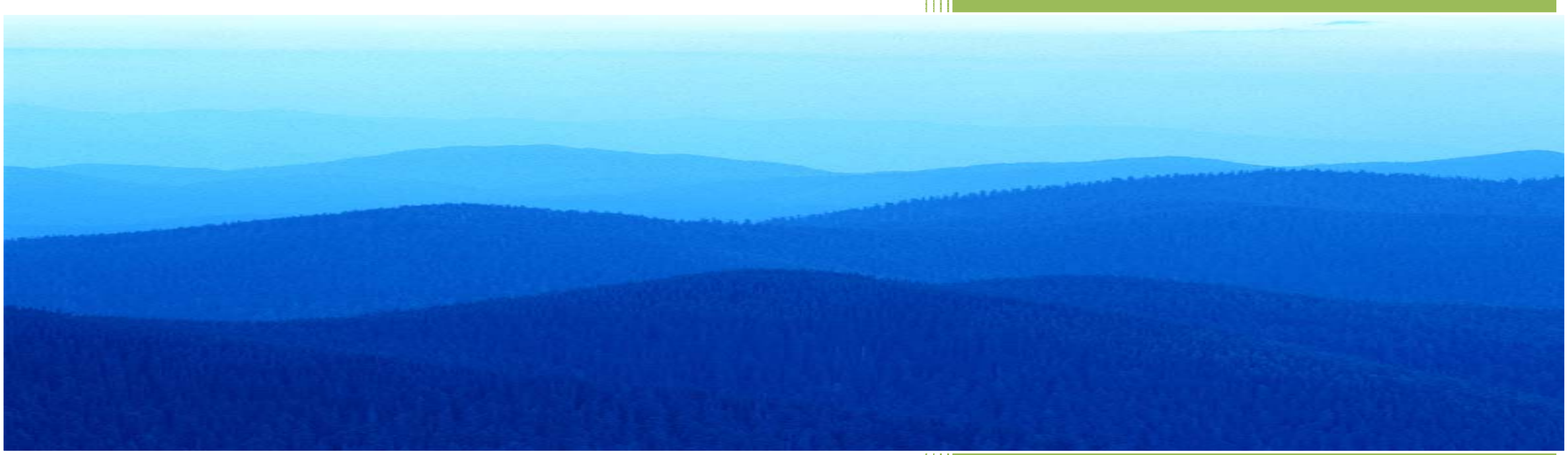
U.S. Occupational Safety & Health Review Commission

FY 2009

Performance and Accountability Report



U.S. OCCUPATIONAL SAFETY & HEALTH
REVIEW COMMISSION
FY 2009

U.S. OCCUPATIONAL SAFETY & HEALTH REVIEW COMMISSION
PERFORMANCE AND ACCOUNTABILITY REPORT
FOR THE FISCAL YEARS ENDED SEPTEMBER 30, 2009 AND 2008

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OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION
ONE LAFAYETTE CENTRE
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WASHINGTON, DC 20036-3457

OFFICE OF THE CHAIRMAN

November 16, 2009

The President
The White House
Washington, DC 20500

Dear Mr. President:

I am pleased to transmit the Occupational Safety and Health Review Commission's (OSHRC's) Fiscal Year 2009 Performance and Accountability Report (PAR). The PAR includes performance information, as required by the Government Performance and Results Act, and audited financial statements and related documentation, as required by the Accountability of Tax Dollars Act of 2002.

The mission of the Occupational Safety and Health Review Commission is to provide fair and timely adjudication of workplace safety and health disputes between the Department of Labor, employers and employees and/or their representatives under the Occupational Safety and Health Act of 1970. OSHRC sets high standards of performance for itself and, during this past fiscal year, we were generally successful in meeting our stated goals. The Administrative Law Judge function disposed of 2,020 cases, and met or exceeded each of its performance goals. At the Commission level, 20 cases were resolved, and one of two performance goals was met.

As the recently appointed Chairman, I am committed to resolving the oldest cases on the Review Commission's docket on a priority basis, and to improving our performance during the current fiscal year. We have recently issued an ambitious new Strategic Plan effective for Fiscal Year 2010, and we continue to work hard to provide the best possible service to the American people, through the efficient adjudication of safety and health issues that come before the Review Commission.

If you have any questions regarding this report, please contact me.

Sincerely,

Thomasina V. Rogers

Thomasina V. Rogers
Chairman

Enclosure

Occupational Safety and Health Review Commission
FY 2009 Performance and Accountability Report

Management Discussion and Analysis

Overview

The Occupational Safety and Health Review Commission (OSHRC or Review Commission) is an independent, adjudicatory agency created by the Occupational Safety and Health Act of 1970. Its sole statutory mandate is to serve as an administrative court providing fair and expeditious resolution of disputes involving the Occupational Safety and Health Administration (OSHA), employers charged with violations of Federal safety and health standards, and employees and/or their representatives. The Review Commission was created by Congress as an agency completely independent of the Department of Labor to ensure that OSHA's enforcement actions are carried out in accordance with the law and that all parties are treated consistent with due process when disputes arise.

The Occupational Safety and Health Act and the Review Commission's Rules of Procedure provide for two levels of adjudication when an employer contests an OSHA citation for alleged violations of the Act or failure to abate such alleged violations. The first is a trial level, which affords an opportunity for a hearing before a Review Commission Administrative Law Judge (ALJ). The Judge's decision becomes final unless the decision is directed for review to the Commission by an individual Commissioner. The second level of review is by Commission members who are appointed by the President with the advice and consent of the Senate. Both before its Judges and the Commissioners, the Review Commission provides fair and impartial adjudication of cases concerning the safety and health of employees' working conditions in the United States.

Mission and Organizational Structure

The mission of the Review Commission is to provide an impartial forum for the just and prompt adjudication of workplace safety and health disputes involving the Department of Labor, employers, and employees and/or their representatives under the Occupational Safety and Health Act of 1970.

The Review Commission has three members, who serve six-year terms, each of whom is appointed by the President and confirmed by the Senate. One of the members also serves as Chairman of the agency. The Review Commission has three major functions: the Commission function, the Administrative Law Judge function, and the Office of Administration function.

The principal (national) office of the Review Commission is located in Washington, D.C. There are two regional offices, one in Atlanta, Georgia, and the other in Denver, Colorado.

Our vision is simple, direct and performance oriented. We strive to be:

- A quasi-judicial body that is -- and is recognized for being -- objective, fair, prompt, and professional;
- An agency that creates a body of law through its decisions that defines and explains the rights and responsibilities of employers and employees under the Occupational Safety and Health Act of 1970;
- A model Federal agency with highly effective processes, a highly motivated, qualified and diverse workforce, and modern information management, communications, and administrative systems; and;
- An agency that values team work, develops its employees, and strives to improve its performance, service, and value to the American people.

