

LFO Revised Budget Form #107BF04c

**EMPLOYMENT RELATIONS BOARD
Annual Performance Progress Report (APPR)
for Fiscal Year 2006-07**

Original Submission Date: October 2, 2007

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AGENCY NAME: Employment Relations Board

II. KEY MEASURE ANALYSIS

Agency Mission: The mission of the Employment Relations Board is to resolve disputes concerning labor and employment relations.

Contact: Paul B. Gamson, Board Chair	Phone: 503-378-8039
Alternate: Leann G. Wilcox, Office Administrator/Performance Measure Coordinator	Phone: 503-378-8610

1. SCOPE OF REPORT

Agency Programs: The agency is responsible for hearing and deciding appeals, providing Conciliation Services, conducting contested case hearings, and conducting elections. All programs are addressed by key performance measures.

- Employment Relations Board (Appeals) and Administration. The Board is the state’s "labor appeals court" for resolving labor-management disputes within state and local governments. The three-member Board issues final agency orders in declaratory rulings and in contested case adjudications of unfair labor practice complaints, representation matters, appeals from state personnel actions, and related matters. The Board also administers state labor laws that cover private sector employees that are exempt from the National Labor Relations Act.

The Governor appoints one member as chair. In addition to Board member duties, the Chair administers the agency with assistance of an office administrator and a board secretary. The office administrator, under the supervision of the Board Chair, is responsible for the budget, performance measure coordination and reporting, business continuity planning and reporting, affirmative action, human resources, supervising support staff, and other administrative duties and reports required of all state agencies.

- Conciliation Services. The Conciliation Services Office is comprised of the State Conciliator, two mediators, and .5 FTE support staff. The office provides mediation and conciliation services to help parties resolve collective bargaining disputes, contract grievances, unfair labor practices, and representation matters; it maintains a list of qualified labor arbitrators who are available on request by parties to a labor controversy; and it provides training in methods of alternative dispute resolution, labor/management cooperation, problem solving, and other similar programs designed for the specific needs of the parties.
- Hearings. The Hearings Office is comprised of two administrative law judges (ALJ) and one support staff. The ALJs conduct contested case hearings on all unfair labor practice complaints filed by state and local government or their employees, all state personnel appeals, and representation matters referred by the Elections Coordinator that require a contested case hearing. Following the hearings, the ALJs issue recommended decisions which the parties can appeal to the Board.
- Elections. The Elections Coordinator processes all petitions involving union representation and the composition of the bargaining unit, conducts elections when necessary, and certifies election results. Elections is staffed by a .5 FTE.

2. THE OREGON CONTEXT

The public policy underlying the work of the Employment Relations Board and its supporting statutes is to ensure efficient, high quality, and uninterrupted services to the public by promoting stability in the government workplace and reducing and resolving workplace disputes. All Oregonians benefit from the agency’s services. Collective bargaining establishes a process to resolve disputes about public employee wages,

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II. KEY MEASURE ANALYSIS

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hours, and other employment conditions. Similarly, the State Personnel Relations Law resolves workplace disputes involving non-union employees of the state. The Board also administers state labor laws that cover private sector employees who are exempt from the National Labor Relations Act.

Resolving workplace disputes insures that the public will continue to receive public services without impairment or interruption, creates a more stable and productive workforce, and reduces the costs of recruitment and training. Equally important, resolving workplace disputes through the Employment Relations Board is faster, more efficient, and less expensive than settling disagreements through court proceedings. The resultant outcomes support the state’s goal of economic growth. Companies looking to relocate in Oregon, as well as those deciding whether to stay, inevitably will consider whether there are stable and efficient public services to support their business.

The agency’s Key Performance Measures have no primary links to Oregon Benchmarks.

3. PERFORMANCE SUMMARY

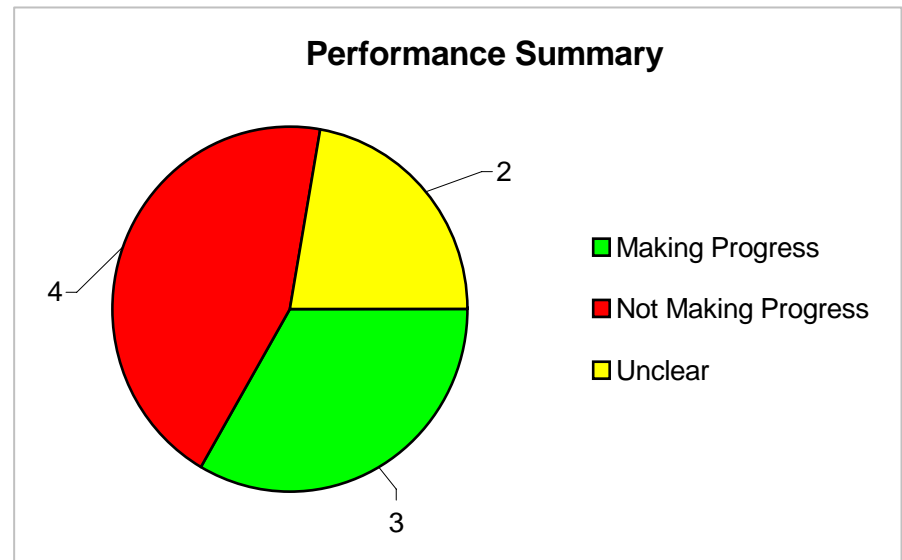
Agency’s measures #7 (Caseload) and #8 (Cases Pending) were requested by the 2005 Legislature and are for information only. These will not be Key Performance Measures in the 2007-09 biennium but the agency will continue to track them to provide a year-to-year comparison. The Customer Satisfaction measure, #12, was new for the 2005-07 biennium and will be conducted biennially. This report presents Fiscal Year 06 data.

The agency did not meet targets on four of its remaining nine measures. The 2007 Legislature approved the agency’s request for a third administrative law judge, which will significantly improve the agency’s performance by the end of the 2007-09 biennium.

4. CHALLENGES

The agency has faced a number of challenges for the last few biennia.

Agency performance has suffered because of continued changes in Board members in the last four years. During that time, there have been eight different members on the three-person Board. During the 2003-05 biennium, one of the three Board positions was vacant for more than five months. During the 2005-07 biennium, one Board position was vacant for nearly four months. A new Chair was appointed in 2004 and 2005, and again in 2007. Because of the constant changes, decisions were slow to issue and the docket of cases backed up. The Board anticipates improvement in the 2007-09 biennium because it now has a full and stable complement of members with experience in employment relations law and with the agency.



AGENCY NAME: Employment Relations Board

II. KEY MEASURE ANALYSIS

Agency Mission: The mission of the Employment Relations Board is to resolve disputes concerning labor and employment relations.

The agency's performance also suffered because the legislature reduced the number of administrative law judges (ALJs) in the agency. Beginning in the 2003-05 biennium, the number of ALJs was reduced from three down to two. The full impact of the reductions was slightly mitigated in the 2003-05 biennium because the agency was able to hire a contract judge for about 650 hours with money from the Emergency Board and other agency savings. No such extra money was available in the 2005-07 biennium, and the impact of the reduction in the number of ALJs is graphically reflected in the agency's performance measures. The 2007 Legislature authorized an additional administrative law judge, and the agency expects to significantly improve its performance by the end of the 2007-09 biennium.

In addition, the difficult economic and budget conditions in place for several years had a negative impact on labor relations. Cases became more complex and disputes more difficult to resolve because of salary freezes, the rising cost of health insurance, layoffs, and other factors. Although economic conditions have improved, the cases remain more complex than they were just a few years ago.

The Conciliation Services Office faced its own set of challenges. Statutory and contractual timelines mean that about two-thirds of the annual mediation requests are received during a six-month period. The parties served are located throughout Oregon, so travel time as well as availability of the participants must be taken into account in scheduling. Only three mediators provide all of the mediation services. During busy periods of mediation, it is not physically possible for the mediators to provide assistance to clients as quickly or as often as would be most conducive to successful dispute resolution.

