

U.S. DEPARTMENT OF LABOR
FY 2021 ANNUAL PERFORMANCE REPORT

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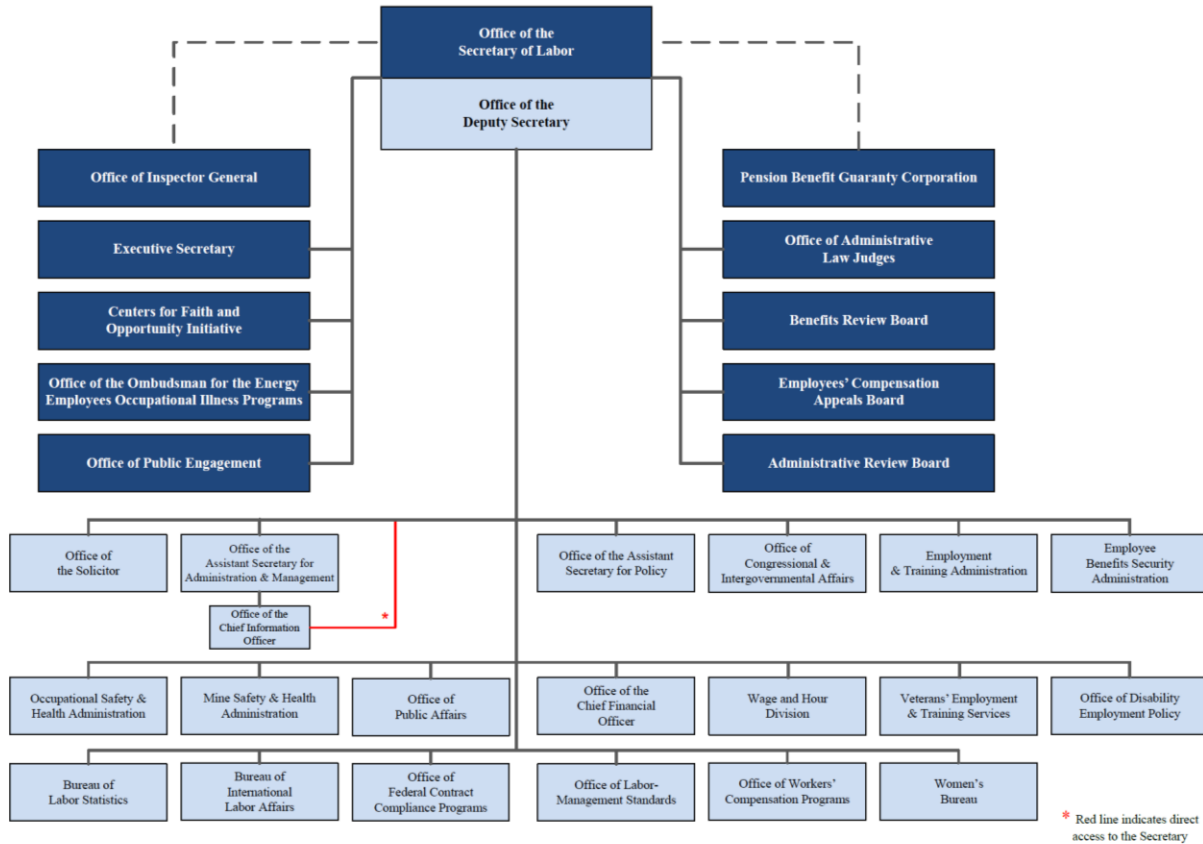
This report, as well as the FY 2021 Agency Financial Report, can be found at <https://www.dol.gov/general/aboutdol#budget>.

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Organization



This document explains how the Department of Labor (DOL) improves the lives of America’s workers through the management of its agencies and programs. As required by the Government Performance and Results Modernization Act of 2010 (GPRMA), it provides information on planned and actual performance and progress in achieving the four strategic goals, one management goal, ten strategic objectives, and twenty performance goals identified in the [DOL FY 2022-2026 Strategic Plan](#) and presented in the table below.

FY 2022 – 2026 DOL Vision, Mission, and Strategic Goals

Vision: Empowering all workers morning, noon and night.

Mission: To foster, promote, and develop the welfare of the wage earners, job seekers, and retirees of the United States; improve working conditions; advance opportunities for profitable employment; and assure work-related benefits and rights.

Goal 1: Build Opportunity and Equity for All			
1.1 Advance training, employment, and return-to-work opportunities that connect workers to higher-wage jobs, especially in ways that address systemic inequities.			
ETA 1.1 Create customer-focused workforce solutions that serve all workers, including underserved communities.	VETS 1.1 Provide veterans, transitioning service members, and military spouses with resources and tools to gain and maintain employment.	WB 1.1 Formulate policies and initiatives to promote the interests of working women.	ODEP 1.1 Develop evidence-based policies, practices, and tools to foster a more inclusive workforce to increase quality employment opportunities for individuals with disabilities.
Goal 2: Ensure Safe Jobs, Essential Protections, and Fair Workplaces			
2.1 Secure safe and healthful workplaces, particularly in high-risk industries.			
OSHA 2.1 Secure safe and healthful working conditions for America’s workers.		MSHA 2.1 Prevent fatalities, disease, and injury from mining, and secure safe and healthful working conditions for America’s miners.	
2.2 Protect workers’ rights.			
WHD 2.2 Enforce labor standards to protect and enhance the welfare of the nation’s workforce.	OFCCP 2.2 Promote equitable and diverse workplaces for America’s federal contractor employees.	OLMS 2.2 Promote union financial integrity, transparency, and democracy.	
2.3 Improve the security of retirement, health, and other workplace-related benefits for America’s workers and their families.			
EBSA			
2.4 Strengthen labor rights, improve working conditions, promote racial and gender equity, and empower workers around the world.			
ILAB			
Goal 3: Improve Administration of and Strengthen Worker Safety Net Programs			
3.1 Ensure timely and accurate income support when work is unavailable by strengthening benefits programs and program administration.			
OWCP 3.1 Increase the efficiency and accuracy with which OWCP provides workers’ compensation benefits for certain qualified workers who are injured or become ill on the job and improve return-to-work outcomes for injured workers.		ETA/UI 3.1 Support states’ timely and accurate benefit payments for unemployed workers.	
Goal 4: Statistical Goal – Produce Gold-Standard Statistics and Analyses			
4.1 Provide timely, accurate, and relevant information on labor market activity, working conditions, price changes, and productivity in the U.S. economy.			
BLS			

Management Goal: A Department Grounded in Innovation, Evidence, and Employee Engagement		
M.1 Drive innovation in administrative, management, and financial services.		
OASAM M.1 Optimize the Department of Labor’s Enterprise Services.	OCFO M.1 Promote fiscal integrity and the effective and efficient use of resources through innovation.	
M.2 Strengthen the Department’s commitment and capacity for evidence-based decision-making.		
OASAM M.2 Integrate Budget and Performance with Evaluation & Risk Management to improve decision-making.	OCFO M.2 Integrate risk-based decision-making to enhance the Department’s operations.	OASP M.2 Invest in strategic and evidence-based decision-making, policy and regulatory development.
M.3 DOL as a model workplace		
OASAM M.3		

This report, which also serves as DOL’s FY 2023 Annual Performance Plan, updates measures and targets for FY 2022 and establishes targets consistent with those reflected in the FY 2023 Congressional Budget Justification. Some measures are deleted or modified between annual updates. To present the most current information, this plan provides complete information for the budget year measures only—in this case, those retained or added for FY 2023—including actual performance for the five preceding years, if available.

How This Document Is Organized

Outlined below is the basic structure of this document, which provides an overview of each Strategic Goal and Objective,¹ a Strategic Review Summary of Progress at the objective level, and an overview of each partner agency’s performance goal.

Strategic Goal
Strategic Objective

Partner Agencies Driving this Objective

DOL agencies with performance goals contributing to the objective are listed; a brief introduction follows.

FY 2021 Strategic Review Summary of Progress

This section includes highlights of progress or obstacles in each of four areas, as applicable:

- Performance*
- Risks*
- Evaluation*
- Budget*

Partner Agency Performance Goal

Each DOL partner agency section includes a brief introduction of their mission and programs.

Analysis and Future Plans

The narrative in this section presents performance information supported by a table with applicable measures, targets, results, and status (whether or not results reached or exceed the target, indicated by Y or N). Where “baseline” appears in the target cell for new indicators, no data were available for establishing a numerical target. If results improved over the prior year but did not reach the target, “I” appears in the status cell. The last three columns help explain the level of success and plans to improve results.²

*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	FY/PY 2023	What Worked	What Didn't Work	Program Performance Improvement Plan
Measure name	Target										
	Result										
	Status										

¹ OMB Circular A-11, Part 6 defines a Strategic Goal as a statement of aim or purpose that the agency wants to achieve to advance its mission and address relevant national problems, needs, challenges and opportunities. Strategic Objectives reflect the outcome or management impact the agency is trying to achieve and generally include the agency’s role.

² Some measures are “contextual”; i.e., they are important for management purposes but not for judging Agency performance. Contextual measures do not have targets, but they may have projections, which are marked in the target cell as [p]. Status (Y, N, or I) does not apply. Similarly, [r] indicates that results have been revised since last reported, and [e] means the results in that cell are estimated.

Agency Priority Goals

Agency Priority Goals (APGs) identify near-term improvements in outcomes, customer service, or efficiencies that advance progress toward longer-term strategic goals and objectives. They are two year goals that reflect the top implementation-focused, performance improvement priorities of agency leadership and the Administration, and therefore do not reflect the full scope of the agency mission. Implementation and management of APGs require decisions about agency priorities, trade-offs, measurement, evidence, strategies, timing, and leadership that are reviewed at least quarterly to see that sufficient time, resources, and attention are allotted to addressing specific problems or opportunities related to the goal.

For the two year period ending September 30, 2023, DOL has established two goals:

An Economy for All Workers

By September 30, 2023, DOL programs will prioritize the advancement of diversity, equity, inclusion, and accessibility, to better support underserved communities through a series of measures and milestones across agencies that demonstrate concrete and sustained progress..

Strengthening America’s Safety Net for Workers

By September 30, 2023, the Department will 1) increase intrastate first payments of unemployment benefits made within 21 days by at least 10 percent towards the regulatory target of 87 percent and 2) reduce the estimated improper payment rate of unemployment benefits.

More information about each goal is available on [Performance.gov](https://www.performance.gov).

Priority Goals

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Strategic Goal 1: Build Opportunity and Equity for All

Strategic Objective 1.1

Advance training, employment, and return-to-work opportunities that connect workers to higher-wage jobs, especially in ways that address systemic inequities.

Partner Agencies Driving this Objective (select the hyperlink to learn more about each agency)

[Employment and Training Administration](#) (ETA)

[Veterans' Employment and Training Service](#) (VETS)

[Women's Bureau](#) (WB)

[Office of Disability Employment Policy](#) (ODEP)

The American economy must work for all workers. ETA, VETS, WB, and ODEP oversee programs and develop policy as part of the nation's public workforce system, providing support to workers and employers. In the coming years, these agencies will strengthen their efforts to expand opportunities to advance equity, inclusion, and job quality.

These agencies invest in workforce development and modernized employment practices; they also build upon established collaborations with other DOL agencies, as well as federal, state, community-based, non-profit, and other organizations to influence evidence-based policy changes, conduct important research, and strengthen employer engagement.

Collectively, these agencies' performance goals contribute to helping for workers access quality jobs today and tomorrow, and to improving DOL's agility to evolve in an ever-changing environment. Additionally, DOL's Civil Rights Center investigates and adjudicates alleged discrimination and other violations of equal opportunity requirements, and provides technical assistance, to ensure that the workforce system is operating in compliance with the law.

FY 2021 Strategic Review Summary of Progress

Performance

These four agencies have 14 measures in the Strategic Plan. The following paragraphs describe agency performance.

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FY 2021 data for ETA's Trade Adjustment Assistance (TAA) program show that adversely affected workers who participate in on-the-job training (OJT) and customized training have a wage replacement rate of 134 percent and 106 percent, respectively (vs. an overall wage replacement rate of 80 percent) – indicating that participants achieve positive reemployment outcomes. In FY 2020, Job Corps, in response to pandemic limitations, developed a Virtual Regional Office Assessment Guide to support and allow regions to conduct virtual assessments of center operations, including resumption of operations. In the fourth quarter of FY 2021, in preparation for the on-campus arrival of new students who enrolled virtually, Job Corps conducted 67 targeted onsite and remote assessments leveraging virtual student focus groups, staff interviews, document review, and remote review of centers' video surveillance systems to obtain evidence of a culture of compliance with Center for Disease Control (CDC) and Job Corps safety protocols.

The percent of veteran participants served by VETS' Jobs for Veterans State Grants (JVSG) program who received individualized career services in Program Year (PY) 2020 was 94.4 percent. The Homeless Veterans Reintegration Program (HVRP) Average Hourly Wage at Placement continues to increase from \$15.18 in PY 2019 to \$16.23 in PY 2020. Uniformed Services Employment and Reemployment Rights Act (USERRA) has increased the percentage of closed cases that meet the quality standard from 83 percent in FY 2013 to 94 percent in FY 2021.

WB is committed to ensuring that the most vulnerable workers, many of them women, have the resources they need to return to full participation in the workforce. The Women in Apprenticeship and Nontraditional Occupations (WANTO) grant helps to expand career pathways for women to enter and lead in all industries by providing technical assistance to employers and labor unions in order to help them recruit, mentor, train, and retain women in apprenticeships and nontraditional occupations. Since 2017, when Congress designated the Women's Bureau as the program administrator, approximately 5,800 women have participated in WANTO job related training and retention activities, including formal pre-apprenticeship and apprenticeship programs, safety training, trade exploratory classes, career counseling, mentorship programs, and support groups. Thousands more women have received information on apprenticeable and nontraditional occupations, help with the apprenticeship application process, and/or supportive services. In FY 2021, the program awarded grants with an added emphasis on expanding outreach/recruitment to historically underrepresented communities, and documenting promising practices in increasing recruitment, outreach, and participation of women from these communities. Grant applications have increased more than sevenfold since 2016, reflecting an increasing interest in the WANTO program.

ODEP continues to exceed policy output (recommendations of laws, rules, orders, or guidance related to disability employment) targets. In FY 2017 ODEP achieved 43 policy outputs with a target of 23, and in FY 2021 41 policy outputs were achieved with a target of 37, despite the COVID-19 pandemic setbacks. During FY 2021, ODEP produced most of its policy outputs from its state intermediary work. Through this work, state legislatures and governors introduced legislation, executive orders, and other policies designed to improve employment outcomes for people with disabilities. Additionally, ODEP continues to exceed the targets measured for the number of implementation tools issued. In FY 2017 the target of

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117 was significantly exceeded with a result of 147, and during FY 2021, ODEP issued 128 implementation tools, which significantly exceeded the target of 107 tools, to aid entities in adopting and implementing proven practices in disability employment while dealing with the COVID-19 pandemic. For example, ODEP partnered with the National Governors Association (NGA) to develop a “Memo on Governors’ Role in Promoting Disability Employment in COVID-19 Recovery Strategies” to help workers with disabilities remain employed during the pandemic.

Risks

The following are deemed the highest priority risks for this Strategic Objective. If public and private sector demand for ETA’s Office of Apprenticeship (OA) technical assistance, program compliance support, grant oversight, and contract management continue to increase at the current pace, there will be reduced ability to guard against non-compliance in areas such as apprentice safety, Equal Employment Opportunity (EEO), misclassified costs, fiscal controls, and performance management. In FY 2021, ETA mitigated risks by continuing to train staff who work with and provide assistance or oversight to contract teams and grantees including the Contracting Officer Representatives (CORs) and Federal Project Officers that support OA apprenticeship contracts and grants on procurement policy and procedure. OA has implemented a specific COR training that covers apprenticeship programming in more detail to complement agency wide efforts. Additionally, ETA has filled State Director positions to ensure technical assistance coverage to carry out inherently governmental responsibilities for apprenticeship oversight and compliance within OA states, and OA management is conducting targeted State Apprenticeship Agency compliance reviews. OA has also conducted extensive staff training and provided new e-tools to support key enforcement activities, particularly those related to EEO compliance.

Also, if application volumes continue to increase across all Office of Foreign Labor Certification visa programs without a commensurate and permanent increase in resources, OFLC must continue to divert staff from reviewing PERM applications to meet statutory and regulatory deadlines in the temporary programs during peak filing seasons (particularly H-2A and H-2B). As a result of the need to redirect staff, the average processing time for PERM applications not subject to audit examination has more than doubled over the last two years. To partially offset the risk of delays due to the increase in application volumes, OFLC cross-trained staff in its National Processing Centers to increase the number of trained staff that can be directed to a particular application type during peak filing periods. Additionally, in collaboration with the Department’s Wage and Hour Division and other major stakeholder associations, OFLC expanded its technical assistance and outreach events in advance of peak filing periods to provide filing tips and best practices to improve the initial quality of applications being submitted for processing. OFLC also worked collaboratively with the Department’s Office of the Chief Information Officer (OCIO) to implement the Foreign Labor Application Gateway (FLAG) system – a modern and integrated case-management system. The FLAG system improves the efficiency and quality of application review (including enhanced and mobile-friendly form preparation options) and improves automated data validations and case alerts to improve the quality of applications and the electronic delivery of OFLC decisions and documentation. In FY 2021, DOL created a Notification Center, which provides filers real-time notifications within FLAG that an action had been taken and gives filers access to all case documents and correspondence issued by the reviewer.

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In VETS programs, disparate recovery scenarios across the county and the possible resurgence of COVID-19 could impact service delivery methods. A significant mobilization of Guard and Reserve Forces could increase the demand for USERRA assistance beyond the resources budgeted or available for compliance investigations or assistance.

Since FY 2019, WB's WANTO grants have been allowed to spend up to 15 percent of funds on supportive services since evidence has shown that these services positively impact women's completion of job training. Nevertheless, grantees continue to report lack of access to child care and other supportive services as a barrier to enrollment in and completion of pre-apprenticeship and apprenticeship program. If the supportive services limit is not raised to 25 percent, WANTO may have reduced success in getting more women, especially women of color, into these good jobs pipelines. Additionally, if DOL does not have access to comprehensive, disaggregated demographic data on participants in apprenticeship programs, it will be limited in its ability to promote equity in apprenticeship programs and will be unable to establish ambitious targets for improvement.

ODEP continues to face the risk of not having adequate data from employers to understand the labor market conditions affecting people with disabilities. Retaining Employment and Talent After Injury/Illness Network (RETAIN) demonstration projects are heavily dependent on activities of the health care partners who recruit and enroll ill/injured workers into the project. COVID-19 significantly disrupted the work of these health care partners. With ODEP providing intensive, targeted technical assistance, Phase 1 projects successfully completed their pilots and began Phase 2 full implementation, thus avoiding a significant investment risk for ODEP in FY 2021.

Evaluation

Evidence on what job training practices are effective is mixed. While the Workforce Investment Act impact evaluation of 2017 was inconclusive with respect to job training effectiveness, a broader synthesis of evidence on job training, [*What Works in Job Training: A Synthesis of the Evidence*](#), provided evidence that suggests training approaches that are designed and delivered in collaboration with employers in targeted sectors are effective. Additional evidence shows that work-based training like apprenticeship is effective. The synthesis further notes that training that aligns skills development with regional and local labor markets and business needs is more successful. According to the same study, postsecondary education and training have been shown to be effective for training participants, and workers with multiple barriers to employment benefit from a coordinated service strategy that integrates education, training, and support services. Consistent with the evidence, ETA will continue to modernize apprenticeship, expand work-based approaches in new industries, and create more career pathways for underrepresented populations.

VETS is currently conducting an HVRP Impact Evaluation with DOL's Chief Evaluation Office. The goals of this study are to evaluate the effectiveness of HVRP on participants' employment outcomes, and to conduct an implementation evaluation to understand program models and variations, partnerships, and the homeless Veterans served.

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Registered Apprenticeship programs are designed to produce skilled workers that industry needs, and evidence shows that apprenticeship programs increase employment and earnings. In FY 2021, WB began planning an exploratory/descriptive study of WANTO grants providing job related training to identify best practices and challenges to successfully transitioning women into apprenticeships or nontraditional occupations by the end of the grant's period of performance. The study could assess how pre-apprenticeship programs can help women access apprenticeships and family-sustaining jobs and quality career pathways.

The key findings from the [*Survey of Employer Policies on the Employment of People with Disabilities*](#) final report conclude that research continues to demonstrate that people with disabilities are underrepresented in the workforce yet want to work. People with disabilities face economic disadvantages including lower employment and lower earnings. These survey findings better inform ODEP's employer-related activities and enable a greater concentration of efforts towards the specific and most burdensome employment barriers faced by people with disabilities, and build demand for ODEP products.

Budget

In the FY 2021 appropriation, these agencies comprise approximately 57 percent of the overall discretionary DOL budget. ETA used PY 2020 funds appropriated by Congress (available through June 30, 2021) to expand registered apprenticeship training opportunities through state grants, industry intermediary contracts, technology modernization, and the creation of registered apprenticeship technical assistance centers of excellence that support diversity and inclusion, system alignment, apprenticeship standards and occupations, and data and performance best practices.

In FY 2020, WB awarded \$4.1 million to 6 community-based organizations to provide technical assistance to employers on increasing women's employment in apprenticeship programs and nontraditional occupations through the WANTO grant program. In FY 2021, WB awarded \$3.3 million to 5 community-based organizations. In addition to awarding WANTO grants in FY 2022, WB will expand a new grant initiative launched in FY 2021 to ensure equity in access to benefits and awareness of rights called the Fostering Access, Rights, and Equity (FARE) grant.

The FY 2021, VETS awarded more than \$52 million in HVRP grants to help homeless veterans return to meaningful employment and address the complex problem facing homeless veterans.

In FY 2021, ODEP's enacted budget of \$38,500,000 supported the agency's efforts to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities.

ETA Performance Goal 1.1 – Create customer-focused workforce solutions that serve all workers, including underserved communities.

ETA oversees the provision of training and employment assistance, labor market information, and education through programs authorized by the WIOA—for adults, dislocated workers, youth, Job Corps, employment services authorized by the Wagner-Peyser Act, amended by title III of WIOA, and National Programs; Trade Adjustment Assistance (TAA) authorized by the Trade Act of 1974, as amended; Foreign Labor Certification activities authorized by the Immigration and Nationality Act; the Senior Community Service Employment Program authorized by the Older Americans Act; and Apprenticeship programs authorized by the National Apprenticeship Act. Additionally, ETA oversees the federal-state Unemployment Insurance (UI) program, authorized under the Federal Unemployment Tax Act and Title III of the Social Security Act (see ETA Performance Goal 3.1).

The public workforce system provides access to training, employment, and supportive services to a broad array of customers at all skill levels. These services include career counseling, case management, assessments that identify transferable skills, and skill development. ETA and the workforce system are committed to expanding access to Registered Apprenticeships; providing and improving strategies and tools that help connect employers and skilled workers and connects workers to quality jobs; and continuously improving the effectiveness, efficiency, and equity of workforce development programs by ensuring accountability and applying evidence of what works in these programs.

Analysis and Future Plans

Since Program Year 2016,³ the WIOA core programs and ETA’s other WIOA-authorized and partner programs have been required to report on six WIOA primary indicators of performance: employment in the 2nd quarter after exit, employment in the 4th quarter after exit, median earnings in the 2nd quarter after exit, credential attainment, measurable skill gains, and effectiveness in serving employers. ETA has established national targets for employment in the 2nd quarter after exit, median earnings in the 2nd quarter after exit, and measurable skill gains performance indicators for WIOA Adult, WIOA Dislocated Worker, WIOA Youth, and TAA, as well as establishing national targets for employment in the 2nd quarter after exit and median earnings in the 2nd quarter after exit for the Wagner-Peyser Act Employment Service. In addition, ETA has aligned performance reporting definitions and calculations and implemented a streamlined performance reporting system for WIOA and other DOL partner programs. Eighteen workforce grant programs use a common record layout (the Participant Individual Record Layout or PIRL) to report program participant service and outcome information. Using one system enhances data reliability and accuracy.

