

EMPLOYMENT RELATIONS BOARD

Annual Performance Progress Report (APPR)

for Fiscal Year 2014

Original Submission Date: September 2014

2013-15 KPM#	2013-2015 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3	Settling cases – Percentage of cases assigned to an ALJ that are settled or withdrawn prior to hearing.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.

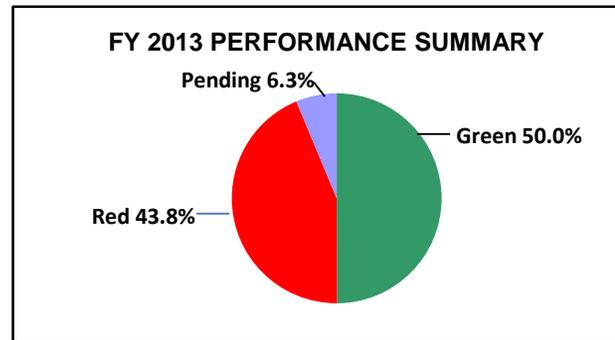
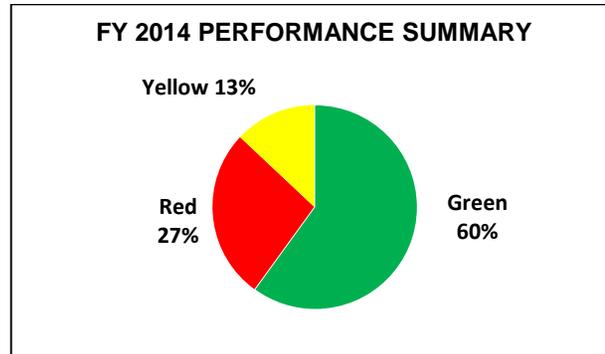
2013-15 KPM#	2013-2015 Key Performance Measures (KPMs)
8b	Mediation effectiveness – Percentage of contract negotiation disputes that are resolved by mediation for strike-prohibited employees.
9a	Mediator availability – Average number of days following a request for mediation assistance in contract negotiations to the date a mediator is available to meet with the parties.
9b	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: Kathryn A. Logan, Board Chair	Phone: 503-378-3807
Alternate: Juril Stover, Office Administrator	Phone: 503-378-8610



Green = Target to -5%

Yellow = Target -6% to -15%

Red = Target >-15%

Pending = Effective FY 14

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

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 is a quasi-judicial body. Similar to 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 easily be measured is timeliness. As a result, many of the agency's performance measures concern timeliness. However, the agency does not control the timelines for some of these performance measures. Consequently, the agency is seeking to eliminate those measures over which we do not have control.

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; reduce workplace disputes and the accompanying costs; and limit 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 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.

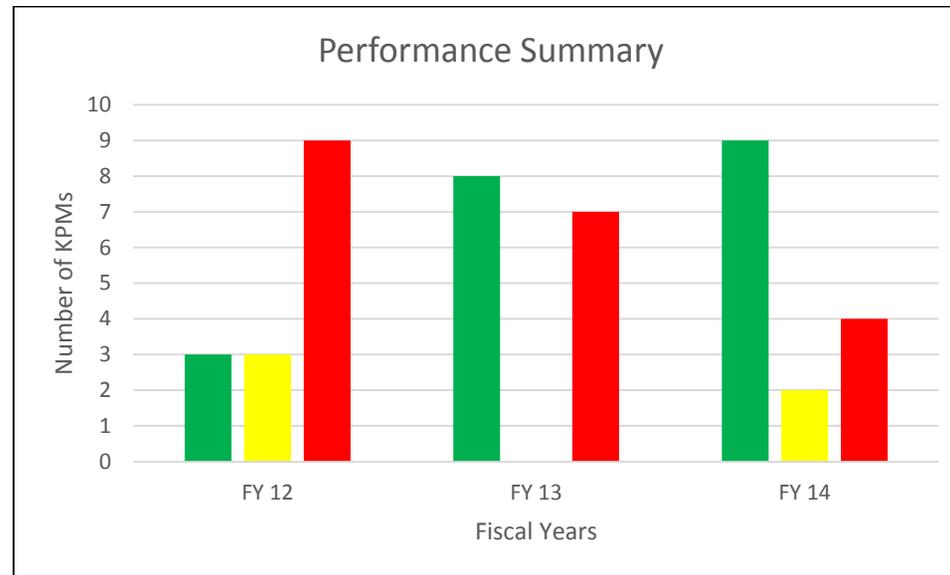
The agency's work supports the state's goal of economic growth. Companies deciding whether to relocate in Oregon, as well as those deciding whether to stay, inevitably consider whether reliable, efficient, high-quality public services exist to support their business.

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

3. PERFORMANCE SUMMARY

As shown by the graph below, the agency has improved its ratings relative to the performance measures for the last three fiscal years. The agency now meets its target for nine measures (“green” category), was close to the target for two measures (“yellow” category), leaving only four measures not met (“red” category). The agency has improved its performance for all of the measures in the red and yellow categories as compared to FY 13.

For the 15-17 biennium, the agency is requesting to revise its performance measures to focus on targets over which the agency has control. This report will reflect the current performance measures, as well as outline the proposed new measures.



4. CHALLENGES

There are challenges faced by the agency over which it has no control. Our case load is driven by public employers, their employees, and labor organizations. For example, in collective bargaining negotiations, the parties alone control whether a settlement occurs. In contested case hearings, scheduling a hearing is affected by the availability of the advocates, parties and witnesses, as well as on-going settlement negotiations between the parties.