Challenges and Opportunities

The Review Commission's ability to meet its case disposition goals depend on a variety of factors. These include: (1) continued presence of a quorum at the Commission level; (2) the magnitude and nature of the cases received; (3) the success of the parties' settlement negotiations and the Agency's Simplified Proceedings and Mandatory Settlement programs in reducing the number of hearings needed; and (4) the number, location, length and complexity of hearings held. Although these factors are largely outside the Review Commission's control, the Review Commission is committed to working within such constraints to improve its service to the public.

The Commission consists of three members appointed by the President with the advice and consent of the Senate. The Occupational Safety and Health Act requires a quorum of two Commissioners. By statute, decisions can only be decided on the affirmative vote of two Commissioners. During periods when the Commission lacks a quorum, no cases can be decided. In addition, with only two Commissioners, it may be more difficult to reach agreement sufficient to dispose of some cases. In cases where such agreement cannot be reached, deadlocks result. As a result, action on important issues may be postponed and issuance of some pending cases will be delayed.

The Review Commission operated during FY 2009 with two Members, and one vacancy.

The number of safety and health inspections carried out by OSHA each year, the nature of those inspections, and the rate at which employers choose to contest the citations issued and penalties proposed by OSHA all have an impact on the number of cases contested before the Review Commission. In addition, OSHA's targeting during recent years of workplaces experiencing more serious workplace hazards, and the consequent increase in proposed penalties, has resulted in a greater number of complex cases, and more extensive pretrial and trial processes. Consequently, both the size and complexity of the cases at both the Administrative Law Judge and Commission levels has increased in recent years.

OSHA conducted close to 39,000 inspections in FY 2009**.** The number of OSHA inspections and their likely focus on the highest hazard workplaces affects the Review Commission's ALJ caseload. These inspections have tended to result in more complex and contentious cases, which consume extensive judicial time. For such cases, the discovery process is lengthy and time consuming, motion practice is expanded, legal research and decision-writing time is protracted and, of necessity, the trial process is elongated and complicated.

Under Commission Rule 2200.120, where the parties consent thereto, the Chief Administrative Law Judge may assign a Settlement Judge to a pending proceeding to aid the parties in disposing of cases. Where the aggregate amount of the penalty sought by the Secretary of Labor is $100,000 or greater, the Mandatory Settlement procedure goes into effect. The Settlement Judge appointed by the Chief Administrative Law Judge has full control of the proceeding and may require that the parties' representatives be accompanied by officials having full settlement authority. This procedure has aided the Commission in disposing of some extremely complex cases, with the approval of all parties.

The Simplified Proceedings process has been expanded to include cases where proposed penalties are not more than $20,000, and up to $30,000, when found eligible by the Chief Judge. The Simplified Proceedings process allows parties with relatively simple cases to have their "day in court" unencumbered by the formal Rules of Procedure and evidence, while ensuring that due process requirements will be maintained. Under this process, a business, with or without counsel, can present its case before an administrative law judge and receive a prompt decision. Most paperwork, including legal filings, has been eliminated so that justice can be rendered swiftly and inexpensively. The process is intended to reduce the time and legal expenses to employers contesting relatively small penalty cases.

Performance Goals and Results

OSHRC's case resolution strategic goal is straightforward: To ensure fair, just, and expeditious adjudication of disputes brought before the Commission and its Administrative Law Judges. The Review Commission's Strategic Plan and associated Outcome Goals covering the period FY 2009 reflect this objective. In addition to this strategic goal, the Review Commission's newly revised Strategic Plan for 2010 - 2015 (which became effective on October 1, 2009) includes additional strategic goals that reflect various management initiatives which will be reported upon in the FY 2010 and subsequent Performance Accountability Reports.

Commission Function

The function of the Commissioners is to review and decide cases contested under the Act, following an initial decision by an Administrative Law Judge. This higher level of review must be prompt, fair, and protective of the parties' rights, consistent with our public service goal.

In FY 2009, the Commission had 20 cases pending at the beginning of the year. It received 22 new cases and issued 20 cases by year-end. Thus, the Commission entered FY 2010 with 22 cases pending on review.

The Commission began and ended FY 2009 with two Commissioners and one vacancy.

The following table provides the performance goals and results for this function for FYs 2006-2009.

Performance Goals	**Performance Indicators**	**FY 2006 Actual (Target)**	**FY 2007 Actual (Target)**	**FY 2008 Actual (Target)**	**FY 2009 Actual (Target)**
Reduce the length of time to resolve Commission-level cases	Percent of cases over 2 years old disposed of at the Commission level	22% Target not met (100%)	32% Target not met (100%)	23% Target not met (100%)	18% Target not met (75%)
Reduce the length of time to resolve priority cases	Percent of priority cases disposed of within 6 months	100% Target met (100%)	100% Target met (100%)	100% Target met (100%)	100% Target met (100%)

Administrative Law Judge Function

The function of the Review Commission's Administrative Law Judges is to conduct formal hearings and related proceedings in a fair, just, and expeditious manner, consistent with OSHRC's public service goal.

The Administrative Law Judge function began the fiscal year with 739 cases in its inventory and received 2,058 new cases during the year, for a total of 2,797 cases. A total of 2,020 cases were disposed of, leaving 777 cases in the inventory at the end of the fiscal year.

The following table provides the performance goals and results for this function for FYs 2006-2009.

Performance Goals	**Performance Indicators**	**FY 2006 Actual Target**	**FY 2007 Actual Target**	**FY 2008 Actual Target**	**FY 2009 Actual Target**
Increase the percent of non-complex cases at the ALJ level that are resolved in less than one year	Percent within 365 days	99% Target exceeded (94%)	99% Target met (97%)	99% Target met (99%)	98 % Target met. (98%)
Increase the percent of complex cases at the ALJ level that are resolved within 18 months (12 months for FY 2009).	Percent within 540 days (365 days for FY 2009)	99% Target exceeded (94%)	97% Target not met (98%)	99% Target met. (99%)	99% - 18 months 96% - 12 months Target met (95% - 12 months)

Office of Administration Function

The Office of Administration provides administrative services to support the Review Commission in fulfilling its mission.

The Administration function provides strategic planning and operational management for the organization. Administration also includes: technology management, computer and information security, financial, and administrative services. The day-to-day tasks performed under the direction of the Director include:

- Supporting the development and implementation of the Agency's strategic goals;
- Maintaining and enhancing a website to provide the public with greater access to Review Commission information;
- Providing agency-wide support in the areas of finance, budget, procurement, human resources, equal opportunity and general administrative services;
- Providing personnel, payroll, benefits, reproduction, mail services, and travel assistance to agency employees;
- Procuring goods and services, maintenance and needed repairs of equipment, training, reference materials, supplies and office space;
- Implementing case management and administrative systems through information technology hardware and software;
- Developing and maintaining computer systems and information security enhancements; and

- Enhancing telecommunications and improving technology efficiency and effectiveness.

