

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Mayor's Office of Legal Counsel



Responses to Fiscal Year 2017 Performance Oversight Questions

Mark Tuohey

Director, Mayor's Office of Legal Counsel

Submission to

Committee on Government Operations
Chairperson Brandon T. Todd
Councilmember, Ward 4

February 21, 2017

Committee on Government Operations
John A. Wilson Building
1350 Pennsylvania Ave., NW, Suite 117
Washington, DC 20004

MOLC FY16-17 Performance Oversight Responses to Committee on Government Operations

1. Please provide the legislative history for the creation of the Office. Specifically,
 - a. The legislative vehicle by which the Office was created (Mayor's Order, resolution or statute). **The Mayor's Office of Legal Counsel ("MOLC") was established by section 101(a) of D.C. Law 20-60, the Elected Attorney General Implementation and Legal Service Establishment Amendment Act of 2013 ("D.C. Law 20-60").**
 - b. What powers the Office has been delegated through Mayor's Order. **None.**
 - c. The legislative vehicle by which the Director was appointed (Mayor's Order, resolution, statute). **Director Tuohey was appointed by Mayor's Order 2015-72.**
2. Please explain the mission of your Office. **The mission of the MOLC is to provide legal advice and support to the Mayor, the City Administrator, the Offices of the various Deputy Mayors, the District government agencies, and agency counsel. As set forth in D.C. Law 20-60, the MOLC's organic statute:**

(b)(1) The purposes of the Mayor's Office of Legal Counsel shall include:
 - (A) Coordinating the hiring, compensation, training, and resolution of significant personnel-related issues for subordinate agency counsel in conjunction with agency directors;*
 - (B) Providing legal and policy advice to the Mayor and executive branch;*
 - (C) Resolving interagency legal issues for the Mayor;*
 - (D) Overseeing the representation of agencies in investigative matters before the executive branch of the federal government, Congress, or the Council of the District of Columbia; and*
 - (E) Supervising outside counsel in matters where the Office of the Attorney General is recused from a matter or otherwise not available. (emphasis added)*
3. Please explain the programming and services within your Office. **The MOLC generally provides legal and policy advice to the Mayor and the executive branch on an as-needed basis, including counsel in connection with Council and Congressional inquiries and investigations. We also organize a number of continuing legal education sessions for agency counsel and oversee performance evaluations for agency attorneys, as well as hiring and disciplinary matters concerning agency attorneys. The MOLC resolves appeals from Freedom of Information Act ("FOIA") decisions and compiles the annual FOIA report required by D.C. Official Code § 2-538.**
4. Please provide, as an attachment to your answers, a copy of your Office's current annual performance plan as submitted to the Office of the City Administrator. **Please see**

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Attachment A. Please note that the MOLC is working with the Office of the City Administrator to revise and update its performance plan.

5. Please provide, as an attachment to your answers a current organizational chart for your Office including and, as explanation of the roles and responsibilities for each division and subdivision. Please see Attachment B.
6. Please provide a complete position listing for your agency for fiscal year 2016 to date, including the following information.
 - a. Name of employee
 - b. Title of position
 - c. Grade, series and step of position
 - d. Date employee began
 - e. Salary & fringe benefits
 - f. Job status (continuing, term, temporary or contract)

| Name | Title | Grade | Hire Date | Salary | Fringe | Status |
|----------------|-----------------------------------|-------|------------|---------|--------|------------|
| Mark Tuohey | Director | XS-11 | 2/2/2015 | 195,000 | 37,830 | Continuing |
| Ronald Ross | Deputy Director & General Counsel | LX-03 | 1/12/2015 | 187,908 | 36,454 | Continuing |
| Tom Moir | Chief of Staff | XS-09 | 10/24/2016 | 140,000 | 27,160 | Continuing |
| Greg Evans | Associate Director | XS-08 | 3/9/2015 | 135,061 | 26,202 | Continuing |
| Melissa Tucker | Associate Director | XS-08 | 2/23/2015 | 123,600 | 23,978 | Continuing |
| Bijan Hughes | Staff Attorney | XS-07 | 3/13/2015 | 97,850 | 18,983 | Continuing |
| John Marsh | Staff Attorney | XS-07 | 3/13/2015 | 97,850 | 18,983 | Continuing |
| Jared Evans | Special Assistant | XS-05 | 2/23/2015 | 84,975 | 14,616 | Continuing |

7. For fiscal years 2015, 2016, 2017 to date, please list each employee whose salary was \$110,000 or more. For each employee listed provide the name, position title, salary, and amount of any overtime and/ or bonus pay. The list is provided below. Please note that no MOLC employees received overtime or bonus pay.

| Title | Name | Salary |
|----------------------------------|---------------|------------|
| FY 2015 as of 09/30/2015: | | |
| Deputy Director | Ronald Ross | 155,000.00 |
| Director | Mark Tuohey | 195,000.00 |
| | | |
| FY 2016 as of 09/30/2016: | | |
| Associate Director | Gregory Evans | 131,127.24 |