Other factors challenging the agency include funding, antiquated data collection methods, and limited personnel.

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- The difficult economic and budget conditions for the past several years have resulted in cases that are more complex and more difficult to resolve because of salary freezes, furlough days, the rising cost of health insurance, and other factors beyond this agency's control. As economic constraints ease, however, cases may remain difficult to resolve as employees try to recoup losses in salary and benefits that occurred during the downturn.
- The agency needs to update and overhaul its case processing and data collection methodology. Much of the work is handled manually, resulting in inefficient time usage and input errors. The agency needs to move to e-filing for cases, and a case management system for our files.
- A budget note in the agency's 2013-15 budget (HB 5010) directed the agency to reinstate administrative law judge travel (ALJ) to local jurisdictions for contested case hearings. This gave the agency a new set of challenges, as the travel equipment necessary for recording hearings was outdated and consistently had problems. This resulted in the agency having trouble meeting specific statutory requirements for making a hearings record. The agency has attempted to minimize the impact of travel on scheduling hearings while still issuing recommended orders in a timely fashion.

The vast majority of the ALJ travel during the 13-15 biennium is for local government cases.

- The questions posed in the customer satisfaction survey generally are not applicable to this agency, resulting in little relevant feedback and skewed results. The inapplicability of the survey yields few results, considering that we received 21 total responses (and not every question was answered) out of 416 surveys sent.

5. RESOURCES USED AND EFFICIENCY

The Legislatively Approved Budget for the 2013-15 biennium is \$4,201,304. The budget provides \$3,565,238 for personal services (approximately 85% of the budget) and \$636,066 for services and supplies.

Under the new Board Chair, the agency is continuing to review its organization, processes, and procedures to streamline work and maximize its resources. It has met with stakeholders on several occasions to solicit suggestions for changes and improvements. Deadlines have been established for issuing recommended orders, and the Board is imposing timelines on itself to produce final orders faster.

In addition, a Rules Advisory Committee was convened and provided recommendations to the Board. The agency has adopted revisions to its contested case rules based the committee's recommendations. Also, a permanent rules advisory committee has been established to assist in reviewing other rules.

The agency continues to monitor and evaluate all business processes for additional efficiencies and cost savings. Because 85% of the agency budget is for personal services, there are no major opportunities to save money.

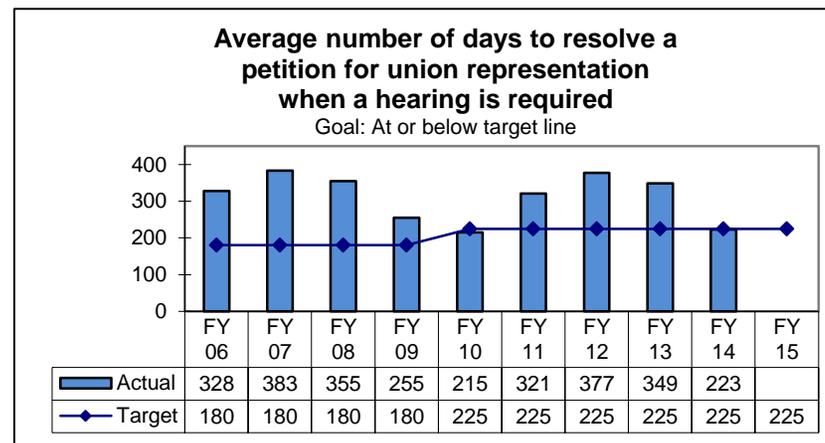
Agency Mission: The mission of the Employment Relations Board is to resolve disputes concerning labor and employment relations.

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: Kathryn A. Logan, Board Chair, 503-378-3807	

1. OUR STRATEGY

The agency goal is to promptly process representation matters and meet its target. The strategy to meet the target 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 most 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

The agency has worked hard to clear the backlog that had accrued. In FY 14, the agency met its target and will continue to make sure these types of cases are given priority.

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 reasonable comparison can be made.

5. WHAT NEEDS TO BE DONE

The ALJs will continue to emphasize resolving contested representation cases in a 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 for issuance of a final order.

6. ABOUT THE DATA

The reporting cycle is by fiscal year. Reports are compiled from an agency database that is kept up to date by the Elections Coordinator.

7. RECOMMENDATION

The agency recommends eliminating this performance measure. Much of the time involved is either not controlled by the agency, or is covered by other performance measures.

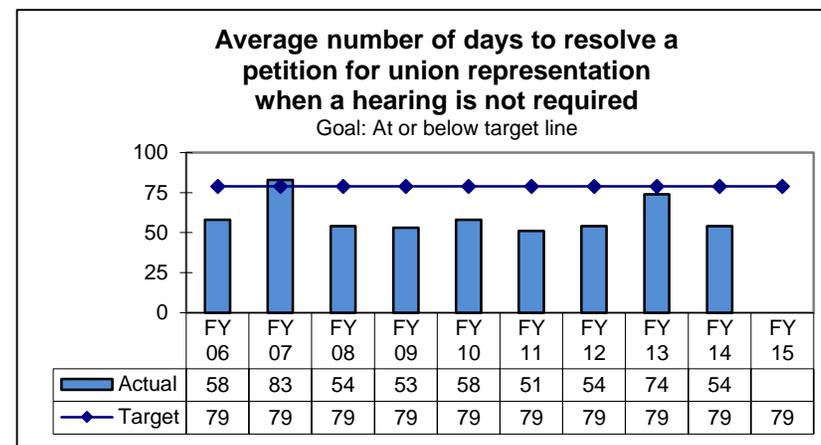
Agency Mission: The mission of the Employment Relations Board is to resolve disputes concerning labor and employment relations.

