

FY 2015 Performance Accountability Report

Office of Employee Appeals

INTRODUCTION

The Performance Accountability Report (PAR) measures each agency's performance for the fiscal year against the agency's performance plan and includes major accomplishments, updates on initiatives' progress and key performance indicators (KPIs).

MISSION

The mission of the Office of Employee Appeals ("OEA") is to render impartial, legally sufficient, and timely decisions on appeals filed by District of Columbia government employees. OEA has jurisdiction over appeals in which an employee has been removed as a result of an adverse action for cause, placed on enforced leave for 10 days or more, suspended for 10 days or more, reduced in grade, or been subjected to a reduction in force.

SUMMARY OF SERVICES

OEA offers District government agencies and employees the following three-part appeal process: mediation, adjudication, and petitions for review. The mediation process allows the employee and the agency an opportunity to resolve their disputes without going through the lengthy and costly adjudication process. The adjudication process results in disputes being resolved by an administrative judge who issues an initial decision and finds in favor of either the agency or employee. The petition for review process provides an impartial review of initial decisions by OEA's Board.

OVERVIEW – AGENCY PERFORMANCE

The following section provides a summary of OEA performance in FY 2015 by listing OEA's top three accomplishments, and a summary of its progress achieving its initiatives and progress on key performance indicators.

TOP THREE ACCOMPLISHMENTS

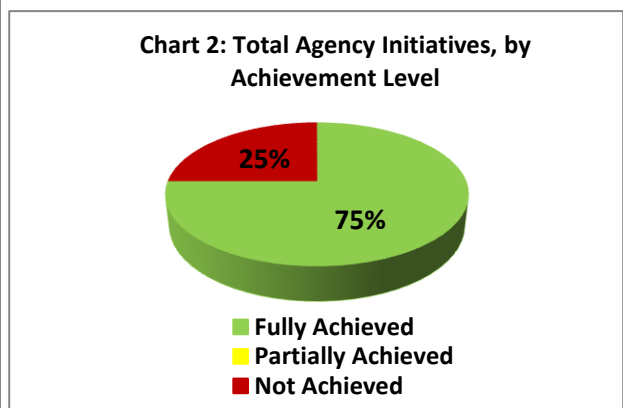
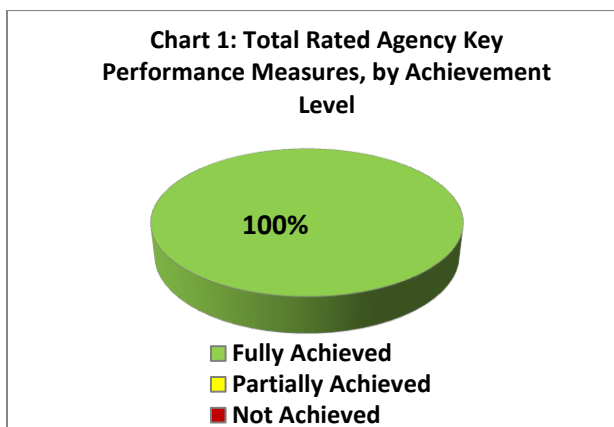
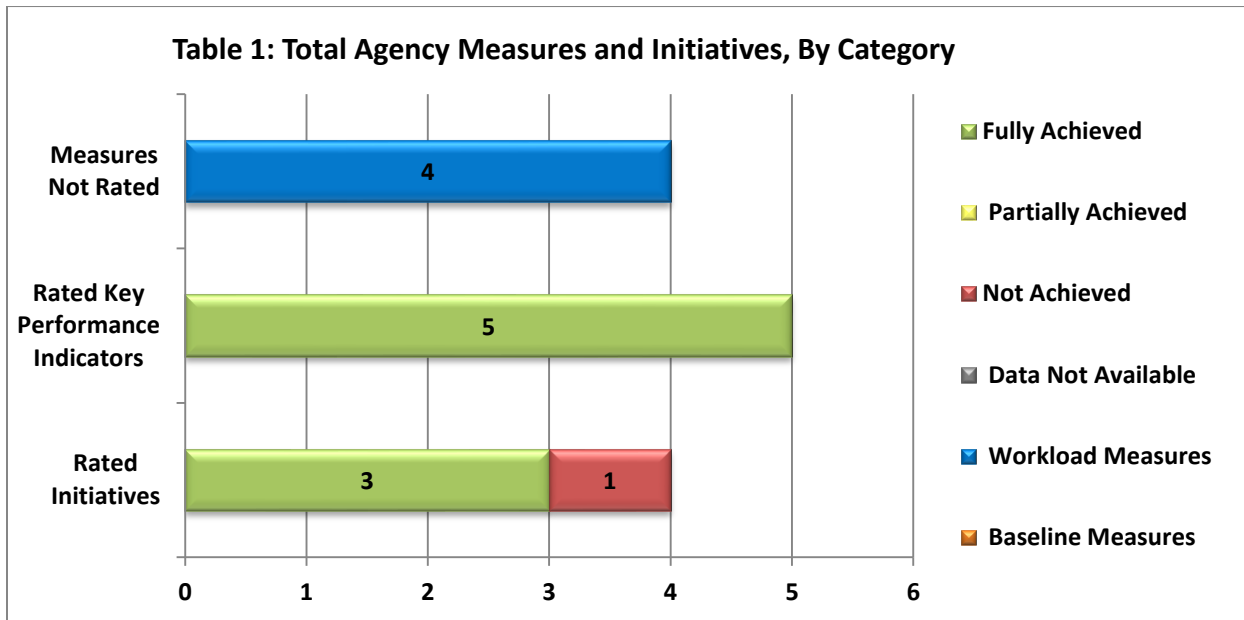
The top three accomplishments of OEA in FY 2015 are as follows:

1. During Fiscal Year 2015, OEA projected that it would issue 250 Initial Decisions and 25 Opinions and Orders. OEA actually issued 254 Initial Decisions and 35 Opinions and Orders.
2. During Fiscal Year 2015, OEA projected that it would take 12 months to complete adjudications. OEA actually completed adjudications within 11 months.

- During Fiscal Year 2015, OEA completed the initial phase of its multi-year project of examining the Office’s procedures to determine how best to streamline the adjudication process.

SUMMARY OF PROGRESS TOWARD COMPLETING FY 2015 INITIATIVES AND PROGRESS ON KEY PERFORMANCE INDICATORS

Table 1 (see below) shows the overall progress the OEA made on completing its initiatives, and how overall progress is being made on achieving the agency’s objectives, as measured by their key performance indicators.



In FY 2015, OEA fully achieved three-quarters of its initiatives and all of its rated key performance measures. **Table 1** provides a breakdown of the total number of performance metrics OEA uses, including key performance indicators and workload measures, initiatives, and whether or not some of those items were achieved, partially achieved or not achieved. **Chart 1** displays the overall progress

being made on achieving OEA objectives, as measured by their rated key performance indicators. Please note that chart 2 contains only rated performance measures. Rated performance measures do not include measures where data is not available, workload measures or baseline measures. **Chart 2** displays the overall progress OEA made on completing its initiatives, by level of achievement.

The next sections provide greater detail on the specific metrics and initiatives for OEA in FY 2015.

PERFORMANCE INITIATIVES – ASSESSMENT DETAILS

Adjudication

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

INITIATIVE 1.1: Process mediation appeals simultaneously with adjudicating the appeal.

During the upcoming fiscal year, the Administrative Judges will work in teams of two wherein one Administrative Judge will conduct the mediation of an appeal while the second Administrative Judge simultaneously adjudicates the same appeal. By utilizing a “two-at-a-time” process, the Office will be able to prevent a backlog from developing with the appeals waiting to be mediated.

Completion Date: September 30, 2015.

