

# **EMPLOYMENT RELATIONS BOARD**

## **Annual Performance Progress Report (APPR) for Fiscal Year (2013-2014)**

Original Submission Date: 2014

Finalize Date: 9/11/2014

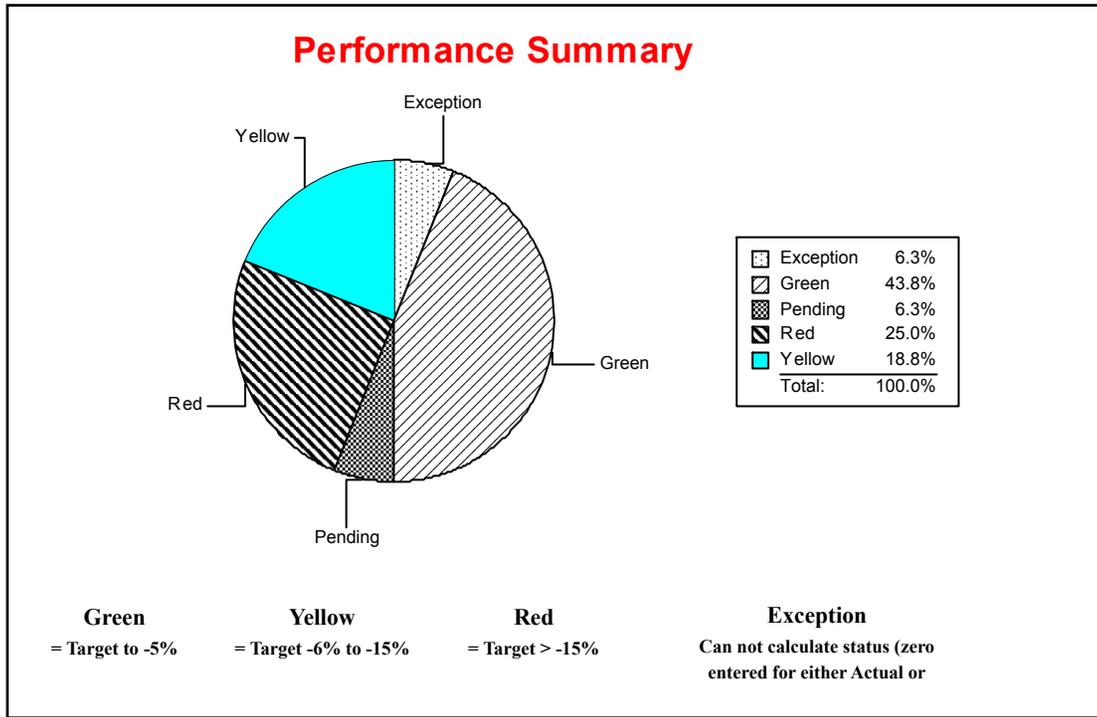
2013-2014 KPM #	2013-2014 Approved Key Performance Measures (KPMs)
1 a	Union representation -- Average number of days to resolve a petition for union representation when a contested case hearing is required.
1 b	Union representation -- Average number of days to resolve a petition for union representation when a contested case hearing is not required.
2 a	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.
2 b	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3	Settling cases -- Percentage of cases assigned to an ALJ that are settled or withdrawn prior to hearing.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.
7 a	Appeals -- Percentage of Board Orders which are appealed.
7 b	Appeals -- Percentage of Board Orders which are reversed on appeal.
8 a	Mediation effectiveness -- Percentage of contract negotiations disputes that are resolved by mediation for strike-permitted employees.
8 b	Mediation effectiveness -- Percentage of contract negotiations disputes that are resolved by mediation for strike-prohibited employees.
9 a	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 b	Mediator availability -- Average number of days following a request for mediation assistance in contract negotiations to the date the first mediation session occurs.

<b>2013-2014 KPM #</b>	<b>2013-2014 Approved Key Performance Measures (KPMs)</b>
10	Customer Satisfaction - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, and availability of information.
11	BEST PRACTICES - Percent of total best practices met by the Commission.

New Delete	Proposed Key Performance Measures (KPM's) for Biennium 2015-2017
DELETE	<p><b>Title:</b> Union representation -- Average number of days to resolve a petition for union representation when a contested case hearing is required.</p> <p><b>Rationale:</b> Much of the time involved is either not controlled by the agency, or is covered by other performance measures.</p>
DELETE	<p><b>Title:</b> 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.</p> <p><b>Rationale:</b> The agency recommends eliminating this performance measure, although we will continue to track this data.</p>
DELETE	<p><b>Title:</b> 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.</p> <p><b>Rationale:</b> The ALJs schedule their hearings based on 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.</p>
DELETE	<p><b>Title:</b> 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.</p> <p><b>Rationale:</b> 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. Delays created by parties are included in this number. Finally, the number produced by this performance measure provides little, if any, meaningful information about the agency's performance.</p>
DELETE	<p><b>Title:</b> Appeals -- Percentage of Board Orders which are appealed.</p> <p><b>Rationale:</b> The agency recommends that this KPM be eliminated. Whether parties appeal the agency's 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.</p>
DELETE	<p><b>Title:</b> 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.</p> <p><b>Rationale:</b> 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.</p>

New Delete	<b>Proposed Key Performance Measures (KPM's) for Biennium 2015-2017</b>
<b>DELETE</b>	<p><b>Title:</b> Mediator availability -- Average number of days following a request for mediation assistance in contract negotiations to the date the first mediation session occurs.</p> <p><b>Rationale:</b> 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.</p>
<b>DELETE</b>	<p><b>Title:</b> Settling cases -- Percentage of cases assigned to an ALJ that are settled or withdrawn prior to hearing.</p> <p><b>Rationale:</b> 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, which may be after hearing but before a final order is issued. 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 will be much easier to compile.</p>
<b>DELETE</b>	<p><b>Title:</b> BEST PRACTICES - Percent of total best practices met by the Commission.</p> <p><b>Rationale:</b> This is a Board not a Commission</p>

<b>EMPLOYMENT RELATIONS BOARD</b>		<b>I. EXECUTIVE SUMMARY</b>	
<b>Agency Mission:</b> The Mission Of The Employment Relations Board Is To Resolve Disputes Concerning Labor And Employment Relations.			
<b>Contact:</b> Kathryn A. Logan, Board Chair		<b>Contact Phone:</b> 503-378-3807	
<b>Alternate:</b> Leann G. Wilcox, Office Administrator		<b>Alternate Phone:</b> 503-378-8610	



**1. SCOPE OF REPORT**

The agency is responsible for four programs: (1) Board and Administration, (2) Conciliation Services, (3) Hearings, and (4) Elections. Each program is 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 it does not have control.