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: Kathryn A. Logan, Board Chair, 503-378-3807	

1. OUR STRATEGY

The agency goal is to promptly process representation cases. 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.

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 reasonable 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. WHAT NEEDS TO BE DONE

The Elections 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.

6. ABOUT THE DATA

The reporting cycle is fiscal year. Reports are compiled from an agency database that is kept up to date by the Elections Coordinator.

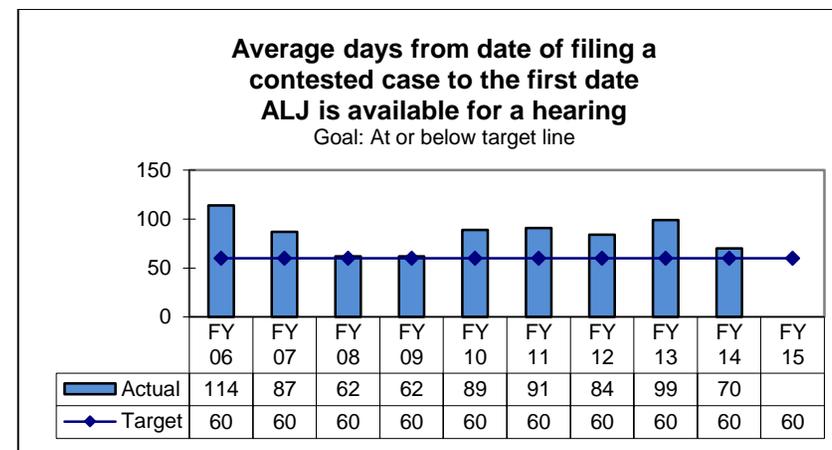
Agency Mission: The mission of the Employment Relations Board is to resolve disputes concerning labor and employment relations.

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: Kathryn A. Logan, 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 provide available hearing dates to the parties based on workload.

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 arguably 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 improved in this area. In FY 14, it took 10 days longer than the 60-day target.

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. WHAT NEEDS TO BE DONE

A budget note in the agency's 2013-15 budget (HB 5010) directed the agency to reinstate administrative law judge travel to local jurisdictions for contested case hearings. Although this will make it easier for the parties, the ALJs will likely have fewer hearing dates available because of the additional time required for travel. The agency will attempt to minimize the impact of travel on scheduling hearings while still issuing recommended orders in a timely fashion. The agency will still continue to track this information internally, but requests to have this KPM removed from reporting requirements.

6. ABOUT THE DATA

The reporting cycle is fiscal year. Data is compiled from an agency database. The agency hopes to improve collection and consistency of this information by installing a case management system that would reduce staff time for compiling data for these types of reports.

7. RECOMMENDATION

The agency recommends eliminating this performance measure, although we will continue to track this data.

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: Kathryn A. Logan, Board Chair, 503-378-3807	

1. OUR STRATEGY

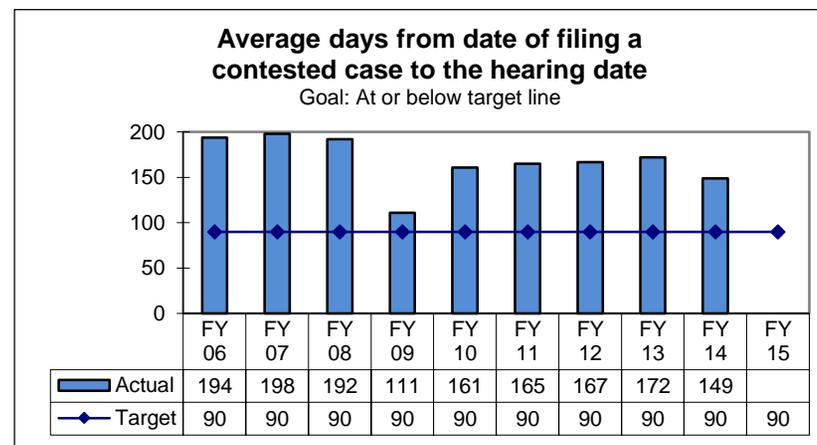
The administrative law judges (ALJs) will continue to schedule and hold hearings as quickly as calendars and the availability of parties and witnesses allow.

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 target is unrealistic based upon the process used by the agency. The parties agree with each other and the ALJ on a hearing date, which may be months after the filing of a contested case. Many times parties do not want to go to hearing quickly, as they need time to investigate a possible settlement. Further, this target would be unreachable even if the ALJ simply set a hearing date. The procedures required to process a case, as well as our limited number of staff, makes this target unreachable.

The first date an ALJ is available to hear a case (KPM 2a) is a somewhat 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 improved in this area. In FY 14, the agency improved by 23 days, although it missed the target by 59 days.

4. HOW WE COMPARE

No comparative data is available.

5. WHAT NEEDS TO BE DONE

ALJs will continue to schedule and hold hearings, subject to the mutual agreement of the parties on a specific hearing date. A budget note in the agency's 2013-15 budget (HB 5010) directed the agency to reinstate administrative law judge travel to local jurisdictions for contested case hearings. Although this will make it easier for the parties to find available dates for a hearing, the ALJs will have fewer hearing dates available because of the additional time required to travel to more distant locations. The agency will make every effort to minimize the impact of travel on scheduling hearings.