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| | | |
|----------------------------------|----------------|------------|
| Associate Director | Melissa Tucker | 123,600.00 |
| Deputy Director | Ronald Ross | 175,615.00 |
| Director | Mark Tuohey | 195,000.00 |
| | | |
| FY 2017 as of 02/06/2017: | | |
| Associate Director | Gregory Evans | 135,061.06 |
| Associate Director | Melissa Tucker | 123,600.00 |
| Deputy Director | Ronald Ross | 187,908.05 |
| Director | Mark Tuohey | 195,000.00 |
| Chief of Staff | Tom Moir | 140,000.00 |

8. Please provide a list of employees detailed to or from your agency. Provide the reason for the detail, the detailed employee's date of detail, and the detailed employee's projected date of return. **The MOLC has no employees detailed to or from any agency.**
9. Please list and describe any ongoing investigations, audits, or reports on your Office. **There are no ongoing investigations, audits, or reports on the MOLC.**
10. Please list all employee grievances filed against your Office in fiscal years 2016 and 2017 to date, if any. Please provide a brief description of the matter as well as the current status. **No employee grievances were filed against the MOLC.**
11. Does the agency conduct annual performance evaluation of all its employees? If so, who is responsible for conducting them? What steps are taken to ensure all agency employees are meeting individual job requirements? **As one of the smaller agencies in the District government, the MOLC manages internal performance through close and daily interaction between the Director, Deputy Director, and staff. The Director is responsible for the monitoring of agency employee performance.**
12. Please describe any employee trainings your staff are required to attend and are they up to date on them? **The MOLC attorneys are encouraged to attend the legal training sessions that the MOLC organizes for agency counsel, as well as the professional and government and legal ethics training provided by the Office of the Attorney General, the District bar association and other professional and/or nonprofit associations.**
13. Please describe the Office's efforts to minimize internal waste, fraud, and abuse. **The MOLC minimizes internal waste, fraud, and abuse by close and attentive management and oversight of staff activities. Office leadership meets regularly with the agency fiscal officer, an OCFO employee, to ensure that proper fiscal controls are in place and to review spending. The MOLC's use of a government P-Card is subject to approval by EOM support services, which provides another layer of review for such purchases.**

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14. What services does your Office provide specifically to District residents and how many residents take advantage of those services? The majority of the MOLC's services are provided to government staff, not to members of the public. The MOLC's primary area of service delivery directly to District residents is the adjudication of FOIA appeals. In FY 2016, the MOLC received 111 FOIA appeals, 107 of which were adjudicated within FY 2016. (The other four decisions were issued by October 21, 2016.) All FOIA appeal decisions are available on the District's FOIA website, at <http://dc.gov/page/freedom-information-act-foia>. To file a FOIA request or appeal, residents may visit <http://foia-dc.gov>.

The office does not track the location of residence of FOIA appellants.

The MOLC does not provide legal advice to District residents; however, the Office does respond to routine inquiries from members of the public seeking information and assistance in dealing with the District government and its various agencies.

15. Through what methods (e.g., website, social media, newsletter, email, flyers, door knocking) does your Office communicate your services to District residents?. Due to the nature of the MOLC's statutory purposes, most of the MOLC's services are provided directly to government personnel. The office's main opportunities for resident interaction come in the area of FOIA appeals and related inquiries, as the MOLC is responsible for adjudicating such appeals. In addition, various inquiries addressed to the Mayor by District residents are referred to the MOLC for response and resolution.

16. Please identify all databases maintained by your Office, including the following:

- a. A detailed description of the information tracking within each system;
- b. The age of the system and any substantial upgrades that have been made or planned to be made;
- c. How the information is protected; and
- d. Whether the public can be granted access to all or part of each system.

The MOLC does not maintain any databases; the office uses Excel to track FOIA appeals and attorney evaluations and trainings. The FOIA appeals information is aggregated and published in the annual FOIA report, which is available in the DC Register and on the Office of the Secretary's website.

17. What has your Office done in the previous fiscal year to be more transparent with its activities and what can your Office do in the future to be more transparent? By its nature, much of the MOLC's activity is privileged and confidential. However, where the office has opportunity to increase transparency for non-confidential matters, it has done so. The MOLC has taken steps to improve upon the transparency of its FOIA-related work by consulting with open government advocates on the annual FOIA report and with respect to recommendations concerning best practices.

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18. What were your priorities from the previous fiscal year and were they met? Please explain how. The MOLC's principal priorities for FY 2016 were to offer high-quality legal advice to the Mayor and executive agencies, to coordinate legal training and other personnel matters for subordinate agency counsel, to respond to Congressional, Council and other investigations (including inquiries from the Office of the Inspector General and the Office of the DC Auditor), and to resolve interagency legal disputes on behalf of the Mayor. The MOLC achieved these goals through ongoing efforts throughout the fiscal year and offers some highlights of its work in its next response, *infra*.