Performance Assessment Key:

- **Fully Achieved.** The Administrative Judges are successfully processing the mediation appeals simultaneously with adjudicating the appeal. This is being accomplished by making a dual assignment of the appeal. Once the intake Judge has reviewed the appeal and prepared the file, the appeal is then assigned to one judge for mediation and also assigned to another judge for adjudication. If it appears that the parties are making progress during the mediation phase, then the judge who has been assigned to adjudicate the appeal will stay those proceedings and await the outcome of the mediation. At that point, the case can then proceed as necessary.

OBJECTIVE 2: Streamline the adjudication process.

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

This initiative is a multi-year project which will take approximately three years to complete. During the upcoming fiscal year, which will be the second year of this project, one of the Administrative Judges, who is a Certified Public Manager, will begin to implement certain procedures to determine whether they will streamline the adjudication process. **Completion Date: September 30, 2015.**

Performance Assessment Key:

- **Fully Achieved.** During the first year of this multi-year project, the Administrative Judge who has been assigned to oversee this project began by conducting a brainstorming session with other Administrative Judges to determine how they actually process an appeal. From that session, he was able to gather several ideas as to how

the appeal process can be made more efficient from the time an appeal is assigned until it culminates with a written Initial Decision. Those ideas include requiring mediation for all attorney's fee and compliance matters; creating uniform orders for pre-hearing conferences, evidentiary hearings, good cause matters, jurisdiction matters and brief submissions; and utilizing area law students as law clerks for the agency. These ideas will be tested in the upcoming fiscal year.

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

INITIATIVE 3.1: Upload all past decisions onto the Office's website.

During the upcoming fiscal year, the Office will work with the Office of the Chief Technology Officer to ensure that all of the Office's decisions have been placed on OEA's website. By placing all of the Office's decisions on its website, the public will have greater access to the decisions rendered by the Office. **Completion Date: September 30, 2015.**

Performance Assessment Key:

● **Fully Achieved.** The administrative support staff successfully uploaded all of OEA's past decisions onto the Office's website. Our website now has decisions from 2005 – present available for the public to review. By having additional equipment to accomplish this initiative, the public now has access to more decisions issued by the Office.







INITIATIVE 3.2: Improve search features of OEA's website.

During the upcoming fiscal year, the Office will work with the Office of the Chief Technology Officer to create additional search features on OEA's website. The search features will give the public the ability to search OEA's decisions by subject matter, key word, first and last name of the parties, and OEA matter number. **Completion Date: September 30, 2015.**

Performance Assessment Key:

● **Not Achieved.** Due to the lack of sufficient funding, the Office was not able to achieve this initiative. Once funding becomes available, the Office will undertake this initiative.

KEY PERFORMANCE INDICATORS: Adjudication

	KPI	Measure	FY 2014 YE Actual	FY 2015 YE Target	FY 2015 YE Revised Target	FY 2015 YE Actual	FY 2015 YE Rating	Budget Program
	1.1	Number of Initial Decisions Issued	336	250	N/A	254	101.6%	Adjudication
	1.2	Number of Opinion and Orders Issued	34	25	N/A	35	140%	Adjudication
	1.3	Mean Length of Time Required to Complete Adjudications	12 months	12 months	N/A	11 months	109.09%	Adjudication
	1.4	Mean Length of Time Required to Resolve Petitions for Review	9 months	9 months	N/A	9 months	100%	Adjudication
	1.6	Percent of OEA Decisions Upheld in D.C. Superior Court and D.C. Court of Appeals	NA	99%	N/A	100%	101.01%	Adjudication

WORKLOAD MEASURES – APPENDIX

WORKLOAD MEASURES 

Measure Name	FY 2013 YE Actual	FY 2014 YE Actual	FY 2015 YE Actual	Budget Program
Number of Petitions for Appeal filed	174	134	147	Adjudication
Number of Petitions for Review filed	31	41	44	Adjudication
D.C. Superior Court case filings	19	21	26	Adjudication
Percent of Cases Reversing Agency Decisions	5.4%	6.6%	12.11%	Adjudication