Timeliness 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 companies deciding whether to stay, inevitably consider whether reliable, efficient, high-quality public services exist to support their business.

## **3. PERFORMANCE SUMMARY**

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). Further, 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 exclusive representatives of the employees. 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.

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 parties try to recoup their losses 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 malfunctioned. This resulted in the agency having difficulty in meeting specific statutory requirements about making a record of the hearings. The agency has worked diligently to minimize the impact of travel for scheduled hearings on issuing recommended orders in a timely manner.

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

The agency generates little response to the customer satisfaction survey. For the survey just completed, the agency received 21 total responses (and not every question was answered) out of 416 surveys sent. The questions posed in the customer satisfaction survey generally are not applicable to many of the persons who use this agency, resulting in little relevant feedback and skewed results.

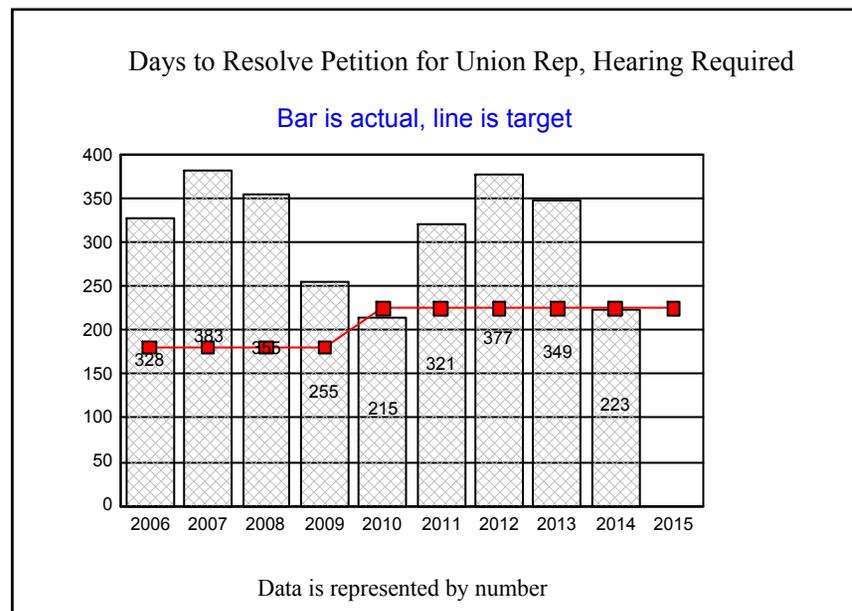
## **5. RESOURCES AND EFFICIENCY**

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.

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 has self-imposed timelines for producing 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. A permanent rules advisory committee has now been established to assist in reviewing other rules.

<b>KPM #1a</b>	Union representation -- Average number of days to resolve a petition for union representation when a contested case hearing is required.	2006
<b>Goal</b>	To timely process petitions concerning union representation.	
<b>Oregon Context</b>	Mission.	
<b>Data Source</b>	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.	
<b>Owner</b>	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 may 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.

## **3. HOW WE ARE DOING**

The agency has worked to clear the backlog that had accrued. During 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 comparison can be made.

## **5. FACTORS AFFECTING RESULTS**

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**

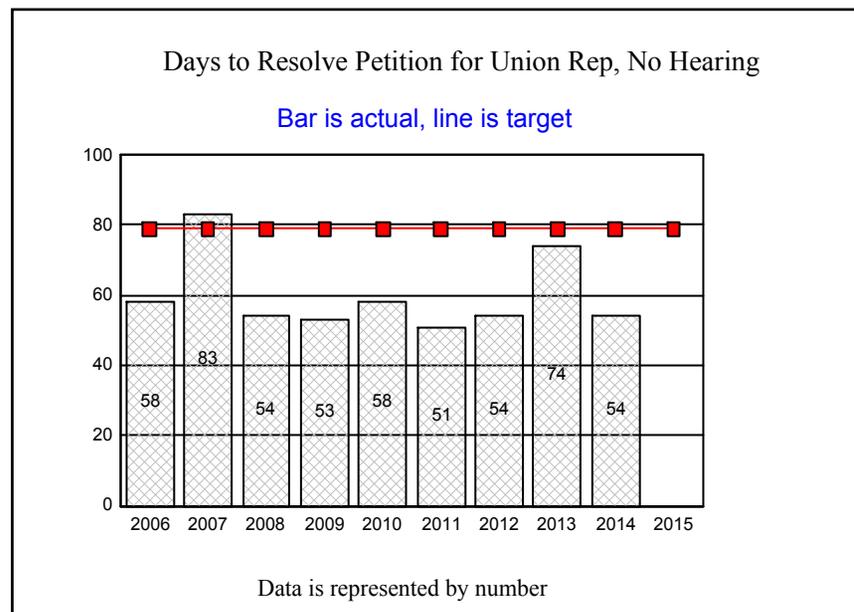
The ALJs will continue to emphasize resolving contested representation cases in a timely and efficient manner. This will reduce workplace

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.

