



Office of Inspector General

45th SEMI-ANNUAL REPORT TO CONGRESS
OCTOBER 1, 2010 – MARCH 31, 2011

APRIL 2011

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EXECUTIVE SUMMARY

This is the 45th Semiannual Report issued by the Office of Inspector General (OIG) of the Federal Labor Relations Authority (FLRA). This report, submitted pursuant to Section 5 of the Inspector General Act of 1978, as amended, summarizes the major activities and accomplishments of the FLRA OIG for the period October 1, 2010 to March 31, 2011. The most significant activities of the OIG during the first half of Fiscal Year (FY) 2011 are noted below. Additional details pertaining to each activity can be found in subsequent sections of this report.

The OIG issued two reports, the annual Financial Statement Audit of the Federal Labor Relations Authority for Fiscal Year 2010 (AR-11-01); and an Evaluation of the Federal Labor Relations Authority Compliance with the Federal Information Security Management Act Fiscal Year 2010 Report (ER-11-01).

The OIG contracted with Harper, Rains, Knight & Company (HRK), P.A., to audit the FLRA Financial Statements for FYs 2010 and 2009. HRK expressed an unqualified opinion. Also, the OIG issued a Management Letter in connection with the financial statement audit.

In addition, the OIG issued an evaluation report on the FLRA's compliance with Federal Information Security Management Act (FISMA). The results of the evaluation revealed 20 findings and recommendations including 16 repeat conditions from the FY 2009 FISMA evaluation. FLRA has a corrective action plan to remediate the weaknesses in the second half of FY 2011.

The FLRA Inspector General received 26 complaints and two Freedom of Information Act (FOIA) requests. Of the 26 complaints received, the OIG resolved 15 of the complaints, referred 9 to other OIGs, and forwarded 2 to other FLRA offices. The OIG opened no investigations.

FEDERAL LABOR RELATIONS AUTHORITY OVERVIEW

MISSION

The mission of the FLRA is to carry out the five primary statutory responsibilities as efficiently as possible and in a matter that gives full effect to the rights afforded employees and agencies under the *Federal Service Labor-Management Relations Statute* (the Statute). Under the Statute, the primary responsibilities (type of cases) of the FLRA include:

- (1) Determining the appropriateness of units for labor organization representation (REP);
- (2) Adjudicating exceptions to arbitrator's awards (ARB);
- (3) Resolving complaints of unfair labor practices (ULP);
- (4) Resolving bargaining impasses; and
- (5) Resolving issues relating to the duty to bargain (NEG).

ORGANIZATION

The FLRA conducts its case processing activities through:

- The Office of the General Counsel (OGC) of the Authority – led by the General Counsel, who is appointed by the President and confirmed by the Senate – which, through regional offices, is the entry point for ULP charges filed with the FLRA. The OGC also processes REP petitions filed with the FLRA and decides appeals of Regional Directors' decisions dismissing ULP charges.
- The Office of Administrative Law Judges is the office in which judges appointed by the Authority conduct administrative hearings and issue recommended decisions in cases involving alleged ULPs and issue decisions involving applications for attorney fees under the *Back Pay Act* or the *Equal Access to Justice Act*.
- The Authority is a quasi-judicial body (with three full-time Members --one of which serves as the FLRA Chairman-- appointed by the President and

confirmed by the Senate), that resolves appeals in ULP and REP cases and adjudicates exceptions to ARB awards and NEG appeals.

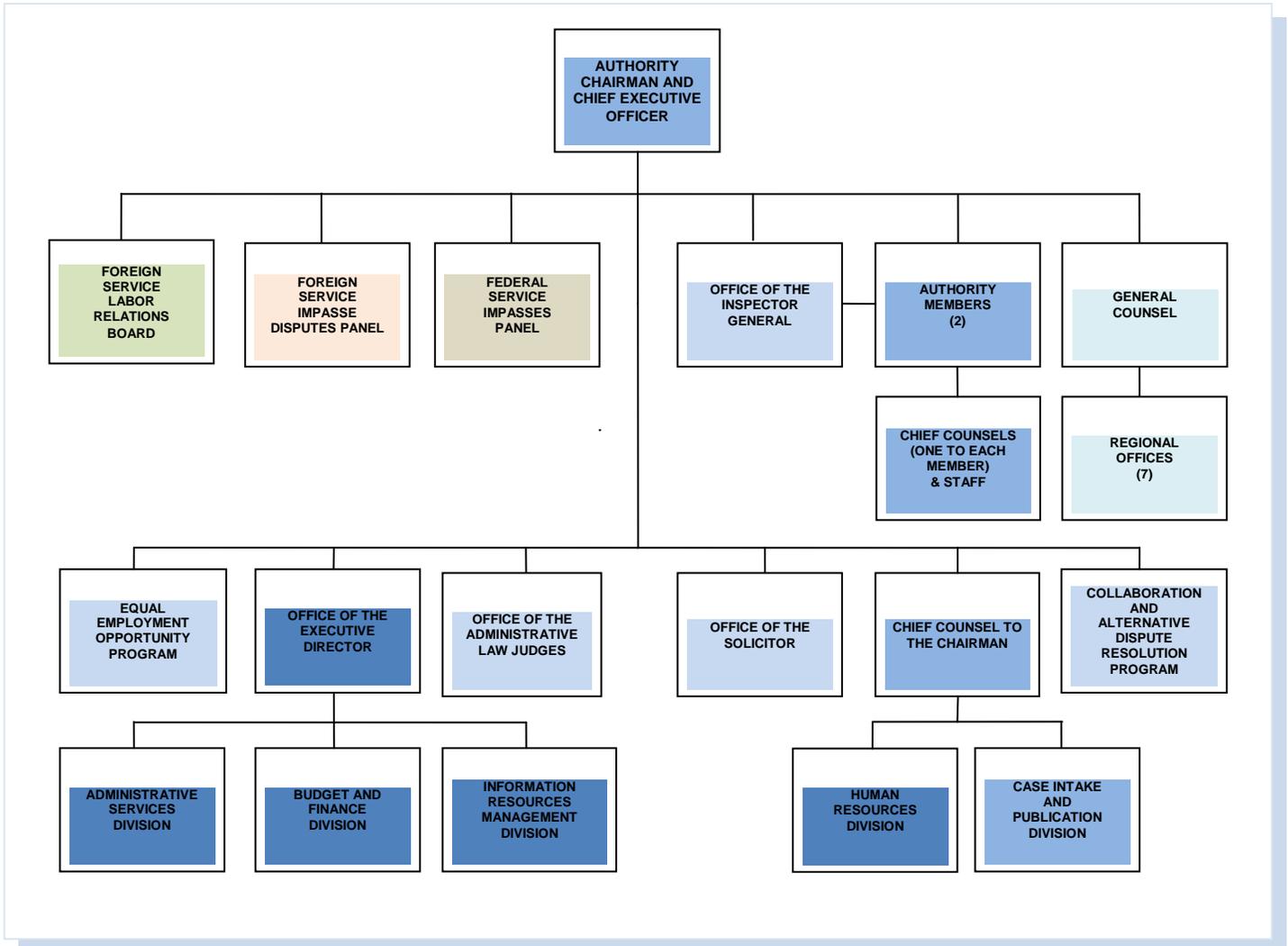
- The Federal Service Impasses Panel, which consists of seven part-time members appointed by the President (without Senate confirmation), resolves impasses between Federal agencies and unions representing Federal employees under the Statute and the Federal Employees Flexible and Compressed Work Schedules Act.
- The FLRA also provides full staff support to two other entities: the Foreign Service Impasse Disputes Panel and the Foreign Service Labor Relations Board (FSLRB).

