

GOVERNMENT OF THE DISTRICT OF COLUMBIA

OFFICE OF EMPLOYEE APPEALS



REPLY TO:  
1100 4TH STREET, S.W.  
East Building  
Suite 620 East  
WASHINGTON, D.C. 20024  
(202) 727-0004  
FAX (202) 727-5631

February 11, 2015

The Honorable Phil Mendelson  
Chairman, Council of the District of Columbia  
Committee of the Whole  
John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, D.C. 20004

Dear Chairman Mendelson:

Enclosed are the Office of Employee Appeals' answers to the Performance Oversight Hearing regarding the agency. Should you have additional questions before our scheduled hearing on February 26, 2015, please feel free to contact me directly.

Sincerely,

  
SHEILA G. BARFIELD, Esq.  
Executive Director

February 11, 2015

The Honorable Phil Mendelson  
Chairman, Council of the District of Columbia  
Committee of the Whole  
John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, D.C. 20004

Dear Chairman Mendelson:

In response to your correspondence dated January 28, 2015, regarding questions applicable to the Performance Oversight Hearing on the Office of Employee Appeals, I herewith submit the following answers:

1. Please provide, as an attachment to your answers, a current organizational chart for your agency with the number of vacant and filled FTEs marked in each box. Include the names of all senior personnel, if applicable. Also include the effective date on the chart.

**ANSWER:**

Please see Attachment #1.

2. Please provide, as an attachment, a Schedule A for your agency which identifies all employees by title/position, current salary, fringe benefits, and program office as of January 26, 2015. The Schedule A also should indicate any vacant positions in the agency. Please do not include social security numbers.

**ANSWER:**

Please see Attachment #2

3. Please list all employees detailed to or from your agency, if any. For each employee identified, please provide the name of the agency the employee is detailed to or from, the reason for the detail, the date of the detail, and the employee's projected date of return.

**ANSWER:**

There are no employees who have been detailed to, or from, OEA.

4. (a) For fiscal year 2014, 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.

**ANSWER:**

<b>NAME</b>	<b>POSITION</b>	<b>SALARY</b>	<b>OVERTIME</b>
Sheila Barfield	Executive Director	\$156,704.20	None
Lasheka Brown	General Counsel	\$134,928.00	None

(b) For fiscal year 2015, please list each employee whose salary is or was \$110,000 or more. For each employee listed provide the name, position title, salary, and amount of any overtime and/or bonus pay as of the date of your response.

**ANSWER:**

<b>NAME</b>	<b>POSITION</b>	<b>SALARY</b>	<b>OVERTIME</b>
Sheila Barfield	Executive Director	\$156,704.20	None
Lasheka Brown	General Counsel	\$134,928.00	None
Joseph Lim	Senior Administrative Judge	\$110,796.15	None

5. Please list, in descending order, the top 25 overtime earners in your agency for fiscal year 2014. For each, state the employee's name, position or title, salary, and aggregate overtime pay.

**ANSWER:**

No employee earned overtime in fiscal year 2014.

6. For fiscal years 2013, 2014, and 2015 (to date), please provide a list of employee bonuses or special award pay granted that identifies the employee receiving the bonus or special pay, the amount received, and the reason for the bonus or special pay.

**ANSWER:**

No employee bonuses or special award pay was granted in fiscal years 2013, 2014, or 2015 to date.

7. For fiscal year 2015 (to date), please list each employee separated from the agency with separation pay. State the amount and number of weeks equivalents. Also, for each, state the reason for the separation.

**ANSWER:**

No employee has been separated from OEA in fiscal year 2015 to date.

8. For fiscal years 2013, 2014, and 2015 (to date), please state the total number of employees receiving worker's compensation payments.

**ANSWER:**

No employees received worker's compensation payments in fiscal years 2013 or 2014 and no employees have received worker's compensation payments in 2015 to date.

9. For fiscal years 2014 and 2015 (to date), please list, in chronological order, all intra-District transfers to or from the agency.

**ANSWER:**

	<b>SELLER AGENCY</b>	<b>BUYER AGENCY</b>	<b>SERVICE DESCRIPTION</b>
Fiscal Year 2014	OCP	OEA	Purchase Card
	OCTO	OEA	System Maintenance
Fiscal Year 2015 (to date)	OCP	OEA	Purchase Card

10. Please list, in chronological order, every reprogramming of funds into and out of the agency for fiscal years 2014 and 2015 (to date). Include a "bottom line" that explains the revised final budget for your agency. For each reprogramming, list the reprogramming number, the date, the amount, and the rationale.

**ANSWER:**

There were no reprogramming of funds into or out of the agency in fiscal year 2014 nor have there been any reprogramming of funds into or out of the agency in fiscal year 2015 to date.

11. For fiscal years 2014 and 2015 (to date), please identify any special purpose revenue funds maintained by, used by, or available for use by your agency. For each fund identified, provide: (1) the revenue source name and code; (2) the source of funding; (3) a description of the program that generates the funds; (4) the amount of funds generated annually by each source or program; and (5) expenditures of funds, including the purpose of each expenditure.

**ANSWER:**

No special purpose revenue funds have been maintained by, used by, or been available for use by OEA in fiscal years 2014 or 2015 to date.

12. Please list all memoranda of understanding (MOU) either entered into by your agency or operational during fiscal years 2014 and 2015 (to date). For each, describe its purpose, indicate the date entered, and provide the actual or anticipated termination date.