³ Most DOL employment programs are forward-funded and report performance on a Program Year (PY) that lags the fiscal year by nine months (e.g., PY 2020 – July 1, 2020 to June 30, 2021). Exceptions that report on a standard fiscal year are the Apprenticeship program and the Trade Adjustment Assistance program.

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Throughout the period of measurement, programs across the workforce system had to adjust to account for the unprecedented operational and economic impacts of the pandemic. Service models had to be adjusted to allow for virtual delivery and, in some cases, programs and services faced temporary suspension of operations. The pandemic directly impacted the provision of work-based learning and the ability of participants to complete their credentials due to suspension of operations in some cases. Additionally, the pandemic resulted in historic levels of unemployment throughout the period of measurement, which impacted the employment rate measures across all programs. ETA provided technical assistance and guidance to assist grantees in adjusting their program delivery models to virtual services, and where available, to virtual work experiences. ETA continues to provide technical assistance to grantees to assist and support programs' ability to identify, provide and report on quality credentials. Throughout the adjustment to virtual service delivery and services, ETA also provided guidance and technical assistance on best practices for remote delivery. ETA anticipates that the work-based learning, credential attainment, and employment rate measures will continue to improve as the system continues to be supported through recovery and re-opening efforts, including grant opportunities such as the Comprehensive and Accessible Reemployment through Equitable Employment Recovery (CAREER) grants which provide comprehensive employment services to assist dislocated workers affected by the economic impacts of the pandemic.

For participants engaged in work-based learning, ETA has provided extensive technical assistance to state workforce practitioners, including apprenticeship and business outreach staff. Apprenticeship Directors also share information on how resources like WIOA formula grants and TAA funds can be used to support work experience, pre-apprenticeship programs, on-the-job training, and supports for apprentices. These efforts led to development of [an apprenticeship toolkit for workforce practitioners](#), dissemination of a Fact Sheet explaining that the TAA program can serve as another funding vehicle to support Apprenticeship participation, and webinars to help states leverage apprenticeships in serving TAA recipients.

In FY 2022, ETA plans to promote work-based learning to spur economic recovery from the COVID-19 pandemic and ensure access to quality jobs, including Registered apprenticeships, pre-apprenticeship programs, work experience and internships, transitional jobs, On-the-Job Training (OJT), customized training, and Incumbent Worker Training.

In FY 2022, YouthBuild plans to continue providing TA that focuses on work experience, particularly in construction and other high-growth industries such as health care, manufacturing, and information technology. During the pandemic, programs had to adjust worksites and offer work experiences both in-person and virtually. ETA intends to provide TA specifically on virtual and in-person work experience that gives consideration to communities and populations with limited access to virtual tools, including new grantee orientation, webinars, tip sheets, and peer sharing.

H-1B Skills Training Grants continue to support the development of new Registered Apprenticeship Programs (RAP) and the scaling of existing programs, particularly into new industries and occupations (such as information technology, including cybersecurity). More recent investments aim to increase both the number of apprenticeship positions and the ability of all Americans, including racial and ethnic minorities and those in

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communities most affected by poverty, to gain access to this proven pathway to quality, family-sustaining careers. Along with an emphasis on RAPs, these grants encourage and incentivize the use of work-based learning strategies by allowing for employer reimbursement of a portion of wages paid to participants during their time in OJT and apprenticeships.

The WIOA Youth formula-funded program plans to continue focusing on work experience, which is prioritized under WIOA through a minimum 20 percent expenditure requirement. During the pandemic, programs had to adjust work sites and offer work experiences both in person and virtually, and ETA intends to apply lessons learned from the pandemic, including continued use of virtual work experience, as part of the focus on work experience as a foundation for young adult employment success.

The Reentry Employment Opportunities grants will continue to prepare individuals who were involved with the justice system for employment that stabilizes their income and creates opportunities for career pathways. The Pathway Home grants build upon evidence from the LEAP grants and seek to determine if consistent services begun while in state prisons or local jails lead to better employment outcomes.

The WIOA Adult program is integral to reaching adults most in need of assistance from the public workforce system in a rapidly evolving environment. ETA has published guidance (TEGL 7-20) that emphasizes prioritizing services to individuals who are recipients of public assistance, low-income, and basic skills deficient (including English language learners), representing some of the workforce system's most in need participants; these are the three priority groups that WIOA specifically mandates must receive priority of service. ETA will work to increase the number of states in which at least 75 percent of the state's WIOA Adult program participants are from at least one of the three aforementioned priority groups.

Also, in FY 2022, ETA will continue to support workforce system alignment through a Registered Apprenticeship (RA) Technical Assistance (TA) Center of Excellence focused on national strategic partnership and system alignment. Through this cooperative agreement, ETA will focus on establishing, building, and sustaining partnerships that support system alignment of the national workforce and education systems to accelerate RAP adoption and expansion. This RA TA Center of Excellence will provide technical assistance on a national scope to RAP sponsors implementing RAPs and will also support state and local workforce development boards, American Job Center programs and operators, governors and other essential stakeholders that drive and inform economic and workforce development policies and programs.

ETA will also continue to advocate for and support awareness around expanding registered apprenticeships and the use of TAA funding to assist in this effort. OTAA has hosted workshops and provided clarifying guidance in TAA regulations to assist states in strategic planning efforts for advancing work-based learning. In FY 2022, TAA may undergo major reforms under the TAA Modernization Act, so the particulars are unclear regarding technical assistance efforts; however, for now OTAA plans to host at least one webinar for states that will focus on work-based learning,

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including Apprenticeship, and will continue to support a state-led workgroup facilitated by the state of Oregon that provides a monthly meeting forum for relevant work-based training best practices.

ETA is committed to expanding the number of active registered apprenticeships to rebuild the middle-class and connect a diverse workforce to family-supporting, quality jobs. In FY 2022, OA plans to undertake several activities to further modernize, diversify, expand, and strengthen registered apprenticeship by implementing the Secretary's Advisory Committee on Apprenticeship, strengthening education/workforce alignment, creating more youth and pre-apprenticeship programs, increasing enforcement activities to advance diversity, equity and inclusion in apprenticeship, ensuring registered apprenticeship policy and program practices support good jobs and labor standards, and supporting the anticipated National Apprenticeship Act reauthorization and future federal investment contingent upon Congressional action. OA also plans to continue expanding registered apprenticeship into high-demand, priority industries including clean energy, infrastructure, healthcare, agriculture, and early childhood education. In FY 2022, OA will also execute a range of initiatives including efforts to increase access to underrepresented populations and ensure registered apprenticeship opportunities are available for all Americans, including: building and modernizing state apprenticeship systems; expanding opportunities for youth in registered apprenticeship; expanding registered apprenticeship pathways in pre-apprenticeship; creating and expanding registered apprenticeship equity partnerships; and, investing in registered apprenticeship hubs that facilitate the establishment, scaling, and expansion of RAPs in new and fast-growing industries and occupations.

In recent years, OFLC has experienced a dramatic rise in application volumes. The H-2A application filings continued to increase in FY 2021. OFLC received 17 percent more applications in FY 2021 than in FY 2020, 64 percent more than five years ago (FY 2017), and 202 percent more than ten years ago (FY 2012). Despite these surging application levels, OFLC met its target of 97 percent of H-2A applications being certified at least 30 days before the date of need. OFLC utilized overtime, additional contract staffing support, support from PERM case-adjudication staff, and the internal reassignment of H-2A Audit staff to meet its quarterly operating goals. The number of H-2A worker positions certified also increased by over 15 percent in FY 2021 from the previous fiscal year, further highlighting the growth in the H-2A program. In FY 2021, OFLC Certified 317,619 H-2A worker positions, a 59 percent increase compared to five years ago (FY 2017; 200,049 worker positions) and a 273 percent increase compared to ten years ago (FY 2012; 85,248 worker positions). In FY 2022, OFLC will continue to seek improvement in its operations and information technology systems to manage fluctuation in workloads and reduce barriers to timely processing. ETA will also continue its efforts to enhance State Workforce Agency (SWA) grants to improve program effectiveness by continuing to pursue additional funding for SWAs targeted to the states where workload demands in the H-2A and H-2B programs are greatest.

Outreach efforts are necessary to understand the unique challenges faced by members of underserved communities in accessing ETA programs, services, and benefits, and to achieve equitable outcomes. Stakeholder input is also important to ensure that ETA's strategies to address barriers adequately reflect the interests and needs of disadvantaged communities. In FY 2022, ETA plans to engage with internal and external stakeholders in

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order to support and advance equity in its programs. ETA will work with external stakeholders to identify opportunities and barriers to advancing equity in ETA programs, services, and benefits, and develop strategies to overcome those barriers. ETA will also engage with DOL partners such as the Civil Rights Center to identify opportunities and supports to advancing equity in its programs.

ETA – Create customer-focused workforce solutions that serve all workers, including underserved communities.

*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	FY/PY 2023	What Worked	What Didn't Work	Program Performance Improvement Plan
Percentage of exiters engaged in work-based learning opportunities, including apprenticeships (OWI/OJC/OTAA/OA) ⁴	Target	--	Base	Base	27.9%	42.0%	42.0%	44.0%	Programs had to adjust program delivery models to shift to virtual services and work experiences during COVID. ETA assisted grantees with guidance/TA to remove barriers and highlight best practices.	COVID impacted the provision of work-based learning. Many providers suspended operations (e.g., some Job Corps Centers). It is challenging to compare across programs, as some programs offer 100% WBL.	ETA continues to provide TA to promote virtual services/work experiences. This measure will also benefit from continuing recovery/reopening efforts and TA promoting registered apprenticeship.
	Result	--	23.8%	27.8%	41.1%	--	--	--			
	Status	--	--	--	Y	--	--	--			
Percentage of exiters attaining credentials within one year after exit (OWI/OJC/OTAA/OA) ⁵	Target	--	Base	Base	64.9%	64.9%	65.0%	65.2%	ETA provided TA throughout the year to help grantees to identify, provide, and report on quality credentials. These efforts were also supported by the guidance and TA provided on virtual services.	COVID impacted many participants' ability to complete credentials, as many providers had to suspend operations (including some Job Corps Centers).	ETA continues to provide TA on credentials. This measure will benefit from continuing recovery/reopening efforts. ETA also issued grants emphasizing supportive services for longer-term training.
	Result	--	62.2%	68.9%	59.8%	--	--	--			
	Status	--	--	--	N	--	--	--			

⁴ Measure name revised for clarification purposes. Calculation method has not changed. Results and targets based on Program Year timeframe (12 months ending June 30).

⁵ Measure name revised for clarification purposes. Calculation method has not changed. Results and targets based on Program Year timeframe (12 months ending June 30).

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*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	FY/PY 2023	What Worked	What Didn't Work	Program Performance Improvement Plan
Percentage of program participants employed in the second quarter after exit (OWI/OJC/OTAA) ⁶	Target	--	Base	Base	68.4%	68.4%	69.0%	69.2%	Programs had to adjust program delivery models to shift to virtual services and work experiences during COVID. ETA assisted grantees with guidance/TA to remove barriers and highlight best practices.	COVID caused huge increases in unemployment during the measurement period, leading to large drops in the employment rate across programs.	This measure will also likely benefit from the continuation of recovery/reopening efforts. ETA continues to provide TA on virtual services.
	Result	--	68.5%	69.8%	61.8%	--	--				
	Status	--	--	--	N	--	--	--			
Number of Active Registered Apprentices (OA)	Target	--	--	--	--	--	700,000	800,000	Continued investments (both grants and contracts) supporting increased system capacity, intermediary involvement with program registration in new industries.	COVID-19 impact on economic growth, employment levels, and declines in active apprentices impacting FY21 service levels.	Ramp-up industry promotion strategies to support post-COVID recovery. Continue investments to increase system capacity, program registration, and access to apprenticeship programs for all Americans.
	Result	533,607	585,026	633,476	636,515	589,229	--	--			
	Status	--	--	--	--	--	--	--			
Number of states at or above 75% of participants who are recipients of public assistance, basic skills deficient, or low income individuals (WIOA Adult Program)	Target	--	--	--	--	37	38	40	TA to states reviewing existing data showing actual results, and peer to peer discussions among states on practice and policy changes to increase services to those most in need of support.	While specific TA on promising practices may still yield results, general encouragements for WIOA, TANF and SNAP E&T to work together have not triggered any changes in practice.	Continue the data-oriented TA to states. Use results from AG/FNS TA to local boards on strengthening connections between SNAP & WIOA to provide TA to local boards and opportunities for peer sharing.
	Result	--	--	29	36	--	--	--			
	Status	--	--	--	--	--	--	--			

⁶ Results and targets based on Program Year timeframe (12 months ending June 30).

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*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	FY/PY 2023	What Worked	What Didn't Work	Program Performance Improvement Plan
Percent of Complete H-2A Employer Applications Resolved 30 Days Before the Date of Need (OFLC).	Target	93.0%	95.0%	95.0%	95.0%	97.0%	97.0%	97.0%	Overtime, additional contract staffing support, support from PERM case-adjudication staff, and other internal reassignments.	If application volumes continue to increase, OFLC's processing capacity will become strained and may result in more significant processing delays in other visa programs.	Continued use of overtime and internal staffing reassignments during peak filing seasons. Hiring additional case-adjudication staff to keep pace with rising application levels.
	Result	97.6%	91.7%	86.1%	96.8%	97.0%	--	--			
	Status	Y	N	N	Y	Y	--	--			

Sources: State and grantee reports submitted through the Workforce Integrated Performance System (WIPS), Registered Apprenticeship Partners Information Data System (RAPIDS), and OFLC electronic Filing and Case Processing System.

Notes: [e] = estimate.

VETS Performance Goal 1.1 – Provide veterans, transitioning service members, and military spouses with resources and tools to gain and maintain employment

VETS oversees programs that assist veterans seeking employment and provides outreach to employers seeking skilled workers. These efforts are focused on enabling all veterans to reach their full potential in the workplace. VETS administers several programs to meet the employment and education needs of veterans, transitioning service members and spouses. The Jobs for Veterans State Grants (JVSG) program provides funding to states for Disabled Veterans' Outreach Program (DVOP) specialists and Local Veterans' Employment Representative (LVER) staff. The Homeless Veterans' Reintegration Program (HVRP) addresses one of the most vulnerable populations by reintegrating homeless veterans into society and the workforce. DOL's Transition Assistance Program (TAP) provides workshops to support a successful transition from military to civilian employment. Pursuant to the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and the Veterans' Employment Opportunities Act of 1998, VETS investigates complaints received from individuals who believe their employment or reemployment rights under USERRA and federal employment preference rights under Veterans' Preference were violated. Also, VETS operates the Honoring Investments in Recruiting and Employing (HIRE) Veterans Medallion Program—the only federal-level veterans' employment award that recognizes a company or organization's commitment to recruiting, employing, and retaining veterans.

Analysis and Future Plans

DVOP specialists provide individualized career services to veterans with significant barriers to employment, transitioning service members, and wounded, ill, or injured service members and their caretakers. VETS tracks the employment outcomes for those served by DVOP specialists, such as the median earnings in the second quarter after exit. The PY 2019 result for this measure was \$6,420 and the PY 2020 result was \$6,957. VETS is committed to ensuring participant wages meet or exceed the living wage in each state. HVRP Median Earnings also continue to increase; the PY 2018 result was \$4,374 and the PY 2020 result was \$7,540.

VETS manages its USERRA investigations to ensure each complaint is investigated appropriately in terms of quality and timely completion. In FY 2020, the percent of USERRA investigations completed within 90 days was 85.6 percent.

VETS provides veterans, transitioning service members, and their families with targeted training and resources through three programs that leverage partnerships to improve employment outcomes. Looking forward, VETS will promote efforts to address historical and systemic inequities in employment and complete a comprehensive review of wages received by participants served (in JVSG and HVRP) compared to appropriate state level wage data. Through these efforts, VETS will highlight states that have promising practices to share and work with other states in an effort to equitably place all VETS participants into employment opportunities that meet or exceed the living wage in each state.

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VETS – Provide veterans, transitioning service members, and military spouses with resources and tools to gain and maintain employment.

*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	FY/PY 2023	What Worked	What Didn't Work	Program Performance Improvement Plan
Facilitator satisfaction through post course survey	Target	--	--	--	--	90%	90%	90%	VETS shifted to a hybrid workshop delivery model (to include virtual workshop delivery) due to the COVID pandemic but maintained facilitator satisfaction throughout the transition.	There was a reduction in total workshops delivered by VETS due to COVID and a reduction in the number of transitioning service members.	VETS will continue to deliver workshops through a hybrid delivery model in the post-pandemic environment to ensure VETS is able to respond to the needs of participants and any future service delivery disruptions.
	Result	--	--	--	--	96%	--	--			
	Status	--	--	--	--	Y	--	--			
Median Earnings (2nd quarter after exit) for veterans served by DVOP	Target	--	Base	\$6,400	\$6,500	\$6,500	\$6,500	\$6,600	All states and territories (except PR) were able to meet WIOA reporting requirements and submit accurate and timely data.	VETS has not historically tracked JVSG participants' median earnings in the 2 nd quarter after exit compared to appropriate state level wage data.	VETS will review JVSG participant earnings compared to appropriate state level wage data in an effort to place all JVSG participants into employment opportunities that meet or exceed the state's living wage.
	Result	--	--	\$6,420	\$6,679	\$6,957	--	--			
	Status	--	--	Y	Y	Y	--	--			
HVRP Median Earnings 2nd Quarter After Exit	Target	Base	Base	\$4,100	\$4,200	\$4,200	\$7,000	\$7,100	The three-year period of performance/incremental funding model introduced in the FY20 Funding Opportunity Announcement supports grantees' commitment to follow up reporting.	VETS has not historically tracked HVRP participants' median earnings in the 2 nd quarter after exit compared to appropriate state level wage data.	VETS will review HVRP participant earnings compared to appropriate state level wage data in an effort to place all HVRP participants into employment opportunities that meet or exceed the state's living wage.
	Result	--	--	\$4,374	\$4,836	\$7,540	--	--			
	Status	--	--	Y	Y	Y	--	--			

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*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	FY/PY 2023	What Worked	What Didn't Work	Program Performance Improvement Plan
Percent of USERRA investigations completed within 90 days	Target	90.0%	90.0%	87.0%	80.0%	80.0%	84.0%	84.5%	VETS has maintained a relatively stable annual outcome for this measure during the past 5 years.	While this measure is stable, VETS does not see an opportunity to improve efficiency further without sacrificing quality.	VETS will ensure that future system enhancements maintain the efficiency of this measure
	Result	89.3%	84.8%	82.8%	86.2%	85.6%	--	--			
	Status	N	N	N	Y	Y	--	--			

Sources: WIPS (Median Earnings 2nd Quarter After Exit measure), VETS-701 Technical Performance Reports (HVRP Median Earnings 2nd Quarter After Exit measure), USERRA Information Management System (Closed Cases Quality measure).

Notes: Program Year (PY) grant period of performance is Jul 1 - Jun 30; PY date aligns with calendar year in the first 6 months of the period of performance (e.g. PY20 is Jul 1, 2020 to June 30, 2021).

WB Performance Goal 1.1 – Promote policies and support programs focused on improving women’s employment and economic outcomes.

WB conducts research to formulate practices and policies aimed at increasing economic and employment opportunities and advancement for the 75 million working women and their families in the U.S. WB identifies trends, data gaps, policy and programmatic needs, and strategic mechanisms to safeguard the interest of working women. These efforts allow WB to inform and educate individuals and organizations at the local, state, and national levels about the issues facing women in the labor force.

Analysis and Future Plans

For more than 100 years, WB has been committed to advocating for equality and economic security for working women and their families. In FY 2021, WB focused its research, policy analysis, grant-making, and education and outreach on addressing equity in wages and working conditions in sectors where women, especially women of color, are overrepresented; expanding opportunities for women in apprenticeship and nontraditional occupations to disrupt longstanding patterns of gender occupational segregation; and increasing access to paid leave and affordable child care. WB exceeded its target for the number of policy and research deliverables, producing a total of 23 issue briefs, reports, and other resources, including data visualizations on women’s employment and earnings, with subgroup analyses by race, parental status, and other selected characteristics. WB finalized the National Database of Childcare Prices, a truly seminal resource and the only federal repository of local level childcare prices nationwide, and has begun analysis examining correlations between the cost of child care and women’s labor force participation. WB also launched the new FARE grant program awarding money to six grantees to help women workers who earn low wages learn about and access their employment rights and benefits. WB staff also developed and implemented a resource guide for recruiting women into the Job Corps program. WB shepherded DOL’s input toward the U.S.’s first-ever National Strategy on Gender Equity and Equality and collected input from DOL sub-agencies on their gender equity goals and baseline capacity to deliver programming and budgeting with a gender lens.

For FY 2022, WB added a new performance measure to expand strategic partnerships with organizations primarily serving underserved and/or disadvantaged communities, including women of color, women with disabilities, justice-involved women, immigrant women, trans-identified women, rural women, etc. Through a combination of research, programming, and stakeholder engagement activities, WB will address the COVID-19 pandemic’s impact on women in the workforce and recommend policy interventions that promote more equitable labor force participation for all women, while also addressing inequities exacerbated by occupational segregation and the lack of workplace and discrimination protections. WB plans to continue funding the WANTO and FARE grant programs and will continue actively contributing to and providing thought leadership to advance equity principles and practices over the course of agency involvement in a variety of intra- and inter-agency councils and working groups, including the Gender Policy Council, DOL equity working groups, Advisory Committee on Apprenticeship, and a number of others. WB will also

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collaborate with the Chief Evaluation Office (CEO) and Office of Personnel Management (OPM) to analyze benefit uptake and other metrics for the Federal Employee Paid Leave Act. WB will update a commissioned analysis on the effects of caregiving on women’s employment, earnings, savings, and retirement benefits, and the policy implications of these effects.

WB – Promote policies and support programs focused on improving women’s employment and economic outcomes.

*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	FY/PY 2023	What Worked	What Didn't Work	Program Performance Improvement Plan
Number of policy & research deliverables	Target	18	6	16	15	17	32	32	WB awarded \$2 million to states and territories to conduct projects to assist underserved and marginalized low-income women workers in understanding and accessing their employment rights and benefits.	Due to the COVID-19 pandemic, WB limited in-person outreach and routine on-site visits with grantees, and much of the WB 100th anniversary celebration was put on hold.	WB will expand resource accessibility by providing Spanish translations and increase visibility and presence with Spanish-language media outlets.
	Result	21	16	21	17	23	--	--			
	Status	Y	Y	Y	Y	Y	--	--			
Number of strategic partnerships with organizations primarily serving underserved communities	Target	--	--	--	--	--	Base	TBD	--	--	--
	Result	--	--	--	--	--	--	--			
	Status	--	--	--	--	--	--	--			

Sources: WB quarterly productivity reports

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ODEP Performance Goal 1.1 – Develop evidence-based policies, practices, and tools to foster a more inclusive workforce to increase quality employment opportunities for individuals with disabilities.

ODEP promotes policies and practices, and coordinates to increase the number and quality of employment opportunities for individuals with disabilities. ODEP employs strategies to help employers meet their business objectives by fully integrating the skills and talents of job seekers and employees with disabilities. Additionally, ODEP uses data and evidence to promote the adoption and implementation of policy strategies and effective practices to increase the number and quality of job opportunities for people with disabilities. Based on research and evaluation, ODEP develops or identifies effective policy and practices, conducts outreach to share this critical information, and provides technical assistance to all levels of government and employers to aid them in adoption and implementation.

Analysis and Future Plans

In FY 2021, ODEP invested in initiatives of higher priority, such as the Retaining Employment and Talent After Illness/Injury Network (RETAIN) Demonstration Projects that will test the impact of early intervention strategies on stay-at-work/return-to-work outcomes of individuals who experience an injury or illness that could result in a work disability while employed. RETAIN grants expanded their pilots to serve more individuals including those with lingering COVID and those in underserved communities. ODEP has used and implemented the “targeted technical assistance events” as a strategic measure to highlight the RETAIN demonstration project outcomes. ODEP funded research to identify novel strategies to serve youth with disabilities who are on or at risk of needing Supplemental Security Income. ODEP also funded the State Exchange on Employment and Disability (SEED) to promote adoption and implementation of ODEP’s policies and practices at the state level, and to advance ODEP’s policy development and dissemination efforts. For all SEED activities, the corresponding number of policy outputs, implementation tools, and targeted technical assistance events measure performance.

