



FY2012 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	FY 2009 Actual	FY 2010 Actual	FY 2011 Actual
Number of Petitions for Appeal filed	299	421	240
Number of Petitions for Review filed	26	25	20
D.C. Superior Court case filings	18	20	

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

INITIATIVE 1.1: Hire an additional full-time Administrative Judge.

For Fiscal Year 2012, OEA has been authorized to have 13 full-time equivalent positions. OEA will use the additional funding for this position to hire one more Administrative Judge. This will give the Office a total of 5 full-time 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: Restructure the duties of the part-time Administrative Judge.

Beginning in October, the part-time Administrative Judge will begin conducting regular meetings with the Office’s full-time Administrative Judges. These meetings will be for the purpose of resolving any issues that may be delaying the timely issuance of a decision by the Administrative Judge. This will be in



addition to the part-time Administrative Judge's duties of assigning appeals and responding to inquiries prior to the assignment of an appeal.

INITIATIVE 1.3: Develop a Judges' Manual.

During the upcoming fiscal year, the Office will develop a Judges' Manual. The Judges' Manual will contain standard language that can be used in some of the more routine appeals. By having this standard language readily available to the Administrative Judge, he or she will be able to more quickly resolve those appeals in which the standard language is appropriate to use.

OBJECTIVE 2: Timely process appeals that are subject to mandatory mediation.

INITIATIVE 2.1: Mediator will schedule mediation conference within 45 business days.

During the upcoming fiscal year, when a Petition for Appeal is filed with the Office and the agency has responded, the part-time Administrative Judge will determine as soon as practicable whether an appeal meets the criteria for mandatory mediation. If the appeal meets the criteria, the part-time Administrative Judge will immediately assign the appeal to a mediator. The mediator will then have 45 business days within which to schedule a mediation conference with the parties.

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

INITIATIVE 3.1: Complete the second phase of the database.

During the upcoming fiscal year, the Office will continue to work with the Office of the Chief Technology Officer for the purpose of completing the second phase of the Office's database. Once this is completed, the Office will be in compliance with its duty to maintain a data base system to be used to record and provide information on the status and disposition of cases.

INITIATIVE 3.2: Publish an Office newsletter.

During the upcoming fiscal year, the Office will publish a newsletter at the end of the second and fourth quarters of the fiscal year. The newsletter will highlight significant decisions issued by the Administrative Judges and the Board during that time period and will summarize any court decisions pertaining to OEA that were issued during the relevant time period. By publishing the newsletter on OEA's website, the public will have more access to the decisions rendered by the Office.



PROPOSED KEY PERFORMANCE INDICATORS

Measure	FY2009 Actual	FY2010 Actual	FY2011 Actual	FY2012 Projection	FY2013 Projection
Number of Initial Decisions Issued	184	156	188	200	200
Number of Opinion and Orders Issued	49	35	50	35	35
Mean Length of Time Required to Complete Adjudications ¹	9 months	9.5 months	9.5 months	9 months	9 months
Mean Length of Time Required to Resolve Petitions for Review ²	27 months	17 months	17 months	17 months	17 months
Percent of Cases Reversing Agency Decisions	16.3% ³	13.6% ⁴	N/A	N/A	N/A
Percent of OEA Decisions Upheld in D.C. Superior Court and D.C. Court of Appeals	100% ⁵	100% ⁶	99%	99%	99%

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, OEA reversed 38 agency decisions of the 233 total cases decided.

⁴ In FY10, OEA reversed 26 agency decisions of the 191 total cases decided.

⁵ Of the 233 total decisions issued by OEA in FY09, 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 this fiscal year.

⁶ Of the 191 total decisions issued by OEA in FY10, the D.C. Superior Court issued 2 decisions upholding OEA. The D.C. Court of Appeals issued 1 decision upholding OEA.