

EMPLOYMENT RELATIONS BOARD

Annual Performance Progress Report (APPR)

for Fiscal Year 2012

Original Submission Date: September 28, 2012

2011-13 KPM#	2013-15 Key Performance Measures (KPMs)
1a	Union representation – Average number of days to resolve a petition for union representation when a contested case hearing is required.
1b	Union representation – Average number of days to resolve a petition for union representation when a contested case hearing is not required.
2a	Administrative Law Judge (ALJ) hearings – Average number of days from the date of filing of a contested case to the first date an ALJ is available to hear the case.
2b	Administrative Law Judge (ALJ) hearings – Average number of days from the date of filing of a contested case to the actual date of the hearing.
3	Settling cases – Percentage of cases assigned to an ALJ that are settled or withdrawn prior to hearing.
4	Recommended orders – Average number of days for an Administrative Law Judge to issue a recommended order after the record in a contested case hearing is closed.
5	Final Board orders – Average number of days from submission of a case to the Board until issuance of a final order.
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.
7a	Appeals – Percentage of Board Orders which are appealed.
7b	Appeals – Percentage of Board Orders which are reversed on appeal.
8a	Mediation effectiveness – Percentage of contract negotiation disputes that are resolved by mediation for strike-permitted employees.

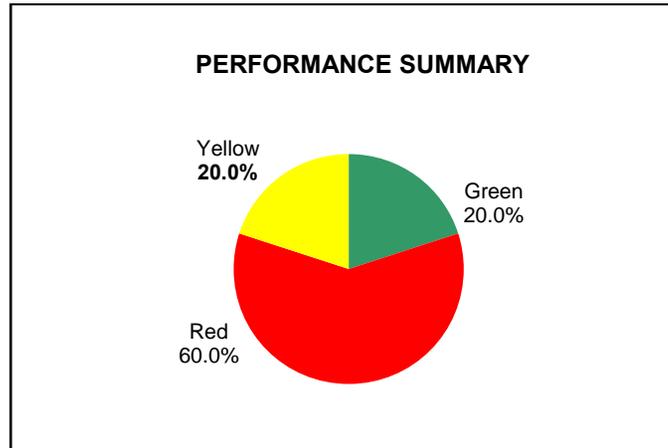
2011-13 KPM#	2013-15 Key Performance Measures (KPMs)
8b	Mediation effectiveness – Percentage of contract negotiation disputes that are resolved by mediation for strike-prohibited employees.
9a	Mediator availability – Average number of days following a request for mediation assistance in contract negotiations to the date a mediator is available to work with the parties.
9	Mediator availability – Average number of days following a request for mediation assistance in contract negotiations to the date the first mediation session occurs.
10	Customer Satisfaction – Percentage of customers rating their overall satisfaction with the agency’s customer service as “good” or “excellent:” overall, timeliness, accuracy, helpfulness, expertise, availability of information.

AGENCY NAME: Employment Relations Board

I. EXECUTIVE SUMMARY

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

Contact: Susan Rossiter, Board Chair	Phone: 503-378-3807
Alternate: Leann G. Wilcox, Office Administrator	Phone: 503-378-8610



Green = Target to -5%
 Yellow = Target -6% to -15%
 Red = Target >-15%

1. SCOPE OF REPORT

The agency is responsible for four programs: (1) Board and Administration, (2) Conciliation Services, (3) Hearings, and (4) Elections. The programs are each addressed by key performance measures.

The agency’s performance measures do not provide a comprehensive understanding of the agency’s performance. Because the agency is a quasi-judicial body, it is difficult to measure the quality of its work. Like the courts, the agency’s task is to apply the law in a neutral fashion to resolve disputes between parties. The agency has no interest in which party prevails. The aspect of performance that can most readily be measured is timeliness. As a result, many of the agency’s performance measures concern timeliness.

Timeliness, however, is not the agency’s only concern. The parties must have trust and confidence in the agency’s decisions. Trust and confidence are enhanced when the agency demonstrates that it considers each case carefully and decides it in accordance with the law. Thus, the agency balances the need for prompt decisions with the need to carefully consider each case on its facts and merits.

2. THE OREGON CONTEXT

The public policy underlying the work of the Employment Relations Board is to promote workplace stability and reduce workplace disputes and the accompanying costs and disruption of public services. All Oregonians benefit from the agency’s services. Resolution of workplace disputes ensures that the public will continue to receive high-quality public services without impairment or

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

interruption, creates a more stable and productive workforce, and reduces the costs of recruitment and training. Equally important, the agency's resolution of workplace disputes is faster, more efficient, and less expensive than resolving disagreements through court proceedings.

Although the agency's Key Performance Measures have no primary links to Oregon Benchmarks, the agency's work supports the state's goal of economic growth. Companies deciding whether to relocate in Oregon, as well as those deciding whether to stay, inevitably consider whether there are reliable, efficient, high-quality public services to support their business.

3. PERFORMANCE SUMMARY

The agency met its target for three measures ("green" category), was close to target for three measures ("yellow" category), but missed the target for nine of its key performance measures ("red" category). Of the nine measures in the red category, agency performance declined for five measures but improved for three measures and remained the same on one.

Overall, it is still taking too long for the agency to resolve cases. The average number of days to process a case that involves a hearing from the date of filing to the date of the final order increased by 88 days compared to FY 2011. However, that figure is high because it reflects a number of old cases that were resolved as the agency cleared its backlog.

4. CHALLENGES

There are several challenges faced by the agency which it cannot control. For example, in collective bargaining negotiations, the parties alone control whether a settlement occurs. In contested case hearings, scheduling a hearing is affected by, among other issues, the parties and witnesses' availability and on-going settlement negotiations between the parties.

Other factors challenging the agency include the economic crisis and resulting budget shortfalls, an increased caseload, and funding and personnel issues.

- The economic downturn the last several years has made public sector labor relations more contentious. Cases have become more complex, disputes more difficult to resolve, and obtaining settlements more difficult because difficult economic circumstances mean employers must propose (and make) cuts in wages and benefits.
- An increased caseload is major reason for delay in processing cases. In FY 2012, 158 new cases were filed with the Hearings Office. That is a 13% increase (18 cases) over the number of new cases filed in FY 2011. However, it is an increase of 41% (46 cases) filed compared to FY 2009 and 74% (67 cases) compared to FY 2007. Also in FY 2012, 91 requests for mediation were filed with the Conciliation Service Office, an increase of 26 requests (38%) compared to FY 11.
- Inadequate staffing is a another major cause of delays in resolving cases. There were a number of personnel issues during FY 2012, including substantial changes in the membership of the Board. One member retired, one was not reappointed, and the Governor designated a new Board Chair.

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

One mediator position, which became vacant in October 2010, was not filled until January 2012 because of funding issues. The 2011 Legislature allowed a shift in Other Fund resources to ease the funding issue; however, funding for the position continues to be an issue.

There were also other personnel changes during FY 2012. The agency's Elections Coordinator, who had been with ERB for more than 20 years, retired and another staff member assumed the position. It will take a long time and much hard work to become fully conversant with the requirements of that position. In addition, that change required the agency to hire a new Hearings Assistant. Experienced staff has spent, and continues to spend, a significant amount of time training these two employees.

5. RESOURCES USED AND EFFICIENCY

The Legislatively Approved Budget for the 2011-13 biennium is \$3,795,499. The budget provides \$3,194,287 for personal services (about 84% of the budget) and \$601,212 for services and supplies.

Under the new Board Chair, the agency is reviewing its organization, processes, and procedures to streamline work and maximize its resources. Staff are expected to process cases and requests in a more timely manner. Deadlines have been established for issuing recommended orders, and the Board is imposing timelines on itself to produce final orders faster. In the last six months of the biennium, the Board issued 22 final orders compared to 14 during the first six months.

Restrictions on ALJ travel have continued. Previously, ALJs traveled to the community where the dispute arose. ALJs now travel only for state cases and in instances when conducting the hearing in Salem would cause irreparable harm to a community. This means that time ALJs previously spent on travel can now be devoted to conducting hearings and writing recommended orders. It also means, however, that school districts and local governments must now bear the expense of getting witnesses to Salem for hearings. For local governments located far from Salem, this expense can be large.

The agency continues to monitor and evaluate all business processes for additional efficiencies and cost savings. Because more than 84% of the agency budget is for personal services, there are no major opportunities to save money.

