

The U.S. Occupational Safety and Health Review Commission

OSHRC

FISCAL YEAR 2027

PERFORMANCE BUDGET AND JUSTIFICATION



April 2026

Table of Contents
Fiscal Year 2027
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	44
Budget Object Classification Detail	45
VI. OTHER TABLES	
Appropriation History	50
Authorized Full Time Positions by Function	51
VII. AGENCY PERFORMANCE PLAN	52

I. INTRODUCTION – MISSION, VISION, AND STRATEGIC GOALS

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 citations for alleged violations of the Act issued to employers by the Occupational Safety and Health Administration (OSHA). Parties to such disputes include the Department of Labor (DOL), employers charged with violations, and employees and/or their representatives.

The Review Commission was created by Congress as an agency completely independent of OSHA and the DOL 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 employers and/or affected employees who file 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 to work. Before its ALJs and Commission members, the agency is charged to provide fair, impartial, and timely adjudication of cases concerning the safety and health of employees' working conditions in the United States.

Vision Statement

The Review Commission strives to be:

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 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 2026 through 2030) and as part of its performance budget. OSHRC has four overarching strategic goals:

1. Resolving pending cases fairly and promptly.
2. Enhancing the transparency of its operations, consistent with the public's interest in efficiency, the agency's statutory authority and responsibilities, and due process requirements.
3. Promoting organizational excellence, including a culture of professionalism, mutual respect, 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 \$14,223,000 to continue its mission of adjudicating contested workplace safety and health citations issued by OSHA, fund essential agency programs, support 51 full-time equivalents (FTE) positions, and maintain its electronic filing (e-filing) system in fiscal year (FY) 2027. 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 2027 estimated costs, which total \$14,223,000 include:

- \$10,777,000 to support direct payroll and related costs for 51 FTE positions. These costs are approximately 76 percent of the Review Commission's budget request;
- \$1,710,000 for office space rent;
- \$520,000 for services provided by other federal agencies, such as support for financial and administrative services.
- \$95,000 to support and maintain OSHRC's e-filing system; and
- \$1,121,000 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 2027

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,
\$14,223,000.*

**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 2025 Actual</u>		<u>FY 2026 Enacted</u>		<u>FY 2027 Request</u>	
	<u>\$</u>	<u>FTE</u>	<u>\$</u>	<u>FTE</u>	<u>\$</u>	<u>FTE</u>
Administrative Law Judge	8.0	22	6.2	22*	6.2	22*
Commission-Review Level	5.2	14	6.8	24**	6.6	24**
Executive Director	2.2	6	1.4	5	1.4	5
Totals***	15.4	42	14.4	51	14.2	51

*This number includes one Attorney-Advisor vacancy in the ALJ function.

**This number includes seven political vacancies.

***Totals are rounded to the nearest thousand.

Administrative Law Judge Function

Accomplishing OSHRC's mission begins with the Administrative Law Judges (ALJs), who travel, as mandated by statute, to various locations throughout the United States and its territories to conduct formal hearings and related proceedings in locations convenient to agency stakeholders. This function is directly related to achieving the goal of resolving pending cases fairly and promptly.

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. OSHRC proceedings are governed by the agency's 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 an OSHA 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. 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 OSHA citation. 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 the location of the alleged violation(s). Thereafter, the ALJ has full responsibility for all pre-hearing procedures and is charged with providing a fair and impartial hearing and a prompt decision.

ALJ Operations

The Review Commission strives to expedite the adjudicatory process in a fair and impartial manner and 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 30,283 inspections in FY 2025 and estimates it will complete 20,855 inspections in FY 2026, and 22,040 inspections in FY 2027. Data from the last several years reveals that there is a strong, though not exact, linear relationship between the number of OSHA inspections and contested cases. However, of the cases that are contested, the number of those designated as "complex" has increased.

OSHA's emphasis in recent years on serious workplace hazards has translated into increased complexity of cases and lengthier 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 resulting increase in the complexity of cases requires Review Commission ALJs to invest more time and resources 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 prehearing motions, lengthy post-hearing briefs, and 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. Under Commission Rule 120, 29 CFR § 2200.120, the Chief ALJ may assign a Settlement Judge to a pending proceeding to aid the parties in resolving the case without a hearing.

The Mandatory Settlement Part program, which is triggered when the aggregate amount of the penalty proposed by the Secretary of Labor is \$205,000 or greater, remains an important tool for avoiding a backlog of complex cases at the ALJ level. 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. 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 three percent of new cases were assigned to the Mandatory Settlement Part program in FY 2025. The Review Commission projects that approximately three percent of new cases will be assigned to the program in FYs 2026 and 2027.

Mandatory Settlement Part Case Activity

FYs 2023 through 2027

	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
	<u>Actual</u>	<u>Actual</u>	<u>Actual</u>	<u>Estimate</u>	<u>Estimate</u>
New Cases	1,881	1,819	1,615	1,450	1,450
Cases Assigned to Mandatory Settlement Part	150	87	47	44	44

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 19 percent of new cases were assigned to Simplified Proceedings in FY 2025. The Review Commission projects that approximately 19 percent of new cases will be assigned to the Simplified Proceedings process in FY 2026 and in FY 2027.

Simplified Proceedings Case Activity

FYs 2023 through 2027

	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
	<u>Actual</u>	<u>Actual</u>	<u>Actual</u>	<u>Estimate</u>	<u>Estimate</u>
New Cases	1,881	1,819	1,615	1,450	1,450
Cases Assigned to Simplified Proceedings	339	302	307	276	276

Anticipated ALJ Workload for FY 2027

Four major factors will 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 focus of OSHA's inspections will also affect 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, such cases tend to result in higher proposed penalties and a higher contest rate.

ALJ Workloads

The following table provides actual ALJ workloads for FYs 2023 through 2025 and estimated workloads for FYs 2026 and 2027.

	FY 2023 <u>Actual</u>	FY 2024 <u>Actual</u>	FY 2025 <u>Actual</u>	FY 2026 <u>Estimate</u>	FY 2027 <u>Estimate</u>
OSHA Inspections¹:	34,249	34,696	30,283	20,855	22,040
Administrative Law Judge Workload:					
A. Case Inventory, Start of Year	1,165	1,377	1,410	1,272	1,134
B. New Cases	1,881	1,819	1,615	1,450	1,450
C. Total Caseload	3,046	3,196	3,025	2,722	2,584
D. Disposals					
(1) With Hearing	24	19	23	22	23
(2) Mandatory Settlement Conferences	44	34	26	22	23
(3) Without Hearing	1,601	1,733	1,704	1,544	1,621
E. Total Dispositions	1,669	1,786	1,753	1,588	1,667
Total Case Inventory, End of Year	1,377	1,410	1,272	1,134	917

¹ Data provided by OSHA.