**ANSWER:**

	<b>SELLER AGENCY</b>	<b>BUYER AGENCY</b>	<b>SERVICE PERIOD</b>	<b>SERVICE DESCRIPTION</b>
Fiscal Year 2014	OCP	OEA	10/01/13-09/30/14	Purchase Card
	OCTO	OEA	10/01/13-09/30/14	System Maintenance
Fiscal Year 2015 (to date)	OCP	OEA	10/01/14-09/30/15	Purchase Card

13. D.C. Law requires the Mayor and the Chief Financial Officer to submit to the Council, simultaneously with a proposed budget submission, actual copies of all agency budget enhancements requests, including the "Form B" for all District agencies (See D.C. Code § 47-318.05a). In order to help the Committee understand agency needs, and the cost of those needs for your agency, please provide as an attachment to your answers all budget enhancement requests submitted by your agency to the Mayor or Chief Financial Officer as part of the budget process for fiscal years 2014 and 2015.

**ANSWER:**

Please see Attachment #3.

14. Please list each grant or sub-grant received by your agency in fiscal years 2014 and 2015 (to date). List the date, amount, purpose of the grant or sub-grant received, and explain how the grant is allocated if it is a multi-year grant.

**ANSWER:**

OEA did not receive any grant or sub-grant in fiscal year 2014 nor has it received such in fiscal year 2015 to date.

15. Please list all currently open capital projects for your agency as of the date of your response, including those projects that are managed or overseen by another agency or entity. Include a brief description of each, the total estimated cost, expenditures to date, the start and completion dates, and the current status of the project. Also, indicate which projects are experiencing delays and which require additional funding.

**ANSWER:**

OEA does not have any open capital projects.

16. Please list all pending lawsuits that name your agency as a party. Please identify which cases on the list are lawsuits that potentially expose the city to significant liability in

terms of money and/or change in practices. The Committee is not asking for your judgment as to the city's liability; rather, we are asking about the extent of the claim. For those claims identified, please include an explanation about the issues for each case.

**ANSWER:**

The following matters are pending lawsuits where the Office of Employee of Appeals is named as a party. The Office of Employee Appeals is named in these law suits for the limited purpose of filing the complete record for each matter in Superior Court for the District of Columbia and the D.C. Court of Appeals. All of the lawsuits listed below potentially expose the city to significant liability in terms of money. However, none of the liability can be attributed to the Office of Employee Appeals. Any judgments imposed as a result of these law suits are the sole responsibility of the agency that initiated the employment action against each employee. Those agencies that are liable are listed below.

No.	Case Name	Case Number	Matter Pending Before	Agency Liable
1.	Edith Eastman-Ajaero v. Office of Employee Appeals and D.C. Public Schools	2013 CA 7027 P(MPA)	Superior Court for the District of Columbia	D.C. Public Schools
2.	Laura Jackson v. D.C. Office of Employee Appeals and Department of Health	2013 CA 003442 P(MPA)	Superior Court for the District of Columbia	Department of Health
3.	D.C. Child and Family Services v. Ernest Hunter and D.C. Office of Employee Appeals	2014 CA 001857 P(MPA)	Superior Court for the District of Columbia	Department of Child and Family Services
4.	Robert Tate v. D.C. Office of Employee Appeals and Department of Parks and Recreation	2014 CA 002709 P(MPA)	Superior Court for the District of Columbia	Department of Parks and Recreation
5.	Okojie Omohodion v. D.C. Office of Employee Appeals and Department of Mental Health	2014 CA 000569 P(MPA)	Superior Court for the District of Columbia	Department of Mental Health
6.	Florentino Rodriguez v. Department of Human Resources and D.C. Office of Employee Appeals	2014 CA 0241 P(MPA)	Superior Court for the District of Columbia	Department of Human Resources
7.	Steve Little v. Department of Youth Rehabilitation Services and D.C. Office of Employee Appeals	2014 CA 001069 P(MPA)	Superior Court for the District of Columbia	Department of Youth Rehabilitation Services

8.	Ira Bell v. Department of Human Services and D.C. Office of Employee Appeals	2014 CA 658 P(MPA)	Superior Court for the District of Columbia	Department of Human Services
9.	Paula LaGrand v. D.C. Office of Employee Appeals and Metropolitan Police Department	2014 CA 4256 P(MPA)	Superior Court for the District of Columbia	Metropolitan Police Department
10.	Sterling Robinson v. D.C. Office of Employee Appeals and D.C. Public Schools	2014 CA 004609 P(MPA)	Superior Court for the District of Columbia	D.C. Public Schools
11.	Sharon Jeffries v. D.C. Retirement Board and D.C. Office of Employee Appeals	2014 CA 005237 P(MPA)	Superior Court for the District of Columbia	D.C. Retirement Board
12.	Department of Youth Rehabilitation Services v. D.C. Office of Employee Appeals and Donatus Duru	2014 CA 005230 P(MPA)	Superior Court for the District of Columbia	Department of Youth Rehabilitation Services
13.	Department of Fire and Emergency Medical Services v. D.C. Office of Employee Appeals and Scott Sefton	2014 CA 004804 P(MPA)	Superior Court for the District of Columbia	Department of Fire and Emergency Medical Services
14.	Karen Falls v. Department of General Services and D.C. Office of Employee Appeals	2014 CA 007260 P(MPA)	Superior Court for the District of Columbia	Department of General Services
15.	Jacqueline Hurst v. Department of Youth Rehabilitation Services and D.C. Office of Employee Appeals	2014 CA 006617 P(MPA)	Superior Court for the District of Columbia	Department of Youth Rehabilitation Services
16.	Barbara Brewer v. D.C. Office of Employee Appeals and D.C. Public Schools	2401 CA 006579 P(MPA)	Superior Court for the District of Columbia	D.C. Public Schools
17.	Lyttice Boone v. D.C. Office of Employee Appeals and D.C. Public Schools	13-CV-45	D.C. Court of Appeals	D.C. Public Schools
18.	Karleane Johnson v. D.C. Office of Employee Appeals and Department of Health	13-CV-790	D.C. Court of Appeals	Department of Health