**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.

<b>KPM #1b</b>	Union representation -- Average number of days to resolve a petition for union representation when a contested case hearing is not required.	2006
<b>Goal</b>	To timely process petitions concerning union representation.	
<b>Oregon Context</b>	Mission.	
<b>Data Source</b>	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.	
<b>Owner</b>	Elections Office: Kathryn A. Logan, 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.

## **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 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**

The retirement of the former Elections Coordinator, who had been with the agency for more than 20 years, had a significant impact on case processing. Staff worked hard to get through the hiring and training processes with a minimal effect on constituents.

The types of cases processed also affect the average length of time to process a case. For example, a unit clarification case that goes to election has a 79-day timeline for processing, and that timeline cannot be appreciably shortened. However, a card check case can be

processed in as little as 35 days.

One ongoing problem faced by the Elections Coordinator is incomplete paperwork and inaccurate information from the parties, which can delay processing a petition.

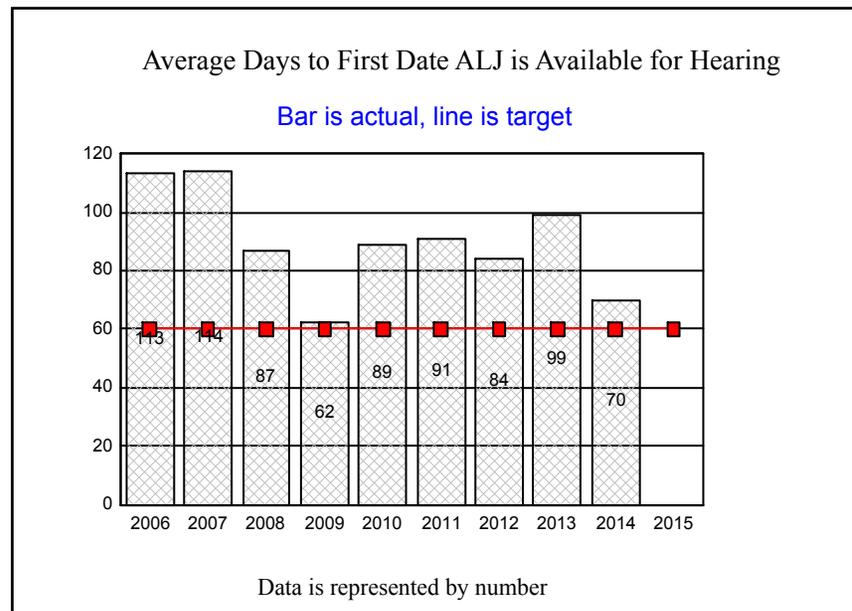
#### **6. WHAT NEEDS TO BE DONE**

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.

#### **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.

<b>KPM #2a</b>	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.	2006
<b>Goal</b>	To timely process complaints and appeals.	
<b>Oregon Context</b>	Mission.	
<b>Data Source</b>	Data is counted in the year ALJ is first available.	
<b>Owner</b>	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 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 improved in this area . In FY 14, it took 10 days longer than the 60-day target.

## **4. HOW WE COMPARE**

There is no comparative data available.

## **5. FACTORS AFFECTING RESULTS**

In mid-FY 2013, one of the three ALJs announced his retirement for the end of the fiscal year . For his last six months, the ALJ was directed to get specific recommended orders issued or cases settled to clear up his backlog of cases, and the remainder of his cases were assigned to the other ALJs. Those two ALJs worked hard to accommodate the increased workload , but the average time until the first available hearing date increased by 15 days. At the same time, those two ALJs were expected to meet timelines for issuing recommended orders.

## **6. WHAT NEEDS TO BE DONE**

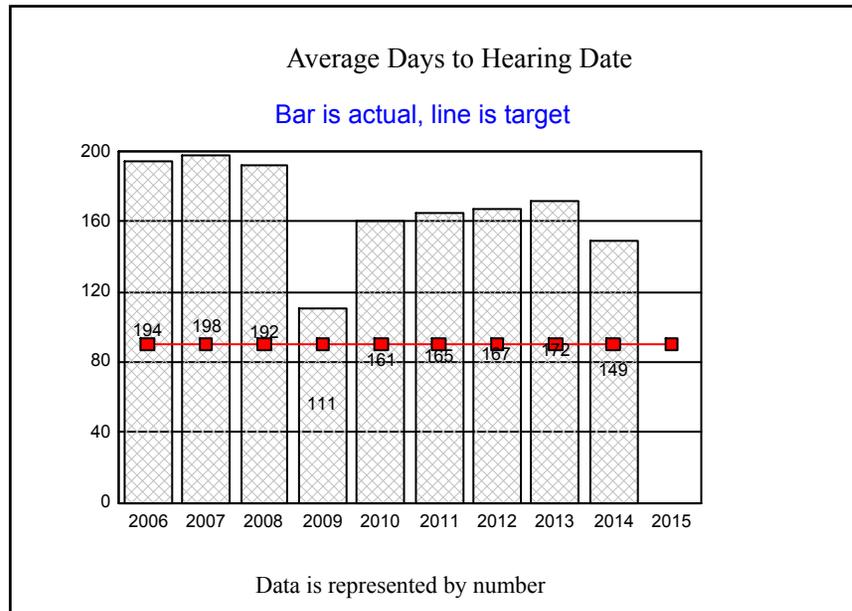
A budget note in the agency's 2013-15 budget (HB 5010) directed the agency to reinstate administrative law judge travel to local jurisdictions for contested case hearings. Although this will make it easier for the parties, the ALJs will have fewer hearing dates available because of the additional time 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.

## **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.

<b>KPM #2b</b>	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.	2006
<b>Goal</b>	To timely process complaints and appeals.	
<b>Oregon Context</b>	Mission.	
<b>Data Source</b>	Data is counted in the year in which the first day of hearing is held.	
<b>Owner</b>	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. The hearing is not scheduled until the parties agree on a hearing date, which may be months after the filing of a contested case. Sometimes parties do not want to go to hearing quickly, as they need time to investigate a possible settlement. Other times, the advocate or witnesses are not available for several months. Finally, the procedures required to process a case, considering the investigation requirement along with necessary time to prepare the notice of hearing make this target unattainable. The first date an ALJ is available to hear a case (KPM 2a) is a more accurate measurement of agency workload and efficiency.

