

**FY 2009**

**CONGRESSIONAL BUDGET JUSTIFICATION**

**DEPARTMENTAL MANAGEMENT**



# DEPARTMENTAL MANAGEMENT

## TABLE OF CONTENTS

Appropriation Language .....	1
Explanation of Language Change .....	2
Amounts Available for Obligation.....	3
Summary of Changes .....	4
Summary Budget Authority and FTE by Activity .....	6
Budget Authority by Object Class .....	7
Budget Authority by Strategic Goal .....	8
Total Budgetary Resources .....	10
Summary of Performance .....	12
Significant Items in Appropriation Committees' Reports.....	19
Authorizing Statutes.....	23
Appropriation History .....	25
Organization Chart.....	28
Budget Activities .....	35
Program Direction and Support .....	35
Legal Services .....	39
International Labor Affairs .....	45
Administration and Management.....	49
Adjudication.....	53
Women's Bureau .....	59
Civil Rights .....	63
Chief Financial Officer .....	68
Information Technology Systems .....	70
Management Crosscut.....	76



## DEPARTMENTAL MANAGEMENT

### APPROPRIATION LANGUAGE

#### SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including the management or operation, through contracts, grants or other arrangements of Departmental activities conducted by or through the Bureau of International Labor Affairs, including bilateral and multilateral technical assistance and other international labor activities, *[\$296,756,000, of which \$82,516,000 is for the Bureau of International Labor Affairs (including \$5,000,000 to implement model programs to address worker rights issues through technical assistance in countries with which the United States has trade preference programs), and]* \$263,156,000 of which *[\$20,000,000]* \$29,846,000 is for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs, which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy; together with not to exceed *[\$308,000]* \$327,000, which may be expended from the Employment Security Administration in the Unemployment Trust Fund. *[Department of Labor Appropriations Act, 2008]*

## **DEPARTMENTAL MANAGEMENT**

### **EXPLANATION OF LANGUAGE CHANGE**

No change except funding level.

**DEPARTMENTAL MANAGEMENT**

<b>AMOUNTS AVAILABLE for OBLIGATION</b>						
(Dollars in Thousands)						
<b>FY 2007</b>						
	<b>Comparable</b>		<b>FY 2008 Estimate</b>		<b>FY 2009 Request</b>	
	<b>FTE</b>	<b>Amount</b>	<b>FTE</b>	<b>Amount</b>	<b>FTE</b>	<b>Amount</b>
<b>A. Appropriation</b>	<b>1,165</b>	<b>297,361</b>	<b>1,038</b>	<b>296,755</b>	<b>1,152</b>	<b>288,177</b>
Reduction pursuant to (P.L. 110-161 in FY 2008)	0	0	0	-5,184	0	0
Appropriation, Revised	1,162	298,612	1,038	291,571	1,152	263,156
A.1) Subtotal Appropriation	1,162	298,612	1,038	291,571	1,152	263,156
Reimbursements	17	13,390	17	14,390	27	14,390
Trust Funds - Black Lung	181	25,255	179	24,785	179	24,694
Trust Funds - Unemployment Trust Fund	3	308	3	303	3	327
Comparative Transfer To:	0	0	0	0	0	0
Working Capital Fund for consolidation of IT resources (25.3)	0	329	0	329	0	0
Comparative Transfer From:	0	0	0	0	0	0
Contract resources for consolidation of IT resources (25.1)	0	-329	0	-329	0	0
A.2) Subtotal	201	38,953	199	39,478	209	39,411
<b>B. Gross Budget Authority</b>	<b>1,363</b>	<b>337,565</b>	<b>1,237</b>	<b>331,049</b>	<b>1,361</b>	<b>302,567</b>
Reimbursements	-17	-13,390	-17	-14,390	-27	-15,754
B.1) Subtotal	-17	-13,390	-17	-14,390	-27	-15,754
<b>C. Budget Authority</b>	<b>1,346</b>	<b>324,175</b>	<b>1,220</b>	<b>316,659</b>	<b>1,334</b>	<b>286,813</b>
Reimbursements	17	14,000	17	14,390	27	15,754
IT Crosscut	0	0	0	0	0	0
C.1) Subtotal	17	14,000	17	14,390	27	15,754
<b>D. Total Budgetary Resources</b>	<b>1,363</b>	<b>338,175</b>	<b>1,237</b>	<b>331,049</b>	<b>1,361</b>	<b>302,567</b>
Unobligated Balance Expiring	-73	-1,885	0	0	0	0
<b>E. Total, Estimated Obligations</b>	<b>1,290</b>	<b>336,290</b>	<b>1,237</b>	<b>331,049</b>	<b>1,361</b>	<b>302,567</b>

**DEPARTMENTAL MANAGEMENT**

**SUMMARY OF CHANGES**

(Dollars in Thousands)

	FY 2008 Estimate	FY 2009 Request	Net Change
<b>Budget Authority</b>			
General Funds	291,571	263,156	-28,415
Trust Funds	25,088	25,021	-67
<b>Total</b>	<b>316,659</b>	<b>288,177</b>	<b>-28,482</b>
<b>Full Time Equivalents</b>			
General Funds	1,055	1,179	+124
Trust Funds	182	182	0
<b>Total</b>	<b>1,237</b>	<b>1,361</b>	<b>+124</b>

Explanation of Change	FY 2008 Base		Trust Funds		FY 2009 Change General Funds		Total	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
<b>Increases:</b>								
<b>A. Built-Ins:</b>								
To Provide For:								
Costs of pay adjustments	1,369	125,501	0	165	0	5,413	0	5,578
Personnel benefits	0	27,323	0	38	0	1,108	0	1,146
Federal Employees Compensation Act (FECA)	0	707	0	0	0	65	0	65
Travel	0	2,724	0	0	0	0	0	0
Transportation of things	0	15	0	0	0	0	0	0
GSA Space Rental	0	18,295	0	0	0	366	0	366
Communications, utilities & miscellaneous charges	0	1,643	0	0	0	0	0	0
Printing and reproduction	0	440	0	0	0	0	0	0
Advisory and assistance services	0	4,098	0	0	0	0	0	0
Other services	0	520	0	0	0	0	0	0
Working Capital Fund	0	29,464	0	0	0	3,902	0	3,902
Other government accounts (DHS Charges)	0	1,899	0	0	0	0	0	0
Operation and maintenance of facilities	0	2	0	0	0	0	0	0
Operation and maintenance of equipment	0	6,008	0	0	0	0	0	0
Supplies and materials	0	2,636	0	0	0	0	0	0
Equipment	0	1,176	0	0	0	0	0	0
Grants	0	62,650	0	0	0	0	0	0
<b>Built Ins Subtotal</b>	<b>1,237</b>	<b>316,659</b>	<b>0</b>	<b>203</b>	<b>0</b>	<b>9,617</b>	<b>0</b>	<b>9,820</b>
<b>B. Programs:</b>								
Legal Enforcement Support of Employment Standards Administration	588	98,345	0	0	0	1,431	0	1,431
To provide for an increase for the Departmental IT Systems activities	0	0	0	0	0	29,846	0	29,846
To provide for an increase in Management	0	0	0	0	0	750	0	750



**DEPARTMENTAL MANAGEMENT**

Explanation of Change	FY 2008 Base		Trust Funds		FY 2009 Change General Funds		Total	
activities								
To restore for staff and other inflationary costs per FY 2008	1,156	221,807	0	744	147	17,805	147	18,549
<b>Programs Subtotal</b>			<b>0</b>	<b>+744</b>	<b>+147</b>	<b>+49,832</b>	<b>+147</b>	<b>+50,576</b>
<b>C. Financing:</b>								
<b>Total Increase</b>	<b>+1,237</b>	<b>+316,659</b>	<b>0</b>	<b>+947</b>	<b>+147</b>	<b>+59,449</b>	<b>+147</b>	<b>+60,396</b>
<b>Decreases:</b>								
<b>A. Built-Ins:</b>								
To Provide For:								
One day less of Pay	0	0	0	-23	0	-609	0	-632
Federal Employees Compensation Act (FECA)	0	0	0	0	0	-136	0	-136
<b>Built Ins Subtotal</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>-23</b>	<b>0</b>	<b>-745</b>	<b>0</b>	<b>-768</b>
<b>B. Programs:</b>								
Decrease to reflect absorption of inflationary costs not provided under the FY 2008		224,330	0	-991	-23	-66,977	-23	-67,968
To provide for a decrease for the Departmental IT Systems activities	0	0	0	0	0	-19,651	0	-19,651
To provide for a decrease for the Management activities	0	0	0	0	0	-491	0	-491
<b>Programs Subtotal</b>			<b>0</b>	<b>-991</b>	<b>-23</b>	<b>-87,119</b>	<b>-23</b>	<b>-88,110</b>
<b>C. Financing:</b>								
<b>Total Decrease</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>-1,014</b>	<b>-23</b>	<b>-87,864</b>	<b>-23</b>	<b>-88,878</b>
<b>Total Change</b>	<b>+1,237</b>	<b>+316,659</b>	<b>0</b>	<b>-67</b>	<b>+124</b>	<b>-28,415</b>	<b>+124</b>	<b>-28,482</b>

## DEPARTMENTAL MANAGEMENT

### SUMMARY BUDGET AUTHORITY and FTE by ACTIVITY

(Dollars in Thousands)

	FY 2007 Comparable		FY 2008 Estimate		FY 2009 Request	
	FTE	Amount	FTE	Amount	FTE	Amount
<b>Program Direction and Support</b>	<b>152</b>	<b>27,871</b>	<b>140</b>	<b>22,831</b>	<b>150</b>	<b>29,714</b>
General Funds	152	27,871	140	22,831	150	29,714
<b>Legal Services</b>	<b>575</b>	<b>93,543</b>	<b>588</b>	<b>94,900</b>	<b>643</b>	<b>108,243</b>
General Funds	516	85,488	529	86,942	584	100,532
Unemployment Trust Funds	3	308	3	303	3	327
Black Lung Disability Trust Funds (Mandatory)	56	7,747	56	7,655	56	7,384
<b>International Labor Services</b>	<b>83</b>	<b>72,516</b>	<b>81</b>	<b>81,074</b>	<b>58</b>	<b>14,822</b>
General Funds	83	72,516	81	81,074	58	14,822
<b>Administration and Management</b>	<b>111</b>	<b>32,865</b>	<b>111</b>	<b>32,291</b>	<b>111</b>	<b>34,370</b>
General Funds	111	32,865	111	32,291	111	34,370
<b>Adjudication</b>	<b>256</b>	<b>45,363</b>	<b>212</b>	<b>44,186</b>	<b>269</b>	<b>47,374</b>
General Funds	131	27,855	89	27,056	146	30,064
Black Lung Disability Trust Funds (Mandatory)	125	17,508	123	17,130	123	17,310
<b>Womens Bureau</b>	<b>52</b>	<b>9,666</b>	<b>52</b>	<b>9,660</b>	<b>60</b>	<b>10,237</b>
General Funds	52	9,666	52	9,660	60	10,237
<b>Civil Rights</b>	<b>33</b>	<b>6,445</b>	<b>33</b>	<b>6,332</b>	<b>42</b>	<b>7,038</b>
General Funds	33	6,445	33	6,332	42	7,038
<b>Chief Financial Officer</b>	<b>21</b>	<b>5,336</b>	<b>20</b>	<b>5,243</b>	<b>28</b>	<b>5,775</b>
General Funds	21	5,336	20	5,243	28	5,775
<b>Information Technology Systems</b>	<b>0</b>	<b>29,462</b>	<b>0</b>	<b>19,651</b>	<b>0</b>	<b>29,846</b>
General Funds	0	29,462	0	19,651	0	29,846
<b>Management Crosscut Activities</b>	<b>0</b>	<b>1,108</b>	<b>0</b>	<b>491</b>	<b>0</b>	<b>758</b>
General Funds	0	1,108	0	491	0	758
<b>Total</b>	<b>1,283</b>	<b>324,175</b>	<b>1,237</b>	<b>316,659</b>	<b>1,361</b>	<b>288,177</b>
General Funds	1,099	298,612	1,055	291,571	1,179	263,156
Unemployment Trust Funds	3	308	3	303	3	327
Black Lung Disability Trust Funds	181	25,255	179	24,785	179	24,694

NOTE: FY 2007 reflects actual FTE.

**DEPARTMENTAL MANAGEMENT**

<b>BUDGET AUTHORITY by OBJECT CLASS</b>				
(Dollars in Thousands)				
	<b>FY 2007 Comparable</b>	<b>FY 2008 Estimate</b>	<b>FY 2009 Request</b>	<b>FY 09 Request/FY 08 Estimate</b>
Total Number of Full-Time Permanent Positions	1,360	1,386	1,389	3
Full-Time Equivalent				
Full-time Permanent	1,319	1,356	1,359	3
Other	13	13	13	0
Reimbursable	7	17	17	0
<b>Total</b>	<b>1,339</b>	<b>1,386</b>	<b>1,389</b>	<b>3</b>
Average ES Salary	156,324	161,170	164,100	2930
Average GM/GS Grade	11.8	12.3	12.6	0.3
Average GM/GS Salary	87,130	89,831	92,616	2785
Average Salary of Ungraded Positions	153,737	158,503	161,832	3329
11.1 Full-time permanent	132,202	125,082	137,665	12583.4
11.3 Other than full-time permanent	549	536	554	18
11.5 Other personnel compensation	2,734	2,138	2,389	251
11.8 Special personal services payments	7	5	5	0
11.9 Total personnel compensation	135,492	127,761	140,613	12852.4
12.1 Civilian personnel benefits	26,171	28,276	32,583	4307
21.0 Travel and transportation of persons	3,143	3,118	2,652	-466
22.0 Transportation of things	23	27	27	0
23.1 Rental payments to GSA	18,101	18,476	18,842	366
Communications, utilities, and				
23.3 miscellaneous charges	2,058	1,787	1,788	1
24.0 Printing and reproduction	286	507	515	8
25.1 Advisory and assistance services	16,603	11,960	11,290	-670
25.2 Other services	15,556	12,069	13,818	1749
Other purchases of goods and services				
25.3 from Government accounts 1/	35,676	34,250	38,364	4114
25.4 Operation and maintenance of facilities	53	49	49	0
Operation and maintenance of				
25.7 equipment	7,782	10,290	19,318	9028
26.0 Supplies and materials	2,111	1,823	1,822	-1
31.0 Equipment	7,120	3,803	6,496	2693
41.0 Grants, subsidies, and contributions	54,000	62,463	0	-62463
<b>Total</b>	<b>324,175</b>	<b>316,659</b>	<b>288,177</b>	<b>-28,482</b>
1/Other Purchases of Goods and Services				
From Government Accounts				
Working Capital Fund	22,195	29,983	34,913	4930
DHS Services	7,868	770	770	0
Services by DOL Agencies	312	191	191	0
Services by Other Government				
Departments	5,217	3,256	2,440	-816
GSA Services	42	10	10	0
HHS Services	42	40	40	0

**DEPARTMENTAL MANAGEMENT**

<b>BUDGET AUTHORITY by STRATEGIC GOAL</b>					
(Dollars in Thousands)					
<b>Performance Goal</b>	<b>DOL Strategic Goal 1: A Prepared Workforce</b>	<b>DOL Strategic Goal 2: A Competitive Workforce</b>	<b>DOL Strategic Goal 3: Safe and Secure Workplaces</b>	<b>DOL Strategic Goal 4: Strengthened Economic Protections</b>	<b>Total Budget Authority</b>
<b>1: Performance Goal: 1 - PDS</b>					
Program Direction and Support	7,429	7,429	7,429	7,429	29,714
<b>2: Performance Goal: 1 - SOL</b>					
Legal Services	1,082	0	0	0	1,082
<b>2: Performance Goal: 2 - SOL</b>					
Legal Services	0	4,330	0	0	4,330
<b>2: Performance Goal: 3 - SOL</b>					
Legal Services	0	0	62,781	40,050	102,831
<b>3: Performance Goal: 1 - ILAB</b>					
International Labor Services	0	14,822	0	0	14,822
<b>4: Performance Goal 4: - OASAM</b>					
Administration and Management	3,481	3,481	3,481	3,481	13,922
<b>4: Performance Goal: 1 - OASAM</b>					
Administration and Management	2,013	2,013	2,013	2,013	8,050
<b>4: Performance Goal: 2 - OASAM</b>					
Administration and Management	1,197	1,197	1,197	1,197	4,786
<b>4: Performance Goal: 3 - OASAM</b>					
Administration and Management	1,903	1,903	1,903	1,903	7,612
<b>5:b Performance Goal: 1 - OALJ</b>					
Adjudication	0	0	21,282	0	21,282
<b>5a: Performance Goal: 1 - Boards</b>					
Adjudication	0	0	0	16,934	16,934
<b>5a: Performance Goal: 2 - Boards</b>					
Adjudication	0	0	2,239	0	2,239
<b>5a: Performance Goal: 3 - Boards</b>					
Adjudication	1,894	0	0	0	1,894
<b>5b: Performance Goal: 2 - OALJ</b>					
Adjudication	0	4,020	0	0	4,020
<b>5b: Performance Goal: 3 - OALJ</b>					

**DEPARTMENTAL MANAGEMENT**

<b>BUDGET AUTHORITY by STRATEGIC GOAL</b>					
<b>(Dollars in Thousands)</b>					
Adjudication	1,005	0	0	0	1,005
<b>6: Performance Goal: 1 - WB</b>					
Womens Bureau	4,375	0	0	0	4,375
<b>6: Performance Goal: 2 - WB</b>					
Womens Bureau	0	0	0	2,540	2,540
<b>6: Performance Goal: 3 - WB</b>					
Womens Bureau	0	2,442	0	0	2,442
<b>7: Performance Goal: 1 - CRC</b>					
Civil Rights	0	0	2,637	0	2,637
<b>7: Performance Goal: 2 - CRC</b>					
Civil Rights	0	0	1,764	0	1,764
<b>7: Performance Goal: 3 - CRC</b>					
Civil Rights	0	0	2,637	0	2,637
<b>8: Performance Goal: 1 - OCFO</b>					
Chief Financial Officer	0	0	5,775	0	5,775
<b>9: Performance Goal: 1 - MGMT</b>					
<b>Crosscut</b>					
Management Crosscut Activities	1,577	190	190	190	758
<b>Other Program Mandates</b>					
Womens Bureau	0	0	0	0	880
<b>Agency Total</b>	<b>25,954</b>	<b>41,825</b>	<b>115,326</b>	<b>75,735</b>	<b>258,331</b>