19.	LaTisha Porter v. D.C. Office of Employee Appeals and D.C. Fire and Emergency Medical Services	14-CV-632	D.C. Court of Appeals	D.C. Fire and Emergency Medical Services
20.	Ira Bell v. D.C. Office of Employee Appeals and Department of Human Services	14-CV-658	D.C. Court of Appeals	Department of Human Services
21.	William Dupree v. D.C. Department of Corrections and D.C. Office of Employee Appeals	14-CV-860	D.C. Court of Appeals	Department of Corrections
22.	Sheena Washington v. D.C. Office of Employee Appeals and D.C. Public Schools, Division of Transportation	14-CV-914	D.C. Court of Appeals	D.C. Public Schools, Division of Transportation

17. (a) Please list and describe any investigations, studies, audits, or reports on your agency or any employee of your agency that were completed at any time since October 1, 2011.

**ANSWER:**

Since October 1, 2011, there have been no investigations, studies, audits, or reports on OEA or any employee of OEA.

- (b) Please list and describe any ongoing investigations, audits, or reports of your agency or any employee of your agency.

**ANSWER:**

There are no ongoing investigations, audits, or reports concerning OEA or any employee of OEA.

18. Please list, in chronological order, all employee grievances filed against your agency in fiscal years 2014 and 2015 (to date). Also, list any earlier grievance that is still pending in any judicial forum. For each, give a brief description of the matter as well as the current status.

**ANSWER:**

No employee grievances were filed against OEA in fiscal year 2014 nor have any been filed in fiscal year 2015 to date.



19. In table format, please list the following for fiscal years 2013, 2014, and 2015 (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).

**ANSWER:**

	<b>NAME</b>	<b>POSITION</b>	<b>DAILY PURCHASE LIMIT</b>	<b>TOTAL EXPENDITURE</b>
Fiscal Year 2013	Gabrielle Smith-Barrow	Operations Manager	\$2,500.00	\$41,432.23
Fiscal Year 2014	Gabrielle Smith-Barrow	Operations Manager	\$2,500.00	\$42,789.12
Fiscal Year 2015 (to date)	Gabrielle Smith-Barrow	Operations Manager	\$2,500.00	\$18,954.20

20. (a) In table format, please provide the following information for fiscal years 2013, 2014, and 2015 (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.

**ANSWER:**

No employee utilized a cellular phone or mobile device in fiscal years 2013 or 2014 and no employee has utilized a cellular phone or mobile device in fiscal year 2015 to date.

(b) Please describe how your agency manages and limits its mobile, voice, and data costs, including cellular phones and mobile devices.

**ANSWER:**

Because no employee utilizes a cellular phone or mobile device, OEA does not have any mobile, voice or data costs to manage or limit.

21. (a) Does your agency have or use one or more government vehicles? If so, for fiscal years 2013, 2014, and 2015 (to date), please list these vehicles. You may group the vehicles by category (e.g., 15 sedans, 33 pick-up trucks, three transport buses, etc.).

**ANSWER:**

OEA does not have nor use any government vehicles.

(b) Please list all vehicle accidents involving your agency's vehicles for fiscal years 2013, 2014, and 2015 (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.

**ANSWER:**

OEA did not have any agency vehicles in fiscal years 2013 or 2014 nor does it have any agency vehicles in fiscal year 2015 to date.

22. 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.

**ANSWER:**

There were no charge-backs to OEA for a settlement or judgment pursuant to D.C. Official Code § 2-402.

23. (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.

**ANSWER:**

Because OEA does not utilize chauffeurs, take-home vehicles, or SUVs, it is in compliance with the above-referenced 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 chauffer or take-home status.

**ANSWER:**

Because OEA does not utilize chauffeurs, take-home vehicles, or SUVs, it is in compliance with the above-referenced law.

24. In table format, please provide the following information for fiscal years 2013, 2014, and 2015 (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).

**ANSWER:**

	NAME	POSITION	TRAVEL EXPENSES	JUSTIFICATION
Fiscal Year 2013	Arien Cannon	Administrative Judge	\$2,090.00	Two-week training at the National Judicial College
Fiscal Year 2014	N/A	N/A	N/A	N/A
Fiscal Year 2015 (to date)	N/A	N/A	N/A	N/A

25. Please provide and itemize, as of January 26, 2015, the current number of When Actually Employed (WAE), term, and contract personnel within your agency. If your agency employs WAE or term personnel, please provide, in table format, the name of each employee, position title, the length of his or her term, the date on which he or she first started with your agency, and the date on which his or her current term expires.