## **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. 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 many other factors beyond the control of the ALJ. 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 may make it easier for the parties to schedule themselves and witnesses for a hearing, the ALJs will have fewer hearing dates available because of the additional time required for travel.

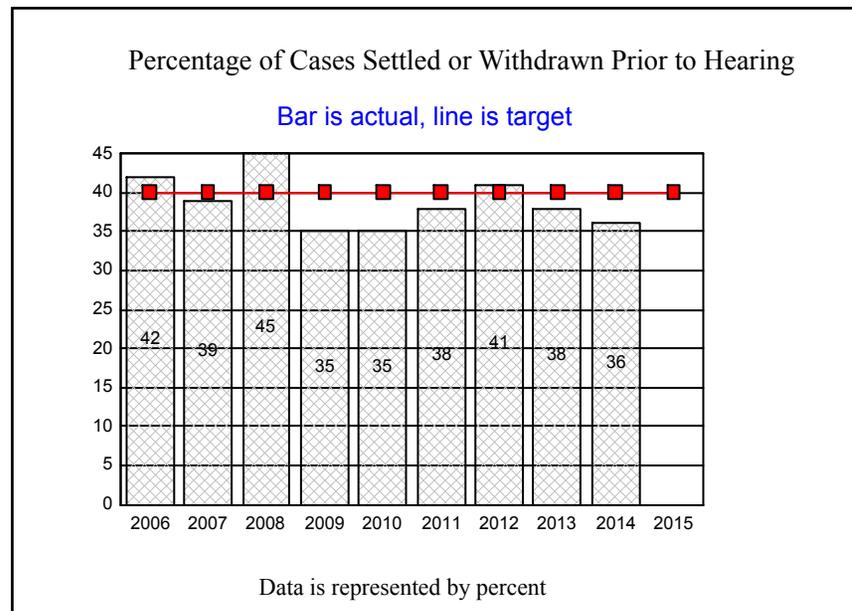
**6. WHAT NEEDS TO BE DONE**

ALJs will 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 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.

**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 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.

<b>KPM #3</b>	Settling cases -- Percentage of cases assigned to an ALJ that are settled or withdrawn prior to hearing.	2005
<b>Goal</b>	To timely process complaints and appeals.	
<b>Oregon Context</b>	Mission.	
<b>Data Source</b>	Percentage of cases assigned to an ALJ that are settled or withdrawn prior to hearing . Excludes uncontested representation cases.	
<b>Owner</b>	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 and 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 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 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. FACTORS AFFECTING RESULTS**

The parties are in sole control of whether a settlement occurs. The recent 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 . As economic constraints ease, however, cases may remain difficult to resolve as employees try to recoup losses in salary and benefits which occurred during the downturn.

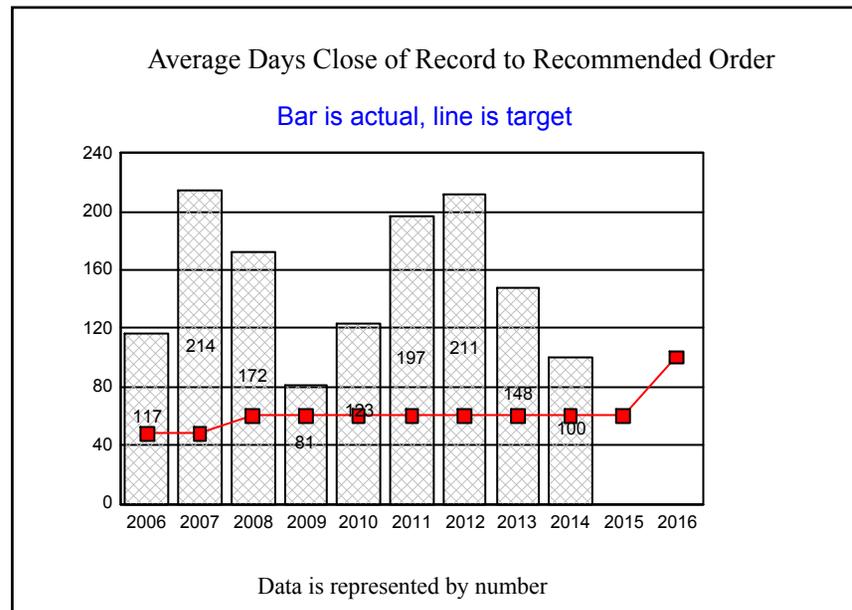
## **6. WHAT NEEDS TO BE DONE**

ALJs will continue to suggest mediation and 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. 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 .

<b>KPM #4</b>	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.	2001
<b>Goal</b>	To timely process complaints and appeals.	
<b>Oregon Context</b>	Mission.	
<b>Data Source</b>	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.	
<b>Owner</b>	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.

If the expected target is to remain at 60 days, then the agency will need to 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. FACTORS AFFECTING RESULTS**

The difficult economic and budget conditions in place for 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 the 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.

Since January of 2012, there has been 100% turnover on the Board. Another new Board Chair was appointed in January 2013. The Board is focusing on improving the agency's processes and procedures, which includes establishing timelines for issuance of recommended and final orders. As a result of these efforts, the backlog of contested cases has been reduced, but not yet eliminated.