19. What were your Office's major accomplishments or highlights in fiscal years 2016 and 2017 to date? Please explain.

- In FY 2016 and FY 2017, the MOLC provided high-quality legal advice to the Mayor and executive agencies on myriad confidential matters
- In conjunction with OCFO Payroll Services, adjudicated 108 back-pay compensation inquiries related to the firefighter overtime settlement executed in October 2015
- Provided counsel and coordinated subordinate agencies' responses to the Council's Committee on Transportation and the Environment's review of DGS personnel matters
- Oversaw the Administration's response to the document request of the House Committee on Oversight and Government Reform relating to the Immigration Justice Legal Services Grant Program
- Completed interim administration of the Controlled Pistol Licensing Review Board and successfully transitioned duties to a newly hired Board Administrator
- Hosted 8 successful legal trainings for agency counsel:
 - Contracting and Procurement Issues
 - Risk Management
 - Anti-Discrimination and Employment Law
 - Leading Change
 - ADA Regulations and Chapter 16 of the District Personnel Manual
 - Office of Administrative Hearings
 - FOIA
 - Avoiding/Reducing Employment Discrimination Lawsuits

20. Please provide a chart showing your Office's approved budget and actual spending for the past five fiscal years. Explain any variances between fiscal year appropriations and actual expenditures.

The MOLC was not established until FY 2015 and did not commence operations until the middle of that fiscal year. Thus, the office has completed only one full fiscal year. In FY 2015, the MOLC was originally an activity-level line item within the Office of the Mayor

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and relied on the Office of the Mayor for NPS support. FY 2016 was the MOLC's first fiscal year as an agency-level entity in the District's budget.

| | FY15 Budget | FY15 Actuals | FY15 Variance | FY16 Budget | FY16 Actuals | FY16 Variance | Comments |
|------------------------------|----------------|-----------------|------------------|----------------|-----------------|------------------|--|
| Personal Services | 475,000.00 | 337,284.00 | 137,716.00 | 1,546,087.00 | 1,064,921.94 | 481,165.06 | Actual expenditures for personal expenditures were less than anticipated due to salary lapse |
| Non- Personal Services | 4,000.00 | - | 4,000.00 | 35,000.00 | 26,612.22 | 8,387.78 | Actual expenditures for goods and services were less than anticipated |
| GROSS | 479,000.00 | 337,284.00 | 141,716.00 | 1,581,087.00 | 1,091,534.16 | 489,552.84 | |

As noted above, the variances between the MOLC's approved budget and actual expenditures in FY 2015 and FY 2016 are primarily due to salary lapse – in FY 2015, this was largely due to the agency's ramp-up process to identify and hire legal staff. In FY 2016, the office's Chief of Staff position became vacant, and the office also saw one of its Associate Directors become the General Counsel of OSSE, where she had previously served an extended detail. Further, toward the end of FY 2016, the MOLC sought to use a portion of its remaining budget to bring its computers up to date by means of an IT procurement, but the purchase could not be consummated due to end of fiscal year procurement and budget practices.

21. In chronological order, please provide any reprogramming, in or out, which occurred in fiscal years 2016 and 2017 to date. For each reprogramming, list the total amount of the reprogramming, the original purposes for which these funds were dedicated and the reprogrammed use of funds.

In FY 2016, \$43,000 of local funds were reprogrammed within the MOLC. The funds were transferred from Supplies (Object Class 20 - \$41,000) and Regular Pay (Object Class 11 - \$2,000) to Telephone (Object Class 31 - \$10,000), Other Services and Charges (Object Class 40 - \$16,000), Contractual Services (Object Class 41 - \$13,000), and Equipment (Object Class 70 - \$4,000) to better align resources with MOLC goals, priorities and staffing needs.

The MOLC has not submitted any reprogramming requests in FY 2017 to date.

22. Please provide a complete accounting for all intra-District transfers received by or transferred from the agency during fiscal years 2016 and 2017 to date. The MOLC did not have any intra-District transfers in FY 2016. In FY 2017, pursuant to an MOU, the

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MOLC transferred \$31,920 to the Council of the District of Columbia to purchase updates and supplements to the D.C. Official Code, for distribution to various agencies.

23. Please list all memoranda of understanding (MOU) in place during fiscal years 2016 and 2017 to date. *As noted ^{supra}, the MOLC entered into an MOU with the Council in FY 2017 for the purchase of updates and supplements to the D.C. Official Code*

24. Please identify any special purpose accounts maintained by, used by, or available for use by your agency during the previous fiscal year. For each account, please list the following

- a. Revenue source name and code
- b. Source of funding
- c. Description of the program that generates the funds
- d. Amount of funds generated
- e. Expenditures of funds

The MOLC's budget is made up entirely of local funds; the office does not maintain or use any special purpose accounts.

25. List each contract, procurement, lease and grant awarded or entered into by your Office during the fiscal years 2016 and 2017 to date. For each contract, please provide the following information where applicable.

- a. The nature of the contracting party
- b. The nature of the contract, including the end product or service
- c. The dollar amount of the contract, including the budgeted amount and actually spent
- d. The term of the contract
- e. Whether the contract was competitively bid or not. How many bids were received?
- f. The name of the agency's contract monitor and results of any monitoring activity
- g. Funding source

The MOLC has not entered into any leases or grants. The office's only procurements in FY 2016 and FY 2017 were P-Card transactions.