Staffing

The OCALJ will operate with 22 FTE positions in FY 2027 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. This effort 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 adjudicatory agencies to ensure that OSHRC's procedures and programs are as efficient as possible.

<u>FUNDING (IN MILLIONS) AND FTE POSITIONS</u>						
	<u>FY 2025 Actual</u>		<u>FY 2026 Enacted</u>		<u>FY 2027 Request</u>	
	<u>\$</u>	<u>FTE</u>	<u>\$</u>	<u>FTE</u>	<u>\$</u>	<u>FTE</u>
Administrative Law Judge Function	8.0	22	6.2	22	6.2	22

Strategic Plan and Outcome Goals

In accordance with Public Law 111-352, the Government Performance and Results Modernization Act of 2010 (GPRM Modernization Act of 2010) and Public Law 103-62, the GPRM of 1993, the Review Commission's Strategic Plan for FY 2026 through FY 2030 includes the following goals and outcomes related to the ALJ function:

<u>Strategic Goal</u>	<u>Outcome Goals</u>
<i>Resolving pending cases fairly and promptly.</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 through early review and screening.
2. Use objective criteria to designate complex cases and track the processing of these cases.
3. Closely monitor the management of cases and improve case management information systems and reports.
4. Provide training to all staff to aid them in achieving OCALJ goals and fulfilling the agency's mission.
5. Assign complex cases to ALJs on a rotational basis and provide additional resources, when necessary, to ensure timely disposition of these cases.

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

The following are the performance goals for the OCALJ for FYs 2023 through 2027, including performance measures from OSHRC’s Strategic Plans for FYs 2022-2026 and 2026-2030:

<u>Outcome Goals</u>	<u>Performance Measures</u>	FY 2023 Actual (Target)	FY 2024 Actual (Target)	FY 2025 Actual (Target)	FY 2026 Target	FY 2027 Target
Develop and implement case management practices that will minimize the average age of all pending ALJ-level cases.	Whether best case management practices have been developed and implemented.	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.)	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 the agency’s e-filing system are initiated electronically. ³	98% of all pleadings received in the agency’s e-filing system are initiated electronically.

³ Commission Rule 8 requires all parties and intervenors to file documents electronically in the Commission’s E-File System unless they are a self-represented party or intervenor who is able to establish that compliance with this rule would place an “undue burden” on them.

<u>Outcome Goals</u>	<u>Performance Measures</u>	FY 2023 Actual (Target)	FY 2024 Actual (Target)	FY 2025 Actual (Target)	FY 2026 Target	FY 2027 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. ⁴	-Percent of simplified cases disposed of within one year at the ALJ level.	99% Target met (Dispose of 90 percent of simplified cases within one year.)	99% Target met (Dispose of 90 percent of simplified cases within one year.)	100% Target met (Dispose of 90 percent of simplified cases within one year.)	-Dispose of 92 percent of simplified cases within one year.	-Dispose of 93 percent of simplified cases within one year.
	-Percent of non-complex conventional cases disposed of within 17 months at the ALJ level.	93% Target not met (Dispose of 95 percent of conventional cases within 17 months.)	96% Target met (Dispose of 95 percent of conventional cases within 17 months.)	96% Target met (Dispose of 95 percent of conventional cases within 17 months.)	-Dispose of 95 percent of conventional cases within 17 months.	-Dispose of 95 percent of conventional cases within 17 months.
	-Percent of settlement part cases disposed of within 20 months.	96% Target met (Dispose of 95 percent of settlement part cases within 19 months.)	89% Target not met (Dispose of 95 percent of settlement part cases within 19 months.)	90% Target not met (Dispose of 95 percent of settlement part cases within 19 months.)	-Dispose of 88 percent of settlement part cases within 19 months.	-Dispose of 88 percent of settlement part cases within 19 months.
	-Percent of complex cases disposed of within 20 months at the ALJ level.	96% Target met (Dispose of 95 percent of settlement part cases within 19 months.)	89% Target not met (Dispose of 95 percent of settlement part cases within 19 months.)	90% Target not met (Dispose of 95 percent of settlement part cases within 19 months.)	-Dispose of 90 percent of complex cases within 20 months.	-Dispose of 90 percent of complex cases within 20 months.
		87% Target not met Cases were more complex and novel and there were staffing issues. (Dispose of 90 percent of complex cases within 20 months.)	88% Target not met (Dispose of 90 percent of complex cases within 20 months.)	91% Target met (Dispose of 90 percent of complex cases within 20 months.)		

⁴ Except 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 2023 Actual (Target)	FY 2024 Actual (Target)	FY 2025 Actual (Target)	FY 2026 Target	FY 2027 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.	Training opportunities were provided to all ALJs, attorneys, and support staff. 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.))	Training opportunities were provided to all ALJs, attorneys, and support staff. 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.))	Training opportunities were provided to all ALJs, attorneys, and support staff. 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.))	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).	A new goal was developed to support the agency's Strategic Plan for FYs 2026-2030.

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 OSHA 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 advising on 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 support 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 Freedom of Information Act, Ethics, and Privacy programs.

The Commission-review level 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-review 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 pending on appeal. 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 cases 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.

In FY 2025, the Commission-review level operated with one Commissioner for seven months. That Commissioner's term expired in April of 2025 leaving no Commissioners and no quorum throughout the remainder of FY 2025. As a result, the Commission-review level resolved one case in FY 2025 due to a settlement terminating the proceedings before the Commission.⁵ Nevertheless, one of the four GPRA goal targets were met in FY 2025. The Commission-review level is operating with one Commissioner who was appointed in November 2025 (FY 2026).

Historically, the nature of the safety and health inspections conducted by OSHA each year and the rate at which employers contest the citations issued by OSHA 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 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 2027

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 2025, the Commission-review level had 32 cases pending on its docket at the beginning of the year. It received two new cases and due to the lack of a quorum, resolved only one case by year-end due to the settlement noted above. Thus, the Commission-review level entered FY 2026 with 33 cases pending review. Assuming that a quorum is restored in FY 2026, the Commission review-level estimates receiving nine new cases and resolving 11 cases, ending FY 2026 with 31 cases pending review. For FY 2027, the Commission review-level anticipates receiving 11 new cases and resolving 12 cases, ending FY 2027 with an inventory of 30 cases.