Analysis of Financial Statements

The Review Commission had biennial audits of its financial statements from 1996 through 2002. Consistent with the Accountability of Tax Dollars Act of 2002, OSHRC began annual audits in FY 2003. OSHRC has received an ”unqualified" opinion for each biennial and annual review conducted by an independent auditor.

Since 2002, the Review Commission has contracted with the Treasury Franchise Fund, Administrative Resources Center (Bureau of the Public Debt – BPD), for accounting services. The Administrative Resources Center prepared the Review Commission’s FY 2009 financial statements, which include comparative data for FY 2008. The principal financial statements include the Balance Sheet, Statement of Net Cost, Statement of Net Position, and Statement of Budgetary Resources. The Statement of Financing is now part of the Notes to the financial statements.

The changes described in the analyses below generally indicate that OSHRC has been more efficient in the obligation of the funds available. This is due to higher payroll costs as well as higher costs for goods and services to maintain operations and fulfill our mission.

Analysis of the Balance Sheet

OSHRC’s assets in fiscal year 2009 were $3,542,481 as of September 30, 2009. This represents an increase of $678,776 from fiscal year 2008. The Fund Balance with Treasury of $3,447,643 represents OSHRC’s largest asset as of September 30, 2009. This is an increase of approximately 27.5 percent from fiscal year 2008 and represents approximately 97.3 percent of the agency’s total assets. General Property, Plant, and Equipment account for approximately 2.7 percent of OSHRC’s total assets as of September 30, 2009. The net fixed asset value of $94,509 equals the cost less accumulated depreciation and represents the current book value of those assets.

OSHRC’s liabilities in fiscal year 2009 totaled $1,203,643 as of September 30, 2009. This is an increase of $37,654 from fiscal year 2008. The accounts payable balance at September 30, 2009, was $149,731, an increase of $32,207 from September 30, 2008. Unfunded annual leave increased $38,227 in 2009 from 2008. Unfunded annual leave represents approximately 53 percent of total agency liabilities.

Net Position is the difference between total assets and total liabilities. The total net position for fiscal year 2009 increased by $641,122 from fiscal year 2008.

Analysis of Statement of Net Cost

The Statement of Net Cost shows the net cost of operations for the agency, and it is broken out between OSHRC’s two major programs, Administrative Law Judge and Commission. The Total net cost of operations in 2009 was $10,685,018, a decrease of $948,099, or 8.15 percent less than the 2008 net cost of operations of $11,633,117.

Analysis of the Statement of Changes in Net Position

The Statement of Changes in Net Position reports the change in the agency's net position during the reporting period. The net position consists of two components, the unexpended appropriations and the cumulative results of operations. The Net Position increased $641,122 in 2009 from 2008, a change of approximately 38 percent.

Analysis of the Statement of Budgetary Resources

The Statement of Budgetary Resources presents how the budgetary resources were made available and the status of the budgetary resources at the end of the reporting period. The total budgetary resources must always equal the total status of budgetary resources. For fiscal year 2009 OSHRC had total budgetary resources of $12,013,166, which is $177,850 more than in 2008.

Management Assurances

Systems, Controls, and Legal Compliance

The Review Commission is in compliance with the Federal Managers Financial Integrity Act and OMB Circular A-123, Management's Responsibility for Internal Control**.** The system of internal controls for this agency is functioning well. It provides reasonable assurance as to the efficiency and effectiveness of programs and operations, reliability of financial and performance information, and compliance with laws and regulations. These controls satisfy the requirements of the Federal Managers' Financial Integrity Act.

The Review Commission is a small agency and does not have a separate Inspector General Office. Therefore, the Review Commission's management team assumes the responsibility for assessing the Agency's internal operations and determining if there are any weaknesses that need correction. In FY 2009, two program reviews took place: an audit of FY 2009 financial statements, and an audit of computer and information security.

Financial Audit

The Review Commission has had biennial, and more recently, annual audits of its financial statements, including reviews of the adequacy of the Review Commission's internal control systems. The Review Commission has received an unqualified opinion for each financial audit conducted, including FY 2008.

With regard to financial management, the National Finance Center (NFC) provided payroll services, and the Bureau of Public Debt (BPD) provided accounting, disbursement, and financial statement preparation services for the agency. Accordingly, certain aspects of the Review Commission's financial management system are largely influenced by the practices and procedures of the NFC and the BPD.

In addition to the practices and procedures of the NFC and BPD, the Review Commission has established certain internal controls and procedures that safeguard assets and ensure that obligations and disbursements are made consistent with management's direction. For example, BPD reports are reviewed and reconciled to assure that the agency's obligation and disbursement actions are properly recorded and that the year end financial statements are correctly stated. The agency's Budget and Finance Office also prospectively certifies funds availability for all payments and conducts periodic reviews of internal systems including travel, payroll, and procurement.

The financial audit resulted in an "unqualified" opinion with no reported material weaknesses or other significant deficiencies. Generally, the system of internal controls for this Agency is functioning well. It provides reasonable assurance as to the efficiency and effectiveness of programs and operations, reliability of financial and performance information, and compliance with laws and regulations. These controls satisfy the requirements of the Federal Managers' Financial Integrity Act. As previously mentioned, the Review Commission has had biennial, and more recently, annual audits of its financial statements, including reviews of the adequacy of the Review Commission's internal control systems. The Review Commission has received an unqualified opinion for each audit conducted.

The Review Commission contracts with the Treasury Franchise Fund, Administrative Resource Center, (Bureau of Public Debt (BPD)), for accounting, disbursement, and travel services and with the National Finance Center for payroll and personnel services. In addition to the Agency's internal controls and procedures that safeguard assets and ensure that obligations and disbursements are made consistent with management's direction, the BPD and the National Finance Center have established practices and procedures that assure appropriate internal controls. The two agencies' internal control systems are evaluated independently.

Computer and Information Security Program

Since FY 2003, the Review Commission has contracted for annual independent evaluations of its computer and information security programs, consistent with the Federal Information Security Management Act (December 17, 2002) which was signed into law as part of the E-Government Act (Public Law 107-347). These evaluations are conducted under the requirements of the *Government Information Security Reform Act* (the predecessor to *Federal Information Security Management Act (FISMA)*), as well as the Office of Management and Budget's (OMB) implementing guidelines, and National Institute of Standards and Technology (NIST) guidance.

Our FISMA audits have revealed no material weakness in policies and procedures. OSHRC has completed its Certification and Authorization (C&A) program, updated all security processes, and has a system security plan that complies with NIST standards. OSHRC tested its continuity of operations plan (COOP) during a May 2008 Department of Homeland Security exercise and is in the process of fine-tuning the plan to fully incorporate all newly adopted technologies.

