminate information including trends and services provided by the agency.</p> <p>-Utilize social media outlets to notify and engage with internal and external users.)</p>	<p>-Increased participation in at least two activities or meetings that promote strategic engagement to disseminate information including trends and services provided by the agency.</p> <p>-Utilize social media outlets to notify and engage with internal and external users.</p>	<p>-Increased participation in at least two activities or meetings that promote strategic engagement to disseminate information including trends and services provided by the agency.</p> <p>-Utilize social media outlets to notify and engage with internal and external users.</p>

<u>Outcome Goals</u>	<u>Performance Measures</u>	FY 2022 Actual (Target)	FY 2023 Actual (Target)	FY 2024 Actual (Target)	FY 2025 Target	FY 2026 Target
Ensure that the agency's electronic filing (e-filing) system provides access to all users.	Monitor monthly maintenance activities performed by application host.	<p>-Enhancements were made to the agency's e-filing system.</p> <p>-Informal training on the e-filing system was provided to internal users.</p> <p>Target met (-Make needed enhancements to the e-filing system based on feedback received from users.</p> <p>-Provide annual training for internal users.)</p>	<p>A review of the e-filing system was conducted. Visual mobile access to the e-filing system was enhanced.</p> <p>Target met (Conduct an annual audit of the agency's e-filing system to ensure compliance with Section 508 of the Americans with Disabilities Act.)</p>	<p>Conducted routine audits of the e-filing system and made needed changes.</p> <p>Target met (Perform routine audits of the agency's e-filing system to ensure continued compliance with Section 508 of the Americans with Disabilities Act.)</p>	Perform routine audits of the agency's e-filing system to ensure continued compliance with Section 508 of the Americans with Disabilities Act.	Perform routine audits of the agency's e-filing system to ensure continued compliance with Section 508 of the Americans with Disabilities Act.

<u>Outcome Goals</u>	<u>Performance Measures</u>	FY 2022 Actual (Target)	FY 2023 Actual (Target)	FY 2024 Actual (Target)	FY 2025 Target	FY 2026 Target
Recruit, invest in, and value all employees through professional development, workplace flexibilities, fair treatment, and recognition.	<p>-Recruit, develop, and retain a highly motivated and talented workforce to accomplish the agency's mission.</p> <p>-Identify areas in which the agency can enhance talent.</p>	<p>-The agency's performance management systems were evaluated to ensure alignment with the revised strategic plan.</p> <p>-Budgetary resources were devoted to employee training and development.</p> <p>-The agency's telework and hours of work directives were reviewed and updated to enhance workplace flexibilities.</p> <p>Target met (-Conduct an annual review of the agency's performance management systems to ensure they align with the agency's revised strategic plan.</p> <p>-Enhance employee development and learning</p>	<p>-The agency's performance management systems were evaluated to ensure alignment with the agency's strategic plan.</p> <p>-Budgetary resources were devoted to employee training and development.</p> <p>-The agency's telework directive was reviewed and updated.</p> <p>Target met (-Ensure that the agency's performance management system(s) are aligned with its goals and objectives.</p> <p>-Enhance employee development and learning opportunities by increasing budgetary resources for training.</p>	<p>-The agency's performance management systems were reviewed to ensure alignment with the agency's strategic plan.</p> <p>-Budgetary resources were devoted to employee training and development.</p> <p>-The agency's telework agreement was revised.</p> <p>Target met (-Ensure that the agency's performance management system(s) are aligned with its goals and objectives.</p> <p>-Enhance employee development and learning opportunities by increasing budgetary resources for training.</p>	<p>-Ensure that the agency's performance management system(s) are aligned with its goals and objectives.</p> <p>-Enhance employee development and learning opportunities through training.</p> <p>-Annually review and/or update agency directives pertaining to workplace flexibilities.</p>	<p>-Ensure that the agency's performance management system(s) are aligned with its goals and objectives.</p> <p>-Enhance employee development and learning opportunities through training.</p> <p>-Annually review and/or update agency directives pertaining to workplace flexibilities.</p>

<u>Outcome Goals</u>	<u>Performance Measures</u>	FY 2022 Actual (Target)	FY 2023 Actual (Target)	FY 2024 Actual (Target)	FY 2025 Target	FY 2026 Target
		<p>opportunities by making budgetary resources available for staff training.</p> <p>-Annually review and/or update agency directives pertaining to workplace flexibilities (e.g., hours of work, telework.))</p>	<p>-Annually review and/or update agency directives pertaining to workplace flexibilities (e.g., hours of work, telework.))</p>	<p>-Annually review and/or update agency directives pertaining to workplace flexibilities (e.g., hours of work.))</p>		