6. ABOUT THE DATA

The reporting cycle is fiscal year. Data is compiled from an agency database. The agency hopes to improve collection and consistency of this information by installing a case management system that would reduce staff time for compiling data for these types of reports.

7. RECOMMENDATION

The ALJs schedule their hearings based upon the availability of the parties, witnesses and advocates. In almost all cases, the hearing dates are determined by mutual agreement of the parties rather than the ALJs simply dictating a hearing date. Because the agency uses this process, this performance measure does not generate useful information. The agency recommends that it be eliminated.

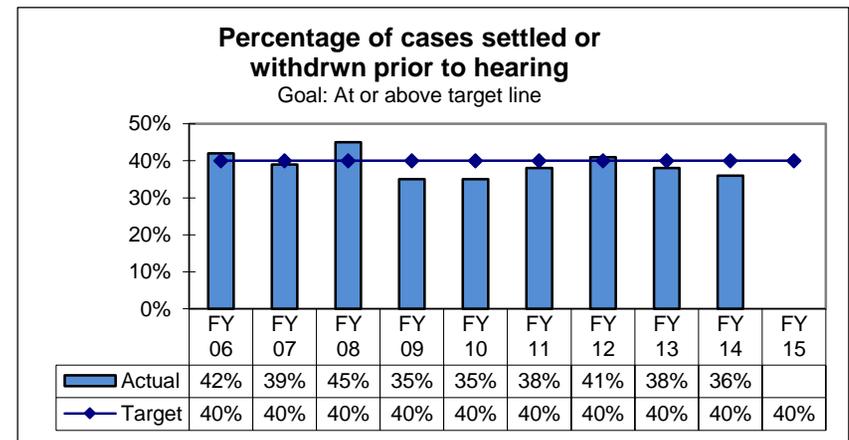
Agency Mission: The mission of the Employment Relations Board is to resolve disputes concerning labor and employment relations.

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: Kathryn A. Logan, 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 to enable 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 as it saves the taxpayers and the parties' time and money. It helps promote good working relationships and reduces workplace disruption caused by the hearings process. The ALJs, however, have no actual control over whether cases settle. The parties must actually resolve the case.

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.

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

3. HOW WE ARE DOING

The ALJs settled 36% of their cases in FY 14, slightly below the goal of 40%, but still within 5%.

4. HOW WE COMPARE

There is no comparative data available.

5. WHAT NEEDS TO BE DONE

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

6. ABOUT THE DATA

The reporting cycle is by fiscal year. Data is compiled from an agency database. The agency hopes to improve collection and consistency of this information by installing a case management system that would reduce staff time for compiling data for these types of reports.

7. RECOMMENDATION

The agency recommends eliminating this performance measure. The agency has no actual control over whether parties resolve their cases prior to hearing. Further, the number of cases settled before hearing does not reflect on the agency's performance. Additionally, cases settle at various points of the process. A calculated number (number of filings in a year minus number of recommended orders) would generate a raw number of cases settled that might be useful. Once an electronic case management system is implemented, this information would be much easier to compile.

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: Kathryn A. Logan, Board Chair, 503-378-3807	

1. OUR STRATEGY

The agency’s goal is to produce a timely recommended order after the hearing closes.

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.

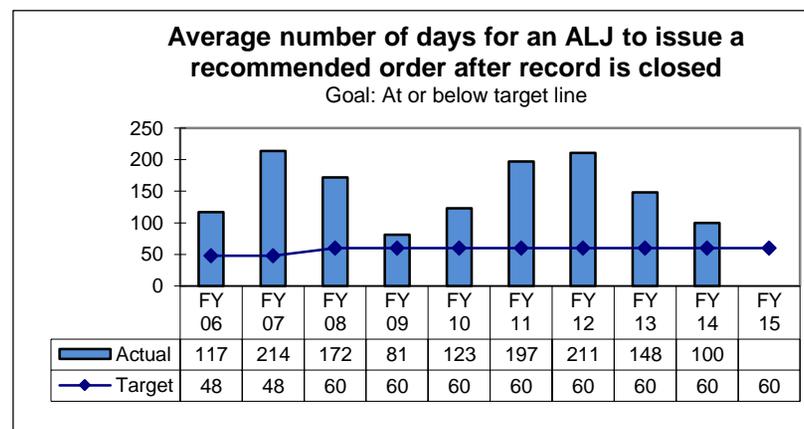
2. ABOUT THE TARGETS

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. However, the target of 60 days is not realistic and needs to be revised

3. HOW WE ARE DOING

In FY 14, the ALJs missed the target by 40 days. This is an improvement of 88 days over FY 13. The agency has worked hard to clear the backlog of cases that had accrued.

This performance measure, as written, is unrealistic. The agency requests that it be revised from 60 days to 110 days in which to issue a recommended order. This is a much more realistic goal, based on caseload, number of ALJs and support staff.



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.

If the target is to remain at 60 days, then the agency will return with a request to hire at least one, if not two, ALJs and an additional legal secretary in order to meet the target.

4. HOW WE COMPARE

There is no comparative data available.

5. WHAT NEEDS TO BE DONE

The Board chair is closely monitoring workloads to ensure timelines are met for issuing recommended orders. Since the last agency report, the internal timelines for issuing recommended orders have been reduced from 150 days to 110 days. As the new ALJs become more versed in their positions, it may be possible to reduce these timelines even more. However, a budget note in the agency's 2013-15 budget (HB 5010) directed the agency to reinstate administrative law judge travel to local jurisdictions for contested case hearings. Travel to outlying regions of the state can add up to two days for a hearing, and at this time, the agency does not know how this will impact the length of time it takes to issue a recommended order.

