



OFFICE OF EMPLOYEE APPEALS

FY 2023 PERFORMANCE ACCOUNTABILITY REPORT

JANUARY 16, 2024

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1 OFFICE OF EMPLOYEE APPEALS

Mission: The Office of Employee Appeals (OEA) is an independent agency with a mission is to adjudicate employee appeals and rendering impartial decisions with sound legal reasoning in a timely manner.

Services: In accordance with DC Official Code Section 1-606.03, the Office of Employee Appeals adjudicates the several types of personnel actions. (a) An employee may appeal a final agency decision affecting a performance rating which results in removal of the employee (pursuant to subchapter XIII-A of this chapter), an adverse action for cause that results in removal, reduction in force (pursuant to subchapter XXIV of this chapter), reduction in grade, placement on enforced leave, or suspension for 10 days or more (pursuant to subchapter XVI-A of this chapter) to the Office upon the record and pursuant to other rules and regulations which the Office may issue. In accordance with DC Official Code Section 1-606.03, the Office of Employee Appeals adjudicates the several types of personnel actions. (a) An employee may appeal a final agency decision affecting a performance rating which results in removal of the employee (pursuant to subchapter XIII-A of this chapter), an adverse action for cause that results in removal, reduction in force (pursuant to subchapter XXIV of this chapter), reduction in grade, placement on enforced leave, or suspension for 10 days or more (pursuant to subchapter XVI-A of this chapter) to the Office upon the record and pursuant to other rules and regulations which the Office may issue.

2 2023 ACCOMPLISHMENTS

Accomplishment	Impact on Agency	Impact on Residents
OEA successfully on-boarded a new Administrative Judge.	By successfully on-boarding a new Administrative Judges means that OEA's Administrative Judge's division is fully staffed.	Having its Administrative Judge's division fully staffed means that, once the new judge has gained more experience, the agency will be able to adjudicate more appeals and issue more decisions.
The agency met its goal of issuing 100 Initial Decisions.	This accomplishment impacted OEA by preventing a backlog of cases developing with respect to these appeals.	This accomplishment impacted residents of DC because every citizen has an interest in knowing that as appeals are being filed by the government's workforce, decisions are being issued with respect to those appeals.
The agency began transmitting court records electronically to agencies and employees.	This accomplishment improved the efficiency of the agency's operations.	This accomplishment did not impact residents of DC.

3 2023 OBJECTIVES

Strategic Objective

Render impartial, legally sound decisions in a timely manner.

Streamline the adjudication process.

Maintain a system to allow the public to have access to all decisions rendered by the OEA.

4 2023 OPERATIONS

Operation Title	Operation Description
Render impartial, legally sound decisions in a timely manner.	
Petitions for Appeal: Daily Service	Intake Coordinator reviews Petition for Appeal, determines the type of appeal and assigns to Administrative Judge.
Petitions for Review: Daily Service	Office of the General Counsel reviews Petitions for Review, drafts the Opinion and Order and meets with the Board to present the appeal and issue the decision.
Initial Decisions: Daily Service	Administrative Judges process Petitions for Appeal which culminate in the issuance of an Initial Decision.
Appeals and Adjudication: Daily Service	Operations that occur within the appeals and adjudication process
Streamline the adjudication process.	
Mediation and Settlement: Key Project	The goal of the mediation program is to help the parties, through the negotiation process, reach a settlement that is agreeable to both of them.
Maintain a system to allow the public to have access to all decisions rendered by the OEA.	
Website: Daily Service	Decisions are uploaded to the agency's website so that the public is able to view the decisions and research the decisions.

5 2023 STRATEGIC INITIATIVES

In FY 2023, Office of Employee Appeals had 0 Strategic Initiatives and completed NaN%.

Title	Description	Update
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6 2023 KEY PERFORMANCE INDICATORS AND WORKLOAD MEASURES

Key Performance Indicators

Measure	Directionality	FY 2021	FY 2022	FY 2023 Q1	FY 2023 Q2	FY 2023 Q3	FY 2023 Q4	FY 2023	FY 2023 Target	Was 2023 KPI Met?	Explanation of Unmet KPI
Render impartial, legally sound decisions in a timely manner.											
Number of Opinions and Orders Issued	Up is Better	18	13	2	5	5	5	17	18	Nearly Met	The agency issued decisions on all of the Petitions for Review filed in FY 2023.
Percent of OEA decisions upheld by D.C. Superior Court and the D.C. Court of Appeals	Up is Better	100%	100%	Annual Measure	Annual Measure	Annual Measure	Annual Measure	88.2%	100%	Unmet	Aside from the cases that the court remanded to the office, the court upheld fifteen of the agency's decisions and reversed two of the agency's decisions.
Number of Initial Decisions Issued	Up is Better	70	90	20	26	28	26	100	100	Met	
Percent of cases reversing agency decisions	Neutral	18.2%	12.6%	Semi-Annual Measure	12%	Semi-Annual Measure	14.5%	14.1%	30%	Neutral Measure	
Percent of agency answers timely filed	Up is Better	New in 2022	83.3%	65%	82.4%	93.8%	88.9%	81.7%	100%	Unmet	The agency answers not timely filed were due to requests for an extension of time to file the answer which were granted.
Percent of decisions published within the D.C. Register	Up is Better	New in 2022	106.8%	100%	100%	100%	100%	100%	100%	Met	
Time Required to Complete Adjudications	Down is Better	New in 2022	236	Annual Measure	Annual Measure	Annual Measure	Annual Measure	231	120	Unmet	The agency was unable to meet this goal primarily because of requests for extensions of time filed by the parties.
Time Required to Resolve Petitions for Review	Down is Better	New in 2023	New in 2023	Annual Measure	Annual Measure	Annual Measure	Annual Measure	67	120	Met	
Streamline the adjudication process.											
Percent of appeals involved in mediation process	Neutral	87.2%	71.4%	No data available	5.9%	No applicable incidents	No applicable incidents	5.9%	18%	Neutral Measure	

Key Performance Indicators (continued)

Measure	Directionality	FY 2021	FY 2022	FY 2023 Q1	FY 2023 Q2	FY 2023 Q3	FY 2023 Q4	FY 2023	FY 2023 Target	Was 2023 KPI Met?	Explanation of Unmet KPI
Percent of appeals resolved through mediation	Neutral	4.9%	14.3%	No data available	0%	No applicable incidents	No applicable incidents	0%	9%	Neutral Measure	
Maintain a system to allow the public to have access to all decisions rendered by the OEA.											
Percent of Initial Decisions uploaded to website	Neutral	100%	100%	100%	100%	100%	100%	100%	100%	Neutral Measure	
Percent of Opinions and Orders uploaded to website	Neutral	100%	100%	100%	100%	100%	100%	100%	100%	Neutral Measure	

Workload Measures

Measure	FY 2021	FY 2022	FY 2023 Q1	FY 2023 Q2	FY 2023 Q3	FY 2023 Q4	FY 2023
Appeals and Adjudication							
Number of evidentiary hearings conducted	Not Available	12	3	7	7	2	19
Number of Board meetings conducted	Not Available	4	1	2	2	2	7
Number of safety-sensitive designation appeals filed	Not Available	0	0	0	0	0	0
Mediation and Settlement							
Number of attorney fee appeals mediated	0	0	No data available	0	No applicable incidents	No applicable incidents	0
Number of mediations declined by the agency	Not Available	8	No data available	0	No applicable incidents	No applicable incidents	0
Number of mediations declined by the employee	Not Available	0	No data available	0	No applicable incidents	No applicable incidents	0