## DEPARTMENTAL MANAGEMENT

### TOTAL BUDGETARY RESOURCES (Dollars in thousands)

	FY 2007 Comparable				FY 2008 Estimate				FY 2009 Request			
	Activity Approp.	Other Approp. <sup>1/</sup>	Other Resrcs. <sup>2/</sup>	Total	Activity Approp.	Other Approp. <sup>1/</sup>	Other Resrcs. <sup>2/</sup>	Total	Activity Approp.	Other Approp. <sup>1/</sup>	Other Resrcs. <sup>2/</sup>	Total
<b>Departmental Management</b>	<b>324,175</b>	<b>-408</b>	<b>0</b>	<b>323,767</b>	<b>316,659</b>	<b>209</b>	<b>0</b>	<b>316,868</b>	<b>288,177</b>	<b>-58</b>	<b>0</b>	<b>288,119</b>
Program Direction and	27,871	700	0	28,571	22,831	700	0	23,531	29,714	700	0	30,414

<sup>1/</sup> "Other Appropriation" is comprised of resources appropriated elsewhere, but for which the benefits accrue toward the operation of the budget activities. (Mgmt Crosscut, Executive Direction, and IT Crosscut)

<sup>2/</sup> "Other Resources" include funds that are available for a budget activity, but not appropriated such as, reimbursements and fees

**DEPARTMENTAL MANAGEMENT**

**TOTAL BUDGETARY RESOURCES  
(Dollars in thousands)**

	FY 2007 Comparable				FY 2008 Estimate				FY 2009 Request			
	Activity Approp.	Other Approp. <sup>1/</sup>	Other Resrcs. <sup>2/</sup>	Total	Activity Approp.	Other Approp. <sup>1/</sup>	Other Resrcs. <sup>2/</sup>	Total	Activity Approp.	Other Approp. <sup>1/</sup>	Other Resrcs. <sup>2/</sup>	Total
Support												
Legal Services	93,543	0	0	93,543	94,900	0	0	94,900	108,243	0	0	108,243
International Labor Services	72,516	0	0	72,516	81,074	0	0	81,074	14,822	0	0	14,822
Administration and Management	32,865	29,462	0	62,327	32,291	19,651	0	51,942	34,370	29,846	0	64,216
Adjudication	45,363	0	0	45,363	44,186	0	0	44,186	47,374	0	0	47,374
Womens Bureau	9,666	0	0	9,666	9,660	0	0	9,660	10,237	0	0	10,237
Civil Rights	6,445	0	0	6,445	6,332	0	0	6,332	7,038	0	0	7,038
Chief Financial Officer	5,336	0	0	5,336	5,243	0	0	5,243	5,775	0	0	5,775
Information Technology Systems	29,462	-29,462	0	0	19,651	-19,651	0	0	29,846	-29,846	0	0
Management Crosscut Activities	1,108	-1,108	0	0	491	-491	0	0	758	-758	0	0
<b>Total</b>	<b>324,175</b>	<b>-408</b>	<b>0</b>	<b>323,767</b>	<b>316,659</b>	<b>209</b>	<b>0</b>	<b>316,868</b>	<b>288,177</b>	<b>-58</b>	<b>0</b>	<b>288,119</b>

## DEPARTMENTAL MANAGEMENT

SUMMARY OF PERFORMANCE										
Performance Goal 1 — Legal Services										
Maintain an effective litigation strategy that advances departmental goals.										
	PY 2004		PY 2005		PY 2006		PY 2007		PY 2008	PY 2009
	Goal Achieved		Goal Achieved		Goal Achieved		Goal Achieved			
Performance Goal 1	Target	Result	Target	Result	Target	Result	Target	Result	Target	Target
Successfully defend/prosecute 75% of actions	0.75	0.97								
2005 Revision: Favorable outcome 95-98% of cases submitted for litigation.			95-98%	0.97	95-98%	0.97	95-98%	0.9456	95-98%	95-98%
Close 13,700 Cases	14,329	14,905								
2005 Revision: Close at least 50% of all pending cases.			50%	51%						
2006 Revision: Close an increasing percentage of all pending cases annually					50.50%	51%	51.50%	80.78%	52%	52.50%
Incur expenses, including those reimbursed from other funds, not in excess of XX% of the total amount of restitution, recoveries, penalties awarded, and monetary claims defeated										
Revisions: Target adjusted in 2004 and 2005	65%	38.90%	50%	28.20%						
2006 Revision: Ratio of total resources expended for litigation to program recoveries demonstrates that the cost of litigation is a decreasing percentage of the total amount of restitution, recoveries, and penalties awarded					50%	29.70%	49%	37.31%	48%	47%
Obtain a favorable outcome, in whole or in part, in 75% of appellate matters.	75%	98%	75%	98%						
2005 Revision: Target changed to 98%.					98%	99%	98%	98.06%	98%	98%
New indicator added in 2005: Successfully establish/defend an important legal principle in 75% of cases submitted for litigation and in 75% of appellate matters...	75%	98%								
2006 Revision: The major provisions of final DOL rules/regulations are not successfully challenged in an increasing percentage of the cases.			95%	92%	95%	100%	95%	63.99%	95%	95%



## DEPARTMENTAL MANAGEMENT

SUMMARY OF PERFORMANCE										
Performance Goal 2 — Legal Services										
DOL regulations achieve agency policy objectives and comply with all legal requirements.										
	PY 2004		PY 2005		PY 2006		PY 2007		PY 2008	PY 2009
			Goal Substantially Achieved		Goal Achieved		Achieved			
Performance Goal 2	Target	Result	Target	Result	Target	Result	Target	Result	Target	Target
DOL regulations achieve agency policy objectives and comply with all legal requirements.	150	79								
Review or participate in XX regulatory matters.			95%	92%						
2005 Revision: The major provisions of final DOL rules are not successfully challenged 95% of the time.					95%	100%	95.50%	95.83%	96%	96.50%
2006 Revision: The major provisions of final rules/regulations are not successfully challenged in an increasing percentage of the time.				80%	78.50%					
New indicator added in 2005. Complete legal review of 80% of proposed rules within the deadlines established in advance with the responsible DOL agency...										
2006 Revision: Increase the rate of completion of major tasks regarding legal review/drafting by the SOL divisions of rules or regulations within the deadlines established in advance with responsible SOL agency...					79%	77%	80%	95.83%	81%	82%
New indicator added in 2005: Percent of cases submitted for litigation and appellate matters that successfully establish/defend an important legal principle.			75%	70%	75%	81%	75%		75%	75%

SUMMARY OF PERFORMANCE										
Performance Goal 3 — Legal Services										
DOL actions are based on sound legal advice.										
	PY 2004		PY 2005		PY 2006		PY 2007		PY 2008	PY 2009
			Goal Not Achieved		Goal Achieved					
Performance Goal 3	Target	Result	Target	Result	Target	Result	Target	Result	Target	Target
Issue XXXX opinions/advice...	7,833	6,374								
2005 Revision: Issue an average of 165 legal opinions/advice per FTE devoted to that function.			165	103						
2006 Revision: Increase an average of legal opinions/advice per FTE devoted to that function.					104	108.7	105	238.2	106	107

## DEPARTMENTAL MANAGEMENT

SUMMARY OF PERFORMANCE										
<b>Performance Goal 1 — Bureau of International Labor Affairs</b> Contribute to the elimination of the worst forms of child labor internationally.										
	PY 2004		PY 2005		PY 2006		PY 2007		PY 2008	PY 2009
	Achieved		Substantially Achieved		Achieved		Achieved			
Performance Goal 1	Target	Result	Target	Result	Target	Result	Target	Result	Target	Target
Withdrawn from child labor and provided Education or training opportunities as a result Of DOL-funded child labor elimination projects.	70,000	92,000	116,000	162,000	178,000	237,000	139,000	228,966	127,400	71,400
Number of countries with increased Capacities to address child labor as a result of DOL-funded child labor elimination projects.	15	26	20	39	39	53	31	48	33	19

SUMMARY OF PERFORMANCE										
<b>Performance Goal 1 – Adjudication</b> Provide economic benefits to employers, workers and their families by adjudicating worker’s compensation cases in the Black Lung and Longshore programs.										
	FY 2004		FY 2005		FY 2006		FY 2007		FY 2008	FY 2009
	Goal Achieved		Goal Achieved		Goal Achieved		Goal Achieved			
Performance Goal 1	Target	Result	Target	Result	Target	Result	Target	Result	Target	Target
Black Lung Dispositions	1,870	1,624	1,280	1,689	1,360	1,568	1,360	1,652	1,200	1,360
Case Intake	1,600	2,159	1,350	1,551	1,350	1,359	1,350	1,257	1,350	1,350
Pending Cases EOFY	1,875	2,680	2,750	2,542	2,532	2,333	2,323	1,938	2,473	2,463
Backlogs (Months)	12	20	26	18	22	18	20	14	25	22
Longshore Dispositions	3,500	3,088	2,860	2,800	2,990	2,747	2,470	2,475	2,340	2,470
Case Intake	3,600	2,517	3,300	2,763	3,000	2,413	2,500	2,614	2,500	2,500
Pending Cases EOFY	2,617	2,355	2,795	2,318	2,328	1,984	2,014	2,123	2,174	2,204
Backlogs (Months)	9	9	12	10	11	9	10	10	11	11

## DEPARTMENTAL MANAGEMENT

### SUMMARY OF PERFORMANCE

**Performance Goal 2 – Adjudication**

Promote safe and fair workplace environments for American workers by adjudicating cases in the Traditional Program area such as Whistleblower protection, Wage and Hour cases, Compliance cases and over 70 other types of worker protection cases.

	FY 2004		FY 2005		FY 2006		FY 2007		FY 2008	FY 2009
	Goal Achieved		Goal Achieved		Goal Achieved		Goal Achieved			
Performance Goal 2	Target	Result	Target	Result	Target	Result	Target	Result	Target	Target
Traditional Dispositions	400	492	400	532	400	572	500	528	450	500
Case Intake	400	471	400	681	400	560	550	555	550	550
Pending Cases EOFY	414	393	393	542	542	530	580	557	680	730
Backlogs (Months)	12	10	12	12	16	11	14	13	18	18

## DEPARTMENTAL MANAGEMENT

SUMMARY OF PERFORMANCE										
Performance Goal 3 – Adjudication										
Provide workers from other countries immigrating into the US an equitable opportunity to join the American workforce by adjudicating immigration cases.										
	FY 2004		FY 2005		FY 2006		FY 2007		FY 2008	FY 2009
	Goal Achieved		Goal Achieved		Goal Achieved		Goal Achieved			
Performance Goal 3	Target	Result	Target	Result	Target	Result	Target	Result	Target	Target
Immigration Dispositions	280	281	280	355	280	247	140	212	140	140
Case Intake	200	368	300	225	300	90	300	399	300	300
Pending Cases EOFY	257	424	444	424	314	137	297	324	457	617
Backlogs (Months)	11	18	19	10	13	7	25	18	39	53

## DEPARTMENTAL MANAGEMENT

SUMMARY OF PERFORMANCE										
Performance Goal 1 — Women's Bureau Increase Women's Employment Opportunities.										
	PY 2004		PY 2005		PY 2006		PY 2007		PY 2008	PY 2009
	Target	Result	Target	Result	Target	Result	Target	Result	Target	Target
Number of women in WWIT			200	230	650	777	793	793	809	825
Percent of participants that increase earnings (new measure in 2006)						39%	41%	17%	19%	21%
Percent of participants that find employment (new measure in 2006)						44%	46%	41%	43%	45%
Percent of participants that enter a degree program or post-secondary ed. certification program (new measure in 2006)						18%	20%	10%	12%	14%

SUMMARY OF PERFORMANCE										
Performance Goal 2 — Women's Bureau WISE UP: Increase Women's Financial Security.										
	PY 2004		PY 2005		PY 2006		PY 2007		PY 2008	PY 2009
	Target	Result	Target	Result	Target	Result	Target	Result	Target	Target
Number of participants	360	547	360	722	588	1,037	1,058	1,445	1,488	1,533
Percent of participants who reduce their debt (new measure in 2006)					TBD	39%	41%	60%	45%*	47%*
Percent of participants who increase their savings/investments (new measure in 2006)					TBD	42%	44%	51%	48%*	50%*

## DEPARTMENTAL MANAGEMENT

SUMMARY OF PERFORMANCE										
Performance Goal 3 — Women's Bureau										
Flex-Options for Women: Increase the number of Employer Flexible Programs and Policies.										
	PY 2004		PY 2005		PY 2006		PY 2007		PY 2008	PY 2009
	Target	Result	Target	Result	Target	Result	Target	Result	Target	Target
<b>Performance Goal 3</b>										
Number of employers who express an interest in expanding or developing a flexible workplace policy or program	84	87	120	90	140	199	235	387	339**	351**
Number employers who create or expand at least one flexible policy/program	80	61	60	44	84	116	137	197	210	217
Number of employees who have access to new flexible policies/programs (new measure in 2006)			720	1,460	1,710		1,778		1,850	1,924

## DEPARTMENTAL MANAGEMENT

### SIGNIFICANT ITEMS IN APPROPRIATION COMMITTEES' REPORTS

#### Preparing Women for the 21<sup>st</sup> Century Workplace

**House:** Continued funding for national networks for women's employment that advance women in the workplace through education and advocacy is encouraged.

**Response:** The Bureau will continue to work with organizations and national networks for women's employment, which advance women in the workplace through education and advocacy.

#### Significant Report 110-107 DM/ILAB

**Senate:** Therefore, the Committee recommendation includes \$82,516,000 for the Bureau of International Labor Affairs. Of this amount, the Committee directs \$42,610,000 be used for the United States contribution to expand on the successful efforts of the ILO's International Program for the Elimination of Child Labor [IPEC] (Funding for this program was requested by Senator Harkin).

**Response:** ILAB received an appropriation of \$82,516,000, of which \$41 million was an earmark directed for support of the ILO's International Program for the Elimination of Child Labor [IPEC]. This \$41 million was subject to a 1.747 rescission, leaving an amount of \$40,283,730. ILAB is in the process of developing an operating plan that allocates funds for ILO-IPEC technical cooperation programming and also provides resources to cover costs related to ILAB's required oversight of such programming.

#### Significant Report 110-107 DM/ILAB

**House:** The Committee requests an operating plan to be prepared by ILAB and provided to the Committee not later than 30 days after the date of enactment of this act which details the staffing requirements to meet statutory monitoring, oversight and reporting responsibilities of ILAB. In carrying out these responsibilities, the Committee expects ILAB to limit its practice of deducting salaries from funds intended for grant programs and establish cost effective practices for meeting its mission.

**Response:** ILAB is preparing information that will respond to this request and will have this ready by the 30 day deadline, which would be by January 27<sup>th</sup>.

**Senate:** The Committee notes that ILAB is statutorily required to compile and report to the Congress annually on the extent to which each foreign country that has trade and investment agreements with the United States enforces internationally-recognized worker rights. This report is required under multiple U.S. laws and promotes core labor standards as embodied in the ILO

## DEPARTMENTAL MANAGEMENT

Declaration on Fundamental Principles and Rights at Work as adopted and reaffirmed in 1998. The Committee once again directs the Secretary to include in the 2008 report, all former GSP recipients that have achieved a Free Trade Agreement with the United States over the preceding year.

**Response:** ILAB is in the process of preparing its seventh annual report, prepared in accordance with Section 412(c) of the Trade and Development Act of 2000 (TDA). The TDA expands country eligibility criteria for preferential tariff treatment under the Generalized System of Preferences program (GSP) enacted by the Trade Act of 1974 to include the implementation of commitments to eliminate the worst forms of child labor. The TDA also applies this criterion to eligibility for trade benefits under the Africa Growth and Opportunity Act (AGOA), the U.S.-Caribbean Basin Trade Partnership Act (CBTPA), and the Andean Trade Preference Act/Andean Trade Promotion and Drug Eradication Act (ATPA/ATPDEA). Section 412(c) of the TDA contains a mandate for the Secretary of Labor to report on each “beneficiary country’s implementation of its international commitments to eliminate the worst forms of child labor.” As noted by the Committee, ILAB will include in the seventh annual report all former GSP recipients that have achieved a Free Trade Agreement with the United States over the preceding year.

### **Significant Report 110-231 DM/ILAB**

**House:** Within this amount, \$5,000,000 is provided to implement model programs to address worker rights through technical assistance in countries with which the United States has trade preference programs and directs that this activity be carried out through a cooperative agreement with an international organization that has experience in working to assure adherence to a set of core labor standards through work with government, employers and labor. The Appropriations Committees believe that a component of this new program should first be implemented in the Republic of Haiti, at a funding level of not less than \$1,000,000. As a demonstration of the investment of the private sector and the government of Haiti in the project, an adequate cost-share from Haitian sources should also be committed before the initiation of the project. The program in Haiti will develop a system of monitoring and transparent public reporting on the adherence and enforcement of worker rights, based on the approach used in the successful International Labor Organization (ILO) Garment Sector Working Conditions Improvement Project in Cambodia. This multi-year program should improve working conditions in Haiti’s garment industry, while increasing compliance with core international labor standards.

**Response:** ILAB is in the process of developing an implementation plan and budget in adherence to the language of the report.

### **Significant Report 110-107 DM/ILAB**

**Senate:** Also included is \$26,770,000 to help ensure access to basic education for the growing number of children removed from the worst forms of child labor in impoverished nations where abusive and exploitative child labor is most acute. The Committee expects the Department of Labor to work with the governments of host countries to eliminate school fees that create a barrier to education.



