

**UNITED STATES OF AMERICA**  
**FEDERAL LABOR RELATIONS AUTHORITY**  
**OFFICE OF THE INSPECTOR GENERAL**  
WASHINGTON, D.C. 20424-0001

**November 2006**

**SUBJECT:** Internal Review of Federal Labor Relations Authority (FLRA) Administrative Instructions.

**METHODOLOGY:** This Internal Review was conducted by the Federal Labor Relations Authority Inspector General in compliance with Government Auditing Standards. It included the FLRA Inspector General's objective and independent review of current FLRA administrative instructions as well as instructions cancelled in 2003 to determine if they need to be reissued. This internal review also involved Inspector General research into related Executive Orders, Congressional regulations and some external Federal Agency policies to ensure that the FLRA was functioning properly and in compliance with Federal requirements.

**REFERENCES:** Executive Orders, Congressional references and FLRA instruction references listed with each of the reviewed FLRA instructions (including 2003 cancelled instructions) were reviewed as part of this review.

**BACKGROUND:** The FLRA has previously created required Federal administrative policies in the format of instructions or regulations to support and ensure proper management of FLRA's administrative programs and compliance with Federal requirements. The FLRA Office of the Executive Director has had the administrative responsibility to address Federal policy requirements from its onset in 1978. Until the current administration, all created and updated policies were reviewed and commented on by all senior and line managers in the three components of the FLRA before the instruction were issued. All instructions were then issued to all FLRA managers to ensure that employees were aware of changes and requirements. Starting in 2000, FLRA instructions were placed on the FLRA intranet and were accessible on line by FLRA employees. The majority of instructions were entered on the FLRA intranet by Information Resource Management in 2001. During 2004 the previous Director, Policy and Performance Management, who is now the current Executive Director created and placed 4 new instructions on the FLRA intranet. Previously, the FLRA Office of the Executive Director reviewed all FLRA. Instructions every five to seven years and updated and revised or cancelled FLRA instructions as necessary and informed all managers and employees of all relevant actions.

The FLRA Administrative Services Division had the responsibility to maintain the Instruction system and to make sure that all instructions were electronically available

through the intranet site developed by the FLRA's Information Resource Division. In FY 2002, the previous Assistant Executive Director reviewed and recommended the updating of FLRA instructions, as necessary. None of this was done.

In 2003, 54 FLRA instructions were cancelled and provided to the Office of Solicitor prior to his Acting Executive Director appointment. The former Solicitor stated that he had no recollection of being involved with these cancelled instructions and stated his Deputy Solicitor handled this issue along with the former Human Resource Director. Both the previous Deputy Solicitor and former Director of Human Resources stated that they had no recollection of being involved with canceling the instructions. The Director, Administrative Services Division, who has the authority to maintain instruction files, was not even aware of the cancellation of 54 instructions in FY 2003.

The Office of Solicitor Attorney who prepared the list of cancelled instructions in the Office of the Solicitor stated that this administrative assignment was conducted internally in the Office of the Solicitor as part of updating material that might be needed for legal advice or reference. This attorney worked with the Office of Solicitor paralegals to update their office Instruction books. Most of the cancelled instructions were related to human resource management, or administrative programs which were implemented in the 1980s and 1990s and required updating. The attorney stated that before the update was finalized, the attorney met with the former Director of Human Resources and Assistant Executive Director who affirmed that her list of cancelled instructions was correct. The current FLRA Executive Director stated she was unaware of the cancelled instructions until informed about it by the Inspector General in 2006 and did not previously cancel them.

The former FLRA Solicitor was not yet the Acting Executive Director at the time the Office of the Solicitor was updating its FLRA instructions. Both the former FLRA Solicitor and Deputy Solicitor stated that they had no recollection of being involved with the cancelled instructions. The former FLRA Director, Human Resource had no recollection of providing the list of cancelled instructions to the Office of the Solicitor. This former Director of Human Resource Division stated that the only instruction he became involved with was the Performance Management System Plan which was issued in 1999. This former FLRA Director, Human Resource Division stated that the Chairman, FLRA requested that he revised the Performance Plan instruction to eliminate the pass/fail performance appraisal concept for FLRA managers. The former Director, Human Resource Division stated he revised this instruction and submitted it to the Chairman prior to his leaving the FLRA for another Federal job. The former Assistant Executive Director who conducted a review of all FLRA Instructions stated that he only recommended the cancellation of three or four instructions. He stated he definitely did not recommend the cancellation of 54 FLRA Instructions.