In FY 2022 and beyond, ODEP will continue to fund RETAIN and SEED and initiatives supporting competitive integrated employment for people with disabilities including those with mental health conditions. ODEP will also fund initiatives such as the climate/clean energy apprenticeship opportunity made possible by the infrastructure bill that examine and promote inclusiveness and equity.

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ODEP – Develop evidence-based policies, practices, and tools to foster a more inclusive workforce to increase quality employment opportunities for individuals with disabilities.

*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	FY/PY 2023	What Worked	What Didn't Work	Program Performance Improvement Plan
Number of policy outputs	Target	23	64	44	35	37	42	42	ODEP excelled in leveraging state intermediaries to generate state-level policy supporting and increasing disability employment by influencing state-level business environments.	While ODEP has exceeded this target, ODEP will focus on outputs that address equity for underserved communities and aid in the development of policies that address issues of importance to those groups.	ODEP will continue to engage state intermediaries to seek additional state-level policy development opportunities.
	Result	43	63	66	51	41	--	--			
	Status	Y	I	Y	Y	Y	--	--			
Number of implementation tools	Target	117	70	60	84	107	112	125	ODEP continues to excel in producing implementation tools as requested by practitioners at all levels of government and employers.	While ODEP exceeded this target, ODEP will continue to look for ways to increase the use of the implementation tools through increased technical assistance.	ODEP will continue to engage practitioners and stakeholders in providing input to develop implementation tools that address their dynamic business needs.
	Result	147	136	110	98	128	--	--			
	Status	Y	Y	Y	Y	Y	--	--			
Number of Technical Assistance Events (Targeted)	Target	803	469	402	236	234	243	250	ODEP continues to excel in providing intensive, targeted technical assistance to all its stakeholders to both overcome pandemic limitations and to ensure consistent support by leveraging virtual tools.	While ODEP has exceeded this target, ODEP plans to increase targeted technical assistance events for all stakeholders.	ODEP will continue to provide targeted technical assistance events to support better implementation of its initiatives including outreach to underserved communities.
	Result	759	469	403	195	246	--	--			
	Status	N	Y	Y	N	Y	--	--			

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*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	FY/PY 2023	What Worked	What Didn't Work	Program Performance Improvement Plan
Percent of customers that find technical assistance center information useful	Target	85%	85%	85%	85%	85%	92%	93%	ODEP continues to excel in providing technical assistance that customers find useful and meets their needs.	While ODEP has exceeded this target, ODEP will continue to look for ways to increase the usefulness of its technical assistance center materials.	ODEP will continue to engage customers to identify ways to develop products and information for its technical assistance centers that are useful.
	Result	96%	79%	96%	92%	98%	--	--			
	Status	Y	N	Y	Y	Y	--	--			

Sources: ODEP Data Management System

Strategic Goal 2: Ensure Safe Jobs, Essential Protections, and Fair Workplaces

Strategic Objective 2.1

Secure safe and healthful workplaces, particularly in high-risk industries.

Partner Agencies Driving this Objective (select the hyperlink to learn more about each agency)

[Occupational Safety and Health Administration](#) (OSHA)

[Mine Safety and Health Administration](#) (MSHA)

All workers have a right to a safe and healthful work environment. OSHA and MSHA recognize that some workers are more vulnerable than others and that some workplaces are more hazardous than others. By strategically scheduling inspections and outreach in high-risk areas, in addition to completing mandated enforcement activity, DOL expects to have the greatest effect on overall compliance. With more employers in compliance, workplace injuries, fatalities, and illnesses should decline – the ultimate outcome for workers.

The Secretary’s vision provides workers a voice in the workplace so that they may actively participate in the protection and promotion of their workplace rights without hindering their employment growth opportunities. Workers are more likely to have a voice in the workplace if they are better informed of their employment rights and are better able to freely exercise those rights and overcome their fear of adverse consequences. OSHA and MSHA provide a range of protections for workers who claim their rights are being violated.

FY 2021 Strategic Review Summary of Progress

Performance

These two agencies have nine measures in the Strategic Plan. The following paragraphs describe agency performance.

OSHA conducted 24,352 inspections in FY 2021. Of these, 19,948 were safety inspections, and 4,404 were health inspections. In FY 2017, OSHA conducted 32,606 inspections which increased to 33,401 inspections in FY 2019. In FY 2020, however, the number of inspections dropped to only 21,674 due to the effects of the COVID-19 pandemic on OSHA operations. The total number of inspections conducted in FY 2021 represents a 12 percent increase over the number of inspections conducted in FY 2020 despite operating under similar COVID-19 related conditions.

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The volume of workplace retaliation complaints received under the Whistleblower Protection Program has steadily increased, from 7,412 new complaints in FY 2014 to 11,865 in FY 2020, but decreased for the first time in FY 2021 to 10,964. Although COVID-19-related complaints continue to be filed in large numbers, the peak period occurred in the last eight months of FY 2020 (onset of the pandemic). In FY 2021, there continued to be decreased filings, which contributed to the decrease in overall new complaint filings. In addition, the number of new complaints filed that were docketed for investigation also decreased from 3,448 in FY 2020 to 2,556 in FY 2021. This, in part, is due to the decrease in COVID-19-related filings as well as agency improvements in its intake and screening procedures. These procedures ensured that only those complaints that meet the gatekeeper/threshold requirements are docketed for investigation.

In FY 2021, the estimated mining industry five-year fatality rate per 200,000 hours worked was 0.0107, a 13 percent increase from FY 2020. While falling short of their aggressive targets, the estimated five-year rolling average rates of all injuries and injuries associated with powered haulage equipment were each the lowest in mining history.

Risks

OSHA and MSHA have consistently faced short and long-term challenges in securing safe and healthful workplaces due to significant loss of staff over the last several years. To address this risk to public safety, both agencies will be undertaking significant recruitment, hiring, and onboarding of new staff over the next two years.

If OSHA is unable to investigate all whistleblower complaints and effectively enforce the whistleblower protection provisions of the 25 statutes delegated to the Assistant Secretary of Labor for OSHA, there is a risk that it will not be able to protect employee's rights to report hazardous and/or unlawful conditions without fear of retaliation. In addition, the underlying concerns raised by the whistleblower (e.g., health, safety, security, financial wellbeing, etc.) will go undetected and not reported to the relevant federal agency for appropriate action to rectify such concerns.

Therefore, OSHA needs to develop the knowledge and experience required to address complaints from these diverse industries to achieve long-term success. Potential ongoing stay-at-home orders, strict social distancing, and Voluntary Protection Plan (VPP) participants' closures, cautions, and restricted access to their sites are ways to better address the COVID-19 threat. Variances across different regions mean that there is a risk that OSHA will continue to be unable to perform these necessary on-site evaluations in a manner that meets the requirements of the program. In addition, the disruption created by COVID-19 also created a backlog of on-site evaluations that need to be addressed, creating a risk that OSHA will be unable to perform on-site evaluations in the timeframe required for oversight of the program.

The OIG has identified Protecting the Safety and Health of Workers as a top management and performance challenge. MSHA is challenged by a 25-year high in the number of black lung cases, as reported by the American Journal of Public Health, and needs to develop strategies for addressing this

Strategic Goal 2

issue. MSHA is also challenged to develop better protections for miners against airborne contaminants, such as respirable silica dust. MSHA announced that it would publish a proposed rule to address miners' exposure to respirable quartz and agreed to study a risk-based approach to whether any increase in the frequency of inspector sampling is needed, and if so, under what mining condition.

Evaluation

The OIG conducted a series of audits of OSHA's Whistleblower Protection Program. Two recent audits were completed in FY 2020: one on COVID-19 Impact and Response and one on Region IX's whistleblower program. Both audit results show continued need to improve the quality of investigations, as well as the need to complete the Whistleblower Investigations Manual (WIM), CPL 02-03-007, (January 28, 2016), improve case management by developing a reasonable balance between timeliness and quality, monitor pilot programs for potential nationwide implementation, and upgrade the database system.

Budget

In the FY 2021 appropriation, these agencies comprise approximately 8% of the overall discretionary DOL budget. The FY 2021 Consolidated Appropriations Act provided OSHA Enforcement with \$228.7 million, an increase of \$7 million above the FY 2020 funding level. The FY 2021 appropriation provided the Whistleblower program with \$19.1 million, an increase of \$0.5 million over the FY 2020 appropriation. As in recent fiscal years, FY 2021 appropriations language stated that not less than \$3.5 million of OSHA's appropriation must be used for VPP. In FY 2021, OSHA received \$100.3 million in American Rescue Plan (ARP) Act, which is available through September 30, 2023. The law requires at least \$5,000,000 be for enforcement activities related to COVID-19 at high-risk workplaces including health care, meat and poultry processing facilities, agricultural workplaces and correctional facilities. OSHA is using the funding to support Compliance Safety and Health Officers (CSHOs) and additional enforcement staff for COVID-19 enforcement activities. OSHA identified the need to hire numerous positions, including CSHOs, Whistleblower investigators, and other staff to backfill behind senior OSHA staff, who are working on COVID-19 related matters (e.g., inspections and complaints). These positions will be funded with OSHA's annual appropriation. For example, OSHA has enabled senior CSHOs to charge their time to ARP funding as they are the inspectors conducting the COVID-19 related inspections. OSHA hired new CSHOs to backfill behind these CSHOs and charged the costs to OSHA's regular appropriation.

In FY 2021, MSHA used approximately \$2.2 million provided in the ARP for worker protection activities. Additional inspectors covered critical geographic areas based on workload analysis of the most vulnerable locations. In addition, MSHA provided expert advice and guidance in health hazard enforcement including the prevention of COVID-19 spread, carried out regulatory activities such as developing health standards concerning miner exposure to silica and safety standards for surface mobile equipment, supported internal needs to address any safety and health risks, and worked with mine operators to address mitigation of health concerns in mines.

OSHA Performance Goal 2.1 – Secure safe and healthful working conditions for America’s workers.

OSHA was established by the Occupational Safety and Health Act of 1970 with the mission to ensure employers provide America’s workers safe and healthful working conditions. OSHA ensures the safety and health of America’s workers by setting and enforcing workplace safety and health standards; delivering effective enforcement; providing training, outreach, and education; and encouraging continual improvement in workplace safety and health. Through these efforts, OSHA aims to reduce the number of worker illnesses, injuries, and fatalities and contribute to DOL’s broader goals.

Analysis and Future Plans

OSHA’s regional and area offices strategically prioritize enforcement resources to target high hazard industries and irresponsible employers based on occupational illness and injury rates. Corporate Wide Settlement Agreements and the Severe Violator Enforcement Program are additional tools OSHA uses to target employers that require improvement across a business enterprise. In FY 2021, the continued effect of the COVID-19 pandemic significantly decreased OSHA’s planned inspection activity. The virus’ evolution continues to present unique challenges for employers to safeguard employees from exposure, using methods such as social distancing, providing appropriate personal protective equipment, and ensuring workplaces are regularly sanitized. At the same time, OSHA responded to significantly increased complaint activity and requests from stakeholders during the pandemic. The agency also ensured that field staff remained protected from exposure by limiting on-site inspection activity per agency policy. These circumstances resulted in 21 percent reduction in inspections overall. In FY 2021, OSHA completed 80 percent of the targeted safety inspections (19,948 of the planned 24,810) and 71 percent of the health targeted health inspections (4,404 of the planned 6,403). During the fiscal year in March 2021, OSHA implemented a national emphasis program (NEP) regarding COVID-19 workplace exposure that contained an inspection goal whereby from March 2021 to the end of the fiscal year, 5 percent of all inspection activity would address COVID-19 workplace exposures and controls. OSHA exceeded this goal by conducting 7.5 percent of all inspections during the time as those covered by the newly implemented COVID-19 NEP.

Looking to FY 2022, ensuring the health and safety of workers is a national priority and moral imperative. Healthcare workers and other essential workers continue putting their lives at risk during the COVID-19 pandemic. These workers not only care for those who are sick but also assure America’s supply chains remain resilient, diverse, and secure, ensuring our economic prosperity and national security. Many of these workers are employed in industries and workplaces with the highest illness and injury rates. Often the employees in these industries and at these workplaces are ethnic or racial minorities, non-English speakers, immigrants, the economically disadvantaged, or adults with diminished capacity. Therefore, protecting essential workers who support America’s supply chains (warehousing and package/parcel services), healthcare, construction, manufacturing, and agriculture also advances racial equity and supports underserved communities. OSHA will target high hazard industries and

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workplaces by adding and/or refining its emphasis programs and initiatives to further the Department's efforts to support supply chain industries and workplaces with vulnerable workers.

OSHA received \$100.3 million in ARP Act funds from the Department, which is available through September 30, 2023. The law requires at least \$5,000,000 be for enforcement activities related to COVID-19 at high-risk workplaces including health care, meat, and poultry processing facilities; agricultural workplaces; and correctional facilities. OSHA is using the funding to support Compliance Safety and Health Officers (CSHOs) and additional enforcement staff for COVID-19 enforcement activities. OSHA identified the need to hire numerous positions, including CSHOs, Whistleblower investigators, and other staff to backfill behind senior OSHA staff, who are working on COVID-19 related matters (e.g., inspections). These positions were expected to be funded with OSHA's annual appropriation. For example, OSHA has enabled senior CSHOs to charge their time to ARP funding as they are the inspectors conducting the COVID-19 related inspections. OSHA hired new CSHOs to backfill behind these CSHOs and charged the costs to OSHA's regular appropriation.

Safety training is a critical piece of OSHA's strategic effort to prevent workplace fatalities, injuries, and illnesses. OSHA conducts training programs at the OSHA Training Institute (OTI), administers the OTI Education Centers Program, and administers the Outreach Training Program. OSHA also provides training through its compliance assistance effort in support of agency regulatory, enforcement, and outreach initiatives (e.g., National Stand Down to Prevent Falls in Construction, Heat Illness Prevention, and the Safe + Sound Campaign). In FY 2021, OSHA provided training for 1,371,488 individuals based on preliminary results. OSHA continued to use a mix of traditional in-person training and virtual training. In addition, it enabled events that were planned and implemented at an Area or Regional Office level to be accessible to a national audience. The implementation of virtual training increased access to training for many workers and OSHA personnel. The agency will continue these measures in FY 2022 to grow our training levels to pre-pandemic levels.

OSHA also administers and enforces 25 whistleblower protection statutes that protect workers who experience retaliation for reporting violations of the law. Principally, this includes Section 11(c) of the Occupational Safety and Health Act, which prohibits employers from retaliating against employees who bring workplace safety and health hazards to the attention of the employer or the Agency. The additional 24 whistleblower protection provisions protect workers in a variety of industries who speak out against unsafe and/or unlawful behavior, including violations of transportation, environmental protection, consumer protection, health insurance reform, or fraud and financial reform laws.

In FY 2022, OSHA will focus on inspections conducted through emphasis programs specifically focused on reducing or eliminating employee exposure to fall, struck-by, caught-in, and electrical hazards in all workplaces compared to the total number of inspections programmed inspections pursuant to an emphasis program for hazards that are among the leading causes of death in the workplace.

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In FY 2021, final results show that OSHA made progress toward its target of 340 days for the average age of pending cases by coming in at 350 days at year end. In addition, OSHA exceeded its target of 13 days for the average time to screen by ending the year at 7 days for this performance measure. Additionally, in FY 2021, OSHA significantly reduced its inventory of pending investigations as compared to the end of FY 2020. Specifically, OSHA had a total inventory of pending investigations of 2,958 cases as of September 30, 2020. At the end of FY 2021, that number dropped to 2,448 pending investigations. In addition, OSHA conducted two whistleblower stakeholders meetings focused on retaliation for raising concerns regarding the COVID-19 Pandemic. Resulting from these meetings, OSHA began a dialogue with migrant worker organizations and other underserved groups to better understand their circumstances for added focus on worker protections to these vulnerable populations.

In FY 2022, OSHA will complete the overhaul of the WIM that will further streamline the investigative process without compromising case quality. In addition, OSHA will continue to expand its Alternative Dispute Resolution (ADR) Program across all regions as a viable alternative to the traditional investigative/enforcement process. These major initiatives will assist the Agency in tackling the still-large inventory of pending cases and backlog of over-aged cases while promoting greater customer service. Furthermore, OSHA’s Whistleblower Protection Program will implement its Focused Outreach Plan for FY 2022 by concentrating its efforts on reaching migrant and other traditionally underserved workers, especially those who are not English speakers. OSHA will coordinate with worker advocacy groups to identify and meet the needs of these categories of vulnerable workers. OSHA will also develop a tracking mechanism to capture all compliance assistance activity regarding these vulnerable populations.

OSHA – Secure safe and healthful working conditions for America’s workers.

*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	FY/PY 2023	What Worked	What Didn't Work	Program Performance Improvement Plan
Safety Inspections	Target	26,032	24,288	26,240	16,523	24,810	25,120	27,032	OSHA utilized safety emphasis programs to direct enforcement resources.	OSHA’s enforcement resources were insufficient to handle the additional load from COVID-19 cases and continue working on safety emphasis program inspections.	OSHA will maintain focus on emphasis programs for targeted safety hazards while readily increasing available resources per priority 1 of the Presidential Management Agenda.
	Result	26,607	26,453	27,890	17,558	19,948	--	--			
	Status	Y	Y	Y	Y	I	--	--			

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*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	FY/PY 2023	What Worked	What Didn't Work	Program Performance Improvement Plan
Health Inspections	Target	6,508	6,072	6,560	4,131	6,403	6,280	6,758	OSHA utilized health emphasis programs to direct enforcement resources.	OSHA's enforcement resources were insufficient to handle the additional load from COVID-19 cases and continue working on other health emphasis program inspections.	OSHA will maintain focus on emphasis programs for targeted health hazards while readily increasing available resources per priority 1 of the Presidential Management Agenda
	Result	5,789	5,567	5,511	4,116	4,407	--	--			
	Status	N	N	N	N	I	--	--			
Percent of inspections conducted through emphasis programs specifically focused on reducing or eliminating employee exposure to fall, struck-by, caught-in, and electrical hazards in all workplaces	Target	--	--	--	--	--	32%	33%	OSHA utilized fall emphasis programs to direct enforcement resources.	OSHA's enforcement resources were insufficient to handle the additional load from COVID-19 cases and continue working on programmed inspections.	OSHA will initiate focus on programmed inspections following an emphasis program for hazards that are among the leading causes of death in the workplace.
	Result	--	--	--	31%	33%	--	--			
	Status	--	--	--	--	--	--	--			
Number of people trained by OSHA	Target	--	934,270	--	1,058,728	1,209,920	1,309,000	1,400,200	OSHA implemented virtual training and created pre-recorded training presentations/messaging to provide greater access to reach a national audience and conduct in-person events during the pandemic.	In several cases, our travel posture related to the pandemic precluded OSHA participation in events where the host had made the determination to shift to in-person only meetings/events/conferences.	OSHA plans to expand virtual training and pre-recorded content. A newly implemented training-delivery platform will allow the agency to overcome barriers in conducting in-person and virtual training.
	Result	1,058,894	1,179,551	1,627,368	1,371,943	1,371,488	--	--			
	Status	--	Y	--	Y	Y	--	--			

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*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	FY/PY 2023	What Worked	What Didn't Work	Program Performance Improvement Plan
Average age of pending whistleblower investigations.	Target	340	340	340	340	340	330	320	Core Exec. Committee (CEC) Diverted Case Initiative redistributed cases more equitably across Regions. Also, Alternative Dispute Resolution (ADR) capability was expanded to enhance settlement actions.	Additional complaints were received due to the COVID-19 pandemic.	Continue to explore backlog reduction strategies & expedited investigation strategies. Further expand use of ADR to all Regions as a viable alternative to the investigative process.
	Result	284	307	307	333	350	--	--			
	Status	Y	Y	Y	Y	N	--	--			
Average days to complete new complaint screening process. (WB)	Target	17.0	17.0	13.0	13.0	13.0	10.0	8.0	CEC Diverted Case Initiative redistributed cases more equitably across Regions. Intake and screening pilots were tested.	Additional complaints were received due to the COVID-19 pandemic.	Continue to explore processes to improve intake and screening efficiencies while not sacrificing customer service.
	Result	12.7	13.0	11.0	11.8	7.0	--	--			
	Status	Y	Y	Y	Y	Y	--	--			

Sources: OSHA Information System (OIS) and Integrated Management Information System (IMIS).

MSHA Performance Goal 2.1 – Prevent fatalities, disease, and injury from mining, and secure safe and healthful working conditions for America’s miners.

MSHA protects the safety and health of the nation’s miners through enforcement of the Federal Mine Safety and Health Act of 1977 (Mine Act), as amended by the Mine Improvement and New Emergency Response Act of 2006. MSHA’s mission is to prevent death, disease, and injury from mining and to promote safe and healthful workplaces for the nation’s miners. This mission is carried out through the promulgation and enforcement of mandatory safety and health standards; mandated inspections, which require four complete inspections annually at active underground mines and two complete inspections annually at active surface mines; miner training; and technical compliance assistance activities.

To prevent miner deaths, operators must have in place effective safety and health programs that are constantly evaluated to identify and eliminate mine hazards, and that provide training for all mining personnel. MSHA has undertaken several measures to prevent mining deaths including: increased monitoring and strategic enforcement through targeted inspections at mines with identified problem areas; a Pattern of Violations program; special initiatives such as focusing on inexperienced miners and miners working alone; and outreach efforts such as “Safety Pro in a Box,” which provides guidance to the metal/nonmetal mining industry on best practices and compliance responsibilities.

Analysis and Future Plans

MSHA prioritizes efforts to reduce workplace hazards that represent a primary cause of fatalities and injuries. In FY 2021, accidents caused by powered haulage equipment, which is a category of moving machines used to transport miners or haul materials in mines, contributed to 9 percent of fatalities and 40 percent of total injuries. MSHA continued to promote best practices to prevent injuries and fatalities associated with powered haulage accidents. The [Powered Haulage Initiative](#) website included pages highlighting large equipment blind spots, seat belt usage, and conveyor safety. Inspectors at all field offices continued to focus on conveyor safety during mine visits, discussing best practices and distributing hardhat stickers and brochures. MSHA identified fatalities related to contractors and provided compliance assistance to address causes of these deaths. MSHA continued to promote its outreach efforts through social media, the agency’s public website, [msha.gov](https://www.msha.gov), and quarterly stakeholder calls. MSHA also awarded \$1,000,000 in grant funding through its Brookwood-Sago grant program to support education and training opportunities for miners that focused on powered haulage safety.

The safety of mining’s most precious resource – the miner – is a critical mission of the agency. To illustrate its commitment to this mission, MSHA was more ambitious in its target for the “Five-year rolling average of reportable injuries associated with powered haulage equipment per 200,000 hours worked” in FY 2021 as compared to prior years. Though MSHA was unable to meet this challenging goal, the agency effectively improved from prior years. MSHA continues to institute its Powered Haulage Initiative to increase inspections at mines with a high potential for powered

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haulage accidents to minimize injuries. Although MSHA performed all of its mandatory inspections, several factors prevented the Agency from meeting or improving the result for the “5 year rolling average of fatal injuries per 200,000 hours worked” measure. The COVID-19 pandemic caused MSHA to suspend non-mandatory inspections such as Compliance Assistance Visits and Other Technical Compliance investigations. In addition, the Education Field and Small Mine Services (EFSMS) suspended mine assistance visits at the beginning of FY 2021. However, they returned to the field in the latter part of the year in support of the initiative. Furthermore, COVID-19 also impacted the mining workforce which resulted in a substantial decrease in the number of working miners due to illness and other health concerns. This caused a reduced workforce at the mining operations. In FY 2021, MSHA saw an increase in fatalities particularly in miners with five or less years of mining experience. Lastly, while MSHA did not meet its target for the “5 year rolling average of all injuries per 200,000 hours worked”, the results significantly improved from the prior year.