26. If your Office oversees capital projects, please provide a list of projects and the following information:

- a. Description of each project
- b. Amount of capital funds available for each project
- c. Status report on each project, including timeframe for completion
- d. Planned remaining spending on the project

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The MOLC does not have a capital budget.

27. Please provide a list of all federal grants or other grants your Office received in the fiscal years 2016 and 2017 to date. **The MOLC has not received any grants in FY 2016 or FY 2017.**
28. In table format, please list the following for fiscal years 2016 and 2017 to date regarding the agency's use of SmartPay (credit) cards for agency purchases: (1) individuals (by name and title/position) authorized to use the cards; (2) purchase limits (per person, per day, etc.); and (3) total spent (by person and for the agency).

The MOLC does not maintain possession of a P-Card; the card is held by Ms. Rosa Burch of the Executive Office of the Mayor's Support Services staff. The total transaction amount from October 1, 2015 through February 9, 2017 is \$23,090.43.

29. (a) In table format, please provide the following information for fiscal years 2016 and 2017 to date, regarding your agency's use of cellular phones and mobile devices: (1) individuals (by name and title/position) authorized to carry and use such devices; (2) total annual expense (FY) for each individual's use; and (3) justification for such use (per person). If the list is more than one page in length, you may provide it as an attachment.

| Name | Title | Annualized Cost | Justification |
|----------------|-----------------------------------|------------------------|---|
| Mark Tuohey | Director | \$576.36 | Respond to high-priority client or office needs when away from office |
| Ronald Ross | Deputy Director & General Counsel | \$576.36 | Respond to high-priority client or office needs when away from office |
| Tom Moir | Chief of Staff | \$576.36 | Respond to high-priority client or office needs when away from office |
| Greg Evans | Associate Director | \$576.36 | Respond to high-priority client or office needs when away from office |
| Melissa Tucker | Associate Director | \$557.60 | Respond to high-priority client or office needs when away from office |
| Bijan Hughes | Staff Attorney | \$576.36 | Respond to high-priority client or office needs when away from office |
| John Marsh | Staff Attorney | \$808.44 | Respond to high-priority client or office needs when away from office |
| Jared Evans | Special Assistant | \$646.80 | Respond to high-priority client or office needs when away from office |

- b) Please describe how your agency manages and limits its mobile, voice, and data costs, including cellular phones and mobile devices. **Employees are required to sign a standard use agreement when they receive their government cell phones. Employees are further**

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subject to ethical standards of conduct regarding the use of government resources, including cell phones.

30. (a) Does your agency have or use one or more government vehicle? If so, for fiscal years 2016 and 2017 to date, please list any vehicle the agency owns. You may group the vehicles by category (e.g., 15 sedans, 33 pick-up trucks, three transport buses, etc.). The MOLC does not own any vehicles. The office does make use of the transport vans maintained by the Executive Office of the Mayor's Support Services team, for the purposes of travelling to work-related meetings or events outside of the Wilson Building.

(b) Please list all vehicle accidents involving your agency's vehicles for fiscal years 2016 and 2017 to date. Provide: (1) a brief description of each accident; (2) the type of vehicle involved; (3) the justification for using such vehicle; (4) the name and title/position of the driver involved; and (5) whether there was a finding of fault and, if so, who was determined to be at fault. **Not applicable.**

31. D.C. Law requires the Mayor to pay certain settlements from agency operating budgets if the settlement is less than \$10,000 or less than two years old (see D.C. Code § 2-402(a)(3)). Please itemize each charge-back to your agency for a settlement or judgment pursuant to D.C. Code § 2-402. **No settlements or judgments have been paid from the MOLC's budget.**

(a) D.C. Law prohibits chauffeurs, take-home vehicles, and the use of SUVs (see D.C. Code §§ 50-203 and 50-204). Is your agency in compliance with this law? Please explain any exceptions. **Yes, the MOLC is in compliance with this law.**

(b) If there are exceptions, please provide the following: (1) type of vehicle (make, model, year); (2) individuals (name/position) authorized to have the vehicle; (3) jurisdictional residence of the individual (e.g., Bowie, MD); and (4) justification for the chauffeur or take-home status. **Not applicable.**

32. In table format, please provide the following information for fiscal years 2016 and 2017 to date regarding your agency's authorization of employee travel: (1) individuals (by name and title/position) authorized to travel outside the District; (2) total expense for each trip (per person, per trip, etc.); and (3) justification for the travel (per person and trip). **The MOLC authorized one trip in FY16 and one trip in FY17 to date:**

| Individual | Description | Expense | Justification |
|--|--|---------|---|
| Melissa Tucker, Associate Director (December 2015) | Council on Governmental Ethics Laws (COGEL): 37 th Annual Conference | \$1675 | Continuing legal education; training on FOIA issues and other public law matters |