<u>Outcome Goals</u>	<u>Performance Measures</u>	FY 2022 Actual (Target)	FY 2023 Actual (Target)	FY 2024 Actual (Target)	FY 2025 Target	FY 2026 Target
Integrate knowledge management processes into a plan to capture, share, and generate knowledge that establishes a unified network of personnel, processes, and technology to enhance all aspects of essential agency operations.	<p>-Conduct periodic knowledge management audits to identify sources of knowledge and “at risk” knowledge gaps.⁹</p> <p>-Tailor IT infrastructure to support the effortless sharing and transfer of knowledge.</p> <p>-Degree to which best practices and lessons learned are integrated into the performance management system.</p>	<p>A knowledge management subject matter index list was developed and disseminated to staff to identify gaps in essential agency programs.</p> <p>Target met (-Identify gaps in essential agency programs.</p> <p>-Develop a knowledge management subject matter index list to serve as a resource to staff.</p> <p>-Use the performance planning process to reflect the value of rewarding employees for creating, using, and sharing knowledge.)</p>	<p>-The agency’s knowledge management subject matter index list was updated to address gaps in essential agency programs.</p> <p>-IT program areas were reviewed to address technology needs of the agency.</p> <p>-The agency’s awards program was used to provide incentives to staff.</p> <p>Target met (-Knowledge gaps in essential agency programs are identified and addressed through an on-going annual evaluation.</p>	<p>-Updated the agency’s knowledge management subject matter index list to address gaps in essential agency programs.</p> <p>-Reviewed IT program areas to address the technology needs of the agency.</p> <p>-Utilized the agency’s awards program to provide incentives to staff.</p> <p>Target met (-Knowledge gaps in essential agency programs are identified and addressed through an on-going annual evaluation.</p>	<p>-Knowledge gaps in essential agency programs are identified and addressed through an on-going annual evaluation.</p> <p>-Perform an annual audit to ensure that IT is aligned with the needs of the agency’s personnel and processes.</p> <p>-Use of the performance planning process to reflect the value of rewarding employees for creating, using, and sharing knowledge.</p>	<p>-Knowledge gaps in essential agency programs are identified and addressed through an on-going annual evaluation.</p> <p>-Perform an annual audit to ensure that IT is aligned with the needs of the agency’s personnel and processes.</p> <p>-Use of the performance planning process to reflect the value of rewarding employees for creating, using, and sharing knowledge.</p>

⁹ Areas identified as potential “at risk” knowledge gaps include programs and functions where a subject matter expert is eligible to leave the agency (through retirement or career transition) in one to three years and no backup expert has been identified to assume the duties and responsibilities vacated.

<u>Outcome Goals</u>	<u>Performance Measures</u>	FY 2022 Actual (Target)	FY 2023 Actual (Target)	FY 2024 Actual (Target)	FY 2025 Target	FY 2026 Target
			<p>-Perform an annual audit to ensure that IT is aligned with the needs of the agency's personnel and processes.</p> <p>-Use of the performance planning process to reflect the value of rewarding employees for creating, using, and sharing knowledge.)</p>	<p>-Perform an annual audit to ensure that IT is aligned with the needs of the agency's personnel and processes.</p> <p>-Use of the performance planning process to reflect the value of rewarding employees for creating, using, and sharing knowledge.)</p>		

<u>Outcome Goals</u>	<u>Performance Measures</u>	FY 2022 Actual (Target)	FY 2023 Actual (Target)	FY 2024 Actual (Target)	FY 2025 Target	FY 2026 Target
Develop and present an annual budget and performance plan that clearly identifies how the organization will accomplish government-wide management priorities, agency-wide goals, and organizational goals.	System that links resources to specific activities that support measurable programmatic outcomes and objectives.	<p>Developed an annual budget that was aligned with the agency's revised strategic plan.</p> <p>Target met (Align the budget with agency program goals to efficiently accomplish its mission (e.g., program, human capital, procurement, IT infrastructure, space, and facilities.))</p>	<p>An annual budget was developed to align with agency goals and to efficiently accomplish mission requirements.</p> <p>Target met (Implementation of a measurement system to assess and report on progress of financial management improvements and budget integration management reforms.)</p>	<p>Developed a budget that aligned agency goals to efficiently accomplish mission requirements.</p> <p>Target met (Implementation of a measurement system to assess and report on progress of financial management improvements and budget integration management reforms.)</p>	Implementation of a measurement system to assess and report on progress of financial management improvements and budget integration management reforms.	Implementation of a measurement system to assess and report on progress of financial management improvements and budget integration management reforms.