**ANSWER:**

	NAME	POSITION	TERM	PERIOD	START DATE
WAE	Lois Hochhauser	Hearing Examiner	1 Year	October 1-September 30 each year	April 3, 1985
WAE	Wanda Jackson	Attorney Advisor	1 Year	October 1-September 30 each year	December 6, 2004 (Full Time from November 18, 1978-September 20, 2002)

26. Please provide, as an attachment, a copy of your agency's current annual performance plan as submitted to the Office of the City Administrator.

**ANSWER:**

Please see Attachment #4.

27. What are your top five priorities for the agency? Please provide a detailed explanation for how the agency expects to achieve or work toward these priorities in fiscal years 2015 and 2016.

**ANSWER:**

OEA's top five priorities are as follows: 1.) increase the number of employees (FTEs); 2.) provide continuing legal education to the Administrative Judges; 3.) issue Initial Decisions within the statutory timeframe; 4.) update the agency's website; and 5.) upgrade the agency's database. Without an increase to the number of FTEs and the salary to accompany that increase, OEA will not be able hire any additional employees. To be able to provide continuing legal education to its Administrative Judges, OEA will need to identify courses, the cost of which fit within OEA's budget. To issue more Initial Decisions within the statutory timeframe, the Administrative Judges will need to continue to closely monitor their dockets to ensure that the proceedings are progressing as efficiently as possible while at the same time ensuring that the due process rights of the parties are being maintained. Finally, to update the agency's website and to upgrade the agency's database, OEA will continue to work with OCTO for these services.

28. Please provide the total number of cases processed each year, including those rejected for lack of jurisdiction.

**ANSWER:**

<b>Fiscal Year</b>	<b>Total Petitions for Appeal Issued</b>	<b>Total Petitions for Review Issued</b>
FY2013	337	26
FY2014	336	34
FY2015 (thus far)	98	13

29. Please provide the total number of cases handled per year broken out by type – adverse action, RIF, etc. (excluding rejections).

**ANSWER:**

<b>Fiscal Year</b>	<b>Total Initial Decisions Issued</b>	<b>Adverse Action</b>	<b>RIF</b>	<b>Grievances</b>	<b>Suspensions</b>	<b>Demotions</b>
FY2013	337 <sup>1</sup>	205	70	7	17	3
FY2014	336 <sup>2</sup>	208	42	9	40	1
FY2015 (thus far)	98 <sup>3</sup>	54	16	1	13	3

<sup>1</sup> There were a total of thirty-five (35) decisions dismissed for lack of jurisdiction.

<sup>2</sup> There were a total of thirty-six (36) decisions dismissed for lack of jurisdiction.

<sup>3</sup> There have been a total of eleven (11) decisions dismissed for lack of jurisdiction thus far this fiscal year.

<b>Fiscal Year</b>	<b>Total Opinions and Orders Issued</b>	<b>Adverse Action</b>	<b>RIF</b>	<b>Grievances</b>	<b>Suspensions</b>	<b>Demotions</b>
FY2013	26	9	17	0	0	0
FY2014	34 <sup>4</sup>	14	14	1	1	0
FY2015 (thus far)	13 <sup>5</sup>	8	3	1	0	0

30. Of the total number of Initial Decisions, how many Petitions for Review are filed?

**ANSWER:**

<b>Fiscal Year</b>	<b>Total Initial Decisions Issued</b>	<b>Total Petitions for Review Filed</b>
FY2013	337	31
FY2014	336	41
FY2015 (thus far)	98	14