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| | | | |
|--|--|--------|---|
| Melissa Tucker, Associate Director (December 2016) | Council on Governmental Ethics Laws (COGEL): 38 th Annual Conference | \$1680 | Continuing legal education; training on FOIA issues and other public law matters |
|--|--|--------|---|

33. Identify any statutory or regulatory impediments to your Office's operations. The MOLC has not identified any existing statutory or regulatory impediments to its operations. The office is conducting a review of Chapter 36 of Title 6-B of the District of Columbia Municipal Regulations (personnel regulations covering District government attorneys). Chapter 36 was last revised to account for the establishment of the MOLC and other statutory changes included in the Elected Attorney General Implementation and Legal Service Establishment Amendment Act of 2013. The MOLC is reviewing the chapter to determine whether any clarifications or changes should be promulgated to improve upon the administration of personnel matters and to ensure that the regulations are not in conflict with any collective bargaining agreement.
34. Please explain, if any, the impact federal legislation has had on your Office for fiscal years 2016 and 2017 to date. There is no recently enacted federal legislation having a direct, identifiable impact on the MOLC in FY 2016 or FY 2017 to date. The MOLC will monitor federal legislative developments throughout FY 2017 to ensure that the office can continue to provide top-notch legal advice to the Mayor and executive agencies.
35. Please explain, if any, the impact local legislation has had on your Office for fiscal years 2016 and 2017 to date. There is no recently enacted local legislation having a direct, identifiable impact on the MOLC in FY 2016 or FY 2017 to date. As with federal legislation, the MOLC will continue to monitor local legislation to ensure that the office can continue to provide high quality legal advice to its clients.
36. What are your Office's priorities and foreseeable challenges in this fiscal year? The MOLC's priorities align with its statutory purposes: the provision of world-class legal services to the Mayor and executive agencies and the coordination of personnel-related issues for subordinate agency counsel in conjunction with agency directors. The MOLC stands ready to respond to congressional or other investigations on behalf of District agencies in the interest of defending the District's rights and prerogatives.
37. Does your agency have a strategic plan? If so, please provide. If not, are there plans for one in the upcoming FY? As a small, client-focused office, the MOLC does not have a strategic plan per se. The MOLC will continue to focus on the dynamic legal needs of its clients, on providing high quality legal training for agency counsel, and on addressing discrete attorney personnel matters as they arise from time to time.

Mayor's Office of Legal Counsel FY2017

Agency Mayor's Office of Legal Counsel

Agency Acronym MOLC

Agency Code AH0

To edit agency and POC information press your agency name (underlined and in blue above).

Agency Thomas (EOM) Moir
Performance POCs

Agency Budget POCs Thomas (EOM) Moir

Fiscal Year 2017

When you believe you are finished with this phase of your Performance Plan, press edit in the upper right, check this box, and then press save.

2017 Strategic Objectives

| Objective Number | Strategic Objective |
|------------------|---|
| 1 | Provide advice, assistance, and counsel to the Mayor and DC agency attorneys on personnel-related matters, contracts, drafting of statutes and regulations, real estate transactions, and compliance with FOIA. |
| 2 | Hire and retain a highly qualified workforce of attorney and legal support staff. |
| 3 | Identify and foster relationships with other governmental agencies to promote opportunities to solve intergovernmental issues to the city's advantage. |
| 4 | Adjudicate FOIA appeals brought against District agencies. |
| 5 | Advise agency staff on FOIA compliance, including facilitating FOIA training, scheduling FOIAExpress training, and resolving other public records issues. |
| 6 | Create and maintain a highly efficient, transparent and responsive District government.** |