6. ABOUT THE DATA

The reporting cycle is by fiscal year. Data is compiled from an agency database. The agency hopes to improve collection and consistency of this information by installing a case management system that would reduce staff time for compiling data for these types of reports.

7. RECOMMENDATION

The key performance measure should be adjusted to reflect 110 days rather than 60.

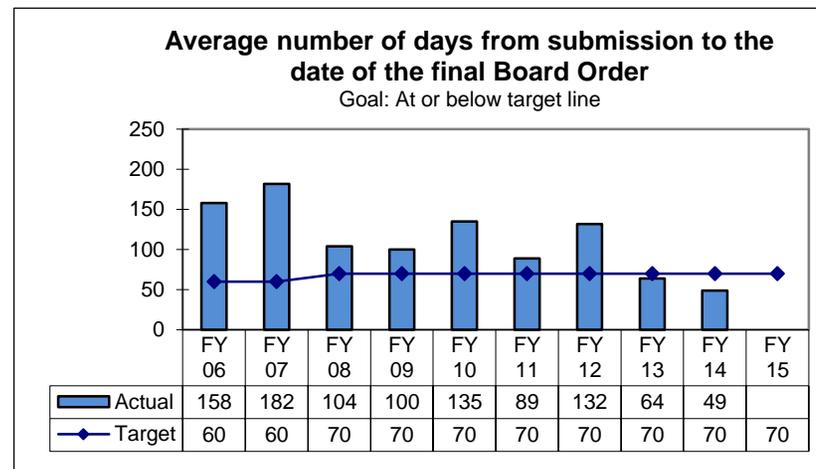
Agency Mission: The mission of the Employment Relations Board is to resolve disputes concerning labor and employment relations.

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: Kathryn A. Logan, 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.

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 improved dramatically in this category. For the second consecutive year, performance exceeded the target. The agency will continue to measure this target, but would like to reduce the target to 60 days.

4. HOW WE COMPARE

There is no comparative data available.

5. 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 and to ensure no new backlog of cases accrues.

6. ABOUT THE DATA

The reporting cycle is by fiscal year. Data is compiled from an agency database. The agency hopes to improve collection and consistency of this information by installing a case management system that would reduce staff time for compiling data for these types of reports.

7. RECOMMENDATION

Reduce the target from 70 days to 60 days.

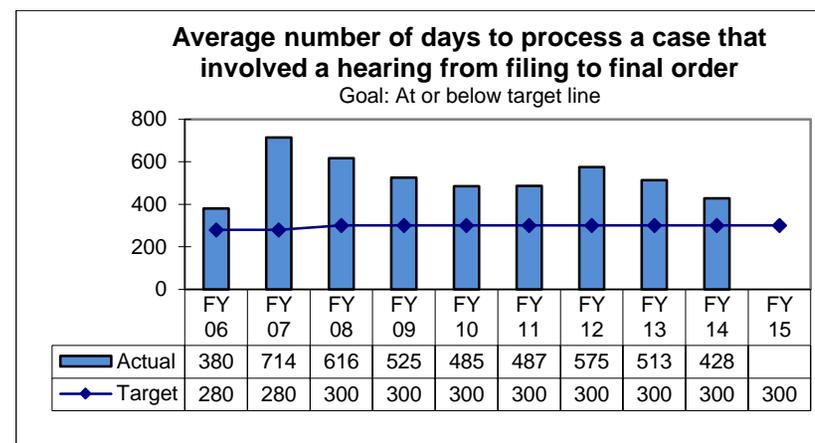
Agency Mission: The mission of the Employment Relations Board is to resolve disputes concerning labor and employment relations.

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: Kathryn A. Logan, 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 timelines captured in other KPMs, but also captures timelines over which the agency has no control.

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

This overall target provides little useful information, and, in fact, provides information from which misleading and inaccurate conclusions may be made. It is the components that make up this target, such as the average number of days from filing to the first date an ALJ is available for hearing, average number of days to issue the recommended order after the record is closed, and the average number of days from submission to the Board to issuance of the final order, that provide information as to the timeliness of the agency.

While the average number of days should be at or below the target, the agency has improved from FY 13. Delays in processing cases involving back pay can increase the costs to public employers and to the taxpayers. Faster resolution helps prevent work

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.

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 14, the average number of days to process a case from filing to final order decreased significantly (85 days) over FY 13 but was still 128 days over the target.

4. HOW WE COMPARE

There is no comparative data available.

5. WHAT NEEDS TO BE DONE

The agency will continue to monitor the timelines over which it has some control.

6. ABOUT THE DATA

The reporting cycle is by fiscal year. Data is compiled from an agency database. The agency hopes to improve collection and consistency of this information by installing a case management system that would reduce staff time for compiling data for these types of reports.

7. RECOMMENDATION

The agency requests that this be dropped as a key performance measure as the agency has little to no control over substantial periods of time throughout the process. Further, the number produced by this performance measure provides little, if any, meaningful information about the agency's performance.