## DEPARTMENTAL MANAGEMENT

**Response:** ILAB received an appropriation of \$82,516,000, of which \$24 million was directed for assistance to improve access to basic education in international areas with a high rate of abusive and exploitative child labor. This \$24 million was subject to a 1.747 rescission. This leaves an amount of \$23,580,720. ILAB is in the process of developing an operating plan that allocates funds for this technical cooperation programming and also provides resources to cover costs related to ILAB's required oversight of such programming.

### **Significant Report 110-107 DM/ILAB**

**Senate:** The Committee directs the Secretary to establish an annual nonmonetary award recognizing the extraordinary efforts by an individual, company, organization or national government toward the reduction of the worst forms of child labor. The award shall be named, "the United States Department of Labor's Iqbal Masih Award for the Elimination of Child Labor." Iqbal Masih was a Pakistani carpet weaver sold into slavery at age four. He escaped from his servitude at age 12 and became an outspoken advocate against child slavery. He told the world of his plight when he received the Reebok Human Rights Award in 1994. He was tragically killed a year later at the age of 13 in his native Pakistan.

**Response:** ILAB acknowledges the language on a nonmonetary award for extraordinary efforts by an individual, company, organization or national government toward the reduction of the worst forms of child labor. ILAB is in the process of discussing the most appropriate way to respond to this language.

### **Significant Report Joint Explanatory DM/ILAB**

**Joint:** The recommendation for ILAB also includes \$41,000,000 for the U.S. contribution to the International Program for the Elimination of Child Labor and \$24,000,000 for bilateral assistance to improve access to basic education in international areas with a high rate of abusive and exploitative child labor.

**Response:** ILAB received an appropriation of \$82,516,000, of which \$41 million was directed for support of the ILO's International Program for the Elimination of Child Labor [IPEC] and \$24 million of which was directed for assistance to improve access to basic education in international areas with a high rate of abusive and exploitative child labor. The \$41 million and \$24 million were each subject to a 1.747 rescission, leaving \$40,283,730 of the funding directed for support of ILO-IPEC and \$23,580,720 of the funding directed for assistance to improve access to basic education in international areas with a high rate of exploitative child labor. ILAB is in the process of developing an operating plan that allocates funds for this technical cooperation programming and also provides resources to cover costs related to ILAB's required oversight of such programming.

## DEPARTMENTAL MANAGEMENT

**Joint:** The Department should also adhere to the directions in House Report 110-424 concerning cooperation with the ILO on the implementation of standards in the garment industry in India.

The language from the House Report 110-424, page 98 follows:

The conferees are deeply concerned about the recent discovery of abusive and exploitative child labor by a subcontractor based in India embroidering women's garments for a major U.S. apparel company. These children, some as young as ten, were forced from their parents, denied wages, forced to work long hours, and forced to live in squalor. Official Indian government estimates indicate that there are around 12 million children working in hazardous conditions. However, non-governmental organizations working on eradicating child labor believe that there are close to 60 million child laborers, including approximately 10 million child bonded laborers. While this major U.S. apparel company has 90 inspectors that travel around the world trying to ensure that their codes of conduct are not violated, it is a difficult and daunting task given the high prevalence of exploitative child labor and the non-existence of an industry wide monitoring system for the garment industry in India. Therefore, the conferees direct the Department to work with the International Labor Organization in an effort to implement standards similar to those used in the Cambodian and Bangladeshi garment industries to ensure that U.S. consumer products are not made by abusive child labor in violation of local and international standards.

**Response:** ILAB is currently in the process of developing a plan for FY 2008 programming to combat exploitive child labor internationally. As part of this planning process, ILAB is taking into consideration this language on working with the ILO to support efforts to address exploitive child labor in the Indian garment sector.

**House:** The Department of Labor shall report to the Committees no later than June 30, 2008 on the progress of implementing the cooperative agreement covering Haiti and other countries with which the U.S. has trade agreements.

**Response:** ILAB notes the Committees' request for a progress report covering Haiti and other countries with which the U.S. has trade agreements, to be submitted no later than June 30, 2008. ILAB will plan to submit a status on the development and implementation of the proposed projects in Haiti and other trade agreement countries as requested.

## DEPARTMENTAL MANAGEMENT

### AUTHORIZING STATUTES

Public Law / Act	Legislation	Statute No. / US Code	Volume No.	Page No.	Expiration Date
	Bureau of International Labor Affairs (ILAB)				
Pub. L. 101-179	Support for East European Democracy (SEED) Act of 1989	22 U.S.C. 5401 et seq.			
Pub. L. 102-511	(ILAB) FREEDOM Support Act	22 U.S.C.A. 5801 et seq.			
Pub. L. 103-82	(ILAB) Canada-Mexico-United States: North America Agreement on Labor Cooperation (NAALC)				
Pub. L. 106-200	(ILAB) Trade and Development Act of 2000	19 U.S.C. 2464			
Pub. L. 106-554	(ILAB) DOL appropriation provided for funding to be used for ...Departmental bilateral and multilateral foreign technical assistance...	Stat. 2763			
Pub. L. 66-259	Women's Bureau Act to establish the Women's Bureau	29 U.S.C. 11-14			
Pub. L. 103-353	Veterans' Employment and Training Services (VETS)	38 U.S.C. 4100- 4110A and 4321- 4327			
Pub. L. 105-339	VETS Opportunity Act of 1998 Protects veterans' preference in government hiring	5 U.S.C. 3330a.			
Pub. L. 103-353	Uniformed Services Employment and Reemployment Rights Acts of 1994. Protects members of the uniformed services from discrimination in hiring and re- employment after service in the military.	38 U.S.C. 4301- 4333			
	Office of the 21 <sup>st</sup> Century Workforce	E.O. 13218			
	OALJ – Black Lung Appeals Program Title IV, Federal Mine Safety & Health Act of 1977, as amended.	33 U.S.C. Section 901 et seq.			
	OALJ – Longshore Appeals Program Longshore & Harbor Workers Act	33 U.S.C. Section 901 et seq.			
	OALJ – Traditional Program & Board of Alien Labor Certification Appeals	Over 80 labor- related statutes & regulations. See OALJ website <a href="http://www.oalj.dol.gov">www.oalj.dol.gov</a>			

## DEPARTMENTAL MANAGEMENT

<b>Public Law / Act</b>	<b>Legislation</b>	<b>Statute No. / US Code</b>	<b>Volume No.</b>	<b>Page No.</b>	<b>Expiration Date</b>
Pub. L. 99-570	Employees' Compensation Appeals Board. Review appeals of claims under Federal Employees' Compensation Act Anti-Drug Act of 1986	5 U.S.C. Section 8101 et seq.			

## DEPARTMENTAL MANAGEMENT

### APPROPRIATION HISTORY (Dollars in Thousands)

	Budget Estimates to Congress	House Allowance	Senate Allowance	Appropriations	FTE
1999 1/	209,482	184,192	209,184	211,075	1,522
2000 2/	278,798	211,553	268,455	265,672	1,596
2001 3/	459,144	266,479	359,554	401,946	1,516
2002 4/	352,355	383,878	361,834	258,624	1,417
2003 5/	350,042	341,967	419,575	374,034	1,527
2004 6/	296,937	276,419	375,010	373,720	1,536
2005 7/	310,873	259,967	350,319	337,246	1,420
2006 8/	268,662	264,022	344,800	314,944	1,402
2007	267,345	262,039	267,346	324,175	1,319
2008 9/	279,021	318,046	338,503	316,659	1,237
2009	288,177	0	0	0	0

- 1/ Reflects a \$367,000 reduction pursuant to P.L. 106-51.
- 2/ Reflects a \$263,000 reduction pursuant to P.L. 106-113.
- 3/ Reflects a \$483,000 reduction pursuant to P.L. 106-554.
- 4/ Reflects a \$1,636,000 reduction pursuant to P.L. 107-116 and 107-206.
- 5/ Reflects a \$2,297,000 reduction pursuant to P.L. 108-07.
- 6/ Reflects a \$2,509,000 reduction pursuant to P.L. 108-199.
- 7/ Reflects a \$2,735,000 reduction pursuant to P.L. 108-447.
- 8/ Reflects a \$3,005,000 reduction pursuant to P.L. 109-148.
- 9/ Reflects a \$5,184,000 reduction pursuant to P.L. 110-161

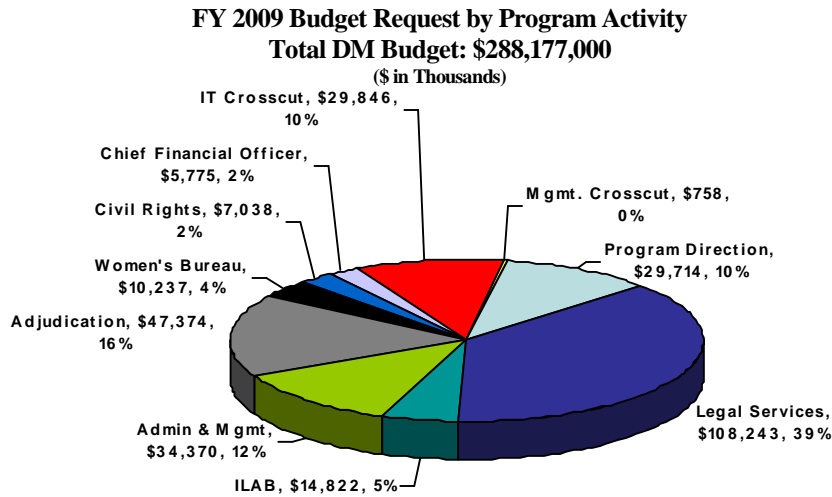
Appropriation History includes Unemployment Insurance (UI) and Black Lung Disability Trust funds.

## DEPARTMENTAL MANAGEMENT

### Cost Model

The total budget request for the Departmental Salaries and Expenses appropriation for FY 2009 totals \$288,177,000 and 1,361 FTE. This request includes the IT Crosscut request of \$29,846,000.

The total includes \$263,156,000 and 1,179 FTE provided for general funds; \$24,694,000 and 179 FTE provided for the Black Lung Disability Trust Fund; and \$327,000 and 3 FTE provided from the Unemployment Trust Fund. The total of \$288,177,000 includes net built-in increases in the amount of \$9,820,000 and program increases totaling \$50,206,000. Funding levels also include built-in decreases totaling \$768,000.



## DEPARTMENTAL MANAGEMENT

### **Program Assessment Rating Tool (PART)**

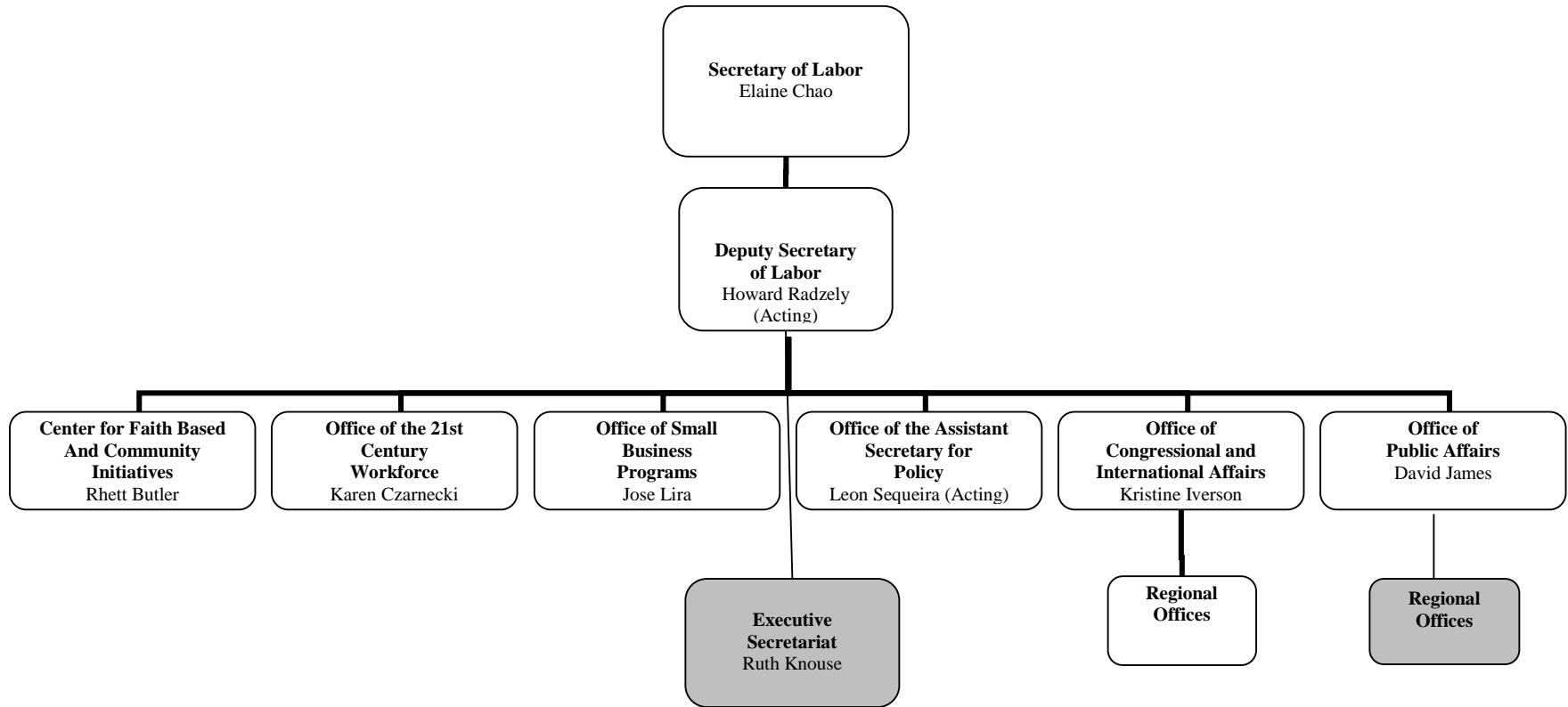
Three activities within the Departmental Management appropriation have been assessed under the PART program – Women’s Bureau, Bureau of International Labor Affairs, and Office of the Solicitor. For additional information on the programs, please select the following links:

- Office of the Solicitor – Moderately Effective:  
<http://www.whitehouse.gov/omb/expectmore/summary/10003910.2006.html>
- Bureau of International Labor Affairs – Performing:  
<http://www.whitehouse.gov/omb/expectmore/summary/10002384.2004.html>
- Women’s Bureau – Not Performing:  
<http://www.whitehouse.gov/omb/expectmore/summary/10003906.2005.html>

**DEPARTMENTAL MANAGEMENT**

**ORGANIZATION CHART**

**PROGRAM DIRECTION AND SUPPORT**

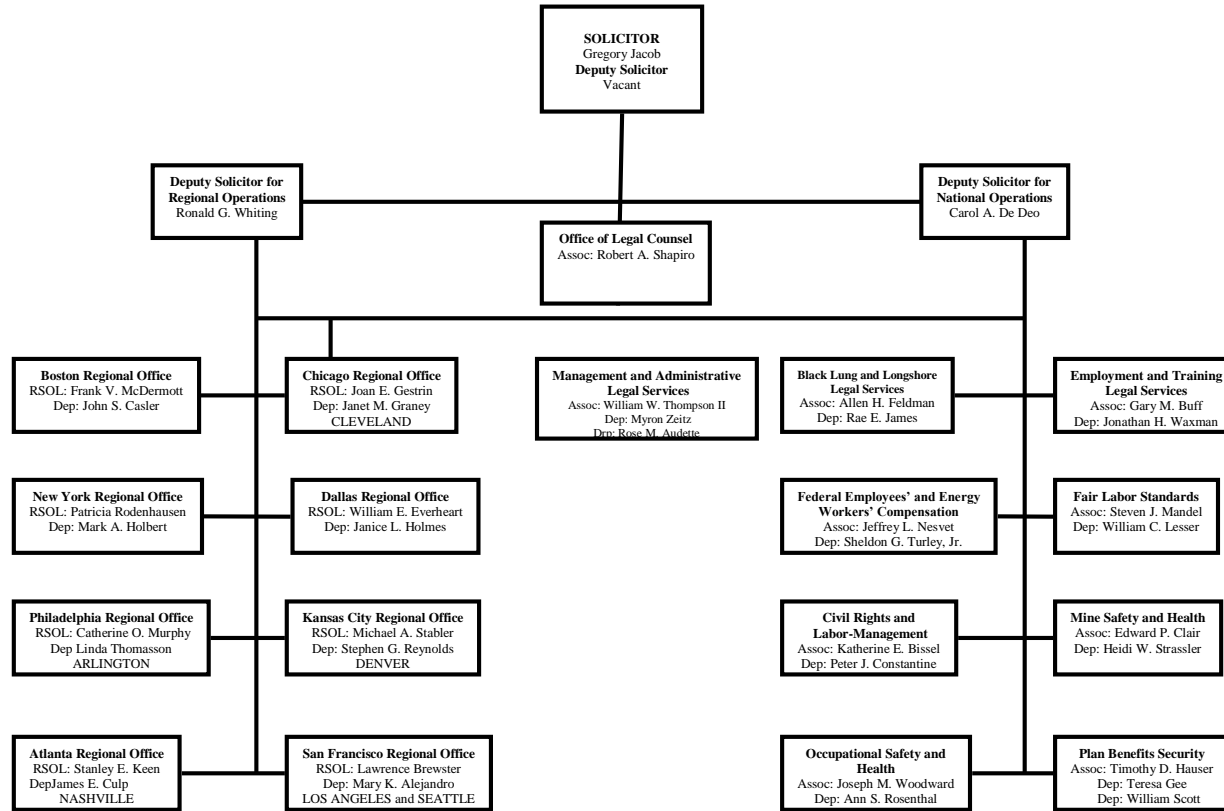


Shaded box indicates funding through the Departmental Management Working Capital Fund



