

ANNUAL PERFORMANCE PROGRESS REPORT - EXECUTIVE SUMMARY
TIME PERIOD CALENDAR YEAR: JANUARY THROUGH DECEMBER 2003

EMPLOYMENT RELATIONS BOARD – AGENCY CONTACTS: PAUL B. GAMSON, BOARD CHAIR, (503) 378-3807, EXT. 226;

TONIE COTELL, PERFORMANCE MEASURE COORDINATOR, (503) 378-3807, EXT. 248.

PERFORMANCE TARGET ACHIEVEMENT	#
TOTAL NUMBER OF KEY PERFORMANCE MEASURES (KPMs)	7
# OF KPMs AT TARGET FOR MOST CURRENT REPORTING PERIOD	4
# OF KPMs NOT AT TARGET FOR MOST CURRENT REPORTING PERIOD	3

THE EMPLOYMENT RELATIONS BOARD'S PERFORMANCE MEASURES FOCUS ON THE AGENCY'S MISSION: TO RESOLVE DISPUTES CONCERNING LABOR AND EMPLOYMENT RELATIONS IN THE PUBLIC SECTOR. THE MEASURES ARE USED TO ASSESS THE AGENCY'S TIMELINESS AND SUCCESS IN RESOLVING CONTESTED CASES, ELECTION PETITIONS AND OTHER REPRESENTATION MATTERS, MEDIATION REQUESTS, AND STATE PERSONNEL LAW APPEALS. THE RESOLUTION OF THESE WORKPLACE DISPUTES HELPS BRING MORE STABILITY TO GOVERNMENT, AND IT REDUCES OR ELIMINATES THE DISRUPTION OF SERVICES TO THE PUBLIC.

PERFORMANCE ACCOMPLISHMENTS:

THE MOST RECENT FULL-YEAR DATA IS FOR THE CALENDAR YEAR 2003. THE AGENCY EXCEEDED ITS TARGET FOR TIMELY PROCESSING OF UNION REPRESENTATION CASES BY 16 DAYS. THIS CONTINUES A TREND OF MORE EFFICIENT CASE PROCESSING IN THIS AREA. BOARD ORDERS WERE ISSUED WELL WITHIN THE TARGET TIME PERIOD, AND 33 DAYS FASTER THAN IN THE PREVIOUS YEAR, EVEN WITH THE RESIGNATION AND REPLACEMENT OF TWO BOARD MEMBERS. THE AGENCY ALSO MET ITS TARGET FOR THE AVERAGE TIME IT TAKES TO PROCESS ALL CASES.

THE AGENCY DID NOT MEET ITS TARGET FOR SEVERAL MEASURES. SOME OF THE PERFORMANCE PROBLEMS CAN BE ATTRIBUTED TO THE LOSS OF FOUR POSITIONS AT THE BEGINNING OF THE 2003 FISCAL YEAR: ONE MEDIATOR, ONE ADMINISTRATIVE LAW JUDGE (ALJ), AND TWO SUPPORT STAFF.

THE AGENCY DID NOT MEET ITS TARGET REGARDING THE AVERAGE TIME IT TAKES AN ALJ TO ISSUE A RECOMMENDED DECISION. THE LOSS OF AN ALJ POSITION, WITHOUT A COMMENSURATE REDUCTION IN THE NUMBER OF CASES FILED, MEANT THE REMAINING ALJS HAD A LARGER CASELOAD TO MANAGE. THIS RESULTED IN SLOWER CASE PROCESSING. SUPPORT STAFF REDUCTIONS REQUIRED THE ALJS TO DO MUCH OF THEIR OWN CLERICAL WORK, LEAVING LESS TIME TO PROCESS CASES. REDUCED SUPPORT STAFF ALSO MEANT THE AGENCY COULD NO LONGER PRODUCE TRANSCRIPTS OF EVIDENTIARY HEARINGS. ALJS HAD TO LISTEN TO LENGTHY AUDIOTAPES OF THE HEARING INSTEAD OF QUICKLY PERUSING WRITTEN TRANSCRIPTS. ALL OF THESE FACTORS LED TO SLOWER ISSUANCE OF RECOMMENDED DECISIONS BY THE ALJS.