31. Please provide the total number of appeals filed in Superior Court and the Court of Appeals each year.

**ANSWER:**

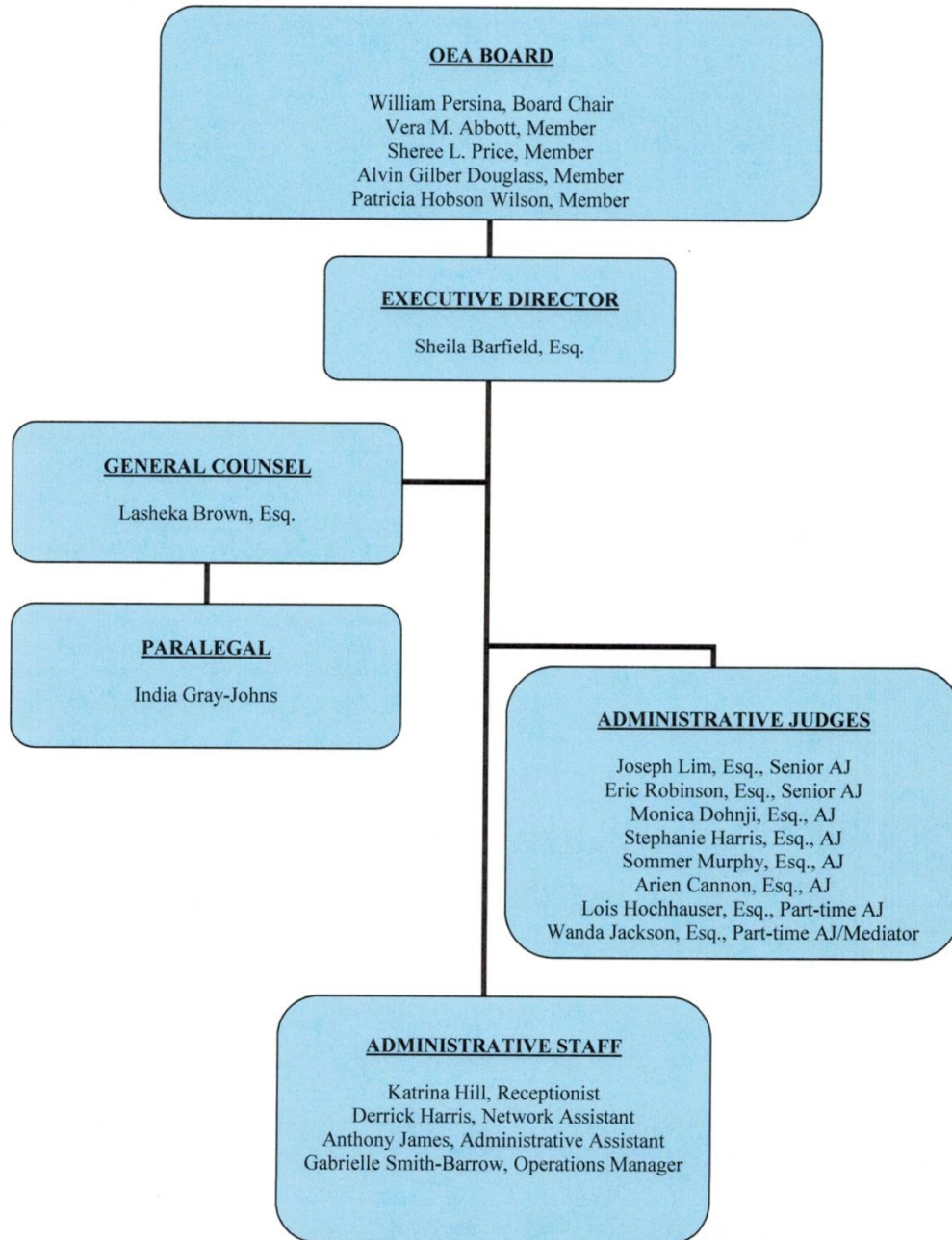
<b>Fiscal Year</b>	<b>Total Initial Decisions Issued</b>	<b>Total Petitions for Review Filed</b>	<b>Total Number of Superior Court Appeals</b>	<b>Total Number of Court of Appeal Appeals</b>
FY 2013	337	31	19	7
FY2014	336	41	21	5
FY2015 (thus far)	98	14	8	2

<sup>4</sup> There were a total of four (4) decisions dismissed for lack of jurisdiction.

<sup>5</sup> There has been a total of one (1) decision dismissed for lack of jurisdiction.

# Attachment # 1

Office of Employee Appeals Organizational Chart (effective 02.11.2015)



# Attachment # 2



**Office of Employee Appeals  
FY2015 Position Listing Report  
As of February 06, 2015**

Title	Name	Hire Date	Grade	Step	Salary	Fringe	Prgm Code	Activity	Job Status
Network Assistant	Harris, Derrick D	11/14/2004	9	6	\$ 51,583.00	\$ 9,749.19	1040	1040	Reg
Receptionist	Hill, Katrina	5/5/1997	6	7	\$ 40,179.00	\$ 7,593.83	1085	1085	Reg
EXECUTIVE DIR	Barfield, Sheila	10/18/1993	17	0	\$ 156,704.20	\$ 29,617.09	1090	1090	Reg
GEN COUNSEL	Basse, Lashaka Brown	5/15/2005	15	6	\$ 134,928.00	\$ 25,501.39	1100	0100	Reg
Operations Manager	Smith Barrow, Gabrielle P	10/7/2002	14	6	\$ 104,752.00	\$ 19,798.13	1100	0100	Reg
Hearing Examiner	Jackson, Wanda L	11/18/1978	14	4	\$ 48,042.50	\$ 9,080.03	1100	0100	Temp
PARALEGAL	Daniels, India A	1/9/2012	11	4	\$ 58,754.00	\$ 11,104.51	1100	0100	Reg
Hearing Examiner	Robinson, Eric Theodore	6/12/2005	15	0	\$ 100,847.81	\$ 19,060.24	1100	0100	Reg
Administrative Assistant	James, Anthony Lester	7/25/2005	6	7	\$ 40,179.00	\$ 7,593.83	1100	0100	Reg
Hearing Examiner	Hochhauser, Lois C	4/3/1985	14	5	\$ 49,446.50	\$ 9,345.39	2001	2001	Temp
Hearing Examiner	Lim, Joseph Edward	8/3/1998	15	0	\$ 110,796.15	\$ 20,940.47	2001	2001	Reg
HEARING EXAMINER	Dohnji, Monica Numbosi	5/26/2011	13	5	\$ 86,189.00	\$ 16,289.72	2001	2001	Reg
HEARING EXAMINER	Murphy, Sommer Joy	6/9/2008	13	7	\$ 91,085.00	\$ 17,215.07	2001	2001	Reg
HEARING EXAMINER	Harris, Stephanie Nicole	1/17/2012	13	4	\$ 83,741.00	\$ 15,827.05	2001	2001	Reg
HEARING EXAMINER	Cannon, Arlen Peyton	10/1/2012	13	3	\$ 81,293.00	\$ 15,364.38	2001	2001	Reg