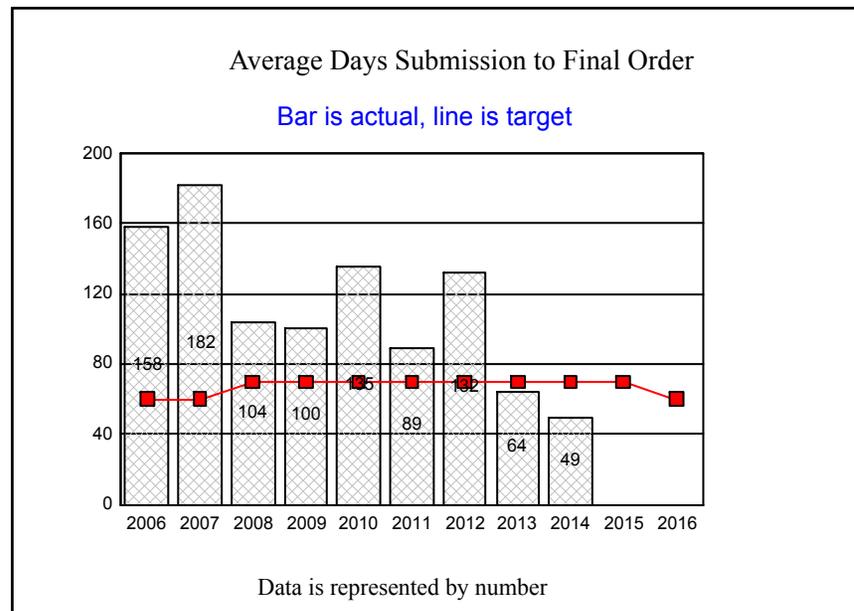
#### **6. WHAT NEEDS TO BE DONE**

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 further reduce these timelines. 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.

#### **7. 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.

<b>KPM #5</b>	Final Board orders -- Average number of days from submission of a case to the Board until issuance of a final order.	2001
<b>Goal</b>	To timely process complaints and appeals.	
<b>Oregon Context</b>	Mission.	
<b>Data Source</b>	A case is submitted after oral argument or on the 15th day after the recommended order is issued if there are no objections. Uncontested representation petitions are considered submitted on the date filed.	
<b>Owner</b>	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.

## 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. FACTORS AFFECTING RESULTS

The difficult economic and budget conditions in place for 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 the 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.

Since January of 2012, there has been 100% turnover on the Board. Another new Board Chair was appointed in January 2013. The Board is focusing on improving the agency's processes and procedures, which includes establishing timelines for issuance of recommended and final orders. As a result of these efforts, the backlog of contested cases has been reduced, but not yet eliminated.

In mid-FY 2013, one of the three ALJs announced his retirement for the end of the fiscal year . For his last six months, the ALJ was directed to get specific recommended orders issued or cases settled to clear up his backlog of cases, and the remainder of his cases were assigned to the other ALJs. Those two ALJs worked hard to accommodate the increased workload , but the average time until the first available hearing date increased by 15 days. At the same time, those two ALJs were expected to meet timelines for issuing recommended orders . The agency is recruiting for a new ALJ and will make every effort to avoid further delays in case processing .

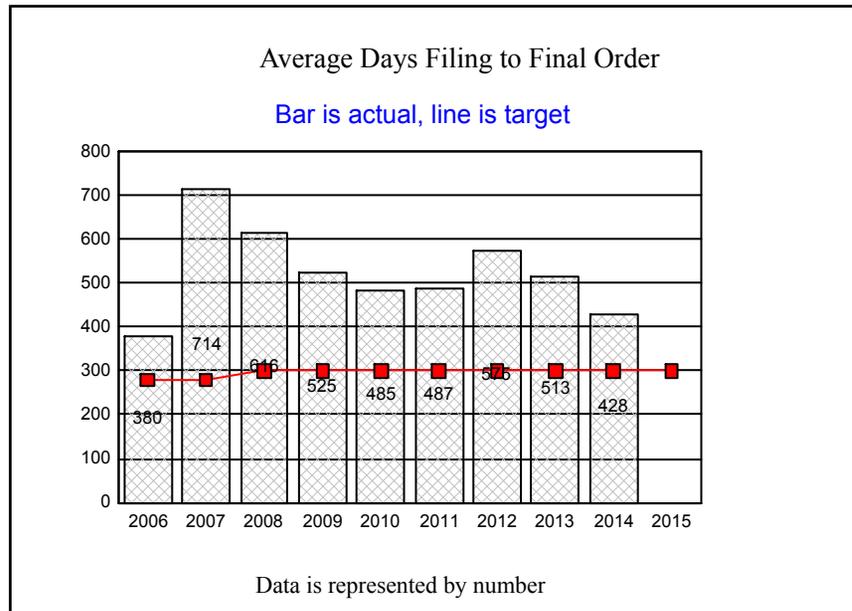
**6. WHAT NEEDS TO BE DONE**

Board members will continue to work collaboratively to maximize individual expertise and knowledge to expedite completion of final Board Orders and to ensure no new backlog of cases accrues .

**7. 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 .

<b>KPM #6</b>	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.	2001
<b>Goal</b>	To timely process complaints and appeals.	
<b>Oregon Context</b>	Mission.	
<b>Data Source</b>	This excludes any time a case is under the jurisdiction of the appellate courts.	
<b>Owner</b>	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 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. FACTORS AFFECTING RESULTS**

The difficult economic and budget conditions in place for 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 the 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.

Since January of 2012, there has been 100% turnover on the Board. Another new Board Chair was appointed in January 2013. The Board is focusing on improving the agency's processes and procedures, which includes establishing timelines for issuance of recommended and final orders. As a result of these efforts, the backlog of contested cases has been reduced, but not yet eliminated.

In mid-FY 2013, one of the three ALJs announced his retirement for the end of the fiscal year. For his last six months, the ALJ was directed to get specific recommended orders issued or cases settled to clear up his backlog of cases, and the remainder of his cases were assigned to the other ALJs. Those two ALJs worked hard to accommodate the increased workload, but the average time until the first available hearing date increased by 15 days. At the same time, those two ALJs were expected to meet timelines for issuing recommended orders. The agency is recruiting for a new ALJ and will make every effort to avoid further delays in case processing.