DISPUTES RESOLVED BY MEDIATION TOOK LONGER AND WERE LESS FREQUENTLY SUCCESSFUL DUE TO SEVERAL FACTORS. A MEDIATOR VACANCY EXISTED FOR SEVERAL MONTHS DURING 2003, REDUCING AVAILABILITY OF STAFF; IN 2003, ALL STATE CONTRACTS WERE OPEN FOR BARGAINING, RESULTING IN A LARGER CASELOAD; AND ECONOMIC CONDITIONS AND FUNDING UNCERTAINTIES MADE IT MUCH MORE DIFFICULT FOR PARTIES TO REACH SETTLEMENT.

FUTURE CHALLENGES:

THE EMPLOYMENT RELATIONS BOARD (BOARD) WILL ADDRESS THE ISSUES OF PERSONNEL REDUCTIONS AND WORKLOAD DEMANDS BY OBTAINING MODERN TECHNOLOGY AND ENHANCING ITS OPERATING SYSTEMS, INCLUDING COMPUTERIZED LEGAL RESEARCH AND CASE CITES, DIGITAL RECORDING EQUIPMENT, AND A REVAMPED DATABASE SYSTEM. THE BOARD HAS BEGUN WORK WITH DAS/IRMD AND THE AGENCY'S IT VENDOR TO ADDRESS THESE ISSUES. WITH THE ASSISTANCE OF THOROUGH DESK AUDITS BY DAS/HRSD, THE AGENCY HAS RECLASSIFIED SOME OF ITS STAFF AND REORGANIZED ITS OPERATIONS.

THE GOVERNOR HAS CREATED A TASK FORCE TO STUDY FUNDING FOR THE AGENCY.

CUSTOMER SERVICE AND A POSITIVE BUSINESS ATMOSPHERE WILL CONTINUE TO BE A PRIORITY FOR THE AGENCY.

ANNUAL PERFORMANCE PROGRESS REPORT - PART I, MANAGING FOR RESULTS
TIME PERIOD: CALENDAR YEAR 2003

Agency: Employment Relations Board	Date Submitted: November 3, 2004	Version No.: 1
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Agency Name: Employment Relations Board	Agency No.: 11500
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The following questions shed light on how well performance measures and performance data are leveraged within your agency for process improvement and results-based management.

1 How were staff and stakeholders involved in the development of the agency's performance measures?	Staff and stakeholders provided input on agency workloads and the timely delivery of dispute resolution services for elections, mediations, and contested cases. Measures were derived from this input.
2 How are performance measures used for management of the agency?	Performance measure data influences the agency budget and agency caseload priorities, including case assignment, case management, performance evaluations, and staffing.
3 What training has staff had in the use performance measurement?	Agency management staff received training from the Oregon Progress Board and that information was disseminated to agency staff.
4 How does the agency communicate performance results and for what purpose?	Through 1999, the agency prepared and distributed an Annual Report containing performance measure results to stakeholders. The Annual Report has been discontinued due to cutbacks in staff. The agency currently relies on its website (see www.erb.state.or.us) to disperse information to stakeholders, and the report is further communicated to the LFO and DAS through the budgetary process.
5 What important performance management changes have occurred in the past year?	In response to the LFO's budget note, the agency has requested modifications of its performance measures, adding, changing, or removing measures to more accurately reflect the agency's compliance with its mission of public service.

ANNUAL PERFORMANCE REPORT- PART II, KEY MEASURE ANALYSIS

TIME PERIOD: CALENDAR YEAR 2003

Agency Name: Employment Relations Board

Key Performance Measure (KPM)		2001	2002	2003	2004	2005	2006	2007
# 1 – Average length of time in days to process petitions for union representation, bargaining unit clarification, decertification, and similar matters, including contested case hearings, if necessary, and self-determination elections	Target	180	170	160	150	140	140	140
	Data	114	103	87				

Data Source: Agency database tracking system. Data is reported for the year in which the process is complete.

Key Performance Measure Analysis

To what goal(s) is this performance measure linked?

This measure relates to the agency’s goal of facilitating the right of public employees to organize and choose their own bargaining representative.

What do benchmark (or other high-level outcome) data say about Oregon relative to the goal(s)?

What is the impact of your agency?

The agency has determined that it has no primary links to Oregon Benchmarks. The agency measures its progress toward achieving agency goals as defined in its mission statement.

How does the performance measure demonstrate agency progress toward the goal?