5. RESOURCES USED AND EFFICIENCY

The agency's budget for the 2007-09 biennium is \$3,276,644. Approximately 81 percent of the total budget is personal services.

In the 2003-05 biennium, the agency made significant changes to improve its performance and efficiency. Over the last two years, the agency has continued to review its procedures to make sure operations and services are necessary and efficient, in terms of both time and money. Since more than 80 percent of the budget is personal services, there are no major opportunities to save money. The agency has instituted a number of minor changes that save money, such as requiring staff to use motor pool vehicles and eliminating unnecessary equipment rentals, and the agency continues to look for such opportunities. Any savings realized will be used to fund travel and other necessary services for the office.

The agency will continue to monitor job duties to continue to improve efficiency and ensure better use of staff time and abilities. In addition, the agency continues to solicit input from our constituents with the goal of delivering quality services within the resources available to the agency.

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II. KEY MEASURE ANALYSIS

Agency Mission: The mission of the Employment Relations Board is to resolve disputes concerning labor and employment relations.

KPM #1	UNION REPRESENTATION Average number of days to resolve a petition for union representation: (a) when a contested case hearing is required; (b) when a contested case hearing is not required.	Measure since: 2006
Goal	# 1 -- To timely process petitions concerning union representation.	
Oregon Context	Mission.	
Data source	Data is reported in the year the petition is resolved. A petition is resolved when the results of an election are certified or when the Board issues an order clarifying the bargaining unit or dismissing the petition.	
Owner	Paul B. Gamson, Board Chair, 503-378-8039	

1. OUR STRATEGY

The administrative law judges (ALJs) will continue to work with the parties in contested representation cases to seek a mutual settlement that allows the case to proceed to election or otherwise be resolved without a contested case hearing.

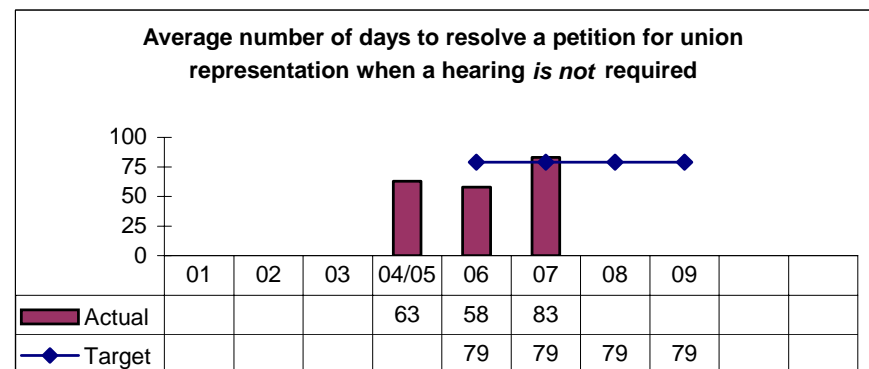
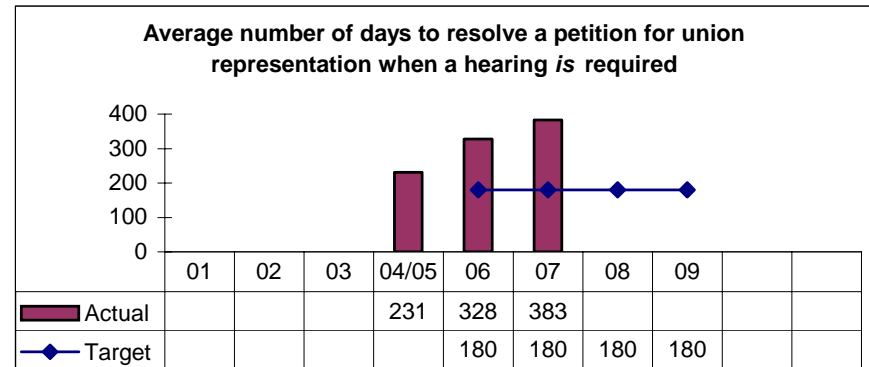
The agency will continue its outreach to customers, providing education on process and procedures, and by giving guidance on how to submit accurate information and properly completed paperwork.

Our constituents are state and local governments and their employees who are covered by the State Personnel Relations Law and the Public Employees Collective Bargaining Act (PECBA). Private sector employers and employees who are exempt from the National Labor Relations Act are also under the Board’s jurisdiction.

2. ABOUT THE TARGETS

(a) A prompt and efficient decision by an ALJ in a contested representation case means the dispute causes less workplace disruption, thereby saving taxpayers’ money and increasing productivity. Contested representation cases should be resolved faster than other cases requiring contested case hearings.

(b) Prompt processing of uncontested representation petitions and holding timely elections helps minimize the organizing campaigns that occur in and around the workplace and gives employees timely resolution regarding their workplace rights.



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II. KEY MEASURE ANALYSIS

Agency Mission: The mission of the Employment Relations Board is to resolve disputes concerning labor and employment relations.

Both categories should come in at or under the target. These targets are based on past experience and the needs of our constituents.

3. HOW WE ARE DOING

(a) Representation cases involving a contested case hearing take considerably longer to process than uncontested cases. During this reporting period, resolving these contested petitions took 203 days (113%) longer than was targeted and 55 days longer than last reporting period. This continues a trend. The average number of days to resolve these petitions has increased over the last three reporting periods. This increase in processing time was expected because of the 33% decrease in the ALJ staff. The legislature approved an additional ALJ for the 2007-09 biennium which should reverse this trend and bring the agency closer to its targets.

(b) The number of days needed to process uncontested representation cases during this reporting period was four days longer than the target. However, one aberrant case skewed the result. If this one case is removed, the remaining cases were resolved in an average of 55 days, well below the target of 79 days. This one unusual case began as a contested case and was referred to an administrative law judge. The judge worked with the parties to resolve the issues before the case went to hearing. This case does not fit the definition of a contested case as used in this performance measure, but it took much longer than the average uncontested representation case to resolve, 215 days, raising the average for all cases.

Although it took longer this reporting period to process uncontested representation cases than in the previous reporting years, the agency met its target. The agency held one school district case in abeyance over the summer, until school employees returned to work and could fairly and freely exercise their workplace rights.

4. HOW WE COMPARE

There is no comparative data available. The National Labor Relations Board (NLRB) and comparable agencies in other states are structured differently and guided by different requirements and statutory obligations, so no comparison can be made.

5. FACTORS AFFECTING RESULTS

The legislature reduced the number of administrative law judges from three to two beginning in the 2003-05 biennium, and it continued at two in the 2005-07 biennium. Workload has not decreased proportionately. The full impact of the reduction was mitigated in the 2003-05 biennium because the agency was able to hire a contract judge for about 650 hours with money from the Emergency Board and other agency savings. The full impact of the elimination of an ALJ is reflected in the agency's performance.

6. WHAT NEEDS TO BE DONE

The 2007 Legislature authorized an additional administrative law judge, which will decrease the length of time needed to process contested cases.

7. ABOUT THE DATA

The agency now reports its data for the Oregon fiscal year. Prior to the report submitted September 30, 2005, data was reported by calendar year. To make this conversion without losing any data, the 2005 report covered 18 months.

The agency worked with an expert to design a new database to ensure accurate and consistent information. To further ensure accuracy, data input during processing of a case is reviewed throughout the process and again when the case is closed. The agency continues to improve and refine its ability to gather and analyze data.

AGENCY NAME: Employment Relations Board

II. KEY MEASURE ANALYSIS

Agency Mission: The mission of the Employment Relations Board is to resolve disputes concerning labor and employment relations.

ADMINISTRATIVE LAW JUDGE (ALJ) HEARINGS		Measure since: 2006
KPM #2	Average number of days from the date of filing of a contested case to: (a) the first date an ALJ is available to hear the case; (b) the actual date of the hearing.	
Goal	#2 – To timely process complaints and appeals.	
Oregon Context	Mission.	
Data source	Data is counted in (a) the year the ALJ is first available and (b) the year in which the first day of hearing is held.	
Owner	Paul B. Gamson, Board Chair, 503-378-8039	

1. OUR STRATEGY

The administrative law judges (ALJs) will continue to schedule and hold hearings as quickly as calendars allow.