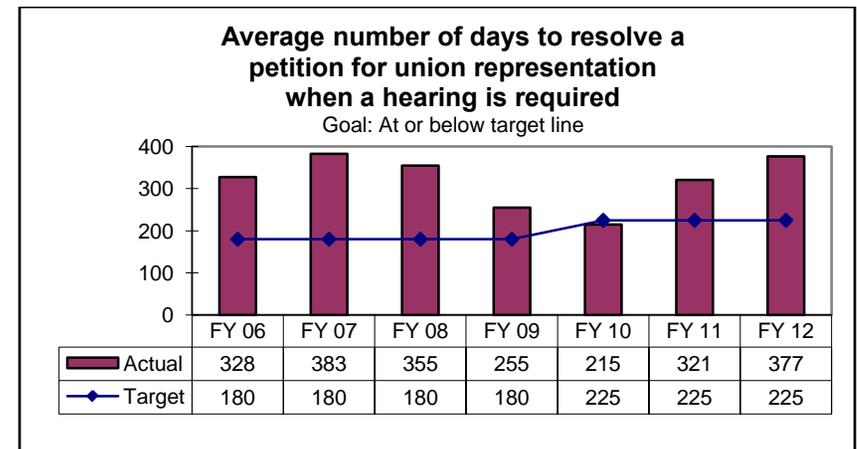
Agency Mission: The mission of the Employment Relations Board is to resolve disputes concerning labor and employment relations.

KPM #1a	UNION REPRESENTATION Average number of days to resolve a petition for union representation when a contested case hearing is required.	Measure since: 2006
Goal	# 1 – To timely process petitions concerning union representation.	
Oregon Context	Mission.	
Data source	Data is reported for the year the process is complete. A petition is resolved when the results of an election or card check are certified or when the Board issues an order clarifying the bargaining unit or dismissing the petition.	
Owner	Elections Office: Susan Rossiter, Board Chair, 503-378-3807	

1. OUR STRATEGY

The agency goal is to reduce the time it takes to resolve a representation petition that requires a contested case hearing. The strategy to meet the goal requires administrative law judges (ALJs) to give these cases priority when scheduling and holding hearings. When appropriate, the ALJs will work with the parties to help them reach a mutually agreeable settlement prior to a contested case hearing.

Agency constituents are state and local governments and their employees covered by the Public Employee Collective Bargaining Act (PECBA). Private sector employers and employees who are exempt from the National Labor Relations Act can also file representation cases with the Board.



2. ABOUT THE TARGETS

The time needed to resolve representation cases that require a contested case hearing should be at or below the target. The targets are based on history, staffing, and the needs of the agency’s constituents. Faster resolution reduces workplace disruption, saves taxpayers money, increases productivity, and ensures that employees promptly receive the rights they are entitled to under the law. Because of the importance to the parties and the public, contested representation cases should be resolved faster than other cases requiring contested case hearings.

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

3. HOW WE ARE DOING

Due to personnel changes and increased workload, the agency has once again accrued a backlog of cases. During FY 2012, however, four old representation cases were resolved. Two of these cases took more than 500 days to process, which is reflected in the statistics for this year. The agency expects the remainder of the backlog to be cleared by mid-September 2012.

4. HOW WE COMPARE

No comparative data is available. The National Labor Relations Board 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 two factors that have the greatest impact on performance results are personnel changes and increased caseload. During FY 09, the agency had only two ALJs. In mid-2010, a third ALJ was hired, but it can take up to two years for an ALJ to become fully conversant on the statutes and case precedent. In addition, staff time was reduced by furlough days. Once again, a backlog accrued. The agency expects performance to improve now that the newest ALJ is trained and up to speed.

In difficult economic periods such as this, labor relations disputes increase. The number of cases filed with the agency has steadily increased over the last several years, with 158 new cases filed in FY 12, a 13% increase (18 cases) over FY 11. Compared to FY 09, this is an increase of 46 cases (41%), and an increase of 67 cases from FY 07 (74%).

Although contested representation cases are generally given priority, the ALJs have to look at all their cases and set priorities to ensure that those with a possible high negative impact (*i.e.*, terminations, cases that may involve a back pay award, cases where bargaining is stalled until the case is resolved) are processed as quickly and efficiently as possible.

6. WHAT NEEDS TO BE DONE

The ALJs will continue to put extra emphasis on resolving the backlog and continue to emphasize resolving contested representation cases in a more timely and efficient manner. This will reduce workplace disruption, save taxpayers money, increase productivity, and ensure that employees' statutory rights are enforced. The Board will work with the ALJs to ensure these cases are resolved in a timely manner. To further expedite case processing, some cases will be assigned to ALJs to conduct a hearing and make findings of fact; the cases will then be submitted directly to the Board of issuance of a final order.

7. ABOUT THE DATA

The reporting cycle is fiscal year. Reports are compiled from an agency database that was designed to ensure accuracy and consistency of information.

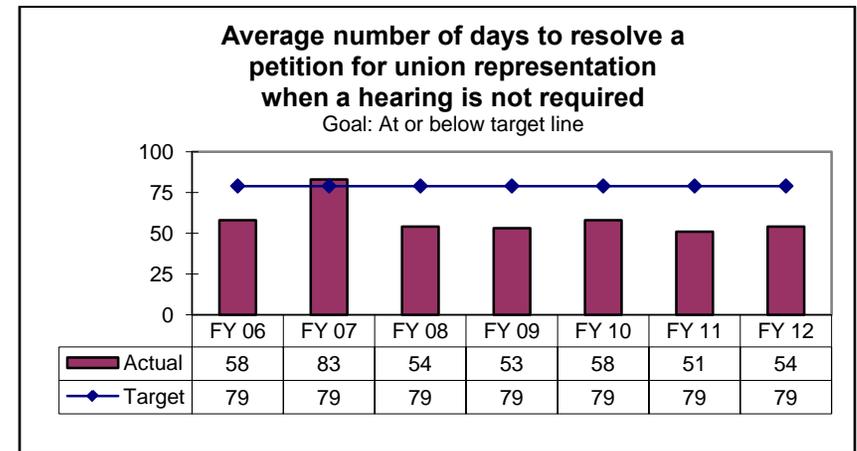
Agency Mission: The mission of the Employment Relations Board is to resolve disputes concerning labor and employment relations.

KPM #1b	UNION REPRESENTATION Average number of days to resolve a petition for union representation 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 for the year the process is complete. A petition is resolved when the results of an election or card check are certified or when the Board issues an order clarifying the bargaining unit or dismissing the petition.	
Owner	Elections Office: Susan Rossiter, Board Chair, 503-378-3807	

1. OUR STRATEGY

The agency goal is to promptly process representation cases that do not require a contested case hearing. The agency consistently meets or exceeds its target. The agency will continue to reach out to its customers, providing education on process, procedures, and the need to submit accurate information and properly completed paperwork.

Agency constituents are state and local governments and their employees covered by the Public Employee Collective Bargaining Act (PECBA). Private sector employers and employees who are exempt from the National Labor Relations Act can also file representation cases with the Board.



2. ABOUT THE TARGETS

The length of time to process an uncontested representation petition should be at or below the target. Prompt processing helps minimize the length of organizing campaigns that occur in and around the workplace while the petition is pending. It also ensures that employees get a timely resolution of questions regarding their workplace rights. The targets are based on history, the needs of the agency’s constituents, and statutory requirements.

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

3. HOW WE ARE DOING

The agency continues to do better than its target of 79 days to process an uncontested representation petition. In FY 12, the average was 25 days better than the target.

4. HOW WE COMPARE

No comparative data is 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. For instance, although the NLRB completes employee elections 40-45 days after the petition is filed, it conducts on-site elections. ERB lacks the personnel and funding to conduct on-site elections. As a consequence, ERB conducts elections by mail which adds at least two to three weeks to the process.

5. FACTORS AFFECTING RESULTS

Incomplete paperwork and inaccurate information from the parties can delay processing a petition.

6. WHAT NEEDS TO BE DONE

A new Elections Coordinator took over at the end of FY 12 after the previous incumbent, who had been with the agency for more than 20 years, retired. The coordinator will continue to work closely with petitioners to obtain the information and paperwork necessary to process uncontested cases in an efficient and timely manner. In addition, the agency will continue to look for options and efficiencies to further enhance the program.

7. ABOUT THE DATA

The reporting cycle is fiscal year. Reports are compiled from an agency database that was designed to ensure accuracy and consistency of information.

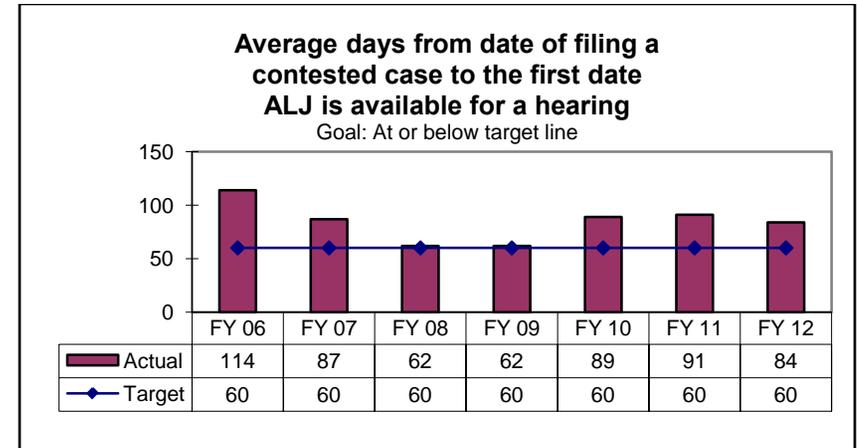
Agency Mission: The mission of the Employment Relations Board is to resolve disputes concerning labor and employment relations.