MSHA’s work includes strong enforcement, active outreach, education and training, and technical support to the mining industry. Utilizing approximately \$2.2 million of the supplemental funds provided through the ARP, MSHA provided expert advice and guidance in health hazard enforcement; supported enforcement and regulatory activities by performing health and pandemic research and health initiatives; developed standards concerning miner exposure to silica and other health-related hazards; and supported internal needs to address any safety and health risks. MSHA will continue to advance the Administration’s and Secretary’s priorities by focusing on diversity, racial and gender equity, and bilingual needs in underserved communities to build a modern, inclusive workforce. MSHA will use special bilingual positions (English/Spanish) to enhance the mining community’s safety and health needs through improved outreach and communication.

MSHA – Prevent fatalities, disease, and injury from mining and secure safe and healthful working conditions for America’s miners.

*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	FY/PY 2023	What Worked	What Didn't Work	Program Performance Improvement Plan
5 year rolling average of reportable injuries associated with powered haulage equipment per 200,000 hours worked	Target	--	0.170	0.170	0.171	0.164	0.169	0.169	MSHA did not meet the target but did show improvement. The focus on injuries caused by powered haulage equipment remains a primary priority for MSHA.	MSHA is not able to identify any enforcement efforts or initiatives that did not work. MSHA continues to work on consistency in enforcement, and increased compliance assistance initiatives.	MSHA continues to institute its Powered Haulage Initiative to increase inspections at mines with a high potential for powered haulage accidents.
	Result	0.185	0.181	0.179[r]	0.173[r]	0.172 [e]	--	--			
	Status	--	I	I	I	I	--	--			

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*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	FY/PY 2023	What Worked	What Didn't Work	Program Performance Improvement Plan
5 year rolling average of fatal injuries per 200,000 hours worked	Target	0.0121	0.0114	0.0114	0.0100	0.0091	0.0091	0.0091	MSHA utilizes stakeholder outreach and safety initiatives to address safety and health concerns.	Due to the COVID-19 pandemic, MSHA suspended certain non-mandatory inspections and the mining industry saw a decrease in the number of working miners.	MSHA has started a National Safety Campaign emphasizing the need to take the time for safe workplace practices.
	Result	0.0116	0.0110	0.0102 [r]	0.0095	0.0107 [e]	--	--			
	Status	Y	Y	Y	Y	N	--	--			
5 year rolling average of all injuries per 200,000 hours worked	Target	2.30	2.30	2.25	2.13	1.99	1.99	1.99	MSHA utilizes stakeholder outreach and safety initiatives to address safety and health concerns.	MSHA is not able to identify any enforcement efforts or initiatives that did not work. MSHA continues to work on consistency in enforcement, and increased compliance assistance initiatives.	MSHA plans to increase inspection and enforcement effectiveness, strengthen and modernize training and education, and increase efforts to protect miners' rights.
	Result	2.35	2.26	2.18[r]	2.08	2.02[e]	--	--			
	Status	N	Y	Y	Y	I	--	--			

Sources: Injury data – Mine operators' and non-exempt contractors' Mine Accident, Injury, and Employment reports and MSHA's Standardized Information System.

Notes: [e] = estimated. [r] = revised. MSHA's fatality and injury rates reflect the number of fatalities or injuries per 200,000 hours worked during the prior five-year period.

Strategic Objective 2.2

Protect workers' rights.

Partner Agencies Driving this Objective (select the hyperlink to learn more about each agency)

[Wage and Hour Division](#) (WHD)

[Office of Federal Contract Compliance Programs](#) (OFCCP)

[Office of Labor-Management Standards](#) (OLMS)

All workers have the right to be paid properly and treated equitably. WHD, OFCCP, and OLMS promote fair pay, worker rights, and equal opportunity, and serve as the voice of the America's workforce. These agencies enforce laws and provide compliance assistance that address worker pay and leave, equal rights, and labor-management transparency. Together, these agencies protect tens of millions of employees in millions of workplaces across the country.

FY 2021 Strategic Review Summary of Progress

Performance

These three agencies have ten measures in the Strategic Plan. The following paragraphs describe agency performance.

In FY 2021, WHD concluded 24,727 compliance actions, narrowly missing its target of 24,872 by 0.58 percent due to the pandemic. The back wages of \$234,280,604 recovered in FY 2021 were down approximately 9 percent from the previous FY. The number of employees for whom back wages were recovered (193,349) was also down approximately 16 percent from the previous FY. The 4,793 outreach events conducted by WHD in FY 2021 represent an increase of approximately 4 percent from the previous FY and is more than any other year on record for WHD.

In FY 2021, OFCCP implemented a strategy of strengthening its enforcement of supply and service contractors by focusing on full compliance evaluations that identify systemic discrimination in hiring and compensation and pursuing litigation when necessary. In FY 2021, OFCCP completed its desk audits in 39 days, reduced the aged case rate to 9.4 percent, timely completed complaint investigations at the rate of 83 percent, and collected \$31,859,963 in financial remedies for 23,267 affected workers. Performance in completing desk audits improved over the FY 2020 result of 43 days, however, timeliness for processing compliant investigations has declined over the past 4 years, down 7 percentage points from the FY 2018 result of 90 percent.

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OLMS has a statutory time limit of 60 days to file suit to overturn an election following its receipt of an actionable election complaint. OLMS has implemented a number of strategies to steadily reduce this number from 79 days in FY 2011 to 64.9 days in FY 2020, although the number of days increased to 66.9 in FY 2021. In FY 2021, OLMS did not meet its target for the percent of targeted audits that result in a criminal case. This is a measure OLMS uses to strategically utilize its enforcement resources when there is strong suspicion of illegal activity in a particular union or local, thereby avoiding auditing the majority of unions that are in compliance with the law, and efficiently utilizing government resources. For this measure, OLMS achieved 15.25 percent, below the targeted 16.5 percent. This is the lowest fallout rate since the 15.2 percent achieved in FY 2011 when the measure was implemented. The percent of disclosure reports filed electronically increased from 21.4 percent in FY 2011 to 97.4 percent in FY 2021, the highest ever.

Risks

These agencies face risks related to staffing levels, investments in modern information technology solutions, and implementing practices that lead to timelier outcomes for workers. The following are deemed the highest priority risks.

In collaboration with OCIO, WHD is making significant progress and is leveraging the enterprise-shared services and platforms to create systems that can adapt to evolving business processes, capabilities, and needs. The fully modernized infrastructure will mitigate risks associated with the legacy systems, eliminate operational inefficiencies, and improve customer service for all stakeholders. Lack of sufficient IT Modernization funding has been identified as a risk to WHD's ability to complete these efforts, thereby negatively impacting the agency's strategic enforcement program and placing continued strain on the agency's overall operations. WHD will remain ill equipped to respond to the growing demand and increasing standards for data and data quality. Without continuing the modernization effort, WHD's systems will reach critical failure and the need to upgrade the system will simultaneously be imperative and cost-prohibitive. The costs to support the systems are currently \$5 million per year and will continue to increase as it becomes more costly to maintain the aging infrastructure.

In FY 2021, OLMS identified funding sources and developed a plan for modernizing its IT legacy system, the Electronic Labor Organization Reporting System (e.LORS). Working in conjunction with the OCIO, OLMS developed requirements, workflows and use case scenarios to inform the development of work needed. The modernized system will retain the existing business relevant functionality in cloud ready format and will add the supportability, security, and functionality that is gained from using modern technology and agile development methodologies.

Budget

In the FY 2021 appropriation, these agencies comprise approximately 3 percent of the DOL budget. WHD will continue using the \$21 million in ARP funds to support 1) outreach to essential COVID-19 frontline workers most vulnerable to violations of minimum wage, overtime, family and medical leave, child labor, and other worker protection laws; 2) renewing on-site enforcement strategies safely, in conformance with the DOL and

Strategic Goal 2

Agency COVID-19 plans; 3) providing compliance assistance to employers delivering essential services; 4) aligning communications and referral practices with federal, state, and local enforcement agencies related to COVID-19 worker protections; 5) timely, responsive, help-line services; and 6) ensuring workers are paid for COVID-19 related sick leave by resolving remaining cases arising under the Families First Coronavirus Response Act (FFCRA). OFCCP staffing includes approximately 220 compliance officers who conduct compliance evaluations across a regulated universe of approximately 25,000 contractors and more than 120,000 establishments.⁷ The number of compliance officers has significantly decreased over the past 3 years, from 313 in FY 2019 to 222 at the end of FY 2021, due to attrition. The FY 2022 OFCCP budget requests an increase of 188 FTE to increase contractors' compliance and to support the hiring, retention, and training of OFCCP staff to advance the agency's mission.

⁷ An establishment is a facility or unit that produces goods or services, such as a factory, office store, or mine. In most instances, the unit is a physically separate facility at a single location.

WHD Performance Goal 2.2 – Enforce labor standards to protect and enhance the welfare of the nation’s workforce.

WHD is responsible for administering and enforcing laws that establish the minimum standards for wages and working conditions. WHD enforces and administers the minimum wage, overtime pay, and child labor provisions of the Fair Labor Standards Act (FLSA); the prevailing wage requirements and wage determination provisions of the Davis-Bacon Act and Related Acts, Service Contract Act, Contract Work Hours and Safety Standards Act, Walsh-Healey Act, and Copeland Act; the wages and working conditions under the Migrant and Seasonal Agricultural Worker Protection Act; the Family and Medical Leave Act; the Employee Polygraph Protection Act; the garnishment provisions of the Consumer Credit Protection Act; the Labor Value Content requirements of the United States-Mexico-Canada Implementation Act; and the paid sick leave and expanded family and medical leave requirements of the Families First Coronavirus Response Act (FFCRA). WHD also enforces the field sanitation and temporary labor camp standards in agriculture and certain employment standards and worker protections of the Immigration and Nationality Act. Collectively, these labor standards cover most private, state, and local government employment. They protect over 148 million of America’s workers in more than 10.2 million establishments throughout the U.S. and its territories.

WHD uses strategic initiatives to amplify the impacts of our investigations and help the greatest number of workers by specifically focusing on ensuring labor standards protections for low wage workers that are most vulnerable to wage and hour violations. WHD has effectively adapted operations, modernized mission-critical infrastructure, and delivered on performance results. With businesses reopening and the economy poised for growth – as well as critical investments in WHD’s workforce and infrastructure through the ARP – this year is an opportunity to reset, rebuild, and advance worker-focused priorities and strategies. These priorities include protecting essential workers, continuing to account for the effects of COVID in strategies, advancing the goals of equity, addressing worker misclassification as independent contractors, preventing and remedying retaliation, and ensuring all workers receive the back wages they are due.

Analysis and Future Plans

For FY 2022, WHD updated its performance measures consistent with the Agency’s mission, goals, and priorities; they reflect the Agency’s commitments to protecting essential workers; conducting strategic enforcement; and addressing misclassification, retaliation, and equity. Three of the four performance measures outlined below are new measures being used by WHD starting in FY 2022. As such, WHD modeled historical data from prior fiscal years to arrive at the targets.

WHD will aim to increase the percent of back wages paid to workers. In most WHD investigations, the vast majority of back wages found due to workers are paid directly by the employers. However, the subset of unlocated workers due back wages may represent some of the most vulnerable workers. WHD will develop approaches to reach more of these workers – for example, by launching a public service campaign to raise the visibility

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of the online tool, Workers Owed Wages (WOW), which allows workers to search for unclaimed wages. Media, outreach, and stakeholder partnerships will focus on underrepresented communities of color, immigrant workers, and those who may not receive wages because they are in a foreign country. WHD will also expand the use of techniques during and following an investigation to ensure workers receive the wages they are due.

WHD will work to increase the percent of compliance actions associated to a strategic initiative. This new measure aims to leverage the results of both complaint and directed investigations as part of strategic initiatives. This approach recognizes the full range of impact cases that can support broader industry efforts. WHD defines “impact” in several ways, including cases that: deter violations beyond the investigated employer; address violations that are egregious, willful, and/or persistent; and that reach the greatest number of essential workers and workers from underserved communities. WHD uses initiatives to achieve the goals of protecting essential workers, advancing equity, addressing the impacts of COVID, addressing misclassification and recovering wages for workers.

WHD will also increase the percent of initiative outreach events. By increasing the proportion of outreach events associated with initiatives, WHD will focus its outreach on essential workers and underserved communities. Those activities will provide critical information for improving enforcement strategies and case selection. Linking outreach to strategic initiatives will increase the use of strategic partnerships focused on the shared goal of improving compliance.

In FY 2022, WHD will continue to measure the percent of FLSA compliance actions (excluding conciliations) with a severity score of 30 or more. The case severity index captures violation data describing the magnitude and egregiousness of the findings as well as indicators of the employers’ culpability. This supports a strategy of increasing the proportion of cases that are high impact, which WHD estimates can recover an additional \$10 million in back wages for workers. With increased resources to support enforcement, WHD anticipates the proportion of cases meeting that threshold will increase over time, as offices are better equipped with the time, expertise, and resources to pursue and develop significant cases, including cases involving liquidated damages, civil monetary penalties, and litigation.

WHD has historically focused enforcement on industries that employ some of the lowest paid workers with the highest rates of wage violations. WHD analysis determined that these same industries employed high percentages of workers of color. Strong enforcement strategies in these industries is an important tool to advance racial equity and combat poverty. WHD's industry focused strategies will be augmented by a place-based approach to enforcement in order to leverage unique enforcement opportunities in a particular state or city and to maximize enforcement power. WHD will perform a comparative analysis of labor standards worker protection laws, including the scope of worker protections, the enforcement capacity of state and local partners, and the remedies available. This analysis will guide development of strategic partnerships and collaborative enforcement strategies to strengthen protection and enforcement in all regions and offices.

Strategic Goal 2

WHD – Enforce labor standards to protect and enhance the welfare of the nation’s workforce.

*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	FY/PY 2023	What Worked	What Didn't Work	Program Performance Improvement Plan
Percent of back wages paid to workers	Target	--	--	--	--	--	79%	82%	--	--	WHD will expand the use of techniques during and following an investigation to ensure workers receive the wages they are due.
	Result	--	--	--	--	--	--	--			
	Status	--	--	--	--	--	--	--			
Percent of compliance actions associated to a strategic initiative	Target	--	--	--	--	--	65%	66%	--	--	WHD is further integrating complaint and directed investigation activity around strategic initiative goals.
	Result	--	--	--	--	--	--	--			
	Status	--	--	--	--	--	--	--			
Percent of outreach events supporting strategic initiatives	Target	--	--	--	--	--	50%	52%	--	--	WHD will increase the proportion of outreach events associated with initiatives, also ensure that the majority of its outreach is focused on essential workers
	Result	--	--	--	--	40%	--	--			
	Status	--	--	--	--	--	--	--			
Percent of FLSA compliance actions (excluding conciliations) with severity score of 30 or more	Target	--	--	--	Base	20%	21%	22%	Provided analytical tools and transparency around methodology to support implementation.	Updated the methodology based on pilot year lessons learned.	With increased resources to support enforcement, WHD anticipates offices will be better equipped with the time, expertise, and resources to prepare significant cases.
	Result	--	--	--	20%	18%	--	--			
	Status	--	--	--	--	N	--	--			

Sources: Wage and Hour Investigative Support and Reporting Database (WHISARD).

Notes: Results are not entered for the fiscal years when WHD did not have these measures.

OFCCP Performance Goal 2.2 – Promote equitable and diverse workplaces for America’s federal contractor employees.

OFCCP requires that employers that do business with the federal government comply with contractual equal employment opportunity and affirmative action requirements to ensure a fair and diverse workplace, free of discrimination and harassment. OFCCP recognizes the value of performing both enforcement and compliance assistance activities. The agency is strengthening contractor engagement through the use of additional compliance resources, tools, national training, and education and outreach activities.

Analysis and Future Plans

In FY 2021, OFCCP implemented a strategy of strengthening its enforcement of supply and service contractors by focusing on full compliance evaluations that identify systemic discrimination in hiring and compensation and pursuing litigation when necessary. In July 2021, OFCCP issued a neutral scheduling list of 750 supply and service contractors at higher risk of noncompliance. OFCCP processed supply and service cases with discrimination violations, prior to referring for enforcement, in about 1,150 days, down from 1,809 days in FY 2020. OFCCP also prioritized reinvigorating its enforcement of construction contractors and subcontractors. In September, OFCCP issued a neutral scheduling list of 400 federal construction contractors and federally assisted contractors and subcontractors at higher risk of noncompliance. OFCCP received 1,503 complaints in FY 2021 and processed 83 percent of those complaints timely, a decrease from prior years due to the number of complex cases received.

In FY 2022, OFCCP will continue to strategically allocate its resources on industries expected to receive significant federal investments for infrastructure and economic recovery, and industries that experienced growth during the pandemic. By focusing on these industries, OFCCP will work to ensure that low-wage workers and workers from historically underserved communities have access to good jobs. OFCCP will also continue to enhance its neutral contractor selection process to reach a broader universe of federal contractors and identify data and other information to consider in identifying contractors at greater risk for noncompliance. The agency is considering analyzing EEO-1 data to identify industries and/or employers where women and people of color experience occupational segregation to identify barriers to hire and advancement to higher wage jobs. OFCCP anticipates an uptick in the number of cases it opens by July 1, 2023, as a result of an increase in its FTE.

Additionally, OFCCP will expand its outreach to organizations serving underrepresented workers, including workers of color, LGBTQ+ workers, women, and workers with disabilities. By doing so, OFCCP will strengthen its ability to identify key issues for investigation as well as areas where greater employer education and assistance is needed. OFCCP also will continue to aid federal contractors and subcontractors in developing connections to diversity recruitment sources such as state workforce agencies, local vocational rehabilitation agencies and non-profit organizations, and minority-serving educational institutions including Historically Black Colleges and Universities, Hispanic-Serving Institutions, Tribal Colleges and Universities, and Asian American and Pacific Islander Serving Institutions. As part of its work to implement President Biden’s Executive Order

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13985, “Advancing Racial Equity and Support for Underserved Communities Through the Federal Government,” OFCCP has been collaborating on its outreach efforts with other DOL agencies, including ODEP and WB, to maximize its reach and impact.

OFCCP – Promote equitable and diverse workplaces for America’s federal contractor employees.

*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	FY/PY 2023	What Worked	What Didn't Work	Program Performance Improvement Plan
Percent of Education and Outreach Events Focused on Workers’ Rights	Target	--	--	--	--	--	Base	TBD	--	--	--
	Result	--	--	--	--	--	--	--			
	Status	--	--	--	--	--	--	--			
Median Days to Process S&S Cases with Discrimination Violations, Prior to Enforcement Referral	Target	900	900	900	730	730	950	950	Early Resolution Conciliation Agreements helped to reduce aged cases.	OFCCP had several complex cases that took longer to close.	In addition to early resolution, OFCCP will train staff on identifying cases that can be resolved earlier prior to enforcement referral.
	Result	1,400	1,513	1,356	1,809	1,150	--	--			
	Status	N	N	I	N	I	--	--			
Median Days to Process Construction Cases with Discrimination Violations, Prior to Enforcement Referral	Target	--	--	--	--	--	Base	TBD	--	--	--
	Result	--	--	--	--	--	--	--			
	Status	--	--	--	--	--	--	--			
Percent of Complaints Processed Within Standard Timeframe	Target	85%	90%	90%	90%	90%	88%	88%	OFCCP has developed an effective intake system to establish jurisdiction over a complaint and perfect it in a timely manner.	OFCCP is working on improving its system to investigate and resolve complaints of discrimination.	Complaint module will be completed by 9/30/2022, enabling OFCCP to identify patterns of discrimination and monitor timeliness. Investigation of complaints training will be conducted with staff.
	Result	88%	90%	87%	86%	83%	--	--			
	Status	Y	Y	N	N	N	--	--			

Sources: Case Management System (CMS) and Complaint tracking Log

OLMS Performance Goal 2.2 – Promote union financial integrity, transparency, and democracy.

OLMS administers the Labor-Management Reporting and Disclosure Act of 1959, as amended, and related laws. These laws primarily establish safeguards for union democracy and union financial integrity and require public disclosure reporting by unions, union officers, union employees, employers, labor relations consultants, and surety companies.

Analysis and Future Plans

Timely resolution of election complaints accelerates restoration of democratic voice and a democratically-operated union. OLMS continues to fine-tune methods for further reducing its elapsed days, including use of a team-based approach for handling election cases when resources permit and early engagement with the Office of the Solicitor in cases that may result in litigation. This has meant reducing the average number of days to resolve union officer election complaints to 64.9 days in FY 2020 from 68.8 days in FY 2018. In FY 2021 however, the average number of days went up by two days to 66.9. Targets balance the changes OLMS can make to its processes with outside factors that can affect resolution of these types of cases, such as cooperation from the unions being investigated.

OLMS' investments in expanding the number forms available electronically, outreach to facilitate electronic filing of union financial reports, and a rule that required electronic filing of the Form LM-3 and LM-4 reports for fiscal years beginning on or after January 1, 2017, led to great progress in transparency. OLMS made additional LM forms available for electronic filing over the course of FY 2020 (Forms LM-1, 10, 20, and 21), making electronic filing for those reports mandatory in FY 2021. This is reflected in OLMS' e-filing rate of 97.4 percent in FY 2021 and a target of 90 percent in FY 2022, up from 58 percent in FY 2017.

Increasing the effectiveness of targeting compliance audits that lead to criminal investigations is measured by the “fallout rate”, the rate at which audits of labor unions result in the opening of a criminal investigation. OLMS will continue to maintain and exercise a fair and effective targeting system and risk-based “red flag” model to select unions for audit. By becoming more effective at selecting targets, OLMS will avoid auditing many of the vast majority of unions whose officers and employees conduct their fiduciary responsibilities for the benefit of the members and at the same time ensure that law violators are held accountable for failing to meet their trusted obligations.

OLMS will maintain its vigorous enforcement posture because the successful completion of its mission helps protect unions and their members from criminal activities while advancing democratic governing principles. This mission strengthens unions and builds public confidence in them. And a strong, well-respected labor movement lifts up all workers and is a force for creating equity among diverse communities.

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OLMS’ efforts to empower workers and their unions require that OLMS operations and the data it collects be accurately maintained and presented in its full context. OLMS is committed to achieve this result by improving its web site, conducting outreach to stakeholders, engaging with the public on matters linking the labor movement to social and economic advancement, and coordinating with other federal agencies.

OLMS recognizes the benefits to workers and employers from cooperative labor-management relationships achieved through collective bargaining and will promote and advance these programs. OLMS will restart the affirmative labor-management relations/cooperation programs it historically sponsored and advanced.

OLMS will build on studies of (1) the effect of employer activity on union organizing; and (2) the “union effect” on measures of economic security and societal equity and inclusion.

OLMS – Promote union financial integrity, transparency, and democracy.

*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	FY/PY 2023	What Worked	What Didn't Work	Program Performance Improvement Plan
Average number of days to resolve union officer election complaints	Target	71.0	70.0	69.0	68.0	67.0	66.0	65.5	Continuing increased coordination and communication with the Office of the Solicitor. Implementation of refined procedures for electronic reports of investigation.	OLMS could enhance coordination with the Office of the Solicitor.	OLMS will continue to incorporate early coordination with the Office of the Solicitor and refine procedures for electronic reports of investigation
	Result	64.7	68.8	65.6	64.9	66.9	--	--			
	Status	Y	Y	Y	Y	Y	--	--			
Percent of targeted audits that result in a criminal case	Target	15.50%	15.75%	16.00%	16.50%	16.75%	17.00%	17.50%	Use of particular financial data to target unions most likely to have experienced fraud or embezzlement.	Inability to hold training for new investigators has significantly hampered success regarding this measure.	OLMS will continue to update and refine targeting criteria.
	Result	18.75%	20.00%	19.00%	20.00%	15.25%	--	--			
	Status	Y	Y	Y	Y	N	--	--			

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*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	FY/PY 2023	What Worked	What Didn't Work	Program Performance Improvement Plan
Percent of disclosure reports filed electronically	Target	48.0%	60.0%	70.0%	80.0%	85.0%	90.0%	91.0%	OLMS has made additional forms available for electronic filing and has required more forms to be filed electronically. OLMS has also ramped up technical assistance via the website and through VCP.	While all forms required to be e-filed are available to do so, there are still some LM forms that are not available for e-filing.	OLMS will continue to add to the inventory of LM forms that are available to be filed electronically
	Result	58.0%	76.5%	85.3%	89.6%	97.4%	--	--			
	Status	Y	Y	Y	Y	Y	--	--			

Sources: Office of Labor-Management Standards (OLMS) electronic Labor Organization Reporting System (e.LORS) and internal data tracked by the OLMS Division of Enforcement

Strategic Objective 2.3

Improve the security of retirement, health, and other workplace-related benefits for America’s workers and their families.