Our constituents are state and local governments and their employees who are covered by the State Personnel Relations Law and the Public Employees Collective Bargaining Act (PECBA). Private sector employers and employees who are exempt from the National Labor Relations Act are also under the Board’s jurisdiction.

2. ABOUT THE TARGETS

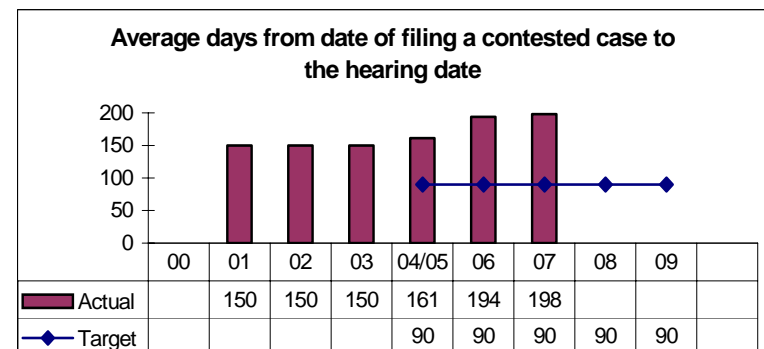
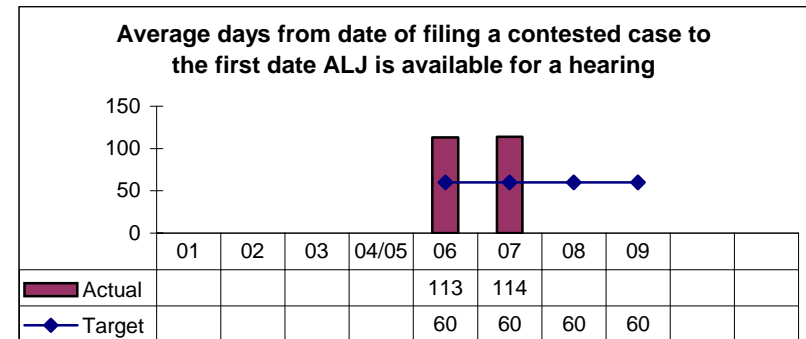
The sooner an ALJ is available to conduct a hearing, the faster the dispute can be resolved.

The first date an ALJ is available to hear a case (subsection (a), chart top right) is a more accurate measurement of workload and efficiency. The actual date a hearing is conducted (subsection (b), chart lower right) can be affected by the parties’ availability, on-going negotiations between the parties, and other factors beyond the control of the ALJ.

Data should come in at or below the targets

3. HOW WE ARE DOING

The time between filing a case and the first date an ALJ is available for a hearing has remained steady, but it remains almost twice the target. The average days from the date of filing to the first actual hearing date has increased in each of the last three reporting periods.



AGENCY NAME: Employment Relations Board

II. KEY MEASURE ANALYSIS

Agency Mission: The mission of the Employment Relations Board is to resolve disputes concerning labor and employment relations.

4. HOW WE COMPARE

There is no comparative data available.

5. FACTORS AFFECTING RESULTS

The date on which a hearing is actually held can be affected by the parties' availability, on-going settlement negotiations between the parties, and other factors beyond the control of the ALJ.

In addition, the legislature reduced the number of administrative law judges from three to two beginning in the 2003-05 biennium, and staffing continued at two in the 2005-07 biennium. The full impact of the reduction was mitigated in the 2003-05 biennium because the agency was able to hire a contract judge for about 650 hours with money from the Emergency Board and other agency savings. No money was available for a contract judge in the 2005-07 biennium, so the full impact of the reduction is reflected in the 2007 performance data.

6. WHAT NEEDS TO BE DONE

The 2007 Legislature authorized hiring a third administrative law judge and it expects to see the agency's performance improve by 15% in FY 08 and 30% in FY 09. During the 2009 session, Legislators and the agency need to discuss whether targets should be adjusted to reflect an "aggressive but attainable" target or remain as an "ultimate goal."

7. ABOUT THE DATA

The agency now reports its data for the Oregon fiscal year. Prior to the report submitted September 30, 2005, data was reported by calendar year. To make this conversion without losing any data, the 2005 report covered 18 months.

The agency worked with an expert to design a new database to ensure accurate and consistent information. To further ensure accuracy, data input during processing of a case is reviewed throughout the process and again when the case is closed. The agency continues to improve and refine its ability to gather and analyze data.

Agency Mission: The mission of the Employment Relations Board is to resolve disputes concerning labor and employment relations.

KPM #3	SETTLING CASES Percentage of cases assigned to an ALJ that are settled or withdrawn prior to hearing.	Measure since: 2005
Goal	#2 – To timely process complaints and appeals.	
Oregon Context	Mission.	
Data source	Percentage of cases assigned to an ALJ that are settled or withdrawn prior to hearing. Excludes uncontested representation cases.	
Owner	Paul B. Gamson, Board Chair, 503-378-8039	

1. OUR STRATEGY

When appropriate, administrative law judges (ALJs) will work with the parties to try to facilitate a mutually agreeable settlement without the need for a hearing. This may include referring the parties to a mediator in the agency’s Conciliation Services office.

Our constituents are state and local governments and their employees who are covered by the State Personnel Relations Law and Public Employees Collective Bargaining Act (PECBA). Private sector employers and employees who are exempt from the National Labor Relations Act are also under the Board’s jurisdiction.

2. ABOUT THE TARGETS

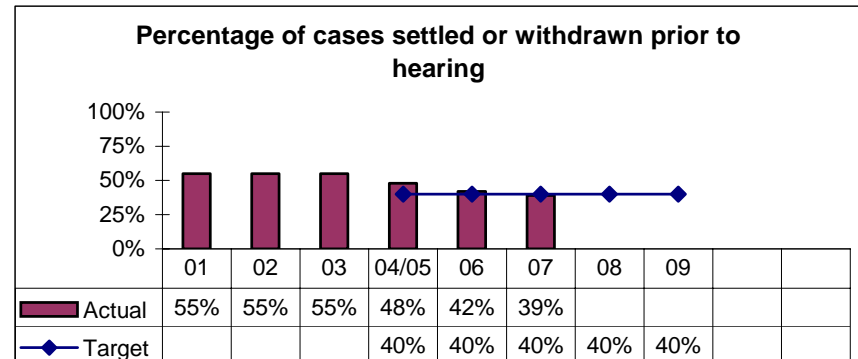
Settling cases prior to a hearing saves the parties time and money and conserves agency time and resources. The percentage of cases settled or withdrawn before hearing should come in at or above the target.

3. HOW WE ARE DOING

The intent is to settle cases prior to a hearing. Over the last five years, the percentage of cases settled prior to hearing has decreased, and it is one percentage point below the target for the current reporting period. Settling even a portion of the issues involved in a case favorably impacts the process, reduces workplace disruption, saves taxpayers’ money, and conserves agency resources.

4. HOW WE COMPARE

There is no comparative data available.



AGENCY NAME: Employment Relations Board

II. KEY MEASURE ANALYSIS

Agency Mission: The mission of the Employment Relations Board is to resolve disputes concerning labor and employment relations.

5. FACTORS AFFECTING RESULTS

The difficult economic and budget conditions in place for several years had a negative impact on labor relations. Cases became more complex and disputes more difficult to resolve because of salary freezes, the rising cost of health insurance, and other factors. Although economic conditions have improved, the cases remain more complex than they were just a few years ago.

In addition, the legislature reduced the number of administrative law judges from three to two for the 2003-05 biennium, and staffing continued at two for the 2005-07 biennium. The full impact of the reduction was slightly mitigated in the 2003-05 biennium because the agency was able to hire a contract judge for about 650 hours with money from the Emergency Board and other agency savings. Because of the staff reduction, the remaining ALJs have less time to attempt to settle cases, and the data demonstrate that a smaller percentage of cases has settled since the staff reduction.