During 2004, the Director of Policy and Performance Management, (who is the current FLRA Executive Director) created 4 instructions which addressed administrative issues of management concern.) The current FLRA Executive Director stated that the new instructions created were reviewed by managers who would be affected by the

instruction prior to their implementation. The FSIP Representative stated that the Chairman, FLRA had consulted and communicated with the FSIP Component Head and Representative regarding some instruction matters and that several updated instructions were issued to them. The FLRA General Council did not receive or review any new instructions since her appointment to her job.

Under the current administration, the FLRA eliminated the independence of the three FLRA components (Authority, Office of General Counsel and Federal Services Impasse Panel) and created one entire organizational entity. As a result, the Office of General Counsel and Federal Service Impasse Panel managers lost their independent authority to administer administrative operations their own way and became required to adhere to compliance with FLRA administrative programs in one overall FLRA manner. This change did not cause any improper adherence to Federal regulations and requirements but did require FLRA instructions to be revised to have all components comply with administrative requirements in one concise manner rather than separately and independently. This current Inspector General review of FLRA instructions revealed that there are still existing instructions (not cancelled) that have not been updated to eliminate the FLRA's previous component's independent administrative authority and management, or their recently contracted instruction specialists need to review all instructions to identify which should be permanently cancelled and which should be updated.

**INTERNAL CONTROLS:** The FLRA is currently in a vulnerable position relating to administrative requirements because most of the cancelled instructions have not been re-created over the past two years. A significant number of cancelled instructions reviewed by the Inspector General contained appropriate information and could have been updated very easily rather than cancelled to ensure the proper administrative support for addressing the FLRA's capability of performing the FLRA's mission, maintaining a proper Agency human capital program, and supporting proper cost effective internal controls.

At the onset of this internal review in June 2006, 48 instructions were online and considered active. However, 20 of these instructions did not have the required signature of an Executive Director. Six currently listed instructions were listed on the 2003 Office of Solicitor's cancelled instruction list (in bold print below) and 5 additional instructions were pending.)

**FEDERAL LABOR RELATIONS AUTHORITY CURRENT INSTRUCTIONS:**

**Title/Instruction/Date:**

**Signature on File:**

Administrative Control of Funds  
2520.1B  
07/16/84

Yes

<u>Administrative Grievance System</u> 3820.1 08/01/86	Yes
<u>Advanced Pay</u> 3570 Pending	N/A
<u>Alternate Work Schedule</u> 3640 10/01/95	Yes
<b><u>Attorney Recruitment and In-Service Placement</u></b> <b>Also on 2003 Cancellation List</b> 3302 03/11/99	No
<u>Audit and Internal Review Follow-up</u> 2930.2 11/08/99	Yes
<u>Audit Policies and Procedures</u> 2920.1 01/19/99	Yes
<b><u>Career Transition Assistance Plans</u></b> <b>Also on 2003 Cancellation List</b> 3303.1 03/11/99	No
<b><u>Competitive Service and In-Service Placement</u></b> 3300 03/11/99	No

<u>Contingency Plan for Shutdown of Operations in the Absence of Appropriations</u>	Yes
1910.2	
09/22/95	
<u>Debt Collection Procedures</u>	Yes
2790	
12/29/86	
<u>Drug Free Workplace Plan</u>	Yes
3880.1A	
05/27/97	
<u>Electronic Mail</u>	Yes
6910	
04/30/02	
<u>Employee Discipline &amp; Adverse Actions</u>	Yes
3752	
09/02/98	
<u>Employee Training &amp; Development</u>	No
3410.1	
01/30/98	
<u>Equal Employment Opportunity/ADR Addendum</u>	No
3700.1B	
10/10/02	
<u>Executive Resources Board</u>	No
3317.1	
02/09/04	

