

**FY 2010**

**CONGRESSIONAL BUDGET JUSTIFICATION**

**DEPARTMENTAL MANAGEMENT**



# DEPARTMENTAL MANAGEMENT

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## 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, [~~\$313,871,000~~]~~\$354,827,000~~, of which [~~\$86,074,000~~]~~\$91,419,000~~ is for the Bureau of International Labor Affairs [(including \$6,500,000 to implement model programs to address worker rights issues through technical assistance in countries with which the United States has trade preference programs)], and of which [~~\$21,286,000~~]~~\$21,392,000~~ 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, *and of which \$5,000,000 is for Program Evaluation, which may be transferred to any other appropriate account in the Department for such purpose*; together with not to exceed \$327,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

*(Department of Labor Appropriations Act, 2009.)*

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### **EXPLANATION OF LANGUAGE CHANGE**

Language changes for FY 2010 include 1) deleting FY 2009 appropriated levels and inserting FY 2010 requested levels and 2) addition of new language associated with the addition of funds for a new budget activity called Departmental Program Evaluation.

Program evaluation funds are requested to be appropriated to the Departmental Management Salaries and Expenses fund, but we request the ability to transfer these resources to other Department of Labor appropriations as needed to conduct specific program evaluations.

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<b>AMOUNTS AVAILABLE FOR OBLIGATION</b>								
(Dollars in Thousands)								
	<b>FY 2008 Enacted</b>		<b>FY 2009 Enacted</b>		<b>Recovery Act</b>		<b>FY 2010 Request</b>	
	<b>FTE</b>	<b>Amount</b>	<b>FTE</b>	<b>Amount</b>	<b>FTE</b>	<b>Amount</b>	<b>FTE</b>	<b>Amount</b>
<b>A. Appropriation</b>	<b>1,038</b>	<b>296,756</b>	<b>1,102</b>	<b>313,871</b>	<b>0</b>	<b>80,000</b>	<b>1,250</b>	<b>354,827</b>
Reduction pursuant to (P.L. 110-161)	0	-5,184	0	0	0	0	0	0
Appropriation, Revised	1,038	291,572	1,102	313,871	68	80,000	1,250	354,827
Subtotal Appropriation	1,038	291,572	1,102	313,871	68	80,000	1,250	354,827
Reimbursements	17	19,344	17	21,840	0	0	17	21,840
Trust Funds - Black Lung	179	24,785	151	24,694	0	0	151	25,091
Trust Funds - Unemployment Trust Fund	3	303	3	327	0	0	3	327
Non-Expenditure Transfers to DM	0	2,077	0	0	0	0	0	0
Non-Expenditure Transfers from DM	0	0	0	0	0	-63,044	0	0
Subtotal	199	46,509	171	46,861	0	-63,044	171	47,258
<b>B. Gross Budget Authority</b>	<b>1,237</b>	<b>338,081</b>	<b>1,273</b>	<b>360,732</b>	<b>68</b>	<b>16,956</b>	<b>1,421</b>	<b>402,085</b>
Reimbursements	-17	-19,344	-17	-21,840	0	0	-17	-21,840
Non-Expenditure Transfers from DM	0	0	0	0	0	63,044	0	0
Subtotal	-17	-19,344	-17	-21,840	0	63,044	-17	-21,840
<b>C. Budget Authority</b>	<b>1,220</b>	<b>318,737</b>	<b>1,256</b>	<b>338,892</b>	<b>68</b>	<b>80,000</b>	<b>1,404</b>	<b>380,245</b>
Reimbursements	17	19,344	17	21,840	0	0	0	21,840
IT Crosscut	0	0	0	0	0	0	0	0
Non-Expenditure Transfers from DM	0	0	0	0	0	-63,044	17	0
Subtotal	17	19,344	17	21,840	0	-63,044	17	21,840
<b>D. Total Budgetary Resources</b>	<b>1,237</b>	<b>338,081</b>	<b>1,273</b>	<b>360,732</b>	<b>68</b>	<b>16,956</b>	<b>1,421</b>	<b>402,085</b>
Unobligated Balance Expiring	0	-136	0	0	0	0	0	0
Additional FTE Usage	40	0	0	0	0	0	0	0
<b>E. Total, Estimated Obligations</b>	<b>1,277</b>	<b>337,945</b>	<b>1,273</b>	<b>360,732</b>	<b>68</b>	<b>16,956</b>	<b>1,421</b>	<b>402,085</b>

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## SUMMARY OF CHANGES

(Dollars in Thousands)

	FY 2009 Enacted	FY 2010 Request	Net Change
<b>Budget Authority</b>			
General Funds	313,871	354,827	+40,956
Trust Funds	25,021	25,418	+397
<b>Total</b>	338,892	380,245	+41,353
<b>Full Time Equivalents</b>			
General Funds	1,144	1,250	+106
Trust Funds	154	154	0
<b>Total</b>	1,298	1,404	+106

Explanation of Change	FY 2009 Base		Trust Funds		FY 2010 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	1,298	140,770	0	280	0	2,512	0	2,792
Personnel benefits	0	28,774	0	73	0	548	0	621
Federal Employees Compensation Act (FECA)	0	502	0	0	0	390	0	390
Travel	0	2,579	0	2	0	9	0	11
Transportation of things	0	48	0	0	0	0	0	0
GSA Space Rental	0	17,278	0	10	0	115	0	125
Communications, utilities & miscellaneous charges	0	1,913	0	2	0	2	0	4
Printing and reproduction	0	397	0	0	0	1	0	1
Advisory and assistance services	0	3,827	0	1	0	8	0	9
Other services	0	17,798	0	2	0	241	0	243
Working Capital Fund	0	31,505	0	26	0	1,336	0	1,362
Other government accounts (DHS Charges)	0	704	0	0	0	2	0	2
Purchase of goods and services from other Government accounts	0	1,014	0	1	0	0	0	1
Operation and maintenance of facilities	0	4,533	0	0	0	2	0	2
Operation and maintenance of equipment	0	16,357	0	0	0	27	0	27
Supplies and materials	0	2,185	0	0	0	6	0	6
Equipment	0	594	0	0	0	0	0	0
Grants	0	65,760	0	0	0	0	0	0
<b>Built-Ins Subtotal</b>	<b>1,298</b>	<b>336,538</b>	<b>0</b>	<b>397</b>	<b>0</b>	<b>5,199</b>	<b>0</b>	<b>5,596</b>
<b>B. Program:</b>								
To provide for an increase for the Departmental IT Systems activities	0	0	0	0	0	21,392	0	21,392
To provide for an increase in International	0	0	0	0	12	5,000	12	5,000



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Explanation of Change	FY 2009 Base		Trust Funds		FY 2010 Change		Total	
					General Funds			
Worker Rights Enforcement								
To provide for an increase in IT Litigation Support Improvements and FTE	0	0	0	0	82	14,835	82	14,835
To provide for an increase in Program Direction and Support	0	0	0	0	12	10,897	12	10,897
To provide for the Department Program Evaluation activities	0	0	0	0	0	5,000	0	5,000
<b>Programs Subtotal</b>			<b>0</b>	<b>0</b>	<b>+106</b>	<b>+57,124</b>	<b>+106</b>	<b>+57,124</b>
<b>C. Financing:</b>								
<b>Total Increase</b>	<b>+1,298</b>	<b>+336,538</b>	<b>0</b>	<b>+397</b>	<b>+106</b>	<b>+62,323</b>	<b>+106</b>	<b>+62,720</b>
<b>Decreases:</b>								
<b>A. Built-Ins:</b>								
To Provide For:								
Federal Employees Compensation Act (FECA)	0	2,354	0	0	0	-81	0	-81
<b>Built-Ins Subtotal</b>	<b>0</b>	<b>2,354</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>-81</b>	<b>0</b>	<b>-81</b>
<b>B. Program:</b>								
To provide for a decrease for the Departmental IT Systems activities	0	0	0	0	0	-21,286	0	-21,286
<b>Programs Subtotal</b>			<b>0</b>	<b>0</b>	<b>0</b>	<b>-21,286</b>	<b>0</b>	<b>-21,286</b>
<b>C. Financing:</b>								
<b>Total Decrease</b>	<b>0</b>	<b>+2,354</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>-21,367</b>	<b>0</b>	<b>-21,367</b>
<b>Total Change</b>	<b>+1,298</b>	<b>+338,892</b>	<b>0</b>	<b>+397</b>	<b>+106</b>	<b>+40,956</b>	<b>+106</b>	<b>+41,353</b>

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<b>SUMMARY BUDGET AUTHORITY AND FTE BY ACTIVITY</b>								
(Dollars in Thousands)								
	FY 2008 Enacted		FY 2009 Enacted		Recovery Act		FY 2010 Request	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
<b>Program Direction and Support</b>	<b>149</b>	<b>26,337</b>	<b>140</b>	<b>22,831</b>	<b>4</b>	<b>4,140</b>	<b>152</b>	<b>34,125</b>
General Funds	149	26,337	140	22,831	4	4,140	152	34,125
<b>Legal Services</b>	<b>580</b>	<b>96,978</b>	<b>597</b>	<b>108,364</b>	<b>40</b>	<b>6,665</b>	<b>679</b>	<b>125,226</b>
General Funds	521	89,020	538	100,382	40	6,665	620	117,121
Unemployment Trust Funds	3	303	3	327	0	0	3	327
Black Lung Disability Trust Funds	56	7,655	56	7,655	0	0	56	7,778
<b>International Labor Services</b>	<b>82</b>	<b>81,074</b>	<b>83</b>	<b>86,074</b>	<b>0</b>	<b>0</b>	<b>95</b>	<b>91,419</b>
General Funds	82	81,074	83	86,074	0	0	95	91,419
<b>Administration and Management</b>	<b>112</b>	<b>30,261</b>	<b>111</b>	<b>32,506</b>	<b>23</b>	<b>5,451</b>	<b>111</b>	<b>33,707</b>
General Funds	112	30,261	111	32,506	23	5,451	111	33,707
<b>Adjudication</b>	<b>245</b>	<b>43,691</b>	<b>250</b>	<b>45,599</b>	<b>0</b>	<b>0</b>	<b>250</b>	<b>46,599</b>
General Funds	150	26,738	155	28,560	0	0	155	29,286
Black Lung Disability Trust Funds	95	16,953	95	17,039	0	0	95	17,313
<b>Women's Bureau</b>	<b>52</b>	<b>9,465</b>	<b>52</b>	<b>10,419</b>	<b>0</b>	<b>0</b>	<b>52</b>	<b>10,604</b>
General Funds	52	9,465	52	10,419	0	0	52	10,604
<b>Civil Rights</b>	<b>33</b>	<b>6,182</b>	<b>42</b>	<b>6,535</b>	<b>0</b>	<b>0</b>	<b>42</b>	<b>6,812</b>
General Funds	33	6,182	42	6,535	0	0	42	6,812
<b>Chief Financial Officer</b>	<b>23</b>	<b>5,098</b>	<b>23</b>	<b>5,278</b>	<b>2</b>	<b>700</b>	<b>23</b>	<b>5,361</b>
General Funds	23	5,098	23	5,278	2	700	23	5,361
<b>Information Technology Systems</b>	<b>0</b>	<b>19,651</b>	<b>0</b>	<b>21,286</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>21,392</b>
General Funds	0	19,651	0	21,286	0	0	0	21,392
<b>Departmental Program Evaluation</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5,000</b>
General Funds	0	0	0	0	0	0	0	5,000
<b>Total</b>	<b>1,276</b>	<b>318,737</b>	<b>1,298</b>	<b>338,892</b>	<b>69</b>	<b>16,956</b>	<b>1,404</b>	<b>380,245</b>
General Funds	1,122	293,826	1,144	313,871	69	16,956	1,250	354,827
Unemployment Trust Funds	3	303	3	327	0	0	3	327
Black Lung Disability Trust Funds	151	24,608	151	24,694	0	0	151	25,091

NOTE: FY 2008 reflects actual FTE.

## DEPARTMENTAL MANAGEMENT

<b>BUDGET AUTHORITY BY OBJECT CLASS</b>						
(Dollars in Thousands)						
		<b>FY 2008 Enacted</b>	<b>FY 2009 Enacted</b>	<b>Recovery Act</b>	<b>FY 2010 Request</b>	<b>Change FY 10 Req. / FY 09 Enacted</b>
	Full-Time Equivalent					
	Full-time Permanent	1,276	1,256	64	1,404	148
	Reimbursable	17	17		17	0
	<b>Total</b>	<b>1,293</b>	<b>1,273</b>	<b>64</b>	<b>1,421</b>	<b>148</b>
	Total Number of Full-Time Permanent Positions	1,293	1,273	64	1,421	148
	Average ES Salary	161,170	169,229		172,613	3384.6
	Average GM/GS Grade	12.3	12.3		12.3	0
	Average GM/GS Salary	89,831	94,323		96,209	1886.5
	Average Salary of Ungraded Positions	158,503	166,428		169,757	3328.6
11.1	Full-time permanent	127,896	138,023	0	161,185	23162
11.3	Other than full-time permanent	350	448	8,408	455	7
11.5	Other personnel compensation	3,904	2,299	0	2,417	118
11.9	Total personnel compensation	132,150	140,770	8,408	164,057	23287
12.1	Civilian personnel benefits	30,409	31,630	2,278	37,641	6011
21.0	Travel and transportation of persons	2,717	2,579	0	2,844	265
22.0	Transportation of things	44	48	150	48	0
23.1	Rental payments to GSA	16,414	17,278	0	18,265	987
23.3	Communications, utilities, and miscellaneous charges	1,999	1,913	0	2,241	328
24.0	Printing and reproduction	457	397	0	410	13
25.1	Advisory and assistance services	12,983	3,827	1,292	8,944	5117
25.2	Other services	11,431	17,798	4,508	19,026	1228
25.3	Other purchases of goods and services from Government accounts 1/	30,189	33,223	0	35,092	1869
25.4	Operation and maintenance of facilities	42	4,533	0	4,554	21
25.7	Operation and maintenance of equipment	11,644	16,357	0	17,943	1586
26.0	Supplies and materials	2,534	2,185	240	2,448	263
31.0	Equipment	2,938	594	80	972	378
41.0	Grants, subsidies, and contributions	62,786	65,760	0	65,760	0
	<b>Total</b>	<b>318,737</b>	<b>338,892</b>	<b>16,956</b>	<b>380,245</b>	<b>41,353</b>
	1/Other Purchases of Goods and Services From Government Accounts					
	Working Capital Fund	25,800	31,505	0	33,368	1863
	DHS Services	676	704	0	707	3
	Services by DOL Agencies	212	76	0	76	0
	HHS Services	1	0	0	0	0
	Services by Other Government Departments	3,500	938	0	941	3

NOTE: FY 2008 reflects actual FTE.

# DEPARTMENTAL MANAGEMENT

## BUDGET AUTHORITY BY STRATEGIC GOAL

(Dollars in Thousands)

	Strategic Goal 1: A Prepared Workforce	DOL Strategic Goal 2: A Competitive Workforce	DOL Strategic Goal 3: Safe and Secure Workplaces	DOL Strategic Goal 4: Strengthened Economic Protections	SGTotal
<b>1: Performance Goal: 1 - PDS</b> Program Direction and Support	8,531	8,531	8,531	8,531	34,125
<b>2: Performance Goal: 1 - SOL</b> Legal Services	41,742	0	0	0	41,742
<b>2: Performance Goal: 2 - SOL</b> Legal Services	0	41,742	0	0	41,742
<b>2: Performance Goal: 3 - SOL</b> Legal Services	0	0	0	0	41,742
<b>3: Performance Goal: 1 - ILAB</b> International Labor Services	0	91,419	0	0	91,419
<b>4: Performance Goal 4: - OASAM</b> Administration and Management	2,107	2,107	2,107	2,107	8,426
<b>4: Performance Goal: 1 - OASAM</b> Administration and Management	2,107	2,107	2,107	2,107	8,427
<b>4: Performance Goal: 2 - OASAM</b> Administration and Management	2,107	2,107	2,107	2,107	8,427
<b>4: Performance Goal: 3 - OASAM</b> Administration and Management	2,107	2,107	2,107	2,107	8,427
<b>5:b Performance Goal: 1 - OALJ</b> Adjudication	0	0	20,934	0	20,934
<b>5a: Performance Goal: 1 - Boards</b> Adjudication	0	0	0	16,657	16,657
<b>5a: Performance Goal: 2 - Boards</b> Adjudication	0	0	2,202	0	2,202
<b>5a: Performance Goal: 3 - Boards</b> Adjudication	1,863	0	0	0	1,863
<b>5b: Performance Goal: 2 - OALJ</b> Adjudication	0	3,954	0	0	3,954

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<b>5b: Performance Goal: 3 - OALJ</b>					
Adjudication	989	0	0	0	989
<b>6: Other Program Mandates - WB</b>					
Womens Bureau	0	0	0	911	911
<b>6: Performance Goal: 1 - WB</b>					
Womens Bureau	4,532	0	0	0	4,532
<b>6: Performance Goal: 2 - WB</b>					
Womens Bureau	0	0	0	2,631	2,631
<b>6: Performance Goal: 3 - WB</b>					
Womens Bureau	0	2,530	0	0	2,530
<b>7: Performance Goal: 1 - CRC</b>					
Civil Rights	1,022	0	1,022	0	2,044
<b>7: Performance Goal: 2 - CRC</b>					
Civil Rights	1,022	0	1,022	0	2,044
<b>7: Performance Goal: 3 - CRC</b>					
Civil Rights	1,362	0	1,362	0	2,724
<b>8: Performance Goal: 1 - OCFO</b>					
Chief Financial Officer	0	0	5,361	0	5,361
<b>Other Program Mandates</b>					
Womens Bureau	0	0	0	0	0
Information Technology Systems	5,348	5,348	5,348	5,348	21,392
Departmental Program Evaluation	1,250	1,250	1,250	1,250	5,000
<b>Agency Total</b>	<b>76,088</b>	<b>163,201</b>	<b>55,459</b>	<b>43,755</b>	<b>380,245</b>

## DEPARTMENTAL MANAGEMENT

TOTAL BUDGETARY RESOURCES													
FY 2008 - 2010													
(Dollars in Thousands)													
	FY 2008 Enacted				FY 2009 Enacted				Recovery Act	FY 2010 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>318,737</b>	<b>0</b>	<b>0</b>	<b>319,437</b>	<b>338,892</b>	<b>0</b>	<b>0</b>	<b>338,892</b>	<b>16,956</b>	<b>380,245</b>	<b>0</b>	<b>0</b>	<b>380,245</b>
Program Direction and Support	26,337	0	0	27,037	22,831	0	0	22,831	4,140	34,125	0	0	34,125
Legal Services	96,978	0	0	96,978	108,364	0	0	108,364	6,665	125,226	0	0	125,226
International Labor Services	81,074	0	0	81,074	86,074	0	0	86,074	0	91,419	0	0	91,419
Administration and Management	30,261	19,651	0	49,912	32,506	0	0	32,506	5,451	33,707	0	0	33,707
Adjudication	43,691	0	0	43,691	45,599	0	0	45,599	0	46,599	0	0	46,599
Womens Bureau	9,465	0	0	9,465	10,419	0	0	10,419	0	10,604	0	0	10,604
Civil Rights	6,182	0	0	6,182	6,535	0	0	6,535	0	6,812	0	0	6,812
Chief Financial Officer	5,098	0	0	5,098	5,278	0	0	5,278	700	5,361	0	0	5,361
Information Technology Systems	19,651	-19,651	0	0	21,286	0	0	21,286	0	21,392	0	0	21,392
Departmental Program Evaluation	0	0	0	0	0	0	0	0	0	5,000	0	0	5,000
<b>Total</b>	<b>318,737</b>	<b>0</b>	<b>0</b>	<b>319,437</b>	<b>338,892</b>	<b>0</b>	<b>0</b>	<b>338,892</b>	<b>16,956</b>	<b>380,245</b>	<b>0</b>	<b>0</b>	<b>380,245</b>

<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

<b>SUMMARY OF PERFORMANCE</b>										
<b>Performance Goal – Legal Services</b>										
	<b>PY 2005</b>		<b>PY 2006</b>		<b>PY 2007</b>		<b>PY 2008</b>		<b>PY 2009</b>	<b>PY 2010</b>
	<b>Goal Achieved</b>		<b>Goal Achieved</b>		<b>Goal Achieved</b>		<b>Goal Achieved</b>			
	Target	Result	Target	Result	Target	Result	Target	Result	Target	Target
<b>SOL Goal #1 - Maintain an Effective Strategy that Advances Departmental Goals</b>										
1.1 – Percent of favorable outcomes in cases submitted for litigation.	95%	97%	95%	96.62%	95%	94.56%	95%	95%	95%	95%
1.2 – Close an increasing percentage of all pending cases annually.	50%	50%	50.5%	40.94%	51%	80.78%	51%	43.11%	52%	52.5%
1.4 – Percent of favorable outcomes, in whole or in part, in appellate matters.	98%	99%	98%	99.04%	98%	98.06%	98%	98%	98%	98%
<b>SOL Goal #2 &amp; 3 – Ensure that DOL Regulations Achieve Agency Policy Objectives and Comply with All Legal Requirements, Based on Sound Legal Advice</b>										
2.1 – The major provisions of final DOL rules/regulations are not successfully challenged an increasing percentage of the time.	95%	92%	92.50%	100%	93%	95.83%	95%	100%	94%	95%
2.2 – 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 the responsible DOL agency.	80%	78.5%	79%	77%	80%	90.52%	80%	96.63%	82%	83%

## DEPARTMENTAL MANAGEMENT

<b>Performance Goal — Bureau of International Labor Affairs</b>										
Contribute to the elimination of the worst forms of child labor internationally										
	PY 2005		PY 2006		PY 2007		PY 2008		PY 2009	PY 2010
	Goal Achieved		Goal Achieved		Goal Achieved		Goal Achieved			
	Target	Result	Target	Result	Target	Result	Target	Result	Target	Target
Number of children prevented or withdrawn from exploitive child labor	116,000	162,000	178,000	237,000	139,000	228,966	127,400	161,047	115,100	128,500
Number of countries with increased capacities to address child labor as a result of DOL-funded child labor elimination projects	20	39	39	53	31	48	33	45	24	35