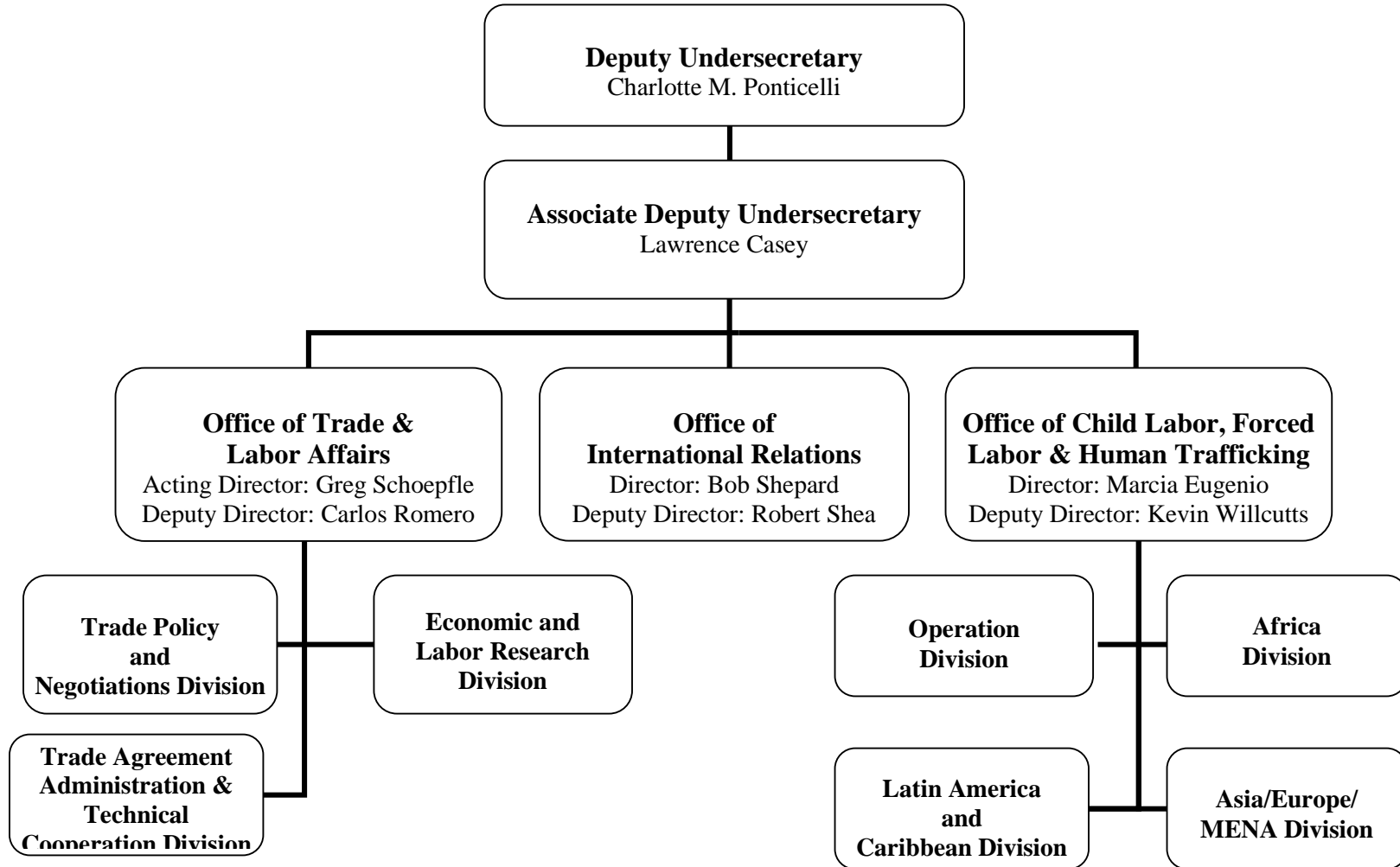
# DEPARTMENTAL MANAGEMENT

## OFFICE OF THE SOLICITOR



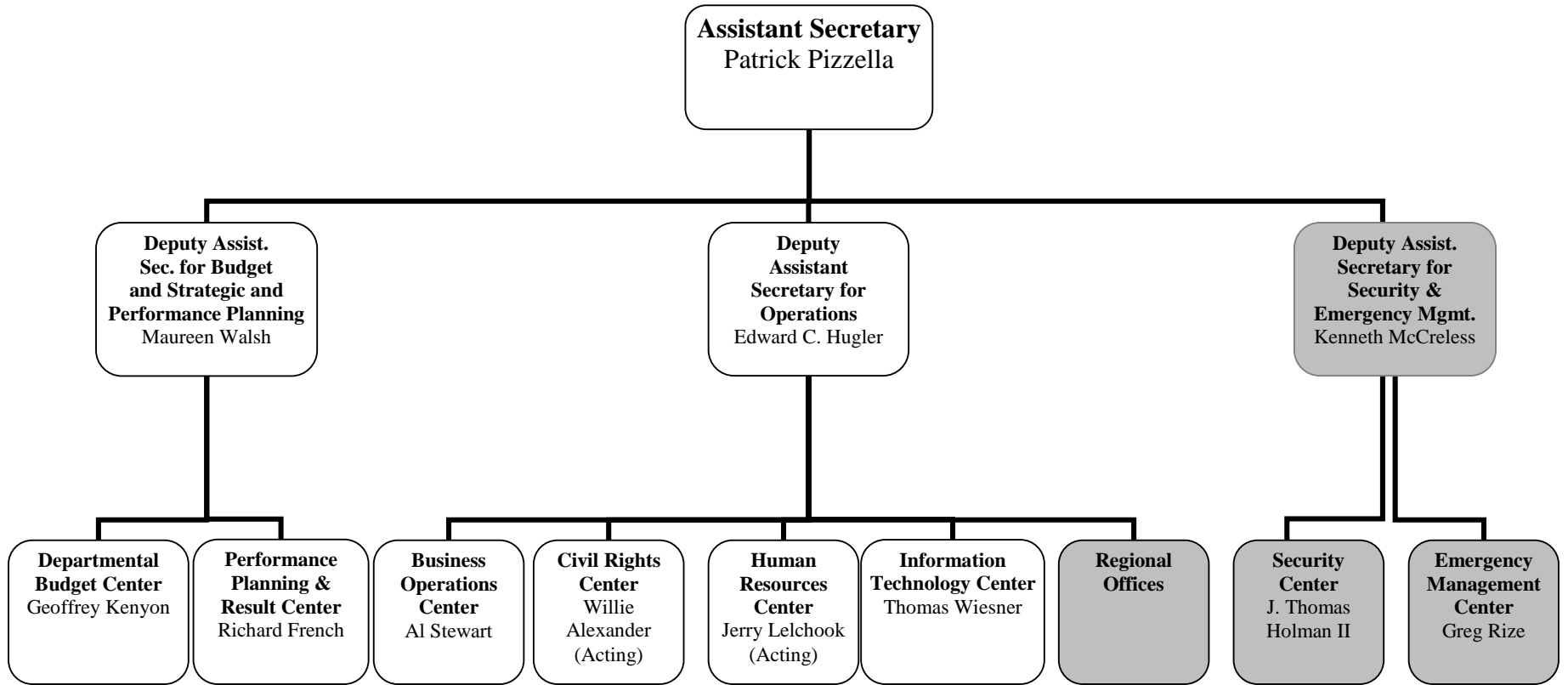
**DEPARTMENTAL MANAGEMENT**

**INTERNATIONAL LABOR AFFAIRS**



**DEPARTMENTAL MANAGEMENT**

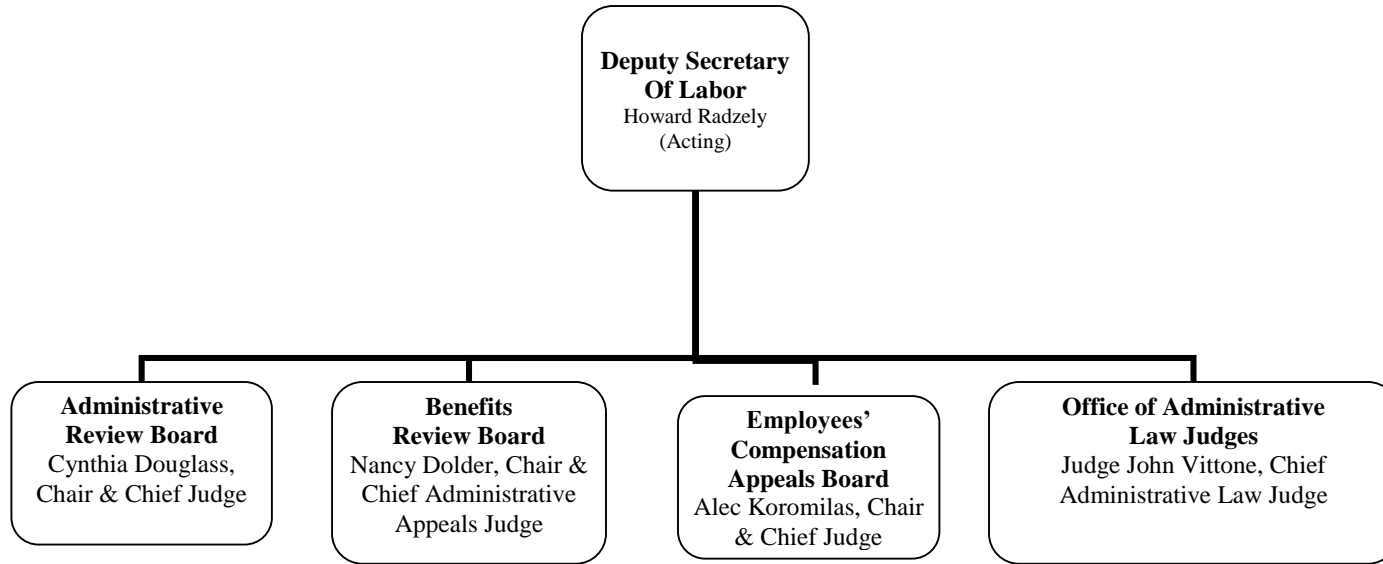
**OFFICE OF ASSISTANT SECRETARY FOR  
ADMINISTRATION AND MANAGEMENT**



Shaded areas receive funding from WCF

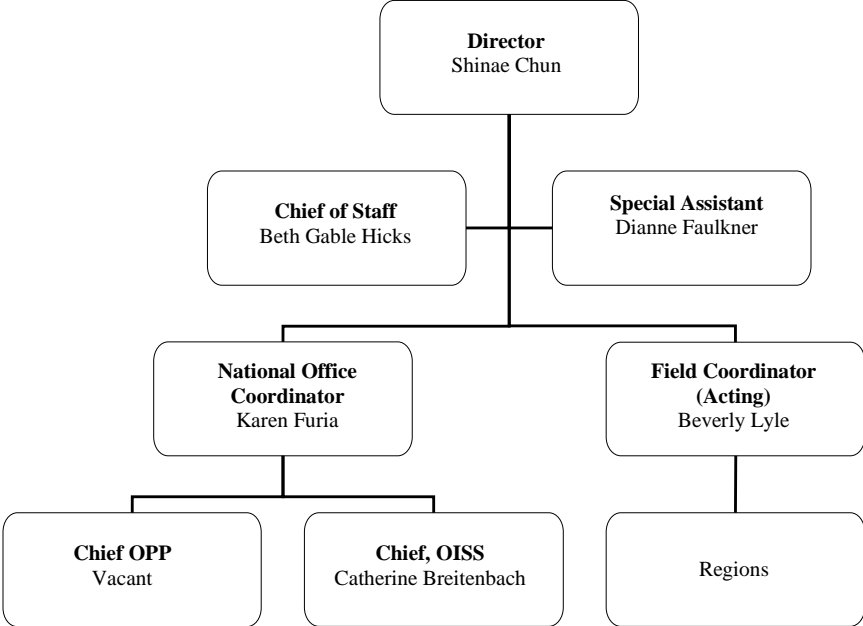
**DEPARTMENTAL MANAGEMENT**

**ADJUDICATION**



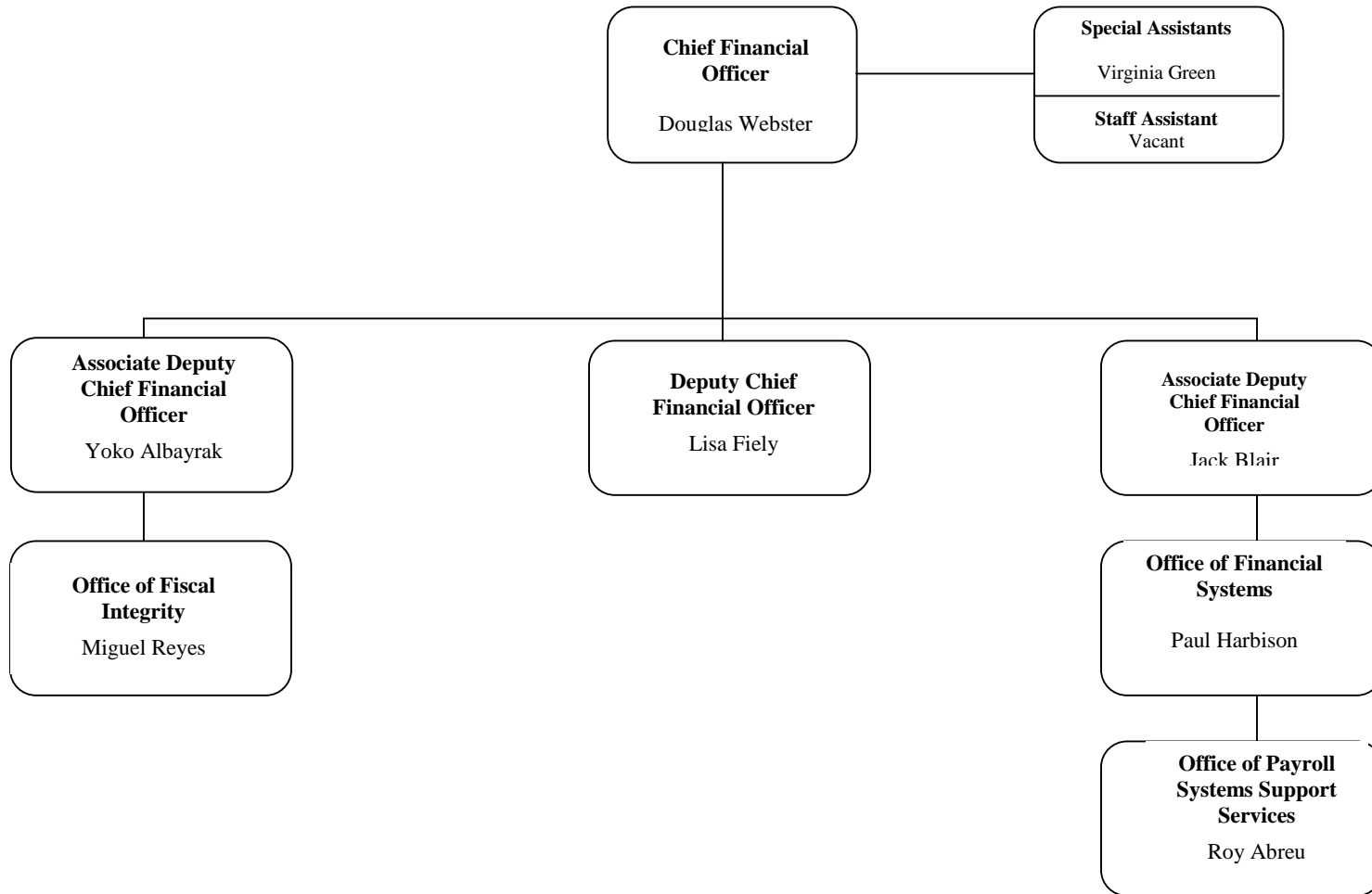
**DEPARTMENTAL MANAGEMENT**

**WOMEN'S BUREAU**



**DEPARTMENTAL MANAGEMENT**

**OFFICE OF THE CHIEF FINANCIAL OFFICER**



**PROGRAM DIRECTION AND SUPPORT**

<b>Budget Authority Before the Committee</b> (Dollars in Thousands)						
	<b>FY 2007 Comparable</b>	<b>FY 2008 Enacted</b>	<b>FY 2008 Estimate</b>	<b>Diff. FY07 Comp/ FY 08 Est</b>	<b>FY 2009 Request</b>	<b>Diff. FY 08 Est/FY 09 Req</b>
<b>Activity Appropriation</b>	<b>27,871</b>	<b>22,831</b>	<b>22,831</b>	<b>-5,040</b>	<b>29,714</b>	<b>6,883</b>
<b>FTE</b>	<b>152</b>	<b>140</b>	<b>140</b>	<b>-12</b>	<b>150</b>	<b>10</b>

NOTE: FY 2007 reflects actual FTE. Authorized FTE for FY 2007 was 135.

**Introduction**

The Program Direction and Support (PDS) activity includes the following nine organizations: (1) the Immediate Office of the Secretary of Labor, (2) the Office of the Deputy Secretary of Labor, (3) the Office of the Assistant Secretary for Policy (OASP), (4) the Office of Congressional and Intergovernmental Affairs (OCIA), (5) the Office of Public Affairs (OPA), (6) the Office of Small Business Programs (OSBP), (7) the Office of Public Liaison, (8) the Office of the 21st Century Workforce, and (9) the Center for Faith-Based and Community Initiatives.

This activity provides leadership and direction for the various agencies of the Department. Other responsibilities include: (1) serving as the primary economic advisor to the Secretary of Labor and providing economic analysis of special topical initiatives as well as general issues; (2) overseeing a program of analysis and general research on issues affecting the American workforce; (3) evaluating the effectiveness of Departmental programs; (4) coordinating the Department’s workplace substance abuse control program; (5) serving as the principal representative on the Department’s legislative program; (6) coordinating legislative proposals with staff of other Federal agencies; (7) maintaining a program of public information and communications to inform the public of the services and protection afforded by Departmental agencies; and (8) monitoring procurement actions to ensure that small and disadvantaged businesses are provided maximum opportunities to participate in Departmental contracting activities for supplies and services.