⁵ 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 2023</u> <u>Actual</u>	<u>FY 2024</u> <u>Actual</u>	<u>FY 2025</u> <u>Actual</u>	<u>FY 2026</u> <u>Estimate</u>	<u>FY 2027</u> <u>Estimate</u>
New Cases:					
Cases Directed for Review:	16	12	2	8	10
Other New Cases:					
Interlocutory Appeals:	0	0	0	0	0
Remands:	2	0	0	1	1
Other:	0	0	0	0	0
Total Other New Cases:	2	0	0	1	1
Total New Cases:	18	12	2	9	11
Case Inventory from Prior Year:	19	20	32	33	31
Total Caseload:	37	32	34	42	42
Dispositions:	17	0	1	11	12
Case Inventory, End of Year:	20	32	33	31	30

Staffing

The Commission-review level function will operate with 24 FTE positions in FY 2027. This includes 9 FTE positions reserved for the three Commissioners and their immediate staff (noncareer Senior Executive Service (SES) and Schedule C), 10 FTE positions for the Office of the General Counsel, and 5 FTE positions for the Office of the Executive Secretary.

<u>FUNDING (IN MILLIONS) AND FTE POSITIONS</u>						
	<u>FY 2025 Actual</u>		<u>FY 2026 Enacted</u>		<u>FY 2027 Request</u>	
	<u>\$</u>	<u>FTE</u>	<u>\$</u>	<u>FTE</u>	<u>\$</u>	<u>FTE</u>
Commission- Review Level Function	5.2	14	6.8	24	6.6	24

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 GPRA of 1993, the Review Commission’s Strategic Plan for FY 2026 through FY 2030 includes the following goals and outcomes related to the Commission-review level function:

<u>Strategic Goal</u>	<u>Outcome Goals⁶</u>
<i>Resolving pending cases fairly and promptly.</i>	<ul style="list-style-type: none"> Resolve all priority cases at the agency in a timely manner.⁷ 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.⁸ 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.

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

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

⁸ External factors, such as the lack of a quorum or recusal of a Commissioner, may adversely affect the Review Commission’s ability to meet these goals. See additional “External Factors” section in the FY 2026-2030 Strategic Plan.

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 rapid 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 all agency attorneys and support staff that will enhance their capabilities, such as training on technical and legal issues, legal writing, ethics, technology and case management, and interacting with and serving the public.
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.

The following are the performance goals for the Commission-review level for FYs 2023 through 2027 including performance measures from OSHRC’s Strategic Plans for FYs 2022-2026 and 2026-2030:

<u>Outcome Goals</u>	<u>Performance Measures</u>	FY 2023 Actual (Target)	FY 2024 Actual (Target)	FY 2025 Actual (Target)	FY 2026 Target	FY 2027 Target
Resolve all priority cases at the agency in a timely manner.	Percent of priority cases disposed of at the Commission-review level within 6 months.	100% Target met (Dispose of 100 percent of all priority cases within 6 months of designation.)	0% ⁹ Target not met (Dispose of 100 percent of all priority cases within 6 months of designation.)	0% 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 new 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.

⁹ 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 2023 Actual (Target)	FY 2024 Actual (Target)	FY 2025 Actual (Target)	FY 2026 Target	FY 2027 Target
Ensure that the average age of all Commission-review level cases is no greater than 18 months from direction for review.	Average age of all pending Commission-review level cases.	The average age of all Commission-review level cases was 12 months. Target met (Average age of all pending Commission-review level cases reduced to 21 months.)	The average age of all Commission-review level cases was 16 months. Target met (Average age of all pending Commission-review level cases reduced to 20 months.)	The average age of all Commission-review level cases was 26 months. Target not met (Average age of all pending Commission-review level cases reduced to 18 months.)	Average age of all pending Commission-review level cases is 18 months.	Average age of all pending Commission-review level cases is 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.	-Percent reduction in the number of Commission-review level cases over two years in age. -Reduction in total number of Commission-review level cases exceeding three years in age.	-The share of Commission-review level cases over two years in age was 18% of all cases. -Number of Commission-review level cases exceeding three years was zero. Target met (-Reduce the percent of Commission-review level cases over two years in age as follows: No greater than 20% of all cases.)	The share of Commission-review level cases over two years in age was 22% of all cases. 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. -Number of Commission-review level cases exceeding three years was zero.)	The share of Commission-review level cases over two years in age was 59% of all cases. 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. -Number of Commission-review level cases exceeding three years was 7.)	A new goal was developed to support the agency's Strategic Plan for FYs 2026-2030.	A new goal was developed to support the agency's Strategic Plan for FYs 2026-2030.

<u>Outcome Goals</u>	<u>Performance Measures</u>	FY 2023 Actual (Target)	FY 2024 Actual (Target)	FY 2025 Actual (Target)	FY 2026 Target	FY 2027 Target
		-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.)	Target not met (Reduce the number of Commission-review level cases exceeding three years to zero.)		
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.	Percentage of Commission-review level cases that are older than two years and percentage of cases older than three years.	A new goal was developed to support the agency's Strategic Plan for FYs 2026-2030.	A new goal was developed to support the agency's Strategic Plan for FYs 2026-2030.	A new goal was developed to support the agency's Strategic Plan for FYs 2026-2030.	Ensure that no greater than 20 percent of Commission-review level cases are older than two years and that there are no cases older than three years. ¹⁰	Ensure that no greater than 20 percent of Commission-review level cases are older than two years and that there are no cases older than three years.

¹⁰ For instance, for FY 2026, the target goal takes into account case production from October 1, 2025, through September 30, 2026, with the final percentage measured as of the end of the FY.

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 services, 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 ensuring compliance with Made in America laws, 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 2027

During FY 2027, 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;

- Enhance public transparency by expanding online access to OSHRC-generated information and improving the dissemination of Review Commission decisions through modern automated technologies, 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 without compromising security and system integrity.