Agency Driving this Objective (select the hyperlink to learn more about this agency)

[Employee Benefits Security Administration](#) (EBSA)

Workers must have confidence in and understanding of their retirement and health benefits. EBSA’s mission is to assure the security of the retirement, health, and other workplace related benefits of America’s workers and their families. The Agency’s enforcement program uses a wide variety of approaches such as the establishment of national and regional priorities, voluntary compliance programs, civil and criminal litigation, regulations and guidance, and research-based analysis to accomplish its mission. The economic research program informs the agency’s regulatory and enforcement work and provides important information to the public and policymakers on benefit plans.

In order to enhance benefits security and maintain public confidence in the private benefits system, EBSA administers an integrated program of regulation, compliance assistance, public education, civil and criminal enforcement, and research and analysis.

FY 2021 Strategic Review Summary of Progress

Performance

EBSA implemented two new performance measures in FY 2018 focused on the identification and pursuit of investigations that have the greatest potential to correct ERISA violations for a large number of plans and plan participants: Major Case Monetary Recoveries per Major Case Staff Day and Monetary Recoveries on Major Cases Closed per Staff Day. These measures are designed to give EBSA a broader understanding of the efficiency and effectiveness of the Major Case priority. Major Case Monetary Recoveries per Major Case Staff Day increased from \$62,956 in FY 2018 to \$112,103 in FY 2021. EBSA reported \$100,940 recovered per staff day for Major Cases closed in FY 2021, an increase from \$22,131 in FY 2018. Additionally, the Terminated Vested Participant Project (TVPP), which ensures that plans maintain adequate records and procedures for contacting terminated participants with vested account balances, provides significant results with \$1.54 billion recovered in FY 2021.

Risks

EBSA has increasingly had to devote resources to insolvent or fraudulent Multi Employer Welfare Agreements (MEWAs), a problem which the agency expects to be exacerbated by COVID. Troubled MEWAs saddle employees with unpaid claims and unpaid health benefits. There is an

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urgent need for new oversight mechanisms and a large expansion of EBSA's resources. If Major Cases place excessive strain on SOL/expert witness resources and the complexity of these cases continues to rise, then the effective investigation and litigation of some of these cases could be jeopardized. The greatest impact of EBSA's resource constraints on its enforcement program is on decisions not to open cases or pursue potential lines of inquiry in the first place, rather than on the Agency's or SOL's inability to manage those cases that are opened.

Evaluation

EBSA annually performs a Closed Case Quality Review (CCQR) for the civil program and a Criminal Closed Case Quality Review (CCCQR) for the criminal program. EBSA issued guidance for plan sponsors, plan fiduciaries, record-keepers and plan participants that will be used by its investigators regarding cybersecurity, which was part of the FY 2020 Learning Agenda Priority Area for cybersecurity of employee benefit plans. EBSA has posted a bulletin that provides statistical summaries of Form M-1 filings of multiple employer welfare arrangements (MEWAs) and entities claiming exception (ECEs) that provide medical benefits that are required to file the Form M-1. These statistics include information on the number of unique filers, reasons for filing, participants covered, states in which entities are operating, funding, and service providers. The [2017 Form M-1 Bulletin](#) has been posted and work on the 2018 Form M-1 Bulletin has begun.

Budget

EBSA's enforcement efforts have been undermined by its austere budget levels. After seven straight years of flat budgets and increasing inflationary costs, including personnel compensation and benefits, the agency has been able to rebuild capacity because of resources available from supplemental appropriations. EBSA has far fewer investigators now than it did seven years ago, and, absent additional funds, it will have to further reduce investigative staff. At current funding levels, EBSA has less than one investigator for every ten-thousand plans, resulting in significantly less enforcement than is appropriate for the millions of participants who depend on EBSA to protect the trillions of dollars of retirement assets invested on their behalf.

EBSA Performance Goal 2.3 – Improve the security of retirement, health, and other workplace-related benefits for America’s workers and their families.

EBSA is charged with protecting approximately 158 million workers, retirees, and their families who are covered by approximately 734,000 private retirement plans, 2.0 million health plans, and 662,000 welfare benefit plans. Together, these plans hold estimated assets of \$12.9 trillion. EBSA employs a comprehensive, integrated approach encompassing programs for enforcement, compliance assistance, interpretive guidance, legislation, and research. In FY 2021, the agency recovered over \$2.4 billion in direct payment to plans, participants, and beneficiaries. EBSA’s enforcement program seeks to detect and correct violations that result in monetary recoveries for employee benefit plans, participants, and beneficiaries or secure other corrective remedies including, but not limited to, significant broad-based reforms for large plans or common service providers. Several of EBSA’s existing national enforcement projects directly influence underserved communities, including the Mental Health Parity and Addiction Equity Act (MHPAEA) and the Protecting Benefit Distribution project, which covers the Terminated Vested Participant Program (TVPP), abandoned plans, and financially distressed sponsors. By their nature, these programs have a built-in focus on underserved individuals and communities, including vulnerable elderly populations, and individuals struggling with mental health and substance use issues. In addition, there are possible opportunities, within these programs, to further enhance our focus on underserved communities. For example, under its TVPP project, during FY 2022, EBSA plans to target defined benefit plans in industries with high percentages of foreign-born workers to determine if they have disproportionate incidents of missing participants.

Analysis and Future Plans

In FY 2021, EBSA continued to concentrate a significant portion of its enforcement resources on the Major Case Enforcement Priority, which focused on cases likely to have the greatest impact on the protection of plan assets and participants’ benefits. EBSA expects to continue to leverage its resources through the Major Case Enforcement Priority in FY 2022. EBSA also employed metrics to evaluate the efficiency and effectiveness of investigative time. Because Major Case results can be highly volatile from year to year, EBSA based its enforcement measure targets on careful consideration of historical data. The majority of FY 2021 recoveries came from a single initiative, the Terminated Vested Participants Project (TVPP). The TVPP cases obtained unusually large recoveries for participants and beneficiaries while expending minimal investigative resources. In EBSA’s view, the TVPP results are anomalous, and TVPP recoveries will begin to decline over the next two to three years, as plan fiduciaries and sponsors improve their recordkeeping and notification practices with respect to “missing” terminated vested participants, and as EBSA increasingly directs its limited enforcement resources to other categories of violations. In response to the FY 2021 Consolidated Appropriations Act (Pub. L. 116-260), the agency will work diligently on the implementation, enforcement, administration and litigation of the provisions delineated in the Act that expands protections against surprise medical billing and more focused enforcement of the Mental Health Parity and Addiction Equity Act (MHPAEA) and Non-Quantitative Treatment Limitations (NQTLs).

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EBSA – Improve the security of retirement, health, and other workplace-related benefits for America’s workers and their families.

*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	FY/PY 2023	What Worked	What Didn't Work	Program Performance Improvement Plan
Major Case Monetary Recoveries per Major Case Staff Day	Target	--	\$16,936	\$23,151	\$39,996	\$69,871	\$87,394	\$67,424	Major Cases are a priority because they enable EBSA to use its limited resources in a way that has the greatest possible positive impact on large numbers of plans and participants.	As the agency increases its focus on non-TVPP cases, it also expects to see a decline in total recoveries and in overall recoveries per staff day due to the reduced impact of recoveries in TVPP cases.	EBSA anticipates adjusting its targets in future years as TVPP winds down. Given the volatility of results from year to year, targets rely on historical data.
	Result	\$30,269	\$62,956	\$108,807	\$135,288	\$112,103	--	--			
	Status	--	Y	Y	Y	Y	--	--			
Non-TVPP Major Case Monetary Recoveries per Major Case Staff Day	Target	--	--	--	--	--	\$42,189	\$37,171	See above.	See above.	See above.
	Result	\$21,127	\$28,498	\$44,940	\$82,712	\$30,566	--	--			
	Status	--	--	--	--	--	--	--			
TVPP Major Case Monetary Recoveries per Major Case Staff Day	Target	--	--	--	--	--	\$200,495	\$184,110	TVPP cases are a significant source of recoveries from entities that fail to conduct necessary searches and maintain sufficient participant census data.	Taking into account the 1-2 year lag time in obtaining results in TVPP cases, in FY 2021 EBSA started to see the decline in TVPP cases monetary recoveries.	EBSA expects to see higher self-compliance because of recent Missing Participant guidance issued by the agency.
	Result	--	--	\$244,747	\$247,359	\$282,396	--	--			
	Status	--	--	--	--	--	--	--			

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*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	FY/PY 2023	What Worked	What Didn't Work	Program Performance Improvement Plan
Monetary Recoveries on Major Cases Closed per Staff Day	Target	--	\$30,737	\$23,667	\$29,271	\$61,288	\$67,066	\$58,864	Major Cases are a priority because they enable EBSA to use its limited resources in a way that has the greatest possible positive impact on large numbers of plans and participants.	As the agency increases its focus on non-TVPP cases, it also expects to see a decline in total recoveries and in overall recoveries per staff day due to the reduced impact of recoveries in TVPP cases.	EBSA anticipates adjusting its targets in future years as TVPP winds down. Given the volatility of results from year to year, targets rely on historical data.
	Result	\$13,301	\$22,131	\$79,773	\$86,759	\$100,940	--	--			
	Status	--	I	Y	Y	Y	--	--			
Monetary Recoveries on Non-TVPP Major Cases Closed per Staff Day	Target	--	--	--	--	--	\$29,795	\$31,633	See above.	See above.	See above.
	Result	\$13,301	\$11,992	\$27,842	\$58,264	\$26,101	--	--			
	Status	--	--	--	--	--	--	--			
Monetary Recoveries on TVPP Major Cases Closed per Staff Day	Target	--	--	--	--	--	\$179,953	\$166,047	TVPP cases are a significant source of recoveries from entities that fail to conduct necessary searches and maintain sufficient participant census data.	Taking into account the 1-2 year lag time in obtaining results in TVPP cases, in FY 2021 EBSA started to see the decline in TVPP cases monetary recoveries.	EBSA expects to see higher self-compliance because of recent Missing Participant guidance issued by the agency.
	Result	--	--	\$268,562	\$140,156	\$211,944	--	--			
	Status	--	--	--	--	--	--	--			
Percent of Less Complex Issue Cases Closed or Referred for Litigation in the fiscal year within 18 Months of Case Opening	Target	70%	70%	70%	76%	76%	76%	76%	In FY 2021, EBSA exceeded the targets for its three investigation timeliness measures. Both civil and criminal investigations exhibited greater efficiencies than expected.	EBSA met its goal of timely resolving cases. EBSA is carefully monitoring its timeliness measures; however, to ensure that cases are not closed before issues are appropriately explored and resolved.	The agency is in the process of implementing additional actions to improve the efficiency and effectiveness of enforcement actions.
	Result	89%	84%	89%	84%	81%	--	--			
	Status	Y	Y	Y	Y	Y	--	--			

Sources: Enforcement Management System.

Strategic Objective 2.4

Strengthen labor rights, improve working conditions, promote racial and gender equity, and empower workers around the world.

Agency Driving this Objective (select the hyperlink to learn more about each agency)

[Bureau of International Labor Affairs](#) (ILAB)

ILAB safeguards dignity at work, both at home and abroad – by strengthening global labor standards, enforcing labor commitments among trading partners, promoting racial and gender equity, and combating international child labor, forced labor, and human trafficking. ILAB accomplishes this goal through Trade Enforcement, Policy Engagement, Technical Assistance, and Research and Reporting. ILAB’s approach is validated by independent research from the United States International Trade Commission (2016) and the Inter-American Development Bank (2014) suggesting that including labor obligations in trade agreements leads to better labor laws and enforcement efforts in trade partner countries. ILAB’s efforts position the United States as a leader on international labor rights by demonstrating the U.S. commitment to work with governments, workers, unions, employers and business organizations, civil society organizations, and other actors to achieve its mission.

Taken together, these activities support U.S. Government efforts to advance equity on all fronts, particularly in countries where vulnerable and marginalized populations are most susceptible to exploitative labor conditions. By addressing exploitative labor conditions and advancing equity in key countries, ILAB supports efforts to combat poverty and structural racism in underserved and marginalized communities.

FY 2021 Strategic Review Summary of Progress

Performance

In FY 2021, ILAB effectively monitored and enforced the labor provisions of the United States-Mexico-Canada Agreement (USMCA), in-country and from Washington, D.C., through stakeholder engagement and the USMCA web-based hotline and petition channels. When warranted, ILAB used the USMCA’s Rapid Response Labor Mechanism to provide expedited enforcement that safeguarded priority sector workers’ rights to freedom of association and collective bargaining. ILAB worked with the United States Trade Representative (USTR) to resolve a petition filed on behalf of employees at the Tridonex facility in Matamoros, Mexico. The resolution provided 154 dismissed workers with severance and backpay and the company committed to actions safeguarding employees’ right to freedom of association and collective bargaining. This led the Government of Mexico to conduct awareness raising and follow up on union democracy processes at the facility. ILAB worked with the USTR and the Government of Mexico to remediate concerns around a flawed collective bargaining agreement legitimization vote at the General Motors facility in Silao, Mexico. By utilizing this first-of-its-kind enforcement mechanism, the United States Government was able to expand the ability of workers to select their

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representatives using free, democratic processes and to pursue remedies against factories that gained an unfair trade advantage by violating labor laws.

From FY 2019-2021, ILAB provided approximately \$78 million in grant funding to help Mexico raise labor standards consistent with its labor obligations under the USMCA. ILAB's technical assistance projects supported the development and launch of an electronic case management system for the Federal Center for Conciliation and Labor Registry where the Government of Mexico began registering collective bargaining agreements and unions. ILAB's technical assistance helped to open Worker Centers so auto-sector workers could organize and share information about their rights under the new labor law reform and helped to document irregularities under the collective bargaining agreements. These accomplishments helped to protect American workers and businesses from unfair labor practices that exploit workers.

In addition to these efforts in Mexico, in FY 2021, ILAB supported 58 active technical assistance interventions in 53 countries. In FY 2021, ILAB-funded technical assistance projects worked with local partners to build capacity to protect workers, promote worker empowerment, and fight child labor, forced labor, and human trafficking. Highlights of these efforts included: 1) trade union strategic planning for the garment sector in Jordan; 2) anti-trafficking legislation in Liberia; 3) train the trainer curriculum for labor inspectors and cocoa stakeholder trainees in Ghana; 4) national action plans against forced labor and human trafficking in Peru and Malaysia; 5) national child labor-related surveys in Serbia and Mexico; and 6) livelihood training to support victims of child labor, forced labor, or other abuses, such as bakery training for indigenous women and girls in Paraguay.

ILAB closely monitored, analyzed, and reported on the efforts of over 150 countries and territories to adhere to their international commitments to address the worst forms of child labor. ILAB published this work in its 2020 Findings on the Worst Forms of Child Labor (Trade and Development Act or TDA Report along with an update to the companion Sweat and Toil app), which included nearly 2,200 suggested actions for countries to take to eliminate child labor, of which 1,300 focus on the need to strengthen laws and enforcement. Finally, ILAB developed and updated a number of apps and online resources including the Comply Chain app to help employers identify and mitigate risks of child labor and forced labor in the supply chain. ILAB's Better Trade Tool integrates existing reporting on child labor and forced labor with U.S. import trade data and empowers users to advance efforts in supply chain transparency and strategic sourcing.

Risks

The agency's greatest risk is the varying levels of cooperation, capacity, and political will with its international partners and stakeholders. To combat this, ILAB utilizes a variety of channels, including direct, bilateral engagement with foreign countries, technical assistance, trade enforcement, interagency working groups, and active participation in international fora.

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Evaluation

In FY 2021, ILAB published a thematic evaluation reviewing seven countries' labor inspectorate electronic case management systems that ILAB supported through technical assistance. The evaluation concluded that the case management systems were already having or would have real impact in three key areas: 1) decision and policy making; 2) following-up on and applying sanctions for labor violations; and 3) greater transparency on issues related to labor law compliance. However, the evaluation also identified some common challenges to developing effective electronic case management systems, such as inadequate information communication technology capacity and infrastructure, and low levels of buy-in by labor administration decision-makers and labor inspectors.

Budget

In FY 2021, ILAB received \$96.125 million in annual appropriations (approximately 1 percent of DOL's annual appropriation), which was made available to administer or operate international labor activities, bilateral and multilateral technical assistance, and microfinance programs, by or through contracts, grants, subgrants and other arrangements. These funds were also provided for programs to combat exploitative child labor internationally and to implement model programs that address worker rights issues through technical assistance in countries with which the United States has free trade agreements or trade preference programs.

With the passage of the USMCA Implementation Act, ILAB received \$210 million in supplemental funding, available during fiscal years 2020 through 2027, to support Mexico in its labor reform and to provide ILAB sufficient staffing to monitor and enforce the USMCA labor provisions. Of the total supplemental funding received, ILAB received \$180 million, available for obligation until December 31, 2023, to support labor law reform implementation in Mexico, including grants to support worker-focused capacity building, efforts to reduce workplace discrimination, as well as efforts to reduce child labor, forced labor, and human trafficking. The remaining \$30 million will cover ILAB salaries and expenses associated with USMCA implementation, through September 30, 2027.

ILAB Performance Goal 2.4 – Strengthen labor rights, improve working conditions, promote racial and gender equity, and empower workers around the world.

ILAB safeguards dignity at work, both at home and abroad – by strengthening global labor standards, enforcing labor commitments among trading partners, promoting racial and gender equity, and combating international child labor, forced labor, and human trafficking. When other countries do not comply with internationally recognized workers’ rights in violation of their trade-related labor commitments, they gain an unfair advantage that harms American workers and businesses. ILAB uses the leverage, resources, and voice of the U.S. government to empower workers and strengthen labor rights globally, and positions the United States as a leader on international labor rights.

Analysis and Future Plans

In FY 2021, ILAB’s labor attachés in Mexico and Washington, D.C.-based staff effectively monitored and enforced the labor provisions of the USMCA through stakeholder engagement, the web-based hotline, and petition processes. When warranted, ILAB used the USMCA’s Rapid Response Labor Mechanism to provide expedited enforcement that safeguarded priority sector workers’ rights to freedom of association and collective bargaining. Additionally, ILAB’s intensive engagement with governments, unions, civil society, employers, and workers throughout FY 2021 led to significant actions taken to improve labor rights in trade partner countries and supported the implementation of the President’s Trade Agenda. Several countries adopted international labor conventions reformed their labor laws and systems to improve or restore the government’s authority to inspect workplaces and enforce labor laws, and empowered their labor inspectorates, particularly in light of new health risks posed by COVID-19. Trade partner countries also strengthened their legal frameworks and developed policies and programs to protect children from sexual exploitation and human trafficking. A number of trade partner countries expanded protections for the most vulnerable populations including migrants and domestic workers. In FY 2021, ILAB supported the Executive Orders on the Root Causes Strategy and Collective Collaborative Migration Strategy by hosting a series of labor roundtables to obtain diverse stakeholder perspectives on how to increase support for labor rights and economic opportunities for marginalized populations in Central America. ILAB developed new technical assistance programming to increase collective action to address child labor, forced labor, and exploitative working conditions in Central America targeting the needs of vulnerable workers, including women, people of African descent, Garifuna, and indigenous populations.

In FY 2022, ILAB will implement the President’s Trade Agenda by monitoring and enforcing the labor provisions of the USMCA Free Trade Agreement in Mexico and labor obligations in other free trade agreements and preference programs, combating the use of child labor and forced labor in global supply chains, and strengthening worker voice around the world. Additionally, ILAB will leverage labor attachés in key trade partner countries to expand its monitoring and enforcement of labor commitments and promote workers’ rights. ILAB will work with interagency partners to implement the Root Causes Strategy and Collective Collaborative Migration Strategy in Central America. ILAB will promote worker protections,

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including occupational safety and health and social protections. Finally, ILAB will integrate equity, inclusion and worker voice into policies, programming, and technical assistance.

ILAB – Strengthen labor rights, improve working conditions, promote racial and gender equity, and empower workers around the world.

*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	FY/PY 2023	What Worked	What Didn't Work	Program Performance Improvement Plan
Number of trade partner countries in which labor rights, including child labor and forced labor, are systematically monitored and analyzed.	Target	--	154	154	154	154	154	154	ILAB utilized both field and DOL HQ staff to systematically monitor and analyze labor rights in 154 trade partner countries and increase the accessibility and visibility of its published reports.	COVID-19, lack of political will, and limited resources and capacity, were ongoing barriers to improving protection of worker rights and eliminating child labor, forced labor, and human trafficking.	ILAB will work to address these challenges through its integrated strategies of trade enforcement, labor diplomacy, policy engagement, research and reporting, and technical assistance.
	Result	--	154	155	154	154	--	--			
	Status	--	Y	Y	Y	Y	--	--			
Percent of high engagement trading partner countries or multilateral institutions that implement actions to improve protection of labor rights, including through law or enforcement.	Target	--	--	--	--	--	80%	82%	ILAB conducted research and reporting, technical assistance, trade engagement, and labor diplomacy to promote international labor rights in trading partner countries and multilateral institutions.	COVID-19, lack of political will, and limited resources and capacity, impacted ILAB's influence on trade partner countries or multilateral institutions to improve protection of labor rights.	ILAB will work to address these challenges through its integrated strategies of trade enforcement, labor diplomacy, policy engagement, research and reporting, and technical assistance.
	Result	--	--	--	74%	87%	--	--			
	Status	--	--	--	--	--	--	--			

Sources: Staff monitoring, enforcement, and engagement records, grantee Technical Progress Reports, project monitoring and internal records, administrative records and ILAB's annual Trade and Development Act Report.

Strategic Goal 3: Improve Administration of and Strengthen Worker Safety Net Programs

Strategic Objective 3.1

Ensure timely and accurate income support when work is unavailable by strengthening benefits programs and program administration.

Partner Agencies Driving this Objective (select the hyperlink to learn more about each agency)

[Office of Workers' Compensation Programs](#) (OWCP)

[Employment and Training Administration, Office of Unemployment Insurance](#) (ETA/OUI)

America's economy must have a strong safety net to support unemployed, injured, and ill workers. ETA's Unemployment Insurance programs will focus on supporting unemployed workers and employers. OWCP programs will focus on workers who were injured or became ill on the job. These programs will leverage evidence-based strategies and strengthen the oversight of new and/or existing programs to accelerate delivery of benefits, reemployment, and return-to-work outcomes for workers.

The Department will also address inequity to underserved communities by identifying and mitigating delays and obstacles that impede claimants' abilities to receive assistance. The Department also plans to pursue development of modular solutions to support states' efforts to improve information technology systems over the next several years.

FY 2021 Strategic Review Summary of Progress

Performance

These two agencies have eight measures in the Strategic Plan. The following paragraphs describe agency performance.

Federal employees who contract COVID-19 while in the performance of their job duties are covered by the Federal Employees' Compensation Act (FECA). ARP made it easier for federal workers who have previously been or who become diagnosed with COVID-19 to establish coverage under the FECA. ARP's simplified and expanded coverage criteria allowed the FECA program to eliminate a pre-ARP backlog of approximately 3,500

Strategic Goal 3

unadjudicated COVID-19 claims and to re-evaluate and accept over 400 previously denied claims due to the expanded coverage provided by ARP. The program has adjudicated over 21,000 COVID-19 claims since the start of the pandemic.

In FY 2020, the Office of Management and Budget created the Protecting Employees, Enabling Reemployment Initiative, which allows federal departments and agencies to recommit to safety goals and ensure that the workforce receives timely benefits through a modern and efficient workers' compensation system. In FY 2021, the FECA program assisted agencies to improve the federal government's performance in timely filing worker's compensation and wage-loss claims, as well as the return to work of injured employees, to the highest-ever levels.