The measure calculates the amount of time it takes the agency to complete processing a petition for union representation. Prompt processing helps minimize the organizing campaign that occurs in and around the workplace, and gives employees a timely resolution regarding their workplace rights.

Compare actual performance to target and explain any variance.

The performance exceeds the target and shows improvement over the prior year’s performance.

Summarize how actual performance compares to any relevant public or private industry standards.

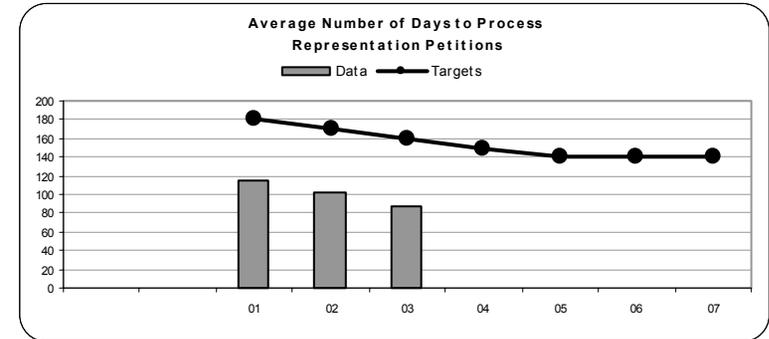
The National Labor Relations Board (NLRB) completes employee elections within 40-45 days of the petition. One reason the NLRB is faster is that it conducts on-site elections. ERB lacks the personnel to conduct on-site elections, and instead conducts all of its elections by mail. This adds at least 2-3 weeks to the process.

What is an example of a department activity related to the measure?

The agency’s elections coordinator conducts the elections and certifies the results.

What needs to be done as a result of this analysis?

The agency proposes to divide this measure into two separate parts to make it more meaningful. Some representation petitions involve an objection or a challenge that require a contested case hearing; other petitions proceed directly to election without the need for a hearing. Petitions that require a hearing take longer to process. The current measure averages the time to process all petitions. In years when there are a high percentage of petitions that require hearings, the average time will increase; in years when there are fewer hearings, the average processing time will be lower. The agency has no control over the mix of cases. Separately tracking petitions that require a hearing, and those that do not, would be more meaningful.



Key Performance Measure (KPM)	2001	2002	2003	2004	2005	2006	2007
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Key Performance Measure (KPM)		2001	2002	2003	2004	2005	2006	2007
# 2 – Average length of time in days it takes for an administrative law judge to issue a recommended decision following the close of the record in a contested case hearing.	Target	60	56	52	48	45	48	48
	Data	60	77	75				

Data Source: Agency database tracking system. Data is reported for the year in which the process is complete.

Key Performance Measure Analysis

To what goal(s) is this performance measure linked?

This measure relates to the agency’s goal to timely process complaints.

What do benchmark (or other high-level outcome) data say about Oregon relative to the goal(s)? What is the impact of your agency?

The agency has determined that it has no primary links to Oregon Benchmarks. The agency measures its progress toward achieving agency goals as defined in its mission statement.

How does the performance measure demonstrate agency progress toward the goal?

A prompt decision by an administrative law judge (ALJ) means the entire process moves more quickly, and the dispute causes less workplace disruption.

Compare actual performance to target and explain any variance.

It takes ALJs an average of 15 days longer to issue decisions after the record is closed than it did in 2001. For 2003, the average was 23 days longer than the target. One reason is that at the beginning of the 2003 fiscal year, the legislature reduced the ALJ staff by 1, from 3 ALJs down to 2. The legislature also removed a support staff position, and as a result, ALJs must perform more clerical duties for themselves. As a result, ALJs have less time to draft orders.

Summarize how actual performance compares to any relevant public or private industry standards.

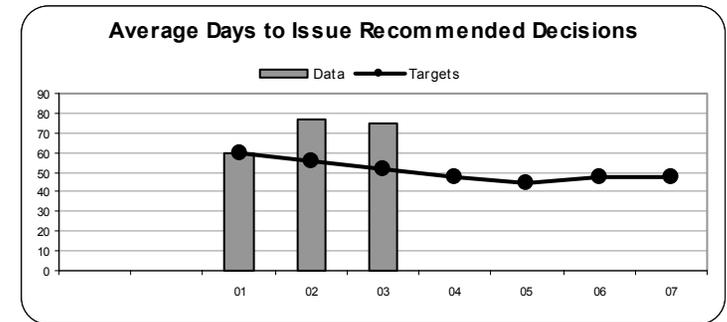
In 2003, ALJs for the National Labor Relations Board (NLRB) averaged 57 days from close of hearing to decision. The ALJs at NLRB, unlike those at ERB, do not conduct their own investigations or perform their own clerical work.