The executive summary for the current (FY 2009) FISMA Program Review Report reveals that the Review Commission continues to take steps to enhance its computer security posture.

The provisions of the Review Commission's security policy directive apply to all Review Commission employees and contractors who use our computer and network systems or gain access to our computer generated information.

The agency's information security program will, at a minimum, continue to implement appropriate recommendations made by the independent evaluator; incorporate performance measures to ensure that the security plan is practiced throughout the life cycle of the agency's system; establish additional personnel controls for sensitive information; monitor procedures for program effectiveness and compliance with security requirements; assure that systems and applications operate effectively and provide appropriate confidentiality, integrity and availability; and protect information commensurate with the level of risk and magnitude of harm resulting from loss, misuse, unauthorized access, or modification.

Performance Data Verification

For each strategic goal and its related objectives, the Review Commission formulated performance measures and numerical annual targets, whenever possible. A few measures are necessarily qualitative in nature. Case processing and adjudication measurements are used for several objectives contained in our Public Service Goal. Most of the data related to the Public Service Goal resides in the Review Commission's case management/tracking system. In FY 2009, each of the 2,058 new cases filed were entered into the case management system, and progress on all cases was tracked. In order to assure the quality of the data, management periodically reviews the information in the case management/tracking system. The agency conducts test runs of the data to ensure that information is entered and updated on a timely basis. The reports are used to assess workload and make workload adjustments, when necessary. At the end of the year, this data is used by the offices to measure performance related to the goals and to improve management.

Limitations of the Financial Statements

The principal financial statements have been prepared to report the financial position and results of operations of the Review Commission, pursuant to the requirements of 31 U.S.C. 3515(b).

The statements have been prepared from the books and records of the Review Commission in accordance with generally accepted accounting principles (GAAP) for Federal entities and formats prescribed by the Office of Management and Budget (OMB). The statements are in addition to the financial reports used to monitor and control budgetary resources, which are prepared from the same books and records. These statements should be read with the realization that they are for a component of the United States Government, a sovereign entity.

BROWN & COMPANY CPAs, PLLC

CERTIFIED PUBLIC ACCOUNTANTS AND MANAGEMENT CONSULTANTS

INDEPENDENT AUDITOR'S REPORT ON THE FINANCIAL STATEMENTS

U.S. Occupational Safety and Health Review Commission
Washington, D.C.

We have audited the accompanying balance sheet of the U.S. Occupational Safety and Health Review Commission (OSHRC) as of September 30, 2009 and 2008, and the related statements of net cost, changes in net position, and budgetary resources, for the years then ended (collectively referred to as the financial statements). These financial statements are the responsibility of OSHRC's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audits in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *U.S. Government Auditing Standards*, issued by the Comptroller General of the United States; and, Office of Management and Budget (OMB) Bulletin No. 07-04, *Audit Requirements for Federal Financial Statements.* Those standards and OMB Bulletin No. 07-04 require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of OSHRC as of September 30, 2009 and 2008 and its net costs, changes in net position, and budgetary resources for the years then ended in conformity with accounting principles generally accepted in the United States of America.

In accordance with *U.S. Government Auditing Standards* and OMB Bulletin No. 07-04, we have also issued a report dated November 12, 2009 on our consideration of OSHRC internal control over financial reporting and its compliance with provisions of laws and regulations. Those reports are an integral part of an audit performed in accordance with *U.S. Government Auditing Standards* and should be read in conjunction with this report in considering the results of our audit.

The OSHRC's Management's Discussion & Analysis contains a wide range of information, some of which is not directly related to the financial statements. We do not express an opinion on this information. However, we compared this information for consistency with the financial statements and discussed the methods of measurement and presentation with OSHRC officials. Based on this limited work, we found no material inconsistencies with the financial statements, U.S. generally accepted accounting principles, or OMB guidance.

This report is intended solely for the information and use of the management of OSHRC, OMB and Congress, and is not intended to be and should not be used by anyone other than these specific parties.

Brown & Company

Largo, Maryland
November 12, 2009

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INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING

U.S. Occupational Safety and Health Review Commission
Washington, D.C.

We have audited the financial statements of the U.S. Occupational Safety and Health Review Commission (OSHRC) as of and for the year ended September 30, 2009 and have issued our report thereon dated November 12, 2009. We conducted our audit in accordance with auditing standards generally accepted in the United States of America; and the standards applicable to financial audits contained in *U.S. Government Auditing Standards*, issued by the Comptroller General of the United States; and Office of Management and Budget (OMB) Bulletin No. 07-04, *Audit Requirements for Federal Financial Statements.*

In planning and performing our audit, we considered OSHRC's internal control over financial reporting by obtaining an understanding of OSHRC's internal control, determined whether internal controls had been placed in operation, assessed control risk, and performed tests of controls in order to determine our auditing procedures for the purpose of expressing our opinion on the financial statements. We limited our internal control testing to those controls necessary to achieve the objectives described in OMB Bulletin No. 07-04. The objective of our audit was not to provide an opinion on internal control and therefore, we do not express an opinion on internal control.

Our consideration of the internal control over financial reporting would not necessarily disclose all matters in the internal control over financial reporting that might be significant deficiencies. Under standards issued by the American Institute of Certified Public Accountants and OMB Bulletin No. 07-04, a significant deficiency is a deficiency in internal control, or a combination of deficiencies, that adversely affects the entity's ability to initiate, authorize, record, process, or report financial data reliably in accordance with generally accepted accounting principles such that there is more than a remote likelihood that a misstatement of the entity's financial statements that is more than inconsequential will not be prevented or detected. Our consideration of the internal control over financial reporting would not necessarily disclose all matters in the internal control over financial reporting that might be a material weakness. A material weakness is a significant deficiency, or combination of significant deficiencies, that result in a more than remote likelihood that a material misstatement of the financial statements will not be prevented or detected. Because of inherent limitations in internal controls, misstatements, losses, or non-compliance may nevertheless occur and not be detected. However, we noted no matters involving the internal control and its operation that we considered to be significant deficiencies or material weaknesses as defined above.

This report is intended solely for the information and use of the management of OSHRC, OMB and Congress, and is not intended to be and should not be used by anyone other than these specified parties.

Brown & Company

Largo, Maryland
November 12, 2009

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INDEPENDENT AUDITOR'S REPORT ON COMPLIANCE WITH LAWS AND REGULATIONS

U.S. Occupational Safety and Health Review Commission
Washington, D.C.