<u>Outcome Goals</u>	<u>Performance Measures</u>	FY 2022 Actual (Target)	FY 2023 Actual (Target)	FY 2024 Actual (Target)	FY 2025 Target	FY 2026 Target
Ensure that employees are aware of the agency's mission and how they contribute to its accomplishments.	Communicate significant organizational accomplishments with staff.	<p>-Staff meetings were held to discuss agency activities and accomplishments.</p> <p>-The Federal Employee Viewpoint Survey was distributed to staff and results were analyzed to determine if adjustments should be made to certain agency activities.</p> <p>Target met (-Communicate significant organizational accomplishments with staff during all-hands staff meetings and during supervisory/employee meetings.</p> <p>-Use results of the annual Federal Employee Viewpoint Survey to assess managers and supervisor's communication with employees about the agency's goals and priorities.)</p>	<p>-Employee orientation booklets were developed to provide educational materials to new hires about the agency's goals and mission.</p> <p>-The results of the annual Federal Employee Viewpoint Survey were used to assess managers and supervisor's communication with employees about agency goals and priorities.</p> <p>-Staff meetings were held to discuss agency activities and accomplishments.</p> <p>Target met (-Communicate significant organizational accomplishments with staff during all-hands staff meetings and during supervisory/employee meetings.</p> <p>-Enhance the agency's</p>	<p>-Revised employee orientation booklets to provide educational materials to new hires about the agency's goals and mission.</p> <p>-Used the results of the annual Federal Employee Viewpoint Survey to assess managers and supervisor's communication with employees about agency goals and priorities.</p> <p>-Conducted routine staff meetings to discuss agency activities and accomplishments.</p> <p>Target met (-Communicate significant organizational accomplishments with staff during all-hands staff meetings and during supervisory/employee meetings.</p> <p>-Enhance the agency's</p>	<p>-Communicate significant organizational accomplishments with staff during all-hands staff meetings and during supervisory/employee meetings.</p> <p>-Enhance the agency's orientation program for new employees to provide materials about the agency's mission and how individuals can contribute to its accomplishments.</p> <p>-Use results of the annual Federal Employee Viewpoint Survey to assess managers and supervisor's communication with employees about the agency's goals and priorities.</p>	<p>-Communicate significant organizational accomplishments with staff during all-hands staff meetings and during supervisory/employee meetings.</p> <p>-Enhance the agency's orientation program for new employees to provide materials about the agency's mission and how individuals can contribute to its accomplishments.</p> <p>-Use results of the annual Federal Employee Viewpoint Survey to assess managers and supervisor's communication with employees about the agency's goals and priorities.</p>

<u>Outcome Goals</u>	<u>Performance Measures</u>	FY 2022 Actual (Target)	FY 2023 Actual (Target)	FY 2024 Actual (Target)	FY 2025 Target	FY 2026 Target
			<p>orientation program for new employees to provide materials about the agency's mission and how individuals can contribute to its accomplishments.</p> <p>-Use results of the annual Federal Employee Viewpoint Survey to assess managers and supervisor's communication with employees about the agency's goals and priorities.)</p>	<p>orientation program for new employees to provide materials about the agency's mission and how individuals can contribute to its accomplishments.</p> <p>-Use results of the annual Federal Employee Viewpoint Survey to assess managers and supervisor's communication with employees about the agency's goals and priorities.)</p>		

<u>Outcome Goals</u>	<u>Performance Measures</u>	FY 2022 Actual (Target)	FY 2023 Actual (Target)	FY 2024 Actual (Target)	FY 2025 Target	FY 2026 Target
Improve technology infrastructure through efficiencies and investments (e.g., training, equipment, services) to support the effective use of broadband, cyber security, and energy efficiency.	<p>-Streamline operations and infrastructure to eliminate duplication; minimize servers, storage, and application sprawl.</p> <p>-Consolidate technological services and move from an “on premise” infrastructure to a modern “cloud” based system to promote efficiencies in systems management, remote accessibility, continuity of operations, and budget savings.</p> <p>-Maintain standardized platforms, including hardware and software.</p> <p>-Partner with Federal agencies that monitor network traffic and isolate potential risks.</p>	<p>-Researched resources and features available for migration associated with Cloud Services.</p> <p>-Trained staff on the use of Office 365, SharePoint, OneDrive, and Teams and Zoom platforms.</p> <p>-Reported compliance with executive orders and/or binding operational directives.</p> <p>Target met (-Reduce physical servers through virtualization.</p> <p>-Provide training for users to educate them on IT efficiencies (e.g., working in a cloud environment).</p> <p>-Evaluate bandwidth utilization to accommodate an expected need for additional resources as a result of cloud computing.</p> <p>-Report annual compliance with applicable executive orders and/or binding operational directives.)</p>	<p>-Reduced physical servers through virtualization to interact with hardware resources with greater flexibility.</p> <p>-Provided annual cyber security awareness training to all users.</p> <p>-Upgraded hardware to improve bandwidth utilization for the agency.</p> <p>-Complied with all annual reporting requirements.</p> <p>Target met (-Reduce physical servers through virtualization.</p> <p>-Provide annual IT training to all users.</p> <p>-Implement ways to improve bandwidth utilization for the agency.</p> <p>-Report annual compliance with applicable executive orders and/or binding operational directives.)</p>	<p>-Provided annual cyber security awareness training to all users.</p> <p>-Upgraded hardware to improve bandwidth utilization for the agency.</p> <p>-Satisfied all IT reporting requirements.</p> <p>-Replaced computers and laptops that are more energy efficient.</p> <p>Target met (-Reduce physical servers through virtualization.</p> <p>-Provide annual IT training to all users.</p> <p>-Implement ways to improve bandwidth utilization for the agency.</p> <p>-Report annual compliance with applicable executive orders and/or binding operational directives.)</p>	<p>-Reduce physical servers through virtualization.</p> <p>-Provide annual IT training to all users.</p> <p>-Implement ways to improve bandwidth utilization for the agency.</p> <p>-Report annual compliance with applicable executive orders and/or binding operational directives.</p>	<p>-Reduce physical servers through virtualization.</p> <p>-Provide annual IT training to all users.</p> <p>-Implement ways to improve bandwidth utilization for the agency.</p> <p>-Report annual compliance with applicable executive orders and/or binding operational directives.</p>