6. WHAT NEEDS TO BE DONE

The 2007 Legislature authorized hiring a third administrative law judge for the Hearings Office.

7. ABOUT THE DATA

The agency now reports its data for the Oregon fiscal year. Prior to the report submitted September 30, 2005, data was reported by calendar year. To make this conversion without losing any data, the 2005 report covered 18 months.

The agency worked with an expert to design a new database to ensure accurate and consistent information. To further ensure accuracy, data input during processing of a case is reviewed throughout the process and again when the case is closed. The agency continues to improve and refine its ability to gather and analyze data.

AGENCY NAME: Employment Relations Board

II. KEY MEASURE ANALYSIS

Agency Mission: The mission of the Employment Relations Board is to resolve disputes concerning labor and employment relations.

KPM #4	RECOMMENDED ORDERS	Measure since: 2001
	Average number of days for an Administrative Law Judge to issue a recommended order after the record in a contested case hearing is closed.	
Goal	#2 – To timely process complaints and appeals.	
Oregon Context	Mission.	
Data source	The record closes at the end of the hearing or upon receipt of post-hearing briefs. Data is reported for the year in which the recommended order is issued.	
Owner	Paul B. Gamson, Board Chair, 503-378-8039	

1. OUR STRATEGY

The agency is committed to providing time for the administrative law judges (ALJs) to write their recommended orders.

Our constituents are state and local governments and their employees who are covered by the State Personnel Relations Law and Public Employees Collective Bargaining Act (PECBA). Private sector employers and employees who are exempt from the National Labor Relations Act are also under the Board’s jurisdiction.

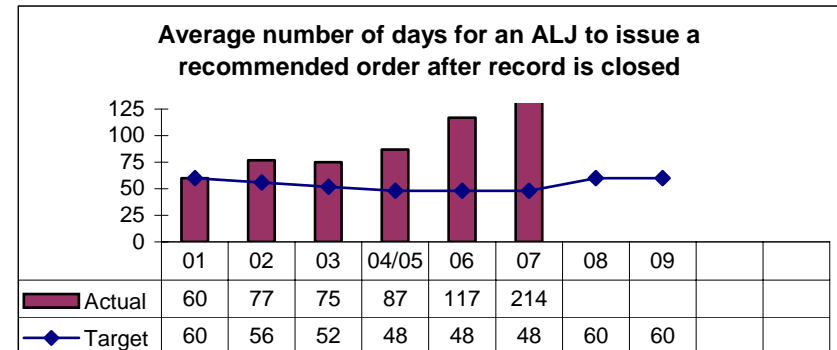
2. ABOUT THE TARGETS

Once the hearing is complete, a prompt decision by the ALJ helps prevent work stoppages and reduces workplace disruption. This saves taxpayers’ money and increases productivity. The data should be at or below the target.

3. HOW WE ARE DOING

During the 2007 fiscal year, it took ALJs and average of 69 days (144%) longer than the target to write and issue a recommended order. The trend indicates that without change, it will continue to take longer to produce recommended orders.

In order to give ALJs more time to write recommended orders, the agency no longer permits ALJs to travel around Oregon to conduct hearings in local communities where most of the witnesses typically reside. Instead, the parties must bring their witnesses to Salem or Portland for hearings unless the parties present extenuating circumstances. For each hearing, this reduces ALJ travel time by as much as two extra days. The ALJ now has this time available to instead write recommended orders. However, instead of one ALJ traveling to the site of the dispute, the parties and all the witnesses have to travel to Salem. This shifts a significant new burden of time and expense to the parties and local government.



AGENCY NAME: Employment Relations Board**II. KEY MEASURE ANALYSIS**

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For future fiscal years, the legislature has approved a change in the target, increasing it from 48 to 60 days. The agency will continue to compile data and re-evaluate both the process and the target, and if appropriate, make recommendations for change.

4. HOW WE COMPARE

There is no comparative data available.

5. FACTORS AFFECTING RESULTS

The legislature reduced the number of administrative law judges from three to two for the 2003-05 biennium, and it remained at two for 2005-07 biennium. Workload has not decreased proportionately. The full impact of the reduction was slightly mitigated in the 2003-05 biennium because the agency was able to hire a contract judge for about 650 hours with money from the Emergency Board and other agency savings, funding sources which are no longer available. No money for a contract judge was available in the 2005-07 biennium.

Delays are primarily caused by the increased caseload carried by each remaining ALJ. Two judges cannot conduct as many hearings and issue as many recommended orders as three judges did in the past. In addition, the difficult economic and budget conditions in place for several years had a negative impact on labor relations. Cases became more complex and disputes more difficult to resolve because of salary freezes, the rising cost of health insurance, and other factors. Although economic conditions have improved, the cases remain more complex than they were just a few years ago.

6. WHAT NEEDS TO BE DONE

The 2007 Legislature authorized hiring a third administrative law judge.

7. ABOUT THE DATA

The agency now reports its data for the Oregon fiscal year. Prior to the report submitted September 30, 2005, data was reported by calendar year. To make this conversion without losing any data, the 2005 report covered for 18 months.

The agency worked with an expert to design a new database to ensure accurate and consistent information. To further ensure accuracy, data input during processing of a case is reviewed throughout the process and again when the case is closed. The agency continues to improve and refine its ability to gather and analyze data.

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II. KEY MEASURE ANALYSIS

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KPM #5	FINAL BOARD ORDERS Average number of days from submission of a case to the Board until issuance of a final order.	Measure since: 2001
Goal	#2 – To timely process complaints and appeals.	
Oregon Context	Mission.	
Data source	A case is submitted after oral argument to the Board, or on the 15 th day after the recommended order is issued if there are no objections or argument. Uncontested representation petitions are considered submitted on the date filed.	
Owner	Paul B. Gamson, Board Chair, 503-378-8039	

1. OUR STRATEGY

Board members will continue to work collaboratively to maximize individual expertise and knowledge to expedite completion of final Board Orders.

Our constituents are state and local governments and their employees who are covered by the State Personnel Relations Law and Public Employees Collective Bargaining Act (PECBA). Private sector employers and employees who are exempt from the National Labor Relations Act are also under the Board’s jurisdiction.

2. ABOUT THE TARGETS

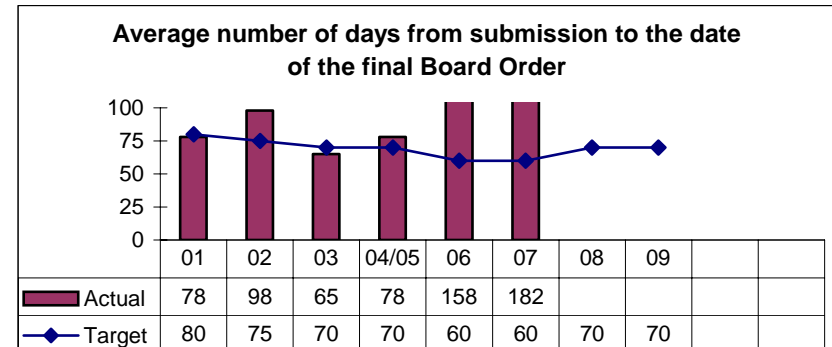
Targets are based on past history and the needs of our constituents. Data should come in at or below the target.

3. HOW WE ARE DOING

During the last fiscal year, it took the Board an average of 122 days (203%) longer than the target to issue a final order. This increase was anticipated because of the backlog and age of the cases on the docket. The average has fluctuated over the last several years, but the docket has now been cleared of the oldest cases.

4. HOW WE COMPARE

There is no comparative data available.



AGENCY NAME: Employment Relations Board

II. KEY MEASURE ANALYSIS

Agency Mission: The mission of the Employment Relations Board is to resolve disputes concerning labor and employment relations.

5. FACTORS AFFECTING RESULTS

The Board has experienced extremely high turnover in its membership. During the last two biennia, there have been eight different people on the three-member Board. During the 2003-05 biennium, one of the three Board positions was vacant for more than five months. During the 2005-07 biennium, a Board position was vacant for nearly four months. In Fiscal Years 2004, 2005, and 2007, the Chair of the Board was changed. The Board will soon have a full complement of members with experience in labor relations law and the docket is being cleared of the oldest cases.