What is an example of a department activity related to the measure?

ALJs process incoming case filings through investigation, the holding of evidentiary hearings, and the issuing recommended decisions.

What needs to be done as a result of this analysis?

The agency has requested funding to restore the third ALJ position, and it has obtained modern computer research tools that should help the ALJs be more efficient.



Key Performance Measure (KPM)		2001	2002	2003	2004	2005	2006	2007
# 3 – Average length of time in days it takes for the Board to issue a final order following either oral argument on objections to a recommended order, or review of the case record where no objections are filed to a recommended order.	Target	80	75	70	65	60	60	60
	Data	78	98	65				

Data Source: Agency database tracking system. Data is reported for the year in which the process is complete.

Key Performance Measure Analysis

To what goal(s) is this performance measure linked?

This measure relates to the agency’s goal to help insure that government services to the public continue without impairment or interruption.

What do benchmark (or other high-level outcome) data say about Oregon relative to the goal(s)? What is the impact of your agency?

The agency has determined that it has no primary links to Oregon Benchmarks. The agency measures its progress toward achieving agency goals as defined in its mission statement.

How does the performance measure demonstrate agency progress toward the goal?

The prompt resolution of workplace disputes helps prevent work stoppages and reduces the time spent dealing with the dispute.

Compare actual performance to target and explain any variance.

The Board reduced the time it takes to issue a final order by 33 days compared to the prior year. It exceeded its target by 5 days.

Summarize how actual performance compares to any relevant public or private industry standards.

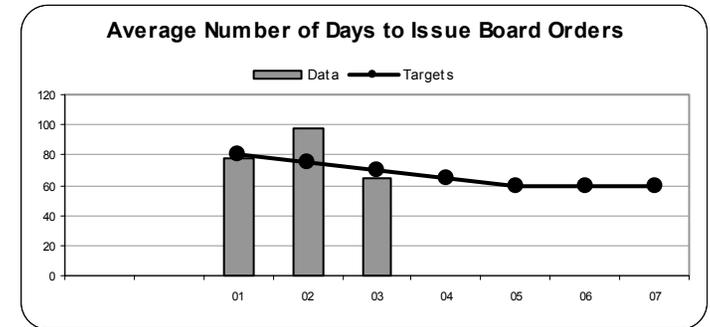
There is no comparative data available.

What is an example of a department activity related to the measure?

The three-member Board receive case files after the ALJs issue their recommended decisions. If objections are filed, the Board holds oral argument, considers the record, and issues a final Board Order. If no oral argument is held, the Board places the case under its consideration for issuance of a final Board Order.

What needs to be done as a result of this analysis?

The Board will retain its current, efficient methods to timely issue Board Orders.



Key Performance Measure (KPM)		2001	2002	2003	2004	2005	2006	2007
# 4 – Average length of time in days it takes for the agency to process all cases involving a hearing from case filing to final order.	Target	320	310	300	290	280	280	280
	Data	364	274	299				

Data Source: Agency database tracking system. Data is reported for the year in which the process is complete.

Key Performance Measure Analysis

To what goal(s) is this performance measure linked?

This measure relates to the agency’s goal to help insure that government services to the public continue without impairment or interruption.

What do benchmark (or other high-level outcome) data say about Oregon relative to the goal(s)?

What is the impact of your agency?

The agency has determined that it has no primary links to Oregon Benchmarks. The agency measures its progress toward achieving agency goals as defined in its mission statement.

How does the performance measure demonstrate agency progress toward the goal?

The prompt resolution of workplace disputes helps prevent work stoppages and reduces the time spent dealing with the dispute.

Compare actual performance to target and explain any variance.

This statistic is a good measure of the agency’s overall functioning. It shows the total time it takes for a case to go through all the steps in the process. Although processing was 25 days slower than last year, ERB met its target.

Summarize how actual performance compares to any relevant public or private industry standards.