We have audited the financial statements of the U.S. Occupational Safety and Health Review Commission (OSHRC) as of and for the year ended September 30, 2009, and have issued our report thereon dated November 12, 2009. We conducted our audit in accordance with auditing standards generally accepted in the United States of America, and the standards applicable to financial audits contained in *U.S. Government Auditing Standards*, issued by the Comptroller General of the United States; and Office of Management and Budget (OMB) Bulletin No. 07-04, *Audit Requirements for Federal Financial Statements.*

The management of OSHRC is responsible for complying with laws and regulations applicable to OSHRC. As part of obtaining reasonable assurance about whether OSHRC's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws and regulations, noncompliance with which could have a direct and material effect on the determination of financial statement amounts, and certain other laws and regulations specified in OMB Bulletin No. 07-04. We limited our tests of compliance to these provisions and we did not test compliance with all laws and regulations applicable to OSHRC.

The results of our tests of compliance disclosed no reportable instances of noncompliance with other laws and regulations discussed in the preceding paragraph that are required to be reported under *U.S. Government Auditing Standards* or OMB Bulletin No. 07-04.

Providing an opinion on compliance with certain provisions of laws and regulations was not an objective of our audit, and, accordingly, we do not express such an opinion. However, we noted no noncompliance with laws and regulations, which could have a direct and material effect on the determination of financial statement amounts.

This report is intended solely for the information and use of the management of OSHRC, OMB and Congress, and is not intended to be and should not be used by anyone other than these specified parties.

Brown & Company

Largo, Maryland
November 12, 2009

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U.S. OCCUPATIONAL SAFETY & HEALTH REVIEW COMMISSION
BALANCE SHEET
AS OF SEPTEMBER 30, 2009 AND 2008
(In Dollars)

		2009		2008
Assets:				
Intragovernmental:				
Fund Balance With Treasury (Note 2)	$	3,447,643	$	2,703,914
Total Intragovernmental		3,447,643		2,703,914
Accounts Receivable (Note 3)		329		825
General Property, Plant and Equipment, Net (Note 4)		94,509		158,966
Total Assets	$	3,542,481	$	2,863,705
Liabilities (Notes 5 and 6):				
Intragovernmental:				
Accounts Payable	$	16,653	$	7,435
Other (Note 6)		66,307		56,809
Total Intragovernmental		82,960		64,244
Accounts Payable		133,078		110,089
Other (Note 6)		987,605		991,656
Total Liabilities	$	1,203,643	$	1,165,989
Net Position:				
Unexpended Appropriations	$	2,889,409	$	2,145,394
Cumulative Results of Operations		(550,571)		(447,678)
Total Net Position	$	2,338,838	$	1,697,716
Total Liabilities and Net Position	$	3,542,481	$	2,863,705

The accompanying notes are an integral part of these statements.

U.S. OCCUPATIONAL SAFETY & HEALTH REVIEW COMMISSION
STATEMENT OF NET COST
FOR THE FISCAL YEARS ENDED SEPTEMBER 30, 2009 AND 2008
(In Dollars)

		2009		2008
Program Costs:				
Administrative Law Judge	$	4,658,667	$	5,188,370
Commission		6,026,351		6,444,747
Net Cost of Operations (Note 8)	$	10,685,018	$	11,633,117

The accompanying notes are an integral part of these statements.

U.S. OCCUPATIONAL SAFETY & HEALTH REVIEW COMMISSION
STATEMENT OF CHANGES IN NET POSITION
FOR THE FISCAL YEARS ENDED SEPTEMBER 30, 2009 AND 2008
(In Dollars)

		2009		2008
Cumulative Results of Operations:				
Beginning Balances	$	(447,678)	$	(414,794)
Budgetary Financing Sources:				
Appropriations Used		9,992,029		11,041,537
Other Financing Sources (Non-Exchange):				
Imputed Financing Sources (Note 9)		590,096		558,696
Total Financing Sources		10,582,125		11,600,233
Net Cost of Operations		10,685,018		11,633,117
Net Change		(102,893)		(32,884)
Cumulative Results of Operations	$	(550,571)	$	(447,678)
Unexpended Appropriations:				
Beginning Balances	$	2,145,394	$	3,443,383
Budgetary Financing Sources:				
Appropriations Received		11,186,000		10,696,000
Other Adjustments		(449,956)		(952,452)
Appropriations Used		(9,992,029)		(11,041,537)
Total Budgetary Financing Sources		744,015		(1,297,989)
Total Unexpended Appropriations	$	2,889,409	$	2,145,394
Net Position	$	2,338,838	$	1,697,716

The accompanying notes are an integral part of these statements.

U.S. OCCUPATIONAL SAFETY & HEALTH REVIEW COMMISSION
STATEMENT OF BUDGETARY RESOURCES
FOR THE FISCAL YEARS ENDED SEPTEMBER 30, 2009 AND 2008
(In Dollars)

		2009		2008
Budgetary Resources:				
Unobligated Balance Brought Forward, October 1	$	1,187,176	$	1,951,978
Recoveries of Prior Year Unpaid Obligations		89,946		139,790
Budget Authority				
Appropriation		11,186,000		10,696,000
Less: Permanently Not Available		449,956		952,452
Total Budgetary Resources	$	12,013,166	$	11,835,316
Status of Budgetary Resources:				
Obligations Incurred				
Direct (Note 11)	$	10,553,100	$	10,648,140
Unobligated Balance				
Apportioned		660,181		97,759
Unobligated Balance Not Available		799,885		1,089,417
Total Status of Budgetary Resources	$	12,013,166	$	11,835,316
Change in Obligated Balance:				
Obligated Balance, Net				
Unpaid Obligations, Brought Forward, October 1	$	1,516,738	$	2,101,252
Obligations Incurred Net		10,553,100		10,648,140
Less: Gross Outlays		9,992,315		11,092,864
Less: Recoveries of Prior Year Unpaid				
Obligations, Actual		89,946		139,790
Obligated Balance, Net, End of Period				
Unpaid obligations		1,987,577		1,516,738
Total, Unpaid Obligated Balance, Net, End of Period	$	1,987,577	$	1,516,738
Net Outlays:				
Gross Outlays	$	9,992,315	$	11,092,864
Net Outlays	$	9,992,315	$	11,092,864

The accompanying notes are an integral part of these statements.

U.S. OCCUPATIONAL SAFETY & HEALTH REVIEW COMMISSION
NOTES TO THE FINANCIAL STATEMENTS

NOTE 1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

A. Reporting Entity

The Occupational Safety and Health Review Commission (The Review Commission) is an independent, adjudicatory agency created by the Occupational Safety and Health Act (OSHA) of 1970. Its sole statutory mandate is to serve as an administrative court providing just and expeditious resolution of disputes involving OSHA, employers charged with violations of Federal safety and health standards, and employees and/or their representatives. The Review Commission was created by Congress as an agency completely independent of the Department of Labor to ensure that OSHA's enforcement actions are carried out in accordance with the law and that all parties are treated consistent with due process should a dispute arise.