<u>Financial Management Systems</u>	Yes
6/02/88	
02/15/00	
<u>Flexi place Pilot Program</u>	Yes
3650	
08/09/00	
<u>Fraud Prevention Program</u>	Yes
6120.1	
10/07/98	
<u>Gainshairing Travel Savings Awards Pilot Program</u>	Yes
3800	
7/1/2000	
<u>Government Contractor-Issued Travel Charge Cards</u>	No
1501.2	
5/12/04	
<u>Injury Compensation</u>	Yes
3861	
06/04/84	
<u>Inspector General Assistance &amp; Hotline Program</u>	Yes
6130.1	
12/01/98	
<u>Instructions System</u>	Yes
1320.2	
10/22/91	

<u>Internet Access</u>	Yes
6920	
04/30/02	
<u>Leave Administration</u>	No
3630.1A	
02/13/86	
<u>Leave Transfer Program</u>	No
3630.2	
10/10/93	
<u>Management Control Systems</u>	Yes
1311.2	
05/01/97	
<u>Nonexpendable Personal Property Management Program</u>	Yes
4200.1A	
06/30/88 (Draft)	
<u>Occupational Safety &amp; Health Program</u>	Yes
1810	
07/17/98	
<u>Official Flag &amp; Seal of FLRA</u>	Yes
1010.1A	
12/20/00	
<u>Overtime Compensation &amp; Compensatory Time</u>	Yes
3551	
02/28/98	
<u>Performance Management System Plan (General Schedule)</u>	No
3430.2A	
10/22/99	

<u>Permanent Change of Station (PCS) Travel and Allowances</u> 1540 03/10/04	No
<u>Policies and Procedures for Conducting Investigations by Office of Inspector General</u> 6110.1 01/19/99	Yes
<u>Position Classification</u> 3511 02/15/00	No
<u>Position Management</u> 3501.1 02/15/00	No
<b><u>Probationary Periods for Supervisors and Management Officials</u></b> <b>On 2003 cancelled list</b> 2/13/86 3470.1A 02/15/00	No
<u>Permanent Change of Stations and Allowances</u> 1540 3/10/2004	No
<u>Procedures for Filing Financial Disclosure Reports</u> 6410.1 07/19/00	Yes
<u>Procedures for Foul Weather and Other Emergencies</u> Bulletin 99-04 12/24/98	No



<u>Procurement Policy and Procedures</u> 4410.1B 01/14/98	Yes
<u>Professional Liability Insurance</u> 3860 Pending	N/A
<u>Reasonable Accommodation</u> 3890 Pending	N/A
<u>Records Management Program</u> 1323.1 03/13/86	Yes
<u>Reduction-in-Force in the Senior Executive Service</u> 3351.1 01/27/84	No
<u>Reduction-in-Force, Transfers of Function, &amp; Furloughs for over 30 days</u> 3350.2 10/03/86	No
<u>Security Program</u> 1600.1A 08/08/84	Yes
<b><u>SES Performance Management Plan</u></b> <b>On 2003 Cancelled list</b> 3431.2 02/01/97	No

<u>Student Educational Employment and Student Volunteer Service Programs</u>	No
3311.2	
08/24/98	
<u>Transportation Subsidy Program</u>	N/A
1570	
Pending	
<u>Travel Management Center Program</u>	Yes
1501.1	
08/09/89	
<u>Use and Maintenance of Imprest Funds</u>	Yes
2780.1B	
09/20/88	
<u>Use of Government Telephone Systems</u>	Yes
1740.1	
04/05/88	
<u>White House &amp; Congressional Correspondence Control</u>	Yes
1322	
03/10/86	
<b><u>Within Grade Increase and Quality Salary Increases</u></b>	Yes
<b>On 2002 Cancelled List</b>	
6/02/82	
3560	
02/15/00	

The following FLRA instructions were cancelled in FY 2003 and have not been officially reissued. Those in bold print are also listed as current FLRA instructions.