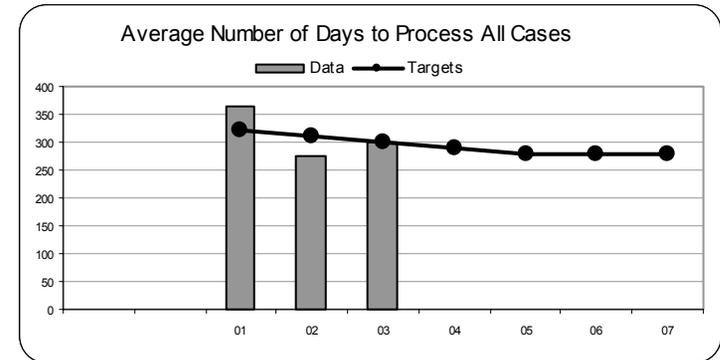
There is no comparative data available.

What is an example of a department activity related to the measure?

ALJs investigate cases, hold evidentiary hearings, issue recommended decisions, and then turn cases over to the Board; the Board considers the record, holds oral argument when required, and issues the final decision known as a Board Order.

What needs to be done as a result of this analysis?

The agency has requested funding to restore a third ALJ position. The agency has also obtained modern computer technology research tools for the ALJs to insure greater efficiency in the issuance of recommended decisions.



Key Performance Measure (KPM)		2001	2002	2003	2004	2005	2006	2007
# 5 – Percentage of contract negotiations disputes involving strike-permitted employees resolved by mediation prior to the employees striking or the employer unilaterally implementing its final offer.	Target	98%	98%	98%	98%	98%	98%	98%
	Data	98%	100%	91%				

Data Source: Agency database tracking system. Data is reported for the year in which the process is complete.

Key Performance Measure Analysis

To what goal(s) is this performance measure linked?

This measure relates to the agency’s goal of helping to insure the public continues to receive government services without interruption.

**What do benchmark (or other high-level outcome) data say about Oregon relative to the goal(s)?
What is the impact of your agency?**

The agency has determined that it has no primary links to Oregon Benchmarks. The agency measures its progress toward achieving agency goals as defined in its mission statement.

How does the performance measure demonstrate agency progress toward the goal?

The measure calculates the percentage of cases that are resolved in mediation, prior to self-help by the parties (strike by the union, unilateral implementation by the employer).

Compare actual performance to target and explain any variance.

The performance was slightly below the target. A temporary vacancy in a mediator position in 2003 reduced the time and attention staff could give each case. Externally, economic downturns and budget shortfalls in 2003 created a climate in which the parties had more difficulty settling than in prior years. Several employers felt obligated to unilaterally implement their final offers to meet budget deadlines or to control costs.

Summarize how actual performance compares to any relevant public or private industry standards.

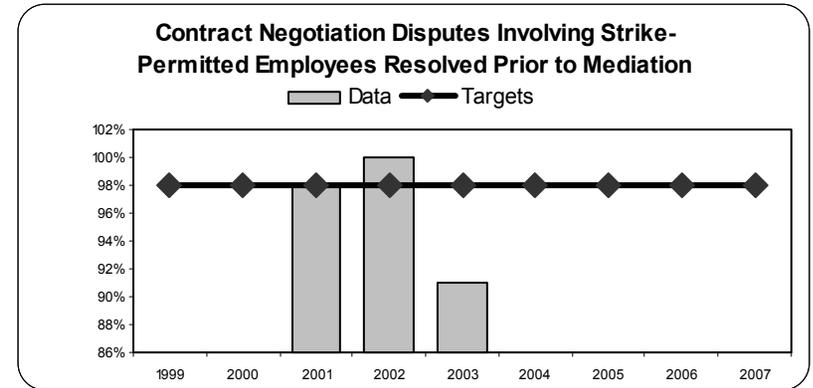
There is no comparative data available.

What is an example of a department activity related to the measure?

The State Conciliator and two mediators assist state and local public employers and unions to work out their contract disputes.

What needs to be done as a result of this analysis?

The agency met or exceeded its target in prior years. Once the extraordinary circumstances of large budget shortfalls are past, the historical data indicates the agency will resume meeting its target.