## DEPARTMENTAL MANAGEMENT

### SUMMARY OF PERFORMANCE

#### Performance Goal – Adjudication (OALJ)

	PY 2005		PY 2006		PY 2007		PY 2008		PY 2009	PY 2010
	Goal Achieved		Goal Achieved		Goal Achieved					
	Target	Result	Target	Result	Target	Result	Target	Result	Target	Target
Provide economic benefits to employers, workers, and their families by adjudicating workers' compensation cases in the Black Lung and Longshore programs.										
<b>Black Lung (Dispositions)</b>	1,280	1,689	1,360	1,568	1,360	1,652	1,200	1,367	1,360	1,360
Case Intake	1,350	1,551	1,350	1,359	1,350	1,257	1,350	1,357	1,350	1,200
Pending Cases EOFY	2,750	2,542	2,532	2,333	2,463	1,938	2,088	1,928	1,918	1,758
Backlogs (Months)	26	18	22	18	22	14	21	17	17	16
FTE	68	68	68	65	65	65	55	55	55	55
<b>Longshore (Dispositions)</b>	2,860	2,800	2,990	2,747	2,470	2,475	2,340	2,612	2,340	2,340
Case Intake	3,300	2,763	3,000	2,413	2,500	2,614	2,500	2,657	2,500	2,500
Pending Cases EOFY	2,795	2,318	2,328	1,984	2,204	2,123	2,283	2,168	2,328	2,488
Backlogs (Months)	12	10	11	9	11	10	12	10	12	13
FTE	81	81	81	76	73	73	54	54	52	52
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.										
<b>Traditional (Dispositions)</b>	400	532	400	572	500	528	450	530	500	500
Case Intake	400	681	400	560	550	555	550	494	550	550
Pending Cases EOFY	393	542	542	530	580	557	657	521	571	621
Backlogs (Months)	12	12	16	11	14	13	18	12	14	15
FTE	27	27	27	27	29	29	25	25	27	27
Provide workers from other countries immigrating into the US an equitable opportunity to join the American workforce by adjudicating Immigration cases.										
<b>Immigration (Dispositions)</b>	280	355	280	247	140	212	140	448	140	140
Case Intake	300	225	300	90	300	399	300	417	300	200
Pending Cases EOFY	444	424	314	137	297	324	484	293	453	513
Backlogs (Months)	19	10	13	7	25	18	41	8	39	44
FTE	7	7	7	7	6	6	4	4	4	4

## DEPARTMENTAL MANAGEMENT

### Performance Goal – Adjudication (Adjudicatory Boards)

	PY 2005		PY 2006		PY 2007		PY 2008		PY 2009	PY 2010
	Target	Result	Target	Result	Target	Result	Target	Result	Target	Target
ARB Goal - Support strengthened economic protections and safe and secure work places through providing full and fair review of all appeals and issuing timely decisions.										
	Goal Substantially Achieved		Goal Not Achieved		Goal Substantially Achieved		Goal Achieved			
ARB: New Appeals	160	159	160	160	155	124	130	138	130	140
Closed Appeals	160	157	168	133	160	145	150	158	150	162
Pending Appeals EOFY	181	183	175	208	203	187	167	167	147	125
Pending Appeals in Months	13.6	14	12.5	18.8	15.2	15.5	13.4	12.8	11.8	9.3
Average Case Turnaround in Months	12	11.5	12	14.6	14.1	17	13.5	17.9	12	10.5
FTE	18	14.9	18	13.5	17	16	15	14.5	15	15
ECAB Goal - Support strengthened economic protections, a prepared workforce, and safe and secure work places through providing full and fair review of all appeals and issuing timely decisions.										
	Goal Substantially Achieved		Goal Substantially Achieved		Goal Substantially Achieved					
ECAB: New Appeals	2,250	2,000	2,300	2,184	2,225	2,446	2,225	2,561	2,225	2500
Closed Appeals	2,250	2,202	2,300	2,131	2,225	2,205	2,225	2,248	2,225	2225
Pending Appeals EOFY	1,271	1,080	1,080	1,158	1,158	1,411	1,411	1,738	1,411	1686
Pending Appeals in Months	6.8	5.9	5.6	6.5	6.2	7.7	7.6	9.3	7.6	9.1
Average Case Turnaround in Months	7.5	7.1	7	6.5	6.5	6.5	6.5	7.3	6.5	8.5
FTE	45	42.3	45	34	45	33.3	36	32.9	34	36

## DEPARTMENTAL MANAGEMENT

### Performance Goal – Adjudication (Adjudicatory Boards)

	PY 2005		PY 2006		PY 2007		PY 2008		PY 2009	PY 2010
	Target	Result	Target	Result	Target	Result	Target	Result	Target	Target
BRB Black Lung - Support strengthened economic protections through providing full and fair review of all appeals and issuing timely decisions.										
	<b>Goal Substantially Achieved</b>		<b>Goal Substantially Achieved</b>		<b>Goal Not Achieved</b>					
<b>BRB - Black Lung: New Appeals</b>	800	731	720	695	720	721	760	573	760	720
Closed Appeals	800	715	720	706	720	635	720	727	720	720
Pending Appeals EOFY	496	515	515	512	512	617	657	486	697	697
Pending Appeals in Months	7.4	8.6	8.6	8.7	8.5	11.7	11	8.0	11.6	11.6
Average Case Turnaround in Months	10.5	9.7	10.3	9.2	10.3	9.9	10.3	11.2	10.3	10.3
FTE	53	49.9	54	47.4	54	43.7	40	39.5	40	40
BRB Longshore - Support strengthened economic protections through providing full and fair review of all appeals and issuing timely decisions.										
	<b>Goal Substantially Achieved</b>		<b>Goal Substantially Achieved</b>		<b>Goal Substantially Achieved</b>					
<b>BRB - Longshore: New Appeals</b>	350	288	300	248	300	241	300	226	300	300
Closed Appeals	350	304	300	288	300	282	300	260	300	300
Pending Appeals EOFY	222	211	211	182	182	152	152	134	152	152
Pending Appeals in Months	7.6	8.3	8.4	7.6	7.3	6.5	6.1	6.2	6.1	6.1
Average Case Turnaround in Months	9	8.8	9	9	9	8.6	9	8.1	9	9.0
FTE	14	13.1	13	12.4	13	13	20	21.1	20	20

## DEPARTMENTAL MANAGEMENT

SUMMARY OF PERFORMANCE										
Performance Goal — Women's Bureau										
	PY 2005		PY 2006		PY 2007		PY 2008		PY 2009	PY 2010
	Goal Achieved		Goal Achieved		Goal Achieved					
	Target	Result	Target	Result	Target	Result	Target	Result	Target	Target
<b>Performance Goal 1 - Increase Women's Employment Opportunities (Working Women in Transition)</b>										
Number of women in WWIT	200	230	650	777	793	733	809	1,116	NA*	NA*
Percent of participants that increase earnings (new measure in 2006)				39%	41%	17%	19%	23%		
Percent of participants that find employment (new measure in 2006)				44%	46%	41%	43%	26%		
Percent of participants that enter a degree program or post-secondary ed. certification program (new measure in 2006)				18%	20%	10%	12%	8%		
<b>Performance Goal 2 - Increase Women's Financial Security (Wi\$e Up)</b>										
Number of Wi\$e Up participants	360	722	588	1,037	1,058	1,445	1,488	1,995	1,533	1,578
Percent of participants who reduce their debt (new measure in 2006)			TBD	39%	41%	60%	45%*	58%	60	62%
Percent of participants who increase their savings/investments (new measure in 2006)			TBD	42%	44%	51%	48%*	58%	60%*	62%
<b>Performance Goal 3 - Increase the number of Employer Flexible Programs and Policies (Flex-Options for Women)</b>										
Number of employers who express an interest in expanding or developing a flexible workplace policy or program	120	90	140	199	235	387	311**	365**	378	391
Number employers who create or expand at least one flexible policy/program	60	44	84	116	137	197	210	252	273	283
Number of employees who have access to new flexible policies/programs (new measure in 2006)	720	1,460	1,710	Achieved	1,778	Achieved	1,924	402,334	TBD****	TBD****
* Focus will shift to the outcome of measure of those who actually reduce debt/increase savings as contrast to those who say they do.										
** In FY 2008, the definition of expressing an interest was redefined and strengthened.										

## DEPARTMENTAL MANAGEMENT

### SIGNIFICANT ITEMS IN APPROPRIATION COMMITTEES' REPORTS

#### **Significant Items in the 2009 Joint Explanatory Statement DM/ILAB**

**Explanatory Statement:** The Bill includes \$86,074,000 for the International Labor Affairs Bureau (ILAB). The table and accompanying statement language establish the allocation of these funds. The Department may propose adjustments to this allocation through the transfer and reprogramming guidance provided by this Act, which include requirements for advance notification of the Committees on Appropriations of the House of Representatives and the Senate.

**Response:** ILAB received an appropriation of \$86,074,000, of which \$39,260,000 is for the United States' contribution to expand on the successful efforts of the International Labor Organization's (ILO) International Program for the Elimination of Child Labor (IPEC); \$20,000,000 to continue the program of basic education grants in countries where the growing number of children removed from abusive and exploitative child labor need access to basic education; \$6,500,000 to continue support for the implementation of model programs designed to address worker rights in countries with which the United States has trade preference programs, including to expand the existing cooperative agreement for the development of an effective system of monitoring and transparent public reporting on the adherence to, and enforcement of, worker rights in the Republic of Haiti; and \$20,314,000 for research, policy, reporting and administration. Funding for research, policy, reporting and administration was intended to include (1) sufficient funds to expand the competitively awarded contract for oversight of public and private initiatives to eliminate the worst forms of child labor in the cocoa sector in Cote d'Ivoire and Ghana, (2) sufficient funds for the effective oversight, monitoring, audit and evaluation of ILAB's project portfolio to ensure that taxpayer dollars are well spent in the effort to eliminate exploitive child labor, increase respect for and compliance with the fundamental rights for workers, and meet ILAB's other mandates and responsibilities, and (3) \$1,500,000 shall be available for research activities authorized by the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, as proposed in the budget request. ILAB is in the process of developing operating plans for the allocation of funds in each of these areas. In FY 2009, it may be necessary to use up to 1.5% of grants funding to cover all operational expenses for the Bureau and ensure the successful completion of the Bureau's responsibilities related to research, reporting and oversight of technical cooperation programming.

**Explanatory Statement:** ILAB shall use \$39,260,000 for the United States' contribution to expand on the successful efforts of the International Labor Organization's (ILO) International Program for the Elimination of Child Labor (IPEC). ILAB shall ensure that these funds are spent effectively in the effort to reduce the worst forms of child labor.

**Response:** ILAB acknowledges this language on funding to support the ILO-IPEC program and is in the process of finalizing an operation plan to allocate these resources in the most effective way to combat the worst forms of child labor around the world.

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**Explanatory Statement:** The bill also provides \$20,000,000 to continue the program of basic education grants in countries where the growing number of children removed from abusive and exploitative child labor need access to basic education. The Department shall continue to work with the governments of host countries to eliminate school fees that create a barrier to education.

**Response:** ILAB acknowledges this language on funding to support basic education programs in countries where the growing number of children removed from abusive and exploitative child labor need access to basic education. ILAB is in the process of finalizing plans for allocating these resources in the most effective way possible. As one of its initial steps in the process, ILAB published a Notice of Intent in the Federal Register on April 10, 2009 announcing its intent to award cooperative agreements to organizations to support efforts to combat exploitive child labor in the following four countries: Guatemala, Indonesia, Nepal, and Rwanda.

**Explanatory Statement:** The bill also provides \$6,500,000 to continue support for the implementation of model programs designed to address worker rights in countries with which the United States has trade preference programs. Within this amount, \$2,500,000 is included to expand the existing cooperative agreement for the development of an effective system of monitoring and transparent public reporting on the adherence to, and enforcement of, worker rights in the Republic of Haiti. These additional funds will allow the implementation of an effective monitoring program in factories, including the training labor inspectors, and reflect the support for a multi-year funding commitment to improve the working conditions in Haiti's garment industry and increase compliance with core international labor standards. Cost sharing from Haiti shall continue to support this effort.

**Response:** ILAB acknowledges this language on funding to continue support for the implementation of model programs designed to address worker rights in countries with which the United States has trade preference programs. ILAB is in the process of finalizing an operation plan to allocate these resources in the most effective way possible and published a Notice of Intent in the Federal Register on April 17, 2009 informing eligible organizations of ILAB's planning in this area.

**Explanatory Statement:** Within the funds provided for research, policy, reporting and administration, sufficient funds are included to expand the competitively awarded contract for oversight of public and private initiatives to eliminate the worst forms of child labor in the cocoa sector in Cote d'Ivoire and Ghana. These funds are intended to support the assessment of the implementation of the child labor monitoring system by industry covering 100% of the cocoa growing areas in Cote d'Ivoire and Ghana and other objectives of the current contract where full assessment has not been possible due to the delay in the implementation of a transparent certification system. These funds will support continued annual reporting through 2010, which will include a programmatic review of industry and national government efforts to remediate the worst forms of child labor and adult forced labor in the cocoa supply chain. The review will also include recommendations for the frequency of data collection needed in the field to accurately report on the incidence of the worst forms of child labor and adult forced labor in order to measure the decline over time of these abusive labor practices.

## DEPARTMENTAL MANAGEMENT

**Response:** ILAB acknowledges this language on funding to support an expansion of its competitively awarded contract for oversight of public and private initiatives to eliminate the worst forms of child labor in the cocoa sector in Cote d'Ivoire and Ghana. ILAB is in the process of determining the most appropriate way to move forward in allocating the necessary funding to achieve the goals spelled out in the explanatory statement.

**Explanatory Statement:** Also within research, policy, reporting and administration, not more than \$1,500,000 shall be available for research activities authorized by the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, as proposed in the budget request.

**Response:** ILAB is in the process of developing an operating plan for the effective allocation of not more than \$1,500,000 for research activities that will support ILAB's efforts to meet its obligations under the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008.

**Explanatory Statement:** Sufficient funding within research, policy, reporting and administration also is included for the effective oversight, monitoring, audit and evaluation of ILAB's project portfolio to ensure that taxpayer dollars are well spent in the effort to eliminate exploitive child labor, increase respect for and compliance with the fundamental rights for workers, and meet ILAB's other mandates and responsibilities. ILAB shall ensure that funding in this bill is spent effectively in carrying out its mission and achieving its performance goals and objectives.

**Response:** ILAB is actively engaged in using resources provided to support its work on research, policy, reporting and administration to ensure the effective oversight, monitoring, audit and evaluation of ILAB's international project portfolio, which includes projects to combat exploitive child labor and promote workers rights internationally. ILAB will use about 1.5% of grants funding to cover expenses related to the effective of oversight of its technical assistance funding, including evaluations, audits, and research.

### **Significant Items in the 2009 Joint Explanatory Statement DM/SOL**

**Explanatory Statement:** The Office of the Solicitor shall support no less than an increase of five full-time equivalents for enforcement support for the Mine Safety and Health Administration.

**Response:** In FY 2009, the Office of the Solicitor will have five additional full-time positions on board for enforcement support for the Mine Safety and Health Administration.

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### **Significant Items in the 2009 Joint Explanatory Statement DM/WB**

#### **Explanatory Statement: Preparing Women for the 21<sup>st</sup> Century Workplace**

Within the funds provided for the Women's Bureau are sufficient resources for the expansion of a competitive award designed to support local women's employment and training programs throughout the United States. These funds shall be used to continue to support technical assistance, online and toll-free referral services, and other activities that advance unemployed and under-employed women in the workforce.

**Response:** The Bureau has notified the current contractor for the Preparing Women for the 21<sup>st</sup> Century Workplace project of its intent to exercise the option year on the contract awarded in 2008. The award of this option year will be made in accordance with all applicable procurement policies and regulations.

### **Significant Items in the 2009 Joint Explanatory Statement DM/OASAM/ASP**

**Explanatory Statement:** The Secretary of Labor shall provide a report to the Committees on Appropriations of the House of Representatives and the Senate by July 1, 2009 detailing the actions that the Department will under take existing authorities to ensure that its programs and policies are oriented to reduce the disparities in unemployment rates across racial and ethnic groups.

**Response:** A report will be provided to the Committees by July 1, 2009 describing actions the Department will take to ensure that its programs and policies are directed to reducing the disparities in unemployment rates across racial and ethnic groups.

### **Significant Items in the 2009 Joint Explanatory Statement DM/OASAM/BOC**

**Explanatory Statement:** The Secretary of Labor is directed to provide the Committees on Appropriations of the House of Representatives and the Senate a detailed inventory of the Department's greenhouse gas emissions, and a plan to reduce these emissions, by December 31, 2009.

**Response:** The Department of Labor (DOL) is utilizing the greenhouse gas accounting and tracking function in Energy Star Portfolio Manager to calculate greenhouse gas emissions for DOL-owned buildings. DOL, in consultation with GSA, is also exploring available tools for calculating the greenhouse gas emissions of its GSA-leased vehicle fleet. DOL has made and is continuing to make significant progress in addressing energy and environment issues.



# 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>			
	Benefits Review Board – Black	30 U.S.C. Section			

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<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	Lung Appeals Program & Longshore Appeals Program  Employees' Compensation Appeals Board. Review appeals of claims under Federal Employees' Compensation Act Anti-Drug Act of 1986	901 et seq.  5 U.S.C. Section 8101 et seq.			

## DEPARTMENTAL MANAGEMENT

<b>APPROPRIATION HISTORY</b>					
(Dollars in Thousands)					
	<b>Budget Estimates to Congress</b>	<b>House Allowance</b>	<b>Senate Allowance</b>	<b>Appropriations</b>	<b>FTE</b>
2000...1/	278,798	211,553	268,455	265,672	1,596
2001...2/	459,144	266,479	359,554	401,946	1,516
2002...3/	352,355	383,878	361,834	258,624	1,417
2003...4/	350,042	341,967	419,575	374,034	1,527
2004...5/	296,937	276,419	375,010	373,720	1,536
2005...6/	310,873	259,967	350,319	337,246	1,420
2006...7/	268,662	264,022	344,800	314,944	1,402
2007	267,345	262,039	267,346	324,175	1,319
2008...8/	279,021	318,046	338,503	318,737	1,237
2009...9/	288,177	0	0	338,892	1,298
2010	380,245	0	0	0	1,404

- 1/ Reflects a \$263,000 reduction pursuant to P.L. 106-113.
- 2/ Reflects a \$483,000 reduction pursuant to P.L. 106-554.
- 3/ Reflects a \$1,636,000 reduction pursuant to P.L. 107-116 and 107-206.
- 4/ Reflects a \$2,297,000 reduction pursuant to P.L. 108-07.
- 5/ Reflects a \$2,509,000 reduction pursuant to P.L. 108-199.
- 6/ Reflects a \$2,735,000 reduction pursuant to P.L. 108-447.
- 7/ Reflects a \$3,005,000 reduction pursuant to P.L. 109-148.
- 8/ Reflects a \$5,184,000 reduction pursuant to P.L. 110-161
- 9/ This bill was only reported out of Subcommittee and was not passed by the Full House.

# DEPARTMENTAL MANAGEMENT

## OVERVIEW

### Introduction

The primary goal of the U.S. Department of Labor (DOL) is to protect and promote the interests of the American worker. The Departmental Management (DM) Salaries and Expenses (S&E) appropriation is responsible for formulating and overseeing the implementation of Departmental policy and management activities in support of that goal. Departmental Management is important in this regard because it provides leadership and direction for the various agencies within DOL.

The Departmental Management Salaries and Expenses appropriation is composed of the following ten essential budget activities: Program Direction and Support; Legal Services, which provides funds for the Department's Office of the Solicitor; International Labor Affairs; Administration and Management; Adjudication; Women's Bureau; Civil Rights; Chief Financial Officer; Information Technology Systems; and Departmental Management Program Evaluation. Three of the ten activities (Program Direction and Support; Administration and Management; and Adjudication) include a consolidation of several smaller operating programs.

The Program Direction and Support (PDS) activity provides leadership and direction for the various DOL agencies. As part of its responsibilities, PDS oversees a program of analysis and general research on issues affecting the American workforce and evaluates the effectiveness of Departmental programs. PDS includes funding for the following organizations: Office of the Secretary; Office of the Deputy Secretary; Office of the Assistant Secretary for Policy; Office of Congressional and Intergovernmental Affairs; Office of Public Affairs; Office of Small Business Programs; Office of Public Liaison; Office of Faith Based Initiatives; and the Office of Recovery for Auto Communities and Workers.

The Office of the Solicitor (SOL) provides legal services and certain non-legal services to the Secretary and to the agencies within DOL. Its central purposes are law enforcement, legal advice, and compliance assistance. SOL is relatively unique among general counsels' offices in the Federal government because it has independent litigating authority under a number of Federal statutes. Approximately half the attorneys in SOL are in regional offices outside Washington, D.C., and their responsibilities consist almost entirely of work related to litigation in Federal district courts and before administrative law judges. SOL also provides legal advice to the Secretary and other agency heads on a wide variety of matters arising under the nearly 200 laws the Department enforces.

The Bureau of International Labor Affairs (ILAB) supports the President's international agenda on labor matters, carries out international responsibilities for the Secretary of Labor, and provides oversight and coordination of the Department's international activities. ILAB focuses on three primary 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 Organization.

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The Administration and Management activity develops Departmental policy, administrative programs, systems, and procedures, in the areas of information resources; budget formulation and resource analysis; performance planning; procurement; human resources; equal opportunity; safety and health; homeland security and emergency management; and administrative services. This mission is achieved through service centers which are functionally organized, such as the Departmental Budget Center (DBC) and Human Resources Center (HRC). Additionally, under the Real Property Asset Management program initiative, the Administration and Management activity directly manages its Frances Perkins Building (FPB) headquarters in conjunction with the General Services Administration (GSA) and manages the rental of regional and field office space through the arrangement of GSA leases.

The Adjudication activity, which includes the Office of Administrative Law Judges, the Benefits Review Board, the Employees' Compensation Appeals Board, and the Administrative Review Board, reviews and determines several thousand appeals each year, makes legal interpretations, establishes legal precedents, and sets standards within their jurisdictional areas for the entire nation. The work of the offices funded in this activity contributes to the security and preparedness of the American workforce and the quality of American work places.

The mission of the Women's Bureau is to formulate standards and policies which promote the welfare of wage-earning women, improve their working conditions, increase their efficiency, and advance their opportunities for profitable employment. 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, concentrates its efforts on projects/initiatives designed to prepare women for tomorrow's jobs and achieve their potential in the workplace, and advises and assists in the development of DOL policies and programs.

The Civil Rights Center's (CRC) mission is ensuring compliance with Federal civil rights laws and their implementing regulations. These laws and regulations cover DOL employees and applicants for employment, DOL conducted programs, and DOL programs and activities receiving or benefiting from DOL financial assistance. The CRC also has the following core responsibilities: administering DOL's equal employment opportunity (EEO) program consistent with the U.S. Equal Employment Opportunity Commission's (EEOC) directives; ensuring compliance with Federal equal opportunity and nondiscrimination laws and regulations by recipients of financial assistance and DOL conducted programs; processing workplace-related complaints under Title II of Americans with Disabilities Act (ADA); coordinating enforcement of DOL compliance with the Architectural Barriers Act of 1968, and overseeing the implementation of DOL employee rights policies.

The Office of the Chief Financial Officer's (OCFO) mission is to foster effective stewardship of public funds, safeguard fiscal integrity through effective internal controls, and provide timely, accurate, and useful financial information to decision makers.

The IT Crosscut activity is used to address department-wide information technology priorities by serving the needs of Departmental agencies in an integrated fashion and funding enterprise-wide initiatives.