### FEDERAL LABOR RELATIONS AUTHORITY 2003 CANCELED INSTRUCTIONS

Instructions	Implemented Date	Title
1010.1	10/18/82	Official Flag and Seal of the Federal Labor Relations
1030.1	6/29/81	Delegation of Authority-Information Resources Management
1100.1	3/1/81	Organization and Functions
1128.2	12/1/81	Decision Development Process
1311.1	8/8/86	Management Control Systems
1320.2	10/22/91	FLRA Instruction System
1322	3/10/86	White House Congressional Correspondence Control Procedures
1323.1	3/13/86	Records Management Program
1331.1	10/1/8	Procuring Printing Systems
1501.1	8/9/89	Diners Club Government Charge Card Program
1600.1A	8/4/84	Security Program
1740.1	4/5/88	Use of Government Telephone System Programs
2301.1	6/2/88	Financial Management System
2520.1B	7/16/84	Administrative Control of Funds
2780.1B	9/20/88	Use and Maintenance of Imprest Funds- <b><i>(Should not be reissued)</i></b>
2790	12/29/86	Debt Collection Procedures for Salary Offset
2920.1	12/16/91	Audit Policies and Procedures
2930.1	3/31/92	Audit Follow-Up
3300	12/27/97	Competitive Service and In-Service Placement
3301.2	5/19/86	Executive Resources Board
<b>3302</b>	<b>12/27/97</b>	<b>Attorney Recruitment and In-Service Placement</b>
<b>3303.1</b>	<b>3/11/98</b>	<b>Career Transition Assistance Plans</b>
3317	1/14/98	Executive Resources Board
3320.1	2/11/81	Part Time Employment Program
3340.1A	2/14/86	Merit Staffing
3341.1A	2/13/86	Upward Mobility
3410	1/30/98	Employee Training and Development
<b>3430.2</b>	<b>2/20/87</b>	<b>Performance Management System Plan</b>
3431.1	12/20/91	SES Recertification Plan
3431.2	2/1/97	SES Performance Appraisal and Awards
3450	4/11/86	Incentive Awards Program

<b>3470.1A</b>	<b>2/13/86</b>	<b>Probationary Periods for Supervisors and Management Officials</b>
3501.1	6/10/81	Position Management
3510.1	6/10/81	Position Classification
3530.1	6/27/83	Overtime Compensation and Compensatory Time
3550.2	2/14/86	Performance Management Recognition System
<b>3560.1</b>	<b>6/1/82</b>	<b>Within-Grade Increase and Quality Salary Increases</b>
3601.1	3/6/83	Time and Attendance Reporting and Distribution of Payroll Checks and Bonds
3610	8/8/91	Sick Leave for Adoptive Parents
3630.1A	2/13/86	Leave Administration
3700.1A	4/11/86	Equal Opportunity Employment
3705	6/4/84	Affirmative Action for Disabled Veterans
3710	6/4/84	Affirmative Action for Hiring, Placement, and Advancement of Handicapped Individuals
3710.1	8/1/81	Multi-Year Affirmative Action Plan
3810.1	2/13/86	Employee Discipline
3820.1	8/1/86	Administrative Grievance System
3830.1	2/19/86	Adverse Actions and Performance Based Actions
3850.1	11/3/82	Employee Separation Procedures
3861	6/4/84	Injury Compensation
3880	10/93	FLRA Drug-Free Workplace Plan
4200.1A	6/30/88	FLRA Non-Expendable Personal Property Management Program
4410.1A	6/30/88	Policies and Procedures for Conducting Investigations by the Office of the Inspector General
3410.1	8/22/94	Procedures for Filing Financial Disclosures Report

### **FLRA Instruction Policy**

In October, 2006 the FLRA Executive Officer hired contractor consultants who have begun to initiate internal controls and create new, up to date, Human Resource Instructions for the FLRA.

Although the FLRA instruction Policy, FLRA 1320.2 is listed on the FLRA website instruction list, it also is on the FLRA 2003 cancelled instruction list. The FLRA Instruction policy states that while other agency offices could recommend changes of FLRA Instructions, revisions could only be made by the originating FLRA office. It also stated that any FLRA instruction requiring extensive revisions must be treated as a new issuance.