6. WHAT NEEDS TO BE DONE

The Board will soon have a full complement of members with experience in employment relations law and with the agency, and they will work collaboratively to process the cases on their docket in an efficient and timely manner.

7. ABOUT THE DATA

The agency now reports its data for the Oregon fiscal year. Prior to the report submitted September 30, 2005, data was reported by calendar year. To make this conversion without losing any data, the 2005 report covered 18 months.

The agency worked with an expert to design a new database to ensure accurate and consistent information. To further ensure accuracy, data input during processing of a case is reviewed throughout the process and again when the case is closed. The agency continues to improve and refine its ability to gather and analyze data.

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KPM #6	PROCESS COMPLAINTS IN A TIMELY MANNER Average number of days to process a case that involves a hearing, from the date of filing to the date of the final order.	Measure since: 2001
Goal	#2 – To timely process complaints and appeals.	
Oregon Context	Mission.	
Data source	This excludes any time a case is under the jurisdiction of the appellate courts.	
Owner	Paul B. Gamson, Board Chair, 503-378-8039	

1. OUR STRATEGY

This performance measure relates to the agency’s goal to help ensure that government services to the public continue without impairment or interruption. This combines the steps measured in KPMs 1 through 5.

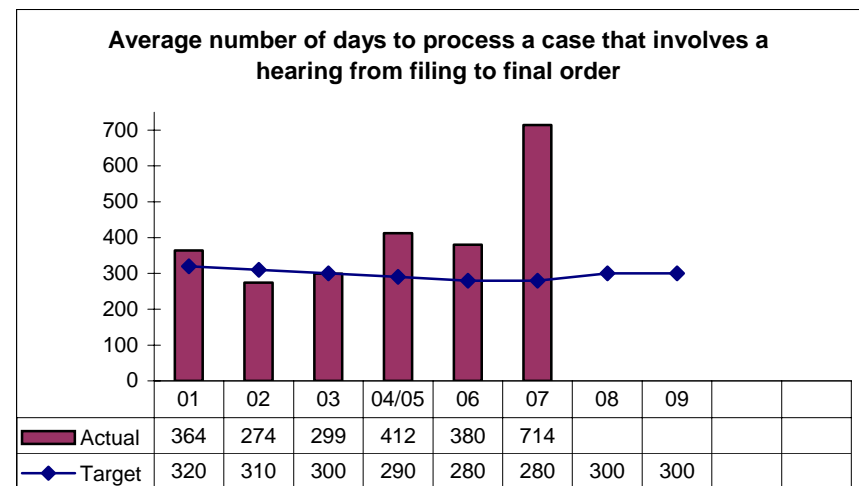
Our constituents are state and local governments and employees who are covered by the State Personnel Relations Law and Public Employees Collective Bargaining Act (PECBA). Private sector employers and employees who are exempt from the National Labor Relations Act are also under the Board’s jurisdiction.

2. ABOUT THE TARGETS

Targets are based on past history and the needs of our constituents. Data should come in at or below the target.

3. HOW WE ARE DOING

It has taken longer for administrative law judges (ALJ) to process cases and for the Board to issue final orders, which in turn has increased the length of time from filing to the final order. The average has fluctuated over the last several years, but the Board has cleared its docket of old cases. The current data reflects a significant and increasing backlog of older cases.



AGENCY NAME: Employment Relations Board

II. KEY MEASURE ANALYSIS

Agency Mission: The mission of the Employment Relations Board is to resolve disputes concerning labor and employment relations.

4. HOW WE COMPARE

There is no comparative data available.

5. FACTORS AFFECTING RESULTS

The legislature reduced the number of administrative law judges from three to two for the 2003-05 and 2005-07 biennia. Workload has not decreased proportionately. The full impact of the reduction was slightly mitigated in the 2003-05 biennium because the agency was able to hire a contract judge for about 650 hours with money from the Emergency Board and other agency savings, funding sources which are no longer available.

Delays are primarily from two sources. First is the increase in caseload carried by each ALJ. Two ALJs conduct fewer hearings and issue fewer recommended orders than three ALJs did in prior years. The result is that cases are considerably older when they are finally decided. In addition, the difficult economic and budget conditions in place for several years had a negative impact on labor relations. Cases have become more complex and disputes more difficult to resolve because of salary freezes, the rising cost of health insurance, and other factors. Although economic conditions have improved, the cases remain more complex than they were just a few years ago.

The second reason is turnover in Board membership. In the past four years, eight different people have served on the three-member Board. One vacancy lasted for five months and another for nearly four months. The Chair of the agency has changed three times during this period. As a result, issuance of final Board Orders fell behind. The Board has now cleared its docket of the oldest cases.

6. WHAT NEEDS TO BE DONE

The 2007 Legislature authorized hiring a third administrative law judge for the Hearings Office, and expects to see improvement in the agency's performance of 15% in FY 08 and 30% in FY 09.

The Board members will continue to work collaboratively to process the cases on their docket in an efficient and timely manner.

7. ABOUT THE DATA

The agency now reports its data for the Oregon fiscal year. Prior to the report submitted September 30, 2005, data was reported by calendar year. To make this conversion without losing any data, the 2005 report covered 18 months.

The agency worked with an expert to design a new database to ensure accurate and consistent information. To further ensure accuracy, data input during processing of a case is reviewed throughout the process and again when the case is closed. The agency continues to improve and refine its ability to gather and analyze data.

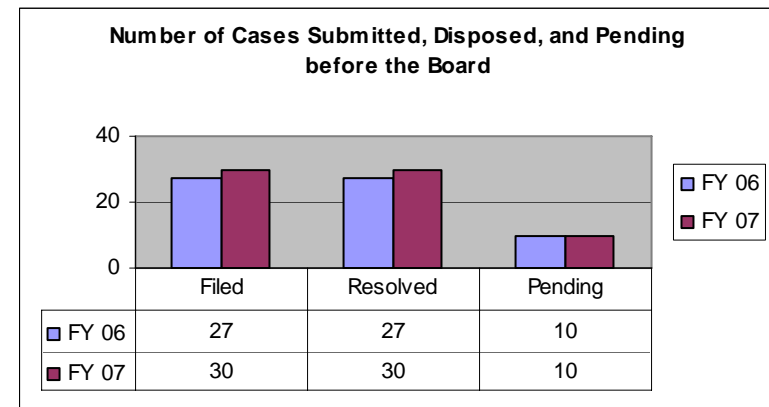
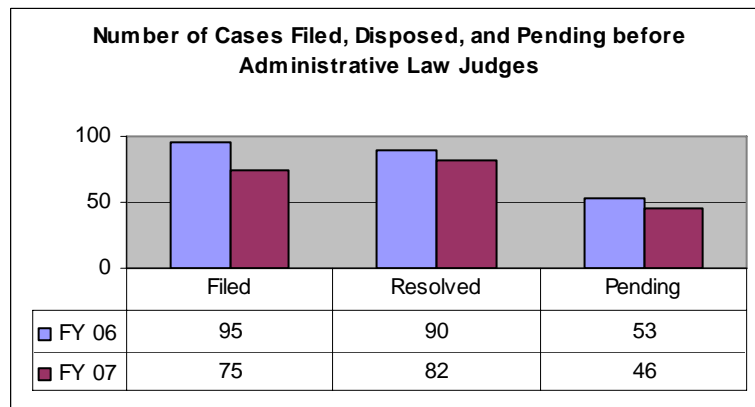
AGENCY NAME: Employment Relations Board

II. KEY MEASURE ANALYSIS

Agency Mission: The mission of the Employment Relations Board is to resolve disputes concerning labor and employment relations.