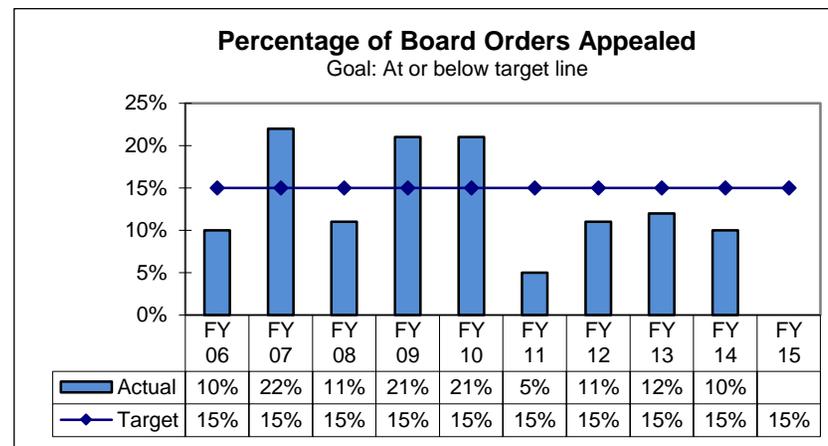
Agency Mission: The mission of the Employment Relations Board is to resolve disputes concerning labor and employment relations.

KPM #7a	APPEALS Percentage of Board Orders that 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: Kathryn A. Logan, 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 the orders 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 limited extent the labor-management community’s acceptance of the Board’s decisions.

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 10% of the agency’s decisions in FY 14, 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. 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. The agency would like to eliminate this KPM, although continue to track the information.

6. ABOUT THE DATA

The reporting cycle is by fiscal year. Data is compiled from an agency database. The agency hopes to improve collection and consistency of this information by installing a case management system that would reduce staff time for compiling data for these types of reports.

7. RECOMMENDATION

The agency recommends that this KPM be eliminated. Whether parties appeal our orders has little to do with whether the Board properly performed its duties when making its decision. The more applicable KPM is 7b that tracks the percentage of Board Orders reversed on appeal.

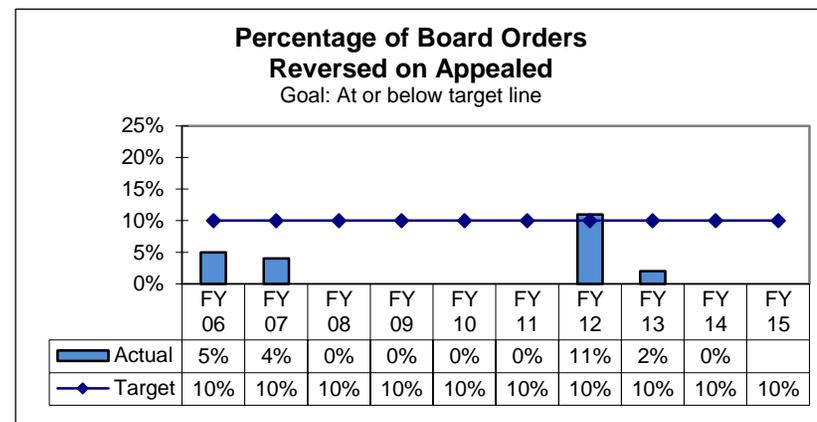
Agency Mission: The mission of the Employment Relations Board is to resolve disputes concerning labor and employment relations.

KPM #7b	APPEALS Percentage of Board Orders that 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: Kathryn A. Logan, 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 limited measure of the Board’s skill and effectiveness.

3. HOW WE ARE DOING

The agency had no cases that were reversed on appeal during FY 14.

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. 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.

6. ABOUT THE DATA

The reporting cycle is by fiscal year. Data is compiled from an agency database. The agency hopes to improve collection and consistency of this information by installing a case management system that would reduce staff time for compiling data for these types of reports.

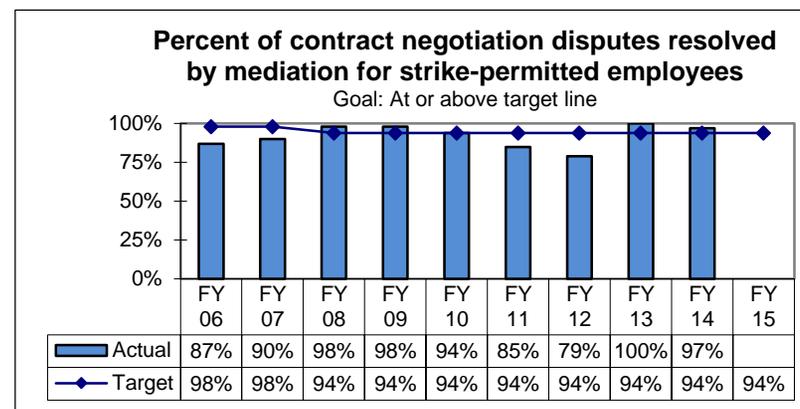
Agency Mission: The mission of the Employment Relations Board is to resolve disputes concerning labor and employment relations.

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: Janet Gillman, State Conciliator, 503-378-3807	

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 was better than the target by 3%.

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 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. WHAT NEEDS TO BE DONE

The agency will continue its efforts to meet constituent needs and expectations. The agency will continue to monitor this key performance measure.

6. ABOUT THE DATA

The reporting cycle is by fiscal year. Data is compiled from an agency database. The agency hopes to improve collection and consistency of this information by installing a case management system that would reduce staff time for compiling data for these types of reports.