The FLRA Instruction Policy also states that FLRA Instructions are cancelled by the promulgation of notification specifically identifying the FLRA Instruction to be cancelled by the originating office. It also stated that FLRA instructions could be cancelled by a replacement instruction or by using the Record of Coordination and Approval FLRA Form 113 informing all offices of the cancellation. It stated that FLRA Instructions could only be approved for implementation and cancellation by the FLRA Executive Director and this decision was required to be documented. Such a document does not exist.

The FLRA Instruction Policy was created to issue official communication to all offices within the FLRA and replace a system designated previously as a Directive System. The policy also authorized the Executive Director of the Authority, the Deputy General Counsel and the Executive Director of the Federal Service Impasses Panel to sign FLRA Notices for their respective components related to handling unique business pertaining only to that component. The FLRA Instruction Policy also stated that all proposed FLRA Instructions should be issued to the Chairman, the Authority Members, the Office of General Council's General Council and FSIP Chairman at least 2 days prior to being issued and coordinated with all FLRA agency offices. After all responses (with comments) are received and incorporated if appropriate, the Executive Director is required to sign the instruction and use the date of approval as the date of implementation. Instructions created in 2004 were not created according to this policy, nor was any new Instruction policy issued relating to the current process for creating new policy.

The current status of FLRA instructions is not administratively correct and is a risk for the entire Agency. A new intranet Human Resource and Performance Management Website contains a list of specifically related instructions. Those indicated by bold print were on the list of 2003 cancelled instructions. FLRA Conduct Policy, listed under EEO, is not an instruction but is policy and contains appropriate information. The list of Agency instructions) listed on the intranet could not all be accessed. There were nine out of twenty Human Resource Instructions, one SES instruction and four Inspector General Instructions that could be opened. It did not appear that any of these opened instructions had been updated. Other instructions under this Agency Policy including General Operations, EEO, Ethics, Finance and Procurement and Information Technology and Telecommunications could not be accessed (June 22, 2006).

## **FLRA Instructions**

### **GENERAL OPERATIONS**

1. Contingency Plan for Shutdown of Operations in the Absence of Appropriations
2. **Instructions System**
3. Management Control Systems
4. Nonexpendable Personal Property Management Program
5. Official Flag & Seal of FLRA
6. Procedures for Foul Weather and Other Emergencies
7. Records Management Program

8. Security Program
9. White House & Congressional Correspondence Control

## **EEO**

1. Equal Employment Opportunity/ADR Addendum
2. FLRA Conduct Policy

## **ETHICS**

1. Procedures for Filing Financial Disclosure Reports

## **Finance and Procurement**

1. **Administrative Control of Funds**
2. Advanced Pay
3. **Debt Collection Procedures**
4. **Financial Management Systems**
5. Government Travel Charge Cards
6. Gainsharing Travel Savings Awards Pilot Program
7. Permanent Change of Station (PCS) travel and Allowances
8. Procurement Policy and Procedures
9. Transportation Subsidy Program
10. Travel Management Center Program

## **HUMAN RESOURCES**

1. **Administrative Grievance System**
2. Alternate Work Schedule
3. Career Transition Assistance Plans
4. **Competitive Service and In-Service Placement**
5. Drug Free Workplace Plan
6. Employee Discipline & Adverse Actions
7. Employee Training & Development
8. Flexi place Pilot Program
9. Leave Administration
10. Leave Transfer Program
11. Occupational Safety & Health Program
12. Overtime Compensation & Compensatory Time
13. Performance Management System Plan (General Schedule Employees)
14. **Position Classification**
15. **Position Management**
16. Probationary Periods for Supervisors and Management Officials
17. Reasonable Accommodation
18. Reduction-in-Force, Transfers of Function, & Furloughs Over 30 Days
19. Student Educational employment and Student Volunteer Service Programs

## **20. Within Grade Increase & Quality Salary Increases**

### **INFORMATION TECHNOLOGY & TELECOMMUNICATIONS**

1. Electronic Mail
2. Internet Access
3. Use of Government Telephone Systems

### **INSPECTOR GENERAL**

1. Audit and Internal Review Follow-Up
2. Audit Policies and Procedures
3. Fraud Prevention Program
4. Inspector General Assistance & Hotline Program
5. Policies & Procedures for Conducting Investigations by Office of Inspector General

### **SES**

1. **Executive Resources Board (ERB)**
2. Performance Management Plan
3. Professional Liability Insurance
4. **Recertification**
5. Reduction-in-Force

### **UAE**

1. FLRA-UAE Agreement

### **FACTS:**

FLRA Instruction Policy (FLRA 1320.2) was issued on October 22, 1991 and was signed by a former Executive Director. It was placed on the 2003 Cancellation list. No revised policy was created for the creation/revision of FLRA instructions even though a Policy and Performance Management Position was created and filled to create/update FLRA policy.