During the past few fiscal years, the Review Commission has greatly enhanced the quality of its web-based transparency initiatives, including extensively 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 Review Commission’s electronic filing (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 2027. 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 2025</u>		<u>FY 2026</u>		<u>FY 2027</u>	
	<u>Actual</u>		<u>Enacted</u>		<u>Request</u>	
	<u>\$</u>	<u>FTE</u>	<u>\$</u>	<u>FTE</u>	<u>\$</u>	<u>FTE</u>
Executive Director Function	2.2	6	1.4	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 GPRA of 1993, the Review Commission’s Strategic Plan for FY 2026 through FY 2030 includes the following goals and outcomes related to the OEXD function:

<u>Strategic Goals</u>	<u>Outcome Goals</u>
<p><i>Enhancing the transparency of its operations, consistent with the public’s interest in efficiency, the agency’s statutory authority and responsibilities, and due process requirements.</i></p>	<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 public. • Ensure that the agency’s electronic filing (e-filing) system provides access to all users.
<p><i>Promoting organizational excellence, including a culture of professionalism, mutual respect, organizational pride, and ensuring that staff members are adequately trained and developed.</i></p>	<ul style="list-style-type: none"> • Recruit, invest in, and value all employees through professional development, workplace flexibilities, fair treatment, and recognition. • 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, on interacting with and serving the public. In addition, provide training to all attorneys and support staff in order to enhance their capabilities on technical and legal issues, legal writing, ethics, and technology and case management. • 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</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.

<p><i>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"> • 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 presents how the agency will accomplish government-wide management priorities, agency-wide goals, and organizational goals.
2. Provide greater public access to Review Commission activities, information, and decisions, including education and outreach for Limited English Proficiency (LEP) individuals and posting procedural decisions and non-dispositive orders on the agency's website.
3. Formulate workplace policies and programs that enable employees to excel.
4. Develop and implement an annual staffing plan 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 information technology (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, reducing locally housed servers, and minimizing storage and application sprawl.
7. Improve network/communications performance to ensure all personnel have seamless access to systems necessary to perform their work in a timely fashion.
8. Maintain an information security and privacy management program through the acceptance and deployment of appropriate federally mandated guidelines and enforcing active policies. Ensure that Federal Information Security Modernization

Act (FISMA) audits are performed annually.

9. Implement knowledge management practices to ensure that knowledge affecting essential agency programs and operations is generated, captured, and shared on a continuous basis.

The following are the OEXD performance goals for FYs 2023 through 2027 including performance measures from OSHRC’s Strategic Plans for FYs 2022-2026 and 2026-2030:

<u>Outcome Goals</u>	<u>Performance Measures</u>	FY 2023 Actual (Target)	FY 2024 Actual (Target)	FY 2025 Actual (Target)	FY 2026 Target	FY 2027 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.	<p>-Timeliness of postings to agency website.</p> <p>-Perform annual vendor-initiated review of the agency’s webpage for compliance with Section 508 of the Americans with Disabilities Act (ADA).</p> <p>- Arrange for host server security scanning to detect weaknesses and vulnerabilities.</p>	<p>-Materials were posted to the agency’s website within 2 days after issuance.</p> <p>-Accessibility information and guidelines were updated and posted on the agency’s website.</p> <p>Target met (-All material to be posted no later than 3 days after issuance.)</p> <p>-Research opportunities for developing a mobile version of the agency’s website to optimize access using smartphones or similar mobile devices.)</p>	<p>-Materials were posted to the agency’s website within 2 days after issuance.</p> <p>-Committee was established to modernize and enhance the agency’s website.</p> <p>-Established a process to perform routine reviews of the agency’s webpage for compliance with Section 508 of the ADA.</p> <p>Target met (-All material to be posted no later than 2 days after issuance.)</p> <p>-Conduct periodic reviews of the agency’s website to seek alternative methods for ensuring access to all users.)</p>	<p>-Materials were posted to the agency’s website within 2 days after issuance.</p> <p>-A committee was used to redesign a more robust and user-friendly website that is easily accessible for internal and external stakeholders.</p> <p>Target met (-All material to be posted no later than 2 days after issuance.)</p> <p>-Conduct periodic reviews of the agency’s website to seek alternative methods for ensuring fair access to all users. This will be accomplished by having an ongoing committee to review the website and make recommended edits and enhances.)</p>	<p>-All material to be posted no later than 2 business days after issuance.</p> <p>-Conduct an annual audit of website’s compliance with section 508 of the ADA. Maintain a Web Content Accessibility Guidelines Level A scoring of 90 percent or higher.</p> <p>-Using results from our security scans, address critical and high vulnerability findings within 50 days.</p>	<p>-All material to be posted no later than 2 business days after issuance.</p> <p>-Conduct an annual audit of website’s compliance with section 508 of the ADA. Maintain a Web Content Accessibility Guidelines Level A scoring of 90 percent or higher.</p> <p>-Using results from our security scans, address critical and high vulnerability findings within 50 days.</p>

<u>Outcome Goals</u>	<u>Performance Measures</u>	FY 2023 Actual (Target)	FY 2024 Actual (Target)	FY 2025 Actual (Target)	FY 2026 Target	FY 2027 Target
Broaden the Review Commission’s outreach activities to the public.	<p>-Participation in professional conferences and meetings and strategic engagement with the regulated community.</p> <p>-Expand electronic notification services information for 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>-Social media outlets (e.g., alert service on the agency’s website) continued to be utilized to engage the public.</p> <p>-Colleges, universities, veterans’ organizations, 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>-Use additional 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>-Use additional social media outlets to notify and engage with internal and external users.</p>

<u>Outcome Goals</u>	<u>Performance Measures</u>	FY 2023 Actual (Target)	FY 2024 Actual (Target)	FY 2025 Actual (Target)	FY 2026 Target	FY 2027 Target
Ensure that the agency's electronic filing (e-filing) system provides access to all users.	<p>-Monitor monthly maintenance activities performed by application host.</p> <p>-Annual review of e-filing instructions for all 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>	<p>Routine audits of the e-filing system were conducted which resulted in beneficial enhancements.</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> <p>-Make edits to the e-filing system to enhance the search capabilities.)</p>	-Conduct annual audit of the e-filing system's compliance with Section 508 of the ADA.	-Conduct annual audit of the e-filing system's compliance with Section 508 of the ADA.