**Five-Year Budget Activity History**

<b>Fiscal Year</b>	<b>Funding (Dollars in Thousands)</b>	<b>FTE</b>
2004	27,084	161
2005	26,717	151
2006	25,534	135
2007	28,189	135
2008	22,831	140

## **PROGRAM DIRECTION AND SUPPORT**

### **FY 2009**

The FY 2009 budget requests \$29,714,000 and 150 FTE for PDS which includes an increase of \$5,849,000 for the restoration of funds for inflationary increases not provided under P.L. 110-161 . This level will ensure effective support of the Secretary, Deputy Secretary and Office of the Secretary (OSEC) leadership on key DOL initiatives; centralize timely and effective policy review and economic analysis; and enhancement of DOL's compliance assistance initiatives. Departmental public outreach will be accomplished through OPA with a comprehensive, nationwide public affairs program designed to inform the public of the Department's laws, policies, programs and activities in an effective, efficient, and economic manner with a full range of services and staff support. Furthermore, the Department will be able to quickly, accurately, and thoroughly respond to national emergencies as well as local emergencies under DOL's jurisdiction such as the Sago mine accident in 2006.

OASP will continue to lead and coordinate the Department's ongoing involvement in interagency planning and policy development efforts in support of the National Strategy for Pandemic Influenza and the Implementation Plan. OASP will also continue to lead a workgroup established by the Homeland Security Council to coordinate guidance for and outreach to the private sector. Through its ongoing work with agency compliance assistance liaisons, OASP will support the Secretary's priority to continue expanding enforcement agencies' compliance assistance programs as part of a comprehensive commitment to protecting workers. Furthermore, OASP will provide recommendations and analyses of issues concerning long and short-term economic trends in macroeconomic and microeconomic policy areas.

OCIA and the Public Liaison will continue to work on legislative issues. OCIA works to secure passage of DOL objectives through Congress but is also tasked with assisting the President in achieving overall legislative objectives for the Administration, which may include objectives in which DOL plays only a secondary role. OCIA serves the Secretary, Deputy Secretary and their immediate staff, as well as agency Assistant Secretaries in the development and implementation of policies that affect legislative programs while maintaining Congressional relationships. The Public Liaison works directly for OSEC, advises the Secretary on policy and legislation affecting Departmental programs and priorities, and advises the Secretary and Deputy Secretary on constituency concerns.

This funding level will enable OPA to carry out a nationwide communications program covering a wide range of Departmental programs and activities as they relate to employment and earnings, employment standards, pensions, worker training and placement support services, veterans' training and job rights, workplace safety and health, youth initiatives, child labor, international labor issues, labor statistics, equal employment opportunity workplace initiatives, disabled employment issues.

Business growth and preparation programs will continue to be administered through the Office of the 21<sup>st</sup> Century Workforce, which seeks to prepare the American worker for the jobs of the next century through OSBP. OSBP will accomplish its goal through four strategies: (1) ensure procurement-related utilization of small, disadvantaged and women-owned businesses and minority colleges and universities; (2) promote DOL interaction with minority-owned colleges



## **PROGRAM DIRECTION AND SUPPORT**

and universities (MCUs); (3) serve as the Department's central referral point for compliance assistance and administrative oversight of DOL advisory committees and similar activities; and (4) provide outreach to and education of small businesses including those owned by minorities, women, veterans, and people with disabilities; and assist small businesses with all of the Department's programs that affect them.

## PROGRAM DIRECTION AND SUPPORT

### CHANGES IN FY 2009

(Dollars in Thousands)

#### Activity Changes

##### Built-In

To Provide For:	
Costs of pay adjustments	376
Personnel benefits	94
One day less of Pay	-54
Federal Employees Compensation Act (FECA)	57
Travel	0
Transportation of things	0
GSA Space Rental	44
Communications, utilities & miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services	0
Working Capital Fund	517
Other government accounts (DHS Charges)	0
Purchase of goods and services from other Government accounts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
<b>Built Ins Subtotal</b>	<b>1,034</b>

<b>Net Program</b>		<b>5,849</b>
<b>Direct FTE</b>		<b>10</b>
	<b>Estimate</b>	<b>FTE</b>
<b>Base</b>	<b>23,865</b>	<b>140</b>
<b>Program Increase</b>	<b>5,849</b>	<b>10</b>

## LEGAL SERVICES

<b>Budget Authority Before the Committee</b> (Dollars in Thousands)						
	<b>FY 2007 Comparable</b>	<b>FY 2008 Enacted</b>	<b>FY 2008 Estimate</b>	<b>Diff. FY07 Comp/ FY 08 Est</b>	<b>FY 2009 Request</b>	<b>Diff. FY 08 Est/FY 09 Req</b>
<b>Activity Appropriation</b>	<b>93,543</b>	<b>94,900</b>	<b>94,900</b>	<b>1,357</b>	<b>108,243</b>	<b>13,343</b>
<b>FTE</b>	<b>575</b>	<b>588</b>	<b>588</b>	<b>13</b>	<b>643</b>	<b>55</b>

Note: FY 2007 reflects actual FTE. Authorized FTE for FY 2007 was 604.

### **Introduction**

The Office of the Solicitor (SOL) is the legal services arm of the Department of Labor. The mission of SOL is to “meet the legal service demands of the entire Department . . . , including providing the legal support necessary to enable the Secretary of Labor to accomplish her goals.” SOL, which itself conducts much of the litigation to enforce the nation’s labor and employment laws, supports accomplishment of all of the Department’s Strategic Goals by:

- undertaking litigation to carry out the Secretary’s priority enforcement initiatives;
- defending the actions taken by the Secretary and the program agencies of the Department;
- providing technical comments and legal review of legislation, regulations Executive Orders, and other matters affecting Departmental programs; and by
- providing legal advice to the Secretary, Departmental and agency officials.

SOL’s nine Divisions and eight Regions provide the legal advice and enforcement services necessary for each one of the Department’s programs and initiatives.

After experiencing a number of years with decreasing resources, SOL continues to be challenged by the increasing demands resulting from current enforcement initiatives in areas such as Mine Safety and Health (MSHA), Wage and Hour enforcement among low-wage and immigrant workers, and protection of workers on temporary visas.

SOL’s FY 2008 appropriated budget decreased the funding level of the President’s budget submission by approximately \$7 million or about 8%, thus seriously limiting SOL’s ability to recover from continuing loss of capacity. At the same time, SOL’s client agencies, MSHA and Occupational Safety and Health Administration, continue to experience significant increases in enforcement FTE. The FY 2008 appropriated budget constitutes a 1.3% increase of the FY 07 actual expenditures. Considering the rate of inflation, SOL is compelled to absorb all non-discretionary increases, and thus experience an actual reduction of resources.

The attorneys and legal support professionals of SOL strive to provide prompt, high quality legal representation with an emphasis on cases that aid the least fortunate workers, involve workers who are least able to obtain other assistance, involve employers who refuse to cooperate with investigations or audits, or involve the most harmful violators.

## LEGAL SERVICES

### **Strategic Goals Supported by SOL's Appropriation/Budget Activity**

“SOL's Strategic Goals relate to legal services necessary to support all of the Secretary's strategic goals. Depending upon the program area for which the services are provided, meeting SOL's goals is a contributing factor in permitting DOL agencies to meet the goals . . .” of the Department. (SOL Strategic Plan FY 2006-2011.)

To achieve these outcomes, SOL will:

Goal 1: Maintain an Effective Litigation Strategy that Advances Departmental Goals.

Goal 2: Ensure DOL Regulations Achieve Agency Policy Objectives and Comply with All Legal Requirements.

Goal 3: Take all Action Necessary so that DOL Actions are Based on Sound Legal Advice.

### **FY 2009**

At the Agency Request Level, SOL will be able to make some progress toward recovering its FY 2006 case handling capacity while safeguarding the high quality of its performance. The Agency Request level will enable SOL to handle more litigation matters, regulation projects and opinion/advice matters in FY 2009 than it is able to handle at the appropriated budget level in FY 2008. Thus, the agency will be able to begin making some progress back to its FY 2006 case handling capacity. Nevertheless, even at the FY 2009 agency request level, compared with agency capacity in FY 2006, SOL will be handling 8.5% fewer litigation matters, 36 % fewer regulatory projects and providing 15.5% fewer opinions/advice.

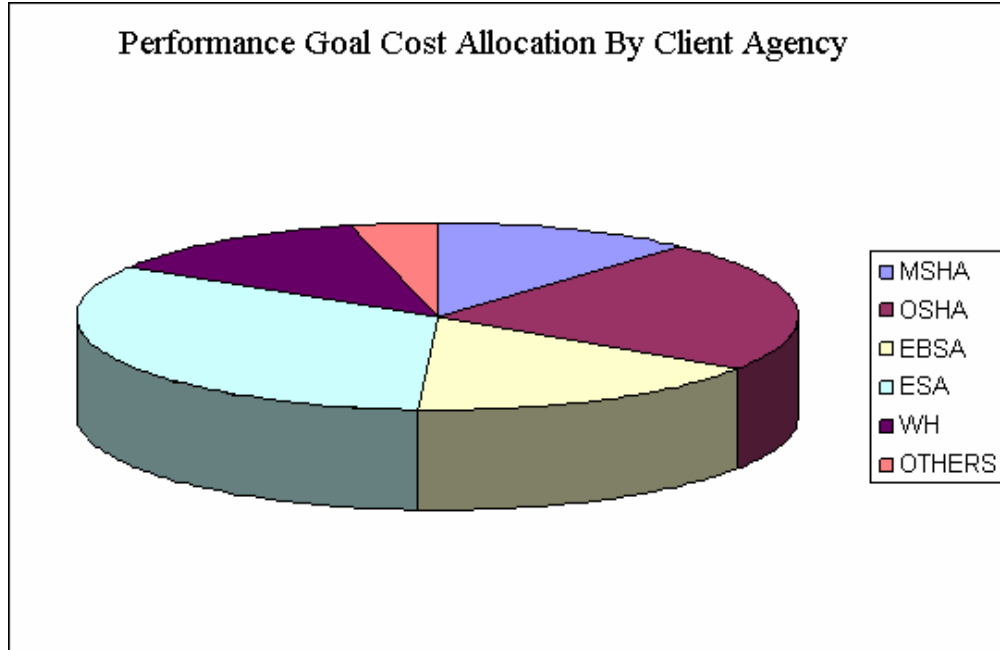
### **Reporting Performance Cost Allocation for Non-legal Services:**

The appropriated budget level for FY 2008 does not adequately address the lack of funding for approximately 30 existing aggregate SOL FTE who provide non-legal services at the request of the Department, since increased demands on SOL's case handling capacity constrict the agency's ability to respond to all service requests from its clients. As the result of a cost reporting restructure in response to the PART recommendations, SOL can report that in FY 2007 approximately 26.3 aggregate FTE continue to be engaged in non-legal services for SOL's clients.

### **Cost Accounting Manager (CAM) Client Agency Expense Allocation:**

The chart below shows the expenditures by SOL related to each client agency during FY 2006 (the most recent full year currently available,) reflecting the Department-wide reach of SOL's legal services.

## LEGAL SERVICES



### SOL's FY 2006 PART Review

In its FY 2006 part review SOL was rated “Moderately Effective”, receiving credit for ambitious goals and strong management. The PART concluded that SOL needed improvement in 1) implementing independent program review, and 2) implementation of a budget solution for the non-legal services that the agency currently provides to client agencies at the request of the Department.

SOL has addressed the independent program review issue through the implementation of a major program review to assess the extent to which SOL legal opinion/advice to DOL client agencies has been timely and accessible, and has provided the DOL agencies with information that has enabled those agencies to better advance DOL's goals. Opinion/advice activity represents about 22.8% of SOL's overall work effort. The program evaluation is directly keyed to SOL's Strategic Goal 3: DOL Actions are Based on Sound Legal Advice. The results of the program evaluation establish that SOL's clients generally consider SOL's opinion/advice activity to be timely, understandable and valuable to them. In addition, the evaluation suggests a number of ways in which SOL can continue to improve this function, and the agency is in the process of developing an action plan in that regard.

The FY 2008 appropriated budget level does not fully address OMB's second concern regarding funding non-legal services provided to client agencies by including funding for the approximately 30 aggregate FTE engaged in those activities.

## LEGAL SERVICES

### Five-Year Budget Activity History

<b>Fiscal Year</b>	<b>Funding (Dollars in Thousands)</b>	<b>FTE</b>
2004	87,879	666
2005	87,355	592
2006	87,886	604
2007	93,543	604
2008	94,900	588

### FY 2009

SOL is requesting increases in its base funding to provide 1 SOL FTE for every 10 additional client agency enforcement FTE:

- 8 aggregate FTE for additional legal services support of Employment Standards Administration (ESA) enforcement programs of the Wage and Hour Division and the Office of Labor Management Services. ESA is seeking 75 FTE for its Wage and Hour Division (WHD) in FY 2009 for the purpose of increasing enforcement of Wage and Hour laws in low-wage industries. ESA is also seeking 16 FTE for its Office of Labor Management Standards (OLMS) in FY 2009 to enhance support of OLMS's enforcement activities to deter and detect fraud and embezzlement of union funds. Eight SOL FTE are necessary to provide the legal support of the additional 91 ESA enforcement FTE in both of these initiatives.
- 5 aggregate FTE for additional legal services support of Mine Safety and Health Administration (MSHA) enforcement programs. MSHA is seeking 55 FTE in FY 2009 to improve its inspection completion rate.
- 1 aggregate FTE for additional legal services support for the Employee Benefits Security Administration's enforcement program. EBSA is seeking 12 FTE (through a reallocation of resources) in FY 2009 to be able to conduct additional investigations with a more focused effort in specialized areas such as commercial lending, valuations of closely held companies, real estate valuations, limited liability corporations new and complex investment arrangements, and other specialized areas as appropriate. SOL and EBSA have agreed this activity will increase the need for legal support.

These requests reflect SOL's continuing commitment to restore its case-handling capacity, which has dropped 18% between FY 2006 and FY 2007 because of the decrease in SOL's FTE complement. As a result the following FY 2008 requests will be restored:

- 30 FTE to provide non-legal administrative services to DOL client agencies (\$4.34 million)
- 4 WHD enforcement FTE (\$0.6 million)
- 2 OLMS enforcement FTE (\$.225 million)
- Pay and inflation increase (\$2.34 million)

## LEGAL SERVICES

In addition, SOL anticipates that these requests will adequately fund the 17 MSHA FTE from the FY 2008 Omnibus Bill.

The FY 2009 budget for SOL includes an increase of \$10,169,000 and 55 FTE for the restoration of funds for inflationary increases not provided under P.L. 110-161, as well as a decrease of \$271,000 in the Black Lung Disability Trust Fund program.

### **Efficiency Measures**

This efficiency measure commits SOL to improve its performance under SOL Strategic Goal 2: DOL Regulations Achieve Agency Policy Objectives and Comply with ALL Legal Requirements, by increasing the on-time delivery of regulations, so that DOL regulatory processes obtain final outcomes more quickly.

SOL has been focusing intensely on improving the alignment of its resources with its own Strategic Goals, DOL's Goals and client agency performance goals. As is stated elsewhere in this submission, the agency is utilizing the conceptual framework of Human Capital Assessment and Accountability Framework (HCAAF) as the superstructure within which our strategic development is structured. SOL's PART score validates that it has begun to make substantial progress toward optimum efficiency in bringing resources directly to bear on client agencies' rapidly varying legal service needs.

The IT/litigation support and training/professional development funds requested in this submission will improve the efficiency of SOL. The modest targeted additional FTE requested will enable SOL to address critical aspects of the President's Management Agenda and the Secretary's Strategic Goals.

## LEGAL SERVICES

### CHANGES IN FY 2009

(Dollars in Thousands)

#### Activity Changes

##### Built-In

To Provide For:

Costs of pay adjustments	2,062
Personnel benefits	601
One day less of Pay	-307
Federal Employees Compensation Act (FECA)	-51
Travel	0
GSA Space Rental	146
Communications, utilities & miscellaneous charges	0
Printing and reproduction	0
Other services	0
Working Capital Fund	994
Other government accounts (DHS Charges)	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0

**Built Ins Subtotal** 3,445

**Net Program** 9,898

**Direct FTE** 55

**Estimate FTE**

**Base** 98,345 588

**Program Increase** 10,169 55

**Program Decrease** -271 0



## INTERNATIONAL LABOR AFFAIRS

<b>Budget Authority Before the Committee</b> (Dollars in Thousands)						
	<b>FY 2007 Comparable</b>	<b>FY 2008 Enacted</b>	<b>FY 2008 Estimate</b>	<b>Diff. FY07 Comp/ FY 08 Est</b>	<b>FY 2009 Request</b>	<b>Diff. FY 08 Est/FY 09 Req</b>
<b>Activity Appropriation</b>	72,516	81,074	81,074	8,558	14,822	-66,252
<b>FTE</b>	83	81	81	-2	58	-23

NOTE: FY 2007 reflects actual FTE. Authorized FTE for FY 2007 was 85.

### **Introduction**

International Labor Affairs Bureau's (ILAB) supports the President's international agenda in areas: (1) international trade and labor, including mandates related to free trade agreements; (2) international child labor, forced labor, and human trafficking, including reporting and program mandates; and (3) international organizations, including mandated representation before the International Labor Organization (ILO) and the labor components of other international bodies.

ILAB works with other federal agencies to promote democracy and a more free and open global economy. As part of its goal of promoting democracy and free markets around the world, the Administration supports efforts to increase adherence to core international labor standards, including the elimination of child labor, forced labor and human trafficking. ILAB has played a major role in support of this effort through its research and reporting, technical cooperation programs, representation of U.S. interests before international organizations, and in advancing the labor-related priorities of the President's free trade agenda.

### **Five-Year Budget Activity History**

<b>Fiscal Year</b>	<b>Funding (Dollars in Thousands)</b>	<b>FTE</b>
2004	109,862	106
2005	93,248	95
2006	72,516	85
2007	72,516	85
2008	81,074	81

### **FY 2009**

The 2009 Budget returns ILAB to its original mission of research, advocacy, and technical assistance by eliminating its directly appropriated grant making activities. Between 1996 and 2001, ILAB's funding rose by 1,500 percent, when the agency embarked on an expansive grant making mission to combat international child labor, develop and disseminate AIDS prevention information in the international workplace support core labor standards development, and provide bilateral technical assistance. Foreign assistance is more appropriately financed and managed through State, USAID, and other international agencies.