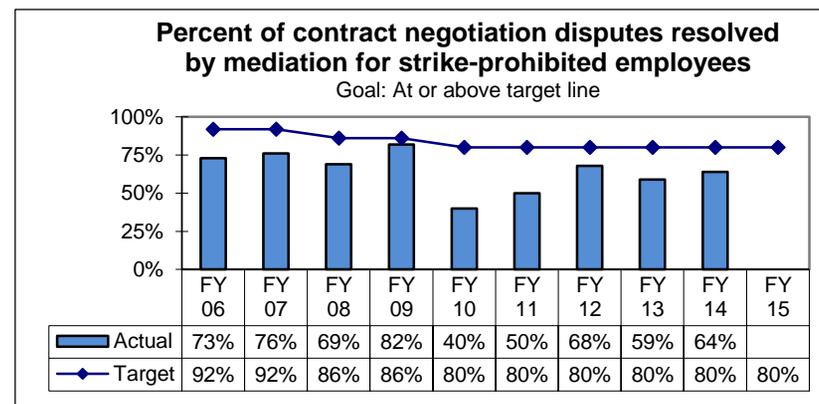
Agency Mission: The mission of the Employment Relations Board is to resolve disputes concerning labor and employment relations.

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: Janet Gillman, State Conciliator, 503-378-3807	

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 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.

3. HOW WE ARE DOING

Performance in this category improved from FY 13, although performance is 16% below the target.

Historical data indicate that the threat of proceeding to interest arbitration provides less incentive for parties to settle than the threat of a strike. Considering the recent turbulent economic times, it is not surprising that parties are turning to interest arbitration to regain what was lost over the past few years.

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. WHAT NEEDS TO BE DONE

The agency will continue its efforts to meet constituent needs and expectations. The agency will continue to monitor this key performance measure.

6. ABOUT THE DATA

The reporting cycle is by fiscal year. Data is compiled from an agency database. The agency hopes to improve collection and consistency of this information by installing a case management system that would reduce staff time for compiling data for these types of reports.

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 meet 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: Janet Gillman, State Conciliator, 503-378-3807	

1. OUR STRATEGY

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

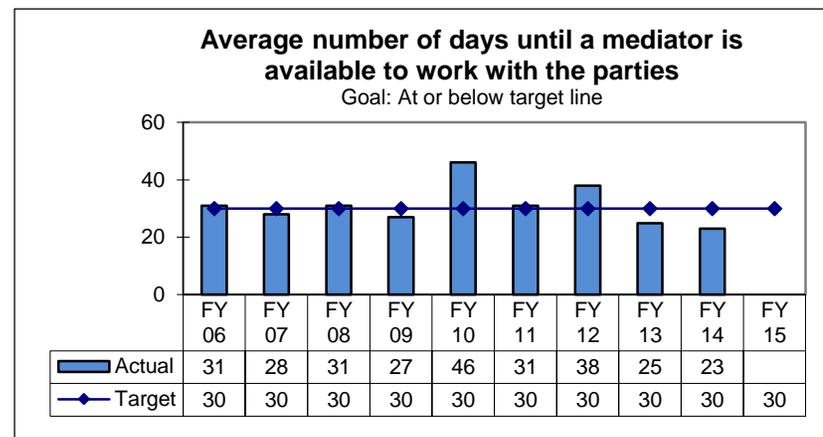
Agency constituents are state and local governments and their employees covered by the Public Employee Collective Bargaining Act (PECBA). Private sector employers and employees who are exempt from the National Labor Relations Act can also file cases with the Board and use the agency’s mediation services 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 14, the mediators were available seven days earlier than the target.



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. WHAT NEEDS TO BE DONE

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

6. ABOUT THE DATA

The reporting cycle is by fiscal year. Data is compiled from an agency database. The agency hopes to improve collection and consistency of this information by installing a case management system that would reduce staff time for compiling data for these types of reports.

7. RECOMMENDATION

The agency recommends that this KPM be eliminated. The procedures in place, along with having a fully staffed Conciliation Service, negate the need for reporting on this KPM. The agency will continue to track this 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: Janet Gillman, State Conciliator, 503-378-3807	

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.

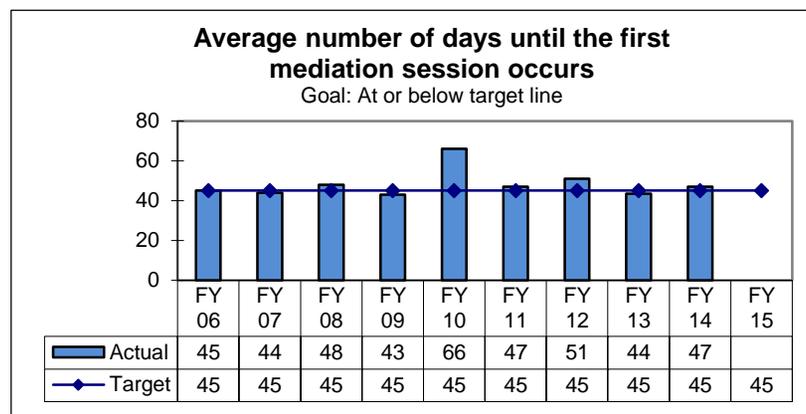
2. ABOUT THE TARGETS

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.

When the first mediation session is held, however, is dependent on the calendars of the parties. The mediator may be ready, but the parties may need additional time in which to work out everyone’s schedules. The agency requests that this performance measure be eliminated.

3. HOW WE ARE DOING

In FY 14, the mediators were two days beyond the target, but still within 5%.