<u>Outcome Goals</u>	<u>Performance Measures</u>	FY 2023 Actual (Target)	FY 2024 Actual (Target)	FY 2025 Actual (Target)	FY 2026 Target	FY 2027 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 pursuant to the agency's staffing plan.</p> <p>-Identify areas in which the agency can enhance talent through annual analysis of the MD-715¹¹ guidance.</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 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>-Update the agency's performance management system(s) to ensure they align with the Presidential priorities.</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 (-The agency's performance management systems and telework policies were revised to align with the Administration's goals and priorities.</p> <p>-Budgetary resources were devoted to employee training and development.)</p>	<p>-Ensure that the agency's performance management system(s) are aligned with its goals and objectives. Enhance employee development and learning opportunities by making budgetary resources available for staff training.</p> <p>-Annually review and/or update agency directives pertaining to workplace flexibilities (e.g., hours of work).</p> <p>-Attract qualified candidates, including veterans and people with disabilities, by engaging with equal employment advocacy organizations.</p>	<p>-Ensure that the agency's performance management system(s) are aligned with its goals and objectives. Enhance employee development and learning opportunities by making budgetary resources available for staff training.</p> <p>-Annually review and/or update agency directives pertaining to workplace flexibilities (e.g., hours of work).</p> <p>-Attract qualified candidates, including veterans and people with disabilities, by engaging with equal employment advocacy organizations.</p>

¹¹ Equal Employment Opportunity (EEO) Management Directive 715 – Reporting Requirement for Federal Agencies.

<u>Outcome Goals</u>	<u>Performance Measures</u>	FY 2023 Actual (Target)	FY 2024 Actual (Target)	FY 2025 Actual (Target)	FY 2026 Target	FY 2027 Target
	-Annually review and/or update agency directives pertaining to workplace flexibilities (e.g., hours of work, telework.)	-Annually review and/or update agency directives pertaining to workplace flexibilities (e.g., hours of work, telework.)	-Enhance employee development and learning opportunities through training. -Annually review and/or update agency directives pertaining to workplace flexibilities.)			

<u>Outcome Goals</u>	<u>Performance Measures</u>	FY 2023 Actual (Target)	FY 2024 Actual (Target)	FY 2025 Actual (Target)	FY 2026 Target	FY 2027 Target
<p>Provide training opportunities to all agency personnel, including ALJs and Commission members, on interacting with and serving the public. In addition, provide training to all attorneys and support staff in order to enhance their capabilities on technical and legal issues, legal writing, ethics, and technology and case management.</p>	<p>Increased opportunities for attendance and participation in training, internal and/or external, for all staff.</p>	<p>A new goal was developed to support the agency's Strategic Plan for FYs 2026-2030.</p>	<p>A new goal was developed to support the agency's Strategic Plan for FYs 2026-2030.</p>	<p>A new goal was developed to support the agency's Strategic Plan for FYs 2026-2030.</p>	<p>Attendance and participation by staff at no less than one training opportunity annually, internal and/or external, depending on budget constraints.</p>	<p>Attendance and participation by staff at no less than one training opportunity annually, internal and/or external, depending on budget constraints.</p>

<u>Outcome Goals</u>	<u>Performance Measures</u>	FY 2023 Actual (Target)	FY 2024 Actual (Target)	FY 2025 Actual (Target)	FY 2026 Target	FY 2027 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.¹²</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>-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>-Perform an annual audit to ensure that IT is aligned with the needs of the agency’s personnel and processes.</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>-Perform an annual audit to ensure that IT is aligned with the needs of the agency’s personnel and processes.</p>	<p>-Updated the agency’s knowledge management subject matter index list to address gaps in essential agency programs.</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>-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</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>

¹² 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 2023 Actual (Target)	FY 2024 Actual (Target)	FY 2025 Actual (Target)	FY 2026 Target	FY 2027 Target
		-Use of the performance planning process to reflect the value of rewarding employees for creating, using, and sharing knowledge.)	-Use of the performance planning process to reflect the value of rewarding employees for creating, using, and sharing knowledge.)	rewarding employees for creating, using, and sharing knowledge.)		

<u>Outcome Goals</u>	<u>Performance Measures</u>	FY 2023 Actual (Target)	FY 2024 Actual (Target)	FY 2025 Actual (Target)	FY 2026 Target	FY 2027 Target
Develop and present an annual budget and performance plan that clearly establishes 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 outcomes and objectives.	An annual budget was developed to align with agency goals and to efficiently accomplish mission requirements. Target met (Implementation of a measurement system to assess and report on progress of financial management improvements and budget integration management reforms.)	Developed a budget that aligned agency goals to efficiently accomplish mission requirements. Target met (Implementation of a measurement system to assess and report on progress of financial management improvements and budget integration management reforms.)	Developed a budget that aligned agency goals and the Administration's goals and priorities to efficiently accomplish mission requirements. Target met (-Implementation of a measurement system to assess and report on progress of financial management improvements and budget integration management reforms. -Develop an annual budget that aligns with Presidential priorities.)	-Implementation of a measurement system to assess and report on the progress of financial management improvements and budget integration management reforms. -Develop an annual budget that aligns with Presidential priorities.	-Implementation of a measurement system to assess and report on the progress of financial management improvements and budget integration management reforms. -Develop an annual budget that aligns with Presidential priorities.

<u>Outcome Goals</u>	<u>Performance Measures</u>	FY 2023 Actual (Target)	FY 2024 Actual (Target)	FY 2025 Actual (Target)	FY 2026 Target	FY 2027 Target
Ensure that employees are aware of the agency's mission and how they contribute to its accomplishments.	Communicate significant organizational accomplishments with staff.	<ul style="list-style-type: none"> -Employee orientation booklets were developed to provide educational materials to new hires about the agency's goals and mission. -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. -Staff meetings were held to discuss agency activities and accomplishments. 	<ul style="list-style-type: none"> -Revised employee orientation booklets to provide educational materials to new hires about the agency's goals and mission. -Used the results of the annual Federal Employee Viewpoint Survey to assess managers and supervisor's communication with employees about agency goals and priorities. -Conducted routine staff meetings to discuss agency activities and accomplishments. 	<ul style="list-style-type: none"> -Reviewed and updated employee orientation booklets to ensure they provided educational materials to new hires about the agency's goals and mission. -Conducted staff meetings to discuss agency activities and accomplishments. <p>Target met (-Communicate significant organizational accomplishments with staff during all-hands staff meetings and during supervisory/employee meetings.</p>	<ul style="list-style-type: none"> -Enhance the agency's orientation program for new employees. -Ensure that each employee is provided with an annual performance plan that outlines management's goals and expectations. 	<ul style="list-style-type: none"> -Enhance the agency's orientation program for new employees. -Ensure that each employee is provided with an annual performance plan that outlines management's goals and expectations.