<u>Outcome Goals</u>	<u>Performance Measures</u>	FY 2022 Actual (Target)	FY 2023 Actual (Target)	FY 2024 Actual (Target)	FY 2025 Target	FY 2026 Target
Maintain and enhance secure electronic information systems for case management, legal research, public access to data through the internet, and continuity of the agency's operations at all times.	Conduct periodic audits of information systems to verify systems availability are at acceptable levels.	<p>-Users were educated on proper data storage procedures.</p> <p>-Performed routine software updates and security patches.</p> <p>Target met (-Communicate with users on proper network usage and system recommendations.</p> <p>-Perform routine updates and upgrades to stay relevant and more productive.)</p>	<p>-Enhanced the search function on the agency's website to assist stakeholders with easily accessing case information.</p> <p>-Hardware platforms were maintained at proficient levels.</p> <p>Target met (-Improve network communications to ensure stakeholders can access necessary information without delay.</p> <p>-Maintain hardware platforms at proficient levels.)</p>	<p>Assessed the functionality of the search function on the agency's website to ensure that it continues to assist stakeholders with accessing case information.</p> <p>Target met (-Improve network communications to ensure stakeholders can access necessary information without delay.</p> <p>-Maintain hardware platforms at proficient levels.)</p>	<p>-Improve network communications to ensure stakeholders can access necessary information without delay.</p> <p>-Maintain hardware platforms at proficient levels.</p>	<p>-Improve network communications to ensure stakeholders can access necessary information without delay.</p> <p>-Maintain hardware platforms at proficient levels.</p>

<u>Outcome Goals</u>	<u>Performance Measures</u>	FY 2022 Actual (Target)	FY 2023 Actual (Target)	FY 2024 Actual (Target)	FY 2025 Target	FY 2026 Target
Conduct all internal and external agency business in an ethical and timely manner.	Promote an ethical culture within the Review Commission through leadership, awareness, resources, and oversight.	<p>Data was gathered throughout the FY from ethics inquiries to identify areas in need of targeted ethics training. Almost all ethics inquiries were responded to within one week from receipt. Continue to decrease response time to ethics inquiries by (1) promptly conducting internal discussions of ethics inquiries as they arose; (2) gathering information needed from inquirer to respond as soon as the need for additional information arose; and (3) timely consulting OGE regulations and guidance, past advice, and any additional resources as needed.</p> <p>Target met (-Gather data to identify areas in need of targeted ethics training.</p> <p>-Respond to 50 percent of ethics inquiries within</p>	<p>-Data was gathered throughout the FY from ethics inquiries to address in annual ethics training. Obtained information from OGE professional development outreach on creating engaging ethics trainings.</p> <p>-Almost all ethics inquiries were responded to less than one week from the date of receipt. Continued to decrease response time to ethics inquiries by (1) promptly conducting internal discussions of ethics inquiries as they arose; (2) gathering information needed from inquirer to respond as soon as the need for additional information arose; and (3) timely consulting OGE regulations and guidance, past advice, and additional resources.</p>	<p>-The Alternate Designated Agency Ethics Official (DAEO) attended OGE training programs regarding annual and initial ethics training and used those resources to work with the DAEO in developing the annual training for the agency.</p> <p>-All ethics inquiries were responded to within two weeks of receipt. At least 60 percent of ethics inquiries were responded to within 48 hours.</p> <p>Target met (-Seek opportunities to obtain information for the development of ethics-related training resources.</p> <p>-Respond to 60 percent of ethics inquiries within two weeks of receipt.)</p>	<p>-Seek opportunities to obtain information for the development of ethics-related training resources.</p> <p>-Respond to 60 percent of ethics inquiries within two weeks of receipt.</p>	<p>Seek opportunities to obtain information for the development of ethics-related training resources.</p> <p>-Respond to 60 percent of ethics inquiries within two weeks of receipt.</p>

<u>Outcome Goals</u>	<u>Performance Measures</u>	FY 2022 Actual (Target)	FY 2023 Actual (Target)	FY 2024 Actual (Target)	FY 2025 Target	FY 2026 Target
		two weeks of receipt.)	<p>-Almost all financial disclosure documents were reviewed and certified within one week of receipt. Improved timely notification of newly filed reports then promptly reviewed and certified those reports.</p> <p>Target met (-Seek opportunities to obtain information for the development of ethics-related training resources.</p> <p>-Respond to 60 percent of ethics inquiries within two weeks of receipt.)</p>			

V. BUDGET BY OBJECT CLASSIFICATION CATEGORY

Budget by Object Classification (BOC) Category

The Review Commission requests an appropriation of \$14,214,000 to continue its mission of timely adjudicating OSHA workplace safety and health citations. The requested amount will support 51 FTE positions and funding for other expenses.