KPM #2a	ADMINISTRATIVE LAW JUDGE (ALJ) HEARINGS Average number of days from the date of filing of a contested case to the first date an ALJ is available to hear the case.	Measure since: 2006
Goal	#2 – To timely process complaints and appeals.	
Oregon Context	Mission.	
Data source	Data is counted in the year ALJ is first available.	
Owner	Hearings Office: Susan Rossiter, Board Chair, 503-378-3807	

1. OUR STRATEGY

The agency goal is to conduct contested case hearings promptly after a case is filed. The administrative law judges (ALJs) will continue to schedule and hold hearings as quickly as calendars and the availability of parties and witnesses allow.

Agency constituents are state and local governments and their employees covered by the Public Employee Collective Bargaining Act (PECBA), and the State and its employees covered by the State Personnel Relations Law. Private sector employers and employees who are exempt from the National Labor Relations Act can also file cases with the Board.



2. ABOUT THE TARGETS

The average number of days to the first date an ALJ is available for a hearing should be at or below the target. The sooner an ALJ is available and a hearing is held, the faster a case can be resolved. The targets are based on history, staffing, and the needs of the agency and its constituents.

3. HOW WE ARE DOING

The agency’s performance has improved in this area. In FY 12, it took 24 days (40%) longer than the 60-day target, an improvement of 12% compared to FY 11. The agency expects to see continued improvement in this area for FY 13.

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 two factors that have the greatest impact on performance results are personnel changes and increased caseload. During FY 09, the agency had only two ALJs. In mid-2010, a third ALJ was hired, but it can take up to two years for an ALJ to become fully conversant on the statutes and case precedent. In addition, staff time was reduced by furlough days. Once again, a backlog accrued. The agency expects performance to improve now that the newest ALJ is trained and up to speed.

In difficult economic periods such as this, labor relations disputes increase. The number of cases filed with the agency has steadily increased over the last several years, with 158 new cases filed in FY 12, a 13% increase (18 cases) over FY 11. Compared to FY 09, this is an increase of 46 cases (41%), and an increase of 67 cases from FY 07 (74%).

6. WHAT NEEDS TO BE DONE

As the backlog decreases, the agency expects performance to improve. The agency will make every effort to minimize the impact of furlough days, to streamline processing, and to find efficiencies.

7. ABOUT THE DATA

The reporting cycle is fiscal year. Data is compiled from an agency database that was designed to ensure accuracy and consistency of information.

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

KPM #2b	ADMINISTRATIVE LAW JUDGE HEARINGS Average number of days from the date of filing of a contested case to the actual date of the hearing.	Measure since: 2006
Goal	#2 – To timely process complaints and appeals.	
Oregon Context	Mission.	
Data source	Data is counted in the year in which the first day of hearing is held.	
Owner	Hearings Office: Susan Rossiter, Board Chair, 503-378-3807	

1. OUR STRATEGY

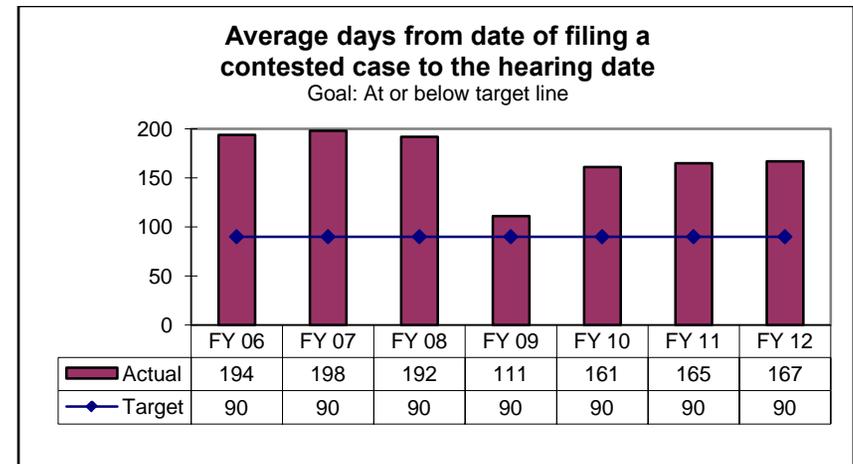
The administrative law judges (ALJs) will continue to schedule and hold hearings as quickly as calendars and the availability of parties and witnesses allow.

Agency constituents are state and local governments and their employees covered by the Public Employee Collective Bargaining Act (PECBA), and the State and its employees covered by the State Personnel Relations Law. Private sector employers and employees who are exempt from the National Labor Relations Act can also file cases with the Board.

2. ABOUT THE TARGETS

The sooner a hearing is held, the faster a case can be resolved. The average number of days from filing to the hearing date should be at or below the target. The targets are based on history and the needs of the agency and the agency’s constituents.

The first date an ALJ is available to hear a case (KPM 2a) is a more accurate measurement of workload and efficiency. The actual date a hearing is held can be affected by the parties’ availability, on-going settlement negotiations between the parties, and other factors beyond the control of the ALJ.



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

3. HOW WE ARE DOING

The agency's performance deteriorated slightly each of the last three fiscal years. In FY 12, it took 77 days (85%) longer than the 90-day target. In FY 11, it took 75 days (83%) longer, and in FY 10, the agency missed the target by 71 days (79%). In FY 09, with three experienced ALJs, the agency missed the target by only 21 days (23%). If caseload continues to increase, the agency anticipates the number of days to the first hearing will remain above the target.

4. HOW WE COMPARE

No comparative data is available.

5. FACTORS AFFECTING RESULTS

The date a hearing is held is affected by the parties and witnesses' availability, on-going settlement negotiations between the parties, and other factors beyond the control of the ALJ. Agency restrictions on ALJ travel cause further delays in setting hearing dates. Parties must find adequate time for themselves and their witnesses to travel to Salem for the hearing. Before the travel restrictions, ALJs traveled to the community where the dispute arose. Under the restrictions, ALJs are allowed to travel only for state cases and in instances when conducting the hearing in Salem would cause irreparable harm to a community as, for example, if all the police officers in a community would otherwise have to travel to Salem to testify at a hearing. This travel restriction provides the ALJs with more time to conduct hearings and write recommended orders, but it can delay the start of the hearing and cause other problems for both staff and the parties.

Staffing levels and expertise along with increased caseloads also impact performance. During FY 09, the agency had only two ALJs. In mid-2010, a third ALJ was hired, but it can take up to two years for an ALJ to become fully conversant with the statutes and case precedent. In addition, staff time was reduced by furlough days. The agency expects performance to improve now that the new ALJ is trained and up to speed.

Difficult economic periods such as this tend to increase labor relations disputes. Over the last several years, the number of cases filed has steadily increased. In FY 12, 158 new cases were filed. That is a 13% increase (18 cases) over the number of new cases filed in FY 11. However, it is an increase of 46 cases (41%) filed compared to FY 09 and 67 cases (74%) compared to FY 07.

6. WHAT NEEDS TO BE DONE

ALJs will schedule and hold hearings as quickly as calendars allow. The agency expects performance to improve now that the newest ALJ is trained and up to speed. Staff will also explore ways to persuade parties to expedite scheduling of hearings.

7. ABOUT THE DATA

The reporting cycle is fiscal year. Data is compiled from an agency database that was designed to ensure accuracy and consistency of information.

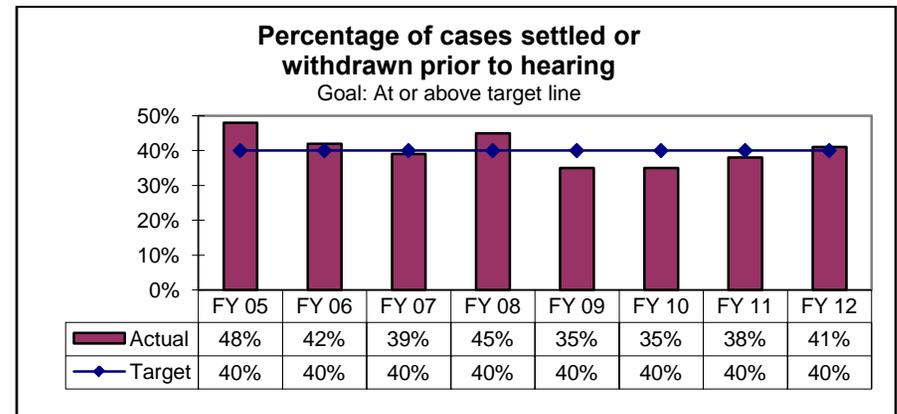
Agency Mission: The mission of the Employment Relations Board is to resolve disputes concerning labor and employment relations.