<u>Outcome Goals</u>	<u>Performance Measures</u>	FY 2023 Actual (Target)	FY 2024 Actual (Target)	FY 2025 Actual (Target)	FY 2026 Target	FY 2027 Target
		<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 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>Target met (-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>-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 2023 Actual (Target)	FY 2024 Actual (Target)	FY 2025 Actual* (Target)	FY 2026 Target	FY 2027 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>	<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>-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</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</p>	<p>-Initiated project to upgrade data circuits to address bandwidth usage as users returned to work.</p> <p>-Provided annual information technology training to users.</p> <p>-Reported annual compliance with applicable executive orders and/or binding operational directives.</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</p>	<p>-Reduce physical servers through virtualization.</p> <p>-Reduce the number of operating systems in use by consolidation and translocation of physical servers.</p> <p>-Review and 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>-Reduce physical servers through virtualization.</p> <p>-Reduce the number of operating systems in use by consolidation and translocation of physical servers.</p> <p>-Review and 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>

<u>Outcome Goals</u>	<u>Performance Measures</u>	FY 2023 Actual (Target)	FY 2024 Actual (Target)	FY 2025 Actual* (Target)	FY 2026 Target	FY 2027 Target
		binding operational directives.)	orders and/or binding operational directives.)	operational directives.)		
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 is at acceptable levels.	<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>-Made enhancements to the search function on the agency's website to ensure that stakeholders could easily access case information.</p> <p>-Initiated network communication upgrades.</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 supportable levels.</p>	<p>-Improve network communications to ensure stakeholders can access necessary information without delay.</p> <p>-Maintain hardware platforms at supportable levels.</p>

<u>Outcome Goals</u>	<u>Performance Measures</u>	FY 2023 Actual (Target)	FY 2024 Actual (Target)	FY 2025 Actual* (Target)	FY 2026 Target	FY 2027 Target
Conduct all internal and external agency business in an ethical and timely manner.	Promote an ethical culture within the agency through leadership, awareness, resources, and oversight.	<p>-Data was gathered throughout the FY from ethics inquiries to identify areas 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</p>	<p>-The Alternate Designated Agency Ethics Official (ADAEO) attended OGE training programs regarding annual and initial ethics training and used those resources to work with the Designated Agency Ethics Official (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</p>	<p>-The ADAEO attended OGE training programs regarding review of financial disclosure forms and OGE resources and used that information to work with the DAEO to develop ethics 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>-Increase employee awareness of ethics responsibilities by conducting virtual or in-person agency-wide training.</p> <p>-Respond to 90 percent of ethics inquiries within two weeks of receipt.</p>	<p>-Increase employee awareness of ethics responsibilities by conducting virtual or in-person agency-wide training.</p> <p>-Respond to 90 percent of ethics inquiries within two weeks of receipt.</p>

<u>Outcome Goals</u>	<u>Performance Measures</u>	FY 2023 Actual (Target)	FY 2024 Actual (Target)	FY 2025 Actual* (Target)	FY 2026 Target	FY 2027 Target
		<p>guidance, past advice, and additional resources.</p> <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>	<p>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 \$14,223,000 to continue its mission of timely adjudicating contested OSHA citations. The requested amount will support 51 FTE positions and funding for other expenses.

The proposed budget for FY 2027 is shown in the table below, along with the FY 2026 enacted amounts and the FY 2025 actual amounts. A narrative explanation of the amount requested for each object classification follows the table.

Object Classification Table

FYs 2027, 2026, and 2025
(Dollars in Thousands)

Budget Object Class		FY 2025 Actual	FY 2026 Enacted	FY 2027 Request	Diff. FY 2027 Request / FY 2026 Enacted (\$)	Diff. FY 2027 Request / FY 2026 Enacted (%)
11.0	Personnel Compensation	\$7,440	\$7,927	\$7,927	0	0
12.0	Personnel Benefits	2,637	2,850	2,850	0	0
Subtotal Personnel Services		10,077	10,777	10,777	0	0
21.0	Travel	73	110	110	0	0
22.0	Transportation of Things	4	5	5	0	0
23.1	Space Rental Payments (GSA)	1,257	1,692	1,710	18	1.06
23.3	Communications, Utilities and Misc.	218	200	200	0	0
24.0	Printing and Reproduction	0	5	5	0	0
25.0	Other Services	1,706	1,248	1,004	-244	-19.55
26.0	Supplies and Materials	82	43	43	0	0
31.0	Equipment	580	369	369	0	0
	Unobligated ¹³	1,452				
Total		\$15,449	\$14,449	\$14,223	-226	-1.56

¹³ This amount reflects funds resulting from a rent credit received by OSHRC for the first two and a half months of FY 2025, as well as unfilled vacancies. Seven of these vacancies were within the Commissioners' offices and their staff, positions over which OSHRC has no hiring authority.

Budget Object Classification Detail

11.0 Personnel Compensation

Change FY 2026 Enacted – FY 2027 Request

FY 2026 Enacted	FY 2027 Request	Amount	Percent
7,927,000	7,927,000	0	0

The Review Commission requests \$7,927,000 to fund direct payroll in FY 2027. This amount will fund 51 FTEs.

This object class also supports monetary awards to recognize those employees whose performance is superior and who perform special acts or services, which assists in recruiting and retaining talented employees. The Review Commission’s performance-based awards program for General Schedule employees conforms to current Administration guidance by rewarding and recognizing high-performing individuals in accordance with 5 CFR § 451. The awards program is designed to reflect meaningful distinctions based on levels of performance to ensure employees with higher ratings of record receive larger monetary awards. Performance plans and critical elements are developed to align with the Review Commission’s strategic goals and to support organizational values (e.g., interpersonal skills, team participation and relationships, innovation), and to focus on specific, measurable, attainable, relevant, and timely results. Recommendations for awards (i.e., rating-based, superior accomplishment, productivity gain, or personal effort that contributes to the efficiency, economy, or other improvements of agency operations) are thoroughly reviewed to determine if they are supportive of the goals and objectives of the Review Commission as expressed in its Strategic Plan for FY 2026-2030.