2017 Key Performance Indicators

| Record ID# | Measure | New Measure/ Benchmark Year | Frequency of Reporting | Add Data Fields (if applicable) | FY 2014 Actual | FY 2015 Target | FY 2015 Actual | FY 2016 Target | FY 2016 Actual | FY 2017 Target | FY 2017 Quarter 1 |
|--|--|--------------------------------|------------------------|---------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 - Provide advice, assistance, and counsel to the Mayor and DC agency attorneys on personnel-related matters, contracts, drafting of statutes and regulations, real estate transactions, and compliance with FOIA. (1 Measure) | | | | | | | | | | | |
| 5054 | Percent of agencies who MOLC collaborated with throughout the fiscal year | ✓ | Annually | | Not available | Not available | 100% | 100% | New Measure | 100% | Annual Measure |
| 2 - Hire and retain a highly qualified workforce of attorney and legal support staff. (3 Measures) | | | | | | | | | | | |
| 5055 | Number of attorneys that attended legal training courses | ✓ | Annually | | Not available | Not available | 103 | 148 | New Measure | 250 | Annual Measure |
| 5056 | Number of surveys from legal training courses with high rating feedback on topics presented | <input type="checkbox"/> | Annually | | Not available | Not available | 69 | 70 | 0 | 150 | Annual Measure |
| 5058 | Number of surveys from legal training courses with high rating feedback on speakers/presenters | <input type="checkbox"/> | Annually | | Not available | Not available | 70 | 66 | 0 | 150 | Annual Measure |
| 6 - Create and maintain a highly efficient, transparent and responsive District government.** (9 Measures) | | | | | | | | | | | |
| 5131 | Contracts/Procurement-Expendable Budget spent on Certified Business Enterprises | ✓ | | | Forthcoming October 2017 | Forthcoming October 2017 | Forthcoming October 2017 | Forthcoming October 2017 | Forthcoming October 2017 | Forthcoming October 2017 | Forthcoming October 2017 |
| 5132 | Contracts/Procurement-Contracts lapsed into retroactive status | ✓ | | | Forthcoming October 2017 | Forthcoming October 2017 | Forthcoming October 2017 | Forthcoming October 2017 | Forthcoming October 2017 | Forthcoming October 2017 | Forthcoming October 2017 |
| 5133 | Budget- Local funds unspent | ✓ | | | Forthcoming October 2017 | Forthcoming October 2017 | Forthcoming October 2017 | Forthcoming October 2017 | Forthcoming October 2017 | Forthcoming October 2017 | Forthcoming October 2017 |
| 5134 | Budget- Federal Funds returned | ✓ | | | Forthcoming October 2017 | Forthcoming October 2017 | Forthcoming October 2017 | Forthcoming October 2017 | Forthcoming October 2017 | Forthcoming October 2017 | Forthcoming October 2017 |
| 5135 | Customer Service-Meeting Service Level Agreements | ✓ | | | Forthcoming October 2017 | Forthcoming October 2017 | Forthcoming October 2017 | Forthcoming October 2017 | Forthcoming October 2017 | Forthcoming October 2017 | Forthcoming October 2017 |
| 5136 | Human Resources-Vacancy Rate | ✓ | | | Forthcoming October 2017 | Forthcoming October 2017 | Forthcoming October 2017 | Forthcoming October 2017 | Forthcoming October 2017 | Forthcoming October 2017 | Forthcoming October 2017 |
| 5137 | Human Resources-Employee District residency | ✓ | | | Forthcoming October 2017 | Forthcoming October 2017 | Forthcoming October 2017 | Forthcoming October 2017 | Forthcoming October 2017 | Forthcoming October 2017 | Forthcoming October 2017 |
| 5138 | Human Resources-Employee Onboard Time | ✓ | | | Forthcoming October 2017 | Forthcoming October 2017 | Forthcoming October 2017 | Forthcoming October 2017 | Forthcoming October 2017 | Forthcoming October 2017 | Forthcoming October 2017 |
| 5139 | Performance Management-Employee Performance Plan Completion | ✓ | | | Forthcoming October 2017 | Forthcoming October 2017 | Forthcoming October 2017 | Forthcoming October 2017 | Forthcoming October 2017 | Forthcoming October 2017 | Forthcoming October 2017 |

2017 Operations

| Operations Header | Operations Title | Operations Description | Type of Operations | # of Measures | # of Strategic Initiatives |
|---|--|------------------------|--------------------|---------------|----------------------------|
| 1 - Provide advice, assistance, and counsel to the Mayor and DC agency attorneys on personnel-related matters, contracts, drafting of statutes and regulations, real estate transactions, and compliance with FOIA. (1 Activity) | | | | | |
| PERFORMANCE MANAGEMENT | Advises Mayor, Deputy Mayors and Agency Directors | | Daily Service | 0 | 2 |
| TOT | | | | 0 | 2 |
| 2 - Hire and retain a highly qualified workforce of attorney and legal support staff. (2 Activities) | | | | | |
| PERFORMANCE MANAGEMENT | Review hiring, promotion, and disciplinary matter for all agency attorneys | | Daily Service | 1 | 1 |
| PERFORMANCE MANAGEMENT | Coordinate monthly legal training for all agency attorneys in order for them to meet legal training requirements | | Daily Service | 0 | 2 |
| TOT | | | | 1 | 3 |
| 3 - Identify and foster relationships with other governmental agencies to promote opportunities to solve intergovernmental issues to the city's advantage. (1 Activity) | | | | | |
| PERFORMANCE MANAGEMENT | Provide advice and assistance to agencies on a range of issues that arise throughout the year | | Daily Service | 0 | 3 |
| TOT | | | | 0 | 3 |
| 4 - Adjudicate FOIA appeals brought against District agencies. (1 Activity) | | | | | |
| PERFORMANCE MANAGEMENT | FOIA adjudication | | Daily Service | 0 | 1 |
| TOT | | | | 0 | 1 |
| 5 - Advise agency staff on FOIA compliance, including facilitating FOIA training, scheduling FOIAxpress training, and resolving other public records issues. (1 Activity) | | | | | |
| PERFORMANCE MANAGEMENT | Provide advice and training on FOIA compliance | | Daily Service | 0 | 3 |
| TOT | | | | 0 | 3 |
| 6 - Create and maintain a highly efficient, transparent and responsive District government.** (1 Activity) | | | | | |
| PERFORMANCE MANAGEMENT | Agency Management | | Daily Service | 0 | 0 |
| TOT | | | | 0 | 0 |
| TOT | | | | 1 | 12 |