KPM #7	CASELOAD Number of cases (i) filed/(ii) disposed/ (iii) pending before: (a) Administrative Law Judges; (b) The Board.	Measure since: 2006
Goal	#2 -- To timely process complaints and appeals.	
Oregon Context	Mission. No primary links to Oregon Benchmarks.	
Data source	All cases except uncontested representation petitions with no Board order issued.	
Owner	Leann G. Wilcox, Office Administrator, 503-378-8610	

This performance measure was requested by the Legislature for information only. Beginning in FY 08, this will no longer be a Key Performance Measure but the agency will continue to provide the information so year-to-year comparisons will be available to track progress.



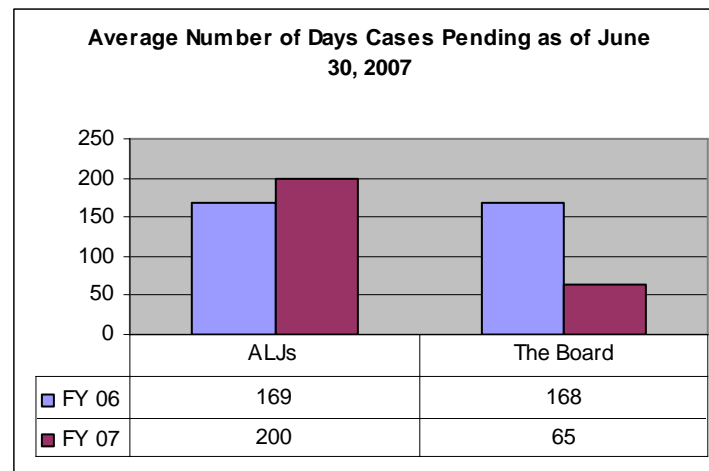
AGENCY NAME: Employment Relations Board

II. KEY MEASURE ANALYSIS

Agency Mission: The mission of the Employment Relations Board is to resolve disputes concerning labor and employment relations.

KPM #8	CASELOAD For cases pending at the close of the reporting period: (a) average number of days from filing for cases pending before ALJs; (b) average number of days from submission for case pending before the Board.	Measure since: 2006
Goal	#2 -- To timely process complaints and appeals.	
Oregon Context	Mission.	
Data source	All cases closed except uncontested representation petitions with no Board order issued.	
Owner	Leann G. Wilcox, Office Administrator, 503-378-8610	

This performance measure was requested by the Legislature for information only. Beginning in FY 08, this will no longer be a Key Performance Measure but the agency will continue to provide the information so year-to-year comparisons will be available to track progress.



AGENCY NAME: Employment Relations Board

II. KEY MEASURE ANALYSIS

Agency Mission: The mission of the Employment Relations Board is to resolve disputes concerning labor and employment relations.

KPM #9	APPEALS Percentage of Board Orders which are (a) appealed; (b) reversed on appeal.	Measure since: 2004
Goal	#3 – To determine the parties’ and appellate courts’ acceptance of Board decisions.	
Oregon Context	Mission.	
Data source	Data for (a) is reported in year the appeal is filed, data for (b) is reported in the year the appellate judgment is received. Percentages are based on the number of Board Orders issued that year.	
Owner	Paul B. Gamson, Board Chair, 503-378-8039	

1. OUR STRATEGY

Parties have a right to appeal their case to the state Court of Appeals and Supreme Court if they do not agree with the Board’s decision. The Board will continue to emphasize accuracy and compliance with statutes and case law when preparing Board Orders so they can withstand the scrutiny of the appellate courts.

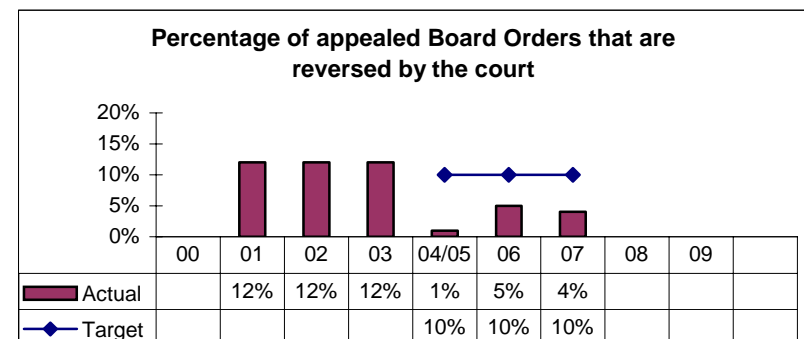
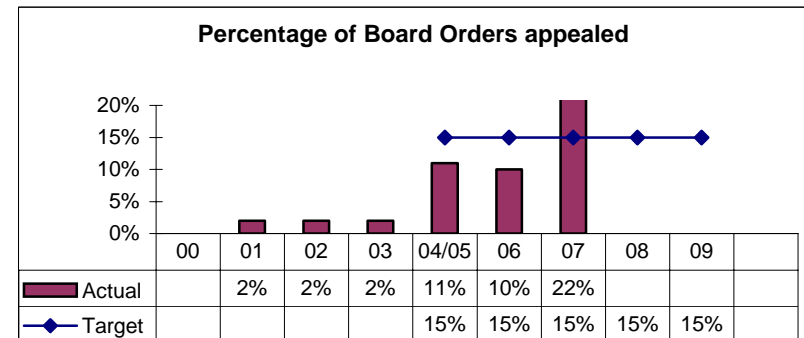
Our constituents are state and local governments and their employees who are covered by the State Personnel Relations Law and Public Employees Collective Bargaining Act (PECBA). Private sector employers and employees who are exempt from the National Labor Relations Act are also under the Board’s jurisdiction.

2. ABOUT THE TARGETS

The Board has no control over the number of cases the parties appeal. The number of cases the courts affirm is a measure of the Board’s skill and effectiveness. Data should come in at or below target.

3. HOW WE ARE DOING

The percentage of cases appealed is higher than in previous years and is above target by 7%. The percentage of appealed cases reversed by the appellate court is well below target.



AGENCY NAME: Employment Relations Board

II. KEY MEASURE ANALYSIS

Agency Mission: The mission of the Employment Relations Board is to resolve disputes concerning labor and employment relations.

4. HOW WE COMPARE

There is no comparative data available.

5. FACTORS AFFECTING RESULTS

It is unclear why the parties have appealed a larger percentage of Board orders than in the past. Likely factors include the extremely high turnover in Board membership, along with a larger than usual number of dissenting opinions by Board members. This may have resulted in some confusion about the Board's position on the issues, so the parties appealed. The appellate courts agreed with the Board on nearly all of the cases.

6. WHAT NEEDS TO BE DONE

The Board will continue to emphasize accuracy and compliance with statutes and case law when preparing final Board Orders so they can withstand the scrutiny of a higher court.

7. ABOUT THE DATA

The agency now reports its data for the Oregon fiscal year. Prior to the report submitted September 30, 2005, data was reported by calendar year. To make this conversion without losing any data, the 2005 covered for 18 months.

The agency worked with an expert to design a new database to ensure accurate and consistent information. To further ensure accuracy, data input during processing of a case is reviewed throughout the process and again when the case is closed. The agency continues to improve and refine its ability to gather and analyze data.

Agency Mission: The mission of the Employment Relations Board is to resolve disputes concerning labor and employment relations.

KPM #10	MEDIATION EFFECTIVENESS Percentage of contract negotiations disputes that are resolved by mediation: (a) for strike-permitted employees; (b) for strike-prohibited employees.	Measure since: 2001
Goal	#4 – To resolve collective bargaining negotiation disputes without strikes or interest arbitration.	
Oregon Context	Mission.	
Data source	Percentages are based on the cases resolved in the calendar year reported. (a) Includes settlements before or after impasse but prior to an employee strike or the employer’s unilateral implementation of its final offer. (b) Includes settlements before or after an impasse but before a binding interest arbitration award is issued.	
Owner	Wendy Greenwald, State Conciliator, 503-378-6472	

1. OUR STRATEGY

Continue to work with state and local public employers and unions to mediate collective bargaining disputes. As time allows, provide training in collaborative bargaining processes and other forms of alternative dispute resolution.

Our constituents are state and local governments and their employees who are covered by the State Personnel Relations Law and Public Employees Collective Bargaining Act.