In FY 2021, the Black Lung program exceeded all timeliness targets, which focus on the key points in the claims process that are within the direct control of claims staff—by at least 10 percent. The program also exceeded key quality targets including properly designating the responsible operator in 97 percent of all responsible operator merit claims against a target of 90 percent. The Black Lung program's success in this area is especially important and consequential because designating the correct responsible operator protects the Black Lung Disability Trust Fund from unnecessary financial liability. In addition, for only the third time in the last decade, the program issued more decisions than claims received demonstrating a high-level of efficiency. While the Black Lung program issued 5,559 decisions against a target of 6,000, the lower than expected result was due to historically low incoming claims volumes resulting from the COVID-19 pandemic.

Since the pandemic began in the U.S. in early 2020, UI claims rose exponentially totaling 89.4 million initial claims from mid-March 2020 through the end of September 2021. The increase and magnitude of initial claims over this period were the highest since the Department began tracking UI data in 1967. The Department estimates that states provided over \$850 billion in UI payments to over 55 million beneficiaries under the regular UI program and the temporary emergency UI programs created under the Coronavirus Aid, Relief, and Economic Security (CARES) Act.

Risks

The impacts of the COVID-19 pandemic on the both of these programs has been significant. The DOL Office of Inspector General identified, [“Managing Medical Benefits in Office of Workers’ Compensation Programs,”](#) as a DOL Top Management and Performance Challenge in 2021. Specifically, it identified the challenge of effectively managing medical benefits associated with rising home health care costs in the Energy program. Over the past several years, the Energy program experienced an increase in home health care and medical bill costs. The program continues to closely monitor and improve the provision and management of home health care services for beneficiaries. The program has directed increased resources to improve timeliness and quality of home health care management, including the centralization of medical benefit case adjudication activities, development of improved case management resources, and publication of more clear procedural guidance.

Strategic Goal 3

Throughout FY 2021, the Energy program continued its efforts to reduce improper payments through the ongoing evaluation of medical bills and other payment-related issues using the Program Integrity Unit within the Performance Management Branch. The Program Integrity Unit reviewed over 2,600 payments that the program made to claimants or providers for accuracy, appropriateness, and alignment with necessary treatments for approved conditions, identified over 400 improper payment practices by providers, and recovered over \$1.4 million in overpayments.

The extraordinarily high levels of UI claims persist and the implementation of four new emergency UI programs placed major stress on state UI agencies, impacting their ability to meet program performance standards and resulting in greater frequency of improper payments and fraud – particularly fraud perpetrated by international and domestic crime rings – and delays in timely payment of UI benefits to eligible claimants when due. In FY 2021, ETA implemented several new strategies for improving state integrity operations and program performance and continued monitoring states' implementation and operations of the regular UI and CARES Act programs. ETA continued its focus on improving program integrity by partnering with the UI Integrity Center to provide technical assistance to states to prevent, detect, and recover fraudulent and improper payments. ETA is actively supporting projects to achieve the goals of the ARP to promote equity, ensure timely benefits delivery, and address fraud prevention and detection, including by deploying multidisciplinary Tiger Teams to identify recommendations to improve performance; providing grants to states for fraud prevention, equity improvements, and to address Tiger Team recommendations; and pursuing pilots to develop modules that states can use to support IT modernization efforts.

Evaluation

In FY 2021, the Energy program expanded both its Customer Experience (CX) efforts and team. The program hired a Stakeholder Engagement Analyst and Customer Experience Strategist that work to identify ways to collect, record, and analyze stakeholder feedback in order to enhance overall customer satisfaction. The Energy program deployed its first mailed CX survey and developed a system for analysis of feedback of the results, which included a dynamic dashboard and revision of the phone survey.

In response to the Executive Order on Advancing Equity, the Energy program will conduct CX surveys to gather feedback that can inform strategies for advancing equity and better engaging traditionally disenfranchised communities. The program will also collaborate with the Office of Public Affairs and the OCIO to develop webpage insights, search engine optimization, and digital toolkits and social media efforts to ensure optimal website performance and online presence.

Budget

Of the discretionary budget and excluding the UI Contingency appropriation, Strategic Objective 3.1 comprises approximately 22 percent of the DOL annual appropriation.

Strategic Goal 3

The Office of Federal Workers' Compensation Programs received \$30,265,074 and 183 FTE in ARP supplemental funding in FY 2021 for activities related to the health and economic crisis caused by the COVID-19 pandemic. OWCP will use the funding to develop new policies and procedures for the handling of COVID-19 claims under the FECA program and will work alongside the Office of Human Resources within the Office of the Assistant Secretary for Administration and Management (OASAM) to ensure adequate staff are hired and trained to implement the FECA provisions of ARP. OWCP will also enhance its legacy case management desktop application (Integrated Federal Employees' Claims System), create new COVID-19 specific forms and filing procedures and options in the Employees' Compensation Operations and Management Portal (ECOMP), and begin the development of an intelligence-driven COVID-19 analytics business-processing dashboard and reporting tool. To ensure the quality of COVID-19 claims adjudication and ancillary transactions, OWCP will also create a web-based claims processing, auditing, and quality assurance tracking system, all of which the Division will integrate into the ECOMP platform.

ARP included \$2 billion for ETA/UI to “detect and prevent fraud, promote equitable access, and ensure the timely payment of benefits with respect to unemployment compensation programs.” Specific uses of these funds are described in the narrative for ETA Performance Goal 3.1 that follows.

OWCP Performance Goal 3.1 – Increase the efficiency and accuracy with which OWCP provides workers’ compensation benefits for certain qualified workers who are injured or become ill on the job and improve return-to-work outcomes for injured workers.

The role of OWCP is to provide workers’ compensation benefits for workers injured or ill on the job. OWCP implements four statutory federal workers’ compensation programs that provide monetary, medical, and return-to-work benefits for work-related injuries and illnesses including, but not limited to federal employees, coal mine workers, nuclear weapons workers, longshore and harbor workers, contractors serving overseas, and certain other designated employee groups. The agency adjudicates claims, administers the benefit funds authorized for these purposes, and provides oversight of claims resolutions by responsible parties.

Analysis and Future Plans

In FY 2021, the FECA program continued to coordinate with OSHA to recommit federal departments and agencies to safety goals, ensure that the workforce receives timely benefits through a modern and efficient workers' compensation system, and work with agencies across the federal government to meet their individualized performance targets. The program established performance targets for the measure, “rate of return-to-work outcomes for injured federal workers during the initial 45-day post-injury period for traumatic injuries” and will begin tracking and reporting results in FY 2022.

In FY 2021, the Energy program’s unit of quality assurance analysts continued the review of quality of individual cases throughout the year, formalized a process for reviewing these quality reports quarterly, and implemented corrective actions where appropriate. In FY 2022, the program will continue to ensure the quality of case decisions through performance monitoring of “percent of sampled Part B and Part E initial claims rated as being accurate.”.

Results for key Longshore program measures continued positive trends. Results for the measure, “First Report of Injury received within 20 days for non-Defense Base Act cases,” exceeded the target of 88 percent for the past two years.

Promoting a balanced approach to claims management and minimizing the number of claims pending for more than a year remains a top operational priority for the Black Lung program. In FY 2022, the program will introduce a new measure, “percent of Black Lung claims pending at the start of the fiscal year that are resolved by the end of the fiscal year.” This measure better assesses actual performance in the area of claims inventory management and provides clear guideposts to staff and managers. The program will also emphasize an existing timeliness measure— “average number of days to complete proposed decision and order following completion of all claim development for all Responsible Operator Merit Claims” —focused on a crucial part of the claims process directly within the control of claims staff. The Black Lung program met the FY 2021 target for this

Strategic Goal 3

measure, exceeding the target of an average of 40 days. The focus on timeframes within the control of the claims staff, or touch times, will help the program mitigate pandemic-related delays and rebound quickly as it begins to receive timely medical evidence more frequently.

Following the success of the FECA program’s Pharmacy Benefits Manager (PBM), in FY 2022, OWCP will award a PBM services contract for the Energy and Black Lung programs to improve drug safety for claimants; add a mail-order services capability; create an evidence-based drug formulary; enhance customer support for claimants; and provide enhanced claimant support for specialty drugs.

OWCP will support the Department’s efforts to advance equity and support to underserved communities in order to combat poverty in affected communities. In FY 2022, OWCP will work with federal stakeholders to determine the best approach to better serve American Indian coal miners located in the southwestern part of the United States on or near the Navajo Nation; conduct customer experience surveys to gather feedback to inform strategies for advancing equity and better engage traditionally disenfranchised communities; and enhance the Employees’ Compensation Operations and Management Portal to collect additional voluntary information from claimants on their race, religion, sexual orientation, marriage type (same sex), and disability status.

OWCP – Increase the efficiency and accuracy with which OWCP provides workers’ compensation benefits for certain qualified workers who are injured or become ill on the job and improve return-to-work outcomes for injured workers

*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	FY/PY 2023	What Worked	What Didn't Work	Program Performance Improvement Plan
Rate of return-to-work outcomes for injured federal workers during the initial 45-day post-injury period for traumatic injuries	Target	--	--	--	--	--	69.12%	69.81%	The program holds quarterly meetings with federal agency partners to review performance, challenges, and possible improvements.	For those agencies struggling with this goal, the program needs to provide additional technical assistance.	In addition to regularly held quarterly meetings with federal agency partners, the program will conduct additional outreach with agencies not meeting the goal.
	Result	--	--	--	--	--	--	--			
	Status	--	--	--	--	--	--	--			

Strategic Goal 3

*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	FY/PY 2023	What Worked	What Didn't Work	Program Performance Improvement Plan
Percent of Employer's First Report of Injury filed within 20 days: non-Defense Base Act cases	Target	--	--	--	88.0%	88.0%	92.0%	92.5%	The program has done several outreach initiatives to inform stakeholders of the importance of timely filing and the consequences for failure to timely file the reports of injury.	Focus on new reporting processes alone will not work and the program will need to monitor the specific entity's filing patterns.	The program will implement outreach initiatives to educate entities of timely filing requirements and improve electronic methods available to employers to file reports with the program.
	Result	--	--	--	90.0%	91.0%	--	--			
	Status	--	--	--	Y	Y	--	--			
Average number of days to complete Proposed Decision and Order following completion of all claim development for all Responsible Operator Merit Claims	Target	--	--	35	40	40	34	32	The program's focus on a metric within the control of claims staff incentivized efficient claims processing and mitigated the impact of COVID-19 related processing delays.	Although approved physicians slowly resumed medical exams, it was only at significantly reduced capacity to allow for health and safety protocols, resulting in continued processing delays.	The program will continue to focus on efficient processing of actions within its direct control while communicating with providers and claimants regarding COVID-19 related delays.
	Result	--	--	29	30	35	--	--			
	Status	--	--	Y	Y	Y	--	--			
Percent of Black Lung claims pending at the start of the fiscal year that are resolved by the end of the fiscal year	Target	--	--	--	--	--	86%	87%	OWCP continued to prioritize the adjudication of claims pending for more than 365 days, while reallocating resources and reprioritizing work to mitigate the impact of the pandemic.	The previous metric for assessing the program's efforts to minimize the number of claims pending more than 365 days was more influenced by external factors than actual program performance.	The program is implementing a new metric that better assesses actual performance in the area of claims inventory management and provides clear guideposts to staff and managers.
	Result	--	--	--	--	--	--	--			
	Status	--	--	--	--	--	--	--			

Strategic Goal 3

*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	FY/PY 2023	What Worked	What Didn't Work	Program Performance Improvement Plan
Percent of sampled Part B and Part E initial claims rated as being accurate	Target	--	--	--	--	90.00%	90.00%	90.50%	The program continued to ensure the accuracy of initial claims processing.	The program did not experience any issues in FY21 and exceeded the target.	The program continues to identify opportunities for improvement through bi-weekly quality assurance sampling and implement appropriate training to ensure accuracy and proper claims handling.
	Result	--	--	--	--	92.00%	--	--			
	Status	--	--	--	--	Y	--	--			

Sources: Integrated Federal Employee’s Compensation System (iFECS), OWCP Workers’ Compensation System (OWCS), Black Lung Program Automated Support Package (ASP), and Energy Compensation System (ECS).

ETA Performance Goal 3.1 – Support states’ timely and accurate benefit payments for unemployed workers.

The federal-state UI program, authorized under the Federal Unemployment Tax Act and Title III of the Social Security Act, provides temporary, partial wage replacement for unemployed workers, providing them with income support when suitable work is unavailable. To be eligible for benefits, unemployed workers must meet eligibility requirements established by state laws that conform to federal law, including that they are involuntarily unemployed, and are able, available, and actively seeking work. The federal role is to set broad policy for the program; establish performance measures and standards; provide technical assistance and training to states; monitor state performance, promote conformity and compliance of state laws and operations with federal law; and fund the administration of state and federal UI programs.

Analysis and Future Plans

In FY 2021, the surge in claims due to the pandemic and the CARES Act provisions continued to impact UI program performance. First payment timeliness fell to 60.4 percent, lower authority appeals promptness fell to 22.5 percent, and (in the twelve months ending June 30, 2021) the improper payment rate increased to 18.71 percent. The unprecedented increase in claims volume (an increase from 211,000 initial claims to 6.6 million within four weeks), implementation of four new emergency programs, onboarding a huge number new state staff requiring quick training, and shortcuts taken to speed up the payment of benefits contributed to the severe negative impacts on state timeliness and improper payment performance results. For FY 2022, ETA has adjusted the targets for first payment timeliness and lower authority appeals promptness to 63.2 percent and 60 percent, respectively. The revised target of 14.0 percent for improper payments is above the statutory goal of less than 10 percent⁸ but still significantly below the program’s most recent performance level. ETA continues work with the UI Integrity Center (a joint federal and state initiative focusing on the prevention, detection, and recovery of improper payments, fraud, and delinquent employer contributions) to provide technical assistance.

Several major challenges have been identified in the UI system due to COVID-19. After years of low administrative funding and reductions in staff, at the height of the pandemic, states were poorly positioned to address the economic emergency that struck the globe and provide the quality services to the extraordinary numbers of claimants filing for unemployment compensation. In addition, states struggled to program their UI systems and implement the new temporary UI programs. These challenges compounded the hardships to hard-working eligible Americans that depended on the UI system to provide financial support in their time of need. Despite the challenges facing states, over the course of the pandemic, the UI system paid UI benefits to nearly 55 million workers, adding over \$850 billion into states’ economies. However, many individuals experienced significant barriers to access benefits in a timely manner. States’ antiquated information technology systems were a major contributing factor in the states’ inability to provide quality services and benefits.

⁸ The requirement to reduce improper payments in the UI program is established in the following laws and guidance: Payment Integrity Information Act of 2019; Improper Payment Information Act of 2002, as amended by the Improper Payment Elimination and Recovery Act of 2010; Improper Payment Elimination and Recovery Improvement Act of 2012; and Office of Management and Budget (OMB) Circular A-123, Management’s Responsibility for Enterprise Risk Management and Internal Control, Appendix C, Requirements for Payment Integrity Improvement (OMB Memorandum M-21-19, issued March 5, 2021).

Strategic Goal 3

As mentioned in the budget section of the Summary of Progress for this objective, the ARP allocated \$2 billion to address these shortcomings. ETA has deployed six dedicated multidisciplinary teams with funds from ARP to aid states in improving the quality of service provided to claimants, with plans to expand to more states over time. The purpose of this effort is to provide states and territories with subject matter expertise in detecting and preventing Unemployment Compensation (UC)⁹ fraud, promoting equitable access, and ensuring the timely payment of benefits with respect to UC programs, including programs extended under subtitle A of the title IX of ARP. The multidisciplinary teams work in collaboration with the states by conducting an intensive discovery process to aid states in addressing immediate needs and achieving near-term improvements in customer experiences, improved operational processes, and improved fraud prevention and detection. As much as possible, these recommendations will be achievable using the state’s existing technological infrastructure though the efforts will inform and support technology modernization efforts. ETA is also providing states with grants to support fraud prevention efforts, improve equity in UI programs, and to fund the recommendations identified by the multidisciplinary teams.

The UI system serves as one of the principal “gateways” to the public workforce system and is often the first program accessed by individuals who need workforce services. The program keeps unemployed workers attached to the workforce and connects them to reemployment services. In FY 2022, ETA will continue to promote evidence-based strategies through the Reemployment Services and Eligibility Assessments (RESEA) program and encourage states to expand UI claimants’ participation in the program. The purposes of ETA’s Reemployment Services and Eligibility Assessments (RESEA) program are to improve employment outcomes of recipients of unemployment compensation and to reduce their average duration through employment; to strengthen program integrity and reduce improper UC payments; to promote the alignment with the broader vision of WIOA of increased program integration and service delivery for job seekers, including UI claimants; and to establish reemployment services and eligibility assessments as an entry point for UC claimants into other workforce system partner programs.

⁹ UC is the actual benefit payment—the compensation paid to an individual based on their unemployment. UI is the nature of the program—a social insurance program payable to individuals who are unemployed through no fault of their own, which is generally defined in state law.

Strategic Goal 3

ETA – Support states' timely and accurate benefit payments for unemployed workers.

*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	FY/PY 2023	What Worked	What Didn't Work	Program Performance Improvement Plan
First Payment Timeliness (Unemployment Insurance) ¹⁰	Target	87.0%	87.0%	87.0%	87.0%	87.0%	63.2%	66.4%	Providing the \$1.0 billion in Emergency Administrative grants to states early in the pandemic allowed states to start adding staff without waiting until above-base quarterly funding was later earned.	System was unable to handle increased claims. States' low funding levels when COVID hit. Creating new programs without setting expectations with the public about when benefits would be available.	Deploy teams to help states identify changes to improve performance; provide grants to states to help with fraud prevention, equity, and process improvements; and support states' IT modernization.
	Result	84.5%	84.5%	85.8%	67.0%	60.4%	--	--			
	Status	--	N	I	N	N	--	--			
Improper Payment Rate (Unemployment Insurance) ¹¹	Target	11.55%	13.75%	14.75%	10.61%	9.00%	14.00%	TBD	UI Integrity Center's focus on criminal fraud in the UI program, adding new resources to Integrity Data Hub, and states' implementation of more NIST-compliant identity verification/proofing solutions.	Criminal operations overwhelmed state systems in submitting claims using fraudulent IDs. Onboarding new state staff with minimal training. Using short cuts to speed up payment delivery.	Invest in teams to help identify improvements; promote NIST-compliant identity verification/proofing solutions; invest in UI Integrity Center & Integrity Data Hub; provide grants to prevent fraud.
	Result	12.50%	13.05%	10.61%	9.17% ¹²	18.71%	--	--			
	Status	--	Y	Y	Y	N	--	--			

¹⁰The FYs 2020 and 2021 results for First Payment Timeliness were significantly impacted due to the unprecedented increase in claim volume due to the impact of COVID. The 87 percent target for First Payment Timeliness is the acceptable level of performance that states are expected to meet and is in regulation (see Standard for Benefit Payment Promptness — Unemployment Compensation at 20 CFR part 640.)

¹¹ Targets and results for this measure are for the 12 month periods ending June 30. For example, the 2021 result is for June 30, 2021.

¹² The 2020 improper payment rate result reflects only the period of July 2019 through March 2020, as the UI Benefit Accuracy Measurement program was suspended for the April 2020 through June 2020 quarter due to the pandemic. Therefore, the result reflects only pre-pandemic activity.

Strategic Goal 3

*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	FY/PY 2023	What Worked	What Didn't Work	Program Performance Improvement Plan
Lower Authority Appeals Promptness (Unemployment Insurance) ¹³	Target	--	--	80.0%	89.0%	90.5%	60.0%	60.0%	Providing the \$1.0 billion in Emergency Administrative grants to states early in the pandemic allowed states to start adding staff without waiting until above-base quarterly funding was later earned.	System unable to handle increased claims. Low administrative funding levels prior to the pandemic left states unprepared to meet the surge in volume and demand for services.	Deploy teams to help states identify changes to improve performance; provide grants to states to help with fraud prevention, equity, and process improvements; and support states' IT modernization.
	Result	87.9%	86.3%	90.1%	74.0%	22.5%	--	--			
	Status	--	--	Y	N	N	--	--			
Reemployment Rate in the 2nd Quarter after Program Exit Quarter for RESEA Participants (Unemployment Insurance)	Target	--	--	--	--	--	Base	TBD	N/A	N/A	N/A
	Result	--	--	--	--	--	--	--			
	Status	--	--	--	--	--	--	--			

Sources: First Payment Timeliness: ETA 9050 and 9050p reports; Improper Payment Rate: Benefit Accuracy Measurement (BAM) survey

¹³ The FYs 2020 and 2021 results for Lower Authority Appeals Promptness were significantly impacted due to the unprecedented increase in claim volume due to the impact of COVID. The target for Lower Authority Appeals Promptness is the acceptable level of performance that states are expected to meet and is in regulation (see Standard for Appeals Promptness — Unemployment Compensation at 20 CFR part 650).

Strategic Goal 4: Statistical Goal – Produce Gold-Standard Statistics and Analyses

Strategic Objective 4.1

Provide timely, accurate, and relevant information on labor market activity, working conditions, price changes, and productivity in the U.S. economy.

Agency Driving this Objective (select the hyperlink to learn more about this agency)

[Bureau of Labor Statistics](#) (BLS)

BLS supports public and private decision making by publishing measures of labor market activity, working conditions, price changes, and productivity in the U.S. economy.

BLS adheres to a set of values and principles that guide it in fulfilling its mission, including:

- Executing its mission with independence from partisan interests;
- Striving to meet the needs of a diverse set of customers for accurate, objective, relevant, timely, and accessible information;
- Protecting the confidentiality of its data providers;
- Employing innovative methods to keep pace with the rapidly-changing economy; and
- Hiring and maintaining a professional, highly-skilled workforce and being good stewards of the taxpayers' money.

FY 2021 Strategic Review Summary of Progress

Performance

In FY 2021, BLS released more than 2.5 million data series, which were viewed on the BLS website over 12.5 million times on average per month. Notably, BLS also produced several new important data products and improvements. For example: the Quarterly Census of Employment and Wages program released the results from the COVID-19 Business Response Survey; the International Price Program published historical data series of export unit value indexes from administrative trade data; and the Survey of Occupational Injuries and Illnesses created a BLS/ Occupational Safety and Health Administration (OSHA)-Internet Tracking Application (ITA) application programming interface (API) to reduce burden and improve the customer experience for SOII respondents. See table for specific results of the underlying timeliness, accuracy, and relevance targets for BLS Principal Federal Economic Indicators.

Strategic Goal 4

Risks

Data Confidentiality. To produce its economic data, BLS collects and uses sensitive information collected from businesses, governments, and individuals under a pledge of confidentiality. BLS mitigates the risk of data disclosures by having in place robust Information Technology (IT) system controls, data handling policies and staff training to protect survey respondent data and assure that respondents remain willing to voluntarily share their data. BLS protects all data and information collected from the aforementioned entities, as well as its IT infrastructure, consistent with the requirements of the Confidential Information Protection and Statistical Efficiency Act (CIPSEA), and a host of other cybersecurity and IT security requirements.

Technology Modernization. BLS relies on its IT infrastructures to sample, collect, estimate, publish and disseminate its data. Maintaining an up-to-date and secure technology infrastructure and replacing outdated legacy systems is critical to mitigating risks to data production activities and preventing related negative impacts. BLS regularly reviews its IT needs to maintain production and preserve respondent confidentiality. BLS continuously innovates its statistical and work processes to improve existing data products and meet new data and stakeholder needs.

Budget

BLS represents around five percent of the overall DOL discretionary budget. The FY 2021 Omnibus Appropriation set the BLS enacted funding level at \$655 million, of which \$13 million was designated for the on-going headquarters office relocation project. The FY 2021 enacted level enabled BLS to achieve its mission by producing a wide range of BLS data products necessary to fulfill the diverse needs of a broad customer base. BLS also continued work to provide an annual Current Population Survey (CPS) supplement with collection of data on contingent and alternative work arrangements in alternating years and continue investment into the planning and development of a new National Longitudinal Survey of Youth (NLSY) cohort.

BLS Performance Goal 4.1 – Provide timely, accurate, and relevant information on labor market activity, working conditions, price changes, and productivity in the U.S. economy.