## INTERNATIONAL LABOR AFFAIRS

With a budget of \$14,822 in FY 2009 ILAB will perform to its core activities related to international research and analysis, and fulfill its congressional and other legal mandates, including the Trade Acts of 2000 and 2002 and the Trafficking Victims Protection Reauthorization Act of 2005. ILAB will continue to carry out the administrative requirements of the labor provisions of free trade agreements (FTAs) with Mexico, Canada, Chile, Singapore, Australia, Jordan, Oman, Baharain, Morocco, and Central American-Dominican Republic (CAFTA-DR), and other FTAs. ILAB will also continue to coordinate U.S. Government participation in the International Labor Organization (ILO), the Employment, Labor and Social Affairs Committee of the Organization for Economic Cooperation and Development (OECD), and the labor components of other international organizations; engage in policy discussions/negotiations (including the negotiation of the labor aspects of trade agreements) with foreign governments and other key stakeholders; and continue to participate in the interagency process developing policy on trade, labor and economic matters.

ILAB will also continue to support the administration's international initiatives, including monitoring and conducting research on international labor issues that relate to key U.S. foreign policy interests, particularly with respect to worker rights, democracy promotion, and economic cooperation; monitoring and combating child labor, forced labor, and human trafficking carried out in foreign countries; publishing a list of goods from countries produced with forced labor or child labor; creating a standard set of practices to reduce the likelihood of forced labor or child labor; promoting international implementation of core labor standards; and conducting research and report annually on efforts by governments, who are recipients of trade preferences under the Generalized System of Preferences to meet their international commitments to eliminate the worst forms of child labor.

DOL will continue to use its considerable expertise in the field of child labor, labor standards, social safety nets, HIV/AIDS in the workplace issues to support the Department of State's international efforts in the labor area and will help ensure the United States Government's international labor effects remain strategically sound.

### Performance Discussion

The work conducted by the Bureau of International Labor Affairs (ILAB) contributes to the Department's goal of a **Competitive Workforce** (Strategic Goal 2), specifically the Department's efforts to *contribute to the worst forms of child labor internationally* (Performance Goal 07-2K).

ILAB has identified three major outcomes resulting from its efforts to promote internationally recognized workers rights and labor standards. Outcomes 1 and 2 are policy in nature, while the Outcome 3 is comprised both of technical cooperation projects (and transfers to the Department) and policy initiatives. Outcomes are as follows:

Outcome 1: Assure DOL goals and policies are represented and effectively promoted in international organizations in coordination with other USG agencies to ensure full consideration and measures success in promoting the U.S. national interest. These outcomes include: promoting effective implementation of core labor standards, building a global economic

## INTERNATIONAL LABOR AFFAIRS

environment conducive to growth, trade and employment; and ensuring that workers and businesses are provided with opportunities to prosper in a stable and secure economy.

Outcome 2: Assures that full consideration is given to the impact of trade and investment policies on U.S. workers, so that U.S. workers can compete in a global economy.

Measures are currently in development for Outcomes 1 and 2.

Outcome 3: Monitors and reports on the incidence of child labor, forced labor and human trafficking in violation of international standards, and contributes through technical cooperation to the elimination of the worst forms of child labor internationally.

ILAB has developed performance and cost efficiency measures dealing with the child labor technical assistance programs. These performance measures promote DOL Performance Goal 07-2K), to contribute to the elimination of the worst forms of child labor internationally.

### **A Competitive Workforce: Contribute to the elimination of the worst forms of child labor internationally (DOL-07-2K).**

Indicators, Targets and Results	FY 2006	FY 2007		FY 2008	FY 2009
	Result	Target	Results	Target	Target
Indicator#1: Number of children prevented or withdrawn from child labor and provided education or training opportunities as a result of DOL-funded child labor elimination projects.	238,733	139,000	228,966	128,914	70,958
Indicator#2: Number of countries with increased capacities to address child labor as a result of DOL-funded child labor elimination projects.	55	31	48	33	17

\* Although Congress appropriated more funding for grant programs in FY 2008, these targets reflect performance on projects funding in prior fiscal years. For example, ILAB grantees will complete projects in 2008 initially funded in FY03. This reduction also reflects an increase in resources devoted to programs that focus on sectors and countries where the cost of withdraw and prevention is higher, such as removing children from trafficking and commercial sex trade, and a decrease in programs that focus on sectors and countries where the cost of withdraw and prevention is lower.

# INTERNATIONAL LABOR AFFAIRS

## CHANGES IN FY 2009

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:	
Costs of pay adjustments	166
Personnel benefits	41
One day less of Pay	-24
Federal Employees Compensation Act (FECA)	-30
Travel	0
GSA Space Rental	19
Communications, utilities & miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services	0
Working Capital Fund	553
Other government accounts (DHS Charges)	0
Purchase of goods and services from other Government accounts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants	0
<b>Built Ins Subtotal</b>	<b>725</b>

<b>Net Program</b>		<b>-66,977</b>
<b>Direct FTE</b>		<b>-23</b>
	<b>Estimate</b>	<b>FTE</b>
<b>Base</b>	<b>81,799</b>	<b>81</b>
<b>Program Decrease</b>	<b>-66,977</b>	<b>-23</b>

## ADMINISTRATION AND MANAGEMENT

<b>Budget Authority Before the Committee</b> (Dollars in Thousands)						
	<b>FY 2007 Comparable</b>	<b>FY 2008 Enacted</b>	<b>FY 2008 Estimate</b>	<b>Diff. FY07 Comp/ FY 08 Est</b>	<b>FY 2009 Request</b>	<b>Diff. FY 08 Est/FY 09 Req</b>
<b>Activity Appropriation</b>	<b>32,865</b>	<b>32,291</b>	<b>32,291</b>	<b>-574</b>	<b>34,370</b>	<b>2,079</b>
<b>FTE</b>	<b>111</b>	<b>111</b>	<b>111</b>	<b>0</b>	<b>111</b>	<b>0</b>

NOTE: FY 2007 reflects actual FTE. Authorized FTE for FY 2007 was 111.

### **Introduction**

The Office of the Assistant Secretary for Administration and Management (OASAM) provides the infrastructure and support that enables DOL to perform its mission which is supported by four DOL strategic goals: A Prepared Workforce, A Competitive Workforce, Safe and Secure Workplaces, and Strengthened Economic Protections.

OASAM provides leadership and support for Department via the following management disciplines: Business Operations, Procurement, Budget and Performance Integration, Information Technology, Human Resources, Civil Rights, Security and Emergency Management, and Strategic Planning.

Administration and Management also consists of a central organizational unit that administers and oversees the President’s Management Agenda (PMA). OASAM is responsible for implementing four of the five government-wide initiatives in the PMA, which DOL is green in each category. Strategic Management of Human Capital, Competitive Sourcing, Expanded E-Government, Budget and Performance Integration. OASAM is also responsible for the Real Property initiatives, which has a yellow status score with green in progress.

Administration and Management is able to achieve its mission through the following business units designed as centers of excellence. Each center is responsible for their respective mission and ensures seamless and transparent information sharing. Below are the five centers:

- Departmental Budget Center (DBC)
- Center for Program Planning and Results (CPPR)
- Human Resources Center (HRC)
- Information Technology Center (ITC)
- Business Operations Center (BOC)

The OASAM strategic goal to “effectively coordinate and implement DOL management priorities” is supported by three outcome goals of Effective Departmental Leadership, Customer Focused, and Effective Departmental Oversight. OASAM Centers are performing at or above most performance targets and will aim for increasingly ambitious targets in outgoing years.

## **ADMINISTRATION AND MANAGEMENT**

### Real Property Asset Management

Pursuant to the guidance contained in Executive Order 13327, and the Real Property Asset Management program initiative of the PMA Federal Real Property Council (FRPC), the following performance measures were developed in an effort to develop a more enhanced approach to managing the Department's real property:

- Mission Dependency
- Utilization
- Condition Index
- Operating and Maintenance Costs.

OASAM directly manages its Frances Perkins Building (FPB) headquarters under a delegation from the General Services Administration (GSA). OASAM also manages the rental of regional and field office space, arranging these leases through GSA.

### Five-Year Budget Activity History

<b>Fiscal Year</b>	<b>Funding (Dollars in Thousands)</b>	<b>FTE</b>
2004	33,153	126
2005	32,214	125
2006	32,865	125
2007	32,865	111
2008	32,291	111

### FY 2009

In FY 2009, OASAM's budget request is of \$34,370,000 and 111 FTE OASAM which includes an increase of \$1,071,000 for restoration of funds for inflationary increases not provided under P.L. 110-161. OASAM will continue to provide quality service including IT, HR, Procurement and other administrative services.

OASAM will continue to ensure that its IT governance and support will allow on-going deployment of an efficient and effective technology infrastructure to its customers. In FY 2009, OASAM will continue to plan, acquire and implement new information technology, business solutions, systems, services, and capabilities that support all IT functions. In addition, OASAM plans to further integrate and align with the federal-wide e-government efforts.

In FY 2009, OASAM will continue to support competitive sourcing goals which are part of the PMA.

OASAM will continue to focus on providing the direction and support services necessary to meet the Department's management priorities. As the Department continues adapting to the digital era and transforms its business processes to take advantage of opportunities provided by technologies advancements, the need for effective and efficient management of electronic information is becoming increasing critical. DOL will continue to move forward to lay the groundwork for an electronic document and records management solution for DOL.

## **ADMINISTRATION AND MANAGEMENT**

OASAM will continue to establish DOL as a model workplace by assuring that the right people are in the right place at the right time to carry out the mission of the Department and that the workforce is prepared, diverse, and competent.

OASAM will continue to support the PMA Real Property Asset Management initiative; DOL will continue to implement the Asset Management Plan through three-year timeframe. Through planned milestones and performance targets, the timeline aims to achieve three primary goals for the Department's real property inventory: eliminating surplus assets, managing the cost of inventory, and improving the condition of critical assets. The Department's continued progress in space consolidation, disposition, and improving condition will be tracked through this time line.

Finally, OASAM will continue to take the required steps to ensure the physical safety of the Department's workforce and facilities is maintained and enhanced. While this activity is funded under the Working Capital Fund, OASAM is still committed to providing the necessary tools by which the Secretary and the Department's executive leadership will manage and direct programs and resources in preparation for, in response to and the recovery from a full spectrum of natural or manmade security situations or emergencies. OASAM will continue to be dedicated to providing guidance to the Department in order to protect the physical, informational, and personnel security requirement of the Department.

## ADMINISTRATION AND MANAGEMENT

### CHANGES IN FY 2009

(Dollars in Thousands)

#### Activity Changes

##### Built-In

To Provide For:	
Costs of pay adjustments	439
Personnel benefits	87
One day less of Pay	-61
Federal Employees Compensation Act (FECA)	-15
Travel	0
GSA Space Rental	38
Communications, utilities & miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services	0
Working Capital Fund	520
Other government accounts (DHS Charges)	0
Purchase of goods and services from other Government accounts	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
<b>Built Ins Subtotal</b>	<b>1,008</b>

<b>Net Program</b>	<b>1,071</b>
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<b>Direct FTE</b>	<b>0</b>
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	<b>Estimate</b>	<b>FTE</b>
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<b>Base</b>	<b>33,299</b>	<b>111</b>
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<b>Program Increase</b>	<b>1,071</b>	<b>0</b>
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## ADJUDICATION

<b>Budget Authority Before the Committee</b> (Dollars in Thousands)						
	<b>FY 2007 Comparable</b>	<b>FY 2008 Enacted</b>	<b>FY 2008 Estimate</b>	<b>Diff. FY07 Comp/ FY 08 Est</b>	<b>FY 2009 Request</b>	<b>Diff. FY 08 Est/FY 09 Req</b>
<b>Activity Appropriation</b>	<b>45,363</b>	<b>44,186</b>	<b>44,186</b>	<b>-1,177</b>	<b>47,374</b>	<b>3,188</b>
<b>FTE</b>	<b>256</b>	<b>212</b>	<b>212</b>	<b>-44</b>	<b>269</b>	<b>57</b>

NOTE: FY 2007 reflects actual FTE. Authorized FTE for FY 2007 was 300.

### **Introduction**

The Adjudication activity funds four components, (1) the Office of the Administrative Law Judges (OALJ) and the Adjudicatory Boards which include (2) the Administrative Review Board (ARB), (3) the Benefits Review Board (BRB), and (4) the Employees' Compensation Appeals Board (ECAB).

**The Office of Administrative Law Judges (OALJ)** presides over formal hearings concerning many labor-related matters. The office's mission is to render fair and equitable decisions under the governing law, the facts of each case, and the procedures mandated by the Administrative Procedure Act (APA).

Hearings concerning Black Lung benefits and Longshore workers' compensation constitute the largest part of the office's work. The Department's administrative law judges, however, also hear and decide cases arising from over 80 labor-related statutes and regulations, including, for example, such diverse subjects as:

- Grants administration relating to training of the unskilled and economically disadvantaged
- Civil Rights
- Alien labor certifications and attestations
- Whistleblower complaints involving corporate fraud, nuclear, environmental, pipeline safety, aviation, commercial trucking, railways, and other statutes
- Minimum wage disputes
- Enforcement actions involving the working conditions of migrant farm laborers
- Disputes involving child labor violations hearings on mine safety variances
- OSHA formal rulemaking proceedings
- Civil fraud in federal programs
- Certain recordkeeping required by ERISA and
- Standards of conduct in union elections.

Designated judges also serve as members of the Board of Alien Labor Certification Appeals. In addition to formal adjudication, OALJ implements alternative dispute resolution through its settlement judge process.

The decisions issued by OALJ affect workers and employers throughout the nation. Economic benefits are provided through adjudicating workers' compensation cases in the Black Lung and

## ADJUDICATION

Longshore programs. Safe and fair workplace environments are provided through adjudicating cases in the traditional program area such as whistleblower protection, Wage and Hour cases, and over 70 other types of cases involving employees and their employers.

The FY 2009 OALJ budget directly supports three of the DOL's strategic goals: a Prepared Workforce to enhance opportunities for American's workforce, Strengthened Economic Protections to promote economic security for workers and families, and Safe and Secure Workplaces that foster quality workplaces that are safe, healthy, and fair. OALJ has established performance goals for each of its programs to support these Departmental strategic goals.

The three **Adjudicatory Boards** review and determine several thousand appeals each year under federal workers' compensation, workforce security, and employee protection laws. The Boards have nationwide appellate jurisdiction and make legal interpretations, establish legal precedents, and set standards within their jurisdictional areas for the entire nation. Board decisions have a collective impact of several billions of dollars on American workers and the American economy.

**The Administrative Review Board (ARB)** reviews appeals under more than 50 statutory and regulatory authorities. Most of the ARB's caseload arises from whistleblower complaints under corporate fraud, environmental, nuclear, aviation and trucking statutes. The ARB also reviews challenges under the Davis-Bacon Act and the Service Contract Act, certain civil rights enforcement actions, and worker protection statutes such as the Child Labor Act. ARB decisions may be appealed to the federal courts. The Secretary of Labor consolidated three smaller appellate adjudicatory bodies in 1996 to create the ARB

**The Benefits Review Board (BRB)** has responsibility to review and decide appeals from decisions of Administrative Law Judges, and, in some instances, OWCP District Directors, regarding claims for disability benefits under the Black Lung Benefits Act and the Longshore and Harbor Workers' Compensation Act and extensions. The BRB was created by Congress in the early 1970's to provide a uniform standard of nationwide review for appeals of benefit claims under these Acts. BRB decisions may be appealed to the federal circuit courts and to the United States Supreme Court. Historically, less than 15% of cases are appealed beyond BRB, and 85% of these are affirmed. The BRB's Black Lung program is funded by the Black Lung Disability Trust Fund which provides approximately 75% of total BRB operating funds.

**The Employees' Compensation Appeals Board (ECAB)** was established in 1946 under a precursor of the Federal Employees' Compensation Act (FECA) to review and decide appeals of federal employees who may be ill or injured as a result of their federal employment. Any federal employee injured at work and adversely affected by a decision of the Labor Department's Office of Workers' Compensation Programs (OWCP) may request a review of that decision by ECAB. Jurisdiction extends to deciding questions of fact, as well as law, and the exercise of discretion. Decisions are based on the supporting case record. ECAB decisions are final, binding on OWCP, and not subject to judicial review.

## ADJUDICATION

The FY 2009 Board budgets promote three of the DOL's strategic goals. Eighty percent of Board resources supports the goal of Strengthened Economic Protections; eleven percent supports the goal of Safe and Secure Workplaces and nine percent supports a Prepared Workforce.

### Five-Year Budget Activity History

<b>Fiscal Year</b>	<b>Funding (Dollars in Thousands)</b>	<b>FTE</b>
2004	42,120	327
2005	42,095	313
2006	43,659	309
2007	45,363	256
2008	44,186	212

### FY 2009

The common strategy among the Adjudicatory units has been to increase output, reduce the number of pending appeals, shorten the time that the average appellant must wait to receive a decision, and provide efficient and effective services to both the public and private sectors. Funding at the FY 2009 level includes \$1,953,000 and 57 FTE. The Adjudicatory units will continue to implement these strategies. Strategic focus will also be directed towards enhancing the quality of case law, ensuring greater consistency among appeal decisions, and continuing to raise general standards of performance.

OALJ's mission and strategic goals will not change in FY 2009; the challenges it faces will. Housed within the OALJ is the Board of Alien Labor Certification Appeals (BALCA), which hears appeals of denials of permanent alien labor certification by Employment and Training Administration (ETA) regional certifying officers. Several years ago large numbers of permanent labor certification applications were filed in order to take advantage of section 245i of the Immigration and Nationality Act which allowed aliens who were out of status, entered the U.S. without inspection, or violated the terms of their non-immigrant status, to file a petition for adjustment of status if they were beneficiaries of a labor certification application. These filings overwhelmed ETA and associated State Workforce Agencies, resulting in a current backlog of approximately 340,000 pending applications. Consequently, ETA established Backlog Processing Centers in Philadelphia and in Dallas in accordance with an interim final rule published in the Federal Register on July 21, 2004. The rule allowed ETA to consolidate state and Federal functions of the application review process into centralized locations.