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. WHAT NEEDS TO BE DONE

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

6. ABOUT THE DATA

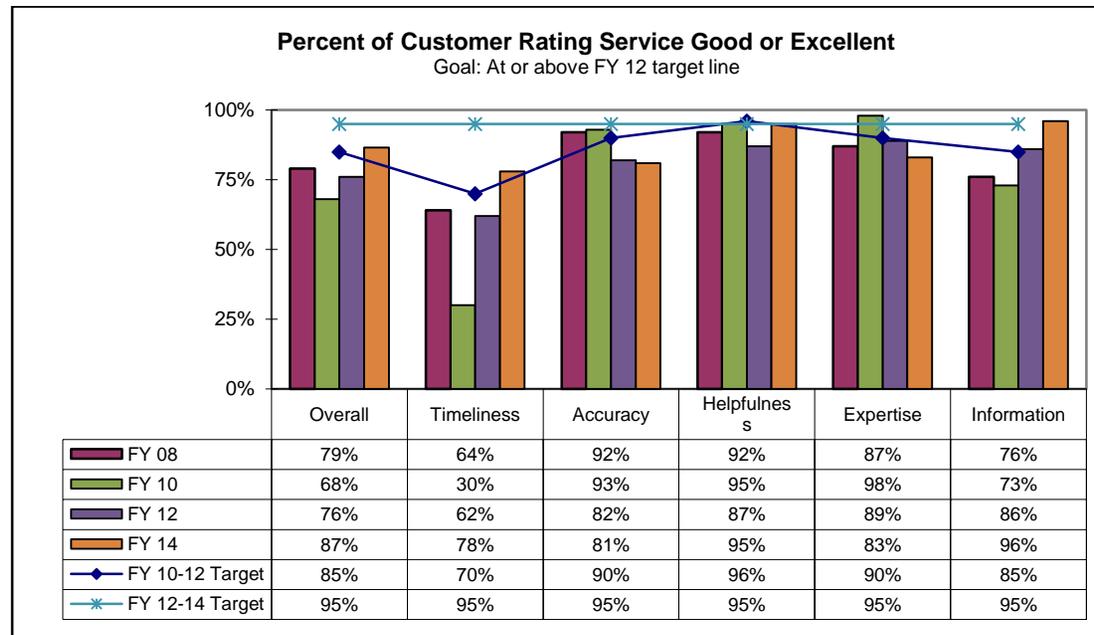
The reporting cycle is by fiscal year. Data is compiled from an agency database. The agency hopes to improve collection and consistency of this information by installing a case management system that would reduce staff time for compiling data for these types of reports.

7. RECOMMENDATION

The agency recommends that this KPM be eliminated. The procedures in place, along with having a fully staffed Conciliation Service, negate the need for reporting on this KPM. The agency will continue to track this 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: Kathryn A. Logan, 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 to 95% for all areas.

3. HOW WE ARE DOING

The agency met its target in two categories, helpfulness and information. The agency's overall rating increased by 11% although it was 8% below the target.

4. HOW WE COMPARE

There is no comparative data available.

5. 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.

6. ABOUT THE DATA

The 2014 Customer Satisfaction Survey was conducted online between April 16 and May 16, 2014, using an online survey tool called "Survey Monkey." The agency used its mailing lists of constituents, practitioners, and other interested parties, approximately 416 contacts. The agency also sent hard copies of the survey to parties that had not provide the agency us with e-mail addresses provided. Twenty one people participated in the survey, a response rate of 5%.

Of the 21 responses received, many skipped answering questions or replied as "not applicable." However, each question and section of the agency was rated against the 21 answers received. This resulted in a skewed percentage, and effectively lowered the agency's success rate in each category.

For example, in "Timeliness of Services" provided by elections, of the 21 answers, 12 answers were marked as "not applicable." Five marked "excellent," three marked "good," and one marked "fair." If the percentage was recomputed on the ones who answered, the eight of nine answers would have revealed a much higher percentage than eight of 21.

The lack of response to the survey, along with the large number of questions not answered or determined not relevant to the customer, raised the larger question. This survey does not address the issues to which our customers need to respond. The agency needs a survey that more accurately measures the successes and failures of the agency. As it is currently written, most of the recipients of this survey do not understand how the questions relate to the type of service we are providing.

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: Kathryn A. Logan, Board Chair	Phone: 503-378-3807
Alternate: Juril Stover, 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 and targets 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 and targets 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, evaluation of agency staff, and level of 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>On-going training is no longer available. The agency performance measures coordinator attends meetings when they are held and reviews the information available online at the KPM website and sent via e-mail. 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. As appropriate, statistics are also used as part of staff performance evaluations. • 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 and e-mails are sent to let constituents know the information is available. The information is also shared during meetings and presentations, and feedback and suggestions are requested periodically. • Citizens: Annual reports are posted on the agency website.

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

2015-17 KPM#	2015-17 Proposed Key Performance Measures (KPMs)
1	Union representation – Average number of days to resolve a petition for union representation when a contested case hearing is not required.
2	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.
3	Final Board orders – Average number of days from submission of a case to the Board until issuance of a final order.
4	Appeals – Percentage of Board Orders that are reversed on appeal.
5	Mediation effectiveness – Percentage of contract negotiation disputes that are resolved by mediation for strike-permitted employees.
6	Mediation effectiveness – Percentage of contract negotiation disputes that are resolved by mediation for strike-prohibited employees.
7	Mediator availability – Average number of days following a request for mediation assistance in contract negotiations to the date a mediator is available to meet with the parties.
8	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.