BLS is the principal federal statistical agency responsible for measuring labor market activity, working conditions, price changes, and productivity in the economy. Its mission is to collect, analyze, and disseminate some of the nation’s most sensitive and important economic data to support public and private decision-making. BLS executes its mission with independence from partisan interests while protecting the confidentiality of data providers and strives to meet the needs of a diverse set of customers for accurate, objective, relevant, timely, and accessible information and analysis. BLS serves the general public, the U.S. Congress, DOL and other federal agencies, state and local governments, and business and labor. Policies and decisions based on BLS data affect virtually all Americans, and the wide range of BLS data products is necessary to fulfill the diverse needs of a broad customer base.

BLS is committed to maintaining the highest level of scientific integrity in producing official statistics. BLS complies with the Statistical Policy Directives and the Standards and Information Quality Guidelines from OMB, as well as the National Research Council’s *Principles and Practices for a Federal Statistical Agency*. Together, these form the foundation for achieving and maintaining scientific integrity within and among the principal statistical agencies. BLS also conforms to the conceptual framework of the Interagency Council on Statistical Policy’s quality dimensions. BLS also measures the timeliness, accuracy, and relevance of its Principal Federal Economic Indicators (PFEIs) and accessibility of and customer satisfaction with accessing its statistical products. These criteria are common among statistical agencies because they represent critical aspects of a statistical program’s performance. Using these common concepts as a basis for measuring and reporting on statistical agency outcomes helps inform decision-makers more consistently about the performance of statistical agencies.

BLS is committed to supporting the President’s Management Agenda of strengthening and empowering the Federal workforce; delivering excellent, equitable, and secure Federal services and customer experience; and managing the business of Government to build back better. BLS data support the President’s priority of providing evidence and supporting evaluation activities, consistent with the Foundations for Evidence-Based Policymaking Act. Furthermore, by producing gold-standard statistics and analyses, the BLS supports the Secretary’s vision for the Department of Labor to empower workers morning, noon, and night. BLS also publishes data on demographic groups in the U.S. economy, including information on employment, wages, workplace safety, and consumption patterns, which can inform efforts to advance equity.

Strategic Goal 4

Analysis and Future Plans

The following table shows that BLS was successful in achieving its objective of producing timely, accurate, and relevant data for all of its PFEIs. In FY 2021, the table also shows that BLS achieved its commitment to ensure that BLS data are available on the website and that BLS customers were satisfied with their ability to access material on the BLS website, as BLS exceeded its customer satisfaction score.

BLS will continue releasing objective statistics and analyses that are accurate and released on time and continue updating the information it collects and studies to remain relevant in describing the dynamic U.S. economy. In December 2021, the Consumer Price Index program completed the multiyear geographic revision to introduce an updated geographic area sample to account for population changes. BLS will re-engineer its data sources and collection methods to balance the production of high quality products while lessening respondent burden and survey cost. Also, consistent with the Administration’s initiative to advance equity, BLS will highlight and direct stakeholders to publicly-available BLS data sets that describe various demographic groups in the U.S. economy.

BLS is releasing new products in response to the needs of its stakeholders and data users. In early FY 2022, the Job Openings and Labor Turnover Survey began publishing official monthly estimates at the state level. These new estimates provide a deeper understanding of business cycles and labor demand across the U.S. In FY 2022, CPS is working on a new Contingent Worker Supplement (CWS) to be collected in FY 2023. The CWS will include information on the number and demographic characteristics of workers in contingent jobs (that is, jobs that are structured to be temporary) and in alternative employment arrangements, such as independent contractors, on-call workers, temporary help agency workers, and platform workers. These additional data will allow policy makers, stakeholders, and researchers to track trends in contingent work by demographic characteristics, and to examine emerging types of work arrangements. Policy makers also can use these data to inform the design of regulations.

BLS – Provide timely, accurate, and relevant information on labor market activity, working conditions, price changes, and productivity in the U.S. economy.

*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	FY/PY 2023	What Worked	What Didn't Work	Program Performance Improvement Plan
Percentage of timeliness targets achieved for the Principal Federal Economic Indicators (PFEIs)	Target	100%	100%	100%	100%	100%	100%	100%	BLS released all of its PFEI news releases on schedule.	--	--
	Result	100%	100%	100%	100%	100%	--	--			
	Status	Y	Y	Y	Y	Y	--	--			

Strategic Goal 4

*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	FY/PY 2023	What Worked	What Didn't Work	Program Performance Improvement Plan
Percentage of accuracy targets achieved for the PFEIs	Target	100%	100%	100%	100%	100%	100%	100%	BLS achieved 19 out of 20 of its underlying PFEI accuracy targets.	The International Price Program (IPP) missed its Number of revisions of the Export Price Index > 0.3 percentage points measure due to export crude price volatility and impacts of the Texas freeze and electrical blackouts.	In FY 2022, this measure will be revised to > 0.5, due to weather and crude oil price shocks.
	Result	100%	85%	100%	100%	95%	--	--			
	Status	Y	N	Y	Y	N	--	--			
Percentage of relevance targets achieved for the PFEIs	Target	100%	100%	100%	100%	100%	100%	100%	BLS met all of its underlying PFEI relevance targets.	--	--
	Result	100%	88%	75%	86%	100%	--	--			
	Status	Y	N	N	I	Y	--	--			
Percentage of time the BLS public website is available for data dissemination ¹⁴	Target	--	--	--	--	99.50%	99.50%	99.50%	BLS met its target.	--	--
	Result	--	--	--	--	99.98%	--	--			
	Status	--	--	--	--	Y	--	--			
Customer satisfaction with the BLS website through the Verint Experience Index (Mission Achievement)	Target	76	76	76	75	75	76	76	BLS continued to update the website to ensure its data products are readily accessible and meet users' evolving needs.	--	--
	Result	75	77	75	75	76	--	--			
	Status	N	Y	N	Y	Y	--	--			

Sources: Sources: For most cross-cutting measures, internal BLS documents. For the Availability measure, the BLS internal Quarterly Uptime Summary. For the Mission Achievement measure, the cumulative BLS website Verint score for the FY.

¹⁴ Beginning in FY 2021, BLS tracks and highlights the availability of its data by reporting the percentage of time the BLS public website is available for data dissemination. The target of >= 99.50% reflects the BLS commitment to ensure that BLS data are available on the website for stakeholders when they need them.

Management Goal: A Department Grounded in Innovation, Evidence, and Employee Engagement

Management Objective M.1

Drive innovation in administrative, management, and financial services.

Partner Agencies Driving this Objective (select the hyperlink to learn more about each agency)

[Office of the Assistant Secretary for Administration and Management](#) (OASAM)

[Office of the Chief Financial Officer](#) (OCFO)

Administration, management, and financial services are the backbone of the Department of Labor, providing the critical infrastructure required to support the Department's core mission work. Ensuring these services are operating efficiently allows for more resources to go toward the programs that impact America's workers every day.

OASAM and the OCFO will focus on improving service delivery through modern, streamlined processes and IT infrastructure. Over the next four years, OASAM and OCFO will work together to implement programs which promote fiscal integrity and the effective and efficient use of resources, optimize the DOL's administrative services, and modernize Information Technology systems. In FY 2020, the Department transitioned multiple services providers to one centralized function for IT, Human Resources, Procurement, and Personnel Security.

OASAM will support the President's Management Agenda's (PMA) Priority 2, Delivering excellent, equitable, and secure Federal services and customer experience and the following strategies:

- Improve the service design, digital products, and customer-experience management of Federal High Impact Service Providers by reducing customer burden, addressing inequities, and streamlining processes;
- Design, build, and manage Government service delivery for key life experiences that cut across Federal agencies; and
- Identify and prioritize the development of Federal shared products, services, and standards that enable simple, seamless, and secure customer experiences across High Impact Service Providers.

OASAM and OCFO will support the PMA's Priority 3, Managing the Business of Government to Build Back Better and the associated strategies:

Management Goal

- Foster lasting improvements in the Federal acquisition system to strengthen the U.S. domestic manufacturing base, support American workers, lead by example toward sustainable climate solutions, and create opportunities for underserved communities; and
- Build capacity in Federal financial management and through Federal financial assistance to catalyze American industrial strategy, address climate-related risks, and deliver equitable results.

FY 2021 Strategic Review Summary of Progress

Performance

In the Federal Information Technology Acquisition Reform Act (FITARA) 12.0 report, released on July 28th, 2021, DOL maintained its overall grade of a “B-” and is one of only two agencies of 24 assessed to score an “A” in six categories. Additionally, DOL is one of only three agencies to score an “A” in Modernizing Government Technology, and one of only seven agencies to score a “B” or higher in the Cybersecurity category.

The percent of contracts awarded to small business reached a six-year high in FY 2021, with a result of 43.47 percent—totaling the highest contract spend to small businesses in DOL’s history of \$1.027 billion. DOL is on track to receive its 13th “A” for the federal Small Business Procurement Scorecard and has exceeded its overall small business goal for the last 13 years.

OCFO works with agencies to reduce the amount of their cancelled appropriations. Once cancelled, these funds are no longer available for obligation or expenditure and are returned to the U.S. Department of Treasury. In FY 2021, DOL canceled 1.60 percent.

Risks

OIG noted in its Semiannual Report to Congress, “We are concerned about the Department’s ability to safeguard its data and information systems,” and cited as examples that DOL has not: 1) implemented effective strategies and programs to identify system security vulnerabilities and ensure that appropriate actions are being taken; 2) provided adequate oversight of its information systems, including those that are either owned or operated by contractors or other federal entities on behalf of DOL; or 3) accurately identified its information system inventory, as well as its hardware and software asset inventory.

To ensure that IT projects, initiatives, procurements, and activities are given a timely and adequate cybersecurity review OCIO has developed a three-pronged strategy:

- Prioritize—Incorporate risk-based cybersecurity prioritization for DOL information assets and align with computing security controls.
- Integrate—Incorporate cybersecurity activities and functions from cradle-to-grave in all IT-related projects, initiatives, procurements, and functions (i.e., DevSecOps).

Management Goal

- Standardize—Standardize security controls, inventory management, and architecture for information assets and technologies.

In addition, The President’s Executive Order 14028 “Improving the Nation's Cybersecurity” requires federal agencies to undertake a number of cybersecurity initiatives including full adoption of multi-factor authentication, encryption of all data at rest and data in transit, migration to a zero-trust architecture, enhanced system event logging and retention, and deploying endpoint detection and response. OCIO is supportive of these initiatives and believes they have significant security value, but this work is technically complex and will require a significant investment of resources. DOL risks being unable to meet the requirements in the Executive Order.

OASAM must effectively use all tools at its disposal to ensure the Department avoids paying high prices for goods and services. By employing Category Management principles and utilizing Best in Class (BIC) procurement vehicles to the maximum extent practicable, the Department can better leverage its buying power and streamline the acquisition process while mitigating risk and obtaining the best value for taxpayer's dollars.

Identifying vulnerabilities and reducing the Improper Payment (IP) rate continues to be a priority for the Department. The number of UI claims increased substantially due to employment instability resulting from the pandemic and, if the high level of claims continue to persist, DOL may experience greater incidence of improper payments and fraud. DOL’s OCFO is working with the UI Integrity Center to encourage state participation in and use the Integrity Data Hub to cross-match public and private sources of data that will help prevent IP.

Budget

The transition of nearly all Departmental IT to OASAM’s OCIO in FY 2020 has greatly increased the complexity of OCIO’s budget. In supporting the new shared services model at DOL, separate WCF cost centers funded from agency appropriations are set aside by the agency to support mission IT application modernization and maintenance. OCIO has aimed to standardize many of OCIO’s financial management and budgetary activities and to improve agency understanding of the WCF and how IT dollars are spent and managed to support both IT application modernization and maintenance.

Providing adequate resources for procurement services is critical to support the Department’s agency mission requirements. The Department’s budget requests include resources in agency appropriations which will be collected through the Working Capital Fund.

OASAM Performance Goal M.1 – Optimize the Department of Labor’s Enterprise Services.

OASAM works to enhance the customer experience of its human resources, information technology, procurement, and other primary customer-facing services by streamlining administrative services to improve the efficiency and quality of service delivery. DOL centers completed a transition of nearly all offices and functions to a shared services model in FY 2020, consolidating staff and resources under one central authority to increase efficiency and effectiveness.

OASAM’s OCIO provides IT leadership, products, and support for DOL. OCIO plays a critical leadership role in driving reforms in systems development, better managing technology spending, and succeeding in achieving real, measurable improvements in mission performance. OCIO provides guidance to DOL in support of government-wide directives for capital planning, IT security, information management, and enterprise architecture.

OASAM’s OSPE provides value-oriented acquisition and contracting operational support to DOL agencies to achieve their mission and departmental needs through innovative solutions while providing the highest level of customer service through leadership, guidance, and oversight of all procurement policy and services.

Analysis and Future Plans

OASAM will engage with its client agencies to adequately plan for administrative services in support of their mission priorities. OASAM will regularly obtain feedback from its customers through a variety of sources, including a semi-annual Customer Satisfaction Survey, semi-annual feedback on OASAM leaders, and governance board feedback. OASAM will baseline its Customer Satisfaction Survey in FY 2022.

A top priority for OCIO is to ensure maximum network availability, especially in the post COVID-19 pandemic environment where 95 percent of non-essential DOL staff rely on network-enabled communication to telework. In addition, more than 1,600 virtual onboardings and off-boardings will need to be performed each year in a manner that protects DOL network operations. OCIO has been exceeding its target of 99.9 percent network availability since FY 2020. The office is also providing greater economies of scale, flexibility, and improved allocation of IT resources across the enterprise. The office also created an inventory of prioritized legacy information systems and applications to be modernized, and performed a technical assessment for each modernization candidate, which is being used to develop a schedule for IT updates. This includes updates to add simplified sign-on capabilities for systems year after year moving forward. By the end of FY 2022, OCIO plans to have a total of 95 DOL applications with this capability. Another top priority for OCIO is to maintain a robust cybersecurity posture to protect the Department’s systems and applications in FY 2022. It will continue to close 95 percent of cybersecurity vulnerabilities by the date identified in each Plan of Action and Milestones (POA&M) for the systems it manages.

Management Goal

OASAM now manages procurement services for the entire Department, which enables the efficient and effective procurement of goods and services, resulting in reduced procurement time, reduced cost, best value, and improved quality of goods and services procured. OSPE provides and promotes DOL-wide procurement vehicles and Best-in-Class contract solutions to leverage the government’s buying power as a single enterprise. These vehicles reduce redundancy in contract actions for the same services and achieve cost savings with DOL buying power. Previously, spending under both Best-In-Class and Common Spend Under Management were measured using a dollar amount target, however in FY 2022, GSA changed the measures for targets to a percentage of eligible obligations. In FY 2021, 97.2 percent of procurement obligations were Best-in-Class solutions while 86 percent of procurement obligations were Spend Under Management.

OSPE continues to use its proven Department-wide small business approach to the maximum extent practicable to meet and exceed its small business goals, which include contracts to small businesses, small disadvantaged businesses, and small women-owned businesses. OSPE has exceeded its overall prime small business goal for the last 13 years. The percent of contracts awarded to small disadvantaged businesses and small women owned business each of the last four years has continued to increase. In FY 2018, they were 25.86 percent and 12.62 percent; in FY 2019, they were 26.00 percent and 12.60 percent; in FY 2020 they were 27.00 percent and 12.80 percent; and in FY 2021 are 31.44 percent and 14.10 percent, respectively.

OASAM – Optimize the Department of Labor's Enterprise Services.

*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	FY/PY 2023	What Worked	What Didn't Work	Program Performance Improvement Plan
OASAM Customer Satisfaction Survey Result	Target	--	--	--	--	--	Base	TBD	--	--	--
	Result	--	--	--	--	--	--	--			
	Status	--	--	--	--	--	--	--			
Percentage of Scheduled Network Availability	Target	--	--	--	99.90%	99.90%	99.90%	99.90%	Ensuring continued high availability after adding new services by coordinating directly with our managed service provider.	Circumstances outside of OCIO control can affect network availability	Continue to utilize network monitoring in order to proactively address problems before they become issues that must be reacted to.
	Result	--	--	--	99.98%	99.96%	--	--			
	Status	--	--	--	Y	Y	--	--			
Number of DOL applications with simplified sign-on capability	Target	--	--	--	--	--	95	115	--	--	--
	Result	--	--	--	--	--	--	--			
	Status	--	--	--	--	--	--	--			

Management Goal

*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	FY/PY 2023	What Worked	What Didn't Work	Program Performance Improvement Plan
Percent of Open Plan of Action and Milestones (POA&Ms), assigned to OCIO-managed Information Systems, with a past-due Planned Finish Date	Target	--	--	--	--	5%	5%	5%	Prioritizing and closely monitoring POA&M management in order to reduce vulnerabilities.	The tracking process used for managing and closing vulnerabilities was manual and time consuming.	Upgrading the system which hosts our authorization data to provide an automated dashboard for POA&M management.
	Result	--	--	--	--	0%	--	--			
	Status	--	--	--	--	Y	--	--			
Cumulative percent of addressable spend through Best in Class solutions ¹⁵	Target	--	35.00%	37.00%	--	--	13.00%	TBD	Working closely with the procurement activities and program areas on the importance of meeting this goal.	The high percentage of Job Corps spend relative to total spend continues to present a challenge to achieving target goals. There are no BIC vehicles available for Job Corps-type requirements.	OSPE will continue to work closely with procurement and program activities to coordinate and direct, where feasible, all available spend towards Best-in-Class vehicles.
	Result	--	47.70%	40.65%	109.70 %	97.20%	--	--			
	Status	--	Y	Y	--	--	--	--			
Cumulative percent of common spend that is under management, aligned to category management principles	Target	--	--	--	--	--	56%	TBD	Working closely with the procurement activities and program areas on the importance of meeting this goal.	The high percentage of Job Corps spend presents a challenge to achieving target goals. There are no Tier 1 (or higher) vehicles available for Job Corps-type requirements.	OSPE will continue to engage with OMB on the possibility of reclassifying DOL Job Corps contracts as Tier 1 SUM vehicles.
	Result	--	--	31%	90%	86%	--	--			
	Status	--	--	--	--	--	--	--			

¹⁵ In FY22, BIC and SUM targets will be measured as a percent of eligible obligations, as had been the case in previous years up until FY19. In FY20, the targets were changed to measure actual dollars and there were no targets for percentage of eligible obligations in either FY20 or FY21.

Management Goal

*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	FY/PY 2023	What Worked	What Didn't Work	Program Performance Improvement Plan
Percent of contracts awarded to small businesses (SB)	Target	34.63%	36.45%	37.00%	35.00%	37.75%	40.00%	TBD	The Office of the Small Disadvantaged and Business Utilization working with the procurement and program activities, holding vendor outreach sessions and strong involvement from senior leadership.	--	--
	Result	39.73%	39.01%	40.07%	40.63%	43.47%	--	--			
	Status	Y	Y	Y	Y	Y	--	--			
Percent of contracts awarded to small disadvantaged businesses (SDB)	Target	5.00%	5.00%	5.00%	5.00%	5.00%	28.00%	TBD	The Office of the Small Disadvantaged and Business Utilization working with the procurement and program activities, holding vendor outreach sessions and strong involvement from senior leadership.	--	--
	Result	24.74%	26.01%	26.06%	27.07%	31.43%	--	--			
	Status	Y	Y	Y	Y	Y	--	--			
Percent of contracts awarded to small women owned businesses (WO)	Target	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	The Office of the Small Disadvantaged and Business Utilization working with the procurement and program activities, holding vendor outreach sessions and strong involvement from senior leadership.	--	--
	Result	15.68%	12.56%	12.62%	12.80%	14.13%	--	--			
	Status	Y	Y	Y	Y	Y	--	--			

Sources: Acquisition Management System; Federal Procurement Data System- Next Generation

Notes: OMB establishes CM targets annually in Q1

OCFO Performance Goal M.1 – Promote fiscal integrity and the effective and efficient use of resources through innovation.

OCFO provides financial management leadership, direction, and guidance to the Office of the Secretary of Labor and all DOL program agencies on matters arising from financial statutes, as appropriate. OCFO oversees DOL-wide accounting, financial management, and financial system, and leads DOL’s annual audit of the Consolidated Financial Statements. Accurate and timely financial information demonstrates DOL’s accountability to stakeholders and facilitates data-driven operational, budget, and policy decisions. OCFO oversees DOL’s responsibility for internal controls by assisting program management in establishing and ensuring strong controls over all financial resources in DOL. OCFO leads DOL’s annual financial audit and efforts to address findings resulting from the audit.

Analysis and Future Plans

OCFO leads the Department through its annual audit in which DOL’s programs, accomplishments, challenges, and management’s accountability for the resources entrusted to DOL is summarized in the Agency Financial Report. OCFO tracks the number of material weaknesses¹⁶ identified through the annual audit after the conclusion of the fiscal year. During the FY 2021 audit, the auditors identified a new material weakness (MW) in the FY 2021 audit “Improvements Needed in Controls over Financial Reporting Related to Unemployment Trust Fund Balances and Activity.” OCFO and other stakeholders will work to strengthen controls, policies, and procedures in order to eliminate the MW in the FY 2022 audit.

Additionally, OCFO provides DOL’s managers and decision makers with the financial management tools to drive high performance and accountability and to responsibly manage financial resources. A measure of spending efficiency is the “percent of discretionary appropriations cancelled after the five years period of obligation authority has expired” which tracks the amount of federal funds that are cancelled. OCFO works with agencies to reduce the amount of their cancelled appropriations. Once cancelled, these funds are no longer available for obligation or expenditure and are returned to the U.S. Department of Treasury. In FY 2021, DOL canceled 1.60 percent. Further, OCFO will continue to process payments in a timely manner. It is paramount that DOL must pay invoices on time; failing to do so is a waste of taxpayer dollars.

¹⁶ The most serious of findings resulting from an audit are identified as a “material weakness” which is a deficiency, or a combination of deficiencies, in internal controls, such that there is a reasonable possibility that a material misstatement on the Department’s financial statement will not be prevented, or detected and corrected, on a timely basis.

Management Goal

OCFO – Promote fiscal integrity and the effective and efficient use of resources through innovation.

*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	FY/PY 2023	What Worked	What Didn't Work	Program Performance Improvement Plan
Number of material weaknesses	Target	0	0	0	0	0	0	0	DOL was able to resolve and eliminate the prior year (FY20) Significant Deficiency.	The FY 2021 AFR identified a new material weakness.	OCFO will continue effective outreach to DOL programs to help ensure their program integrity to prevent a material weakness.
	Result	0	2	1	0	1	--	--			
	Status	--	N	N	Y	N	--	--			
Percent of discretionary appropriations returned to Treasury	Target	--	2.00%	1.95%	1.90%	1.85%	1.50%	1.45%	In its Tri-annual certification process, OCFO works to ensure that obligations are deobligated timely. OCFO also posts a summary of balances that are set to cancel for program review.	DOL programs could do more to increase their awareness of which obligations are no longer valid and ensure the balances are deobligated and re-obligated to support the programs mission.	To provide agencies the information necessary to more effectively obligate funds, OCFO will send a regular summary of unobligated balances of funds near cancellation to the program financial managers.
	Result	1.10%	1.32%	1.69%	1.60%	1.60%	--	--			
	Status	--	Y	Y	Y	Y	--	--			
Percentage of payments made without incurring prompt payment interest	Target	95.00%	95.00%	95.00%	95.00%	95.00%	98.00%	98.00%	OCFO continued to make prompt payments as it adapted to a virtual environment	The challenge remains that many levels are involved in the approving process	OCFO will continue to communicate with all parties the need for timely approvals.
	Result	99.00%	99.55%	100.00%	99.20%	99.73%	--	--			
	Status	Y	Y	Y	Y	Y	--	--			

Sources: Agency Financial Reports; New Core Financial Management System

Management Objective M.2

Strengthen the Department’s commitment and capacity for evidence-based decision-making.

Partner Agencies Driving this Objective (select the hyperlink to learn more about each agency)

[Office of the Assistant Secretary for Administration and Management](#) (OASAM)

[Office of the Chief Financial Officer](#) (OCFO)

[Office of the Assistant Secretary for Policy](#) (OASP)

Decisions should be based on evidence – especially those that affect the employment, safety and health, and retirement and benefits security of America’s workers. The Foundations for Evidence-Based Policymaking Act (Evidence Act) outlines major government-wide reforms for making data more accessible and useful for decision-making. To meet this objective, DOL must first strengthen its internal capacity, both in ensuring transparency and availability of data, and by advancing the framework that supports the decision making process.