The proposed budget for FY 2026 is shown in the table below, along with the FY 2025 enacted amounts and the FY 2024 actual amounts. A narrative explanation of the amount requested for each object classification follows the table.

Object Classification Table

FYs 2026, 2025, and 2024
(Dollars in Thousands)

		Change FY 2026 Request– FY 2025 Enacted				
Budget Object Class		FY 2024 Actuals	FY 2025 Enacted	FY 2026 Request	\$	%
11.0	Personnel Compensation	\$7,828	\$8,741	\$7,927	-814	-9.31
12.0	Personnel Benefits	2,667	3,001	2,850	-151	-5.03
Subtotal Personnel Services		10,495	11,742	10,777	-965	-8.22
21.0	Travel	96	185	110	-75	-40.54
22.0	Transportation of Things	0	10	5	-5	-50
23.1	Space Rental Payments (GSA)	437	1,770	1,692	-78	-4.41
23.3	Communications, Utilities and Misc.	182	272	200	-72	-26.47
24.0	Printing and Reproduction	0	10	5	-5	-50
25.0	Other Services	1,952	1,048	1,013	-35	-3.34
26.0	Supplies and Materials	66	43	43	-0-	-0-
31.0	Equipment	820	369	369	-0-	-0-
Unobligated Balance		1,401	0	0	-0-	-0-
Grand Total		\$15,449	\$15,449	\$14,214	-1,235	-7.99

Budget Object Classification Detail

11.0 Personnel Compensation

Change FY 2025 Enacted – FY 2026 Request

FY 2025 Enacted	FY 2026 Request	Amount	Percent
8,741,000	7,927,000	-814,000	-9.31

The Review Commission requests \$7,927,000 to fund direct payroll in FY 2026. This amount will fund 51 FTEs.

In FY 2024, the Review Commission spent 2.5 percent of aggregate salaries for all General Schedule employees on performance awards. In addition, some employees received individual contribution awards (e.g., special act awards). The total spending for General Schedule and Senior Executive Service awards was \$157,558. The Review Commission's performance management programs are reviewed annually by senior management officials to determine its continued effectiveness and/or the need to make adjustments for future fiscal years.

12.0 Personnel Benefits

Change FY 2025 Enacted – FY 2026 Request

FY 2025 Enacted	FY 2026 Request	Amount	Percent
3,001,000	2,850,000	-151,000	-5.03

The requested amount for benefits in FY 2026 is \$2,850,000. This amount will fund payroll-related costs of employee benefits in FY 2026. These benefits principally consist of the government's contributions to the Civil Service Retirement System and the Federal Employees Retirement System, life and health insurance programs, the Transportation Subsidy Program, and the Thrift Savings Plan.

21.0 Travel

Change FY 2025 Enacted – FY 2026 Request

FY 2025 Enacted	FY 2026 Request	Amount	Percent
185,000	110,000	-75,000	-40.54

The requested amount for travel in FY 2026 is \$110,000. Travel for ALJs to conduct hearings and other related proceedings accounts for approximately 95 percent of this request. The remaining 5 percent of these funds is for travel associated with other essential requirements.

22.0 Transportation of Things

Change FY 2025 Enacted – FY 2026 Request

FY 2025 Enacted	FY 2026 Request	Amount	Percent
10,000	5,000	-5,000	-50

An amount of \$5,000 is requested to fund the cost of shipping materials between Review Commission offices and other locations.

23.1 Rental Payments to GSA

Change FY 2025 Enacted – FY 2026 Request

FY 2025 Enacted	FY 2026 Request	Amount	Percent
1,770,000	1,692,000	-78,000	-4.41

The requested amount includes \$1,692,000 for office space rental for the National Office and the Denver Regional Office. These projected rent costs are based on FY 2026 estimates provided by GSA to the Review Commission. The amount for FY 2026 has been reduced given the closing of the Atlanta Regional Office in August 2025.

23.3 Communications, Utilities, and Miscellaneous Charges

Change FY 2025 Enacted – FY 2026 Request

FY 2025 Enacted	FY 2026 Request	Amount	Percent
272,000	200,000	-72,000	-26.47

The Review Commission requests \$200,000 for communication costs in FY 2026. This amount will allow the agency to continue to support the e-filing system, which directly supports OSHRC's annual performance plan's goals and targets, promotes transparency, supports technology improvements, allows the agency to continue its cloud initiative with increased security and bandwidth requirements, and paves the way for future cloud initiatives.

Local telephone service and telecommunication expenses are projected to be \$185,000. Postage for the required mailing of letters, case files, and other materials is expected to be \$15,000.

24.0 Printing and Reproduction

Change FY 2025 Enacted – FY 2026 Request

FY 2025 Enacted	FY 2026 Request	Amount	Percent
10,000	5,000	-5,000	-50

The requested amount for printing in FY 2026 is \$5,000. Printing costs consist mainly of the charges for publishing procedural 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. This amount includes costs for printing OSHRC's Rules of Procedure and Guide to the Review Commission pamphlets, which are provided to parties to Review Commission proceedings.