KPM #3	SETTLING CASES Percentage of cases assigned to an administrative law judge 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 administrative law judge that are settled or withdrawn prior to hearing. Excludes uncontested representation cases.	
Owner	Hearings Office: Susan Rossiter, Board Chair, 503-378-3807	

1. OUR STRATEGY

As cases are filed, administrative law judges (ALJs) investigate the case and, when appropriate, work with the parties and encourage them to reach a mutually agreeable settlement without a contested case hearing.

Agency constituents are state and local governments and their employees covered by the Public Employee Collective Bargaining Act (PECBA), and the State and its employees covered by the State Personnel Relations Law. Private sector employers and employees who are exempt from the National Labor Relations Act can also file cases with the Board.



2. ABOUT THE TARGETS

Settling cases without a hearing is more efficient and economical. It saves the taxpayers and all the parties time and money. The percentage of cases settled or withdrawn prior to hearing should come in at or above the target. The target was based on past performance.

3. HOW WE ARE DOING

The ALJs settled 41% of their cases in FY 12, slightly better than its goal of 40%. This is an improvement over FY 11, when the ALJs settled 38% of their cases.

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 parties are in sole control of whether a settlement occurs. The ongoing economic downturn makes settlement more difficult. Some of the factors include, but are not limited to, budget shortfalls, salary freezes, furlough days, and the rising cost of health insurance. Disagreements on such issues are complicated and difficult to resolve. In addition, agency staff time was reduced by furlough days.

In difficult economic periods such as this, labor relations disputes increase. The number of cases filed with the agency has steadily increased over the last several years, with 158 new cases filed in FY 12, a 13% increase (18 cases) over FY 11. Compared to FY 09, this is an increase of 46 cases (41%), and an increase of 67 cases from FY 07 (74%).

6. WHAT NEEDS TO BE DONE

ALJs will continue to facilitate mutually agreeable settlements prior to hearing when possible and appropriate.

7. ABOUT THE DATA

The reporting cycle is fiscal year. Data is compiled from an agency database that was designed to ensure accuracy and consistency of information.

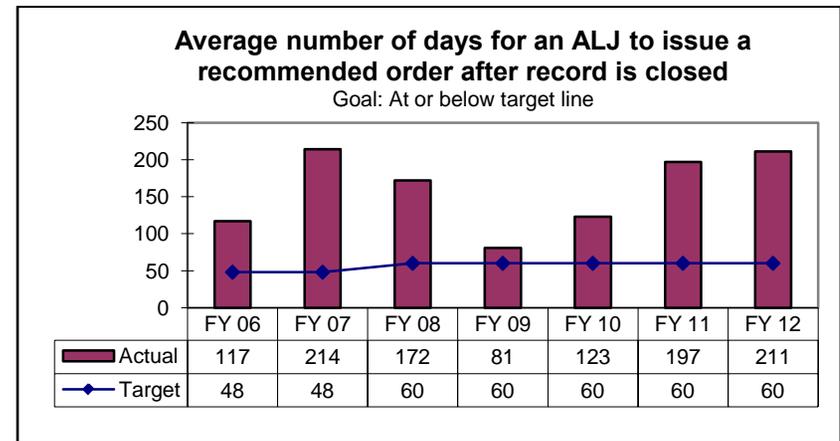
Agency Mission: The mission of the Employment Relations Board is to resolve disputes concerning labor and employment relations.

KPM #4	RECOMMENDED ORDERS Average number of days for an administrative law judge to issue a recommended order after the record in a contested case hearing is closed.	Measure since: 2001
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	Hearings Office: Susan Rossiter, Board Chair, 503-378-3807	

1. OUR STRATEGY

The agency’s goal is to produce a recommended order as quickly as possible after the hearing ends. The agency is committed to providing time for the administrative law judges (ALJs) to write their recommended orders and will continue restrictions on travel as long as needed.

Agency constituents are state and local governments and their employees covered by the Public Employee Collective Bargaining Act (PECBA), and the State and its employees covered by the State Personnel Relations Law. Private sector employers and employees who are exempt from the National Labor Relations Act can also file cases with the Board.



2. ABOUT THE TARGETS

The average number of days it takes an ALJ to issue a recommended order after the close of record should be at or below the target. A prompt decision by an ALJ helps prevent work stoppages, reduces workplace disruption, saves taxpayers money, and increases productivity.

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

3. HOW WE ARE DOING

In FY 12, the ALJs missed the target by 151 days (252%). Due to personnel changes and increased workload, the agency has once again accrued a backlog of cases. During FY 2012, however, 16 old cases were resolved. It took more than 200 days to issue a recommended order in 10 of these cases, and that is reflected in the statistics for this year. In three cases, over 200 days have elapsed since the close of record. Recommended orders in the cases should be issued by mid-September.

4. HOW WE COMPARE

There is no comparative data available.

5. FACTORS AFFECTING RESULTS

The three main factors affecting performance are the economic crisis, an increased caseload, and personnel changes. The difficult economic and budget conditions in place for several years result in cases that have become more complex and disputes that have become more difficult to resolve because of salary freezes, furlough days, the rising cost of health insurance, and other factors beyond the agency's control.

In addition, difficult economic conditions tend to increase labor relations disputes. Over the last several years, the number of cases filed has steadily increased. In FY 12, 158 new cases were filed. That is a 13% increase (18 cases) over the number of new cases filed in FY 11. However, it is an increase of 46 cases (41%) filed compared to FY 09 and 67 cases (74%) compared to FY 07.

Staffing levels and expertise along with increased caseloads also impact performance. During FY 09, the agency had only two ALJs. In mid-2010, a third ALJ was hired, but it can take up to two years for an ALJ to become fully conversant with the statutes and case precedent. In addition, staff time was reduced by furlough days. The agency expects performance to improve and the backlog to be eliminated now that the new ALJ is trained and up to speed.

6. WHAT NEEDS TO BE DONE

The ALJs will prioritize their caseload to provide time after hearings to write recommended orders. The Board chair is closely monitoring workloads and, when necessary, assigning due dates for recommended orders to be issued. The agency expects to see considerable improvement in the length of time it takes to issue a recommended order.

7. ABOUT THE DATA

The reporting cycle is fiscal year. Data is compiled from an agency database that was designed to ensure accuracy and consistency of information.

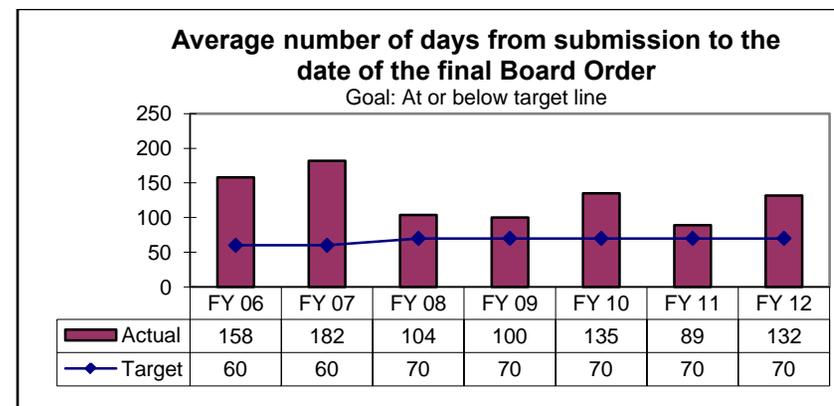
Agency Mission: The mission of the Employment Relations Board is to resolve disputes concerning labor and employment relations.

KPM #5	FINAL BOARD ORDERS	Measure since: 2001
	Average number of days from submission of a case to the Board until issuance of a final order.	
Goal	#2 – To timely process complaints and appeals.	
Oregon Context	Mission.	
Data source	A case is submitted after oral argument or on the 15 th day after the recommended order is issued if there are no objections. Uncontested representation petitions are considered submitted on the date filed.	
Owner	Board: Susan Rossiter, Board Chair, 503-378-3807	

1. OUR STRATEGY

A case is not complete until the Board issues a final order. Board members will continue to work collaboratively to maximize individual expertise and knowledge to expedite completion of final Board Orders.

Agency constituents are state and local governments and their employees covered by the Public Employee Collective Bargaining Act (PECBA), and the State and its employees covered by the State Personnel Relations Law. Private sector employers and employees who are exempt from the National Labor Relations Act can also file cases with the Board.



2. ABOUT THE TARGETS

The average number of days should come in at or below the target. Delays in cases involving back pay can increase the costs to public employers and to the taxpayers. Faster resolution reduces workplace disruption, saves taxpayers money, increases productivity, and ensures that employees promptly receive the rights they are entitled to under the law. Targets are based on history, staffing, and the needs of our constituents.

3. HOW WE ARE DOING

The agency’s performance has deteriorated in this category and it took 62 days (89%) longer than the goal to issue final orders. Due to personnel changes, the Board accrued a backlog of cases. During FY 2012, however, nine old cases were resolved, and that is reflected in the statistics for this year. In only one case have over 200 days elapsed from the date the case was submitted. The final order will be issued within the next few weeks.