2017 Workload Measures

All Workload Measures must be linked to a specific Operation. If Workload Measures are already in the system but not yet linked, email the Office of Performance Management with a spreadsheet that identifies to which Operation each Workload Measure belongs.

| Workload Measures - Operations | Measure | New Measure/ Benchmark Year | Add Historical and Target Data (FY17) | Numerator Title | Units | Frequency of Reporting | FY 2014 | FY 2015 | FY 2016 Actual | FY 2017 Quarter 1 |
|---|--|--------------------------------|---------------------------------------|--|-------------------|------------------------|---------------|---------------|-------------------|-------------------|
| 2 - Review hiring, promotion, and disciplinary matter for all agency attorneys (1 Measure) | | | | | | | | | | |
| | # of hiring and promotions packages reviewed by MOLC | <input type="checkbox"/> | | # of hiring and promotions packages reviewed | packages reviewed | Annually | Not available | Not available | Needs Data Update | Annual Measure |

2017 Strategic Initiatives

| Strategic Initiative Title | Strategic Initiative Description | Proposed Completion Date | Add Initiative Update | # of Initiative Updates | Needs Initiative Update Notification |
|--|--|--------------------------|-----------------------|-------------------------|--------------------------------------|
| PERFORMANCE MANAGEMENT (12 Strategic initiative-operation links) | | | | | |
| Collaborate with DCHR on processes and procedures in agency counsel matters. | MOLC will work with DCHR to coordinate meetings with their Human Resources Agency Specialists to update them on new process, procedures, and announcements that concern their respective agencies. | 09-30-2017 | | 1 | |
| Revise sections of Chapter 36 - Personnel Regulations Legal Service Act | MOLC is currently working with the General Counsel at DCHR and Director Gibson on updating sections of Chapter 36 that need to be updated post the bifurcation. | 09-30-2017 | | 1 | |
| Hiring and Promotion of Agency Counsel | MOLC will continue to work with DCHR, Agency Directors and General Counsel to review the hiring and promoting of agency counsel. | 09-30-2017 | | 1 | |

| | | | | | |
|---|--|------------|--|-----------|--|
| Coordinate Legal Training Courses | MOLC will hold regular CLE trainings on a variety of topics relevant to the work of agency counsel. The trainings will be District- wide and provide an opportunity for agency counsel to fulfill CLE requirements while learning about important legal issues and new developments in the law. MOLC trainings will feature District lawyers and agency counsel with subject matter expertise in the topics addressed. MOLC will continue to work with OAG and other District agencies in the development of legal training courses that will allow the agency counsel to meet their annual legal training requirements. | 09-30-2017 | | 1 | |
| Revised Rating Period | The current rating period for line attorneys is from September 1 to August 31. The rating period for supervisors and non-supervisory attorneys is from October 1 to September 30. | 05-30-2017 | | 1 | |
| GC Quarterly Meetings | Meet with agency General Counsel on a quarterly basis. The MOLC will host quarterly meetings with agency General Counsel to share important updates, get feedback about issues and areas of concern, and answer questions. | 09-30-2017 | | 1 | |
| Document Review | Work on review of contracts, working agreements, and real estate documentation with DMPED (and other interrelated agencies) on present and future acquisitions and collaborative partnerships. | 09-30-2017 | | 1 | |
| Assist in Legislation review | MOLC will assist/collaborate with conducting legal research related to the proposed legislation. MOLC will also provide analysis as to how proposed legislation/policy may be legally and procedural implemented. Technical review will insure that proposed legislation conforms to the Council's Legislative Drafting Manual | 09-30-2017 | | 1 | |
| Mediate FOIA disputes | Many times FOIA appeals are filed because agencies do not respond to FOIA requests. MOLC will attempt to contact these agencies to expedite FOIA responses before they rise to the level of appeals. | 09-30-2017 | | 1 | |
| MOLC will continue as the EOM's primary contact | This guidance consists of interpretation of FOIA exemptions and applicable case law and regulations. In addition, MOLC will assist agencies in addressing overly burdensome requests and fee issues. | 09-30-2017 | | 1 | |
| FOIA Training | The type of training offered will be both general as well as specific to particular FOIA issues that are frequently appealed, such as the personal privacy exemption. MOLC will also continue scheduling FOIAExpress training classes and webinars for District employees. | 09-30-2017 | | 1 | |
| FOIA data | This will help FOIA officers identify and analyze issues under FOIA in a consistent and analytical manner. | 09-30-2017 | | 1 | |
| TOT | | | | 12 | |