## DEPARTMENTAL MANAGEMENT

The Departmental Management Program Evaluation activity is designed to designate and centralize specific program evaluation funds that can be used in various Department of Labor agencies for individual program evaluations in an effort to identify what is working, what isn't, and changes that can be made ensuring resources are spent effectively departmentwide.

The FY 2010 Departmental Management budget directly supports the Department of Labor's strategic goals:

**A Prepared Workforce:** Develop a prepared workforce by providing effective training and support services to new and incumbent workers and supplying high quality information on the economy and labor market.

**A Competitive Workforce:** Meet the competitive labor demands of the worldwide economy by enhancing the effectiveness and efficiency of the workforce development and regulatory systems that assist workers and employers in meeting the challenges of global competition.

**Safe and Secure Workplaces:** Promote workplaces that are safe, healthful, and fair; guarantee workers receive the wages due them; foster equal opportunity in employment; and protect veterans' employment and re-employment rights.

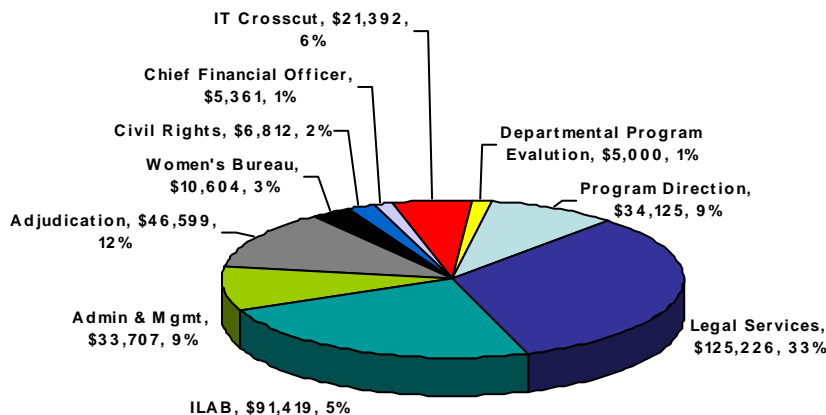
**Strengthened Economic Protections:** Protect and strengthen worker economic security through effective and efficient provision of unemployment insurance and workers' compensation; ensuring union transparency; and securing pension and health benefits.

### Cost Model

The total budget request for the Departmental Salaries and Expenses appropriation for FY 2010 totals \$380,245,000 and 1,404 FTE. This request includes the IT Crosscut request of \$21,392,000.

The total includes \$354,827,000 and 1,249 FTE provided for general funds; \$25,091,000 and 151 FTE provided from the Black Lung Disability Trust Fund; and \$327,000 and 3 FTE provided from the Unemployment Trust Fund. The total of \$380,245,000 includes net built-in increases in the amount of \$5,621,000 and program increases totaling \$35,732,000.

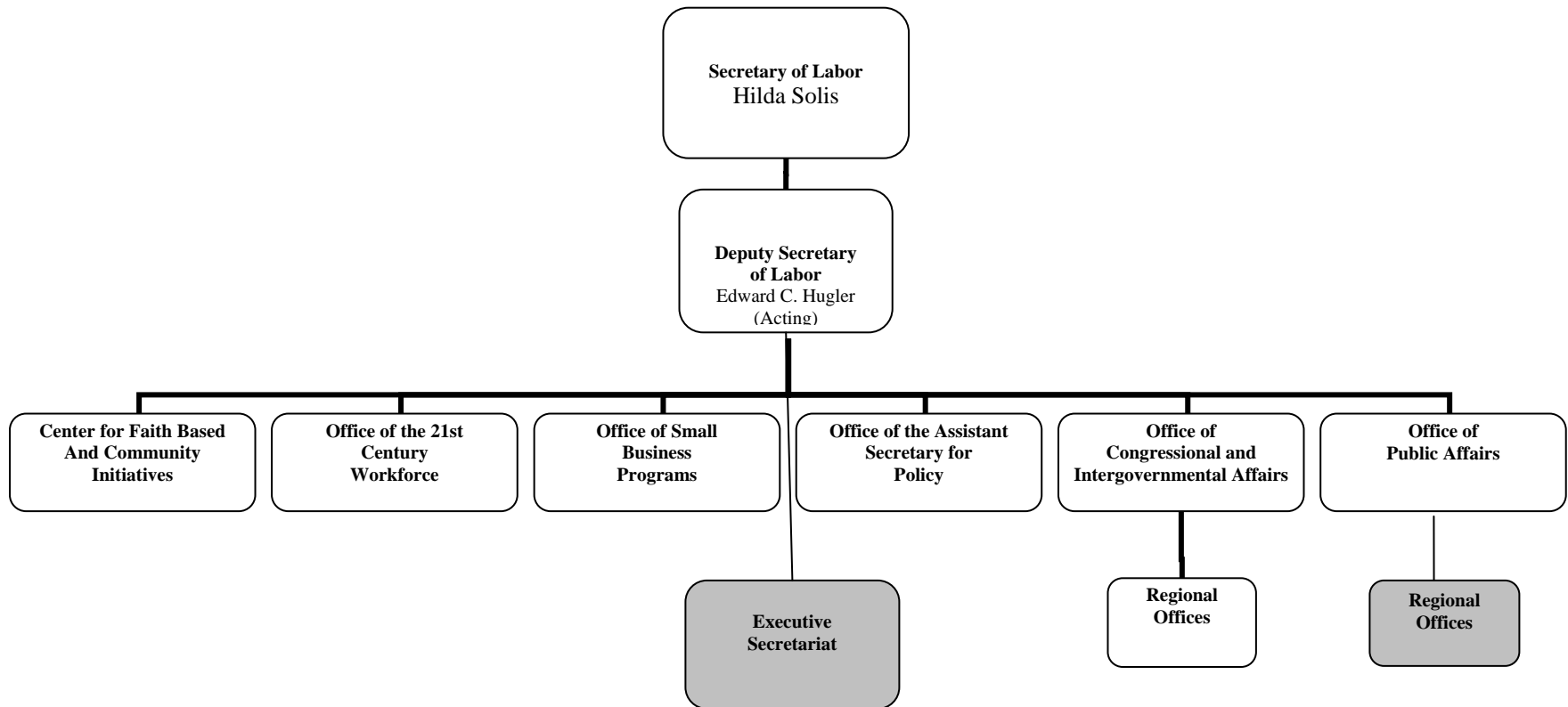
**FY 2010 Budget Request by Program Activity**  
**Total DM Budget: \$380,245,000**  
 (Dollars in Thousands)



# DEPARTMENTAL MANAGEMENT

## ORGANIZATION CHART

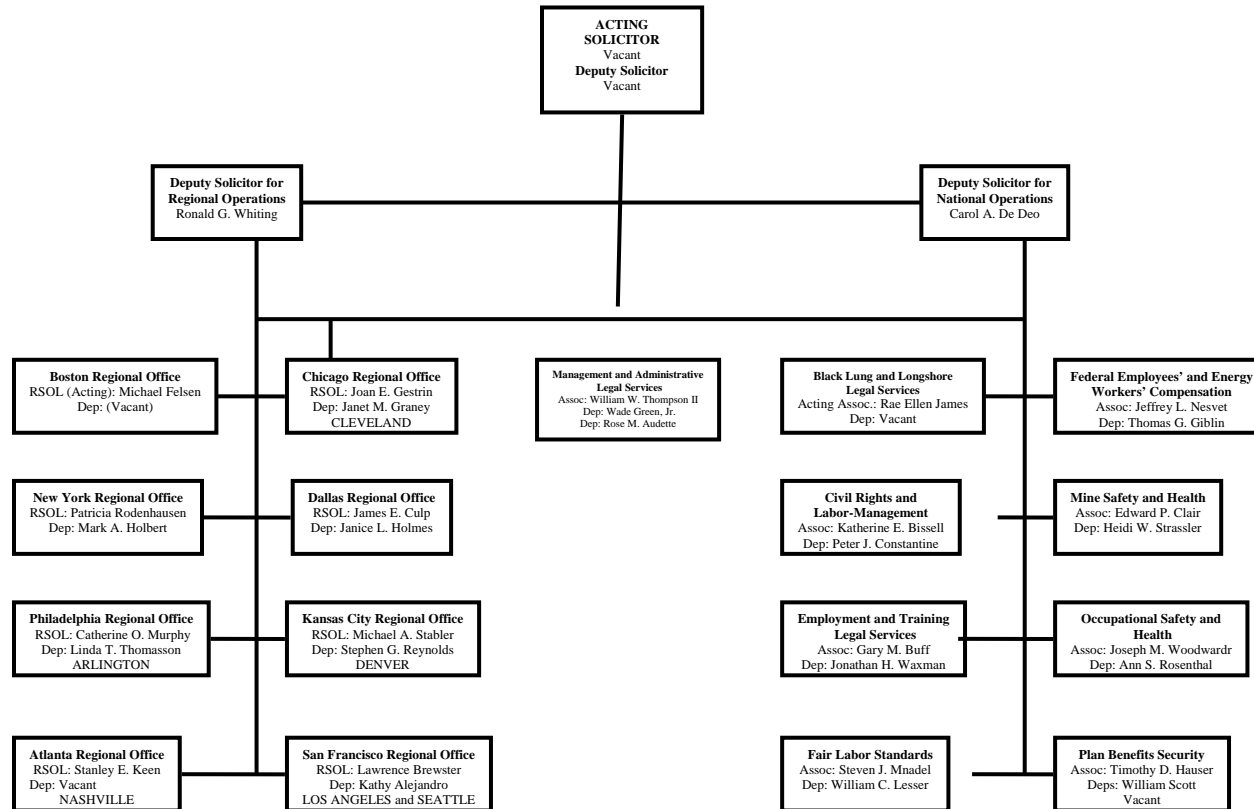
### PROGRAM DIRECTION AND SUPPORT



Shaded box indicates funding through the Departmental Management Working Capital Fund