Over the next four years DOL will take significant steps to make evidence-based decision making a part of the culture by improving the integration of budget and performance with evaluation and risk management. A strong culture of evidence-based decision making will result in improved policies and programs that support and protect America’s workers.

FY 2021 Strategic Review Summary of Progress

Performance

OCFO, in coordination with both OASAM’s Departmental Budget Center (DBC) and the Performance Management Center (PMC) offices, along with OASP’s Chief Evaluation Office, have stood up the Enterprise Risk Management Council (ERMC). Through integration of budget, evidence, and key risks into DOL internal management plans, DOL agencies will develop and execute strategies and activities to achieve their mission and management priorities. In FY 2021, the DOL ERMC placed a focus on the top risks to the Department and standardizing risk assessments with agencies, which improves risk integration with the key processes of budget, performance, operations, and strategic planning. Also in FY 2021, the Department’s Strategic Review Council, made up of the same four agencies, established a formalized process to review findings and incorporate feedback into the Strategic Review process.

OASAM Performance Goal M.2 – Integrate budget and performance with evaluation and risk management to improve decision-making.

DOL is committed to improving decision-making by integrating the management disciplines of budget formulation and execution, performance management, evaluation, and risk management. OASAM’s Departmental Budget Center (DBC) and the Performance Management Center (PMC) will build on past successes in integrating budget and performance disciplines. PMC and DBC will also coordinate with the recently formalized roles of the Evaluation Officer and the Chief Data Officer, as well as the Office of the Chief Financial Officer, who manages the Enterprise Risk Management function. Through integration of budget, evidence, and key risks into DOL internal management plans, DOL agencies will develop and execute strategies and activities to achieve their mission and management priorities.

Analysis and Future Plans

PMC and DBC have established new baseline measures for FY 2022 to improve the performance and budget processes in their respective offices. PMC is rating the effectiveness of its Agency Management Plans (AMP). DBC is rating the effectiveness of its Budget Formulation and Budget Execution processes. These measures will be used to establish baselines moving forward. The feedback from these measures will improve the AMP and the Budget Formulation and Budget Execution processes in future years, allowing PMC and DBC to better meet agency needs.

OASAM – Integrate budget and performance with evaluation and risk management to improve decision-making.

*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	FY/PY 2023	What Worked	What Didn't Work	Program Performance Improvement Plan
Percent of DOL agencies rating the Budget Formulation process "effective"	Target	--	--	--	--	--	Base	TBD	--	--	--
	Result	--	--	--	--	--	--	--			
	Status	--	--	--	--	--	--	--			
Percent of DOL agencies rating the Budget Execution process "effective"	Target	--	--	--	--	--	Base	TBD	--	--	--
	Result	--	--	--	--	--	--	--			
	Status	--	--	--	--	--	--	--			
Percent of DOL agencies rating Agency Management Plans "effective"	Target	--	--	--	--	--	Base	TBD	--	--	--
	Result	--	--	--	--	--	--	--			
	Status	--	--	--	--	--	--	--			

Sources: Annual Agency Management Plan Survey; Annual Budget Survey

OCFO Performance Goal M.2 – Integrate risk-based decision-making to enhance the Department’s operations.

Enterprise Risk Management (ERM) provides an enterprise-wide, strategically aligned portfolio view of organizational challenges and opportunities to more effectively prioritize and manage risks to mission delivery. DOL integrates ERM into agency operations planning, performance management, and budget processes to make strategic, risk-based decisions to make the Department more resilient, effective, and efficient. Involving risk-based decision-making in the strategic planning, organizational performance management, and budget processes enables the Department to better allocate scarce resources to address the highest priority risks, enhance performance, drive efficiencies, and promote cost savings.

Analysis and Future Plans

OCFO, in coordination with OASAM, collaborates with agencies and the ERMC to continually mature the Department’s ERM program. Annually, the ERMC will direct each component agency to identify and assess major risks to achieving their mission and goals. The ERMC has begun, and will continue, to integrate with major management structures to feed strategic decision making. These include budget formulation and execution, development of agency learning agendas, and the development and execution of Agency Management Plans. Additionally, the ERMC will be directing agencies to develop risk appetite statements around their respective goals in the FY 2022-2026 DOL Strategic Plan. This will reinforce the connection of ERM, Performance, and Strategic Planning.

OCFO – Integrate risk-based decision-making to enhance the Department’s operations.

*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	FY/PY 2023	What Worked	What Didn't Work	Program Performance Improvement Plan
Percent of agencies that find that ERM practices better inform strategic and operational decision-making	Target	--	--	--	--	--	Base	TBD	--	--	--
	Result	--	--	--	--	--	--	--			
	Status	--	--	--	--	--	--	--			

Sources: Enterprise Risk Management Effectiveness Survey

Management Goal

OASP Performance Goal M.2 – Invest in strategic and evidence-based decision-making, policy and regulatory development.

OASP is the principal policy, regulatory, data governance, and evaluation office for the Department. To that end, OASP plays a crucial role in helping design and execute evidence-based strategies across the Department. Broadly, OASP continues to conduct new policy-relevant evaluations and research for agencies and department leadership, building a base of evidence and data for further policy development and program administration.

Analysis and Future Plans

OASP is continually working to incorporate evidence-based strategies into the policy and regulatory development process, including conducting rigorous economic analysis to inform regulations; engaging external researchers; and producing reports, among other activities. The office is also making investments in new infrastructure to increase agencies’ ability to store and leverage data as a strategic tool. OASP is establishing four new measures in FY 2022, three of which reflect the office’s investment in data to better support the Department.

OASP – Invest in strategic and evidence-based decision-making, policy and regulatory development.

*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	FY/PY 2023	What Worked	What Didn't Work	Program Performance Improvement Plan
Number of public data sets available through Application Programming Interface (API)	Target	--	--				56	75	--	--	--
	Result	--	--	39	39	55	--	--			
	Status	--	--	--	--	--	--	--			
Percent of DOL data sets using a shared service for data validation	Target	--	--	--	--	--	5%	15%	--	--	--
	Result	--	--	--	--	--	--	--			
	Status	--	--	--	--	--	--	--			
Number of Data Sets Available for Research	Target	--	--	--	--	--	4	6	--	--	--
	Result	--	--	--	--	--	--	--			
	Status	--	--	--	--	--	--	--			
Number of short briefs published based on research/evaluation products distilling potential policy implications	Target	--	--	--	--	--	8	8	--	--	--
	Result	--	--	--	--	--	--	--			
	Status	--	--	--	--	--	--	--			

Sources: OASP’s Program Direction and Support internal monitoring; Chief Evaluation Office List of Completed Studies

Management Objective M.3

DOL as a model workplace

Agency Driving this Objective (select the hyperlink to learn more about this agency)
[Office of the Assistant Secretary for Administration and Management](#) (OASAM)

Many factors contributed to the Department's success in carrying out its mission during the pandemic – investments in modern technology, use of workplace flexibilities, and new and innovative approaches to conducting our work – but no factor contributed more than the dedication, perseverance, and ingenuity of the DOL workforce. As DOL seeks to turn the page on the pandemic and build America back better, DOL will also capitalize on this moment to advance the Department of Labor's future.

The Department will be rebuilding the size of its workforce after several years of decline and developing the skills and capacity of its staff. DOL will also not reflexively return to the way we worked pre-pandemic. Instead, DOL's staff will test new ways of working, will likely be more remote and virtual than before, and will use modern technology to execute our mission. DOL will do all of this with the overarching goal of increasing diversity, equity, inclusion, and accessibility (DEIA) throughout the Department. A DOL that harnesses the unmistakable benefits of a DEIA workforce will not only make DOL a model workplace but will set a foundation to address inequity for our Nation's workers.

OASAM will support the PMA's Priority 1, Strengthening and empowering the Federal workforce, and the associated strategies:

- Attract and hire the most qualified employees, who reflect the diversity of our country, in the right roles across the Federal Government;
- Make every Federal job a good job, where all employees are engaged, supported, heard, and empowered, with opportunities to learn, grow, join a union and have an effective voice in their workplaces through their union, and thrive throughout their careers;
- Reimagine and build a roadmap to the future of Federal work informed by lessons from the pandemic and nationwide workforce and workplace trends; and
- Build the personnel system and support required to sustain the Federal Government as a model employer able to effectively deliver on a broad range of agency missions.

FY 2021 Strategic Review Summary of Progress

Performance

OASAM will continue to lead the Department through COVID-19 response and reentry by providing timely and accurate guidance to DOL agencies and employees. DOL has effectively maintained agency operations remotely and was well positioned to adapt businesses processes for remote work (such as collecting data online and via telephone instead of in person). DOL instituted new processes to implement guidance from the Safer Federal Workforce Task Force and Executive Order 14043: Requiring Coronavirus Disease 2019 Vaccination for Federal Employees, facilitated virtual on-boarding, rerouted telephone calls and public inquiries to investigators and employees working remotely, and ensured on-site access for staff on an as-needed basis with supervisor approval.

Risks

If OASAM fails to effectively deliver HR services across the Department, the Department may be unable to meet mission and workforce requirements. OASAM's Office of Human Resources (OHR) will continue to develop standard performance metrics and measures to enable DOL components to attract, retain, and develop the Department's workforce in an efficient manner that is in compliance with federal rules, regulations, and procedures. OHR has conducted and will continue to conduct audits of human resources programs as a mitigation measure to reduce the risk associated with noncompliance to OPM guidance and federal rules and regulations.

Budget

Providing adequate resources for human resources services is critical to support agency mission requirements. The Department's budget requests include resources in agency appropriations which will be collected through the Working Capital Fund.

OASAM Performance Goal M.3 – DOL as a model workplace

OASAM will rebuild the Department’s workforce by providing leadership, guidance, and technical expertise to achieve a workforce that is reflective of the American public we serve and comprised of vetted candidates for suitable character and conduct. OASAM is leading the development of the Department’s DEIA Strategic Plan, which will outline the values and vision for DOL’s workforce.

OASAM’s OHR is dedicated to providing the best-in-class Human Resources services by working with DOL agencies as partners. OHR is leading the Department’s efforts through strategic agency engagement and recruitment planning to rebuild its workforce and support the Administration’s plans to rebuild the American economy. OHR is building long-term capacity to support the Department’s recruitment and hiring through the development of strategic partnerships that will enable DOL to better reach diverse and inclusive talent pools.

OASAM’s Security Center (SC) is dedicated to ensuring a safe and secure workplace, responsible for the protection of life and property of DOL owned/leased facilities, and ensures that Federal and contract employees are suitable and/or fit for employment with DOL. Moreover, the SC is also implementing initiatives directed by the Suitability Executive Agent (the Office of Personnel Management) and the Security Executive Agent (the Office of the Director for National Intelligence), on ensuring a Trusted Workforce. The SC is also responsible for the development and maintenance of appropriate working relationships with federal, state and local agencies that perform critical security, national security, emergency response, and law enforcement functions.

OASAM’s Civil Rights Center (CRC) is responsible for enforcing nondiscrimination, equal opportunity (EO) and equal employment opportunity (EEO) requirements for two primary populations: employees of, and applicants for employment with, DOL (through its Office of Internal Enforcement (OIE)); and the more than 40 million individuals served by the nation’s employment and workforce related service programs (through its Office of External Enforcement (OEE)). CRC also manages the Reasonable Accommodation Resource Center (RARC) to support the Department’s compliance with its obligation to provide appropriate accommodations for employees and applicants with disabilities. CRC will contribute significantly to DEIA, including internal diversity efforts by influencing recruitment practices and retention efforts to ensure equal opportunity in DOL’s workforce. Emphasis will be placed on anti-harassment prevention and response including training to establish a culture of accountability in the Department. Reasonable accommodation will be stressed so that the Department can realize the benefits of a workforce that leads in the employment of people with disabilities.

Analysis and Future Plans

Specifically, OHR improved hiring outcomes and reduced burden on hiring managers, particularly for mission critical positions. Through strategic agency engagement and recruitment planning, OHR will support the Administration’s plans to rebuild the American economy and workforce. In FY 2021, DOL has a result of 97 days for average time to hire despite an unprecedented hiring surge. In FY 2021, the Hiring Manager Satisfaction

Management Goal

Index Score was 81 percent, up from 72 percent in FY 2019. OHR will also seek innovative ways to promote opportunities, receive DOL employees' feedback, and make data-driven decisions and approaches to recruitment. Data from the Federal Employment Viewpoint Survey has shown an increase in employee engagement from 70 percent in FY 2019 to 73 percent in FY 2021.

The SC will utilize its personnel security program to ensure efficiency in the vetting process and afford transparency to client agencies. The 'average number of days to submit a background security investigation request to DOD has decreased from 21 days in FY 2017 to 4 days in FY 2021. SC has also decreased the average number of days to adjudicate a background investigation for suitability from 189 days in FY 2017 to 6 days in FY 2021. SC has decreased the average number of days to adjudicate a background investigation for national security from 17 days in FY 2020 to 4 days in FY 2021.

To further promote inclusion within the Department, CRC will provide training and technical assistance to employees, managers, and supervisors on antidiscrimination and antiharassment, with a particular emphasis on bystander intervention and the proper tools to confront and resolve incidents of discrimination or harassing conduct before they violate the law, and to hold individuals accountable for their actions. CRC will continue to provide guidance and information about and facilitate the provision of reasonable accommodations for DOL employees and applicants for DOL employment with disabilities. The average days for a Reasonable Accommodation request to be successfully deployed has decreased from 37 days in FY 2018 to 30 days in FY 2021.

CRC's OIE administers DOL's EEO complaint program, including intake, counseling, investigation, adjudication, and compliance monitoring of EEO complaints; develops and submits civil rights-related program plans and accomplishment reports; and provides training and technical assistance to DOL managers, supervisors, and employees about internal EEO matters. OIE also supports efforts designed to resolve workplace complaints and increase awareness of the EEO complaint program and the Department's Harassing Conduct policy. In terms of compliance with regulatory processing requirements, since FY 2017, OIE has exceeded the targets on its key performance indicators, completing 98% of all investigations, EEO counseling sessions and Final Agency decisions within regulatory timeframes.

In FY 2022, the Department will continue to implement the Administration's post-reentry Future of Work initiative, including engagement with its collective bargaining unions and the DOL workforce to expand workplace flexibilities and promote increased telework.

Management Goal

OASAM – DOL as a model workplace

*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	FY/PY 2023	What Worked	What Didn't Work	Program Performance Improvement Plan
Average Time to Hire	Target	80	80	80	80	80	80	80	OHR used standardized positions descriptions and vacancy packages. OHR was more efficient due to HR Shared Services, having the ability to shift staff resources to high priority recruitment efforts.	Due to the Hiring Surge, there was a large increase in mass recruitments, involving multiple grade levels and geographic locations, with the tradeoff of recruitments taking longer.	Continue to track timeframes at critical hiring milestones to determine where process improvements are necessary and promote use of standardized PDs and recruitment packages with agencies.
	Result	82	99	86	90	97	--	--			
	Status	N	N	I	N	N	--	--			
Hiring Manager Satisfaction Index Score	Target	80%	80%	85%	85%	85%	85%	85%	Improved coordination with agencies through strategic planning meetings at the agency senior leadership and Hiring Manager levels.	Hiring Managers continue to show some dissatisfaction with candidate pools provided to them on certificates, in particular when certificates are limited to preference eligible veterans.	Continue to educate agencies on recruitment options and strategies and ensuring specialized experience statements accurately reflect the needs of the position and recruitment effort.
	Result	78%	74%	72% [r]	78% [r]	81%	--	--			
	Status	N	N	N	I	I	--	--			
EVS: DOL Agency Employee Engagement Index (annual)	Target	--	--	--	--	--	TBD	TBD	Increased participation rate through active promotion campaign highlighting accomplishments from Employee Engagement Action Plans. OHR analyzed 2020 data and actions to build on successes.	--	--
	Result	69% [r]	68%	68%	73%	73%	--	--			
	Status	--	--	--	--	--	--	--			

Management Goal

*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	FY/PY 2023	What Worked	What Didn't Work	Program Performance Improvement Plan
Average number of days to submit a background security investigation request to DOD	Target	14	14	14	14	14	14	14	Integrating targets into individual performance plans and leveraging vetting application (i.e., UpStart) for managing/tracking work.	--	SC will re-assess performance targets as needed based on changing landscape in personnel security (i.e., Trusted Workforce initiatives).
	Result	21	17	11	9	4	--	--			
	Status	N	I	Y	Y	Y	--	--			
Average number of days to adjudicate a background investigation for suitability	Target	90	90	90	90	90	90	90	Integrating targets into individual performance plans and leveraging vetting application (i.e., UpStart) for managing/tracking work.	--	SC will re-assess performance targets as needed based on changing landscape in personnel security (i.e., Trusted Workforce initiatives).
	Result	18	9	6	6	6	--	--			
	Status	Y	Y	Y	Y	Y	--	--			
Average number of days to adjudicate a background investigation for national security	Target	--	--	--	20	20	20	20	Integrating targets into individual performance plans and leveraging vetting application (i.e., UpStart) for managing/tracking work.	--	SC will re-assess performance targets as needed based on changing landscape in personnel security (i.e., Trusted Workforce initiatives).
	Result	--	--	--	17	4	--	--			
	Status	--	--	--	Y	Y	--	--			
Reasonable Accommodation: Average number of days for an RA request to be successfully deployed (by items)	Target	--	--	--	--	--	37	36	Concentration and focus of the RARC team in the processing of requests for accommodation, and the use of RARC Inventory process	--	--
	Result	--	--	--	--	--	--	--			
	Status	--	--	--	--	--	--	--			

Management Goal

*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2017	FY/PY 2018	FY/PY 2019	FY/PY 2020	FY/PY 2021	FY/PY 2022	FY/PY 2023	What Worked	What Didn't Work	Program Performance Improvement Plan
Internal Enforcement: Percent of EEO Counseling Sessions Completed within Regulatory Timeframes	Target	95.0%	95.0%	96.0%	96.0%	96.5%	96.5%	97.5%	Effective planning and streamlining of processes, notwithstanding flat budget and reduction in FTE usage	--	--
	Result	99.0%	100.0%	98.0%	99.0%	100.0%	--	--			
	Status	Y	Y	Y	Y	Y	--	--			
Internal Enforcement: Percent of Formal EEO Investigations Issued within Regulatory Timeframes	Target	75%	80%	88%	86%	90%	92%	92%	Effective planning and streamlining of processes, notwithstanding flat budget and reduction in FTE usage	--	--
	Result	98%	99%	100%	98%	100%	--	--			
	Status	Y	Y	Y	Y	Y	--	--			
Internal Enforcement: Percent of Final Agency Decisions (FADs) Issued on Formal EEO Complaints within Regulatory Timeframes	Target	70%	80%	88%	92%	92%	92%	93%	Effective planning and streamlining of processes, notwithstanding flat budget and reduction in FTE usage	--	--
	Result	100%	98%	98%	98%	100%	--	--			
	Status	Y	Y	Y	Y	Y	--	--			

Sources: Department of Labor Online Opportunities Recruitment System; Office of Personnel Management's Chief Human Capital Officers' Managers' Satisfaction Survey; Federal Employee Viewpoint Survey; OPM Electronic Questionnaire for Investigations Processing system; Complaints Tracking and Reporting System (CTRS); Reasonable Accommodation Tracking and Reporting System (RATS)

Notes: [r] = revised

Management Goal

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Other Information

Quarterly Reviews

To continually improve the efficiency and effectiveness of its programs, DOL uses results-based, data-driven management techniques. Each DOL agency prepares an Agency Management Plan that details the strategies and resources it will apply to reach goals and objectives at all levels of the organization. Departmental leaders review performance against those plans each quarter to monitor progress and hold agencies accountable for implementing the plans, achieving milestones, and making adjustments as needed.

This review process has focused Departmental leadership on strategic management of core functions through the use of program performance data, risk assessments, evaluations, and budgets. Identification and discussion of key measures; annual and seasonal targets; and how budgets, workload, and strategies affect results have helped clarify priorities and improve performance.

Open Recommendations from OIG

In FY 2018, DOL began an aggressive approach to closing outstanding OIG recommendations, especially those older than two years. In FY 2019, DOL began tracking the percentage of agreed-upon OIG recommendations from all previous fiscal years that have not been closed. Each DOL agency has a plan to address open recommendations.

Program Evaluations and Evidence-Building

The CEO in the OASP leads DOL's evaluation agenda, working closely with agency staff to implement program evaluations to answer key questions, as detailed in the FY 2022-2023 Evaluation Plan. The results from evaluations inform policy and improve DOL's performance-based management initiatives in support of the GPRMA. Further, as described in DOL's Evidence-Building Plan for Fiscal Years 2022-2026, CEO coordinates key evidence-building activities (as per the Foundations for Evidence-Based Policymaking Act of 2018, Public Law No. 115-435). For more information, see <http://www.dol.gov/asp/evaluation/>.

Measures Discontinued in FY 2022

Because this APR is primarily a planning document that uses historical information to inform future strategies and targets, it is organized around goals and measures selected to represent Departmental goals for the budget year (FY 2023). Under GPRMA, performance goals, measures and targets are identified for reporting purposes in the Congressional Budget Justification (CBJ) issued during that fiscal year. Therefore, DOL is obliged to report results for measures with PY 2020 or FY 2021 targets in its FY 2022 Annual Performance Plan, which was published as part of the FY 2022 CBJ in May 2021 (www.dol.gov/dol/budget/). In large part due

Other Information

to the Strategic Plan update, many measures have since been revised, replaced, or discontinued.

The table below lists these performance measures, their targets and results for PY 2020/FY 2021 – organized by the Strategic Objective they supported in the FY 2022 CBJ. Results are not provided for measures that were collecting baseline data.

Agency – Measure (Program) FY or PY	Target FY 2021 PY 2020	Result ¹⁷ FY 2021 PY 2020
FY 2018-2022 ETA Strategic Objective 1.1		
Number of New Apprentices	1,000,000	984,723
Percent of H-2B Employer Applications Resolved 30 days Before the Date of Need	75.0%	77.1%
FY 2018-2022 VETS Strategic Objective 1.2		
Employment rate (2nd quarter after exit) for veterans served by DVOP	60.0%	53.3%
Percent of closed USERRA cases meeting the agency's quality standard (annual)	95.0%	94.0%
FY 2018-2022 BLS Strategic Objective 1.4		
Average number of BLS website page views each month (Dissemination)	11,400,000	12,715,550
FY 2018-2022 OSHA Strategic Objective 2.1		
Number of trenching and excavation hazards abated	2,619	1575
New VPP approvals	16	14
VPP re-approvals	169	96
Whistleblower investigations completed	2,900	3,099
FY 2018-2022 WHD Strategic Objective 2.3		
Number of compliance actions concluded	24,872	24,727
FY 2018-2022 OFCCP Strategic Objective 2.5		
Number of Construction Evaluations Completed	300	111
Percent of Compliance Evaluations Closed with Discrimination Findings	3%	3%

¹⁷ [e] = estimated

Other Information

Agency – Measure (Program) FY or PY	Target FY 2021 PY 2020	Result ¹⁷ FY 2021 PY 2020
FY 2018-2022 OWCP Strategic Objective 3.1		
Percent of wage-loss claims timely processed within 14 days: claims not requiring further development	90.0%	94%
Percent of black lung claims over 365 days in pending Proposed Decision and Order inventory	15%	14%
Average number of days between filing date and final decision for Energy cases not sent to the National Institute for Occupational Safety and Health when a hearing is not held	170	165
FY 2018-2022 ETA Strategic Objective 3.2		
Detection of Recoverable Overpayments (Unemployment Insurance)	57.50%	42.39%
FY 2018-2022 OASAM Strategic Objective M.2		
Percent of network and application services uptime	99.90%	99.98%
FY 2018-2022 OASAM Strategic Objective M.3		
Number of new DOL enterprise-wide procurement vehicles	3	7
Category Management: Cumulative Spend Through Best in Class Solutions (in millions)	\$225.0	\$258.2
Category Management: Cumulative Common Spend Under Management (in millions)	\$827.7	\$706.8