# Attachment # 3

## FY 2014 LOCAL PROGRAM ENHANCEMENT #1

<b>Agency Code:</b>	CH0
<b>Agency Title:</b>	Office of Employee Appeals
<b>Enhancement Title:</b>	Purchase of Video Teleconferencing Equipment
<b>Total Amount of Local Funds:</b>	\$55,000
<b>Is this Enhancement a one-time cost?</b>	Yes

### **Problem Statement**

The Office of Employee Appeals (OEA) is an administrative adjudicatory agency which is responsible for issuing impartial, legally sufficient, and timely decisions on appeals filed by District of Columbia government employees. A District government employee may appeal to OEA a final agency decision which has resulted in the employee being terminated from his or her position, placed on enforced leave for 10 days or more, suspended for 10 days or more, reduced in grade, or having had his or her position abolished pursuant to a reduction in force.

Because there are contested issues of fact raised in over 90% of the appeals filed with OEA, an Administrative Judge must conduct an evidentiary hearing to resolve those issues. During an evidentiary hearing, both parties are given the opportunity to call witnesses to testify. It has become increasingly common that witnesses who are crucial to the outcome of a case cannot be physically present at an evidentiary hearing. Under such circumstances, the unavailable witness must testify from a remote location. The purchase and installation of video teleconferencing equipment will allow OEA's Administrative Judges to conduct evidentiary hearings even when a critical witness is not physically present. Not having this equipment will continue to delay the adjudicatory process and potentially prolong the issuance of decisions.

### **Proposed Solution**

The proposed solution is to purchase and install video teleconferencing equipment in OEA's hearing room. The total cost of the equipment is approximately \$55,000.

### **Cost-Benefit Analysis**

The total cost for this request is approximately \$55,000.

### **Other Benefits**

The primary benefit of this proposal is that OEA's Administrative Judges will not have to delay the conducting of an evidentiary hearing due to the unavailability of a crucial witness. This enhancement will improve the timeliness of proceedings thereby increasing the number of Initial Decisions which can be issued within the 120-day mandate.

### **Legislative Analysis**

No legislation, or amendments to legislation, is required.

## FY 2014 LOCAL PROGRAM ENHANCEMENT #2

<b>Agency Code:</b>	CH0
<b>Agency Title:</b>	Office of Employee Appeals
<b>Enhancement Title:</b>	Increase the Number of Full-Time Equivalent Positions
<b>Total Amount of Local Funds:</b>	\$155,000
<b>Is this Enhancement a one-time cost?</b>	On-going

### **Problem Statement**

The Office of Employee Appeals (OEA) is an administrative adjudicatory agency which is responsible for issuing impartial, legally sufficient, and timely decisions on appeals filed by District of Columbia government employees. A District government employee may appeal to OEA a final agency decision which has resulted in the employee being terminated from his or her position, placed on enforced leave for 10 days or more, suspended for 10 days or more, reduced in grade, or having had his or her position abolished pursuant to a reduction in force.

Currently, OEA has 14 full-time equivalent (FTE) positions. Seven of those 14 positions are filled by Administrative Judges with one of the seven positions being occupied by two part-time Administrative Judges. Thus, OEA has eight Administrative Judges.

Moreover, there are 491 appeals to date awaiting a decision to be issued by an Administrative Judge. Due to the complexity of the appeals and the extensions which are granted at the request of the parties, it takes approximately 9 ½ months for an Administrative Judge to adjudicate an appeal. This length of time to adjudicate an appeal exceeds the 120 days mandated by the statute.

### **Proposed Solution**

The proposed solution is to increase the agency's number of full-time equivalent positions. This increase would allow the agency to hire an additional Administrative Judge and a Paralegal to provide support to the Administrative Judges' unit.

### **Cost-Benefit Analysis**

The total cost of this request is approximately \$155,000 with \$90,000 being allotted to the salary and benefits of the Administrative Judge and \$65,000 being allotted to the salary and benefits of the Paralegal.

### **Other Benefits**

The primary benefit of this proposal is that OEA will have an additional Administrative Judge who will be able to issue Initial Decisions and thereby increase the total number of decisions issued each year. Moreover, the Paralegal will provide support to the Administrative Judges' unit thereby relieving the Administrative Judge of certain ministerial tasks associated with issuing decisions.

### **Legislative Analysis**

No legislation, or amendments to legislation, is required.

## FY 2014 LOCAL PROGRAM ENHANCEMENT #3

<b>Agency Code:</b>	CH0
<b>Agency Title:</b>	Office of Employee Appeals
<b>Enhancement Title:</b>	Funding for Continuing Legal Education
<b>Total Amount of Local Funds:</b>	\$10,000
<b>Is this Enhancement a one-time cost?</b>	Yes

### **Problem Statement**

The Office of Employee Appeals (OEA) is an administrative adjudicatory agency which is responsible for issuing impartial, legally sufficient, and timely decisions on appeals filed by District of Columbia government employees. A District government employee may appeal to OEA a final agency decision which has resulted in the employee being terminated from his or her position, placed on enforced leave for 10 days or more, suspended for 10 days or more, reduced in grade, or having had his or her position abolished pursuant to a reduction in force.