# DEPARTMENTAL MANAGEMENT

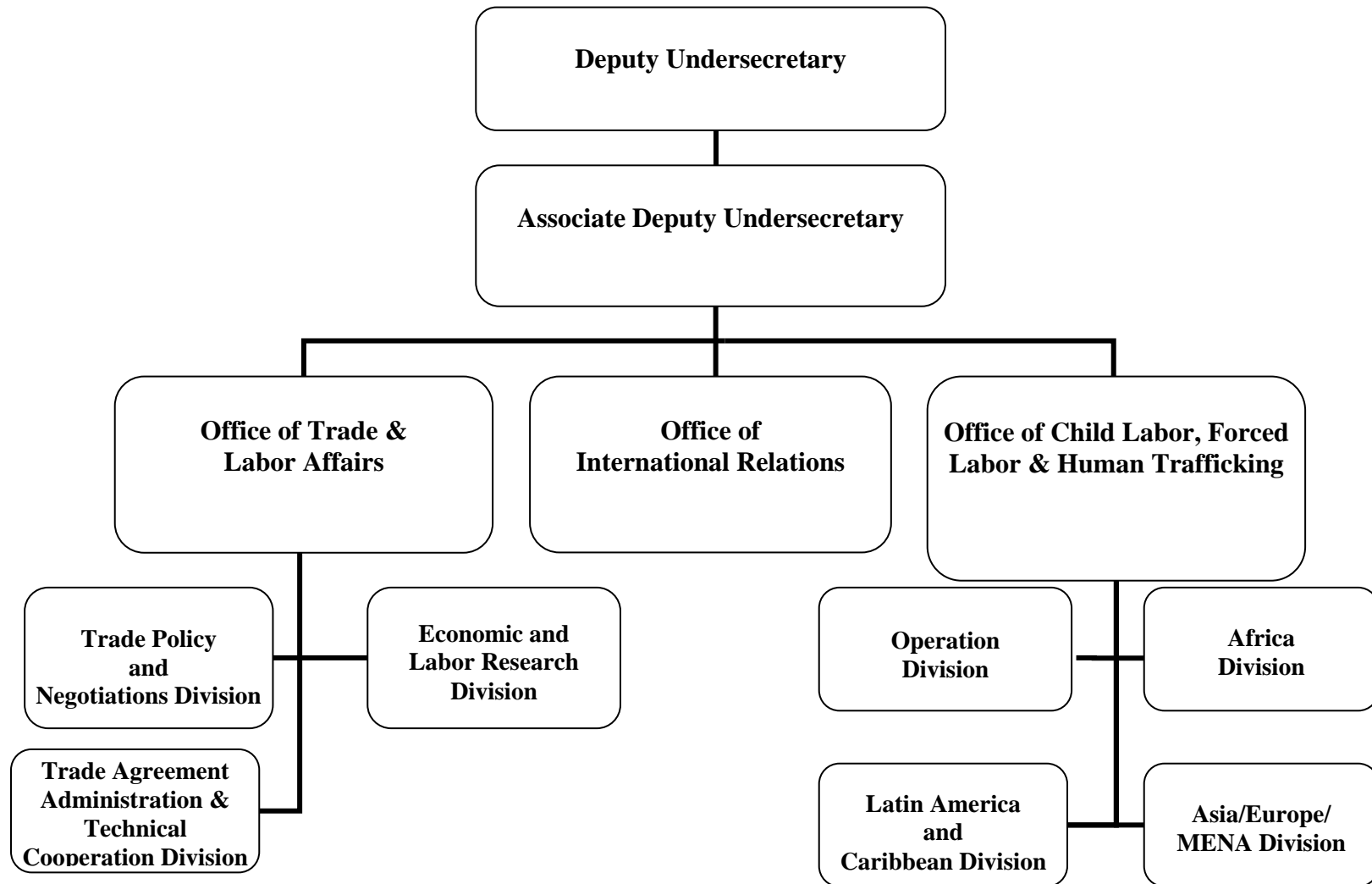
## OFFICE OF THE SOLICITOR





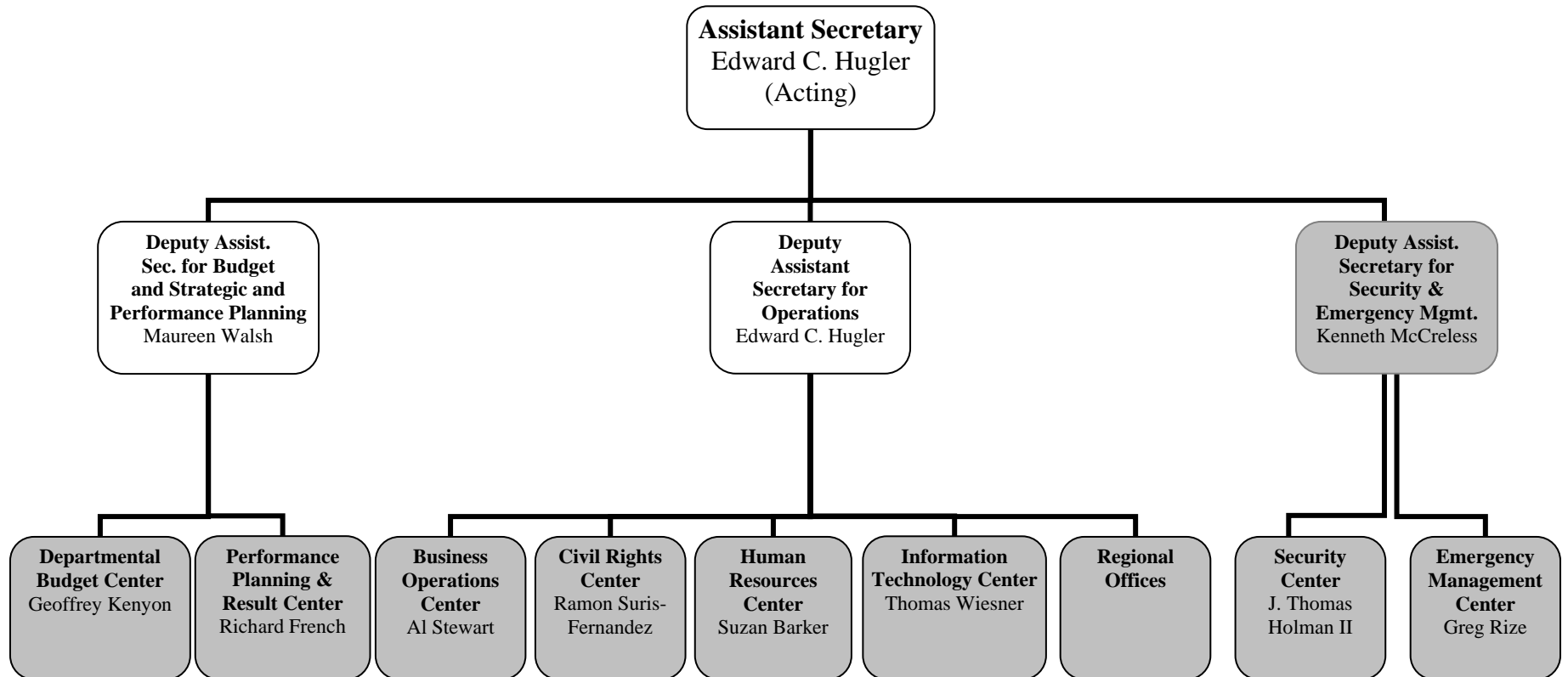
# DEPARTMENTAL MANAGEMENT

## INTERNATIONAL LABOR AFFAIRS



# DEPARTMENTAL MANAGEMENT

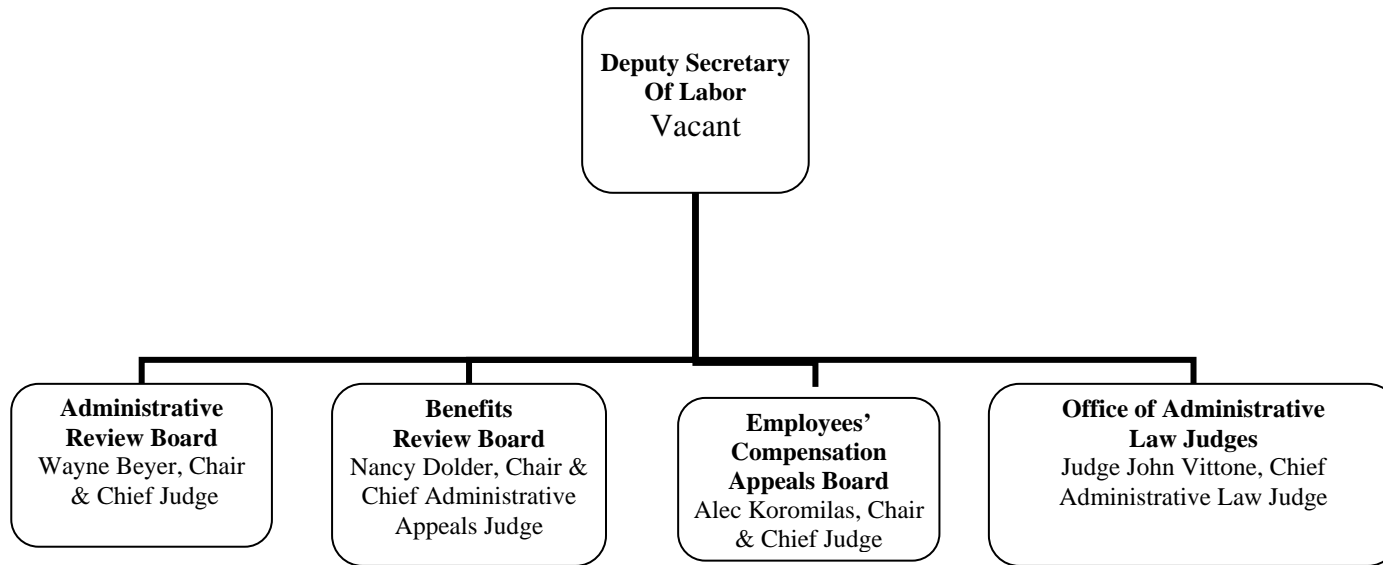
## OFFICE OF ASSISTANT SECRETARY FOR ADMINISTRATION AND MANAGEMENT



Shaded areas receive funding from WCF

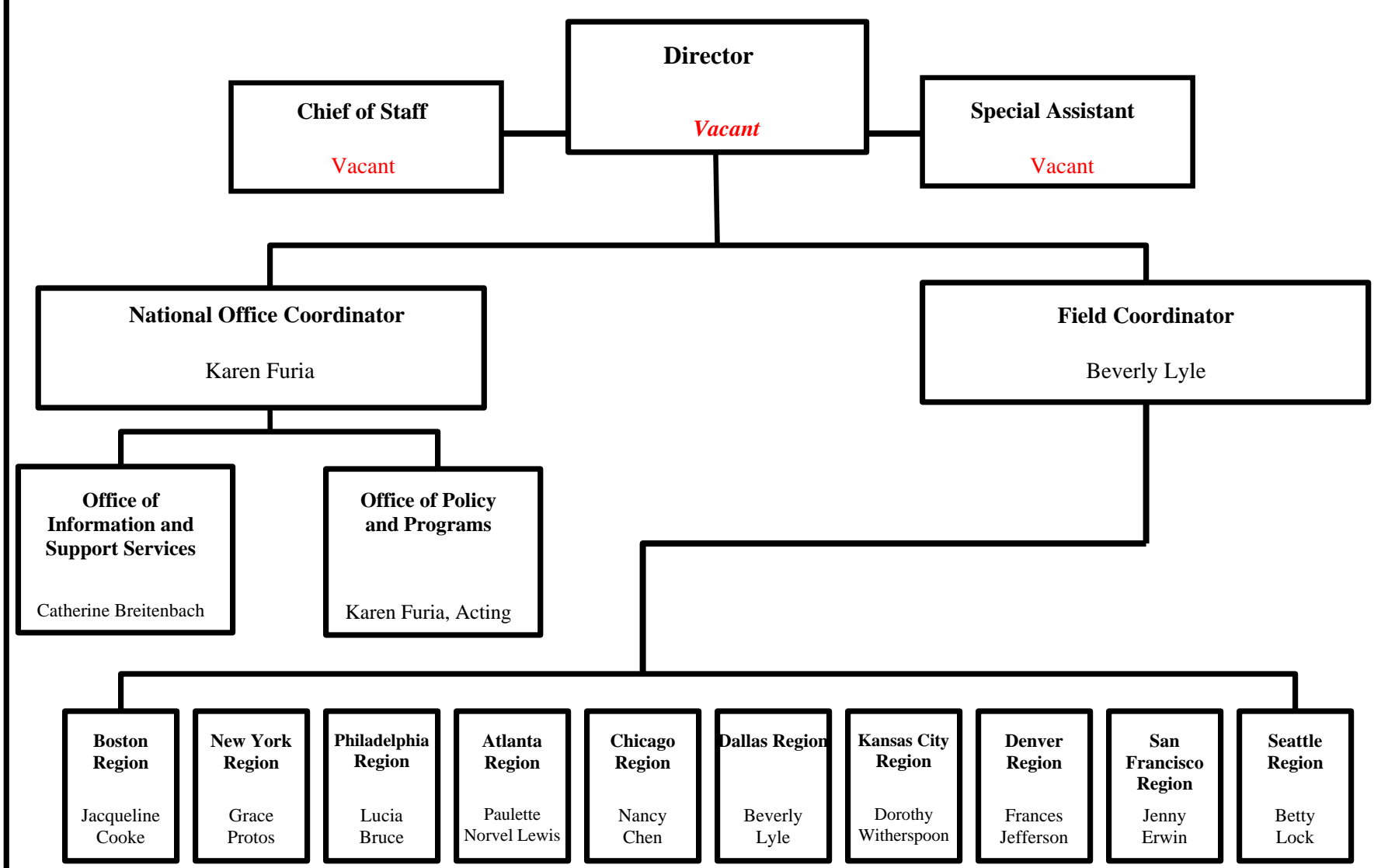
# DEPARTMENTAL MANAGEMENT

## ADJUDICATION



DEPARTMENTAL MANAGEMENT

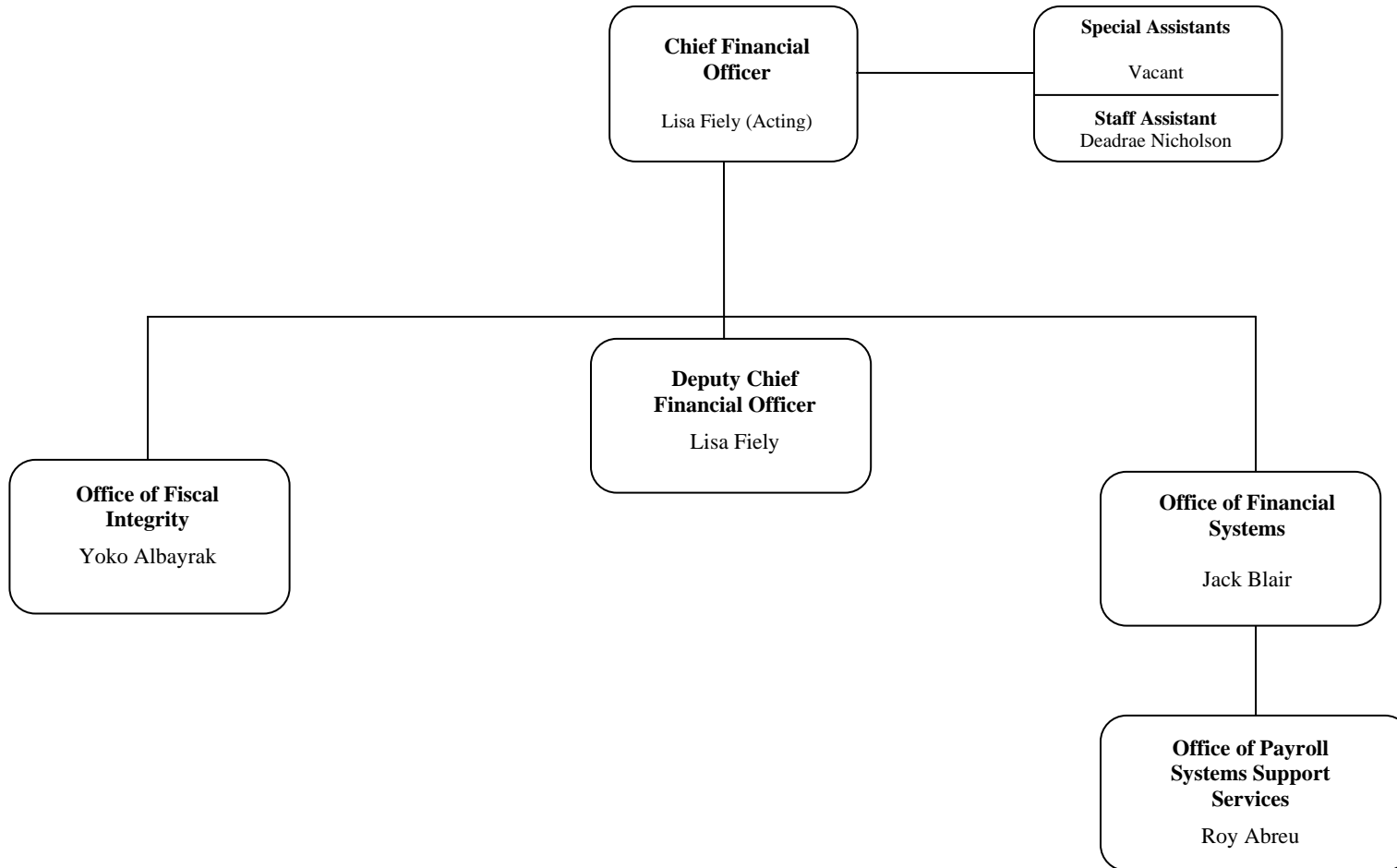
**Women's Bureau**



*PRESIDENTIAL APPOINTEE SENATE CONFIRMED*  
Schedule C

# DEPARTMENTAL MANAGEMENT

## OFFICE OF THE CHIEF FINANCIAL OFFICER





## PROGRAM DIRECTION AND SUPPORT

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>						
(Dollars in Thousands)						
	<b>FY 2008 Enacted</b>	<b>FY 2009 Enacted</b>	<b>Diff. FY08 Enacted / FY09 Enacted</b>	<b>Recovery Act</b>	<b>FY 2010 Request</b>	<b>Diff. FY09 Enacted / FY10 Req</b>
<b>Activity Appropriation</b>	<b>26,337</b>	<b>22,831</b>	<b>-3,506</b>	<b>4,140</b>	<b>34,125</b>	<b>11,294</b>
FTE	149	140	-9	4	152	12

NOTE: FY 2008 reflects actual FTE. Authorized FTE for FY 2008 was 140.

### **Introduction**

The Program Direction and Support (PDS) activity includes the following eight 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, and (8) the Office of Faith-Based 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><u>Fiscal Year</u></b>	<b><u>Funding</u></b> (Dollars in Thousands)	<b><u>FTE</u></b>
2005	26,717	151
2006	25,534	135
2007	28,189	135
2008	26,337	140
2009	22,831	140

NOTE: Excludes Recovery Act Funding. See budget activity head table.

## **PROGRAM DIRECTION AND SUPPORT**

### **FY 2010**

The FY 2010 budget requests \$34,125,000 and 152 FTE for Program Direction and Support (PDS) which includes an increase of \$397,000 for built-ins and program increases of \$10,897,000. Funds in the amount of \$2,350,000 will support the Office of Recovery for Auto Communities and Workers, a new initiative to support and revitalize auto industry workers and communities in a comprehensive way. Michigan, Ohio, and other states are seeing auto-makers struggling to survive. The auto-industry is a key source of jobs for workers and revenue for communities. This office will work with other federal agencies to identify ways the federal government can be of assistance to this target population. Some of the ways government could help may include promoting battery technology for new hybrid cars and by providing money for weatherization, job training, transportation, light rail and other areas. Michigan could lose 760,000 jobs by the end of next year which would be a devastating impact on the workers, families, and communities.

The balance of the funding will provide required resources to ensure Departmental leadership can meet its core responsibilities and provide the necessary leadership and direction related to unemployment insurance modernization contained in the American Recovery and Reinvestment Act (ARRA) to:

- make the program a more effective social safety net and economic stabilizer;
- provide strong support for Federal workforce training programs with an increased focus on green technologies training;
- strengthen enforcement of labor standards, including workplace safety and benefit security; and
- establish automatic workplace pensions.

The PDS budget activity has experienced recent under-funding in the last two fiscal years. Funds appropriated in FY08 and FY09 were over 6% below FY 2001 appropriated resources for this activity. Sufficient funding, as contained at the request level, is needed to ensure the Department has strong leadership and direction on key labor initiatives while working towards improving the current economic situation and supporting ARRA activities which are not funded within the ARRA appropriation.

OSEC leadership includes funding the Office of the Assistant Secretary for Policy (OASP) which coordinates the Department's ongoing involvement in interagency planning and policy development efforts; the Office of Congressional and Intergovernmental Affairs (OCIA) whose objective is development and implementation of policies that affect legislative programs while maintaining Congressional relationships; the Office of Public Liaison advises the Secretary on policy and legislation affecting Departmental programs and priorities, as well as constituency concerns. The Office of Faith Based Initiatives seeks to enhance partnerships with faith-based organizations in addressing America's social problems in the labor arena. The Office of Public Affairs (OPA) carries out a nationwide communications program on 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



## **PROGRAM DIRECTION AND SUPPORT**

opportunity workplace initiatives, and disabled employment issues. Lastly the Office of Small Business Programs (OSBP) ensures procurement-related utilization of small, disadvantaged and women-owned businesses and minority colleges and universities; promotes DOL interaction with minority-owned colleges and universities (MCUs); serves as the Department's central referral point for compliance assistance and administrative oversight of DOL advisory committees and similar activities; and provides 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.

### **FY 2009**

The FY 2009 Operating Plan of \$22,831,000 and 98 FTE for PDS enables PDS to 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.

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.

OPA will continue 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.

## **PROGRAM DIRECTION AND SUPPORT**

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 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.

### **Recovery Act**

Out of the \$80 million appropriated to the Departmental Salaries and Expenses fund, \$4,140,000 and 4 budgeted FTE currently remain unallocated to agencies and is being held in reserve. The reserved funds will provide the Department the flexibility needed to offer incentives to Agencies to refine their understanding of their regulated universe under the Recovery Act. As Agencies sharpen their estimated workloads and the resources needed to accomplish them, they will be encouraged to request additional funds from the reserve. As such, Departmental Management (DM) will continue to refine the Department's Recovery Act strategy for unforeseen situations, and submit revisions to the DM operating plan to reflect additional transfers of funds.

## PROGRAM DIRECTION AND SUPPORT

<b>BUDGET ACTIVITY by OBJECT CLASS</b>						
(Dollars in Thousands)						
		<b>FY 2008 Enacted</b>	<b>FY 2009 Enacted</b>	<b>Recovery Act</b>	<b>FY 2010 Request</b>	<b>Change FY 10 Req / FY 09 Enacted</b>
11.1	Full-time permanent	14,823	11,324	0	19,066	7,742
11.3	Other personnel compensation	23	23	0	30	7
11.5	Other personnel compensation	1,050	1,050	0	1,197	147
11.9	Total personnel compensation	15,896	12,397	0	20,293	7,896
12.1	Civilian personnel benefits	2,420	2,420	0	4,227	1,807
21.0	Travel and transportation of persons	340	340	0	405	65
23.1	Rental payments to GSA	2,275	2,275	0	2,295	20
23.3	Communications, utilities, and miscellaneous charges	300	300	0	475	175
24.0	Printing and reproduction	130	130	0	135	5
25.1	Advisory and assistance services	906	906	0	995	89
25.2	Other services	270	270	4,140	280	10
25.3	Other purchases of goods and services from Government accounts 1/	3,465	3,458	0	4,635	1,177
25.4	Operation and maintenance of facilities	25	25	0	25	0
25.7	Operation and maintenance of equipment	50	50	0	55	5
26.0	Supplies and materials	235	235	0	275	40
31.0	Equipment	25	25	0	30	5
<b>Total</b>		<b>26,337</b>	<b>22,831</b>	<b>4,140</b>	<b>34,125</b>	<b>11,294</b>
	1/Other Purchases of Goods and Services From Government Accounts					
	Working Capital Fund	3,389	3,389	0	4,566	1,177
	DHS Services	76	69	0	69	0

# PROGRAM DIRECTION AND SUPPORT

## CHANGES IN FY 2010

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	254
Personnel benefits	50
Federal Employees Compensation Act (FECA)	-72
Travel	2
GSA Space Rental	11
Communications, utilities & miscellaneous charges	2
Printing and reproduction	1
Other services	23
Working Capital Fund	125
Supplies and materials	1

**Built-Ins Subtotal** **397**

**Net Program** **10,897**

**Direct FTE** **12**

	Estimate	FTE
<b>Base</b>	<b>23,228</b>	<b>140</b>
<b>Program Increase</b>	<b>10,897</b>	<b>12</b>

## LEGAL SERVICES

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>						
(Dollars in Thousands)						
	<b>FY 2008 Enacted</b>	<b>FY 2009 Enacted</b>	<b>Diff. FY08 Enacted / FY09 Enacted</b>	<b>Recovery Act</b>	<b>FY 2010 Request</b>	<b>Diff. FY09 Enacted / FY10 Req</b>
<b>Activity Appropriation</b>	<b>96,978</b>	<b>108,364</b>	<b>11,386</b>	<b>6,665</b>	<b>125,226</b>	<b>16,862</b>
FTE	580	597	17	40	679	82

NOTE: FY 2008 reflects actual FTE. Authorized FTE for FY 2008 was 588.

### **Introduction**

The Office of the Solicitor (SOL) is the legal enforcement and support arm of the Department of Labor. SOL is a critical resource in the Department-wide effort to aggressively enforce worker protection laws, and is equally essential to the robust implementation of the Secretary’s regulatory and program agendas. 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 necessary for the aggressive enforcement of the nation’s worker protection 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.

The demand for legal services from SOL is increasing significantly, as is reflected by the increase in total matters received by SOL from all client agencies from 23,300 in FY 2005 to 25,157 in FY 2008, an increase of 8%. The 2010 Budget enables SOL to effectively meet this increased workload, and restore past erosion in its FTE levels.

Efforts underway during FY 2009 are significantly improving SOL’s ability to forcefully and decisively support the Secretary’s program initiatives. The Final Enacted Program Budget for SOL in FY 2009 included an additional \$13.4 million in Program and Built-in increases that has enabled SOL to begin to replenishing its FTE, and address critical deficiencies in the agency’s IT/Litigation Support infrastructure. SOL is using these funds to take immediate actions to respond to the Administration’s mandate for more aggressive enforcement of worker protection laws, as well as for more robust support of the Department’s regulatory and program agendas. By the end of FY 2009, SOL projects it will have completed the addition of more than 50 FTE, the vast majority of whom will be attorneys engaged in front-line legal work providing litigation and other enforcement or program-related legal services. SOL is initiating decisive responses to the findings of a major independent program evaluation that highlights critical deficiencies in every area of inquiry regarding the agency’s IT and Litigation Support capabilities. SOL is also

## LEGAL SERVICES

restoring funding for its professional training and development program, as well as making more adequate resources available for other necessary program expenses.

The President's FY 2010 increases SOL's program Budget by \$14.8 million. This increase in program funding will enable major consolidation and enhancement of the initiatives that SOL is now undertaking as the result of the Final Enacted FY 2009 Program Budget. The President's Budget will enable SOL to reach approximately 684 FTEs by the end of FY 2010. Substantially all of these additional FTE will be front-line attorneys performing direct litigation, legal opinion and advice, and regulatory development assistance to DOL client agencies. At the same time, SOL will be able to continue to make IT/Litigation Support infrastructure improvements that a recent independent program evaluation report indicated were critically needed. Infrastructure needs in other areas will be addressed, including: replacing SOL's failing case management and time reporting systems (SOLAR/TD), as well as developing capacities in the critical areas of legal document management, document review tools, transcript and evidence management, trial presentation, and case analysis. Finally, SOL will also continue to build its FTE-related program support capacity, including its professional development and training necessary to ensure that SOL's legal skills are competitive with those of its adversaries and other stakeholders that influence the safety and security of America's working women and men.

As is reflected more fully in the workload summary, from FY 2008 to FY 2010 SOL anticipates substantial increases in its workload, SOL projects an increase of 2,835 matters received from DOL agencies between FY 2008 and FY 2010. During that same two year time frame, SOL's staff level is projected to increase from about 589 to about 684, or about 16%. SOL projects that its number of "matters concluded" or workload capacity will also grow by about the same 16% during that period.

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

"SOL's Strategic Goals identify the three primary categories of legal enforcement and support services provided by the agency:

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.

In short, SOL services are required for the successful execution of the full spectrum of the Secretary's initiatives regarding aggressive enforcement of worker protection laws, improvement of regulatory standards and oversight, and optimal design and implementation of new or enhanced programs that support American workers. In providing these critical services through litigation, regulatory development and legal opinions and advice, SOL consistently maintains the highest professional standards and strives to provide the optimum possible level of services, comparable to, or better than, those provided by the top private labor law firms. The overarching mission of SOL is to target its legal resources to advance the priority enforcement initiatives of

## LEGAL SERVICES

the Department, effectively defend actions being taken by the Department, and provide further value-added services in the development of regulations, standards and legislation.

### Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2005	87,355	592
2006	87,886	604
2007	93,543	604
2008	96,978	588
2009	108,364	597

NOTE: Excludes Recovery Act Funding. See budget activity head table.

### FY 2010

The President's FY 2010 Budget requests an additional \$16.8 million in program and built-in funding to enable SOL to continue to rebuild program capacity to provide legal services support for more aggressive enforcement of worker protection laws, as well as more robust support of the Department's regulatory and program agendas. SOL will be enabled to increase its total FTE complement by approximately 80 FTE, or about 10% of the total FTE increase of 898 FTE across all DOL worker protection enforcement agencies. Thus, the SOL increase maintains the approximately 1:10 ratio between SOL FTE and enforcement-related FTE across all Department worker protection enforcement agencies. The requested increase will enable SOL to restore FTE-related activities such as professional development and training. The requested increase will also enable SOL to continue major upgrades to SOL's Information Technology equipment, legal matter tracking and time reporting systems and Litigation Support capabilities. Based upon the President's Budget:

- **FTE and Related Expenses:** SOL projects that the agency will be able to increase the on-board permanent FTE level from approximately 650 by the end of FY 2009 to approximately 684 by the end of FY 2010. The vast majority of the FTE added in FY 2009 and FY 2010 will be attorneys engaged in front-line legal work in the agency's National Office Divisions and its eight Regions. (FY 2010 Program/Built-in Increase: \$11.5 million.)
- **Information Technology and Litigation Support:** SOL projects that the increased funding level will enable the agency to continue to address a critical deficiency in technical capacity. Infrastructure needs will continue to be addressed includes: replacing SOL's failing case management and time reporting systems (SOLAR/TD), as well as developing capacities in the critical areas of legal document management, document review tools, transcript and evidence management, trial presentation, and case analysis. The continuation of these efforts to enable SOL to be more efficient and aggressive in its legal support of the Department will be adequately funded in the President's FY 2010 Budget. (FY 2010 Program/Built-in Increase: \$5.3 million.)

## LEGAL SERVICES

### FY 2009

The FY 2009 Final Enacted Budget (Omnibus Appropriations Act) provided an increase of \$13.5 million. The FY 09 Omnibus increased SOL's funding level from the FY 2009 Continuing Resolution level of \$94.9 million to \$108.4 million. This has enabled SOL to begin to implement the legal services response to the Administration's mandate for more aggressive worker protection law enforcement, as well as more vigorous Department of Labor program and regulatory agendas. SOL is utilizing the increased funds as follows:

- **FTE and Related Expenses:** SOL is in the process of increasing its permanent on-board FTE complement from 595 (Oct. 2008) to a projected total of approximately 650 by September 30, 2009. This increase is enabling the agency to provide increased enforcement litigation and other legal enforcement support to DOL's worker protection agencies, as well as provide more robust support of the Department's regulatory and program agendas. The vast majority of these FTE are attorneys engaged in front-line legal work in the agency's National Office Divisions and its eight Regions. The increase will also enable SOL to improve the quality and efficiency of its legal services by more adequately funding a broad range of FTE-related costs, such as training and professional development. (FY 2009 Program/Built-in Increase: approximately 11.1 million.)
- **Information Technology and Litigation Support:** A major independent program evaluation of SOL's IT and Litigation Support capacities funded by the Department's Center for Program Performance and Results (CPPR) issued in FY 2009 concludes that "SOL now has a critical need for technology and litigation support processes [in] electronic discovery, evidence management, trial presentation, [and] records management." The evaluation report also recommended that SOL initiate efforts to replace its failing case management and time reporting system (SOLAR/TD). SOL is utilizing a portion of the increased funds to begin implementation of a set of initiatives that will address the agency's critical deficiency in technical capacity in order to maintain the quality, efficiency, and professionalism of its legal services. (FY 2009 Program/Built-in Increase: approximately \$2.4 million.)

### Recovery Act

SOL has requested a portion of the \$80 million in Departmental Management funding made available by Title VIII of the American Recovery and Reinvestment Act of 2009 (ARRA) to support SOL activities in support of ARRA. SOL provides legal advice and support for "the enforcement of worker protection laws and regulations, oversight, and coordination activities related to the infrastructure and unemployment insurance investments," as referenced in the aforementioned section of ARRA Title VIII, and will use any DM funds received for these purposes. SOL has defined one primary category of ARRA related legal services:

- **Implementation and Pre-referral Support:** SOL provides legal advice and support for all of the new activities required, or made possible, by the ARRA. SOL also provides legal services to assist client agencies receiving ARRA funds to develop investigations



## LEGAL SERVICES

and other enforcement actions before those matters are formally referred to SOL for litigation or other legal activity, and in litigating any enforcement or defensive actions related to activities under the ARRA within the relevant period.

SOL will use \$1.815 million in DM ARRA funding for 11 temporary or term-limited FTE in SOL's National Office Divisions to provide legal services related to ARRA grants awarded and contracts issued, section 13 (c) mass transit employee protective arrangements certified, administrative procedures and regulatory changes necessitated by the Act and all worker protection aspects of the Act. SOL is currently awaiting program approval for an additional \$1.815 million in DM ARRA funding for an additional 11 temporary or term-limited FTE in the agency's 8 Regions to assist DOL agencies in preparing enforcement cases for litigation based on investigations conducted using resources provided under the Act and in litigating any such enforcement cases that are referred while funding is still available, as well as in assisting the Department of Justice in defending any litigation initiated against DOL based on activities funded by the ARRA.

### **FY 2008**

**Legal Support of the Department:** In FY 2008, SOL continued to provide high quality and effective legal support to the Department, despite the limitations in SOL's capacity. SOL's accomplishments are reflected in the performance data and workload statistics set forth below.

#### **Accomplishments**

SOL achieved successful litigation results in a number of significant cases, as well as providing support for many regulatory initiatives and answering requests for legal advice on myriad issues during the last year. The following are a small sample of the type of accomplishments in these areas:

On May 20, 2006, an underground explosion killed five miners at the Darby coal mine in Harlan County, Kentucky. SOL attorneys were immediately onsite to assist MSHA in its investigation. MSHA issued multiple citations to the mine operator and proposed penalties exceeding \$460,000. During much of 2007 and 2008, SOL attorneys aggressively litigated the case. Prior to a multiple-week hearing scheduled in July 2008 with respect to the six citations directly related to the explosion, Darby withdrew its notice of contest. On September 8, 2008, Darby withdrew its contest of all other citations issued, and the Judge issued an order requiring the mine to pay the full \$460,000 in penalties, a record recovery for the agency.