In FY 2002, the former Assistant Executive Director issued a review of all FLRA instructions to the Executive Director to make sure that all instructions were updated and current prior to being put on line. FLRA Instructions were placed on the FLRA intranet approximately 2000 to 2003. This 2002 Instruction Review Report conducted by the previous Assistant to the Executive Director was provided to the former FLRA Executive Director and Director of the Administrative Services Division who had the responsibility for maintaining the Instruction System. Draft instructions provided to the Chairman, FLRA for approval during this period were not included in the 2002 document.

In FY 2003, 54 instructions, (Including the FLRA Instruction Policy) were cancelled according to a project conducted in the Office of Solicitor. 34 of the cancelled polices related to Human Resources. Neither the former FLRA Solicitor and Deputy Director had a recollection of being involved in this action, The Office of Solicitor employee who was involved in creating the list stated that the former Director, Human Resource Division affirmed her list of cancelled instructions to the former Solicitor. This review indicated that neither the former Acting Human Resource Director, former Assistant Executive Director, former Solicitor nor current Executive Director were aware that so many instructions were cancelled. The Director, Administrative Services Division who is responsible for maintaining files related to instructions was also unaware of the cancellation of 54 policies in 2003. Neither FLRA line management/supervisors nor FLRA employees were informed that instructions had been cancelled. The majority of these cancelled instructions have not yet been revised and reissued.

According to the FLRA Executive Director, the following 4 new instructions have been approved and implemented. The FLRA Executive Director stated that prior to implementation, the four new instructions issued in 2004 were submitted to appropriate managers for comments which were noted and incorporated (when proper) prior to approval and implementation

1. Executive Resource Board
2. Permanent Change of Station Allowances
3. Government Contractor Issued Travel Charge Cards
4. Position Classification and Position Management.

The only instruction accessible on line in June, 2006 was the Executive Resource Board. According to the FLRA Executive Director, The Position Classification and Position Management instructions were currently being created. The Permanent Change of Station Allowances was on the new FLRA website but was not accessible. The Government Contractor Issued Travel Card policy was also non accessible. The 2004 Position Classification and Position Management Instruction were not on the new Policy, Human Resource and Performance .website site. The other three 2004 instructions were on line and were accessible. In November 2006, the total new website was non accessible.

The current FLRA Executive Director stated that the following instructions were in the process of being updated/revised.

1. Purchase Cards
2. Professional Liability Insurance
3. Performance Management Appraisal for GS Employees
4. Reasonable Accommodation
5. Management Control System

FLRA's General Counsel who was appointed to the FLRA at the end of 2005 stated that she is reviewing and revising previous Office of General Counsel manuals which require



updating and revision. The current Member of the Authority has not received or commented on any new instructions.

The Director, Administrative Services Division stated that in 2003 and 2004, she drafted 4 instructions related to her responsibilities which were submitted to her previous supervisor, the previous Acting Executive Director/Solicitor also with a copy to the Director of Policy and Management Performance), but these instructions were never issued. The Director, Administrative Services Division stated the subject matter of these instructions was: related to:

1. Convenience Checks
2. Update to Personal Property
3. Ratification of Purchases.
4. Purchase Card Program

The Director, Administrative Services Division's current job still relates to keeping copies of all instructions issued for the FLRA. The Director, Administrative Services Division was not aware that 54 instructions were cancelled in 2003 and had not reviewed her list of instructions with those listed on the FLRA website.