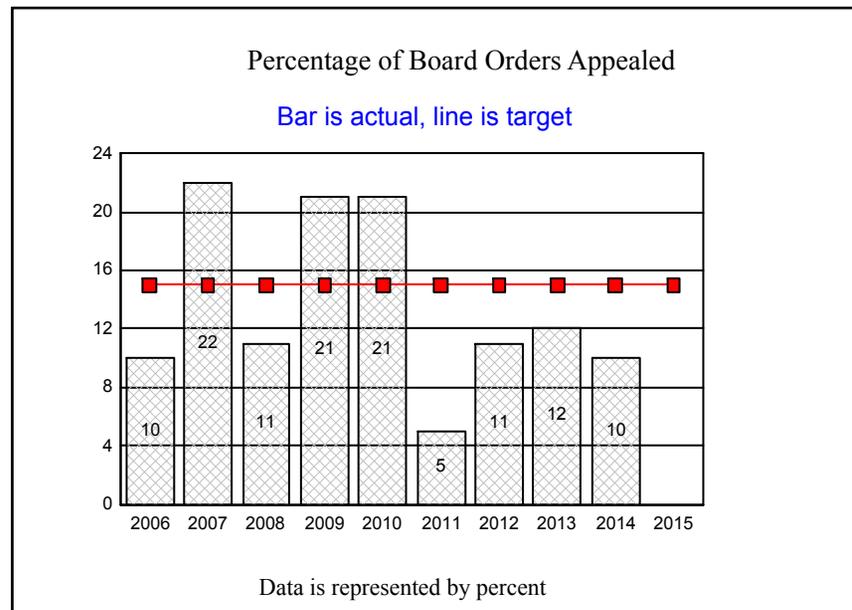
#### **6. WHAT NEEDS TO BE DONE**

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

#### **7. 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.

<b>KPM #7a</b>	Appeals -- Percentage of Board Orders which are appealed.	2004
<b>Goal</b>	To determine the parties and Court of Appeals' acceptance of Board decisions .	
<b>Oregon Context</b>	Mission.	
<b>Data Source</b>	Data is reported for year the appeal is filed. Percentages are based on the number of Board Orders issued that year.	
<b>Owner</b>	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 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 .

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 decision in FY 14, which is better than the target of 15%.

## **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 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 the 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.

Since January of 2012, there has been 100% turnover on the Board. Another new Board Chair was appointed in January 2013. The Board is focusing on improving the agency's processes and procedures, which includes establishing timelines for issuance of recommended and final orders. As a result of these efforts, the backlog of contested cases has been reduced, but not yet eliminated.

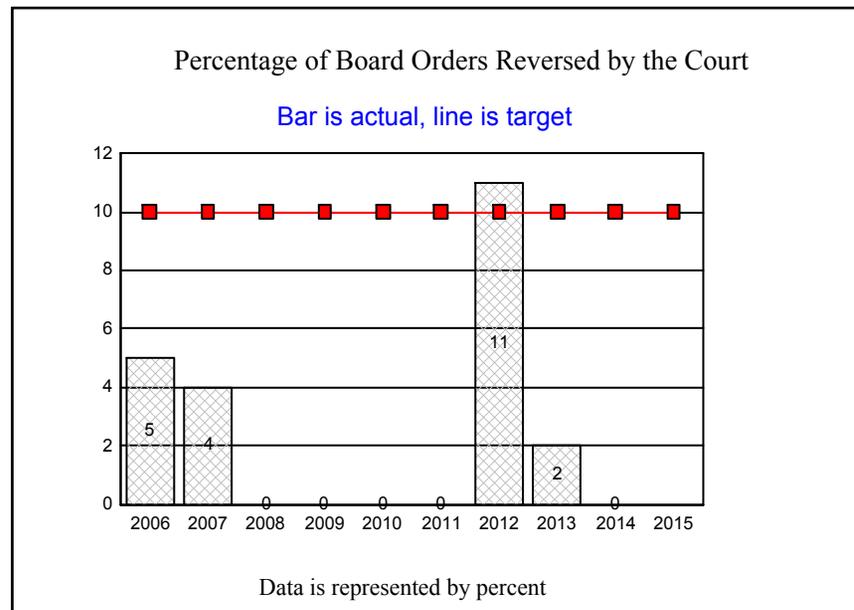
**6. WHAT NEEDS TO BE DONE**

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. 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 .

<b>KPM #7b</b>	Appeals -- Percentage of Board Orders which are reversed on appeal.	2004
<b>Goal</b>	To determine the parties' and Court of Appeals' acceptance of Board's decisions .	
<b>Oregon Context</b>	Mission.	
<b>Data Source</b>	Data is reported for year the judgment is received. Percentages are based on the number of Board Orders issued that year.	
<b>Owner</b>	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 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.

## **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 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 the 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.

Since January of 2012, there has been 100% turnover on the Board. Another new Board Chair was appointed in January 2013. The Board is focusing on improving the agency's processes and procedures, which includes establishing timelines for issuance of recommended and final orders. As a result of these efforts, the backlog of contested cases has been reduced, but not yet eliminated.

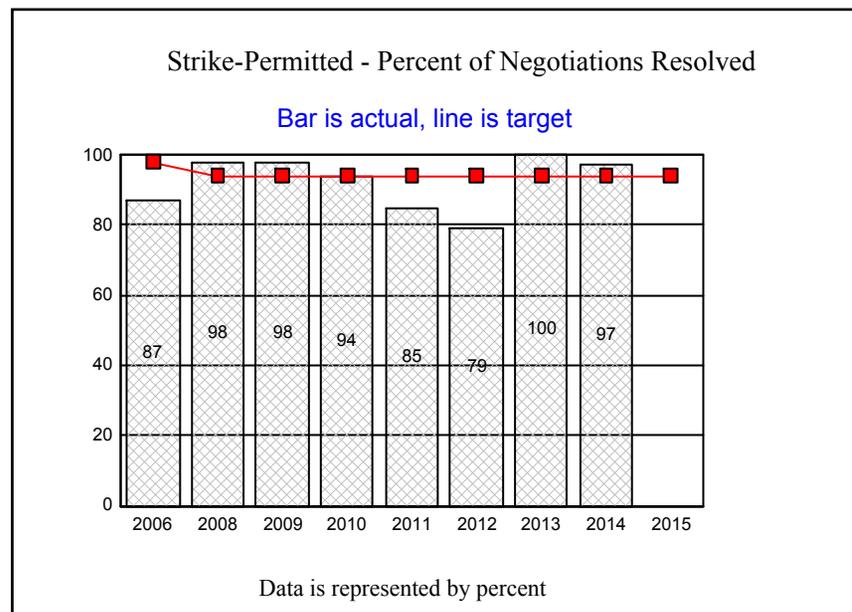
## **6. WHAT NEEDS TO BE DONE**

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. 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 .