SOL also played an important role in assisting MSHA in completing several rulemakings implementing the Mine Improvement and New Emergency Response Act of 2006 (MINER Act), the most significant mine safety legislation in over 30 years. Two of these rules, Refuge Alternatives for Underground Coal Mines and Safety Standards Regarding the Technical Study Panel on the Utilization of Belt Air and the Composition of Fire Retardant Belt Materials in Underground Coal Mines, were completed under mandated Congressional time limits. Other rulemakings that were completed in 2008 pursuant to MINER Act requirements included final rules on Mine Rescue Teams and Mine Rescue Equipment and a final rule on the Sealing of Abandoned Areas. In addition, SOL assisted MSHA with several other significant rulemakings in 2008, including a final rule on the Asbestos Exposure Limit; a notice of enforcement strategy

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concerning the Diesel Particulate Matter Final rule; a proposed rule on Substance Abuse, and a final rule on Fire Extinguishers in Underground Coal Mines.

Following the 1999 spin-off of Delphi from General Motors, the administrator of Delphi's hourly worker 401(k) plan, Fidelity Investments, mistakenly continued to purchase additional shares of GM stock for the participants for four years. When Delphi discovered the error, it sent a misleading notice to the plan's participants that discouraged them from opting to have Delphi correct their accounts, which resulted in a \$3 million saving for Delphi. SOL attorneys argued to the bankruptcy court that Delphi breached its fiduciary duties under ERISA by failing to follow the plan documents and by taking steps calculated to serve its own self-interest when it learned of Fidelity's mistake, obtaining \$3 million settlement from Delphi, which provided full restitution for the losses incurred.

SOL attorneys also assisted the Employee Benefits Security Administration (EBSA) in aggressively litigating cases against employers that fail to forward employee contributions to pension and welfare plans; brought claims against plan fiduciaries that set their own compensation with plan assets, in one case obtaining \$20 million from Union Labor Life Insurance Company for improper fee practices with respect to a pooled investment fund. In addition, the Department filed successful amicus briefs in the Courts of Appeals and the Supreme Court, including in cases in which the courts accepted the Department's arguments that ERISA provides a loss remedy for participants in individual account plans when their accounts have been reduced as a result of fiduciary misconduct; found that former participants had standing to enforce ERISA's provisions when they received smaller distributions than they should have received because of fiduciary breaches; and endorsed the Department's view that, when a claims administrator both decides benefit claims and pays the benefits, the administrator has a conflict of interest that must be factored into the standard of review.

SOL also assisted EBSA in issuing eight final rulemaking documents in 2008, including the rule on default investment alternatives for participant directed plans, which greatly enhanced the ability of employers to establish automatic enrollment programs for their 401(k) plans. In addition, SOL assisted EBSA, together with the IRS and the Department of Health and Human Services in issuing a final regulation implementing the Newborn's and Mother's Health Protection Act. EBSA also issued rules providing new guidance on economically-targeted investments, exercise of shareholder rights by plans, and selection of annuities for individual account pension plans.

SOL pursued litigation to achieve compliance with Wage and Hour laws and advanced important legal principles through appellate litigation, such as in two cases before the Court of Appeals for the Second Circuit ensuring that nurses placed by staffing agencies in hospitals were compensated for all hours worked (*Barfield v. Bellevue Hospital*; *Chao v. Gotham Registry*). SOL continued to be a key player in wage and hour compliance assistance efforts including helping to prepare opinion letters interpreting requirements of the Fair Labor Standards Act, particularly those addressing issues involving the exemptions for executive, administrative and professional employees. SOL also provided legal advice in major rulemaking efforts by the Wage and Hour Division, including a final rule updating the regulations under the Family and Medical Leave Act, which also implemented two important new military family leave entitlements.

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SOL successfully handled numerous citations issued to GM for willful violations of OSHA's Lockout / Tagout standard in *Secretary v. General Motors Corp., CPCG Oklahoma City Plant*. In this case, which arose in part out of the preventable death of a GM employee, the Commission agreed with us that GM could be cited and assessed a separate civil penalty for each violation of the standard's training provisions, meaning that GM's failure to train twelve employees resulted in twelve separate penalties. SOL also succeeded in upholding the Secretary's interpretation of OSHA's Bloodborne Pathogens standard to require employers to compensate employees for the time and travel expenses the employees incur in receiving medical treatment the employer is required to provide in *Secretary v. Beverly Healthcare-Hillview*. In so doing, the Court gave full effect to the regulatory requirement that the treatment be provided "at no cost" to employees, removing any incentive for employees to decline the treatment.

SOL negotiated a settlement of an OFCCP complaint against *Vought Aircraft*, alleging discrimination against a class of female, African-Americans and Asian applicants, as a result of which Vought paid a total of \$1,500,000.00 in back pay, interest, training and retroactive seniority, and agreed to hire 35 female, African American and Asian class members.

**Operations and Support Staff Management Study:** In June 2008, SOL completed an independent management study of the operations and support functions of all legal and administrative support staff in the agency. The study report catalogued all functions performed by the legal and administrative support staff, and made recommendations for next steps. In response to the study report, the Solicitor formed a Best Practices Committee, which identified and defined best practices and is now engaged in training legal and administrative support staff.

**Independent Evaluation of the Efficacy of the Office of the Solicitor's Legal Advice:** In December 2007, SOL received the final Report and recommendations of an independent contractor that evaluated the timeliness and accessibility of SOL legal advice, as well as its conformity with DOL strategic goals. The Report generally found that SOL's legal advice is of high quality, is generally very appreciated by its clients, and is understandable. The Report also noted, however, that staffing constraints sometimes delay SOL advice, and, on relatively rare occasions, contradictory advice on the same subject matter is provided by different offices in SOL. SOL formally shared the results of the evaluation with its DOL clients, as well as the Management Review Board and DOL's Administrative Officers during the spring of 2008, and is addressing the issues raised, to the extent possible with available FTE.

**Independent Program Evaluation of SOL's IT and Litigation Support Functions and Capabilities:** During the summer of 2008, SOL initiated a thorough independent program evaluation of its existing IT and Litigation Support capabilities. As of the end of FY 2008, that program evaluation was ongoing, with a finish date of January 2009. The Report has been received, and SOL is currently engaged in vigorous actions to begin improving its IT and Litigation Support infrastructure.

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<b>WORKLOAD SUMMARY</b>			
	FY 2008 Actual	FY 2009 Target	FY 2010 Target
<b>Legal Services</b>			
<b>Litigation:</b>			
Matters Received	17,052	17,995	18,985
Matters Concluded	14,874	15,246	16,466
Matters Pending	17,200	19,949	22,468
<b>Regulation:</b>			
Matters Received	128	141	128
Matters Concluded	122	134	141
Matters Pending	150	157	144
<b>Opinion/Advice</b>			
Matters Received	7,977	8,416	8,879
Matters Concluded	7,456	7,978	8,536
Matters Pending	4,737	5,175	5,518
<b>Budget Activity Total</b>	94,900	108,364	125,226

The Office of the Solicitor (SOL) is the legal enforcement and support 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 the Secretary’s initiatives and priorities 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 enforcement and advice services necessary for every one of the Department’s programs and initiatives. Approximately 80% of SOL’s appropriated funds are utilized to support its authorized FTE complement of attorneys and legal support staff. The demand for legal services continues to increase significantly as the result of the Secretary’s initiatives regarding aggressive enforcement of worker protection laws, and more robust administration of the full range of programs designed to protect and defend America’s working women and men.

SOL strives to provide the most efficient service to the Secretary and all DOL agencies. As indicated by the workload summary table, from FY 2008 to FY 2010 SOL anticipates a continuation of substantial increases in its workload, based on the increase in the number of matters received during previous fiscal years. SOL projects an increase of 2,835 matters

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received from DOL agencies between FY 2008 and FY 2010. As the result of increases in SOL's Final Enacted FY 2009 budget, and the President's Budget for FY 2010, SOL projects that it will be able to handle approximately 2,691 more matters annually by the close of FY 2010.

Consequently, while SOL will be able to shoulder a substantially greater portfolio of enforcement and defensive litigation, legal advice, and regulatory assistance matters as the result of the President's FY 2010 Budget, the agency will continue to work with the Secretary and DOL agencies to prioritize all such matters to ensure that the agency is directing its resources to provide the greatest value added to the ongoing initiatives and program enhancements.

SOL will be enabled to increase its total FTE complement by approximately 80 FTE or about 10% of the total FTE increase of 898 FTE across all DIK worker protection enforcement agencies. Thus, the SOL increase maintains the approximately 1:10 ratio between SOL FTE and enforcement-related FTE across all Department worker protection enforcement agencies.

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<b>BUDGET ACTIVITY by OBJECT CLASS</b>						
(Dollars in Thousands)						
		<b>FY 2008 Enacted</b>	<b>FY 2009 Enacted</b>	<b>Recovery Act</b>	<b>FY 2010 Request</b>	<b>Change FY 10 Req / FY 09 Enacted</b>
11.1	Full-time permanent	58,067	71,645	0	81,570	9,925
11.3	Other than full-time permanent	263	300	4,925	300	0
11.5	Other personnel compensation	1,527	282	0	287	5
11.9	Total personnel compensation	59,857	72,227	4,925	82,157	9,930
12.1	Civilian personnel benefits	15,590	16,008	1,382	18,576	2,568
21.0	Travel and transportation of persons	783	451	0	509	58
22.0	Transportation of things	1	1	150	1	0
23.1	Rental payments to GSA	6,985	7,126	0	8,053	927
23.3	Communications, utilities, and miscellaneous charges	718	714	0	859	145
24.0	Printing and reproduction	88	41	0	45	4
25.1	Advisory and assistance services	0	954	0	973	19
25.2	Other services	880	175	68	1,185	1,010
25.3	Other purchases of goods and services from Government accounts 1/	8,575	9,595	0	9,726	131
25.4	Operation and maintenance of facilities	0	185	0	185	0
25.7	Operation and maintenance of equipment	2,248	187	0	1,687	1,500
26.0	Supplies and materials	888	450	60	657	207
31.0	Equipment	365	250	80	613	363
<b>Total</b>		<b>96,978</b>	<b>108,364</b>	<b>6,665</b>	<b>125,226</b>	<b>16,862</b>
1/Other Purchases of Goods and Services From Government Accounts						
	Working Capital Fund	8,120	9,293	0	9,422	129
	DHS Services	296	302	0	304	2
	Services by DOL Agencies	159	0	0	0	0

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## CHANGES IN FY 2010

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	818
Personnel benefits	163
Federal Employees Compensation Act (FECA)	126
Travel	1
GSA Space Rental	78
Communications, utilities & miscellaneous charges	1
Other services	123
Working Capital Fund	714
Other government accounts (DHS Charges)	2
Purchase of goods and services from other Government accounts	1

<b>Built-Ins Subtotal</b>	<b>2,027</b>
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<b>Net Program</b>	<b>14,835</b>
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<b>Direct FTE</b>	<b>82</b>
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	Estimate	FTE
<b>Base</b>	<b>110,391</b>	<b>597</b>
<b>Program Increase</b>	<b>14,835</b>	<b>82</b>





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<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>						
(Dollars in Thousands)						
	FY 2008 Enacted	FY 2009 Enacted	Diff. FY08 Enacted / FY09 Enacted	Recovery Act	FY 2010 Request	Diff. FY09 Enacted / FY10 Req
<b>Activity Appropriation</b>	<b>81,074</b>	<b>86,074</b>	<b>5,000</b>	<b>0</b>	<b>91,419</b>	<b>5,345</b>
FTE	82	83	1	0	95	12

NOTE: FY 2008 reflects actual FTE. Authorized FTE for FY 2008 was 81.

### **Introduction**

The International Labor Affairs Bureau (ILAB) supports the President's international agenda in the following 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 freer 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><u>Fiscal Year</u></b>	<b><u>Funding</u></b> (Dollars in Thousands)	<b><u>FTE</u></b>
2005	93,248	95
2006	72,516	85
2007	72,516	85
2008	81,074	81
2009	86,074	83

NOTE: Excludes Recovery Act Funding. See budget activity head table.

### **FY 2010**

In FY 2010, ILAB is requesting additional resources in order to fulfill its mandate related to enforcement of labor provisions of free trade agreements, improvements in labor diplomacy and international cooperation programs, and strengthening research and reporting on labor exploitation and worker rights.

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***International Organizations:*** In Fiscal Year 2010, ILAB will continue to coordinate U.S. Government participation in the 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. ILAB will also work to support the Secretary of Labor at important international events, such as the G8 Labor Ministerial and the Inter-American Conference of Ministers of Labor. ILAB will support Administration priorities in the area of international labor standards and the meeting of U.S. government commitments under International Labor Organization Convention No. 182 to work with other countries to assist them in efforts to combat the worst forms of child labor.

***Technical Assistance:*** ILAB will continue to oversee a broad portfolio of international technical cooperation programs. Programs related to child labor, forced labor, and human trafficking seek to: 1) withdraw or prevent children from involvement in exploitive child labor through the provision of direct educational services; 2) strengthen policies on child labor and education, the capacity of national institutions to combat child labor, and formal and transitional education systems that encourage children engaged in or at risk of engaging in exploitive labor to attend school; 3) raise awareness of the importance of education for all children and mobilize a wide array of actors to improve and expand education infrastructures; 4) support research and the collection of reliable data on child labor; and 5) ensure the long-term sustainability of these efforts.

ILAB will also improve coordination and collaboration with developing countries by providing short-term assistance to help address worker rights, training, and workplace issues. The Department receives many requests for assistance in training officials in Labor Ministries to improve the enforcement of labor laws and addressing issues related to wage and hours provisions; safety and health plans; worker training; unemployment insurance and pensions; and other social protection programs.

***Research and Analysis:*** ILAB will continue to conduct and fund significant research and analysis on international labor issues related to: 1) child labor, forced labor, and human trafficking, 2) trade agreements and programs, and 3) internationally-recognized worker rights. As called for under the Trade and Development Acts of 2000 and 2002, ILAB will research and report 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. In line with its mandate under the Trafficking Victims Protection Reauthorization Acts (TVPRA) of 2005 and 2008, ILAB will monitor efforts by governments and other actors to combating child labor, forced labor, and human trafficking in foreign countries; maintain a country-specific list of goods produced with forced labor or child labor; release a standard set of practices to reduce the likelihood of forced labor or child labor; and share information with interagency partners to promote their effective engagement of these issues. ILAB will also continue to work with the Departments of Agriculture and State as part of a consultative committee to develop recommendations relating to guidelines to reduce the likelihood that agricultural products or commodities imported into the United States are produced with the use of forced labor and child labor. ILAB will continue to produce labor-related reports on partners to U.S. free trade agreements prior to Congressional approval (as mandated under Trade Promotion Authority, 2002)

## INTERNATIONAL LABOR SERVICES

ILAB will improve its ability to monitor and report on labor conditions worldwide, including violations of worker rights and incidents of child labor, forced labor, and human trafficking. .

***Collaboration on International Labor Policy:*** ILAB will continue to represent the Department of Labor in inter-agency trade and economic policy forums as well as labor advisory groups. These include the Trade Policy Staff Committee/Trade Policy Review Group (TPSC/TPRG) responsible for developing and administering U.S. trade policy and trade programs; the Committee for the Implementation of Textile Agreements (CITA); the Overseas Private Investment Corporation (OPIC); the President's Committee on the International Labor Organization; the Consultative Group on the Elimination of Child Labor and Forced Labor in Agricultural Products; and other standing and ad hoc committees and forums in which labor issues are addressed. ILAB will also work with the Department of State to reinvigorate the Labor Diplomacy Program so as to ensure effective and timely reporting on labor issues, to better monitor developments in countries of importance to the United States, and to more effectively represent and advance U.S. policy interests on international labor issues. ILAB will work to ensure effective interaction with foreign governments and stakeholders on labor and employment issues and to facilitate exchanges at both the technical and policy levels.

***Trade and Labor:*** ILAB will continue to represent the Department of Labor and labor interests in the negotiation and administration of U.S. free trade agreements. Since 2002, the United States has implemented free trade agreements with 13 countries that contain labor provisions specifying ILAB as the point of contact for labor cooperation and public submissions. ILAB is also the designated National Administrative Office for the United States under the North American Agreement on Labor Cooperation and has administrative responsibilities for the Labor Advisory Committee for Trade Negotiation and Trade Policy and the National Advisory Committee for Labor Provisions of U.S. Free Trade Agreements. In Fiscal Year 2010, ILAB plans to initiate labor cooperation activities as specified in free trade agreements to promote the recognition of worker rights and improve working conditions. In addition, ILAB will likely need to respond to public submissions on labor-related issues submitted under the free trade agreements.

ILAB plans to significantly improve its ability to monitor labor issues in FTA countries, provide a strengthened mechanism for enforcement of trade agreements, develop cooperative activities with FTA partners, and research facts relating to specific labor situations and submissions.

At the base funding of \$86,074,000 and FTE level of 83, ILAB will maintain its current level of funding for child labor and worker rights programs. ILAB is requesting an increase in its base budget of \$5,345,000 and an increase in its FTE level of 12.

### **FY 2009**

In FY 2009, ILAB will carryout all of its mandates and responsibilities related to policy, research, and technical assistance programming and oversight. With a budget of \$86,074,000, the Bureau will continue to support the President's international agenda on labor matters, carry out international responsibilities for the Secretary of Labor, and provide oversight and

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coordination of the Department's international activities, including funding new worker rights and child labor elimination projects.

For trade and labor affairs, ILAB will fulfill the following Congressional and Executive mandates:

- Advise and assist the United States Trade Representative in the negotiation and administration of trade agreements and trade preference programs, particularly concerning labor rights practices.
- On behalf of the Secretary, consult with any country seeking a trade agreement with the United States concerning that country's labor laws and technical assistance needs.
- Prepare reports to Congress for each trade agreement negotiated under Trade Promotion Authority (TPA) on labor rights and the laws governing exploitative child labor in the partner country or countries, and a U.S. employment impact review.
- Serve as contact point and administrator for labor issues in free trade agreements, including NAFTA with Mexico and Canada, and all agreements negotiated under TPA (currently seven countries, with five others awaiting implementation).
- Obligate Congressionally-appropriated resources to improve labor law compliance in Central America and the Dominican Republic, including oversight of technical cooperation projects and contracts.
- In coordination with USTR, organize and administer the Labor Advisory Committee for Trade Negotiations and Trade Policy.

For international child labor issues, ILAB will fulfill the following Congressional and Executive mandates:

- Annual report to Congress on GSP countries implementation of international commitments to eliminate the worst forms of child labor (Trade and Development Act of 2000).
- Report to Congress on exploitative child labor in countries that are party to a free trade agreement with the United States (Trade Act of 2002).
- Oversight of *Executive Order 13126* – reviewing submissions and publishing and maintaining a list of products made with forced or indentured child labor.
- *TVPRA Forced and Child Labor Monitoring and Reporting* (TVPRA 2005 and 2008 and Farm Bill of 2008) – monitoring and combating forced labor and child labor carried out in foreign countries, publishing a list of goods from countries produced with forced labor or child labor, and creating a standard set of practices to reduce the likelihood of these illegal practices.
- Obligate Congressionally-appropriated resources for programs to combat exploitative child labor around the world and oversee approximately 140 ongoing technical cooperation projects and contracts in more than 80 countries around the world.

For international organizations, ILAB will fulfill the following Congressional and Executive mandates:

- U.S. government membership participation in the International Labor Organization. On behalf of the Secretary, ILAB leads the U.S. Delegation and coordinates U.S. government participation at meetings of the ILO Governing Body and Annual

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Conference. ILAB is also responsible for coordinating substantive policy positions and technical issues, and administrative arrangements and for all meetings.

- On behalf of the President, coordinating the preparation of reports that may be requested under the authority of the ILO Constitution, such as law and practice reports on conventions not ratified, reports on the implementation of the 1998 ILO Declaration on Fundamental Principles and Rights at Work, and U.S. government responses to freedom of association complaints against the United States filed with the ILO.

In addition, ILAB carries out many ongoing activities to support the President's agenda on international labor issues. Most notably, annual input into numerous worldwide U.S. government reports, participation and coordination of interagency policy groups, and representation on several international bodies. These activities require significant expertise on labor matters unique to ILAB, and often support both Administration priorities and the fulfillment of Congressional mandates for other U.S. government agencies.

### **FY 2008**

- **Combating the Worst Forms of Child Labor:** In fiscal year 2008, ILAB oversaw the implementation of grants and contracts to the ILO's IPEC Program and a variety of other non-governmental and for-profit organizations. During this period, ILAB-funded programs removed or prevented over 160,000 children from exploitive child labor by providing them with access to education and training opportunities. These projects also increased the capacity of more than 45 countries to address exploitive child labor by achieving improvements in their legal framework, public policy, and monitoring of child labor. This brings the total number of children ILAB has removed/prevented from exploitive work since 1995 to close to 1.25 million. In fiscal year 2008, ILAB obligated an additional \$58 million in new grants to combat exploitive child labor. Together, these grants sought to remove or prevent more than 100,000 children from exploitive child labor by providing them with access to education and training opportunities. These grants will also support the collection of reliable data and strengthen the capacity of governments to address the problem in 20 countries. In addition, ILAB awarded funds to support research on forced labor in 8 countries.
- **Ongoing Research on the Worst Forms of Child Labor:** ILAB released the 2007 edition of *The Department of Labor's Findings on the Worst Forms of Child Labor* covering efforts to eliminate exploitive child labor in over 140 countries around the world. ILAB also released a second edition of *Faces of Change* – an awareness raising publication describing the worst forms of child labor and the ongoing efforts of ILAB grantees to provide viable alternatives for children and their families. In addition, ILAB held an experts meeting to discuss methodology and strategies for impact assessments of international technical assistance programs on child labor.
- **Combating Trafficking in Persons and Forced Labor:** ILAB provided expertise and collaborated closely with the State Department on trafficking issues and prepared the Secretary and Deputy Secretary for their participation in high-level meetings on this issue. To address the mandates under the Trafficking Victims Protection Reauthorization

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Act (TVPRA) of 2005, ILAB developed a draft list of products made with child labor and forced labor based on its own research as well as its review of information collected through research contracts and public submissions. ILAB initiated a review of this draft list in preparation for finalization and publication of the list prior to the January 2010 deadline called for in the TVPRA of 2008. ILAB also conducted training for State Department officials on child labor and forced labor, held a public hearing on this issue, and awarded a contract to the National Academy of Sciences to begin work on the development of a framework for a standard set of practices to prevent the use of child labor and forced labor in the production of goods.