2017 Initiative Updates

| Initiative Updates | Strategic Initiative- Operation Link - Strategic Initiative Title | Initiative Status Update | % Complete to date | Confidence in completion by end of fiscal year (9/30)? | Status of Impact | Explanation of Impact | Supporting Data | FY2017 Quarters |
|---|--|--|--------------------|--|------------------|---|-----------------|-----------------|
| Assist in Legislation review (1 Initiative Update) | | | | | | | | |
| | Assist in Legislation review | This is an ongoing operation that will continue through FY17 and beyond. | 25-49% | High | Demonstrable | MOLC is working to ensure that this ongoing operation is accurately set forth as such in its FY18 performance plan. | | FY17Q1 |
| Collaborate with DCHR on processes and procedures in agency counsel matters. (1 Initiative Update) | | | | | | | | |
| | Collaborate with DCHR on processes and procedures in agency counsel matters. | This is an ongoing operation that will continue through FY17 and beyond. | 25-49% | High | Demonstrable | MOLC is working to ensure that this ongoing operation is accurately set forth as such in its FY18 performance plan. | | FY17Q1 |
| Coordinate Legal Training Courses (1 Initiative Update) | | | | | | | | |
| | Coordinate Legal Training Courses | This is an ongoing operation that will continue through FY17 and beyond. | 25-49% | High | Demonstrable | MOLC is working to ensure that this ongoing operation is accurately set forth as such in its FY18 performance plan. | | FY17Q1 |
| Document Review (1 Initiative Update) | | | | | | | | |
| | Document Review | This is an ongoing operation that will continue through FY17 and beyond. | 25-49% | High | Demonstrable | MOLC is working to ensure that this ongoing operation is accurately set forth as such in its FY18 performance plan. | | FY17Q1 |
| FOIA data (1 Initiative Update) | | | | | | | | |
| | FOIA data | This is an ongoing operation that will continue through FY17 and beyond. | 25-49% | High | Demonstrable | MOLC is working to ensure that this ongoing operation is accurately set forth as such in its FY18 performance plan. | | FY17Q1 |
| FOIA Training (1 Initiative Update) | | | | | | | | |
| | FOIA Training | This is an ongoing operation that will continue through FY17 and beyond. | 25-49% | High | Demonstrable | MOLC is working to ensure that this ongoing operation is accurately set forth as such in its FY18 performance plan. | | FY17Q1 |
| GC Quarterly Meetings (1 Initiative Update) | | | | | | | | |

| | | | | | | | |
|--|--|--------|--------|----------------|---|--|--------|
| GC Quarterly Meetings | This is an ongoing operation that will continue through FY17 and beyond. | 25-49% | Medium | Demonstrable | MOLC is working to ensure that this ongoing operation is accurately set forth as such in its FY18 performance plan. | | FY17Q1 |
| Hiring and Promotion of Agency Counsel (1 Initiative Update) | | | | | | | |
| Hiring and Promotion of Agency Counsel | This is an ongoing operation that will continue through FY17 and beyond. | 25-49% | High | Demonstrable | MOLC is working to ensure that this ongoing operation is accurately set forth as such in its FY18 performance plan. | | FY17Q1 |
| Mediate FOIA disputes (1 Initiative Update) | | | | | | | |
| Mediate FOIA disputes | This is an ongoing operation that will continue through FY17 and beyond. | 25-49% | High | Demonstrable | MOLC is working to ensure that this ongoing operation is accurately set forth as such in its FY18 performance plan. | | FY17Q1 |
| MOLC will continue as the EOM's primary contact (1 Initiative Update) | | | | | | | |
| MOLC will continue as the EOM's primary contact | This is an ongoing operation that will continue through FY17 and beyond. | 25-49% | High | Demonstrable | MOLC is working to ensure that this ongoing operation is accurately set forth as such in its FY18 performance plan. | | FY17Q1 |
| Revise sections of Chapter 36 - Personnel Regulations Legal Service Act (1 Initiative Update) | | | | | | | |
| Revise sections of Chapter 36 - Personnel Regulations Legal Service Act | MOLC has undertaken initial research to prepare for the future revisions to Chapter 36. Further progress is dependent on the outcome of the collective bargaining process with agency counsel. | 0-24% | Medium | Transformative | Revisions to Chapter 36 will address any legacy confusions or ambiguities in the regulations pertaining to agency attorneys and will ensure that any collectively bargained matters are accurately reflected in the regs. | | FY17Q1 |
| Revised Rating Period (1 Initiative Update) | | | | | | | |
| Revised Rating Period | A change in rating period would be rolled into the revisions to Chapter 36 and is associated with the same contingencies as that larger project. | 0-24% | Medium | Transformative | Aligning the rating periods will improve the efficiency of the attorney evaluation process and improve administrative clarity. | | FY17Q1 |

2017 Special Mayoral Plans

| Strategic Initiative Header | Strategic Initiative Title | Special Mayoral Plan | Mayoral Plan Domain | Mayoral Plan Goal | Mayoral Plan Action |
|---|----------------------------|----------------------|---------------------|-------------------|---------------------|
| No links to special mayoral plans found | | | | | |

Administrative Information

FY Performance Plan Mayor's Office of Legal Counsel FY2017 **Record ID#** 284

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ORGANIZATIONAL CHART

ATTACHMENT B
As of 2.14.2017
Last updated by Tom Moir
FY17 FTE Total: 10