OEA's Administrative Judges are responsible for conducting evidentiary hearings. During evidentiary hearings, the judges must be able to, *inter alia*, properly evaluate the evidence and make the necessary rulings. OEA has two Senior Administrative Judges who are assigned the most complex cases. These complex cases routinely require that an evidentiary hearing be conducted. Because it has been almost eight years since one of the senior judges took a continuing legal education course and over ten years since the other senior judge took such a course, it is possible that these judges are not as up to date with the most current courtroom procedures and tactics as they would otherwise be.

### **Proposed Solution**

To improve the judicial skills of the Senior Administrative Judges, it is necessary that they attend a continuing legal education course focused on advanced evidence.

### **Cost-Benefit Analysis**

The total cost for this request is approximately \$10,000.

### **Other Benefits**

The primary benefit of this proposal is that OEA's Senior Administrative Judges will be able to rule on evidentiary issues with greater accuracy and confidence. This enhancement to their judicial skills will benefit the entire office by improving the timeliness and efficiency of proceedings thereby increasing the number of Initial Decisions which can be issued within the 120-day mandate.

### **Legislative Analysis**

No legislation, or amendments to legislation, is required.

## FY 2015 LOCAL PROGRAM ENHANCEMENT #1

<b>Agency Code:</b>	CH0
<b>Agency Title:</b>	Office of Employee Appeals
<b>Enhancement Title:</b>	Increase the Number of Full-Time Equivalent Positions
<b>Date:</b>	November 25, 2013
<b>Total Amount of Local Funds:</b>	\$118,000
<b>FTEs:</b>	1
<b>Is this Enhancement a one-time cost?</b>	On-going
<b>Agency point of contact:</b>	Sheila G. Barfield, 727-1811

### **Problem Statement**

The Office of Employee Appeals (OEA) is an administrative adjudicatory agency which is responsible for issuing impartial, legally sufficient, and timely decisions on appeals filed by District of Columbia government employees. A District government employee may appeal to OEA a final agency decision which has resulted in the employee being terminated from his or her position, placed on enforced leave for 10 days or more, suspended for 10 days or more, reduced in grade, or having had his or her position abolished pursuant to a reduction in force.

Once the Administrative Judge has issued an Initial Decision, either party may appeal that decision to OEA's Board by filing a Petition for Review. OEA's Board renders its decision in the form of an Opinion and Order on Petition for Review. Currently, OEA's General Counsel must draft all of the Opinions and Orders for the agency's Board as well as provide legal advice to the office.

### **Proposed Solution**

The proposed solution is to increase the agency's number of full-time equivalent positions. This increase would allow the agency to hire a Deputy General Counsel to provide assistance to the General Counsel.

### **Cost-Benefit Analysis**

The total cost of this request is approximately \$118,000 which would pay for the salary and benefits of the Deputy General Counsel.

### **Other Benefits**

The primary benefit of this proposal is that OEA will have a Deputy General Counsel who will assist the General Counsel in drafting Opinions and Orders for OEA's Board. Therefore, the Board will be able to issue more decisions and thereby prevent a backlog of cases from developing.

### **Legislative Analysis**

No legislation, or amendments to legislation, is required.

## OBP ASSESSMENT

### FY 2015 LOCAL PROGRAM ENHANCEMENT #2

<b>Agency Code:</b>	CH0
<b>Agency Title:</b>	Office of Employee Appeals
<b>Enhancement Title:</b>	Funding for Continuing Legal Education
<b>Date:</b>	November 25, 2013
<b>Total Amount of Local Funds:</b>	\$10,000
<b>FTEs:</b>	N/A
<b>Is this Enhancement a one-time cost?</b>	Yes
<b>Agency point of contact:</b>	Sheila G. Barfield, 727-1811

#### Problem Statement

The Office of Employee Appeals (OEA) is an administrative adjudicatory agency which is responsible for issuing impartial, legally sufficient, and timely decisions on appeals filed by District of Columbia government employees. A District government employee may appeal to OEA a final agency decision which has resulted in the employee being terminated from his or her position, placed on enforced leave for 10 days or more, suspended for 10 days or more, reduced in grade, or having had his or her position abolished pursuant to a reduction in force.

OEA's Administrative Judges are responsible for conducting evidentiary hearings. During evidentiary hearings, the judges must be able to, *inter alia*, properly evaluate the evidence and make the necessary rulings. OEA has two Senior Administrative Judges who are assigned the most complex cases. These complex cases routinely require that an evidentiary hearing be conducted. Because it has been over eight years since one of the senior judges took a continuing legal education course and over ten years since the other senior judge took such a course, it is possible that these judges are not as up to date with the most current courtroom procedures and tactics as they would otherwise be.

#### Proposed Solution

To improve the judicial skills of the Senior Administrative Judges, it is necessary that they attend a continuing legal education course focused on advanced evidence.

#### Cost-Benefit Analysis

The total cost for this request is approximately \$10,000.

#### Other Benefits

The primary benefit of this proposal is that OEA's Senior Administrative Judges will be able to rule on evidentiary issues with greater accuracy and confidence. This enhancement to their judicial skills

will benefit the entire office by improving the timeliness and efficiency of proceedings thereby increasing the number of Initial Decisions which can be issued within the 120-day mandate.

**Legislative Analysis**

No legislation, or amendments to legislation, is required.