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 three main factors affecting performance are the economic crisis, increased caseload, and personnel changes. The difficult economic and budget conditions in place for several years have had a negative impact on labor relations, and cases have become more complex and disputes more difficult to resolve because of furlough days, salary freezes, the rising cost of health insurance, and other factors beyond the agency's control.

In addition, difficult economic conditions tend to increase labor relations disputes. Over the last several years, the number of cases filed has steadily increased. In FY 12, 158 new cases were filed. That is a 13% increase (18 cases) over the number of new cases filed in FY 11. However, it is an increase of 46 cases (41%) filed compared to FY 09 and 67 cases (74%) compared to FY 07.

Staffing levels and expertise also impact performance. During FY 2012, there were substantial changes in the membership of the Board. One member retired and a new Board Chair was designated. The third Board member was not reappointed, which affected performance during the last six months of the biennium. A third Board member was appointed by the Governor effective July 1, 2012.

Also, the Board chair had to spend considerably more time on administrative duties, such as budget issues, and all Board members have assisted the ALJs when necessary, taking them away from their Board member duties.

6. WHAT NEEDS TO BE DONE

Board members will continue to work collaboratively to maximize individual expertise and knowledge to expedite completion of final Board Orders, to clear up the backlog, and to ensure no additional backlog of cases accrues.

7. ABOUT THE DATA

The reporting cycle is fiscal year. Data is compiled from an agency database that was designed to ensure accuracy and consistency of information.

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

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	Board: Susan Rossiter, Board Chair, 503-378-3807	

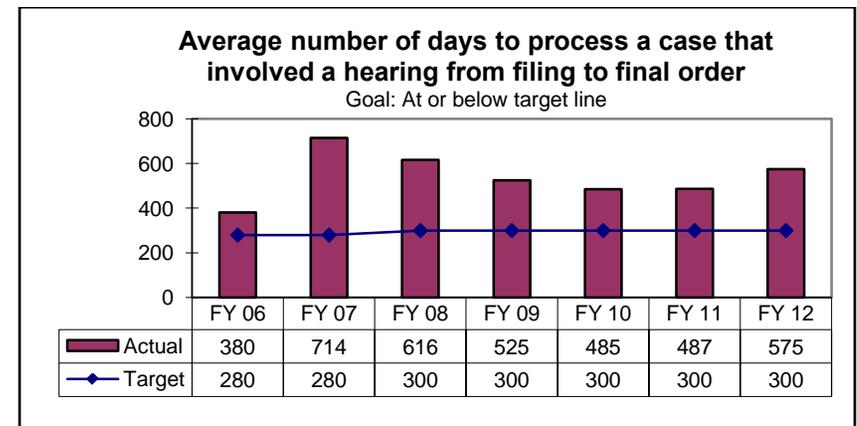
1. OUR STRATEGY

The agency’s goal is to reduce the time it takes to process a case from start to finish. Agency activities designed to reduce delays will continue and, as opportunities arise, new approaches will be developed so the agency can deliver more timely results.

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

Agency constituents are state and local governments and their employees covered by the Public Employee Collective Bargaining Act (PECBA), and the State and its employees covered by the State Personnel Relations Law. Private sector employers and employees who are exempt from the National Labor Relations Act can also file cases with the Board.

Agency constituents are state and local governments and their employees covered by the Public Employee Collective Bargaining Act (PECBA), and the State and its employees covered by the State Personnel Relations Law. Private sector employers and employees who are exempt from the National Labor Relations Act can also file cases with the Board.



2. ABOUT THE TARGETS

The average number of days should be at or below the target. Delays in processing cases involving back pay can increase the costs to public employers and to the taxpayers. Faster resolution helps prevent work stoppages, reduces workplace disruption, saves taxpayers money, increases productivity, and ensures that employees promptly receive the rights they are entitled to under the law.

3. HOW WE ARE DOING

In FY 12, the average number of days to process a case from filing to final order increased considerably (88 days) over FY 11 and was 275 days above the goal. However, this statistic reflects a reduction in the backlog of cases the agency had accrued. There are still a few cases remaining in the backlog, which will be reflected in FY 13 performance statistics.

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 difficult economic and budget conditions in place for several years have had a negative impact on labor relations, and cases have become more complex and disputes more difficult to resolve because of furlough days, salary freezes, the rising cost of health insurance, and other factors beyond the agency's control.

Difficult economic conditions tend to increase labor relations disputes. Over the last several years, the number of cases filed has steadily increased. In FY 12, 158 new cases were filed. That is a 13% increase (18 cases) over the number of new cases filed in FY 11. However, it is an increase of 46 cases (41%) filed compared to FY 09 and 67 cases (74%) compared to FY 07.

Staffing levels and expertise also impact performance. During FY 09, the agency had only two ALJs. In mid-2010, a third ALJ was hired, but it can take up to two years for an ALJ to become fully conversant with the statutes and case precedent. In addition, during FY 2012 there were substantial changes in the membership of the Board. One member retired and a new Board Chair was designated. The third Board member was not reappointed, which affected performance during the last six months of the biennium. A third Board member was appointed by the Governor effective July 1, 2012.

6. WHAT NEEDS TO BE DONE

Agency activities designed to reduce delays will continue and, as opportunities arise, new approaches will be developed so the agency can deliver more timely results. The agency will make every effort to reduce both the current and any future backlog of cases. The agency expects performance to improve now that the newest ALJ is trained and up to speed.

The agency will form a task force consisting of staff and stakeholders to examine the administrative rules for contested cases and recommend changes. Of particular concern to the group will be changes that will reduce the length of time to process a case.

7. ABOUT THE DATA

The reporting cycle is fiscal year. Data is compiled from an agency database that was designed to ensure accuracy and consistency of information. The data are reported when a case is complete.

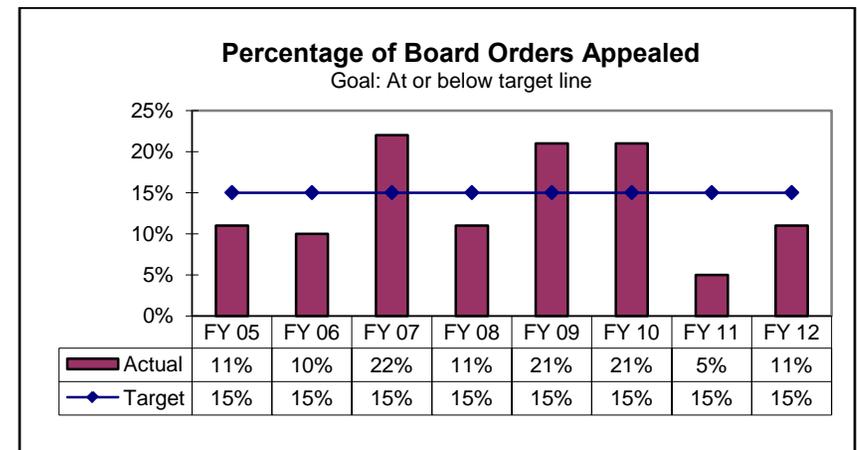
Agency Mission: The mission of the Employment Relations Board is to resolve disputes concerning labor and employment relations.

KPM #7a	APPEALS Percentage of Board Orders which are appealed.	Measure since: 2004
Goal	#3 – To determine the parties and Court of Appeals' acceptance of Board decisions.	
Oregon Context	Mission.	
Data source	Data is reported for year the appeal is filed. Percentages are based on the number of Board Orders issued that year.	
Owner	Board: Susan Rossiter, Board Chair, 503-378-3807	

1. OUR STRATEGY

Parties have a right to appeal their cases to the Court of Appeals 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.

Agency constituents are state and local governments and their employees covered by the Public Employee Collective Bargaining Act (PECBA), and the State and its employees covered by the State Personnel Relations Law. Private sector employers and employees who are exempt from the National Labor Relations Act can also file cases with the Board.



2. ABOUT THE TARGETS

The Board has no control over the number of appeals filed. The number of appeals does, however, indicate to some extent the labor-management community's acceptance of the Board's decisions. However, the number of cases affirmed on appeal (KPM 7b) is a better measure of the Board's skill and effectiveness.

The number of appeals filed should come in at or below the target. Targets are based on history and the needs of our constituents.

3. HOW WE ARE DOING

The parties appealed 11% of the agency's decision in FY 12, which is better than the target of 15%.

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 difficult economic and budget conditions in place for several years have had a negative impact on labor relations. Cases have become more complex and disputes more difficult to resolve. Such factors include furlough days, salary freezes, the rising cost of health insurance, and other factors beyond the agency's control.

Staffing levels and expertise also impact this measure. During FY 2012 there were substantial changes in the membership of the Board. One member retired and a new Board Chair was designated. The third Board member was not reappointed. A third Board member was appointed by the Governor effective July 1, 2012.

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 judicial scrutiny on appeal.

7. ABOUT THE DATA

The reporting cycle is fiscal year. Data is compiled from an agency database that was designed to ensure accuracy and consistency of information.