- **Supported the Middle East Partnership Initiative:** ILAB initiated activities in support of the MEPI with funds previously received from the U.S. Department of State. ILAB pursued projects that both promoted democracy and supported trade relationships, including provision of additional assistance to Bahrain and Oman and implementation of a labor reform project in Egypt. ILAB provided assistance to the governments of Bahrain and Oman to help nascent unions better represent their memberships and, in Oman, trained labor inspectors providing them with the skills and knowledge required to carry out effective labor inspections. In 2008, 40 new trade unions were certified in Oman, the first incidence of labor unionization in the history of the country. This assistance enables the governments of Bahrain and Oman to acquire the capacity to enforce labor standards under their commitments to the labor chapter of the free trade agreements with the U.S. government. ILAB also assisted the Moroccan Ministry of Labor in promoting labor policies in Moroccan workplaces that ensure that women achieve equal working rights under new labor legislation.
- **Provided New Technical Assistance Projects to Foster Worker Rights Globally:** ILAB initiated 4 new programs totaling \$5 million, dedicated to addressing workers' rights in trade preference countries. The projects are in Haiti, Afghanistan, Colombia, and Tanzania and will focus on monitoring and reporting on working conditions, increase knowledge and awareness of internationally-recognized core labor standards, improve the labor inspection system and the countries' ability to collect and analyze labor market information. The projects are in the design phase and will launch activities in 2009.
- **Supported the President's Trade Agenda for the CAFTA Region:** In November, officials from DOL and other US government agencies joined cabinet-level representatives from Central America and the Dominican Republic to hold the first meeting of the Labor Affairs Council, in accordance with the Labor Chapter of the Dominican Republic-Central America-United States Free Trade Agreement (CAFTA-DR). During the meeting, the Council reaffirmed the importance of each Party fulfilling its commitments under the Labor Chapter, including the effective enforcement of each Party's labor laws and respect for the ILO Declaration on Fundamental Principles and Rights at Work. In addition, with \$10.5 million dollars received from the State Department in FY07, ILAB projects strengthened the capacity of labor inspectors, helped ensure the formal sector's contribution into the Social Security System, trained workers and employers in rural agricultural communities on their labor rights and laws, and continued supporting countries' progress on improving the application of national labor

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laws. In FY 2008 ILAB replicated a best practice from El Salvador, by providing job training for people with disabilities in Costa Rica. ILAB projects provided virtual information on labor laws to more than 3 million workers and employers throughout the region, educated more than 900,000 workers on their labor rights through outreach activities and awareness campaigns, trained 660 inspectors and more than 305 Mediators and Conciliators. The State Department will provide an additional \$7.9 million in FY08 funds to support elements of existing projects for labor law enforcement in CAFTA-DR countries.

- **Worked with Partner FTA Countries to Administer and Implement the Labor Provisions in the FTAs:** This included the continued review of submissions that were previously filed alleging worker rights violations, and cooperative efforts undertaken to assist and strengthen the capabilities of DOL partner ministries in fulfilling their commitments under the free trade agreements. For example, DOL continued its efforts in support of the North American Agreement on Labor Cooperation (NAALC), participating in the Eighth Regular Ministerial Council meeting in Ottawa on April 24, 2008. This meeting provided the three Council members with a unique opportunity to discuss priorities for the North American Commission for Labour Cooperation, identifying topics such as expanding youth employment, improving mine safety and protecting freedom of association. The Council also signed a Joint Declaration, committing the Commission to promote cooperative activities and produce informational materials relating to freedom of association and protection of the right to organize in North America.
- **Administered Labor Provisions of U.S. Trade Preference Programs:** As part of DOL's role in the administration of U.S. trade programs, such as the Generalized System of Preferences (GSP) and the Africa Growth and Opportunity Act (AGOA), ILAB monitored labor issues across beneficiary countries and engaged certain countries on labor reforms necessary to retain trade benefits. For example, as part of petition-initiated reviews of Bangladesh and the Philippines under GSP, ILAB staff took part in fact-finding missions and diplomacy with these governments to encourage labor reforms. As part of public AGOA forums in Mauritania and Liberia, ILAB staff made presentations to government, business, and civil society groups on internationally-recognized labor rights and their relationship to U.S. trade programs.
- **Provided Reports and Analysis on the Impact of Trade Agreements and other Trade Programs, and on Important International Developments in Labor Markets.** ILAB released reports for the United States-Colombia Trade Promotion Agreement that described the U.S. employment impacts, labor rights in Colombia, and Colombia's laws governing exploitative child labor. ILAB engaged in the preparation of similar reports for the Trade Promotion Agreement with Panama and the Free Trade Agreement with the Republic of Korea. ILAB pursued capacity building to better meet Congressional mandates for labor rights reporting by continuing work, via a contract awarded to the University of Michigan, on a pilot test of an innovative methodology to monitor labor rights. Three new contracts were let to study the employment impact of trade in services. ILAB provided expert technical analyses on a variety of trade and labor issues

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in connection with on-going research at the Organization of Economic Cooperation and Development and the International Labor Organization.

- **Continue to Work with the Office of the Global AIDS Coordinator:** During FY2008, ILAB's HIV/AIDS Workplace Education Program reached over 400,000 workers. The program was implemented in 24 countries, which is unchanged from FY 2007. However, the number of enterprises adopting policies and programs within those countries increased from 227 to 403; a 77.5% increase from FY2007.
- **Represented and Protected U.S. Interests in International Organizations.** ILAB promoted fiscal responsibility, sound management practices, and strong oversight at the ILO's Governing Body meetings; developed along with SOL, the U.S. responses to complaints filed against the United States; and worked, successfully, to have the ILO take strong measures against major violators of worker rights, such as Burma, Belarus and Zimbabwe.
- **Cooperation on Labor and Employment Issues with other Advanced Economies:** In April 2008, ILAB supported the Secretary of Labor's participation in the OECD Conference on Decentralization and Coordination of Labor Market Policies, held in Venice, which examined how countries could balance flexibility and accountability in developing decentralized labor market programs. ILAB made the preparations for, and facilitated the participation of, the Deputy Secretary at the 2008 G-8 Labor and Employment Ministerial Meeting in Niigata, Japan. ILAB also negotiated the final conference document. And in January 2008 ILAB, working with ETA, organized a major U.S.-EU meeting on Youth Employment, in Brussels to share the U.S. perspective on labor issues and learn about other approaches to the issue.
- **Promoted U.S. Approach to Workforce Development:** ILAB, working with ETA and the Government of Australia, planned, organized, and conducted a symposium on *Developing Effective Public-Private Partnerships: Meeting the Needs of the 21<sup>st</sup> Century Global Workforce* in Singapore from August 11-13. Forty-five delegates from seventeen APEC member countries participated in the event.
- **Reinforced U.S. foreign policy and labor objectives in the Western Hemisphere:** ILAB collaborated with the State Department in developing the labor component of the first Ministerial meeting of the Pathways to Prosperity initiative held in Panama in December 2008. The ILAB DUS represented DOL at the Ministerial. In May 2008, ILAB, Brazil's Ministry of Labor and Employment, and the OAS organized a seminar on Youth Employment in the Americas in Rio de Janeiro. ILAB also delivered presentations and interventions at a Working Group meeting of the Inter-American Conference of Ministers of Labor in April 2008 in Uruguay, and at a workshop on occupational health and safety in October 2008 in Peru.
- **Training for State Department Labor Officers:** Working with the State Department, ILAB provided specialized training on labor issues for Labor Officers and conducted



## INTERNATIONAL LABOR SERVICES

outreach activities to keep Labor Officers informed of significant U.S. and international developments on labor issues.

- **Programmed and received 386 visitors from over forty countries:** These included 199 government officials and 185 from the private sector, and two representing non-governmental organizations (NGOs)

# INTERNATIONAL LABOR SERVICES

## ILAB/Office of Child Labor, Forced Labor and Human Trafficking Goals and Indicators (FY2005-FY2010)

**Strategic Goal 2:**     *A Competitive Workforce: Meet the competitive labor demands of the worldwide economy by enhancing the effectiveness and efficiency of the workforce development and regulatory systems that assist workers and employers in meeting the challenges of global competition.*

**Outcome Goal 2I:**    *Contribute to the Elimination of the Worst Forms of Child Labor Internationally.*

Performance Indicators	PY 2005		PY 2006		PY 2007		PY 2008		PY 2009	PY 2010
	Goal Achieved		Goal Achieved		Goal Achieved		Goal Achieved			
	Target	Result	Target	Result	Target	Result	Target	Result	Target	Target
Number of children prevented or withdrawn from exploitive child labor	116,000	162,000	178,000	237,000	139,000	228,966	127,400	161,047	128,100	128,500
Number of countries with increased capacities to address child labor as a result of DOL-funded child labor elimination projects	20	39	39	53	31	48	33	45	33	35

Definitions: *Children withdrawn from exploitive labor* refers to those children that were found to be working in exploitive child labor and no longer work under such conditions as a result of a project intervention. This category includes: (a) children who have been completely withdrawn from work, which is required by ILO Convention 182 for forms (a) – (c) of Article 3, and (b) children who were involved in hazardous work (Article 3(d) of C.182) or work that impedes a child’s education (ILO Convention 138) but are no longer due to improved working conditions (i.e., fewer hours or safer workplaces) or because they have moved into a new, acceptable form of work. *Children prevented from entering exploitive work*, refers to children not yet engaged in exploitive child labor but who are considered to be at high-risk of entering such labor, for example, siblings of former working children. In order to be considered as “withdrawn” or “prevented”, children must also have benefited or be benefiting from a direct educational service (as defined in Section 3.2 below) provided by the project.

Increased capacity in a country will be measured by one or more of the following: 1) The adaptation of the legal framework to the international standards; 2) The formulation of specific policies and programs at the national, regional, or sectoral level within a country dealing with the worst forms of child labor or basic education; 3) The inclusion of child labor or basic education concerns in relevant development, social and anti-poverty policies and programs; and 4) The establishment of a child labor monitoring mechanism.

Means of Verification: ILO-IPEC Summary Chart (Excel Table) and Grantee Technical Progress Reports.

## INTERNATIONAL LABOR SERVICES

<b>BUDGET ACTIVITY by OBJECT CLASS</b>						
(Dollars in Thousands)						
		<b>FY 2008 Enacted</b>	<b>FY 2009 Enacted</b>	<b>Recovery Act</b>	<b>FY 2010 Request</b>	<b>Change FY 10 Req / FY 09 Enacted</b>
11.1	Full-time permanent	7,491	8,450	0	12,527	4,077
11.3	Other than full-time permanent	37	15	0	15	0
11.5	Other personnel compensation	362	176	0	125	-51
11.9	Total personnel compensation	7,890	8,641	0	12,667	4,026
12.1	Civilian personnel benefits	2,055	2,277	0	3,334	1,057
21.0	Travel and transportation of persons	665	790	0	890	100
22.0	Transportation of things	8	10	0	10	0
23.1	Rental payments to GSA	793	811	0	815	4
23.3	Communications, utilities, and miscellaneous charges	112	120	0	124	4
24.0	Printing and reproduction	81	110	0	114	4
25.1	Advisory and assistance services	2,259	10	0	10	0
25.2	Other services	1,613	4,225	0	4,300	75
25.3	Other purchases of goods and services from Government accounts 1/	2,689	3,228	0	3,285	57
25.7	Operation and maintenance of equipment	9	0	0	0	0
26.0	Supplies and materials	87	75	0	85	10
31.0	Equipment	27	17	0	25	8
41.0	Grants, subsidies, and contributions	62,786	65,760	0	65,760	0
<b>Total</b>		<b>81,074</b>	<b>86,074</b>	<b>0</b>	<b>91,419</b>	<b>5,345</b>
1/Other Purchases of Goods and Services From Government Accounts						
	Working Capital Fund	2,277	2,594	0	2,648	54
	DHS Services	21	23	0	23	0
	Services by DOL Agencies	16	0	0	0	0
	HHS Services	1	0	0	0	0
	Services by Other Government Departments	374	611	0	614	3

# INTERNATIONAL LABOR SERVICES

## CHANGES IN FY 2010

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	171
Personnel benefits	45
Federal Employees Compensation Act (FECA)	48
Travel	4
Other services	20
Working Capital Fund	57
<b>Built-Ins Subtotal</b>	<b>345</b>

<b>Net Program</b>	<b>5,000</b>
<b>Direct FTE</b>	<b>12</b>

	<b>Estimate</b>	<b>FTE</b>
<b>Base</b>	<b>86,419</b>	<b>83</b>
<b>Program Increase</b>	<b>5,000</b>	<b>12</b>

## ADMINISTRATION AND MANAGEMENT

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>						
(Dollars in Thousands)						
	<b>FY 2008 Enacted</b>	<b>FY 2009 Enacted</b>	<b>Diff. FY08 Enacted / FY09 Enacted</b>	<b>Recovery Act</b>	<b>FY 2010 Request</b>	<b>Diff. FY09 Enacted / FY10 Req</b>
<b>Activity Appropriation</b>	<b>30,261</b>	<b>32,506</b>	<b>2,245</b>	<b>5,451</b>	<b>33,707</b>	<b>1,201</b>
FTE	112	111	-1	23	111	0

NOTE: FY 2008 reflects actual FTE. Authorized FTE for FY 2008 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 the 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 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.

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

<b><u>Fiscal Year</u></b>	<b><u>Funding</u></b> (Dollars in Thousands)	<b><u>FTE</u></b>
2005	32,214	125
2006	32,865	125
2007	32,865	111
2008	30,261	111
2009	32,506	111

NOTE: Excludes Recovery Act Funding. See budget activity head table.

## **ADMINISTRATION AND MANAGEMENT**

### **FY 2010**

In FY 2010, the Office of the Assistant Secretary for Administration and Management's (OASAM) budget request is \$33,707,000 and 111 FTE. This includes funding for each aspect of Departmental Administration and Management including funding the Department Budget Center, Human Resources Center, Information Technology Center, Business Operations Center, and the Center for Program Planning and Results.

### **FY 2009**

In FY 2009, OASAM's budget of \$32,506,000 and 111 FTE will support Departmental services in the areas of budget, human resources, procurement, information technology, and other administrative services.

OASAM continues 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.

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 agency-wide electronic document and records management solution for DOL.

OASAM will continue to establish DOL as a model workplace and by assure that the Department's workforce is prepared, diverse, and competent.

OASAM will continue to support the Real Property Asset Management initiative; DOL will continue to implement the Asset Management Plan through a 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**

### **Recovery Act**

OASAM received a combined total of \$5,451,000 in support of the additional workload in the Human Resources (\$2,614,000) and Procurement (\$2,837,000) arenas in support of the Department of Labor's activities identified in the American Recovery and Reinvestment Act of 2009 (ARRA). The procurement request will support an additional \$300 million in contract actions, an 18% increase over FY 2008.

### **FY 2008**

In FY 2008, OASAM Centers were effective in achieving internal performance goals contributing to customer focused, effective DOL leadership and oversight related to specific areas of responsibility. Strides were made in budget performance integration. The Center for Program Performance and Results (CPPR) developed and implemented changes to the Performance and Accountability Report leading to a #2 ranking from the Mercatus Center on their Performance Review Scorecard which ranks agencies based upon transparency, public benefits, and leadership. The Department Budget Center (DBC) fully deployed the Department e-Budgeting System (DEBS) to all DOL agencies improving the quality and consistency of budgetary data and improving the overall presentation of the department budget. The Business Operations Center (BOC) oversaw high levels of performance within its area of responsibility including undertaking benchmarking projects mapping service delivery costs in the National Capital Region to costs within the DOL Frances Perkins Building.

Through the Information Technology Center (ITC), OASAM effectively integrated enterprise-wide IT systems through Unified DOL Technology Infrastructure. Delivering timely IT services and support to ECN customers was a point of emphasis, and all internal performance targets were either met or exceeded. All of the objectives set for issuing PIV-II badges with regards to IT security were also surpassed.

OASAM's Human Resource Center (HRC) continued to carry out its plan for competitive sourcing in order to support its objectives for the 21<sup>st</sup> Century Workforce. Further enhancement of the Quickhire product DOORS along with aggressive outreach and recruitment efforts allowed OASAM to attract a highly-skilled and diverse workforce. DOL used a variety of career development and succession planning opportunities to attract and retain highly qualified employees, including the DOL Senior Executive Service (SES) Candidate Program and MBA Fellows Program. In order to efficiently meet DOL's workforce goals, the department implemented eHR Initiatives such as eOPF, eLearning, eClearance and eQip.

## ADMINISTRATION AND MANAGEMENT

<b>BUDGET ACTIVITY by OBJECT CLASS</b>						
(Dollars in Thousands)						
		<b>FY 2008 Enacted</b>	<b>FY 2009 Enacted</b>	<b>Recovery Act</b>	<b>FY 2010 Request</b>	<b>Change FY 10 Req / FY 09 Enacted</b>
11.1	Full-time permanent	12,706	12,041	0	12,787	746
11.3	Other than full-time permanent	0	0	3,183	0	0
11.5	Other personnel compensation	226	60	0	61	1
11.9	Total personnel compensation	12,932	12,101	3,183	12,848	747
12.1	Civilian personnel benefits	2,560	2,513	796	2,785	272
21.0	Travel and transportation of persons	284	286	0	287	1
22.0	Transportation of things	6	0	0	0	0
23.1	Rental payments to GSA	1,119	1,751	0	1,760	9
23.3	Communications, utilities, and miscellaneous charges	249	170	0	171	1
24.0	Printing and reproduction	123	54	0	54	0
25.1	Advisory and assistance services	1,031	1,390	1,292	1,397	7
25.2	Other services	4,527	3,942	0	3,962	20
25.3	Other purchases of goods and services from Government accounts 1/	3,209	4,382	0	4,496	114
25.4	Operation and maintenance of facilities	5	370	0	372	2
25.7	Operation and maintenance of equipment	2,955	4,500	0	4,523	23
26.0	Supplies and materials	897	975	180	980	5
31.0	Equipment	364	72	0	72	0
<b>Total</b>		<b>30,261</b>	<b>32,506</b>	<b>5,451</b>	<b>33,707</b>	<b>1,201</b>
1/Other Purchases of Goods and Services From Government Accounts						
	Services by Other Government Departments	80	82	0	82	0
	Working Capital Fund	3,094	4,264	0	4,378	114
	DHS Services	35	36	0	36	0



# ADMINISTRATION AND MANAGEMENT

## CHANGES IN FY 2010

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	769
Personnel benefits	175
Federal Employees Compensation Act (FECA)	97
Travel	1
GSA Space Rental	9
Advisory and assistance services	7
Other services	21
Working Capital Fund	92
Operation and maintenance of facilities	2
Operation and maintenance of equipment	23
Supplies and materials	5

**Built-Ins Subtotal** **1,201**

	Estimate	FTE
<b>Base</b>	<b>33,707</b>	<b>111</b>



## ADJUDICATION

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>						
(Dollars in Thousands)						
	<b>FY 2008 Enacted</b>	<b>FY 2009 Enacted</b>	<b>Diff. FY08 Enacted / FY09 Enacted</b>	<b>Recovery Act</b>	<b>FY 2010 Request</b>	<b>Diff. FY09 Enacted / FY10 Req</b>
<b>Activity Appropriation</b>	<b>43,691</b>	<b>45,599</b>	<b>1,908</b>	<b>0</b>	<b>46,599</b>	<b>1,000</b>
FTE	245	250	5	0	250	0

NOTE: FY 2008 reflects actual FTE. Authorized FTE for FY 2008 was 212.

### **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 2010 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.

The FY 2010 Board budgets promote three of the DOL's strategic goals. 80% of the Board's resources support the goal of Strengthened Economic Protections; 11% supports the goal of Safe and Secure Workplaces and 9% supports a Prepared Workforce.

# ADJUDICATION

## Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2005	42,095	313
2006	43,659	309
2007	45,363	256
2008	43,691	212
2009	45,599	250

NOTE: Excludes Recovery Act Funding. See budget activity head table.

## FY 2010

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. 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.

The Office of Administrative Law Judges' (OALJ's) mission and strategic goals will not change in FY 2010; the challenges it faces will. OALJ's jurisdiction, for example, has been expanded to include new types of whistleblower and immigration-related cases. In 2007, the Implementing Recommendations of the 9/11 Commission Act expanded OALJ's jurisdiction over whistleblower cases to now include cases arising under the Federal Rail Safety Act and the National Transit Systems Security Act. The 9/11 Act also made substantial revisions to the whistleblower provision of the Surface Transportation Assistance Act. In 2008, the Rail Safety Improvement Act further expanded the types of whistleblower cases that could be brought by railway workers. Also in 2008, the Consumer Product Safety Improvement Act included a whistleblower provision that has broad coverage over many industries. In 2000, OALJ had jurisdiction over eight types of whistleblower cases. By 2008, six new types of whistleblower cases were added to OALJ's jurisdiction, including cases arising under the very active and closely watched Sarbanes-Oxley Act whistleblower law, so that there are now fourteen major whistleblower laws that can result in Administrative Law Judge (ALJ) hearings.

In FY 2009, a new type of immigration appeal was added to OALJ's jurisdiction – H-2B non-agricultural non-immigrant worker applications. Prior to the effective date of new regulations in January 2009, denials of such applications could be appealed to the Department of Homeland Security (DHS). There was no right to a hearing before a Department of Labor ALJ. Under the new law, however, DHS will no longer accept appeals of denied H-2B labor certification applications. Rather, the appeal is now to the Board of Alien Labor Certification Appeals (BALCA), which is housed within OALJ. H-2B visas are awarded on a first-come/first serve basis by DHS. Thus, H-2B appeals will tend to peak in the months prior to the date visas become available. This year, for example, BALCA received approximately 62 H-2B appeals in

## ADJUDICATION

a two month period. These appeals are extremely expedited, generally requiring an ALJ to render a decision within five days of receipt of the Appeal File.

Also FY 2009 saw increased appeals and hearing requests from the H-2A agricultural non-immigrant program (which also requires ALJs to render extremely expedited decisions) and enforcement actions arising from the H-1B specialty worker (“labor condition application”) program.

The permanent alien labor certification program is also experiencing heavier than normal appeals dockets, as the Employment and Training Administration (ETA) works through a backlog of reconsideration requests under the PERM program. In addition, in 2008 ETA regulations added provisions for the debarment of persons or entities who engaged in fraud or misrepresentation in the permanent labor certification program. Those regulatory amendments included a right to request an ALJ hearing.

OALJ continues to docket hundreds of Defense Base Act cases arising from the Iraq and Afghanistan conflicts and other military operations. The Defense Base Act was originally enacted during World War II, but was largely dormant until recent conflicts in which large numbers of contract labor was employed overseas by the military and other federal departments. Prior to 2000, this was not a significant part of OALJ’s adjudicatory caseload.

It is further anticipated that the new Administration will place a reinvigorated priority on enforcement of labor laws, which will also certainly lead to larger numbers of ALJ hearings in areas such as the Fair Labor Standards Act, Davis-Bacon Act, Service Contract Act, OFCCP enforcement, and similar traditional labor law enforcement.

Thus, in FY 2010, OALJ will need to address a changing mix of adjudicatory responsibilities, with a rising number of enforcement actions, immigration-related appeals, new types of whistleblower cases, and Defense Base Act hearings, while maintaining disposition levels in regard to the large Black Lung and Longshore programs.

**Adjudicatory Boards:** The Adjudicatory Boards anticipate maintaining current production levels and to maintain pending appeals at manageable levels.

**ARB:** In FY 2010 the ARB expects to receive 140 new appeals and close 162 appeals. Both new and closed appeals increased between FY’s 2007 and 2008. Closed appeals are expected to continue to exceed new appeals each year between FY’s 2008 and 2010. Average processing time is expected to decline to less than 12 months.

**BRB – Black Lung:** In FY 2010 the BRB-Black Lung program expects to receive 720 new appeals and close 720 appeals. New Black Lung appeals continue to fluctuate depending on OALJ output. Closed appeals are expected to remain steady at about 720 between FY’s 2008 and 2010. Average processing time remains less than 12 months.