In FY 2026, the Review Commission estimates that it will spend 2.5 percent of aggregate salaries for all non-Senior Executive Service employees on performance awards and individual contribution awards (e.g., special act awards). This amount is estimated to be approximately \$114,000. In FY 2027, the Review Commission estimates spending \$115,000 on performance awards. 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 2026 Enacted – FY 2027 Request

FY 2026 Enacted	FY 2027 Request	Amount	Percent
2,850,000	2,850,000	0	0

The requested amount for benefits in FY 2027 is \$2,850,000. This amount will fund payroll-related costs of employee benefits in FY 2027. 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 2026 Enacted – FY 2027 Request

FY 2026 Enacted	FY 2027 Request	Amount	Percent
110,000	110,000	0	0

The requested amount for travel in FY 2027 is \$110,000. Travel for ALJs to conduct hearings and other related proceedings in locations convenient for agency stakeholders 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 2026 Enacted – FY 2027 Request

FY 2026 Enacted	FY 2027 Request	Amount	Percent
5,000	5,000	0	0

An amount of \$5,000 is requested to fund the cost of shipping materials between Review Commission offices and other locations in FY 2027.

23.1 Rental Payments to GSA

Change FY 2026 Enacted – FY 2027 Request

FY 2026 Enacted	FY 2027 Request	Amount	Percent
1,692,000	1,710,000	18,000	1.06

The requested amount includes \$1,710,000 for office space rental for the National Office and the Denver Regional Office. These projected rent costs are based on FY 2027 estimates provided by GSA to the Review Commission. The amount requested for FY 2027 is less than what would have been requested if not for the closure of the Atlanta Regional Office in August 2025.

23.3 Communications, Utilities, and Miscellaneous Charges

Change FY 2026 Enacted – FY 2027 Request

FY 2026 Enacted	FY 2027 Request	Amount	Percent
200,000	200,000	0	0

The Review Commission requests \$200,000 for communication costs in FY 2027. This amount will allow the agency to continue to support its 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.

Support for the e-filing system, including local telephone service and telecommunication expenses, are projected to be \$185,000. Postage for the required mailing of letters, agency records, and other materials is expected to be \$15,000.

24.0 Printing and Reproduction

Change FY 2026 Enacted – FY 2027 Request

FY 2026 Enacted	FY 2027 Request	Amount	Percent
5,000	5,000	0	0

The requested amount for printing in FY 2027 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 agency proceedings.

25.0 Other Services

Change FY 2026 Enacted – FY 2027 Request

FY 2026 Enacted	FY 2027 Request	Amount	Percent
1,248,000	1,004,000	-244,000	-0.89

The requested amount for other services in FY 2027 is \$1,004,000. 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 higher costs for Interagency Agreements with the Office of Personnel Management (OPM) and NARA. This request includes an estimated \$14,000 for personnel and payroll services provided by NFC, \$345,000 for financial services provided by ARC, and \$60,000 for building security (estimated). The remaining amount will be used to fund other Interagency Agreements such as those 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. In addition, this category includes funds needed for continuing maintenance of the Review Commission’s website.

26.0 Supplies and Materials

Change FY 2026 Enacted – FY 2027 Request

FY 2026 Enacted	FY 2027 Request	Amount	Percent
43,000	43,000	0	0

The requested amount for supplies and materials in FY 2027 is \$43,000. This amount includes general office supplies (\$22,000) and IT supplies and software (\$21,000).

31.0 Equipment

Change FY 2026 Enacted – FY 2027 Request

FY 2026 Enacted	FY 2027 Request	Amount	Percent
369,000	369,000	0	0

The requested amount for equipment in FY 2027 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 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	\$14,214,000	\$14,449,000	\$14,449,000
2027	\$14,223,000			

Authorized Full Time Positions by Function

Function	<u>FY 2025</u> <u>Actual*</u>	<u>FY 2026</u> <u>Enacted</u>	<u>FY 2027</u> <u>Request</u>
Administrative Law Judge:			
AL-II	1	1	1
AL-III	10	10	10
GS-14	6	6	6
GS-13	0	1	1
GS-12	0	0	0
GS-11	0	0	0
GS-10	1	1	1
GS-9	3	3	3
GS-8	1	0	0
<i>Sub-total</i>	22	22	22
Commission-Review Level:			
Executive Level III	0	1	1
Executive Level IV	0	2	2
ES-00	1	2	2
GS-15	3	5	5
GS-14	7	7	7
GS-13	0	0	0
GS-12	0	2	2
GS-11	1	2	2
GS-9	2	2	3
GS-8	0	1	0
GS-7	0	0	0
<i>Sub-total</i>	14	24	24
Office of the Executive Director:			
ES-00	1	1	1
GS-15	1	1	1
GS-14	1	1	1
GS-12	2	2	2
GS-11	1	0	0
<i>Sub-total</i>	6	5	5
Total Positions:			
	42*	51	51

*This reflects actual number of FTE positions at the end of the fiscal year. It does not reflect one attorney-advisor vacancy in the ALJ function or vacant FTE positions for the three Commissioners and their immediate staff (noncareer SES and Schedule C) as of September 30, 2025.

The U.S. Occupational Safety and Health Review Commission

OSHRC

AGENCY PERFORMANCE PLAN

FISCAL YEAR 2027



VII. 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 citations for alleged violations issued by the Occupational Safety and Health Administration (OSHA). Parties to these disputes include the DOL, 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) 2027. 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 GPRA of 1993, the Review Commission's FY 2026-2030 Strategic Plan focuses on four goals: (1) Resolving pending cases fairly and promptly; (2) Enhancing the transparency of its operations, consistent with the public's interest in efficiency, the agency's statutory authority and responsibilities, and due process requirements; (3) Promoting organizational excellence, including a culture of professionalism, mutual respect, 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 2027 outcome goals, performance measures, and targets for each function are described below.

The Administrative Law Judge Function

Outcome Goals	Performance Measures	FY 2027 Target
Develop and implement case management practices that will minimize the average age of all pending ALJ-level cases.	Whether best-case management practices have been developed and implemented.	98% of all pleadings received in the agency’s e-filing system are initiated electronically. ¹⁴
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. ¹⁵	<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 20 months.</p> <p>-Percent of complex cases disposed of within 20 months at the ALJ level.</p>	<p>-Dispose of 93 percent of simplified cases within one year.</p> <p>-Dispose of 95 percent of conventional cases within 17 months.</p> <p>-Dispose of 88 percent of settlement part cases within 20 months.</p> <p>-Dispose of 90 percent of complex cases within 20 months.</p>

¹⁴ Commission Rule 8 requires all parties and intervenors to file documents electronically in the Commission’s E-File System unless they are a self-represented party or intervenor who is able to establish that compliance with this rule would place an “undue burden” on them.