The Review Commission reporting entity is comprised of General Funds and General Miscellaneous Receipts.

General Funds are accounts used to record financial transactions arising under congressional appropriations or other authorizations to spend general revenues.

General Fund Miscellaneous Receipts are accounts established for receipts of non-recurring activity, such as miscellaneous receipts for services and benefits.

The Review Commission receives custodial collections and holds custodial receivables that are non-entity assets and are transferred to Treasury at fiscal year end.

B. Basis of Presentation

The financial statements have been prepared to report the financial position, net cost of operations, changes in net position, and the status and availability of budgetary resources of The Review Commission. The statements are a requirement of the Chief Financial Officers Act of 1990, the Government Management Reform Act of 1994 and the Accountability of Tax Dollars Act of 2002. They have been prepared from, and are fully supported by, the books and records of The Review Commission in accordance with the hierarchy of accounting principles generally accepted in the United States of America, standards approved by the principals of the Federal Accounting Standards Advisory Board (FASAB), OMB Circular A-136, *Financial Reporting Requirements* and The Review Commission's accounting policies which are summarized in this note. These statements, with the exception of the Statement of Budgetary Resources, are different from financial management reports, which are also prepared pursuant to OMB directives that are used to monitor and control The Review Commission's use of budgetary resources.

The statements consist of the Balance Sheet, Statement of Net Cost, Statement of Changes in Net Position, and the Statement of Budgetary Resources. In accordance with OMB Circular A-136, the financial statements and associated notes are presented on a comparative basis. Unless specified otherwise, all amounts are presented in dollars.

C. Budgets and Budgetary Accounting

Congress usually enacts appropriations to permit The Review Commission to incur obligations for specified purposes. In fiscal years 2009 and 2008, The Review Commission was accountable for General Fund appropriations. The Review Commission recognizes budgetary resources as assets when cash (funds held by the U.S. Treasury) is made available through the Department of Treasury General Fund warrants.

D. Basis of Accounting

Transactions are recorded on both an accrual accounting basis and a budgetary basis. Under the accrual method, revenues are recognized when earned, and expenses are recognized when liabilities are incurred, without regard to receipt or payment of cash.

These financial statements were prepared following accrual accounting. Budgetary accounting facilitates compliance with legal requirements on the use of federal funds. Balances on these statements may therefore differ from those on financial reports prepared pursuant to other OMB directives that are primarily used to monitor and control The Review Commission's use of budgetary resources.

E. Revenues & Other Financing Sources

The Review Commission receives all funding through Congressional appropriation from the budget of the United States. Annual appropriations are used, within statutory limits, for salaries and administrative expenses and operating and capital expenditures for essential personal property.

Appropriations are recognized as revenues at the time the related program or administrative expenses are incurred. Appropriations expended for capitalized property and equipment are recognized as expenses when an asset is consumed in operations.

The Review Commission recognizes as an imputed financing source the amount of accrued pension and post-retirement benefit expenses for current employees paid on its behalf by the Office of Personnel Management (OPM).

F. Taxes

The Review Commission, as a Federal entity, is not subject to Federal, State, or local income taxes, and, accordingly, no provision for income taxes has been recorded in the accompanying financial statements.

G. Fund Balance with Treasury

The U.S. Treasury processes cash receipts and disbursements. Funds held at the Treasury are available to pay agency liabilities. The Review Commission does not maintain cash in commercial bank accounts or foreign currency balances.

H. Accounts Receivable

Accounts receivable consists of amounts owed to The Review Commission by other Federal agencies and the public. Amounts due from Federal agencies are considered fully collectible. Accounts receivable from the public include reimbursements from employees. An allowance for uncollectible accounts receivable from the public is established when, based upon a review of outstanding accounts and the failure of all collection efforts, management determines that collection is unlikely to occur considering the debtor’s ability to pay.

I. General Property, Plant and Equipment

The Review Commission's property and equipment represent furniture, fixtures, equipment, and information technology hardware which are recorded at original acquisition cost and are depreciated or amortized using the straight-line method over the estimated useful life of the asset. Major alterations and renovations are capitalized, while maintenance and repair costs are charged to expense as incurred. The Review Commission's capitalization threshold is $50,000 for individual purchases and $500,000 for bulk purchases. Applicable standard governmental guidelines regulate the disposal and convertibility of agency property and equipment. The useful life classifications for capitalized assets are as follows:

Description	Useful Life (years)
Office Furniture	7
Office Equipment	5

J. Advances and Prepaid Charges

Advance payments are generally prohibited by law. There are some exceptions, such as reimbursable agreements, subscriptions and payments to contractors and employees. Payments made in advance of the receipt of goods and services are recorded as advances or prepaid charges at the time of prepayment and recognized as expenses when the related goods and services are received.

K. Liabilities

Liabilities represent the amount of monies or other resources likely to be paid by The Review Commission as a result of transactions or events that have already occurred. Intragovernmental liabilities are claims against The Review Commission by other Federal agencies. Liabilities covered by budgetary or other resources are those liabilities for which Congress has appropriated funds or funding is otherwise available to pay amounts due. Liabilities for which an appropriation has not been enacted or other funds received are, therefore, classified as not covered by budgetary resources. No liability can be paid, however, absent an appropriation or other funding. There is no certainty that the appropriation will be enacted. Additionally, the Government, acting in its sovereign capacity, can abrogate liabilities. Liabilities not covered by budgetary resources on the Balance Sheet are equivalent to amounts reported as components requiring or generating resources on the Reconciliation of Net Cost to Budget.

L. Accounts Payable

Accounts payable consists primarily of amounts owed to other Federal agencies and the public for contracts for goods or services, such as leases, utilities, telecommunications and consulting and support services.

M. Annual, Sick, and Other Leave

Annual leave is accrued as it is earned, and the accrual is reduced as leave is taken. The balance in the accrued leave account is adjusted to reflect current pay rates. Liabilities associated with other types of vested leave, including compensatory, restored leave, and sick leave in certain circumstances, are accrued at year-end, based on latest pay rates and unused hours of leave. Funding will be obtained from future financing sources to the extent that current or prior year appropriations are not available to fund annual and other types of vested leave earned but not taken. Nonvested leave is expensed when used. Any liability for sick leave that is accrued but not taken by a Civil Service Retirement System (CSRS)-covered employee is transferred to the Office of Personnel Management upon the retirement of that individual.