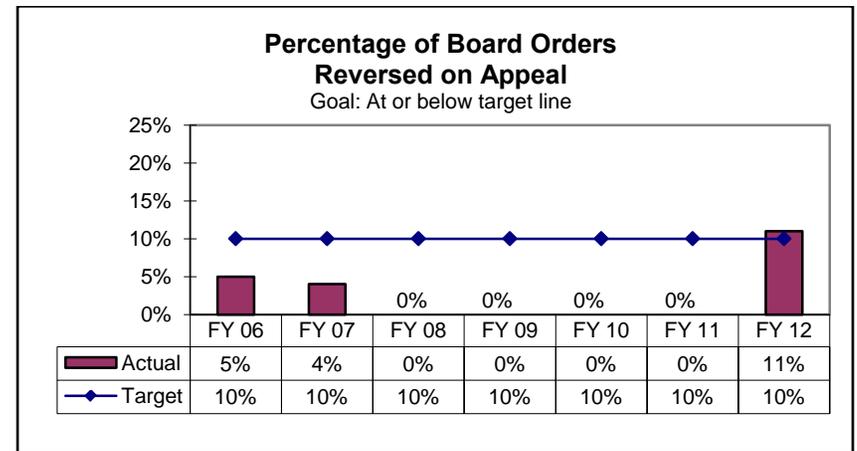
Agency Mission: The mission of the Employment Relations Board is to resolve disputes concerning labor and employment relations.

KPM #7b	APPEALS Percentage of Board Orders which are reversed on appeal.	Measure since: 2004
Goal	#3 – To determine the parties’ and Court of Appeals’ acceptance of Board’s decisions.	
Oregon Context	Mission.	
Data source	Data is reported for year the judgment is received. Percentages are based on the number of Board Orders issued that year.	
Owner	Board: Susan Rossiter, Board Chair, 503-378-3807	

1. OUR STRATEGY

Parties have a right to appeal their cases to the Court of Appeals 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 court.

Agency constituents are state and local governments and their employees covered by the Public Employee Collective Bargaining Act (PECBA), and the State and its employees covered by the State Personnel Relations Law. Private sector employers and employees who are exempt from the National Labor Relations Act can also file cases with the Board.



2. ABOUT THE TARGETS

The number of cases reversed on appeal should be at or below target. The Board has no control over the number of appeals filed. However, the number of cases affirmed is a measure of the Board’s skill and effectiveness.

3. HOW WE ARE DOING

The agency missed its target for FY 12 by 10%. Eight cases were decided by the upper courts; four were reversed and remanded and four were affirmed or dismissed.

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 difficult economic and budget conditions in place for several years have had a negative impact on labor relations. Cases have become more complex and disputes more difficult to resolve. Such factors include furlough days, salary freezes, the rising cost of health insurance, and other factors beyond the agency's control.

Staffing levels and expertise also impact this measure. During FY 2012 there were substantial changes in the membership of the Board. One member retired and a new Board Chair was designated. The third Board member was not reappointed. A third Board member was appointed by the Governor effective July 1, 2012.

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 judicial scrutiny on appeal.

7. ABOUT THE DATA

The reporting cycle is fiscal year. Data is compiled from an agency database that was designed to ensure accuracy and consistency of information.

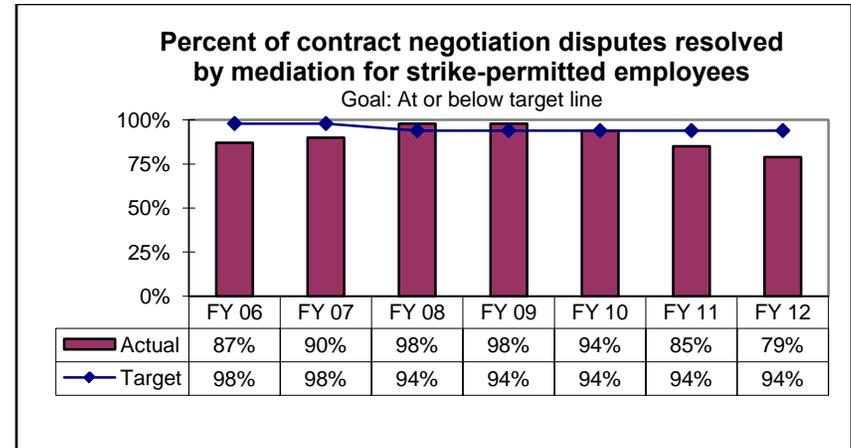
Agency Mission: The mission of the Employment Relations Board is to resolve disputes concerning labor and employment relations.

KPM #8a	MEDIATION EFFECTIVENESS Percentage of contract negotiations disputes that are resolved by mediation for strike-permitted 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. It includes settlements before or after impasse <i>but</i> prior to an employee strike or the employer’s unilateral implementation of its final offer.	
Owner	Conciliation: Robert Nightingale, State Conciliator, 503-378-6473	

1. OUR STRATEGY

When parties are unable to agree on terms for a collective bargaining agreement, they generally must engage in mediation with an ERB mediator. The mediator’s goal is to help the parties resolve their dispute. To meet the goal, the agency will continue to work with state and local public employers and unions to mediate collective bargaining disputes.

Agency constituents are state and local governments and their employees covered by the Public Employee Collective Bargaining Act (PECBA), and the State and its employees covered by the State Personnel Relations Law. Private sector employers and employees who are exempt from the National Labor Relations Act can also file cases with the Board.



2. ABOUT THE TARGETS

The percentage of disputes resolved by mediation should be at or above the target. Targets are based on history, staffing, and the needs of our constituents. The goal is to assist public employers and public employee organizations to resolve collective bargaining disputes without strikes thereby preventing injury to the public as well as to governmental agencies and public employees resulting from labor strife.

3. HOW WE ARE DOING

The percentage of contract disputes resolved prior to a strike or the employer’s unilateral implementation of a final offer missed the target by 15% this reporting period.

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 it is not mandatory for clients under federal jurisdiction and some states. In addition, the number of mediators, the authority of the mediator, the number of constituents served, and the geographic area covered are different within each jurisdiction.

5. FACTORS AFFECTING RESULTS

The agency provides mediation services for the parties under its jurisdiction. Mediators help parties reach a contract settlement, but the parties alone control whether a settlement occurs. Many factors that influence settlement are beyond the control of the mediator and parties. Such factors include, but are not limited to, the economy, health insurance costs, local and statewide political trends, and tax revenues.

Because of the current ongoing economic situation, the mediators are helping manage a contentious and difficult situation in all levels of the public sector. In negotiations, employers are proposing to cut programs, lay off employees, and reduce employee wage and benefit packages. Obtaining settlements is more difficult than at any time in recent memory, and timing is crucial to keep both management and labor – and ultimately the public – from irreparable harm.

One mediator position, which became vacant in October 2010, was not filled until January 2012 because of funding issues. The 2011 Legislature allowed a shift in Other Fund resources to ease the funding issue. Having this position vacant put a large burden on the other two mediators. They were conducting as many as four mediations a week, and sometimes two in one day. Because mediation sessions are usually lengthy and not always conducted during an 8:00 to 5:00 work day, three mediations a week is a barely sustainable workload for a full-time mediator. Added to the mediators' burden is the travel time that is often required of their job, since they serve all areas of the state. Filling the third mediator position has eased this burden; however, funding for the position continues to be an issue.

In addition to the above factors, staff time was reduced by mandatory furlough days while, at the same time, the number of cases filed (*i.e.*, the agency's workload) increased.

6. WHAT NEEDS TO BE DONE

The agency will continue its efforts to meet constituent needs and expectations.

7. ABOUT THE DATA

The reporting cycle is fiscal year. Data is compiled from an agency database that was designed to ensure accuracy and consistency of information.

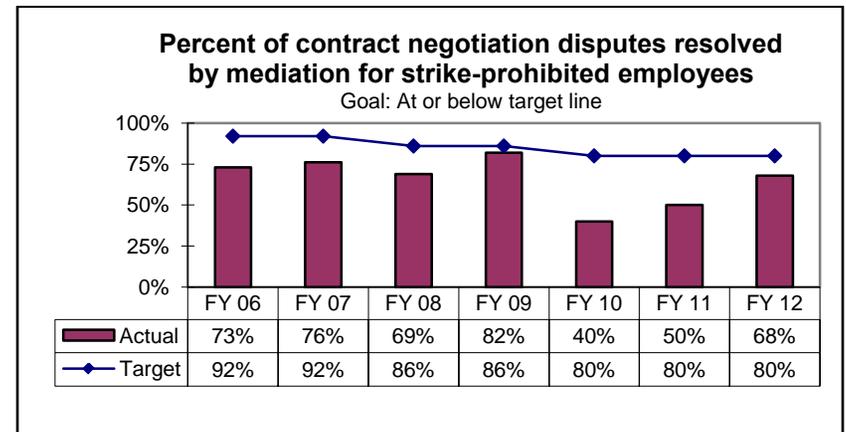
Agency Mission: The mission of the Employment Relations Board is to resolve disputes concerning labor and employment relations.