Key Performance Measure (KPM)		2001	2002	2003	2004	2005	2006	2007
# 6 – Percentage of contract negotiations disputes involving strike-prohibited employees resolved by mediation before the parties submit the dispute to binding interest arbitration.	Target	92%	92%	92%	92%	92%	86%	86%
	Data	83%	84%	43%				

Data Source: Agency database tracking system. Data is reported for the year in which the process is complete.

Key Performance Measure Analysis

To what goal(s) is this performance measure linked?

The measure relates to the goal of supporting the development of harmonious and cooperative relationships between the government and its employees.

What do benchmark (or other high-level outcome) data say about Oregon relative to the goal(s)?

What is the impact of your agency?

The agency has determined that it has no primary links to Oregon Benchmarks. The agency measures its progress toward achieving agency goals as defined in its mission statement.

How does the performance measure demonstrate agency progress toward the goal?

The measure calculates the percentage of employee groups prohibited from going on strike that resolve their disputes in mediation without the need for an outside interest arbitrator.

Compare actual performance to target and explain any variance.

The agency did not meet its target this year. The agency was frequently able to assist parties in resolving many of the language disputes so that fewer issues went to interest arbitration. However, economic and budget conditions were unusually difficult, and the parties were frequently unable to resolve economic issues. The economic conditions were such that unions felt they had little to lose in arbitration. For example, only one strike-prohibited union was willing to accept the State’s proposed wage freeze. The others decided to seek more in interest arbitration rather than willingly accept a freeze.

Summarize how actual performance compares to any relevant public or private industry standards.

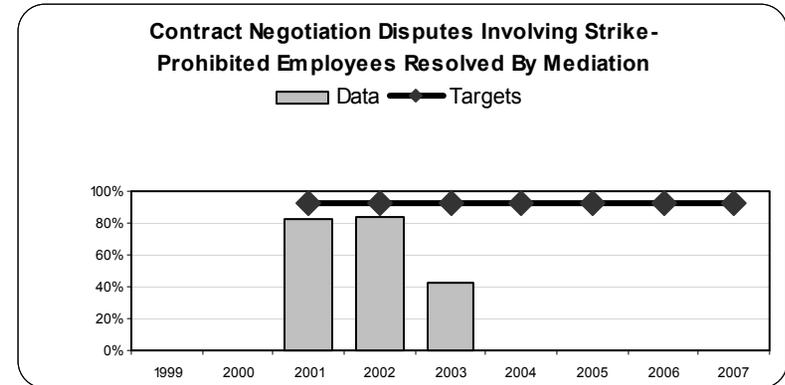
There is no comparative data available.

What is an example of a department activity related to the measure?

The State Conciliator and two mediators assist state and local public employers and unions to work out their contract disputes.

What needs to be done as a result of this analysis?

The agency results in 2003 were abnormally low because of unusual economic and budget conditions beyond the agency’s control.



Key Performance Measure (KPM)	2001	2002	2003	2004	2005	2006	2007
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Key Performance Measure (KPM)		2001	2002	2003	2004	2005	2006	2007
# 7 – Number of employers and unions that participated in interest-based bargaining training that used the training method in subsequent negotiations.	Target	100%	100%	100%	100%	100%	100%	100%
	Data	100%	100%	100%				

Data Source: Conciliation client surveys. Data is reported for the year in which the process is complete.

Key Performance Measure Analysis

To what goal(s) is this performance measure linked?

This measure relates to the agency’s goal of developing harmonious and cooperative relations between government and its employees.

What do benchmark (or other high-level outcome) data say about Oregon relative to the goal(s)? What is the impact of your agency?

The agency has determined that it has no primary links to Oregon Benchmarks. The agency measures its progress toward achieving agency goals as defined in its mission statement.

How does the performance measure demonstrate agency progress toward the goal?

The agency’s conciliation service, on request, trains parties in the interest-based bargaining method, which is more collaborative than traditional bargaining. This measure calculates the percentage of those trained in this alternative method who use it in subsequent negotiations.

Compare actual performance to target and explain any variance.

The agency met its goal. 100% of the parties trained in the collaborative method used it in subsequent negotiations.

Summarize how actual performance compares to any relevant public or private industry standards.

There is no comparative data available.

What is an example of a department activity related to the measure?

The State Conciliator and mediators present the training on interest-based bargaining.

What needs to be done as a result of this analysis?

To continue on with the successful training, and updating or modifying the presentation materials as needed.