25.0 Other Services

Change FY 2025 Enacted – FY 2026 Request

FY 2025 Enacted	FY 2026 Request	Amount	Percent
1,048,000	1,013,000	-35,000	-3.34

The requested amount for other services in FY 2026 is \$1,013,000. Requirements in this area fall into two basic categories: Interagency Agreements for services provided by other federal agencies and contractual services provided by non-federal vendors. Additional information on each of these is provided in the following paragraphs.

Services Provided by Other Federal Agencies. A total of \$519,710 is requested for services provided by other federal agencies. OSHRC's costs have increased in this category as a result of additional service costs associated with a time and attendance system provided by the NFC, along with higher costs for Interagency Agreements with the Office of Personnel Management (OPM) and NARA. This includes \$14,000 for personnel and payroll services provided by NFC, \$419,000 for financial and administrative services provided by BFS, and \$60,000 for building security (estimated). The remaining amount will be used to fund other Interagency Agreements such as with the U.S. Department of Health and Human Services (Federal Occupational Health), GSA, OPM, and NARA.

Contractual Services Provided by Non-Federal Vendors. OSHRC procures a variety of services to support the agency in carrying out its mission. These include court reporting (\$150,000); maintenance/incremental enhancements including security of the Review Commission's information technology system, and for continued enhancements and customized reporting of the e-filing system (\$40,000); independent evaluation of IT security under the FISMA (\$30,000); and on-line legal research (\$48,000). This category also includes funding for other contractual services such as the annual audit of the agency's financial statements (\$35,000), information management, training, and other requirements to support the agency's

mission. This category also includes funds needed for continuing maintenance of the Review Commission's website.

26.0 Supplies and Materials

Change FY 2025 Enacted – FY 2026 Request

FY 2025 Enacted	FY 2026 Request	Amount	Percent
43,000	43,000	-0-	-0-

The requested amount for supplies and materials in FY 2026 is \$43,000. This amount includes general office supplies (\$22,000) and IT supplies and software (\$21,000).

31.0 Equipment

Change FY 2025 Enacted – FY 2026 Request

FY 2025 Enacted	FY 2026 Request	Amount	Percent
369,000	369,000	-0-	-0-

The requested amount for equipment in FY 2026 is \$369,000. The Review Commission's e-filing system has a hosted internet-based interface that accommodates the electronic filing of litigation documents. As a result, the agency's IT infrastructure has been upgraded, and licensing and hosting costs are required to maintain the system. Licensing costs are estimated at \$55,000. Subscriptions and other publications (physical and electronic) necessary to maintain legal research resources are included in this object class. The remainder is required for new and/or replacement computers and other IT requirements and to enable OSHRC to comply with government-wide mandates such as the FISMA. IT equipment includes personal computers, printers, a local area network, and associated peripherals. Finally, a small portion of this funding will be used to purchase any office furniture that may be needed.

VI. OTHER TABLES

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

<u>FY</u> <u>Year</u>	<u>Request to</u> <u>Congress</u>	<u>House</u> <u>Allowance</u>	<u>Senate</u> <u>Allowance</u>	<u>Appropriation</u>
2015	\$12,651,000	\$12,651,000	\$12,651,000	\$11,639,000
2016	\$13,212,000	\$12,639,000	\$11,100,000	\$12,639,000
2017	\$13,411,000	\$12,975,000	\$13,411,000	\$13,225,000
2018	\$12,615,000	\$12,875,000	\$13,225,000	\$13,225,000
2019	\$12,615,000	\$12,975,000	\$13,225,000	\$13,225,000
2020	\$13,225,000	\$13,225,000		\$13,225,000
2021	\$13,721,000	\$13,225,000		\$13,225,000
2022	\$15,028,000	\$15,028,000	\$15,028,000	\$13,622,000
2023	\$15,449,000	\$15,449,000	\$15,449,000	\$15,449,000
2024	\$16,179,000		\$15,449,000	\$15,449,000
2025	\$16,278,000	\$15,449,000		\$15,449,000
2026	\$14,214,000			

Authorized Full Time Positions by Function

Function	<u>FY 2024</u> <u>Actual*</u>	<u>FY 2025</u> <u>Enacted</u>	<u>FY 2026</u> <u>Request</u>
Administrative Law Judge:			
AL-II	1	1	1
AL-III	11	10	10
GS-14	6	5	5
GS-13	1	1	1
GS-12	1	0	0
GS-11	0	0	0
GS-10	0	1	1
GS-9	5	4	5
GS-8	0	1	0
<i>Sub-total</i>	25	23	23
Commission Review-Level:			
Executive Level III	1	1	1
Executive Level IV	0	2	2
ES-00	3	2	2
GS-15	4	5	5
GS-14	6	7	7
GS-13	1	0	0
GS-12	0	1	1
GS-11	2	3	3
GS-9	2	2	2
GS-8	0	0	0
GS-7	1	0	0
<i>Sub-total</i>	20	23	23
Office of the Executive Director:			
ES-00	1	1	1
GS-15	1	1	1
GS-14	1	1	1
GS-12	2	1	2
GS-11	1	1	0
<i>Sub-total</i>	6	5	5
Total Positions:	51*	51	51

*This number does not reflect vacant FTE positions for the three Commissioners and their immediate staff.