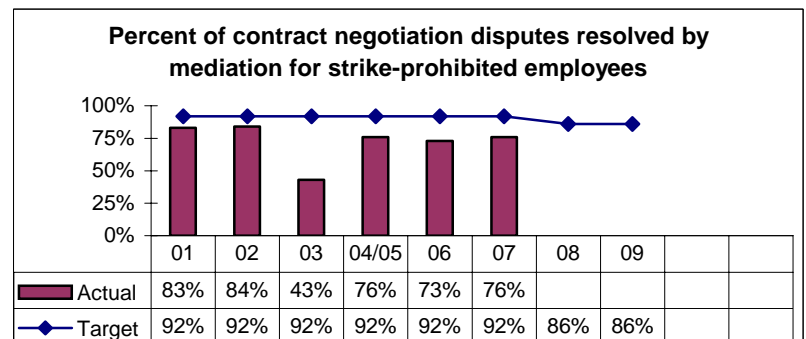
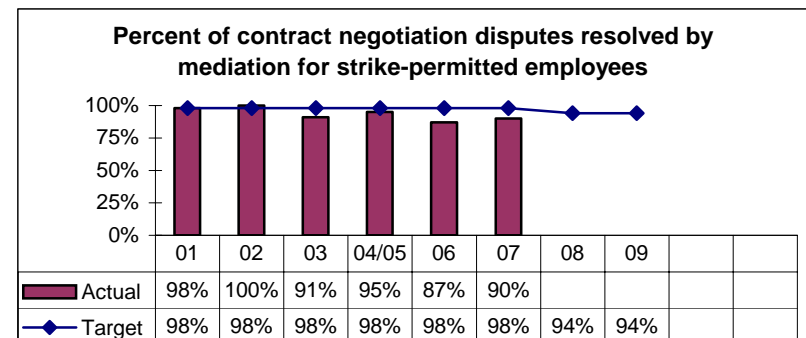
2. ABOUT THE TARGETS

Targets are based on past history and the needs of our constituents. Data should come in at or above the target.

3. HOW WE ARE DOING

(a) The percentage of contract disputes resolved prior to an employee strike or employer implementation of its final offer (top right chart) was at or above target in 2001 and 2002 but has fluctuated slightly below the target since that time. The agency is 8% below target for this reporting period. The target was adjusted for future fiscal years, but it appears this measure will remain below the target for the foreseeable future.

(b) The percentage of contract disputes resolved prior to interest arbitration (bottom right chart) has also fluctuated and has been below



AGENCY NAME: Employment Relations Board

II. KEY MEASURE ANALYSIS

Agency Mission: The mission of the Employment Relations Board is to resolve disputes concerning labor and employment relations.

target since 2001. For this reporting period, the measure was 16% below target. The target was adjusted for future fiscal years, but it appears this measure will remain below the target for the foreseeable future.

4. HOW WE COMPARE

There is no comparative data available. Although collective bargaining mediation is provided by the federal government and other states, the laws under which the services are provided are very different. For instance, mediation provided by the agency is a mandatory step in Oregon’s statutory bargaining process but is not mandatory for clients under federal jurisdiction. In addition, the number of mediators, the numbers of constituents served, and geographic area covered are different within each jurisdiction.

5. FACTORS AFFECTING RESULTS

The agency provides mediation services for the parties under its jurisdiction. Mediators provide assistance to the parties to help them reach a settlement, but they cannot force the parties to agree. The parties are in sole control of whether or not a settlement occurs. In addition, many factors influencing settlement are outside of the mediator’s and the parties’ control. Such factors include, but are not limited to, the state of the economy, health insurance costs, local and state-wide political trends, and tax revenues. Further, the agency has only three mediators to provide mediation services. During busy periods of mediation, it is not physically possible to provide clients assistance as quickly or as frequently as would be most conducive to dispute resolution.

6. WHAT NEEDS TO BE DONE

The agency will continue its efforts to meet constituent needs and expectations. It will also periodically evaluate both personnel requirements and the target, and make recommendations for change, if appropriate.

7. ABOUT THE DATA

The agency now reports its data for the Oregon fiscal year. Prior to the report submitted September 30, 2005, data was reported by calendar year. To make this conversion without losing any data, the 2005 report covered 18 months. This data is retrieved from a mediation database which was designed to ensure accurate and consistent information. This data was previously reported based on cases filed within the calendar year. Since some cases are not resolved within the year filed, the data is now reported based on all resolved cases occurring within a fiscal year for greater accuracy. The agency will continue to improve and refine its ability to gather and analyze data.

AGENCY NAME: Employment Relations Board

II. KEY MEASURE ANALYSIS

Agency Mission: The mission of the Employment Relations Board is to resolve disputes concerning labor and employment relations.

KPM #11	MEDIATOR AVAILABILITY	Measure since: 2006
	Average number of days following a request for mediation assistance in contract negotiations to the date: (a) a mediator is available to work with the parties; (b) the first mediation session occurs.	
Goal	#4 – To resolve collective bargaining negotiation disputes without strikes or interest arbitration.	
Oregon Context	Mission.	
Data source	Data is reported for the year in which the first day of mediation is held.	
Owner	Wendy Greenwald, State Conciliator, 503-378-6472	

1. OUR STRATEGY

To work with our constituents to schedule mediation sessions as soon as calendars allow.

Our constituents are state and local governments and their employees who are covered by the State Personnel Relations Law and Public Employees Collective Bargaining Act.

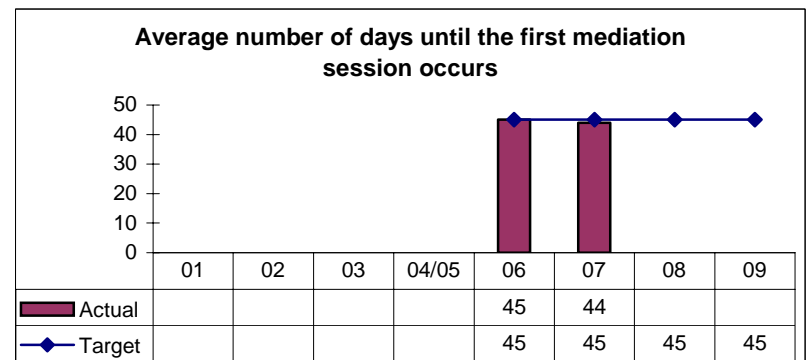
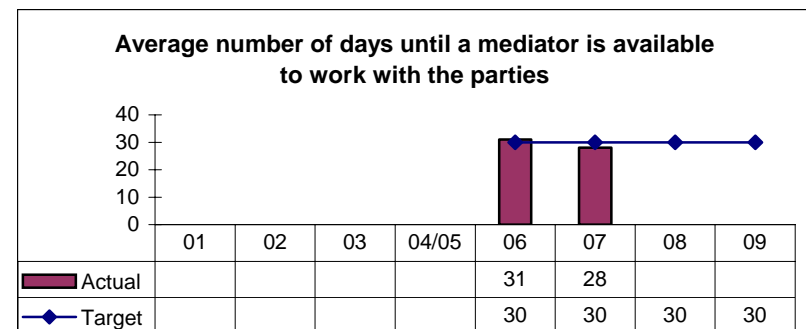
2. ABOUT THE TARGETS

Targets are based on the past experience of the agency for scheduling meetings within its capacity. These targets do not necessarily meet the needs of our constituents, who would prefer to have mediation sessions scheduled sooner. Data should come in at or below the target number of days.

3. HOW WE ARE DOING

The data came in below target for the number of days until a mediator is available (top right chart) and at the target for the number of days until the first mediation session actually occurs (bottom right chart).

Fluctuations over the past two years have been minor.



AGENCY NAME: Employment Relations Board

II. KEY MEASURE ANALYSIS

Agency Mission: The mission of the Employment Relations Board is to resolve disputes concerning labor and employment relations.

