



FY2014 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.

PERFORMANCE PLAN DIVISIONS

- Agency Management¹
- Adjudication

AGENCY WORKLOAD MEASURES

Measure	FY 2011 Actual	FY 2012 Actual	FY 2013 YTD ²
Number of Petitions for Appeal filed	245	268	160
Number of Petitions for Review filed	18	31	32
D.C. Superior Court case filings	20	18	19

¹ For the purposes of the FY14 Performance Plan, (1000) Agency Management is included with the (2000) Adjudication division to more accurately reflect the functional organization of the OEA.

² Data accurately reflects the current filings, as of September 13, 2013.



*Adjudication*³

SUMMARY OF SERVICES

The Adjudication Division provides mediation sessions, impartial hearings, and adjudication appeals for District government employees who challenge an agency's final decision on personnel matters.

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

INITIATIVE 1.1: Provide an estimated date of issuance for Initial Decisions.

Beginning in Fiscal Year 2014, OEA's Administrative Judges will be required to provide a date certain by which they believe an Initial Decision can be issued in the appeals assigned to them. By providing an estimated date of issuance, the Administrative Judges will be able to gauge their progress on an appeal and thereby issue decisions in a timelier manner. **Completion Date: September 30, 2014.**

INITIATIVE 1.2: Utilize a Law Clerk to assist the Administrative Judges.

During the upcoming fiscal year, the Administrative Judges will have access to a Law Clerk. The Law Clerk will provide legal research assistance to the Judges and will assist them, as well, in drafting orders and decisions. By utilizing the assistance of a Law Clerk, the Office will be able to continue to reduce its backlog of cases. **Completion Date: September 30, 2014.**

OBJECTIVE 2: Streamline the adjudication process.

INITIATIVE 2.1: Conduct an examination of the Office's procedures.

This initiative is a multi-year project which will take approximately three years to complete. During the upcoming fiscal year, which will be the first year of this project, one of the Administrative Judges, who is a Certified Public Manager, will examine the procedures the Office follows from the time an appeal is filed until the time an Initial Decision is issued. From this study, the Office will become aware of what steps need to be taken to make the adjudication process more efficient. **Completion Date: September 30, 2014.**

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

INITIATIVE 3.1: Issue a twice-yearly newsletter.

During the upcoming fiscal year, the Office will issue a newsletter halfway through the fiscal year and then again at the end of the fiscal year. The newsletter, which will be entitled "Appealing News", will contain a section which is devoted to case summaries, a section which will discuss new and emerging issues, and another section which will provide a statistical update of case filings and other information. This newsletter will

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increase the transparency of the Office as well as provide useful information to the public. **Completion Date: September 30, 2014.**

KEY PERFORMANCE INDICATORS – Adjudication

Measure	FY 2012 Actual	FY 2013 Target	FY 2013 YTD ⁴	FY 2014 Projection	FY 2015 Projection	FY 2016 Projection
Number of Initial Decisions Issued	405	250	327	250	250	250
Number of Opinion and Orders Issued	31	25	20	25	25	25
Mean Length of Time Required to Complete Adjudications ⁵	15 months	15 months	12 months	12 months	12 months	12 months
Mean Length of Time Required to Resolve Petitions for Review ⁶	9 months	9 months	9 months	9 months	9 months	9 months
Percent of Cases Reversing Agency Decisions	3.22% ⁷	NA	5.4% ⁸	NA	NA	NA
Percent of OEA Decisions Upheld in D.C. Superior Court and D.C. Court of Appeals	92.59% ⁹	99%	100% ¹⁰	99%	99%	99%

⁴ (YTD – Prior to the end of FY 13)

⁵ The months indicated represent the time from which an appeal is filed with OEA until an Initial Decision is issued by an Administrative Judge.

⁶ The months indicate represent the time from which an appeal is filed with the OEA Board until a final decision is rendered.

⁷ In FY12, OEA reversed fourteen Agency decisions of the 436 total cases decided.

⁸ In FY13-to-date, OEA has reversed nineteen agency decisions of the 347 total cases decided.

⁹ In FY12, there were twenty-six decisions issued by the Superior Court for the District of Columbia and four decisions issued by the Court of Appeals. Two of the twenty-six decisions reversed OEA rulings.

¹⁰ In FY13-to-date, there have been sixteen decisions issued by the Superior Court for the District of Columbia and four decisions issued by the Court of Appeals. All of OEA's decisions have been upheld.