The U.S. Occupational Safety and Health Review Commission

OSHRC

AGENCY PERFORMANCE PLAN

FISCAL YEAR 2026



AGENCY PERFORMANCE PLAN

The U.S. Occupational Safety and Health Review Commission (Review Commission) is an independent adjudicatory agency created by the Occupational Safety and Health Act of 1970 (the Act). The agency's sole statutory mandate is to provide the fair and expeditious resolution of disputes involving the Occupational Safety and Health Administration (OSHA), employers charged with violations of the Act, 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 parties are accorded due process.

The Review Commission's Agency Performance Plan (APP) describes outcome goals, performance measures, and targets to be accomplished during fiscal year (FY) 2026. The APP aligns with the agency's strategic goals and objectives. It also supports the agency's budget request and identifies the performance goals and key milestones that the Review Commission will pursue in that year. Results of the agency's progress on strategic objectives and performance goals will be presented in the Review Commission's Annual Performance Report.

In accordance with Public Law 111-352, the Government Performance and Results Modernization Act of 2010 (GPRA Modernization Act of 2010) and Public Law 103-62, the Government Performance and Results Act (GPRA) of 1993, the Review Commission's current Strategic Plan focuses on four goals: (1) Promptly and fairly resolving the cases before it, including reducing the average age of all pending cases; (2) To the extent consistent with the agency's statutory authority and responsibilities, and consistent with due process requirements, seeking to enhance the transparency of its operations; (3) Promoting organizational excellence, including a culture of professionalism, mutual respect, and organizational pride, and ensuring that staff members are adequately trained and developed; and (4) Managing agency resources in a manner that instills public trust, including using information and technology to monitor, evaluate, and improve programs and processes in order to better accomplish the agency's mission.

The Review Commission has three main functions that operate in concert to achieve the agency's statutory mission. These functions include the Administrative Law Judge (ALJ); the Commission-review level; and the Office of the Executive Director. The FY 2026 outcome goals, performance measures, and targets for each function are described below.

The Administrative Law Judge Function

Outcome Goals	Performance Measures	FY 2026 Target
Develop and implement case management practices that will minimize the average age of all pending ALJ level cases.	Whether new case management practices have been developed and implemented.	100% of all pleadings received in the agency's e-filing system are initiated electronically.
Ensure that a significant proportion of both complex and non-complex cases at the ALJ level are resolved within one year to 20 months from docketing. ¹⁰	<p>-Percent of simplified cases disposed of within one year at the ALJ level.</p> <p>-Percent of non-complex conventional cases disposed of within 17 months at the ALJ level.</p> <p>-Percent of settlement part cases disposed of within 19 months.</p> <p>-Percent of complex cases disposed of within 20 months at the ALJ level.</p>	<p>-Dispose of 90 percent of simplified cases within one year.</p> <p>-Dispose of 95 percent of conventional cases within 17 months.</p> <p>-Dispose of 95 percent of settlement part cases within 19 months.</p> <p>-Dispose of 90 percent of complex cases within 20 months.</p>
Provide training opportunities to (1) ALJs and (2) all attorneys and support staff, in order to enhance their capabilities on technical and legal issues, legal writing, ethics, and technology and case management.	Increased attendance and participation in training opportunities, internal and/or external, for ALJs and all attorneys and support staff.	Attendance and participation in at least one training opportunity devoted to management of electronic documents prior to and during hearings (i.e., e-filing, electronic discovery, or electronic exhibits).

¹⁰Except for mandatory settlement cases, which are assigned by the Chief ALJ upon receipt from the Office of the Executive Secretary, OSHRC ALJs are not assigned cases until initial pleadings have been filed. This assignment generally occurs approximately 60 days after the case has been docketed due to the parties' frequent requests for extensions of time for filing initial pleadings.

The Commission-Review Level Function

Outcome Goals	Performance Measures	FY 2026 Target
Resolve all priority cases at the agency in a timely manner.	Percent of priority cases disposed of within 6 months.	Dispose of 100 percent of all priority cases within 6 months of designation.
Develop and implement case management practices that will minimize the average age of all pending Commission review-level cases.	Whether case management practices have been developed and implemented.	Full implementation of case management practices.
Reduce the average age of all Commission review-level cases to 18 months from direction for review.	Average age of all pending Commission review-level cases.	Average age of all pending Commission review-level cases reduced to 18 months.
Ensure that no more than 20 percent of Commission review-level cases are older than two years and ensure that no cases are older than three years from direction for review.	<p>-Percent reduction in the number of Review-level cases over two years in age.</p> <p>-Reduction in total number of Commission review-level cases exceeding three years in age.</p>	<p>-Reduce the percent of Commission review-level cases over two years in age as follows: No greater than 20% of all cases.</p> <p>-Reduce the number of Commission review-level cases exceeding three years to zero.</p>