**BRB – Longshore & Related Programs:** In FY 2010 the BRB–Longshore program expects to receive 300 new appeals and close 300 appeals. While regular Longshore appeals have declined

## ADJUDICATION

since FY 2003, annual new appeals are expected to average 300 in FY's 2008 through 2010 as the result of an anticipated surge in appeals under the Defense Base Act. Closed appeals are expected to match new appeals and all appeals are expected to continue to be closed within less than 12 months.

**ECAB:** In FY 2010 the ECAB expects to receive 2,500 new appeals and close 2,225 appeals. New appeals have increased since FY 2006 and are expected to reach 2,500 in FY 2010. Processing time is expected to increase slightly as production capability remains steady at about 2,225. Average processing time will continue to be less than 12 months.

### **FY 2009**

**The Office of Administrative Law Judges (OALJ):** For FY 2009 funding levels, OALJ will issue 4,460 decisions; however, at these funding levels the Black Lung backlog will increase from an originally projected 17 month backlog to a 21 month backlog.

**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. 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.

**The Adjudicatory Boards:** 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.

**ARB:** ARB expects to receive 130 new appeals and to close approximately 150 appeals in FY 2009.

**BRB – Black Lung:** A temporary increase in the number of new Black Lung appeals is anticipated. New appeals are expected to number 760 while 720 appeals will be closed.

**BRB – Longshore & Related Programs:** In FY 2009 BRB-LS expects to receive and close approximately 300 Longshore and related cases. An appreciable number of Defense Base Act cases are expected to offset a down-turn in traditional Longshore cases.

**ECAB:** ECAB expects to receive and close approximately 2,225 appeals in FY 2009.

# ADJUDICATION

## FY 2008

**The Office of Administrative Law Judges (OALJ):** OALJ exceeded all FY 2008 performance workload goals by 827 cases over the projected 4,130 cases with a total of 4,957 cases closed in FY 2008. The Black Lung backlogs were reduced from a projected 21 months down to 17 months while maintaining Longshore backlogs at 12 months. OALJ also, reduced Immigration backlogs from a projected 41 months down to 8 months in addition to completing a 4,925 new case dockets.

**The Administrative Review Board (ARB):** ARB closed 158 appeals in FY 2008, exceeding their target by 5.3%. ARB received 138 new appeals and ended the year with 167 appeals pending. Of the 20 decisions received from appellate courts, 19 affirmed the ARB decision.

**The Benefits Review Board:** BRB increased final dispositions by 8% in FY 2008, disposed of 86 motions for reconsideration and 143 attorney fee petitions exceeding FY 2007 levels by 7.5% and 11.0% respectively. BRB ended FY 2008 with no pending cases older than one year. The United States Courts of Appeals affirmed BRB decisions more than 85% of the time. BRB scanned over 16,000 prior-year decisions into Adobe Portable Document Format (PDF). Scanned decisions were copied onto DVD's and placed on the Worldwide Web making them readily accessible to both staff and the general public.

**Black Lung Program (BRB-BL):** Closed 727 appeals, received 573 new appeals and ended the year with 486 appeals pending. Closed appeals exceeded their target by 1%. Decisions were received for 34 appeals from the U.S. Courts of Appeal; 30 of these were affirmed (88.2%).

**The Benefits Review Board Longshore Program:** (BRB-LS) closed 260 appeals, received 226 new appeals and ended the year with 134 appeals pending. There were 34 decisions received from the U.S. Courts of Appeal; 32 (86.5%) of these were affirmed.

**Office of the Clerk of the Appellate Boards (OCAB):** In 2006, The Boards consolidated their separate Docket Units into a single entity placed organizationally in the BRB. During FY 2008, OCAB docketed 3,498 new appeals, handled the close-out for 3,393 appeals, and processed several thousand interim motions and requests. Management Review of OCAB operations resulted in improved operations as a result of the implementation of new procedures and performance standards.

**The Employees' Compensation Appeals Board (ECAB):** Closed 2,248 appeals, received 2,561 new appeals and ended the year with 1,736 appeals pending. ECAB updated procedural regulations that had not been changed in 46 years. Attorney production increased 2.1% over FY 2007. ECAB provided leadership for the docket "revitalization" program, a management review initiative designed to evaluate OCAB workflow and procedures.



## ADJUDICATION

<b>WORKLOAD SUMMARY</b>			
	FY 2008	FY 2009	FY 2010
	Actual	Estimate	Request
	<b>Office of Administrative Law Judges</b>		
<b><u>OALJ Carry-Over Levels:</u></b>			
Black Lung	1,938	1,928	2,078
Longshore	2,123	2,168	2,328
Immigration	324	293	323
Traditional	<u>557</u>	<u>521</u>	<u>571</u>
<b>Totals</b>	<b>4,942</b>	<b>4,910</b>	<b>5,300</b>
<b><u>OALJ New Cases:</u></b>			
Black Lung	1,357	1,350	1,200
Longshore	2,657	2,500	2,500
Immigration	417	450	200
Traditional	<u>494</u>	<u>550</u>	<u>550</u>
<b>Totals</b>	<b>4,925</b>	<b>4,850</b>	<b>4,450</b>
<b><u>OALJ Dispositions:</u></b>			
Black Lung	1,367	1,200	1,360
Longshore	2,612	2,340	2,340
Immigration	448	420	140
Traditional	<u>530</u>	<u>500</u>	<u>500</u>
<b>Totals</b>	<b>4,957</b>	<b>4,460</b>	<b>4,340</b>
<b><u>OALJ Pending Cases:</u></b>			
Black Lung	1,928	2,078	1,918
Longshore	2,168	2,328	2,488
Immigration	293	323	383
Traditional	<u>521</u>	<u>571</u>	<u>621</u>
<b>Totals</b>	<b>4,910</b>	<b>5,300</b>	<b>5,410</b>

# ADJUDICATION

<b>WORKLOAD SUMMARY</b>			
	<b>FY 2008</b>	<b>FY 2009</b>	<b>FY 2010</b>
	<b>Actual</b>	<b>Estimate</b>	<b>Request</b>
	<b>ARB</b>		
New Appeals	138	130	140
Closed Appeals	158	150	162
Pending End of Year	167	147	125
Pending in Months EoY	12.8	11.8	9.3
<b>BRB - BL</b>			
New Appeals	573	760	720
Closed Appeals	727	720	720
Pending End of Year	486	524	524
Pending in Months EoY	8.0	8.7	8.7
<b>BRB - LS</b>			
New Appeals	226	300	300
Closed Appeals	260	300	300
Pending End of Year	134	134	134
Pending in Months EoY	6.2	5.4	5.4
<b>ECAB</b>			
New Appeals	2,561	2,225	2,500
Closed Appeals	2,248	2,225	2,225
Pending End of Year	1,738	1,738	2,013
Pending in Months EoY	9.3	9.4	10.9

## ADJUDICATION

<b>BUDGET ACTIVITY by OBJECT CLASS</b>						
(Dollars in Thousands)						
		<b>FY 2008 Enacted</b>	<b>FY 2009 Enacted</b>	<b>Recovery Act</b>	<b>FY 2010 Request</b>	<b>Change FY 10 Req / FY 09 Enacted</b>
11.1	Full-time permanent	24,302	23,939	0	24,347	408
11.3	Other than full-time permanent	27	110	0	110	0
11.5	Other personnel compensation	346	557	0	569	12
11.9	Total personnel compensation	24,675	24,606	0	25,026	420
12.1	Civilian personnel benefits	5,300	5,424	0	5,656	232
21.0	Travel and transportation of persons	354	410	0	449	39
22.0	Transportation of things	29	37	0	37	0
23.1	Rental payments to GSA	3,851	3,919	0	3,939	20
23.3	Communications, utilities, and miscellaneous charges	474	490	0	493	3
24.0	Printing and reproduction	33	27	0	27	0
25.1	Advisory and assistance services	287	170	0	171	1
25.2	Other services	1,887	753	0	789	36
25.3	Other purchases of goods and services from Government accounts 1/	6,066	8,453	0	8,695	242
25.4	Operation and maintenance of facilities	8	54	0	54	0
25.7	Operation and maintenance of equipment	303	795	0	799	4
26.0	Supplies and materials	291	290	0	291	1
31.0	Equipment	133	171	0	173	2
<b>Total</b>		<b>43,691</b>	<b>45,599</b>	<b>0</b>	<b>46,599</b>	<b>1,000</b>
1/Other Purchases of Goods and Services From Government Accounts						
	Working Capital Fund	5,800	8,182	0	8,423	241
	DHS Services	192	217	0	218	1
	Services by DOL Agencies	31	54	0	54	0
	Services by Other Government Departments	43	0	0	0	0

# ADJUDICATION

## CHANGES IN FY 2010

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	511
Personnel benefits	113
Federal Employees Compensation Act (FECA)	119
Travel	1
Transportation of things	0
GSA Space Rental	20
Communications, utilities & miscellaneous charges	1
Advisory and assistance services	1
Other services	4
Working Capital Fund	226
Operation and maintenance of equipment	4

**Built-Ins Subtotal** **1,000**

	Estimate	FTE
<b>Base</b>	<b>46,599</b>	<b>250</b>

## WOMEN'S BUREAU

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>						
(Dollars in Thousands)						
	<b>FY 2008 Enacted</b>	<b>FY 2009 Enacted</b>	<b>Diff. FY08 Enacted / FY09 Enacted</b>	<b>Recovery Act</b>	<b>FY 2010 Request</b>	<b>Diff. FY09 Enacted / FY10 Req</b>
<b>Activity Appropriation</b>	<b>9,465</b>	<b>10,419</b>	<b>954</b>	<b>0</b>	<b>10,604</b>	<b>185</b>
FTE	52	52	0	0	52	0

NOTE: FY 2008 reflects actual FTE. Authorized FTE for FY 2008 was 52.

### 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 2010, the Bureau will continue to support the Department's goals by assisting women across generations and socio-economic groups in their efforts to participate in a sustainable "green" economy by attaining higher-paying, career ladder jobs in non-traditional fields. Additionally the Bureau will continue its efforts to increase women's economic security during this challenging economic time by enhancing the Wi\$eUp curriculum and with additional outreach and education forums related to economic revitalization. Flex Options will expand its outreach and educational efforts to state/local governments and university consortiums of employers to promote workplace flexibility as a way to achieve environmental goals.

### Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2005	9,478	60
2006	9,666	60
2007	9,348	60
2008	9,465	52
2009	10,419	52

NOTE: Excludes Recovery Act Funding. See budget activity head table.

## WOMEN'S BUREAU

### FY 2010

The Women's Bureau addresses issues of importance to working women in an effort to improve the status of wage-earning women, improve their working conditions, increase their efficiency, and advance their opportunities for profitable employment. The Bureau's FY 2010 budget request of \$10,604,000 and 52 FTE will allow the Bureau to continue its support of the Department's strategic goals by building on the successes and lessons learned from its short-term projects. The Bureau will also expand existing projects, as well as research and create new opportunities to help women meet the needs of the 21<sup>st</sup> Century workplace.

The Women's Bureau will support the Department's *Prepared Workforce* goal by assisting women across generations and socio-economic groups in their efforts to participate in a sustainable "green" economy by attaining higher-paying, career-ladder jobs in non-traditional fields. The Bureau will collaborate with other Federal agencies as well as non-profit and women's organizations to increase public awareness of hiring needs, training, and entrepreneurship opportunities in "green" industries. The Bureau will collect and disseminate best practices and link constituents with support services to facilitate their success in the workplace of the 21<sup>st</sup> Century. Additionally, the Bureau will provide information on Federal resources to women's organizations to assist them in better serving working women and their families.

The Women's Bureau will continue to support the Department's goal of *Strengthened Economic Protections* through its efforts to increase women's financial security. The Wi\$eUp online and classroom-based financial education project, which encourages women to increase savings and reduce debt, will be implemented in all ten Women's Bureau regions. In light of the changing economic landscape, the Bureau will build on its Wi\$eUp project, expanding its curriculum and conducting additional outreach and educational forums related to economic revitalization. The project's target audience will be broadened to include women of diverse ages and backgrounds. The Bureau will continue taking action to improve the collection of data in support of the project's end outcome goals. Replication of the Wi\$eUp project among employers, community and faith-based organizations, state and local governments, and other organizations will remain a top priority.

In order to meet the Department's *A Competitive Workforce* goal, the Bureau will continue with and improve Flex-Options, a project which encourages employers to voluntarily develop or expand flexible workplace policies and/or programs for their employees. Flex-Options 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. The Bureau is also expanding outreach and educational efforts to state/local governments and university consortiums of employers to promote workplace flexibility as a way to achieve environmental goals (e.g., improved air quality) or meet economic challenges.

Furthermore, the Bureau will focus efforts on new topics including hosting workshops and creating publications on pregnancy and fair pay issues for working women, particularly focusing on minority women, in order to help keep working women competitive in today's workplace.

## WOMEN'S BUREAU

### FY 2009

The Bureau is placing particular emphasis on programs in support of the Department's goals: *A Prepared Workforce*, *A Competitive Workforce*, and *Strengthened Economic Protections*. For example, *A Prepared Workforce* goal is supported by short-term projects designed to increase women's employment opportunities. Lessons learned from the Working Women in Transition (WWIT) project, which provided resources to women reentering the workforce, are being applied to efforts focusing on Native American women in Northern Arizona and Washington State. The agency is continuing its *Preparing Women for the 21<sup>st</sup> Century Workplace* project, working with *Women Work! The National Network for Women's Employment*. This initiative provides training and technical assistance to local organizations and state networks that share the Bureau's goals and priorities. Additionally, the Bureau is researching "green" jobs as another focus for the *Preparing Women for the 21<sup>st</sup> Century Workplace* project.

In support of the Department's goal of *Strengthened Economic Protections*, the Bureau is continuing its admired Wi\$eUp project. Wi\$eUp is a cutting-edge, e-mentoring financial education project that helps young women improve their economic security by increasing their savings and/or reducing their debt. In FY 2009, the Bureau will update and enhance the Wi\$eUp financial education curriculum and take steps to make the Wi\$eUp classroom learning process more meaningful, interesting, effective and accessible to a wider group of women. The Bureau will also implement the Wi\$eUp project in two additional regions and increase its outreach to women through the replication of Wi\$eUp. 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, a project which encourages employers to voluntarily develop or expand flexible workplace policies and/or programs for their employees, supports the Department's *A Competitive Workforce* goal. Flex-Options will continue working 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. In addition, the Bureau is expanding outreach and educational efforts to state/local governments and university consortiums of employers to promote workplace flexibility as a way to achieve environmental goals (e.g., improved air quality) or meet economic challenges.

Both the Wi\$eUp and Flex-Options projects will continue their successful and extensive use of interactive Web sites and teleconferences to facilitate project activities.

The Women's Bureau will continue to employ project outcome measures and assess its strategic and performance plan. 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.

## WOMEN'S BUREAU

### FY 2008

In FY 2008 the Bureau had two projects designed to increase women's employment which supported *A Prepared Workforce* goal; Working Women in Transition (WWIT) and Women in Nanotechnology. WWIT used its "high-tech" and "high-touch" approach to assist women in finding employment, increasing their earnings and/or entering into career education/training opportunities. Over 1,100 women were enrolled in the WWIT program in FY 2008; of that 23% increased their earnings; 26% found employment and 8% entered into a degree or post-secondary certification program. Additionally, using the WWIT framework, the Bureau initiated two project sites that focused on Native American women. Women in Nanotechnology was implemented in the Chicago regional office and recruited women in area community colleges to help them develop specialization in the nanotechnology field, and help them to continue their studies in a four year university.

In support of Department's goal of *Strengthened Economic Protections*, the Bureau continued the Wi\$eUp project. Nearly 2,000 women participated in either online or classroom program components. Of the women participating in the program 58% said they had reduced their debt and 58% said they had increased their savings/investments. Additionally, a Public Service Announcement campaign to increase awareness of the Wi\$eUp project was developed and distributed both through traditional radio spots and via YouTube. In FY 2008, The Bureau also hosted *Wi\$eUp: the Benefits of Creating a Financial Savvy Employee*, in New York City's Financial Center for Fortune 1,000 companies. This event not only showcased the Wi\$eUp curriculum and website, but encouraged attendees to offer Wi\$eUp as a resource to their employees.

Flex-Options supported the Department's *A Competitive Workforce* goal and in FY 2008 over 580 flexible workplace policies/programs were created or expanded by businesses reaching out to over 400,000 employees. The Bureau also conducted bi-monthly teleconference featuring workplace flexibility experts and business owners who shared their knowledge and experiences on important flexible work arrangements issues. Additionally, the Bureau in conjunction with the City of Houston, Texas hosted a one day *Flex in the City* conference bringing together state, city, and local officials and representatives of privately owned companies to learn the benefits of creating flexible work arrangements; share best practices; and lessons learned and challenges. In particular, they discussed how workplace flexibility can provide innovative ways to address commuting, environmental, and transportation infrastructure issue affecting cities across the United States.

The Bureau continued to work with Value-Added Supporters to expand projects through replication. In FY 2008 there was a total of 24 replications serving over 2,200 individuals for the Wi\$eUp, Flex Options and GEM-SET projects.



## WOMEN'S BUREAU

<b>BUDGET ACTIVITY by OBJECT CLASS</b>						
(Dollars in Thousands)						
		<b>FY 2008 Enacted</b>	<b>FY 2009 Enacted</b>	<b>Recovery Act</b>	<b>FY 2010 Request</b>	<b>Change FY 10 Req / FY 09 Enacted</b>
11.1	Full-time permanent	4,742	5,318	0	5,425	107
11.5	Other personnel compensation	128	75	0	77	2
11.9	Total personnel compensation	4,870	5,393	0	5,502	109
12.1	Civilian personnel benefits	1,157	1,197	0	1,221	24
21.0	Travel and transportation of persons	155	157	0	158	1
23.1	Rental payments to GSA	659	692	0	695	3
23.3	Communications, utilities, and miscellaneous charges	75	54	0	54	0
24.0	Printing and reproduction	2	4	0	4	0
25.1	Advisory and assistance services	15	9	0	9	0
25.2	Other services	969	993	0	996	3
25.3	Other purchases of goods and services from Government accounts 1/	1,482	1,808	0	1,853	45
25.7	Operation and maintenance of equipment	9	16	0	16	0
26.0	Supplies and materials	52	59	0	59	0
31.0	Equipment	20	37	0	37	0
<b>Total</b>		<b>9,465</b>	<b>10,419</b>	<b>0</b>	<b>10,604</b>	<b>185</b>
1/Other Purchases of Goods and Services From Government Accounts						
	Working Capital Fund	1,435	1,758	0	1,803	45
	DHS Services	47	40	0	40	0
	Services by DOL Agencies	0	10	0	10	0

# WOMEN'S BUREAU

## CHANGES IN FY 2010

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	109
Personnel benefits	24
Travel	1
GSA Space Rental	3
Other services	3
Working Capital Fund	45
<b>Built-Ins Subtotal</b>	<b>185</b>

	Estimate	FTE
<b>Base</b>	<b>10,604</b>	<b>52</b>

## CIVIL RIGHTS

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>						
(Dollars in Thousands)						
	FY 2008 Enacted	FY 2009 Enacted	Diff. FY08 Enacted / FY09 Enacted	Recovery Act	FY 2010 Request	Diff. FY09 Enacted / FY10 Req
<b>Activity Appropriation</b>	6,182	6,535	353	0	6,812	277
FTE	33	42	9	0	42	0

NOTE: FY 2008 reflects actual FTE. Authorized FTE for FY 2008 was 33.

### **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. CRC's programs also include affirmative employment programs, coordination of the Department's special emphasis programs, targeted recruitment efforts, and management of the assistive services and technology initiatives.

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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

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2005	6,237	46
2006	6,386	46
2007	6,445	40
2008	6,182	33
2009	6,535	42

NOTE: Excludes Recovery Act Funding. See budget activity head table.

### FY 2010

CRC is requesting \$6,812,000 and 42 FTE in FY 2010. The CRC's performance goals will continue to 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

In her testimony before the U.S. Senate, Secretary Solis highlighted the importance of enforcing workers' civil rights and ensuring equal opportunity of American workers, of which CRC will support through achievement of the performance goals. During her testimony, she stated:

[T]he Labor Department must assure that the door to opportunity is open to every American regardless of race, sex, veteran status, or disability. The Labor Department is one important part of the Federal government's civil rights enforcement and compliance infrastructure. If confirmed, the Labor Department's message will be clear and simple: no unjust barrier should keep any worker from achieving the American Dream.

In order for DOL to effectively promote the aforementioned performance goals, it must first ensure that the DOL workplace serves as an example of the model workplace it intends to promote across the country. As part of a new initiative, CRC will require all DOL managers and supervisors to have equal employment opportunity training to enable them to effectively manage their workplace. A component of this training will include alternative dispute resolution (ADR)

## CIVIL RIGHTS

training to equip managers and supervisors with the skills to resolve conflicts in the workplace at the earliest possible stage; and to employ those skills when necessary at mediations during the EEO complaint process, so as to enable the Department and its respective sub-agencies to realize significant cost savings from participating in the administrative EEO process. CRC proposes revisions to its mediation program to realize greater value from the program. Agencies will be required to mediate EEO complaints when complainants elect mediation; and mediations will be conducted by a non-DOL third-party neutral.

CRC will undertake new initiatives including outreach, recruitment, and the education of employees and individuals with disabilities regarding the special hiring authorities.

In light of the Secretary's commitment to the UI program and in response to the economy's downturn and resultant increase in the number of individuals seeking unemployment insurance (UI), the Civil Rights Center (CRC) proposes to conduct in-depth compliance reviews of two (2) state UI programs in FY 2010. These reviews would be conducted pursuant to the CRC's responsibilities under Title VI of the Civil Rights Act of 1964, as amended and Section 188 of the Workforce Investment Act of 1998 in order to ensure the accessibility of UI, a vital safety net program, these compliance reviews would focus on ensuring that persons with Limited English Proficiency (LEP) can apply for and receive assistance in accordance with programmatic requirements. The CRC would conduct an assessment of the states to select two (2) that have large new, diverse immigrant populations. Compliance reviews are intended to ensure that eligible beneficiaries can access programs and services that receive federal financial assistance. Additionally, they are designed to provide states and other recipients of federal financial assistance with technical assistance and tools to administer their programs in compliance with the law.

The Civil Rights Center (CRC) proposes to re-vamp its regional civil rights officer program. When established, each Department of Labor Region housed a regional civil rights officer who served as a local technical expert on the Department's equal employment opportunity (EEO) program. These individuals provided in-person guidance to employees, union representatives, management officials, human resources, the Office of the Solicitor, and other stakeholders regarding their EEO rights and responsibilities. These individuals also provided in-depth training and oversaw the counseling, mediation and investigative tasks required by the EEO regulations. In recent years, the CRC has been unable to sustain positions in Boston/New York, Philadelphia, Atlanta, and Dallas/Denver. The CRC, therefore, proposes to re-establish these positions by hiring four (4) GS-13 employees who would perform the tasks outlined above as well as serve as liaisons with state and local governmental entities on external enforcement matters. These individuals would manage a more comprehensive regional civil rights program to include the facilitation of in-person enforcement activities and technical assistance.