In 2005, the FLRA Chief Information Officer/Director of Information Resource Management created 10 new Information Security instructions and submitted them to the current Executive Director for approval. They have not yet been approved and therefore have not been implemented. These instructions included:

1. Agency Contingency Planning
2. Data Backups
3. Incident Reporting
4. Security Program Plan
5. Security Program Policies and Procedures
6. User Account Control
7. Segregation of Duties
8. Security Awareness Training
9. Systems Development Life Cycle and Change Control
10. Acceptable Use of Information Resources

In June, 2006, the FLRA Inspector General (IG) submitted Office of Inspector General (OIG) Instructions which were created in 1998 and now were updated, plus an additional new instruction related to the Inspector General's authority to contract. These instructions are:

1. FLRA Office of Inspector General Audit Policy and Procedures
2. FLRA Office of Inspector General Fraud Prevention Program
3. FLRA Office of Inspector General Assistance and Hotline Program

4. FLRA Office of Inspector General Policy and Procedures for Conducting Investigations
5. FLRA Office of Inspector General Contract Services Instruction

The fact that there is no current accessible policy related to the requirements for creating FLRA instructions, and there is currently a vacant Policy and Management Performance position, the authority for the creation, revision, updating or canceling existing FLRA instructions is being handled by the current FLRA Executive Director with assistance from her staff and contracted consultants. The fact that 54 policies have been cancelled and not re-created over the past three years is a serious problem for FLRA management as well as employees. The fact that Instruction policy no longer adheres to the current FLRA environment and has not been recreated for the past three years is a significant weakness and Human Capital deficiency. The FLRA instruction policy should be created immediately prior to other instructions being recreated or updated to reflect current instruction requirements.

The majority of FLRA employees were unaware of cancelled and new instructions and most of them stated that they were not informed when instructions were cancelled or when new instructions and policies were created. Even most of the instructions currently on line in the FLRA website are over 5 years old and many instructions date back to the 1980s.

1. The FLRA website contained 48 instructions which are considered active. 20 of these on line instructions do not have the required signature of the former or current Executive Director Six of these instructions were listed on the FY 2003 Instruction Cancellation List as well as on-line as part of FLRA's current Instructions. These instructions are:

1. FLRA Instruction 3303.1, Career Transition Plans
2. FLRA Instruction 3330, Competitive Service and In-Service Placement
3. FLRA Instruction 3302, Attorney Recruitment and In Service Placement
4. FLRA Instruction 3470.1A Probationary Periods for Supervisors and Management Officials
5. FLRA Instruction 3431.2 SES Performance Management Plan
6. FLRA Instruction 3560.1, Within Grade Increase and Quality Salary Increases

The FLRA Executive affirmed that there will be updates/revisions to existing instructions and that there may be new instructions relating to the following administrative programs:

1. Internal Controls
2. Privacy of Personal Information
3. Succession Activities
4. Training Programs/Activities

5. Human Resource Accountability System
6. Acquisition Activities
7. Finance and Budget Activities

### **Conclusions:**

The fact that the FLRA is a labor management adjudicatory agency for the Federal government should make it essential for management to conduct its administrative and management operations properly and precisely. The fact that the current FLRA management program is not related to FLRA instructions stating Federal requirements and does not involve line management or FLRA UAE input is not illegal but is not a proper action in the 21st century.

Federal instructions should be reviewed, updated, or cancelled (especially if the Federal requirement or program has been eliminated) every 5 to 7 years or when new Federal administrative regulations are approved by Congress. Canceling instructions because they are not current or comprehensive is not improper. However, a revised or new instruction should be re-issued within a reasonable period (within a year). It is improper for an Agency to function without required and credible policies for over 2 or 3 years.

Although there is no specific requirement for reissuing cancelled instructions, in order to support Human Capital and the proper administration of procedures, a new instruction should be issued as quickly as possible and certainly within a year of the cancellation of instructions related to Federal administrative programs. The FLRA Executive Director should maintain the authority for approving new and updated instructions as well as canceling instructions no longer applicable to Federal requirements and provide this information to management as well as employees. Since the FLRA's Instruction Policy no longer adheres to the current FLRA environment it must be recreated prior to all other instructions being revised or recreated.