<b>KPM #8a</b>	Mediation effectiveness -- Percentage of contract negotiations disputes that are resolved by mediation for strike-permitted employees.	2001
<b>Goal</b>	To resolve collective bargaining negotiation disputes without strikes or interest arbitration .	
<b>Oregon Context</b>	Mission.	
<b>Data Source</b>	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 .	
<b>Owner</b>	Conciliation: Janet F. 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 strike.

## **3. HOW WE ARE DOING**

The percentage of contract disputes resolved prior to a strike or unilateral implementation of a final offer was 3% better than the target.

## **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

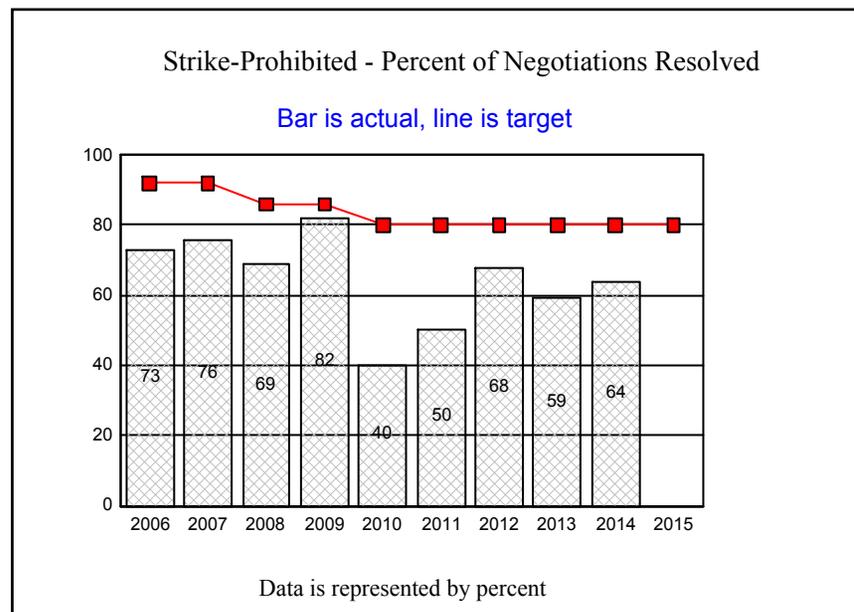
**6. WHAT NEEDS TO BE DONE**

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

**7. 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.

<b>KPM #8b</b>	Mediation effectiveness -- Percentage of contract negotiations disputes that are resolved by mediation for strike-prohibited employees.	2001
<b>Goal</b>	To resolve collective bargaining negotiation disputes without strikes or interest arbitration .	
<b>Oregon Context</b>	Mission.	
<b>Data Source</b>	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.	
<b>Owner</b>	Conciliation: Janet F. 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.

## **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. 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.

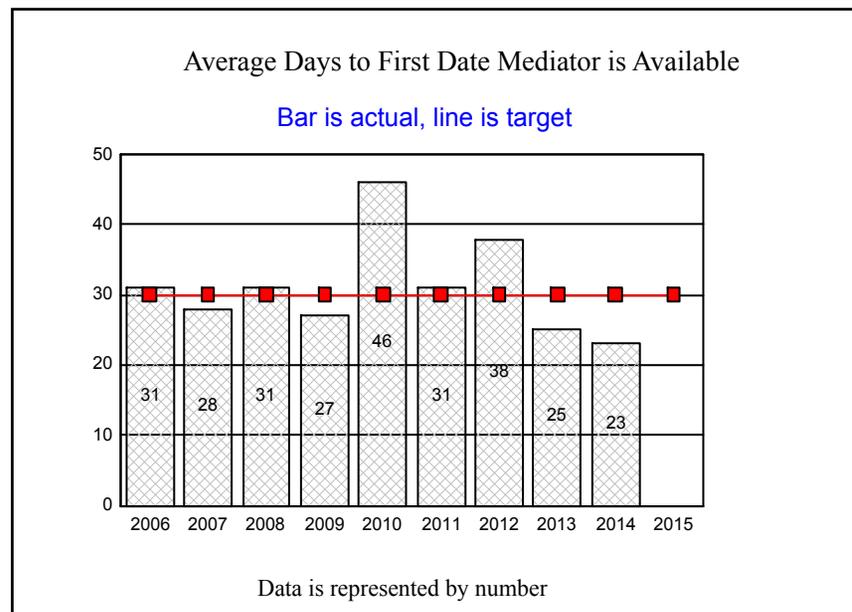
#### **6. WHAT NEEDS TO BE DONE**

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

#### **7. 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.

<b>KPM #9a</b>	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.	2006
<b>Goal</b>	To resolve collective bargaining negotiation disputes without strikes or interest arbitration .	
<b>Oregon Context</b>	Mission.	
<b>Data Source</b>	Data is reported for the year in which the first day of mediation is held.	
<b>Owner</b>	Conciliation: Janet F. 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 seven days earlier than the target.