Historically, BALCA received appeals of approximately 1% of proceeded labor certifications. Because of the nature of section 245i cases -- which permits aliens to remain in status longer than they otherwise would and therefore provides a motive to applicants to string out the process as long as possible -- we anticipate that the percentage of appeals will dramatically increase. Thus, BALCA may be facing a very large increase in its caseload for several fiscal years -- possibly many thousands of appeals as compared to the more typical recent experience of 300 to 400 yearly appeals.

## ADJUDICATION

In FY 2009, the Adjudicatory Boards will continue to maintain the number of appeals closed, ensure the quality and consistency of decisions, and further improve the efficiency of their operations. The ARB expects to receive 130 new appeals and close approximately 150 appeals. The BRB anticipates a temporary increase in the number of new Black Lung appeals to 760 and expects to close 720 appeals. BRB expects to receive and close approximately 300 Longshore and related cases. Potential BALCA workload increases will have no direct impact on the Adjudicatory Boards since the ARB has no review authority for this type of immigration labor certification. It is not yet clear what the impact on the BRB and ARB workloads might be if OALJ resources were to be redeployed to BALCA from other programs. However, some workload shifts are expected in the Longshore and related cases program area as a result of the influx of Defense Base Act cases to OWCP and OALJ. By FY 2009, an appreciable number of these cases are expected to reach BRB, offsetting a down-turn in traditional Longshore cases. The ECAB expects to both receive and close approximately 2,225 appeals.

## ADJUDICATION

<b>WORKLOAD SUMMARY</b>			
	<b>FY 2007</b>	<b>FY 2008</b>	<b>FY 2009</b>
	<b>Actual</b>	<b>Target</b>	<b>Agency Request</b>
<b>DOL Adjudicatory Boards</b>			
<b>ARB</b>			
New Appeals	124	130	130
Closed Appeals	145	150	150
Pending End of Year	187	167	147
Pending in Months EoY	15.5	13.4	11.7
<b>BRB - BL</b>			
New Appeals	721	760	760
Closed Appeals	635	720	720
Pending End of Year	617	657	697
Pending in Months EoY	11.7	11.0	11.6
<b>BRB - LS</b>			
New Appeals	241	300	300
Closed Appeals	282	300	300
Pending End of Year	152	152	152
Pending in Months EoY	6.5	6.1	6.1
<b>ECAB</b>			
New Appeals	2,446	2,225	2,225
Closed Appeals	2,205	2,225	2,225
Pending End of Year	1,411	1,411	1,411
Pending in Months EoY	7.7	7.7	7.6

# ADJUDICATION

## CHANGES IN FY 2009

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	937
Personnel benefits	236
One day less of Pay	-135
Federal Employees Compensation Act (FECA)	-38
Travel	0
Transportation of things	0
GSA Space Rental	98
Communications, utilities & miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services	0
Working Capital Fund	857
Other government accounts (DHS Charges)	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0

**Built Ins Subtotal** **1,955**

**Net Program** **1,233**

**Direct FTE** **57**

	<b>Estimate</b>	<b>FTE</b>
<b>Base</b>	<b>46,141</b>	<b>212</b>
<b>Program Increase</b>	<b>1,953</b>	<b>57</b>
<b>Program Decrease</b>	<b>-720</b>	<b>0</b>

## WOMEN'S BUREAU

<b>Budget Authority Before the Committee</b> (Dollars in Thousands)						
	<b>FY 2007 Comparable</b>	<b>FY 2008 Enacted</b>	<b>FY 2008 Estimate</b>	<b>Diff. FY07 Comp/ FY 08 Est</b>	<b>FY 2009 Request</b>	<b>Diff. FY 08 Est/FY 09 Req</b>
<b>Activity Appropriation</b>	<b>9,666</b>	<b>9,660</b>	<b>9,660</b>	<b>-6</b>	<b>10,237</b>	<b>577</b>
<b>FTE</b>	<b>52</b>	<b>52</b>	<b>52</b>	<b>0</b>	<b>60</b>	<b>8</b>

NOTE: FY 2007 reflects actual FTE. Authorized FTE for FY 2007 was 60.

### **Introduction**

The Women's Bureau continues its responsibility to carry out Public Law 66-259 to "...formulate standards and policies which shall promote the welfare of wage-earning women, improve their working conditions, increase their efficiency, and advance their opportunities for profitable employment." The Bureau is organizationally positioned within the Office of the Secretary. The director is appointed by the President and supported by a chief of staff, a special assistant, and staff in the national office and ten regional offices. The Women's Bureau develops and implements projects addressing issues of importance to working women, provides information about women in the labor force to stakeholders and customers, and advises and assists in the development of DOL policies and programs, in keeping with the Secretary's four strategic goals: (1) A Prepared Workforce, (2) A Competitive Workforce, (3) Safe and Secure Workplaces, and (4) Strengthened Economic Protections.

In FY 2009, the Bureau will continue to focus on its "Strengthening the Family in the 21<sup>st</sup> Century" initiatives through its Strategic Outcome Goals (Better Jobs, Better Earnings, Better Living), and Value-Added supporters. These projects and initiatives are designed to empower 21<sup>st</sup> Century working women to fully participate in advancing their place in the American economy, and in doing so, enable the Women's Bureau to achieve the following performance goals: increase women's employment opportunities; increase women's financial security; and increase the number of employers who create and/or expand flexible programs and policies.

Five current demonstration projects (Wi\$e Up, Flex-Options for Women, Women in Nanotechnology (WIN), and Working Women in Transition (WWIT)), will continue in FY 2009. The projects will be monitored and evaluated to ensure that results, as outlined in the strategic and performance plan, are achieved. Lessons learned will be identified and used by the Bureau to expand and strengthen the development and implementation of future projects.

# WOMEN'S BUREAU

## Five-Year Budget Activity History

<b>Fiscal Year</b>	<b>Funding (Dollars in Thousands)</b>	<b>FTE</b>
2004	9,201	64
2005	9,478	60
2006	9,666	60
2007	9,348	60
2008	9,660	52

## FY 2009

The Women's Bureau has a history of providing information and tools to help women achieve economic self-sufficiency and become full and active members of America's labor force. The Bureau's FY 2009 budget request of \$10,237 and 60 FTE will allow the Bureau to continue its support of the Secretary's strategic goals by building on the successes and lessons learned from its demonstration projects. The Bureau will also expand existing projects to further the agency's efforts to help women meet the needs of the 21<sup>st</sup> Century workplace.

The Bureau will place particular emphasis on programs in support of the Secretary's goals: *A Prepared Workforce*, *A Competitive Workforce*, and *Strengthened Economic Protections*. For example, the *A Prepared Workforce* goal will be supported by demonstration projects designed to increase women's employment opportunities. Projects such as WWIT, which offers a "high-tech" and "high-touch" approach to providing resources to women reentering the workforce, will be fully implemented as a result of lessons learned by its performance. The agency's efforts with organizations such as *Preparing Women for the 21<sup>st</sup> Century Workplace*, a national network for women's employment, will continue as well. This initiative contracts with organizations that work with, and provide training and technical assistance to, local organizations and state networks that share the Bureau's goals and priorities.

In support of the Secretary's goal of *Strengthened Economic Protections*, the Bureau will continue its popular Wi\$e Up project. Wi\$e Up is a cutting-edge, e-mentoring financial education demonstration project that helps young women improve their economic security by increasing their savings and/or reducing their debt. In FY 2009, the Bureau will increase its outreach to women through the replication of Wi\$e Up. Replication has allowed the Bureau to expand its successful model projects through collaborative efforts that leverage federal funds with in-kind support from the private sector, state and local governments, and faith-based and community organizations.

Flex-Options for Women, a project which encourages employers to voluntarily develop or expand flexible workplace policies and/or programs for their employees, supports the Secretary's *A Competitive Workforce* goal and is included in the Secretary's Annual Performance and Accountability Report in support of the Secretary's Performance Goal 2J—maximize regulatory flexibility and benefits and promote flexible workplace programs. Flex-Options for Women will continue to increase the number of employers who create or expand flexible workplace policies/programs, increase the number of new or expanded policies/programs, and expand the number of employees who have access to new flexible policies/programs.



## WOMEN'S BUREAU

Both the Wi\$e UP and Flex-Options for Women projects will continue to make extensive use of interactive Web sites and teleconferences to facilitate project activities.

The Women's Bureau will continue to implement project outcome measures and assess its strategic and performance plan to align with recommendations made as a result of the PART process. New outcome measures have been designed and are being implemented for two major projects: Wi\$e Up and WWIT. The Bureau now has performance goals that address the need to increase women's employment opportunities; increase women's financial security; and increase the number of employers developing flexible workplace programs and policies.

Additionally, the Bureau will maintain its green status in the PMA areas of Budget and Performance Integration, Strategic Management of Human Capital, Expanded E-Government, Improved Financial Performance, and Competitive Sourcing.

### **Efficiency Measures**

The Women's Bureau continues to demonstrate marked progress in the area of budget and performance integration and has applied such methodologies in the development of the FY 2009 budget.

The Bureau initially developed three efficiency measures representing two significant projects, Flex-Options for Women and Wi\$e Up, that support two of the Secretary's goals, A Competitive Workforce and Strengthened Economic Protections. The Flex-Options for Women project has two efficiency measures. The first efficiency measure is the cost per business owner who develops a flexible workplace policy or program. The second measure focuses on employees, rather than the participating employers in the program. This efficiency measure, the cost per number of employees in participating companies with flexible programs and policies, will allow the Bureau to attach cost to the ultimate beneficiaries of the project, the employees.

The third efficiency measure for the Wi\$e Up project, originally, was the cost per participant who takes an action step towards securing their financial future. As a result of the PART assessment of the Women's Bureau, Wi\$e Up has two new outcome measures: the percent of participants who reduced their debt and the percent of participants who increased their savings/investments. The Bureau developed new efficiency measures to better reflect the project's new outcome measures. The baseline for these efficiency measures were established at the end of FY 2007.

# WOMEN'S BUREAU

## CHANGES IN FY 2009

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	161
Personnel benefits	40
One day less of Pay	-23
Federal Employees Compensation Act (FECA)	-2
GSA Space Rental	13
Other services	0
Working Capital Fund	216
Equipment	0
Grants	0

**Built Ins Subtotal** **405**

**Net Program** **172**

**Direct FTE** **8**

**Estimate** **FTE**

**Base** **10,065** **52**

**Program Increase** **172** **8**

## CIVIL RIGHTS

<b>Budget Authority Before the Committee</b> (Dollars in Thousands)						
	<b>FY 2007 Comparable</b>	<b>FY 2008 Enacted</b>	<b>FY 2008 Estimate</b>	<b>Diff. FY07 Comp/ FY 08 Est</b>	<b>FY 2009 Request</b>	<b>Diff. FY 08 Est/FY 09 Req</b>
<b>Activity Appropriation</b>	<b>6,445</b>	<b>6,332</b>	<b>6,332</b>	<b>-113</b>	<b>7,038</b>	<b>706</b>
<b>FTE</b>	<b>33</b>	<b>33</b>	<b>33</b>	<b>0</b>	<b>42</b>	<b>9</b>

NOTE: FY 2007 reflects actual FTE. Authorized FTE for FY 2007 was 40.

### **Introduction**

Operating under authority delegated pursuant to Secretary's Orders, the CRC is the single organizational unit within the Department of Labor (DOL) responsible for ensuring compliance with Federal civil rights laws and their implementing regulations, which cover:

- DOL employees and applicants for employment;
- DOL conducted programs; and
- programs and activities receiving or benefiting from DOL financial assistance.

The Federal equal employment opportunity/equal opportunity and nondiscrimination laws that the CRC enforces include:

- Title VI and VII of the Civil Rights Act of 1964, as amended
- Sections 504 and 508(f) of the Rehabilitation Act of 1973, as amended
- Age Discrimination Act (ADA) of 1975, as amended
- Section 188 of the Workforce Investment Act
- Age Discrimination in Employment Act, as amended
- Title II of the Americans with Disabilities Act
- Title IX of the Education Amendments of 1972

The CRC is responsible for: (1) administering DOL's equal employment opportunity (EEO) program and administering an effective discrimination complaint processing system for discrimination complaints filed by DOL employees and applicants for employment with DOL; (2) ensuring compliance with Federal equal opportunity and nondiscrimination laws and regulations by recipients of financial assistance and in DOL conducted programs through program monitoring and complaint processing; (3) processing work-related complaints under Title II of the Americans with Disabilities Act; (4) coordinating enforcement of DOL compliance with the Architectural Barriers Act of 1968, which requires that certain federally owned or leased buildings be in compliance with the General Services Administration's accessibility standards; and (5) overseeing the implementation of DOL employee rights policies, e.g., harassing conduct policy.

## CIVIL RIGHTS

The CRC continues to utilize employees across the organization, which provides flexibility to use resources when and where needed. In FY 2009 the CRC will focus on rebuilding the foundation of the organization, particularly with regard to the organization's resources and systems. As with a number of Federal agencies and their subcomponents, the CRC has been and will continue to be affected by retirements of key personnel and will be required to devise strategies to sustain and ultimately rebuild the organization to most effectively perform its mission. Among other essential responsibilities, the CRC is the only entity that enforces various Federal statutes and regulations that prohibit discrimination in DOL financially assisted and conducted programs and activities. Such knowledge base is not readily available on the open market. It is of vital importance that there is sufficient staff available with the specialized knowledge to provide services in support of these activities unique to DOL.

The CRC will also focus on making vital core structural enhancements to information systems that track data relative to CRC's enforcement of Title VI and Title VII of the Civil Rights Act of 1964, Sections 504 and 508(f) of the Rehabilitation Act, the Age Discrimination Act, Section 188 of the Workforce Investment Act, the Age Discrimination in Employment Act, Title II of the Americans with Disabilities Act, and Title IX of the Education Amendments of 1972; and produce reports in compliance with regulatory requirements of the U.S. Congress, the Equal Employment Opportunity Commission (EEOC), the Department of Health and Human Services (HHS), and the Department of Justice (DOJ).

Specific to DOL's internal EEO program, the CRC will allocate resources to ensure timely complaint processing activities including counseling, investigating, and issuance of final agency decisions. Contractual services will be used where necessary. The CRC's goal is to make DOL's internal EEO program a model for the Federal government.

The CRC's allocation priorities for its external equal opportunity program include making certain that DOL's Workforce Investment Act financial assistance recipients and DOL's conducted programs have equal opportunity policies and procedures in place. The CRC will also focus on ensuring that its compliance reviews and complaint processing activities are conducted in an efficient and effective manner.

One of the primary activities of the CRC has been compliance assistance, which has included comprehensive training and outreach to the organization's stakeholders. The CRC will continue to leverage its resources to provide its customers with clear and easy-to-access information on how to comply with Federal equal opportunity and nondiscrimination laws and regulations.

The CRC also intends to offer assistance to the DOL's Office of Apprenticeship Training, Employer and Labor Services to address underrepresentation of women in apprenticeship programs through a reinvigorated EEO review process in response to the PART Review findings regarding the National Apprenticeship program.

The CRC will continue its standard practice of driving strategic goals to the tactical level of the organization by developing annual work plans in accordance with long-term strategic goals. The CRC's annual work plan is devised in a manner that supports its performance goals, and the

## CIVIL RIGHTS

performance goals of the Employment and Training Administration (ETA), the Office of Disability Employment Policy (ODEP), and the overall mission of DOL.

### Five-Year Budget Activity History

<b>Fiscal Year</b>	<b>Funding (Dollars in Thousands)</b>	<b>FTE</b>
2004	6,114	48
2005	6,237	46
2006	6,386	46
2007	6,445	40
2008	6,332	33

### FY 2009

CRC is requesting \$7,038,000 and 42 FTE in FY 2009. The CRC's performance goals greatly support the Department's Employment and Training Administration's (ETA) strategic goals as well as Office of Disability Employment Policy (ODEP) in its mission to develop and influence disability-related employment policy and practice affecting the employment of people with disabilities.

Moreover, the CRC's goals support achievement of the goals of the Department's Office of the Assistant Secretary for Administration and Management. The CRC operates toward achievement of the following organizational performance goals:

- 1) Ensure equal opportunity within DOL financially assisted programs
- 2) Enhance the knowledge of DOL financial assistance recipients regarding their obligations
- 3) Ensure nondiscrimination within DOL

Methods of Administration (MOA) are state policies and procedures for complying with applicable nondiscrimination regulations. MOAs are part of the CRC's strategy for ensuring equal opportunity within DOL financially assisted programs. The CRC will continue to track MOA recertification requests received and their approval as a means to monitor state level compliance.

Other measures encompass both the CRC's work of ensuring nondiscrimination and equal opportunity in the provision of benefits and services and in the administration of programs receiving Federal financial assistance from DOL and in the internal Equal Employment Opportunity (EEO) program for DOL employees and applicants.

The CRC continues to provide classroom training to supervisors and employees regarding nondiscrimination and equal opportunity policies and procedures within DOL in the national office as well as in regional locations. The training includes discussion of DOL Policies and Procedures on Disability Accommodation, the Policy and Procedures for Preventing and

## CIVIL RIGHTS

Eliminating Harassing Conduct in the Workplace, the EEO complaint process, and the Notification and Federal Employee Antidiscrimination and Retaliation (No FEAR) Act of 2002.

In working towards achieving its goal of enhancing the knowledge of DOL financial assistance recipients regarding their obligations, the CRC also continues to deliver training to states regarding compliance with the applicable equal opportunity and nondiscrimination regulations. Additionally, the CRC has provided substantial assistance to states in the review and update of their MOAs, which specifies ways each state is meeting and will continue to meet the requirements of the nondiscrimination provisions of the Workforce Investment Act.

The CRC continues to engage in activities that will allow it to discover and implement best practices that are applicable to its performance measures. For example, the CRC reports to the Equal Employment Opportunity Commission (EEOC), a self assessment and evaluation of the Department's EEO program against the EEOC's defined model, as part of the goal to ensure nondiscrimination within DOL.