KPM #8b	MEDIATION EFFECTIVENESS Percentage of contract negotiations disputes that are resolved by mediation 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. It includes settlements before or after an impasse <i>but</i> before a binding interest arbitration award is issued.	
Owner	Conciliation: Robert Nightingale, State Conciliator, 503-378-6473	

1. OUR STRATEGY

The legislature determined that certain employees, including police, fire, and corrections, should not be allowed to strike. Instead, they engage in interest arbitration if mediation is unsuccessful. The agency’s goal is to resolve bargaining disputes in mediation so that interest arbitration is unnecessary. The agency will continue to work with state and local public employers and unions to mediate collective bargaining disputes and provide training in collaborative bargaining processes and other forms of alternative dispute resolution.

Agency constituents are state and local governments and their employees covered by the Public Employee Collective Bargaining Act (PECBA). Private sector employers and employees who are exempt from the National Labor Relations Act can also file cases with the Board and use the agency’s mediation service to help them resolve their bargaining disputes.



2. ABOUT THE TARGETS

The percentage of disputes resolved by mediation should be at or above the target. Targets are based on history, staffing, and the needs of our constituents. The goal is to assist public employers and public employee organizations to resolve collective bargaining disputes without interest arbitration.

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

3. HOW WE ARE DOING

Performance in this category has improved since FY 11, but missed the target by 12%. This is an improvement of 18% compared to FY 11. In calendar year 2003, when the state last suffered an economic turndown, only 43% of these disputes were resolved by mediation for strike-prohibited employees.

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, unlike Oregon law, the federal law does not require interest arbitration for public safety employees. Further, mediation is a mandatory step in Oregon's statutory bargaining process but not under the federal bargaining process. In addition, the number of mediators, the authority of the mediator, the number of constituents served, and the geographic area covered are different within each jurisdiction.

5. FACTORS AFFECTING RESULTS

Mediators provide assistance to help parties reach a contract settlement, but the parties are in sole control of whether a settlement occurs. Many factors influencing settlement are outside of the mediator and parties' control. For example, the ongoing economic downturn has led to salary freezes, furlough days, and an increase in the cost of health insurance. Another key factor is timing. Delays can harm both management and labor, and through them, the public. In addition, the agency continues to be hampered by unstable funding. The combination of these factors adversely affects the agency's ability to meet its performance measures.

Because of the current ongoing economic situation, the mediators are helping manage a contentious and difficult situation in all levels of the public sector. In negotiations, employers are proposing to cut programs, lay off employees, and reduce employee wage and benefit packages. Obtaining settlements is more difficult than at any time in recent memory, and timing is crucial to keep both management and labor – and ultimately the public – from irreparable harm.

One mediator position, which became vacant in October 2010, was not filled until January 2012 because of funding issues. The 2011 Legislature allowed a shift in Other Fund resources to ease the funding issue. Having this position vacant put a large burden on the other two mediators. They were conducting as many as four mediations a week, and sometimes two in one day. Because mediation sessions are usually lengthy and not always conducted during an 8:00 to 5:00 work day, three mediations a week is a barely sustainable workload for a full-time mediator. Added to the mediators' burden is the travel time that is often required of their job, since they serve all areas of the state. Filling the third mediator position has eased this burden; however, funding for the position continues to be an issue.

The nature of the interest arbitration process also affects the results. Interest arbitration applies only to groups that are prohibited from striking, such as police, fire, and corrections. Historical data indicate that the threat of proceeding to interest arbitration provides less incentive to settle than the threat of a strike, especially during economic downturns. Interest arbitrators must choose between the employer's and union's final offers. The offers from the employer often do not include salary increases and sometimes

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.

even ask the employees to “give up” something, *e.g.*, pay a portion of the insurance premium. The offers from unions often request increases that public employers believe they cannot afford. As a result, the parties often feel they have nothing to lose by going to interest arbitration.

6. WHAT NEEDS TO BE DONE

The agency will continue its efforts to meet constituent needs and expectations, and will make every effort to minimize the impact of staff cuts and furlough days.

7. ABOUT THE DATA

The reporting cycle is fiscal year. Data is compiled from an agency database that was designed to ensure accuracy and consistency of information.

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

KPM #9a	MEDIATOR AVAILABILITY Average number of days following a request for mediation assistance in contract negotiations to the date a mediator is available to work with the parties.	Measure since: 2006
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	Conciliation: Robert Nightingale, State Conciliator, 503-378-6473	

1. OUR STRATEGY

The goal is to work with the agency’s constituents to schedule mediation sessions as soon as calendars allow.

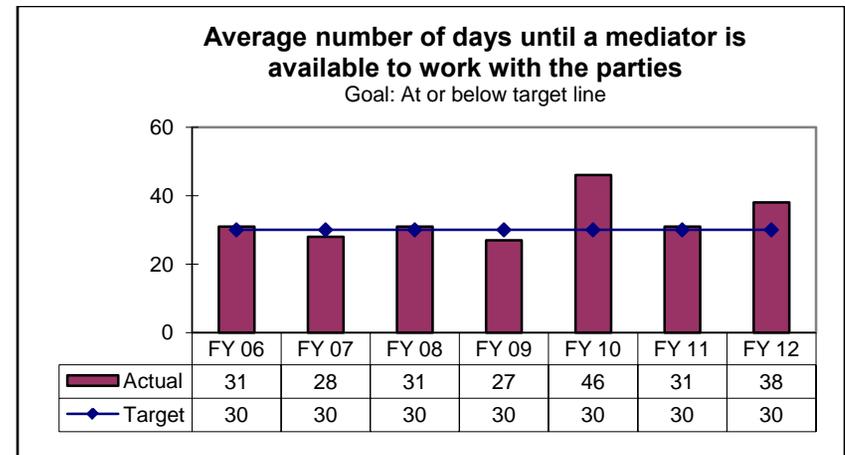
Agency constituents are state and local governments and their employees covered by the Public Employee Collective Bargaining Act (PECBA). Private sector employers and employees who are exempt from the National Labor Relations Act can also file cases with the Board and use the agency’s mediation services to help resolve their bargaining disputes.

2. ABOUT THE TARGETS

Availability of mediators should be at or below the target. The target is based on the agency’s past experience for scheduling meetings within its capacity. These targets do not necessarily meet the needs of our constituents, who would prefer to have mediators available even sooner, but funding and staffing limitations prevent a significantly faster response. Timing is crucial to keep both management and labor from irreparable harm, and through them, the public.

3. HOW WE ARE DOING

In FY 2012, the mediators missed the target by eight days (27%). During the first six months of the fiscal year, there were only two mediators. A third mediator was hired effective January 1, 2012.



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 authority of the mediator, the number of constituents served, and geographic area covered are different within each jurisdiction.

5. FACTORS AFFECTING RESULTS

A number of factors affect the results. The parties served are located throughout Oregon, so travel time must be taken into account in scheduling, and the schedules of the participants in mediation, often including from 10 to 20 people, must also be accommodated.

One mediator position, which became vacant in October 2010, was not filled until January 2012 because of funding issues. The 2011 Legislature allowed a shift in Other Fund resources to ease the funding issue. Having this position vacant put a large burden on the other two mediators. They were conducting as many as four mediations a week, and sometimes two in one day. Because mediation sessions are usually lengthy and not always conducted during an 8:00 to 5:00 work day, three mediations a week is a barely sustainable workload for a full-time mediator. Added to the mediators' burden is the travel time that is often required of their job, since they serve all areas of the state. Filling the third mediator position has eased this burden; however, funding for the position continues to be an issue.

In addition to the above, staff time was reduced by furlough days while, at the same time, the number of cases filed (*i.e.*, the agency's workload) increased. In FY 12, 91 requests for mediation were filed, an increase of 26 requests (38%) compared to FY 11.

6. WHAT NEEDS TO BE DONE

The agency will continue its efforts to meet constituent needs and expectations.

7. ABOUT THE DATA

The reporting cycle is fiscal year. Data is compiled from an agency database that was designed to ensure accuracy and consistency of information.

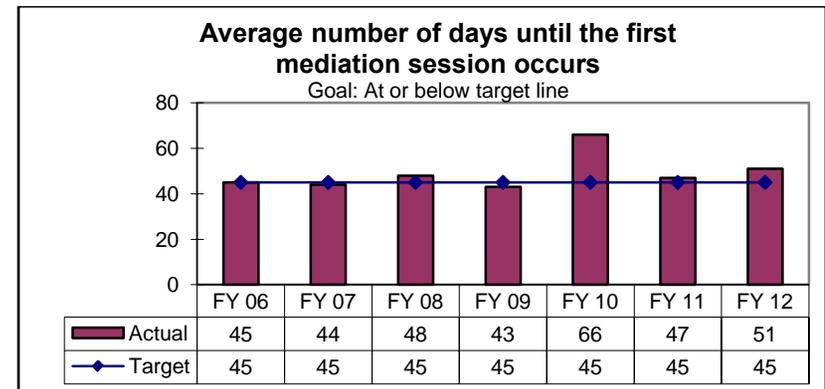
Agency Mission: The mission of the Employment Relations Board is to resolve disputes concerning labor and employment relations.