## **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.

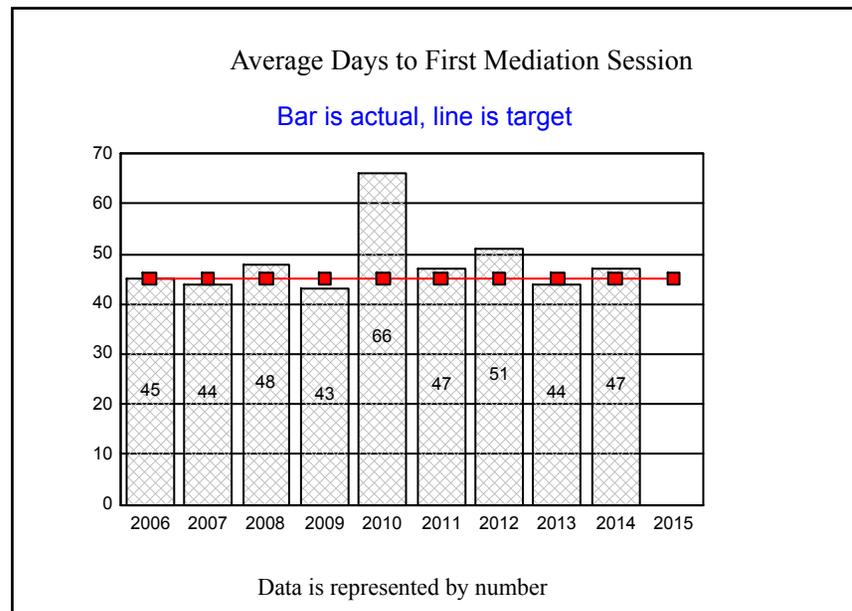
## **6. WHAT NEEDS TO BE DONE**

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. 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 .

<b>KPM #9b</b>	Mediator availability -- Average number of days following a request for mediation assistance in contract negotiations to the date the first mediation session occurs.	2006
<b>Goal</b>	To resolve collective bargaining negotiation disputes without strikes or interest arbitration .	
<b>Oregon Context</b>	Mission.	
<b>Data Source</b>	Data is reported for the year in which the first day of mediation is held.	
<b>Owner</b>	Conciliation: Janet F. 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.

## **3. HOW WE ARE DOING**

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

## **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 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 2012, the State Conciliator retired and another staff member assumed the position. This left one mediator position vacant for approximately three months, which increased the workload on the State Conciliator and remaining mediator. History has shown that two mediators are not adequate to meet the needs of the constituents and the agency. 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.

**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. 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 .

<b>KPM #10</b>	Customer Satisfaction - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, and availability of information.	2006
<b>Goal</b>	To timely process complaints and appeals.	
<b>Oregon Context</b>	Mission.	
<b>Data Source</b>	Online survey..	
<b>Owner</b>	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.

**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. 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.

**6. WHAT NEEDS TO BE DONE**

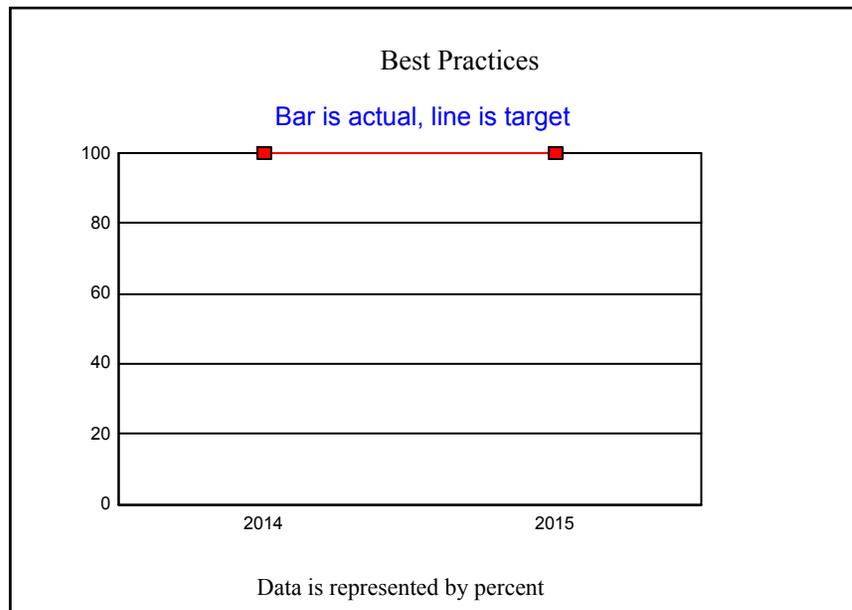
Agency activities designed to reduce delays and increase the quality of work will continue and, as opportunities arise, new approaches developed so the agency can deliver timely and accurate results.

**7. ABOUT THE DATA**

The 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, resulting in approximately 416 contacts surveys sent by mail or e-mail (some entities have not provided the agency with e-mail addresses). Twenty one people participated in the survey - a response rate of 5%. Of the 21 responses received, many skipped answering questions or replied "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.

<b>KPM #11</b>	BEST PRACTICES - Percent of total best practices met by the Commission.	2013
<b>Goal</b>	.	
<b>Oregon Context</b>	.	
<b>Data Source</b>	.	
<b>Owner</b>	Board: Kathryn A. Logan, Board Chair, 503-378-3807	



**1. OUR STRATEGY**

This agency's first report on this performance measure will be in FY 2014.

**2. ABOUT THE TARGETS**

**3. HOW WE ARE DOING**

**4. HOW WE COMPARE**

**5. FACTORS AFFECTING RESULTS**

**6. WHAT NEEDS TO BE DONE**

**7. ABOUT THE DATA**

**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**Contact Phone:** 503-378-3807**Alternate:** Leann G. Wilcox, Office Administrator**Alternate Phone:** 503-378-8610**The following questions indicate how performance measures and data are used for management and accountability purposes.****1. INCLUSIVITY**

\* **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.

**2 MANAGING FOR RESULTS**

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.

**3 STAFF TRAINING**

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.

**4 COMMUNICATING RESULTS**

\* **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.