



**FY2011 PERFORMANCE PLAN
Office of Employee Appeals**

MISSION

The mission of the Office of Employee Appeals (“OEA”) is to render impartial, legally sufficient, and timely decisions on appeals filed by District of Columbia government employees. OEA has jurisdiction over appeals in which an employee has been removed as a result of an adverse action for cause, placed on enforced leave for 10 days or more, suspended for 10 days or more, reduced in grade, or been subjected to a reduction in force.

SUMMARY OF SERVICES

OEA offers District government agencies and employees the following three-part appeal process: mediation, adjudication, and petitions for review. The mediation process allows the employee and the agency an opportunity to resolve their disputes without going through the lengthy and costly adjudication process. The adjudication process results in disputes being resolved by an administrative judge who issues an initial decision and finds in favor of either the agency or employee. The petition for review process provides an impartial review of initial decisions by OEA’s Board.

AGENCY WORKLOAD MEASURES

Measure	FY2008 Actual	FY2009 Actual	FY2010 YTD
Number of petitions for appeal filed	180	299	341
Number of petitions for review filed	26	26	21
D.C. Superior Court case filings	11	18	20

OBJECTIVE 1: Render impartial, legally sound decisions in a timely manner.

INITIATIVE 1.1: Personnel changes to increase the number of Administrative Judges issuing decisions.

Beginning in October, the Office will implement a staffing change by moving an attorney from the General Counsel division to the Adjudication division. This staffing change will result in an increase to the number of Administrative Judges. By having more Administrative Judges, the Office will be able to issue more decisions in a timelier manner while at the same time continue to reduce its backlog.

INITIATIVE 1.2: Utilize law students to help reduce case backlog.

During the upcoming fiscal year, the Office will utilize law students from area law schools who will work as unpaid interns in exchange for class credit. OEA will contact the placement office of the area law schools and recruit at least two law students to work as interns during the fall semester and two more students to work as interns during the spring semester. Based on the availability of the law students, the Office will assign to each student at least one appeal. Each student



will be supervised by an Administrative Judge who will oversee their work and give final approval to any draft decision. By using the services of area law students, the Office will be able to continue to reduce its backlog.

INITIATIVE 1.3: Introduce mandatory mediation.

During the upcoming fiscal year, the Office will propose that the parties be required to resolve their disputes through the mediation process rather than the adjudication process. All appeals over which the Office has jurisdiction, except for reductions-in-force, would be subject to mandatory mediation. By making mediation mandatory, the parties will be able to resolve their disputes more quickly and thereby reduce the amount of time it takes the Office to adjudicate their dispute. This proposal will require, however, an amendment to the current law and an allocation of funds which would be used to train those Administrative Judges who are not currently Certified Mediators. The Office will consult with the Council committee having oversight of OEA to begin the process of amending the law.

OBJECTIVE 2: Satisfy statutory requirement of making jurisdiction determination within 45 business days.

INITIATIVE 2.1: The part-time Administrative Judge will begin issuing decisions pertaining to jurisdiction.

Beginning in October, the Office's part-time Administrative Judge who has been responsible for assigning appeals and responding to inquiries prior to the assignment of an appeal, will begin issuing decisions pertaining to jurisdiction. This new task will be in addition to the Administrative Judge's current duties. Those decisions will be issued within 45 business days from the date the employee filed the appeal.

OBJECTIVE 3: Maintain a system to allow the public to have access to all decisions rendered by the office.

INITIATIVE 3.1: Complete the scanning of legal documents and update OEA's website.

During the upcoming fiscal year, the Office will continue to work with the Office of the Chief Technology Officer ("OCTO") to scan all of its decisions and make them available to the public soon after those decisions have been issued. The Office will consult with OCTO to determine how the OEA website can be updated so that the public can access decisions using either the names of the parties, the case number, the subject matter, or key words. This change will create a more modern, user-friendly website.



PROPOSED KEY PERFORMANCE INDICATORS

Measure	FY2009 Actual	FY2010 Target	FY2010 Actual	FY2011 Projection	FY2012 Projection	FY2013 Projection
Number of initial decisions issued	184	150	156	180	180	180
Number of opinion and orders issued	49	35	35	35	35	35
Mean length of time required to complete adjudications ¹	9 months	N/A	11 months	11 months	11 months	11 months
Mean length of time required to resolve petitions for review ²	27 months	N/A	17 months	17 months	17 months	17 months
Percent of OEA decisions reversed by the D.C. Superior Court and D.C. Court of Appeals	0% ³	Less than 1%	0% ⁴	Less than 1%	Less than 1%	Less than 1%

¹ The months indicated represent the time from which an appeal is filed with OEA until an Initial Decision is issued by an Administrative Judge.

² The months indicate represent the time from which an appeal is filed with the OEA Board until a final decision is rendered.

³ In FY09, 233 total decisions were issued by OEA. The D.C. Superior Court issued 3 decisions upholding OEA and 1 decision dismissing an appeal. The D.C. Court of Appeals did not issue any decisions in FY09. No OEA decisions were reversed by the D.C. Superior Court or the D.C. Court of Appeals in FY09.

⁴ In FY10, 191 total decisions were issued by OEA. The D.C. Superior Court issued 2 decisions upholding OEA. The D.C. Court of Appeals issued 1 decision upholding OEA. No OEA decisions were reversed by the D.C. Superior Court or the D.C. Court of Appeals in FY09.