4. HOW WE COMPARE

There is no comparative data available. Although collective bargaining mediation is provided by the federal government and other states, the laws under which the services are provided are very different. For instance, mediation provided by the agency is a mandatory step in Oregon's statutory bargaining process but is not mandatory for clients under federal jurisdiction and some states. In addition, the number of mediators, the numbers of constituents served, and geographic area covered are different within each jurisdiction.

5. FACTORS AFFECTING RESULTS

A number of factors affect scheduling of mediation sessions. First, due to statutory and contractual timelines, about two-thirds of the annual mediation requests are typically received during a six-month period. There are three mediators available to cover all of the requested mediation sessions and in the busiest times, they are not always available as soon as the parties would like. Second, the parties served are located throughout Oregon, so travel time must be taken into account in scheduling. Third, the schedules of the participants in mediation, often involving from 10 to 20 people, must also be accommodated.

6. WHAT NEEDS TO BE DONE

The agency will continue its efforts to meet constituent needs and expectations. It will also periodically evaluate both personnel requirements and the target, and if appropriate, make recommendations for change.

7. ABOUT THE DATA

This performance measure was implemented starting with the 2005-06 fiscal year. Data is reported for the Oregon fiscal year. This data is retrieved from a mediation database which was designed to ensure accurate and consistent information. Since some cases are not resolved during the fiscal year in which they are filed, the data is reported based on all resolved cases occurring within a fiscal year for greater accuracy. The agency will continue to improve and refine its ability to gather and analyze data.

AGENCY NAME: Employment Relations Board

II. KEY MEASURE ANALYSIS

Agency Mission: The mission of the Employment Relations Board is to resolve disputes concerning labor and employment relations.

KPM #12	CUSTOMER SATISFACTION: Percent of customers rating their satisfaction with the agency’s customer service as “good” or “excellent”: overall, timeliness, accuracy, helpfulness, expertise, availability of information	Measure since: 2006
Goal	#2 -- To timely process complaints and appeals.	
Oregon Context	Mission.	
Data source	An outside vendor was hired to do the survey.	
Owner	Paul B. Gamson, Board Chair, 503-378-8039	

Customer Satisfaction Surveys will be conducted during even numbered years. The data for the FY 2006 is provided.

1. OUR STRATEGY

The agency will continue to emphasize to all staff that “customer service” is a priority. Staff is trained to learn new skills and keep up to date with new developments in their areas of expertise.

The agency is focused on improving the turn-around time for each step of a contested case. In addition, the website was redesigned for easier navigation and to provide commonly sought information.

2. ABOUT THE TARGETS

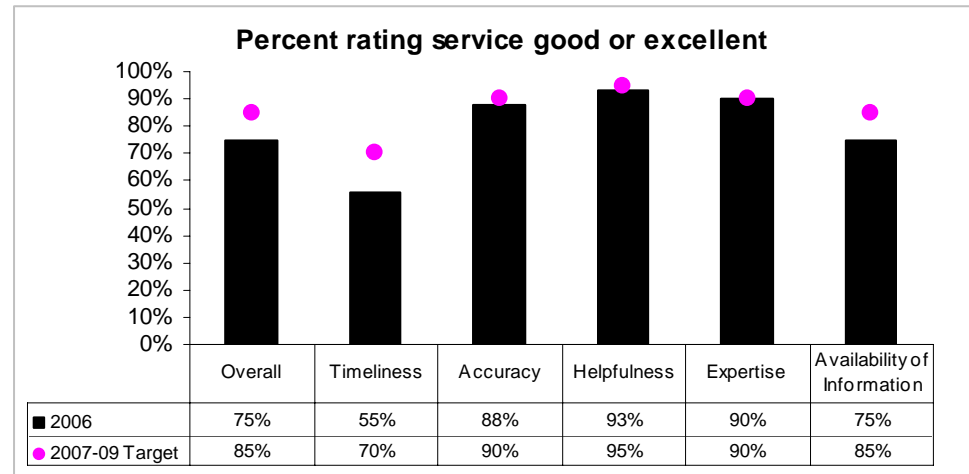
This performance measure was established in 2006 and this is the first customer satisfaction survey the agency has performed in a number of years. Data should come in at or above the targets.

3. HOW WE ARE DOING

In 2006, “timeliness” was the lowest rated customer service criteria, with only 55% of respondents rating it good or excellent. “Helpfulness” and “expertise” were the highest rated, at 93% and 90% respectively. Targets for 2007-09 were established based on 2006 data and the goals of the agency.

4. HOW WE COMPARE

There is no comparative data available.



AGENCY NAME: Employment Relations Board

II. KEY MEASURE ANALYSIS

Agency Mission: The mission of the Employment Relations Board is to resolve disputes concerning labor and employment relations.

5. FACTORS AFFECTING RESULTS

The customer satisfaction survey reflects the agency's progress on all Key Performance Measures. The turn over on the Board, the reduction in the number of administrative law judges, and changes in other key positions in the agency have affected our standing with our constituents.

6. WHAT NEEDS TO BE DONE

The action items listed for all Key Performance Measures will be implemented to the best of our ability. The emphasis on customer service will continue to be a priority. Further work will be done to improve the agency website and availability of information.

Update for Fiscal Year 2007: The 2007 Legislature approved the agency's request for a third administrative law judge, and expects to see improvement in the agency's performance.

7. ABOUT THE DATA

A customer satisfaction survey will be conducted and reported once each biennium. The 2006 survey was conducted by an outside vendor, and the vendor provided the summary and data to the agency. The next survey will also be conducted by an outside vendor.

8. ABOUT OUR CUSTOMER SERVICE SURVEY

Clearwater Research, Inc. of Boise, Idaho conducted the Customer Satisfaction Survey between April 19 and May 6, 2006. The Oregon Progress Board facilitated hiring this vendor to do surveys for six small state agencies.

The agency gave the vendor an existing mailing list of constituents. Prior to the next survey, the agency will work to expand this list to provide a broader population. The final population database for the 2006 survey contained 194 contacts, so Clearwater contacted the population available. There were 76 completed interviews, a response rate of 45.2%. Because there were no distribution variables for the ERB population, no weighting was performed on the final data.

AGENCY NAME: Employment Relations Board**III. USING PERFORMANCE DATA**

Agency Mission: The mission of the Employment Relations Board is to resolve disputes concerning labor and employment relations.

Contact: Paul B. Gamson, Board Chair	Phone: 503-378-8039
Alternate: Leann G. Wilcox, Office Administrator/Performance Measure Coordinator	Phone: 503-378-8610

The following questions indicate how performance measures and data are used for management and accountability purposes.	
<p>1 INCLUSIVITY Describe the involvement of the following groups in the development of the agency's performance measures.</p>	<ul style="list-style-type: none"> • Staff: Staff and stakeholders provided input on agency workloads and the timely delivery of services for elections, mediations, and contested cases. Measures were derived from this input. • Elected Officials: Elected officials reviewed and added measures for the agency to track. • Stakeholders: Staff and stakeholders provided input on agency workloads and the timely delivery of services for elections, mediations, and contested cases. Measures were derived from this input. • Citizens: N/A.
<p>2 MANAGING FOR RESULTS How are performance measures used for management of the agency? What changes have been made in the past year?</p>	<p>This data measures the agency's success toward achievement of agency goals and assists in determining what changes may be necessary. It also influences the agency's budget and caseload priorities, including case assignment, case management, performance evaluations, and staffing.</p>
<p>3 STAFF TRAINING What training has staff had in the past year on the practical value and use of performance measures?</p>	<p>Agency management staff received training from the Oregon Progress Board and that information was disseminated to agency staff. This training is on-going.</p>
<p>4 COMMUNICATING RESULTS How does the agency communicate performance results to each of the following audiences and for what purpose?</p>	<ul style="list-style-type: none"> • Staff: Results are shared with staff on a regular basis. • Elected Officials: Elected Officials received annual reports; additionally, data collected for these measures and for other areas of interest is shared with officials as requested. • Stakeholders: Annual reports are posted on the agency website. In addition, constituents are invited to periodic brown bag lunches to give the agency input on its work and what needs to be done and to share information, such as performance measure results. • Citizens: Annual reports are posted on the agency website.