Because so many human resource instructions (38) were cancelled in 2003 and not replaced, the FLRA Human Resource Division became subject only to senior level management designated requirements, some of which were not supported by previous or, even more important, current Federal Human Resource requirements. Both FLRA line managers and employees had very few Human Resource policies over the past three years that they could refer to for performance or adhere to Human Resource requirements. Some employees felt they were improperly micromanaged and their capabilities diminished.

20 of the FLRA instructions provided by the Human Resources Division to the FLRA Inspector General primarily written or updated between 1998 and 2003 did not contain a signature of the former Acting Executive Director or current Executive Director. Although most of these 1998-2003 administrative instructions contained policy that complied with current Executive and Federal requirements, they cannot be considered implemented because they are neither signed or affirmed as implemented by an Executive Director.

The current FLRA Executive Director should focus on updating or having new and proper administrative instructions created for the FLRA either by qualified administrative managers or external contractors within this next year so that FLRA complies with Federal regulatory policies and procedures. All such instructions should be sent to all FLRA senior and line managers for comments, and should be signed by the current FLRA Executive Director when finalized prior to issuance

Most FLRA line managers and employees contacted by the FLRA Inspector General were unaware of cancelled and new instructions issued in 2004. In spite of an extensive search by the FLRA Inspector General to try to find out who actually cancelled the 54 FLRA instructions in 2002, the Inspector General was unable to find out who actually cancelled them.

The FLRA Union President, FLRA Members and managers as well as all employees should be informed at the time instructions become implemented or cancelled (same day approved/implemented by the FLRA Executive Director.)

Management focus on programs and policies is essential for a successful Federal Agency. The current FLRA management focuses on organizational restructure without a similar focus on updating and creating Agency policy has had a negative effect on the FLRA's mission. The fact that the current Executive Director is now focusing on this issue is good but it could have been focused on in 2004 by the same individual who was the Director of Policy and Management for the FLRA. Now, FLRA Management needs to focus on sharing its new policy, sources and methods will all employees and make sure that it develops a strategic alliance with other Federal agencies as well as its own.

### **Findings and Recommendations:**

#### Finding 1:

A significant amount of FLRA administrative instructions are way overdue for updating and/or revision even though they were reviewed in 2002 by a previous FLRA Assistant Executive Director. 54 FLRA Instructions were cancelled in 2003 without informing FLRA employees 34 of these 2003 cancelled policies were related to Human Resources and the other 20 pertained to FLRA administrative requirements for FLRA employees. These cancelled instructions included FLRA's Instruction policy for creating and revising FLRA administrative instructions.

#### Recommendation: 1

1a. The FLRA Executive Director should immediately create a new instruction for creating FLRA administrative instructions.

1b. The FLRA Executive Director should immediately review the cancelled policies and have necessary replacement policies issued as quickly as possible.

1c. The FLRA Executive Director should address the review, updating and/or revising all FLRA administrative instructions issued over 5 to 7 years ago, especially those related to Human Resources, Contracting and Procurement, and Financial Statements/Budget/Accounting.

1d. When FLRA instructions are cancelled or revised and new instructions are implemented and placed on (or removed from) the FLRA internet website, the FLRA Executive Director or designated employee should inform or e-mail these occurrences to all FLRA employees

#### Finding 2:

20 FLRA Instructions which are listed as active did not have an Executive Director signature affirming their implementation.

#### Recommendation 2:

The FLRA Executive Director should immediately review all current instructions and sign or attach a signature to all instructions not signed by previous Executive Directors.

#### Finding 3:

There are currently 6 instructions on the FLRA website that were cancelled in 2003. These are:

1. FLRA Instruction 3303.1, Career Transition Plans
2. FLRA Instruction 3330, Competitive Service and In-Service Placement
3. FLRA Instruction 3302, Attorney Recruitment and In Service Placement
4. FLRA Instruction 3470.1A Probationary Periods for Supervisors and Management Officials.
5. FLRA Instruction 3431.2 SES Performance Management Plan
6. FLRA Instruction 3560.1, Within Grade Increase and Quality Salary Increases

#### Recommendation 3

The FLRA Executive Director should review the 6 listed instructions that are on the FLRA website and cancellation list. If they are acceptable as current policy, remove them from the cancellation list. If they should be cancelled, remove them from the FLRA instruction website.