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.

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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 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. 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, webinars, 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.

### **FY 2009**

The CRC received \$6,535,000 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:

## CIVIL RIGHTS

- 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 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.



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### FY 2008

In FY 2008, CRC exceeded the majority of the performance measures except for a few action items. CRC supports the outcome goal of *Effective DOL Leadership*, which is supported by three Performance Goals: *Ensure equal opportunity within DOL financially assisted programs, Enhance the knowledge of DOL financial assistance recipients regarding their obligations, and Ensure nondiscrimination within DOL*. CRC also supports the outcome goal of being *Customer-Focused*.

CRC substantially achieved its outcome goal of Effective DOL Leadership via five primary performance measures. Under the Methods of Administration (MOA), CRC sent 33 MOA deadline notification letters to various States, and received and reviewed 33 State MOAs, which exceeded the goal of receiving and reviewing 32 MOA recertification requests. In terms of External Complaint Processing, CRC's goal on this measure for FY 2008 was to improve the speed of its disposition of discrimination complaints filed against entities that receive financial assistance, either from DOL or, under Title I of the Workforce Investment Act of 1998 (WIA), from other Federal departments. Specifically, CRC committed to reach a disposition within 210 days on 65% of such complaints. As a result, out of the 643 new complaints filed in FY 2008, CRC reached a disposition within 210 days on 585 complaints, or 91%. CRC therefore exceeded its 65% disposition goal by 26%. Moreover, under its third performance measure, Internal EEO Training, CRC engaged in aggressive marketing of its EEO courses in order to increase participation among DOL managers, supervisors, and employees. As a result, 58% of persons in these three categories received training in FY 2008, which exceeded the 10% goal by 48%. Furthermore, in terms of internal complaint investigations CRC's target for FY 2008 was to complete investigations within regulatory timeframes for 45% of the formal internal EEO complaints it received. During the fiscal year, CRC completed its investigations within the specified period for 53 out of 97 complaints, or 55%. CRC therefore exceeded its 45% target by 10%. Finally, for internal complaint final agency decisions (FADs) CRC's target for FY 2008 was to issue 45% of FADs within the regulatory timeframe. Thirty-eight percent of Final Agency Decisions (FADs) were issued within the regulatory timeframes (24 out of 63) in FY 2008. However, all FADs issued after April 28, 2008, the date the CRC Director assumed his new position, were issued in a timely fashion. The shortfall was due to CRC operating with limited staff due to retirements, extended leave of key personnel, and funding limitations on the use of contract resources. CRC is working to address this performance shortfall, as well as to expand its resources in the long term, in order to be competitive against the government-wide benchmark.

CRC also achieved its outcome goal of being customer-focused. In FY 2008 CRC added a customer satisfaction measure in order to report on the results of participant surveys from the National Equal Opportunity (EO) Professional Development Forum. The Forum, CRC's primary method of providing training and compliance assistance to its external regulated community, is unique in the Federal government, and has been recognized by the U.S. Civil Rights Commission as a model for educating recipients of Federal financial assistance on nondiscrimination and equal opportunity responsibilities. Ninety-eight percent of survey respondents indicated that the information provided at the forum will enhance their job performance, which exceeded the 85% goal for receiving positive responses by 13%.

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In FY 2008 significant progress was made in the area of strategic planning and management. CRC worked with the Human Resources Center (HRC) to enable provision of mandatory training to DOL employees through the Department's computerized learning management system, LearningLink. The use of the LearningLink platform allows CRC to track which employees have completed the training.

The first course CRC offered via LearningLink is the training required by the Notification and Federal Employee Anti-discrimination and Retaliation (No FEAR) Act of 2002. Under the No FEAR Act, CRC must provide training to all DOL employees regarding their rights, responsibilities, and remedies under antidiscrimination and whistleblower protection laws. In the past, CRC delivered this training via email; however, this method did not allow sufficiently-accurate tracking of which employees actually reviewed the course material.

The LearningLink version of the mandatory No FEAR Act training was rolled out on August 21, 2008. Use of LearningLink has allowed CRC to regularly track and report the number and percentage of DOL employees who have completed the training. More significantly, the platform also allows CRC to sort completion and non-completion lists by various criteria, such as internal agency and hire date. CRC is able to use the latter criterion to identify recent hires that have not yet satisfied the requirement.

## CIVIL RIGHTS

<b>WORKLOAD SUMMARY</b>			
	<b>FY 2008 Actual</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>
<b>Civil Rights Center</b>			
Internal EEO Program	177	126	126
External EO Program	642	727	727
Compliance Assistance Program	1,065	1,120	1,120
<b>Budget Activity Workload Total</b>	<b>1,884</b>	<b>1,973</b>	<b>1,973</b>

*\*For FY 2008, Internal EEO Program number is based on actual number of formal complaints and External EO Program numbers are based on actual number of complaints; Compliance Assistance Program number based on actual number of persons (financial assistance recipients) CRC trained (1,065 = 200 for LEP Training + 230 for State MOA training + 167 for Job Corps Center + 323 E.O. Participants at Nat'l Prof Dev Forum incl. JC + 80 for Tri-State Conf + 35 for HHS hosted conference for CMS and SAMHSA agencies + 30 for SETA Conf).*

### **Workload Summary**

The Civil Rights Center (CRC) is responsible for ensuring compliance with Federal civil rights laws and their implementing regulations, which cover Department of Labor (DOL) employees and applicants for employment, DOL conducted programs and certain public entities (on the basis of disability), and programs and activities receiving or benefiting from DOL financial assistance.

The CRC processes two distinct types of complaints: (1) complaints filed by DOL employees and applicants; and (2) complaints filed by beneficiaries of DOL financially assisted or conducted programs, or certain complaints alleging discrimination on the basis of disability by State and local governments.

## CIVIL RIGHTS

<b>BUDGET ACTIVITY by OBJECT CLASS</b>						
(Dollars in Thousands)						
		<b>FY 2008 Enacted</b>	<b>FY 2009 Enacted</b>	<b>Recovery Act</b>	<b>FY 2010 Request</b>	<b>Change FY 10 Req / FY 09 Enacted</b>
11.1	Full-time permanent	3,424	2,900	0	3,010	110
11.5	Other personnel compensation	100	60	0	61	1
11.9	Total personnel compensation	3,524	2,960	0	3,071	111
12.1	Civilian personnel benefits	812	963	0	1,006	43
21.0	Travel and transportation of persons	120	128	0	129	1
23.1	Rental payments to GSA	392	357	0	359	2
23.3	Communications, utilities, and miscellaneous charges	36	35	0	35	0
24.0	Printing and reproduction	0	31	0	31	0
25.2	Other services	244	430	0	469	39
25.3	Other purchases of goods and services from Government accounts 1/	1,014	1,489	0	1,570	81
25.4	Operation and maintenance of facilities	0	66	0	66	0
25.7	Operation and maintenance of equipment	0	8	0	8	0
26.0	Supplies and materials	40	51	0	51	0
31.0	Equipment	0	17	0	17	0
<b>Total</b>		<b>6,182</b>	<b>6,535</b>	<b>0</b>	<b>6,812</b>	<b>277</b>
1/Other Purchases of Goods and Services From Government Accounts						
	Working Capital Fund	1,014	1,234	0	1,315	81
	DHS Services	0	8	0	8	0
	Services by DOL Agencies	0	7	0	7	0
	Services by Other Government Departments	0	240	0	240	0

# CIVIL RIGHTS

## CHANGES IN FY 2010

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	111
Personnel benefits	43
Travel	1
GSA Space Rental	2
Other services	39
Working Capital Fund	81
<b>Built-Ins Subtotal</b>	<b>277</b>

Estimate

FTE

Base

6,812

42



## CHIEF FINANCIAL OFFICER

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>						
(Dollars in Thousands)						
	FY 2008 Enacted	FY 2009 Enacted	Diff. FY08 Enacted / FY09 Enacted	Recovery Act	FY 2010 Request	Diff. FY09 Enacted / FY10 Req
<b>Activity Appropriation</b>	<b>5,098</b>	<b>5,278</b>	<b>180</b>	<b>700</b>	<b>5,361</b>	<b>83</b>
FTE	23	23	0	2	23	0

NOTE: FY 2008 reflects actual FTE. Authorized FTE for FY 2008 was 20.

### **Introduction**

The Office of the Chief Financial Officer (OCFO) has the responsibility to oversee all financial management activities in the Department. As external validation of OCFO's efforts, DOL has achieved an unqualified audit opinion on its Annual Consolidated Financial Statements for 12 consecutive years. DOL has also received the Association of Government Accountants' Certificate of Excellence and Accountability Reporting (CEAR) for the last nine consecutive years.

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;
- The Reports Consolidation Act of 2000; and
- The Improper Payments Information Act (IPIA) of 2002

To fulfill its financial management duties and responsibilities, OCFO focuses on proactive assistance to agencies with an emphasis of validation of corrective actions undertaken to enhance internal controls. OCFO's mission supports overall Departmental management through effective and efficient stewardship of DOL's financial resources. OCFO is requesting \$5,361,000 and 28 FTE in the Departmental Management, Salaries and Expenses appropriation to support its performance goal of improving the accuracy, timeliness, and utility of financial information used to make critical programmatic decisions throughout the Department. Additional resources are included in the Working Capital Fund.

# CHIEF FINANCIAL OFFICER

## Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2005	5,182	38
2006	5,287	38
2007	5,336	28
2008	5,098	20
2009	5,278	23

NOTE: Excludes Recovery Act Funding. See budget activity head table.

### FY 2010

In FY 2010, the requested funding of \$5,361,000 and 28 FTE will support the continued strategy of the OCFO to provide and further the enhancement of a broad range of financial information and services, for the Department and central governmental agencies, such as the U.S. Department of the Treasury. These activities underpin sound financial management and bolster transparent stewardship of public funds throughout the Department. The funds support implementation of corrective and preemptive action plans and ensure agency internal controls over financial reporting and systems are well documented, sufficiently tested, and properly assessed. The funds will allow OCFO to continue its concerted effort with Departmental program agencies for assessing and improving the effectiveness of internal controls. Funding will also provide resources to continue core financial management review operations, including updating the Department's internal policies and regulations.

### FY 2009

In FY 2009, the OCFO is continuing 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 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.

### FY 2008

During FY 2008 the agency earned a number of accolades in recognition of its ongoing commitment to accountability, integrity, and transparency. In one area in particular OCFO won the 2008 Excellence in Information Integrity Award as a result of efforts in the development of the Departments Managerial Cost Accounting Program. OCFO's efforts led to the Department earning its twelfth consecutive clean opinion from the independent auditor. The Department also earned its eighth consecutive Certificate of Excellence in Accountability Reporting (CEAR) from the Association of Government Accountants. OCFO maintained a "green" rating on the President's Management Agenda scorecard, under former President George Bush, for improved



## **CHIEF FINANCIAL OFFICER**

financial performance. OCFO staff resolved many open audit findings and drafted several new policy documents to ensure the Department's continued adherence to Federal laws, regulations, and OMB guidance.

## CHIEF FINANCIAL OFFICER

<b>BUDGET ACTIVITY by OBJECT CLASS</b>						
(Dollars in Thousands)						
		<b>FY 2008 Enacted</b>	<b>FY 2009 Enacted</b>	<b>Recovery Act</b>	<b>FY 2010 Request</b>	<b>Change FY 10 Req / FY 09 Enacted</b>
11.1	Full-time permanent	2,341	2,406	0	2,453	47
11.3	Other than full-time permanent	0	0	300	0	0
11.5	Other personnel compensation	165	39	0	40	1
11.9	Total personnel compensation	2,506	2,445	300	2,493	48
12.1	Civilian personnel benefits	515	828	100	836	8
21.0	Travel and transportation of persons	16	17	0	17	0
23.1	Rental payments to GSA	340	347	0	349	2
23.3	Communications, utilities, and miscellaneous charges	35	30	0	30	0
25.1	Advisory and assistance services	485	388	0	389	1
25.2	Other services	41	200	300	201	1
25.3	Other purchases of goods and services from Government accounts 1/	689	810	0	832	22
25.4	Operation and maintenance of facilities	4	0	0	0	0
25.7	Operation and maintenance of equipment	419	158	0	159	1
26.0	Supplies and materials	44	50	0	50	0
31.0	Equipment	4	5	0	5	0
<b>Total</b>		<b>5,098</b>	<b>5,278</b>	<b>700</b>	<b>5,361</b>	<b>83</b>
1/Other Purchases of Goods and Services From Government Accounts						
	Working Capital Fund	671	791	0	813	22
	DHS Services	9	9	0	9	0
	Services by DOL Agencies	6	5	0	5	0
	Services by Other Government Departments	3	5	0	5	0

# CHIEF FINANCIAL OFFICER

## CHANGES IN FY 2010

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	49
Personnel benefits	8
Federal Employees Compensation Act (FECA)	-9
GSA Space Rental	2
Advisory and assistance services	1
Other services	10
Working Capital Fund	22
<b>Built-Ins Subtotal</b>	<b>83</b>

	Estimate	FTE
<b>Base</b>	<b>5,361</b>	<b>23</b>



## INFORMATION TECHNOLOGY SYSTEMS

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>						
(Dollars in Thousands)						
	<b>FY 2008 Enacted</b>	<b>FY 2009 Enacted</b>	<b>Diff. FY08 Enacted / FY09 Enacted</b>	<b>Recovery Act</b>	<b>FY 2010 Request</b>	<b>Diff. FY09 Enacted / FY10 Req</b>
<b>Activity Appropriation</b>	<b>19,651</b>	<b>21,286</b>	<b>1,635</b>	<b>0</b>	<b>21,392</b>	<b>106</b>
FTE	0	0	0	0	0	0

NOTE: FY 2008 reflects actual FTE. Authorized FTE for FY 2008 was 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><u>Fiscal Year</u></b>	<b><u>Funding</u></b> (Dollars in Thousands)	<b><u>FTE</u></b>
2005	29,760	0
2006	29,462	0
2007	29,462	0
2008	19,651	0
2009	21,286	0

NOTE: Excludes Recovery Act Funding. See budget activity head table.

### **FY 2010**

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.

## INFORMATION TECHNOLOGY SYSTEMS

The FY 2010 IT Crosscut budget includes the following investments and amounts (\$ in 000s):

INVESTMENT	AMOUNT (\$ in 000s)
DOL Consolidated Enterprise Architecture Program Mgt	\$2,300
Comprehensive IT Project Management (FAP/PM)	\$150
e-Laws	\$592
E-Judication	\$1,350
Departmental e-Budgeting System (DEBS)	\$500
HR LoB Investments	\$3,000
HSPD-12 (Identity Management)	\$3,500
DOL Document Management/Records Management (DM/RM)	\$8,000
Infrastructure Pool (TIC, IPv6, Video Streaming)	\$1,000
DOL Infrastructure Optimization (DIO)	\$1,000
<b>Total:</b>	<b>\$21,392</b>

*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.

*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. E-Laws is a key component of the Secretary's Compliance Assistance Initiative. Exhibit 300 BY10 - OASP - ELAWS

*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 BY10 - DOL - e-Judication

*Departmental E-Budgeting 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 BY10 - OASAM - DEBS

## INFORMATION TECHNOLOGY SYSTEMS

*HR LoB Investments:* Collection of human resource (HR) investments including the HR Line of Business Shared Service Center e-gov initiative, e-Training (LearningLink) rollout, and funding the e-gov Human Resource Line of Business (HR LoB). HR resources will be used to modify payroll, time and attendance, and reporting procedures. Key activities include data migration and validation, training, establishing the reporting environment, and parallel testing. Funds will 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 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 BY10 - OASAM - HR LOB

*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 BY10 - OASAM - HSPD-12

*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 BY10 - OASAM - DM/RM

*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 BY10 - OASAM - DOL Infrastructure Optimization

## INFORMATION TECHNOLOGY SYSTEMS

### FY 2009

The FY 2009 IT Crosscut budget includes the following investments and amounts (\$ in 000s):

INVESTMENT	AMOUNT (\$ in 000s)
DOL Consolidated Enterprise Architecture Program Mgt	\$2,800
Comprehensive IT Project Management (FAP/PM)	\$50
e-Laws	\$700
Departmental e-Budgeting System	\$2,500
HR LoB Investments	\$4,000
HSPD-12 (Logical and Physical Access Controls)	\$2,600
Secretary Information Management System (SIMS)	\$500
DisabilityInfo.gov	\$500
E-Judication	\$1,000
DOL Document Management/Records Management (DM/RM)	\$2,000
E-Government (Federal-wide initiatives)	\$1,006
Infrastructure Pool (Logging PII Extracts and Mobile Computing)	\$930
DOL Infrastructure Optimization (formerly UDTI)	\$2,700
<b>Total:</b>	<b>\$21,286</b>

*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.

*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. E-Laws is a key component of the Secretary's Compliance Assistance Initiative.

*Departmental E-Budgeting 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.



## INFORMATION TECHNOLOGY SYSTEMS

HR LoB Investments: Collection of human resource (HR) investments include the HR Line of Business Shared Service Center e-gov initiative, e-Training (LearningLink) rollout, and funding the e-gov Human Resource Line of Business (HR LoB). HR resources will be used to modify payroll, time and attendance, and reporting procedures. Key activities include data migration and validation, training, establishing the reporting environment, and parallel testing. Funds will 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 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.

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.

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.

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 (DOL - e-Judication).

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.

Business Gateway: 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.

## INFORMATION TECHNOLOGY SYSTEMS

Disaster Assistance Task Force (\$449,000): 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.

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.

### **FY 2008**

The FY2008 IT Crosscut resources were used for:

INVESTMENT	AMOUNT (\$ in 000s)
DOL Consolidated Enterprise Architecture Program Mgt	\$2,300
New Core Financial Management System	\$250
IT Project Mgt, Security & Enterprise Architecture Training	\$50
e-Laws	\$450
Departmental e-Budgeting System	\$2,200
HR LoB Investments	\$1,695
HSPD-12	\$1,071
Secretary's Information Management System	\$325
e-Judication	\$400
Enterprise-wide Property Management System	\$90
*E-Government Federal-wide initiatives	\$1,438
Microsoft Enterprise-wide Licensing Agreement	\$5,222
Infrastructure Pool	\$505
Unified DOL Technology Infrastructure Consolidation	\$3,655
<b>Total:</b>	<b>\$19,651</b>

## INFORMATION TECHNOLOGY SYSTEMS

### Some highlights of initiatives funded in FY 2008 include:

*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.

*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.

*Departmental e-Budgeting System:* 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.

*HR LoB Investments:* Collection of human resource (HR) electronic government investments to migrate DOL to the federal- electronic government -wide efforts to consolidate HR management services. This year we began the transition phase to an overall HR shared service provider.

*HSPD-12:* Finalizes the Department's phased implementation to have all DOL employees and contractors utilizing a single Personal Identification Verification card.

*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.

*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 benefit to DOL while meeting individual agency needs.

## INFORMATION TECHNOLOGY SYSTEMS

<b>BUDGET ACTIVITY by OBJECT CLASS</b>						
(Dollars in Thousands)						
		<b>FY 2008 Enacted</b>	<b>FY 2009 Enacted</b>	<b>Recovery Act</b>	<b>FY 2010 Request</b>	<b>Change FY 10 Req / FY 09 Enacted</b>
25.1	Advisory and assistance services	8,000	0	0	0	0
25.2	Other services	1,000	6,810	0	6,844	34
25.3	Other purchases of goods and services from Government accounts 1/	3,000	0	0	0	0
25.4	Operation and maintenance of facilities	0	3,833	0	3,852	19
25.7	Operation and maintenance of equipment	5,651	10,643	0	10,696	53
31.0	Equipment	2,000	0	0	0	0
<b>Total</b>		<b>19,651</b>	<b>21,286</b>	<b>0</b>	<b>21,392</b>	<b>106</b>
1/Other Purchases of Goods and Services From Government Accounts						
	Services by Other Government Departments	3,000	0	0	0	0

# INFORMATION TECHNOLOGY SYSTEMS

## CHANGES IN FY 2010

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

#### Built-Ins Subtotal

0

#### Net Program

106

#### Direct FTE

0

	Estimate	FTE
Base	21,286	0
Program Increase	21,392	0
Program Decrease	-21,286	0

## DEPARTMENTAL PROGRAM EVALUATION

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>						
(Dollars in Thousands)						
	FY 2008 Enacted	FY 2009 Enacted	Diff. FY08 Enacted / FY09 Enacted	Recovery Act	FY 2010 Request	Diff. FY09 Enacted / FY10 Req
<b>Activity Appropriation</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5,000</b>	<b>5,000</b>
FTE	0	0	0	0	0	0

### **Introduction**

In FY 2010, \$5,000,000 and 0 FTE is requested to fund high-quality evaluations of its programs. This new initiative will allow expansion of evaluation activities to other Department programs beyond job training and employment with a priority on large, lightly examined, and/or high-priority programs.

### **FY 2010**

In recent years, the Department's evaluation capacity has eroded, and it has funded few high-quality evaluations of its programs. The Administration and the Department recognize the need to conduct rigorous-evaluations, including random assignment studies, to determine which programs and interventions work and inform its policy, management, and resource allocation decisions. The 2010 Budget provides \$5 million for a new initiative to support rigorous evaluations across the Department of Labor. The purpose of this initiative is to: (1) build evaluation capacity and expertise in the Department; (2) ensure high standards in evaluations undertaken by, or funded by the Department of Labor; (3) ensure the independences of the evaluation and research functions; and (4) make sure that evaluation and research findings are available and accessible in a timely and user-friendly way, so they inform policymakers, program managers, and the public. These funds would build upon funding already in the Department's base for research and evaluation. As part of this initiative, the Department of Labor would look to build partnerships with the academic community and other outside parties to leverage private-sector research activities.

The Department's research and evaluation efforts have historically been focused on job training and employment. The new initiative will allow expansion of evaluation activities to other programs, with a priority on large, lightly examined, and/or high-priority programs. As part of this initiative the Department would make public its research and evaluation agenda each year, and develop the agenda based on feedback from the public, Congress, and its stakeholders.

## DEPARTMENTAL PROGRAM EVALUATION

<b>BUDGET ACTIVITY by OBJECT CLASS</b>						
(Dollars in Thousands)						
		<b>FY 2008 Enacted</b>	<b>FY 2009 Enacted</b>	<b>Recovery Act</b>	<b>FY 2010 Request</b>	<b>Change FY 10 Req / FY 09 Enacted</b>
25.1	Advisory and assistance services	0	0	0	5,000	5,000
<b>Total</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>5,000</b>	<b>5,000</b>

# DEPARTMENTAL PROGRAM EVALUATION

## CHANGES IN FY 2010

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

**Built-Ins Subtotal**

**0**

**Net Program**

**5,000**

**Direct FTE**

**0**

**Estimate**

**FTE**

**Program Increase**

**5,000**

**0**