**OBP ASSESSMENT**



# Attachment #4

**FY2015 PERFORMANCE PLAN  
Office of Employee Appeals**

**MISSION**

The mission of the Office of Employee Appeals (“OEA”) is to render impartial, legally sufficient, and timely decisions on appeals filed by District of Columbia government employees. OEA has jurisdiction over appeals in which an employee has been removed as a result of an adverse action for cause, placed on enforced leave for 10 days or more, suspended for 10 days or more, reduced in grade, or been subjected to a reduction in force.

**SUMMARY OF SERVICES**

OEA offers District government agencies and employees the following three-part appeal process: mediation, adjudication, and petitions for review. The mediation process allows the employee and the agency an opportunity to resolve their disputes without going through the lengthy and costly adjudication process. The adjudication process results in disputes being resolved by an administrative judge who issues an initial decision and finds in favor of either the agency or employee. The petition for review process provides an impartial review of initial decisions by OEA’s Board.

**PERFORMANCE PLAN DIVISIONS**

- Adjudication
- Agency Management<sup>1</sup>

**AGENCY WORKLOAD MEASURES**

Measure	FY 2012 Actual	FY 2013 Actual	FY 2014 Actual
Number of Petitions for Appeal filed	268	174	134
Number of Petitions for Review filed	31	31	41
D.C. Superior Court case filings	18	19	21
Percent of Cases Reversing Agency Decisions <sup>2</sup>	2.5%	5.4%	6.7%

<sup>1</sup> For the purposes of the FY14 Performance Plan, (1000) Agency Management is included with the (2000) Adjudication division to more accurately reflect the functional organization of the OEA.

<sup>2</sup> This workload measure was previously listed as a Key Performance Indicator in prior fiscal years. The measure was changed to a Workload Measure in FY 2015 because the OEA cannot assign projections or targets to this measure. By statute, the OEA is required to be impartial and assigning a performance target for this measure would, therefore, be inappropriate.

## *Adjudication*<sup>3</sup>

### **SUMMARY OF SERVICES**

The Adjudication Division provides mediation sessions, impartial hearings, and adjudication appeals for District government employees who challenge an agency's final decision on personnel matters.

#### **OBJECTIVE 1: Render impartial, legally sound decisions in a timely manner.**

##### **INITIATIVE 1.1: Process mediation appeals simultaneously with adjudicating the appeal.**

During the upcoming fiscal year, the Administrative Judges will work in teams of two wherein one Administrative Judge will conduct the mediation of an appeal while the second Administrative Judge simultaneously adjudicates the same appeal. By utilizing a "two-at-a-time" process, the Office will be able to prevent a backlog from developing with the appeals waiting to be mediated. **Completion Date: September 30, 2015**

#### **OBJECTIVE 2: Streamline the adjudication process.**

##### **INITIATIVE 2.1: Conduct an examination of the Office's procedures.**

This initiative is a multi-year project which will take approximately three years to complete. During the upcoming fiscal year, which will be the second year of this project, one of the Administrative Judges, who is a Certified Public Manager, will begin to implement certain procedures to determine whether they will streamline the adjudication process. **Completion Date: September 30, 2015**

#### **OBJECTIVE 3: Maintain a system to allow the public to have access to all decisions rendered by the Office.**

##### **INITIATIVE 3.1: Upload all past decisions onto the Office's website.**

During the upcoming fiscal year, the Office will work with the Office of the Chief Technology Officer to ensure that all of the Office's decisions have been placed on OEA's website. By placing all of the Office's decisions on its website, the public will have greater access to the decisions rendered by the Office. **Completion Date: September 30, 2015**

##### **INITIATIVE 3.2: Improve search features of OEA's website.**

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<sup>3</sup> For the purposes of the FY14 Performance Plan, (1000) Agency Management is included with the (2000) Adjudication division to more accurately reflect the functional organization of the OEA.

During the upcoming fiscal year, the Office will work with the Office of the Chief Technology Officer to create additional search features on OEA’s website. The search features will give the public the ability to search OEA’s decisions by subject matter, key word, first and last name of the parties, and OEA matter number. **Completion Date: September 30, 2015**

**PROPOSED KEY PERFORMANCE INDICATORS: Adjudication**

Measure	FY2013 Actual	FY2014 Target	FY2014 Actual	FY2015 Projection	FY2016 Projection	FY2017 Projection
Number of Initial Decisions Issued	337	250	336	250	250	250
Number of Opinion and Orders Issued	26	25	34	25	25	25
Mean Length of Time Required to Complete Adjudications <sup>4</sup>	12 months	12 months	14 months	12 months	12 months	12 months
Mean Length of Time Required to Resolve Petitions for Review <sup>5</sup>	9 months	9 months	9 months	9 months	9 months	9 months
Percent of OEA Decisions Upheld in D.C. Superior Court and D.C. Court of Appeals	100%	99%	92% <sup>6</sup>	99%	99%	99%

<sup>4</sup> The months indicated represent the time from which an appeal is filed with OEA until an Initial Decision is issued by an Administrative Judge.

<sup>5</sup> The months indicated represent the time from which an appeal is filed with the OEA Board until a final decision is rendered.

<sup>6</sup> There were a total of twenty-six (26) cases issued by the Superior Court for the District of Columbia and the D.C. Court of Appeals. The courts reversed OEA in two of the twenty-six cases issued. Therefore, the agency has a 92% rate of cases upheld.