N. Accrued and Actuarial Workers' Compensation

The Federal Employees' Compensation Act (FECA) administered by the U.S. Department of Labor (DOL) addresses all claims brought by The Review Commission employees for on-the-job injuries. A liability is recorded for actual and estimated future payments to be made for workers' compensation pursuant to the FECA. The DOL bills each agency annually as its claims are paid, but payment of these bills is deferred for two years to allow for funding through the budget process. Similarly, employees that The Review Commission terminates without cause may receive unemployment compensation benefits under the unemployment insurance program also administered by the DOL, which bills each agency quarterly for paid claims. Future appropriations will be used for the reimbursement to DOL. The liability consists of (1) the net present value of estimated future payments calculated by the DOL, and (2) the unreimbursed cost paid by DOL for compensation to recipients under the FECA.

O. Retirement Plans

The Review Commission employees participate in either the Civil Service Retirement System (CSRS) or the Federal Employees' Retirement System (FERS). The employees who participate in CSRS are beneficiaries of The Review Commission's contribution, equal to seven percent of pay, distributed to their annuity account in the Civil Service Retirement and Disability Fund.

FERS went into effect on January 1, 1987. FERS and Social Security automatically cover most employees hired after December 31, 1983. Employees hired prior to January 1, 1984 elected to join either FERS and Social Security, or remain in CSRS. All employees are eligible to contribute to the Thrift Savings Plan (TSP). For those employees participating in the FERS, a TSP account is automatically established and The Review Commission makes a mandatory one percent contribution to this account. In addition, The Review Commission makes matching contributions, ranging from one to four percent, for FERS eligible employees who contribute to their TSP accounts. Matching contributions are not made to the TSP accounts established by CSRS employees. For FERS participants, The Review Commission also contributes the employer's matching share of Social Security.

FERS employees and certain CSRS reinstatement employees are eligible to participate in the Social Security program after retirement. In these instances, The Review Commission remits the employer's share of the required contribution.

The Review Commission recognizes the imputed cost of pension and other retirement benefits during the employees' active years of service. OPM actuaries determine pension cost factors by calculating the value of pension benefits expected to be paid in the future and communicate these factors to The Review Commission for current period expense reporting. OPM also provides information regarding the full cost of health and life insurance benefits. The Review Commission recognized the offsetting revenue as imputed financing sources to the extent these expenses will be paid by OPM.

The Review Commission does not report on its financial statements information pertaining to the retirement plans covering its employees. Reporting amounts such as plan assets, accumulated plan benefits, and related unfunded liabilities, if any, is the responsibility of the OPM.

P. Use of Estimates

The preparation of the accompanying financial statements in accordance with generally accepted accounting principles requires management to make certain estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

Q. Net Position

Net position is the residual difference between assets and liabilities and is comprised of unexpended appropriations and cumulative results of operations. Unexpended appropriations represent the amount of unobligated and unexpended budget authority. Unobligated balances are the amount of appropriations or other authority remaining after deducting the cumulative obligations from the amount available for obligation. The cumulative results of operations is the net result of The Review Commission's operations since inception.

R. Imputed Costs/Financing Sources

Federal Government entities often receive goods and services from other Federal Government entities without reimbursing the providing entity for all the related costs. In addition, Federal Government entities also incur costs that are paid in total or in part by other entities. An imputed financing source is recognized by the receiving entity for costs that are paid by other entities. The Review Commission recognized imputed costs and financing sources in fiscal years 2009 and 2008 to the extent directed by OMB.

S. Contingencies

A contingency is an existing condition, situation or set of circumstances involving uncertainty as to possible payment by The Review Commission. The uncertainty will ultimately be resolved when one or more future events occur or fail to occur. For pending, threatened or unasserted litigation, a liability/cost is recognized when a past transaction or event has occurred, a future outflow or other sacrifice of resources is probable, and the related future outflow or sacrifice of resources can be reasonably estimated. There are no commitments or contingencies that require disclosure.

T. Expired Accounts and Cancelled Authority

Unless otherwise specified by law, annual authority expires for incurring new obligations at the beginning of the subsequent fiscal year. The account in which the annual authority is placed is called the expired account. For five fiscal years, the expired account is available for expenditure to liquidate valid obligations incurred during the unexpired period. Adjustments are allowed to increase or decrease valid obligations incurred during the unexpired period but not previously reported. At the end of the fifth expired year, the expired account is cancelled.

NOTE 2. FUND BALANCE WITH TREASURY

Fund balance with Treasury account balances as of September 30, 2009 and 2008 were as follows:

Fund Balances:

	2009	2008
Appropriated Funds	$ 3,447,643	$ 2,703,914
Total	$ 3,447,643	$ 2,703,914

Status of Fund Balance with Treasury:

	2009	2008
Unobligated Balance		
Available	$ 660,181	$ 97,759
Unavailable	799,885	1,089,417
Obligated Balance Not Yet Disbursed	1,987,577	1,516,738
Total	$ 3,447,643	$ 2,703,914

NOTE 3. ACCOUNTS RECEIVABLE

Accounts receivable balances as of September 30, 2009 and 2008 were as follows:

	2009	2008
Accounts Receivable	$ 329	$ 825
Total Accounts Receivable	$ 329	$ 825

Historical experience has indicated that most of the receivables are collectible. There are no material uncollectible accounts as of September 30, 2009 and 2008.

NOTE 4. PROPERTY, PLANT AND EQUIPMENT

Property, plant and equipment account balances as of September 30, 2009 and 2008 were as follows:

Schedule of Property, Plant and Equipment as of September 30, 2009

Major Class	Acquisition Cost	Accumulated Amortization/ Depreciation	Net Book Value
Furniture & Equipment	$ 361,344	$ 266,835	$ 94,509
Total	$ 361,344	$ 266,835	$ 94,509

Schedule of Property, Plant and Equipment as of September 30, 2008

Major Class	Acquisition Cost	Accumulated Amortization/ Depreciation	Net Book Value
Furniture & Equipment	$ 420,691	$ 261,725	$ 158,966
Total	$ 420,691	$ 261,725	$ 158,966

NOTE 5. LIABILITIES NOT COVERED BY BUDGETARY RESOURCES

The liabilities on The Review Commission's Balance Sheet as of September 30, 2009 and 2008, include liabilities not covered by budgetary resources. Congressional action is needed before budgetary resources can be provided. Although future appropriations to fund these liabilities are likely and anticipated, it is not certain that appropriations will be enacted to fund these liabilities.

	2009	2008
Intragovernmental – FECA	$ (108)	$ 178
Unfunded Annual Leave	645,518	607,291
Total Liabilities Not Covered by Budgetary Resources	$ 645,410	$ 607,469

The abnormal balance for FECA liability is due to a charge for a non-employee of The Review Commission which was paid by the agency in May 2009. A correction has been made by the Department of Labor and credited the payment by The Review Commission against their actual charges, thus leaving a credit of $108 to be applied toward future charges.