Additionally, the CRC has utilized leading technology in carrying out a variety of activities. For example, the CRC has utilized its website, videoconferencing capability, and the provision of online training to broaden its reach in providing compliance assistance to recipients as part of our goal to enhance the knowledge of DOL financial assistance recipients regarding their equal opportunity and nondiscrimination obligations.

<b>WORKLOAD SUMMARY</b>			
	<b>FY 2007 Actual</b>	<b>FY 2008 Target</b>	<b>Agency Request</b>
<b>Civil Rights Center</b>			
Internal EEO Program	126	126	126
External EO Program	727	727	727
Compliance Assistance Program	1018	1120	1232
<b>Budget Activity Total</b>	<b>1871</b>	<b>1973</b>	<b>2085</b>

*\*Internal EEO Program number based on number of formal complaints and External EO Program numbers based on number of complaints: Compliance Assistance Program number based on estimated number of persons (financial assistance recipients) trained.*

# CIVIL RIGHTS

## CHANGES IN FY 2009

(Dollars in Thousands)

**Activity Changes**

**Built-In**

To Provide For:

Costs of pay adjustments	114
Personnel benefits	28
One day less of Pay	-16
Travel	0
GSA Space Rental	6
Communications, utilities & miscellaneous charges	0
Other services	0
Working Capital Fund	143
Other government accounts (DHS Charges)	0
Purchase of goods and services from other Government accounts	0
Supplies and materials	0

<b>Built Ins Subtotal</b>	<b>275</b>
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<b>Net Program</b>	<b>431</b>
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<b>Direct FTE</b>	<b>9</b>
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	<b>Estimate</b>	<b>FTE</b>
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<b>Base</b>	<b>6,607</b>	<b>33</b>
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<b>Program Increase</b>	<b>431</b>	<b>9</b>
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## CHIEF FINANCIAL OFFICER

<b>Budget Authority Before the Committee</b> (Dollars in Thousands)						
	<b>FY 2007 Comparable</b>	<b>FY 2008 Enacted</b>	<b>FY 2008 Estimate</b>	<b>Diff. FY07 Comp/ FY 08 Est</b>	<b>FY 2009 Request</b>	<b>Diff. FY 08 Est/FY 09 Req</b>
<b>Activity Appropriation</b>	5,336	5,243	5,243	-93	5,775	532
<b>FTE</b>	21	20	20	-1	28	8

NOTE: FY 2007 reflects actual FTE. Authorized FTE for FY 2007 was 28.

### **Introduction**

The Office of the Chief Financial Officer (OCFO) has responsibility to oversee all financial management activities. DOL has achieved an unqualified audit opinion on its Annual Financial Statements for 10 consecutive years. DOL has also received the Association of Government Accountants' Certificate of Excellence and Accountability Reporting (CEAR) for the last seven consecutive years, and is recognized as a leader among cabinet-level agencies in implementing the financial performance goals of the PMA.

The OCFO provides comprehensive direction to all DOL program agencies on financial matters arising from legislative and regulatory mandates such as:

- The Chief Financial Officers (CFO) Act of 1990
- The Government Management Reform Act (GMRA) of 1994;
- The Federal Financial Management Improvement Act (FFMIA) of 1996;
- The Federal Managers' Financial Integrity Act (FMFIA) of 1982;
- The Information Technology Management Reform Act (Clinger-Cohen) of 1996; and
- The Improper Payments Information Act (IPIA) of 2002

### **Five-Year Budget Activity History**

<b>Fiscal Year</b>	<b>Funding (Dollars in Thousands)</b>	<b>FTE</b>
2004	5,123	38
2005	5,182	38
2006	5,287	38
2007	5,336	28
2008	5,243	20

### **FY 2009**

OCFO is requesting a total of \$5,775,000 in FY 2009. This level of funding will enable OCFO to continue its broad range of services designed to ensure sound financial management at the Department, continue execution of corrective and preemptive action plans, and ensure agency internal controls over financial reporting and systems are well documented, sufficiently tested, and properly assessed. More specifically, the agency will provide necessary resources for the in-depth testing and evaluation of internal controls, building upon the Department's internal control



## CHIEF FINANCIAL OFFICER

infrastructure. Funding will also provide resources to continue core financial management and auditing operations, and documentation, testing, and implementation of corrective actions with respect to internal controls.

### CHANGES IN FY 2009

(Dollars in Thousands)

#### Activity Changes

##### Built-In

To Provide For:	
Costs of pay adjustments	77
Personnel benefits	19
One day less of Pay	-11
Federal Employees Compensation Act (FECA)	8
Travel	0
Transportation of things	0
GSA Space Rental	2
Communications, utilities & miscellaneous charges	0
Advisory and assistance services	0
Other services	0
Working Capital Fund	102
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
<b>Built Ins Subtotal</b>	<b>197</b>

<b>Net Program</b>		<b>335</b>
<b>Direct FTE</b>		<b>8</b>
	<b>Estimate</b>	<b>FTE</b>
<b>Base</b>	<b>5,440</b>	<b>20</b>
<b>Program Increase</b>	<b>335</b>	<b>8</b>

## INFORMATION TECHNOLOGY SYSTEMS

<b>Budget Authority Before the Committee</b> (Dollars in Thousands)						
	<b>FY 2007 Comparable</b>	<b>FY 2008 Enacted</b>	<b>FY 2008 Estimate</b>	<b>Diff. FY07 Comp/ FY 08 Est</b>	<b>FY 2009 Request</b>	<b>Diff. FY 08 Est/FY 09 Req</b>
<b>Activity Appropriation</b>	29,462	19,651	19,651	-9,811	29,846	10,195
<b>FTE</b>	0	0	0	0	0	0

### **Introduction**

The Department of Labor (DOL) established an information technology (IT) budget line item (referred to as the IT Crosscut) in FY 2001 to fund enterprise-wide IT initiatives, i.e., those initiatives that cut across multiple agencies within the Department. DOL was the first federal department to establish a department-wide IT crosscut account, which has been recognized as a best practice. The Office of the Chief Information Officer (OCIO) manages the IT Crosscut account. The OCIO first identified four IT crosscutting portfolio areas: Enterprise Architecture, Common Office Automation, Common Management Systems, and Security & Privacy. The areas have been revised and now include: Enterprise-Wide Solutions, e-Government, and Infrastructure.

### **Five-Year Budget Activity History**

<b>Fiscal Year</b>	<b>Funding (Dollars in Thousands)</b>	<b>FTE</b>
2004	48,219	0
2005	29,760	0
2006	29,462	0
2007	29,462	0
2008	19,651	0

### **FY 2009**

The FY 2009 IT Crosscut request is determined on a zero based budget process. Every year, new and ongoing enterprise-wide investments are evaluated for their viability as well as appropriateness for inclusion within the IT Crosscut portfolio and use of IT Crosscut funds. Each request is evaluated against established criteria to determine the appropriate use of scarce government resources to support investments, which will assist the Department in meeting its overall mission. The investments in the IT Crosscut are typically enterprise-wide efforts, which are progressing through the planning, development, and/or implementation phases. Once an IT Crosscut investment achieves steady state (i.e., Operations and Maintenance Stage), it is removed from the IT Crosscut and begins to receive funding from the investment users or beneficiaries of the IT investment. The FY 2009 request includes the following investments and amounts (\$ in 000s):

## INFORMATION TECHNOLOGY SYSTEMS

INVESTMENT	AMOUNT (\$ in 000s)
DOL Consolidated Enterprise Architecture Program Mgt	\$3,000
Comprehensive IT Project Management (FAP/PM)	\$150
Enterprise Services Office (DOL Net Network Transition)	\$1,200
Safety and Health Information Management Systems (SHIMS)	\$100
e-Laws	\$700
Departmental e-Budget System	\$1,100
HR LoB Investments	\$6,128
HSPD-12 (Logical and Physical Access Controls)	\$2,100
Secretary Information Management System (SIMS)	\$675
DisabilityInfo.gov	\$500
E-Property	\$200
E-Judication	\$2,500
DOL Document Management/Records Management (DM/RM)	\$4,000
Ensuring Security of DOL IT Assets (FISMA Audits)	\$284
Infrastructure Pool (Logging PII Extracts and Mobile Computing)	\$2,700
DOL Infrastructure Optimization (formerly UDTI)	\$2,300
E-Government (Federal-wide initiatives)*	\$2,209
<b>Total:</b>	<b>\$29,846</b>

\* The total DOL contribution to E-Gov initiatives in \$2.363m, which includes additional funding contributed directly by individual DOL agencies.

*DOL Consolidated Enterprise Architecture Program Management:* Provides the basis upon which sound business and IT decisions can be made by ensuring IT investments are aligned with DOL strategic objectives. Facilitates simplified and redesigned work processes that result in higher quality, more effective customer services, reduced operational complexity, and reallocation of budget resources to higher value applications.

*IT Project Management, Security & Enterprise Architecture Training:* Supports the DOL goal to address the management of human capital by assisting Federal IT Project Managers, Enterprise Architects, and IT Security Officers with obtaining training and recognized certifications.

*Enterprise Services Office - ESO (DOLNet Network Transition):* The ESO currently provides the program management and oversight of **DOLNet**. This includes vendor network managed services/telecommunications services, Network Operations Center (NOC) and Security Operations (SOC), and supporting ESO services such as customer service support, change management support, security services and financial, administrative, management of the ESO.

*Safety and Health Information Management Systems (SHIMS):* A Web-based system that provides for the electronic submission of work-related injury and illness compensation claims using the “Federal Employee’s Notice of Traumatic Injury and Claim for Continuation of

## INFORMATION TECHNOLOGY SYSTEMS

Pay/Compensation” form or the “Notice of Occupational Disease and Claim for Compensation form. Future versions will incorporate the capabilities to generate statistical reports, in various formats for analytical purposes to establish programs to reduce or eliminate loss-producing hazards or conditions. Exhibit 300 BY09 - OASMA - SHIMS (Public FINAL1)

e-Laws: Web-based interactive applications that duplicate the interaction an employee or employer would have with a DOL employment law expert by generating customized, legally vetted, plain English answers to questions. A key component of the Secretary’s Compliance Assistance Initiative. Exhibit 300 BY09 - OASP - ELAWS (Public FINAL1)

Departmental E-Budget System and Budget Formulation and Execution LoB: Web-based, fully automated formulation, publication and reporting budget lifecycle management. This solution delivers a consistent budget to stakeholders to improve budget transparency while de-emphasizing the time required administering the budget’s overall design. Additionally, DEBS allows budget analysts time to assess program performance against scarce government resources. Exhibit 300 BY09 - OASAM - DEBS (Public FINAL1)

HR LoB Investments: Collection of human resource (HR) investments including migration to the National Business Center (NBC) under the HR Line of Business Shared Service Center e-gov initiative (\$4,900,000), e-Training (LearningLink) rollout (\$1,163,000), and funding the e-gov Human Resource Line of Business (HR LoB) (\$65,000). Funds will be used to complete the migration to the National Business Center (NBC) under the HR Line of Business Shared Service Center e-gov initiative. HR, payroll, time and attendance, and reporting will be migrated to NBC. Key activities include data migration and validation, training, establishing the reporting environment, and parallel testing. Funding includes NBC migration fees, project management, and DOL contractor support. Funds will also be used to expand offerings and coverage of the DOL-wide e-Training (LearningLink) system. LearningLink was implemented Department-wide in FY-07. During FY 2009 Departmental course offerings will be expanded, agency-specific curricula will be added, and the training request process will be automated. Human Resource LoB (\$65,000) funds a Federal Government-wide effort for a modern, cost effective, standardized, and interoperable HR solutions providing common, core functionality to support strategic management of human capital and addressing duplicative HR systems and processes across the Federal Government. Exhibit 300 BY09 - OASAM - HR-LOB (Public FINAL1)

HSPD-12: Finalizes the Department’s phased implementation to address the Presidential Directive to have all DOL employees and contractors utilizing a single Personal Identification Verification (PIV) card equipped with the components as defined by the Directive’s Phase II requirements by October 27, 2008 Exhibit 300 BY09 - OASAM - HSPD-12 (Public FINAL1)

Secretary Information Management System (SIMS): This enhancement system will streamline and increase processing efficiency, therefore realizing further system cost savings. Improve reports to simplify the process to gather and analyze correspondence and FOIA data. Implement a web portal to allow DOL Stakeholders to electronically submit FOIA requests, thus reducing the existing manual process significantly.

## INFORMATION TECHNOLOGY SYSTEMS

DisabilityInfo.gov: A web-based system which has information on disability across subjects, including employment, training, benefits, education, housing, health, technology, and transportation.

eJudication: Continues the development of a single Departmental web-based government to citizen portal integrating eFiling, an automated process of serving legal documents to parties in the case (eService), and research capabilities across the Adjudicatory and Review boards, as well as the Solicitor's Office. Exhibit 300 BY09 - DOL - e-Judication (Public FINAL1)

DOL Document Management/Records Management: Continues the development of a Department-wide document management and records management solution that would comply with National Archives and Records Administration requirements and eventually link with their electronic solution. Exhibit 300 BY09 - OASAM - DM\_RM (Public FINAL1)

DOL IT Security: Conduct Information Technology security audits in accordance with FISMA throughout DOL.

Infrastructure Pool: Provides planning funds to address Department-wide IT infrastructure enhancements/opportunities such as data encryption, two-factor authentication, mobile workforce, and transition planning to accommodate Internet Protocol version 6 requirements.

DOL Infrastructure Optimization: In FY 2004, the Department began a multiyear phased approach for identifying, planning, and implementing IT infrastructure optimization opportunities. This is a Department-wide effort with participation from all agencies, which has resulted in a unified approach to optimizing infrastructure consolidation opportunities for the purposes of providing business benefits to DOL while meeting individual agency needs. Exhibit 300 BY09 - OASAM - DOL Infrastructure Optimization (Public FINAL1)

Business Gateway (\$223,000): A federal-wide effort that should lead to potential savings through providing a single access point to government services and information to help the nation's businesses with their operations.

Integrated Acquisition Environment (\$169,000) / Integrated Acquisition Environment Loans and Grants (\$90,000): A federal-wide effort to consolidate procurement expenditures, centralized contractor registration, and electronic subcontractor reporting.

E-Authentication (\$316,000): A federal-wide effort that will provide a secure, uniform process for establishing electronic signatures and eliminate the need for redundant solutions for the verification of an individual's identity.

GovBenefits.gov (\$129,000): A federal-wide effort that provides improved, personalized access to government assistance programs to assist citizens in determining eligibility for government benefit programs via the internet. Exhibit 300 BY09 - OASAM - GovBenefits (Public FINAL1)

## INFORMATION TECHNOLOGY SYSTEMS

*Disaster Assistance Task Force (\$1,169,000):* Funding in support of building a disaster benefits portal mandated by Executive Order 13411. This portal will enable disaster victims to obtain information and apply for government benefits programs for which they may be eligible for through [GovBenefits.gov](http://GovBenefits.gov) and FEMA's Individual Assistance Center.

*Grants Management LoB (\$113,000):* A federal-wide effort that provides management and oversight associated with the Department's transition to a grants management solution provider to other agencies.

# INFORMATION TECHNOLOGY SYSTEMS

## CHANGES IN FY 2009

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

**Built Ins Subtotal**

**0**

**Net Program**

**10,195**

**Direct FTE**

**0**

**Estimate**

**FTE**

**Base**

**19,651**

**0**

**Program Increase**

**29,846**

**0**

**Program Decrease**

**-19,651**

**0**

## MANAGEMENT CROSSCUT

<b>Budget Authority Before the Committee</b> (Dollars in Thousands)						
	<b>FY 2007 Comparable</b>	<b>FY 2008 Enacted</b>	<b>FY 2008 Estimate</b>	<b>Diff. FY07 Comp/ FY 08 Est</b>	<b>FY 2009 Request</b>	<b>Diff. FY 08 Est/FY 09 Req</b>
<b>Activity Appropriation</b>	<b>1,108</b>	<b>491</b>	<b>491</b>	<b>-617</b>	<b>758</b>	<b>267</b>
<b>FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

### **Introduction**

Similar to the Department’s successful Information Technology Crosscut, the Management Crosscut focuses on initiatives which serve the needs of all or a number of Departmental agencies in an integrated fashion and significantly improve the overall management capability of the Department. One major goal is to streamline organizational performance to complement the PMA initiatives which are already well underway in the Department. Like the Information Technology Crosscut the annual request is based on a zero based budget process where each project must justify the full amount of support to be provided from this budget activity for the fiscal year.

### **Five-Year Budget Activity History**

<b>Fiscal Year</b>	<b>Funding (Dollars in Thousands)</b>	<b>FTE</b>
2004	4,965	0
2005	4,960	0
2006	1,683	0
2007	1,108	0
2008	491	0

### **FY 2009**

In FY 2009, the Department will continue to work to achieve its goal of improving and streamlining organizational performance to complement the PMA. With the Department’s ever increasing responsibilities and the limited resources available, it is essential that effective management initiatives continue to be implemented such as the MBA Fellows programs – a Succession initiative in support of the PMA.

DOL has implemented a number of Department-wide management initiatives that have significantly improved the overall management capability of the Department. In the HR area, DOL has implemented successful programs such as the SES Candidate Development Program, Management Development Program, Mentoring Program and MBA Fellows Program. The FY 2009 Management Crosscut request continues the Department’s commitment to Strategic Management of Human Capital through continued support to its successful MBA Fellows Program. This program is responsible for bringing talented workers to the workforce and providing training and knowledge to these recruits to succeed in the federal work environment.



# MANAGEMENT CROSSCUT

## CHANGES IN FY 2009

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	9
One day less of Pay	-1

<b>Built Ins Subtotal</b>	<b>8</b>
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<b>Net Program</b>	<b>259</b>
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<b>Direct FTE</b>	<b>0</b>
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<b>Estimate</b>	<b>FTE</b>
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<b>Base</b>	<b>499</b>	<b>0</b>
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<b>Program Increase</b>	<b>750</b>	<b>0</b>
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<b>Program Decrease</b>	<b>-491</b>	<b>0</b>
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