¹⁵ Except for simplified and mandatory settlement cases, which are assigned by the Chief Judge upon receipt from the Office of the Executive Secretary, judges are not assigned cases until initial pleadings have been filed. This assignment generally occurs approximately 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 2027 Target
Resolve all priority cases at the agency in a timely manner.	Percent of priority cases disposed of at the Commission-review level within 6 months.	Dispose of 100 percent of all priority cases at the Commission-review level 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.
Ensure that the average age of all Commission-review level cases is no greater than 18 months from direction for review.	Average age of all pending Commission-review level cases.	Average age of all pending Commission-review level cases is no greater than 18 months. ¹⁶
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.	Percentage of Commission-review level cases that are older than two years and percentage of cases older than three years.	Ensure that no greater than 20 percent of Commission-review level cases are older than two years and that there are no cases older than three years. ¹⁷

¹⁶ For instance, for FY 2026, the target goal calculates the average age of a Commission-review level case based on: (1) cases that are docketed at the review level and decided during the time frame of October 1, 2025, through September 30, 2026; and (2) the age of all cases pending on September 30, 2026.

¹⁷ For instance, for FY 2026, the target goal takes into account case production from October 1, 2025, through September 30, 2026, with the final percentage measured as of the end of the FY.

The Office of the Executive Director Function

Outcome Goals	Performance Measures	FY 2027 Target
<p>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.</p>	<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). -Arrange for host server security scanning to detect weaknesses and vulnerabilities. 	<ul style="list-style-type: none"> -All material to be posted no later than 2 business days after issuance. -Conduct an annual audit of website’s compliance with section 508 of the ADA. Maintain a Web Content Accessibility Guidelines Level A scoring of 90 percent or higher. -Using results from our security scans, address critical and high vulnerability findings within 50 days.
<p>Broaden the agency’s outreach activities to the public.</p>	<ul style="list-style-type: none"> -Participation in professional conferences and meetings and strategic engagement with the regulated community. -Expand electronic notification services information for internal and external users. 	<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. -Use additional social media outlets to notify and engage with internal and external users.

Outcome Goals	Performance Measures	FY 2027 Target
<p>Ensure that the agency’s electronic filing (e-filing) system provides access to all users.</p>	<p>-Monitor monthly maintenance activities performed by application host.</p> <p>-Annual review of e-filing instructions for all users.</p>	<p>-Conduct annual audit of the e-filing system’s compliance with Section 508 of the ADA.</p>
<p>Recruit, invest in, and value all employees through professional development, workplace flexibilities, fair treatment, and recognition.</p>	<p>-Recruit, develop, and retain a highly motivated and talented workforce to accomplish the agency’s mission pursuant to the agency’s staffing plan.</p> <p>-Identify areas in which the agency can enhance talent through annual analysis of the MD-715¹⁸ guidance.</p>	<p>-Ensure that the agency’s performance management system(s) are aligned with its goals and objectives. Enhance employee development and learning opportunities by making budgetary resources available for staff training.</p> <p>-Annually review and/or update agency directives pertaining to workplace flexibilities (e.g., hours of work).</p> <p>-Attract qualified candidates, including veterans and people with disabilities, by engaging with equal employment advocacy organizations.</p>

¹⁸ Equal Employment Opportunity (EEO) Management Directive 715 – Reporting Requirement for Federal Agencies.

Outcome Goals	Performance Measures	FY 2027 Target
<p>Ensure that all agency personnel are aware of the agency’s mission and how they contribute to its accomplishments.</p>	<p>Communicate significant organizational accomplishments with staff.</p>	<p>-Enhance the agency’s orientation program for new employees.</p> <p>-Ensure that each employee is provided with an annual performance plan that outlines management’s goals and expectations.</p>
<p>Provide training opportunities to all agency personnel, including ALJs and Commission members, on interacting with and serving the public. In addition, provide training to all attorneys and support staff in order to enhance their capabilities on technical and legal issues, legal writing, ethics, and technology and case management.</p>	<p>Increased opportunities for attendance and participation in training, internal and/or external, for all staff.</p>	<p>Attendance and participation by staff at no less than one training opportunity annually, internal and/or external, depending on budget constraints.</p>

Outcome Goals	Performance Measures	FY 2027 Target
<p>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>	<ul style="list-style-type: none"> -Conduct periodic knowledge management audits to identify sources of knowledge and “at risk” knowledge gaps.¹⁹ -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 ongoing annual evaluation. -Annual audit to ensure that technology is aligned with the needs of the agency’s personnel and processes. -Use of the performance planning process to reflect the value of rewarding employees for creating, using, and sharing knowledge.
<p>Develop and present an annual budget and performance plan that clearly establishes how the organization will accomplish government-wide management priorities, agency-wide goals, and organizational goals.</p>	<p>System that links resources to specific activities that support measurable programmatic outcomes and objectives.</p>	<ul style="list-style-type: none"> -Implementation of a measurement system to assess and report on progress of financial management improvements and budget integration management reforms. -Develop an annual budget that aligns with Presidential priorities.

¹⁹ 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 2027 Target
<p>Improve technology infrastructure through efficiencies and investments (e.g., training, equipment, services) to support the effective use of broadband, cybersecurity, and energy efficiency.</p>	<ul style="list-style-type: none"> -Streamline operations and infrastructure to eliminate duplication; minimize servers, storage, and application sprawl. -Consolidation of 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. -Reduce the number of operating systems in use by consolidation and translocation of physical servers. -Review and evaluate bandwidth utilization to accommodate an expected need for additional resources as a result of cloud computing. -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 system availability is 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 supportable levels.

Outcome Goals	Performance Measures	FY 2027 Target
<p>Conduct all internal and external agency business in an ethical and timely manner.</p>	<p>Promote an ethical culture within the agency through leadership, awareness, resources, and oversight.</p>	<p>-Increase employee awareness of ethics responsibilities by conducting virtual or in-person agency-wide training.</p> <p>-Respond to 90 percent of ethics inquiries within two weeks of receipt.</p>