NOTE 6. OTHER LIABILITIES

The accrued liabilities for The Review Commission are comprised of program expense accruals, payroll accruals, and unfunded annual leave earned by employees. Program expense accruals represent expenses that were incurred prior to year-end but were not paid. Similarly, payroll accruals represent payroll expenses that were incurred prior to year-end but were not paid. Accrued annual leave represents an unfunded liability.

All Other Liabilities are considered current liabilities.

	2009	2008
Intragovernmental Liabilities		
FECA Liability	$ (108)	$ 178
Payroll Taxes Payable	66,415	56,631
Total Intragovernmental Liabilities	$ 66,307	$ 56,809

	2009	2008
With the Public		
Payroll Taxes Payable	$ 7,851	$ 7,277
Accrued Funded Payroll and Leave	334,236	377,088
Unfunded Annual Leave	645,518	607,291
Total Public Liabilities	$ 987,605	$ 991,656

NOTE 7. LEASES

Operating Leases

The Review Commission occupies office space under a lease agreements that are accounted for as operating leases. The leased office space is in Washington, DC, Atlanta, Georgia, and Denver, Colorado. Annual rent for each location is charged by the General Services Administration (GSA), which acts as the leasing agent for The Review Commission. The lease terms commence on April 2008, for a period of 60 months, February 2009, for a period of 59 months, and the final lease commences on October 2008, and will run for a period of 120 months. Lease payments are increased annually based on the adjustments for operating cost and real estate tax escalations. Below is a schedule of future payments for the term of the lease.

Fiscal Year		Totals
2010	$	1,281,667
2011		1,292,998
2012		1,304,658
2013		849,493
2014		124,520
Thereafter		388,161
Total Future Payments	$	5,241,497

The operating lease amount does not include estimated payments for leases with annual renewal options.

NOTE 8. INTRAGOVERNMENTAL COSTS

Intragovernmental costs represent goods and services exchange transactions made between two reporting entities within the Federal government, and are in contrast to those with non-federal entities (the public). Such costs are summarized as follows:

	2009	2008
Administrative Law Judge		
Intragovernmental Costs	$ 1,476,326	$ 1,783,752
Public Costs	3,182,341	3,404,618
Total Program Costs	4,658,667	5,188,370
Commission		
Intragovernmental Costs	1,909,744	2,215,692
Public Costs	4,116,607	4,229,055
Total Program Costs	6,026,351	6,444,747
Total Intragovernmental costs	3,386,070	3,999,444
Total Public costs	7,298,948	7,633,673
Total Costs	10,685,018	11,633,117
Total Net Cost	$ 10,685,018	$ 11,633,117

The Review Commission had no earned revenues.

NOTE 9. IMPUTED FINANCING SOURCES

The Review Commission recognizes as imputed financing the amount of accrued pension and post-retirement benefit expenses for current employees. The assets and liabilities associated with such benefits are the responsibility of the administering agency, the Office of Personnel Management (OPM). For the fiscal years ended September 30, 2009 and 2008, respectively, imputed financing was as follows.

	2009	2008
Office of Personnel Management	$ 590,096	$ 558,696
Total Imputed Financing Sources	$ 590,096	$ 558,696

NOTE 10. BUDGETARY RESOURCE COMPARISONS TO THE BUDGET OF THE UNITED STATES GOVERNMENT

The President's Budget that will include FY09 actual budgetary execution information has not yet been published. The President's Budget is scheduled for publication in February 2010 and can be found at the OMB Web site: *http://www.whitehouse.gov/omb/*. The 2010 Budget of the United States Government, with the Actual column completed for 2008, has been reconciled to the Statement of Budgetary Resources and there were no material differences.

NOTE 11. APPORTIONMENT CATEGORIES OF OBLIGATIONS INCURRED

Obligations incurred and reported in the Statement of Budgetary Resources in 2009 and 2008 consisted of the following:

	2009	2008
Direct Obligations, Category A	$ 10,553,100	$ 10,648,140
Total Obligations Incurred	$ 10,553,100	$ 10,648,140

Category A apportionments distribute budgetary resources by fiscal quarters.

NOTE 12. UNDELIVERED ORDERS AT THE END OF THE PERIOD

Statement of Federal Financial Accounting Standards No. 7, Accounting for Revenue and Other Financing Sources and Concepts for Reconciling Budgetary and Financial Accounting, states that the amount of budgetary resources obligated for undelivered orders at the end of the period should be disclosed. For the fiscal years ended September 30, 2009 and 2008, undelivered orders amounted to $1,429,343 and $958,217 respectively.

NOTE 13. CUSTODIAL ACTIVITY

The Review Commission is an administrative agency collecting for the General Fund. The Review Commission reports cash collections and refunds as custodial activity. The type of cash collected primarily consists of Freedom of Information Act fees. While these collections are considered custodial, they are neither primary to the mission of The Review Commission nor material to the overall financial statements. The Review Commission's total custodial collections are $2,654 and $2,535 for the fiscal years ended September 30, 2009, and 2008, respectively.

NOTE 14. RECONCILIATION OF NET COST OF OPERATIONS TO BUDGET

The Review Commission has reconciled its budgetary obligations and non-budgetary resources available to its net cost of operations.

	2009	2008
Resources Used to Finance Activities:		
Budgetary Resources Obligated		
Obligations Incurred	$ 10,553,100	$ 10,648,140
Less: Spending Authority From Offsetting Collections and Recoveries	89,946	139,790
Obligations Net of Offsetting Collections and Recoveries	10,463,154	10,508,350
Other Resources		
Imputed Financing From Costs Absorbed By Others	590,096	558,696
Net Other Resources Used to Finance Activities	590,096	558,696
Total Resources Used to Finance Activities	11,053,250	11,067,046
Resources Used to Finance Items Not Part of the Net Cost of Operations		
Change In Budgetary Resources Obligated For Goods, Services and Benefits Ordered But Not Yet Provided	471,125	(533,188)
Resources That Fund Expenses Recognized In Prior Periods	(210)	27,974
Resources That Finance the Acquisition of Assets	-	3,500
Total Resources Used to Finance Items Not Part of Net Cost of Operations	470,915	(501,714)
Total Resources Used to Finance the Net Cost of Operations	10,582,335	11,568,760
Components of the Net Cost of Operations That Will Not Require or Generate Resources in the Current Period		
Components Requiring or Generating Resources in Future Periods		
Increase In Annual Leave Liability	38,226	-
Total Components of Net Cost of Operations That Will Require or Generate Resources In Future Periods	38,226	-
Components Not Requiring or Generating Resources:		
Depreciation and Amortization	64,457	64,982
Other	-	(625)
Total Components of Net Cost of Operations That Will Not Require or Generate Resources	64,457	64,357
Total Components of Net Cost of Operations That Will Not Require or Generate Resources In The Current Period	102,683	64,357
Net Cost of Operations	$ 10,685,018	$ 11,633,117