KPM #9b	MEDIATOR AVAILABILITY Average number of days following a request for mediation assistance in contract negotiations to the date the first mediation session occurs.	Measure since: 2006
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	Conciliation: Robert Nightingale, State Conciliator, 503-378-6473	

1. OUR STRATEGY

The agency’s goal is to work with constituents to hold mediation sessions as soon as calendars allow.

Agency constituents are state and local governments and their employees covered by the Public Employee Collective Bargaining Act (PECBA). Private sector employers and employees who are exempt from the National Labor Relations Act can also file cases with the Board and use the agency’s mediation services to help resolve their bargaining disputes.



2. ABOUT THE TARGETS

The average number of days until the first mediation session occurs should be at or below the target. The target is based on the agency’s past experience for scheduling meetings within its capacity. These targets do not necessarily meet the needs of our constituents, who would prefer to have mediators available even sooner, but funding and staffing limitations prevent a significantly faster response. Timing is crucial to keep both management and labor from irreparable harm, and through them, the public services they provide.

3. HOW WE ARE DOING

In FY 2011, the mediators missed the target by 6 days (13%).

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.

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

In addition, the number of mediators, the authority of the mediator, the number of constituents served, and geographic area covered are different within each jurisdiction.

5. FACTORS AFFECTING RESULTS

A number of factors affect the results. The date the first session is held is affected by the availability of the parties, and the schedules of the participants in mediation, often including from 10 to 20 people, must be accommodated. The parties served are located throughout Oregon, so travel time must be taken into account in scheduling as well.

In addition, one mediator position, which became vacant in October 2010, was not filled until January 2012 because of funding issues. The 2011 Legislature allowed a shift in Other Fund resources to ease the funding issue. Having this position vacant put a large burden on the other two mediators. They were conducting as many as four mediations a week, and sometimes two in one day. Because mediation sessions are usually lengthy and not always conducted during an 8:00 to 5:00 work day, three mediations a week is a barely sustainable workload for a full-time mediator. Added to the mediators' burden is the travel time that is often required of their job, since they serve all areas of the state. Filling the third mediator position has eased this burden; however, funding for the position continues to be an issue.

Staff time was reduced by furlough days while, at the same time, the number of cases filed (*i.e.*, the agency's workload) increased. In FY 12, 91 requests for mediation were filed, an increase of 26 requests (38%) compared to FY 11.

6. WHAT NEEDS TO BE DONE

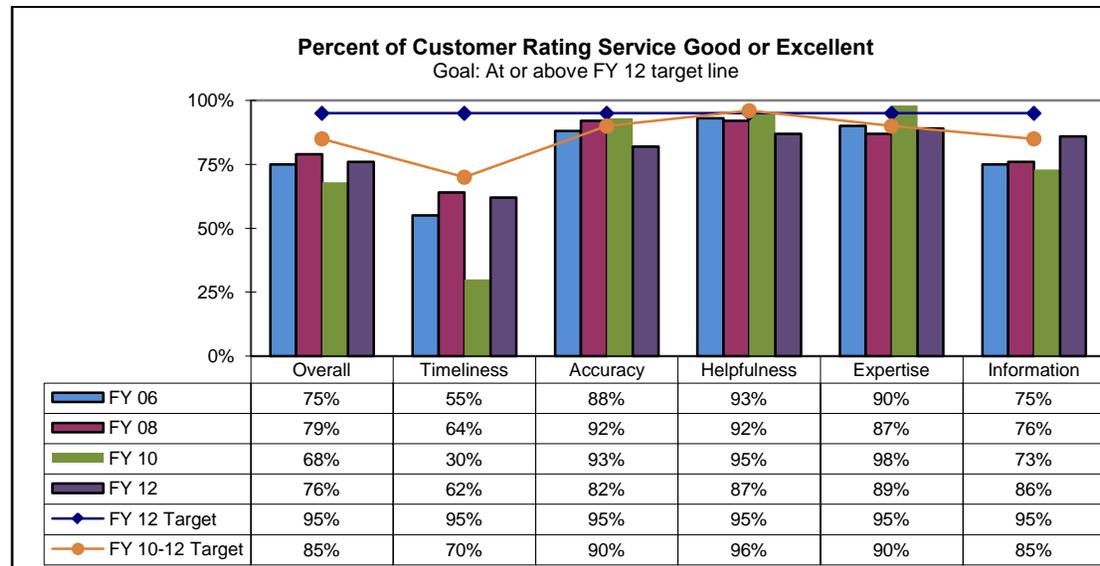
The agency will continue its efforts to meet constituent needs and expectations.

7. ABOUT THE DATA

The reporting cycle is fiscal year. Data is compiled from an agency database that was designed to ensure accuracy and consistency of information.

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

KPM #10	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	Online survey.	
Owner	Board: Susan Rossiter, Board Chair, 503-378-3807	



1. OUR STRATEGY

The agency will continue to emphasize customer service as a priority, and continue ongoing training so staff can learn new skills and keep up to date with the latest developments in their areas of expertise. It will continue to focus on improving timeliness and meeting or exceeding its targets in the other categories.

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

2. ABOUT THE TARGETS

This performance measure was established by the legislature in 2005, and the agency used the information from the first survey (2006) to set targets. The legislature changed those targets in 2011. Data should come in at or above the targets.

The questions in the Customer Satisfaction Survey help the agency evaluate its performance. The comments show the agency areas where improvement is required and provide a better understanding of the needs and wants of agency constituents.

3. HOW WE ARE DOING

The agency did not meet its target in any category. The agency's overall rating was 20% below the target. The ratings declined for Accuracy (93% to 82%), Expertise (98% to 89%), and Helpfulness (95% to 87%) from FY 10, and improved in Timeliness (30% to 62%) and Information Availability (73% to 86%), although still below targets.

Timeliness is an ongoing problem. The agency is reviewing internal procedures and meeting with staff to find efficiencies as well as working with constituents to find ways to streamline processes and procedures.

Comments offered on the survey indicate that the level of staffing and changes in personnel continue to be of concern. Now that the agency is fully staffed, the agency expects to see better ratings.

4. HOW WE COMPARE

There is no comparative data available.

5. FACTORS AFFECTING RESULTS

The three main factors affecting performance are the economic crisis, an increased caseload, and personnel changes. The difficult economic and budget conditions in place for several years result in cases that have become more complex and disputes that have become more difficult to resolve because of salary freezes, furlough days, the rising cost of health insurance, and other factors beyond the agency's control.

In addition, difficult economic conditions tend to increase labor relations disputes. Over the last several years, the number of cases filed has steadily increased. In FY 12, 158 new cases were filed with the Hearings Office and Elections. That is a 13% increase (18 cases) over the number of new cases filed in FY 11. However, it is an increase of 46 cases (41%) filed compared to FY 09 and 67 cases (74%) compared to FY 07. The Conciliation Service Office saw an increase of 26 more mediation requests (38%) compared to FY 11 but one mediator position was vacant for the first six months of the fiscal year.

Inadequate staffing levels are clearly reflected in many of the agency's performance measures. During FY 12, the ALJs and the Board again amassed a backlog of cases and mediators were not available as soon as constituents desired. The poor ratings for timeliness and quality of work are predictable and, at least in part, accurate. Now that staffing is at legislatively authorized levels and new employees at or near optimum level, orders are issued in a more timely manner and mediations are more promptly scheduled.

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.

As an example of the agency's efforts to improve in the area of timeliness, nine final orders were issued in June 2012 – an unprecedented number. With the changes being made in agency operations, it is expected that ratings will improve in the 2014 survey.

6. WHAT NEEDS TO BE DONE

Agency activities designed to reduce delays and increase the quality of work will continue and, as opportunities arise, new approaches developed so the agency can deliver timely and accurate results.

7. ABOUT THE DATA

The 2012 Customer Satisfaction Survey was conducted online between March 16 and April 9, 2012, using an online survey tool called "Survey Monkey." The agency used its mailing lists of constituents, practitioners, and other interested parties, approximately 365 contacts. Forty-eight people participated in the survey, a response rate of 13%. The 2008 and 2010 surveys were also conducted online, and the 2006 survey was conducted by an outside vendor.

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: Susan Rossiter, Board Chair	Phone: 503-378-3807
Alternate: Leann G. Wilcox, Office Administrator	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 achieving 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, evaluation of agency performance, 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>The agency performance measures coordinator (office administrator) attends the performance Measure Roundtables presented by the DAS Budget and Management and Legislative Fiscal performance measures coordinators. This training is on going, and the information is shared with agency staff.</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 receive 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.