The Office of the Executive Director Function

Outcome Goals	Performance Measures	FY 2026 Target
Ensure that the agency's website provides access to all users and serves as a useful repository for information about the agency and its adjudicatory activities.	<ul style="list-style-type: none"> -Timeliness of postings to agency website. -Perform annual vendor-initiated review of the agency's webpage for compliance with Section 508 of the Americans with Disabilities Act (ADA). 	<ul style="list-style-type: none"> -All material to be posted no later than 2 days after issuance. -Conduct periodic reviews of the agency's website to seek alternative methods for ensuring fair access to all users.
Broaden the Review Commission's outreach activities to the regulated community.	<ul style="list-style-type: none"> -Participation in professional conferences and meetings and strategic engagement with the regulated community. -Creation of electronic subscription service. 	<ul style="list-style-type: none"> -Increased participation in at least two activities or meetings that promote strategic engagement to disseminate information including trends and services provided by the agency. -Utilize social media outlets to notify and engage with internal and external users.
Ensure that the agency's electronic filing (e-filing) system provides access to all users.	Monitor monthly maintenance activities performed by application host.	Perform routine audits of the agency's e-filing system to ensure continued compliance with Section 508 of the Americans with Disabilities Act.

Outcome Goals	Performance Measures	FY 2026 Target
Recruit, invest in, and value all employees through professional development, workplace flexibilities, fair treatment, and recognition.	<ul style="list-style-type: none"> -Recruit, develop, and retain a highly motivated and talented workforce to accomplish the agency’s mission. -Identify areas in which the agency can enhance talent. 	<ul style="list-style-type: none"> -Ensure that the agency’s performance management system(s) are aligned with its goals and objectives. -Enhance employee development and learning opportunities through training. -Annually review and/or update agency directives pertaining to workplace flexibilities.
Integrate knowledge management processes into a plan to capture, share, and generate knowledge that establishes a unified network of personnel, processes, and technology to enhance all aspects of essential agency operations.	<ul style="list-style-type: none"> -Conduct periodic knowledge management audits to identify sources of knowledge and “at risk” knowledge gaps.¹¹ -Tailor IT infrastructure to support the effortless sharing and transfer of knowledge. -Degree to which best practices and lessons learned are integrated into the performance management system. 	<ul style="list-style-type: none"> -Knowledge gaps in essential agency programs are identified and addressed through an on-going annual evaluation. -Perform an annual audit to ensure that IT is aligned with the needs of the agency’s personnel and processes. -Use the performance planning process to reflect the value of rewarding employees for creating, using, and sharing knowledge.

¹¹ Areas identified as potential “at risk” knowledge gaps include programs and functions where a subject matter expert is eligible to leave the agency (through retirement or career transition) in one to three years and no backup expert has been identified to assume the duties and responsibilities vacated.

Outcome Goals	Performance Measures	FY 2026 Target
Develop and present an annual budget and performance plan that clearly identifies how the organization will accomplish government-wide management priorities, agency-wide goals, and organizational goals.	System that links resources to specific activities that support measurable programmatic outcomes and objectives.	Implementation of a measurement system to assess and report on progress of financial management improvements and budget integration management reforms.
Ensure that employees are aware of the agency's mission and how they contribute to its accomplishments.	Communicate significant organizational accomplishments with staff.	<p>-Communicate significant organizational accomplishments with staff during all-hands staff meetings and during supervisory/ employee meetings.</p> <p>-Enhance the agency's orientation program for new employees to provide materials about the agency's mission and how individuals can contribute to its accomplishments.</p> <p>-Use results of the annual Federal Employee Viewpoint Survey to assess managers and supervisor's communication with employees about the agency's goals and priorities.</p>

Outcome Goals	Performance Measures	FY 2026 Target
<p>Improve technology infrastructure through efficiencies and investments (e.g., training, equipment, services) to support the effective use of broadband, cyber security, and energy efficiency.</p>	<ul style="list-style-type: none"> -Streamline operations and infrastructure to eliminate duplication; minimize servers, storage, and application sprawl. -Consolidate technological services and move from an “on premise” infrastructure to a modern “cloud” based system to promote efficiencies in systems management, remote accessibility, continuity of operations, and budget savings. -Maintain standardized platforms, including hardware and software. -Partner with Federal agencies that monitor network traffic and isolate potential risks. 	<ul style="list-style-type: none"> -Reduce physical servers through virtualization. -Provide annual IT training to all users. -Implement ways to improve bandwidth utilization for the agency. -Report annual compliance with applicable executive orders and/or binding operational directives.
<p>Maintain and enhance secure electronic information systems for case management, legal research, public access to data through the internet, and continuity of the agency’s operations at all times.</p>	<p>Conduct periodic audits of information systems to verify systems availability are at acceptable levels.</p>	<ul style="list-style-type: none"> -Improve network communications to ensure stakeholders can access necessary information without delay. -Maintain hardware platforms at proficient levels.
<p>Conduct all internal and external agency business in an ethical and timely manner.</p>	<p>Promote an ethical culture within the Review Commission through leadership, awareness, resources, and oversight.</p>	<ul style="list-style-type: none"> -Seek opportunities to obtain information for the development of ethics-related training resources. -Respond to 60 percent of ethics inquiries within two weeks of receipt.