The Chairman is the head of the Agency and also serves as FLRA's Chief Executive and Administrative Officer, [and] overseeing all agency-wide administrative functions.

In carrying out statutory responsibilities, the Chairman oversees the following offices:

- The *Office of the Executive Director*, which provides agency-wide operational support through the following divisions: Budget and Finance, Administrative Services, and Information Resources Management.
- The *Office of the Solicitor*, which represents the agency in court proceedings before all United States Courts and provides the Chairman legal advice on various legal issues.
- The *Office of Human Resources*, which is responsible for providing agency-wide Human Resource services, and leading human capital management efforts pursuant to the FLRA Strategic Plan.

ORGANIZATION CHART



OFFICE OF INSPECTOR GENERAL

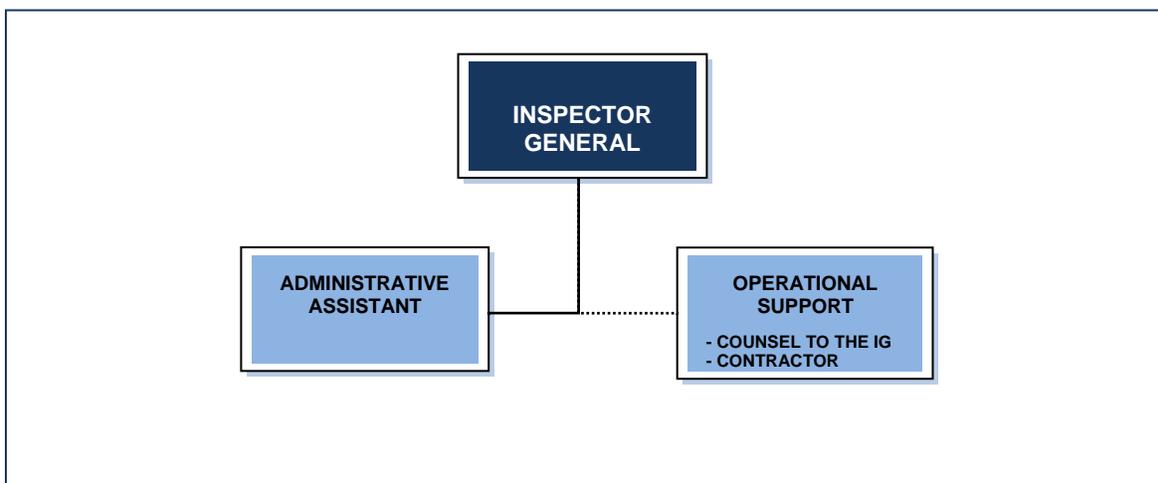
The Inspector General Act of 1978, as amended (hereafter referred to as the IG Act), requires the Federal Labor Relations Authority (FLRA) and other small agencies to establish an Office of Inspector General (OIG). FLRA is a designated Federal entity under the IG Act of 1978, as amended. The Dodd-Frank Wall Street Reform and Consumer Protection Act (P.L. 111-203) altered the relationship of the designated Federal entity Offices of Inspector General with the agency head by establishing that the term “head of the designated Federal entity” for FLRA “means the members of the Authority.” In accordance with the Dodd-Frank Act, instead of reporting to the Chairman as we have in the past, we submit this report to the Chairman and to Authority Members.

The FLRA OIG is responsible for:

- (1) conducting and supervising audits and investigations relating to FLRA programs and operations;
- (2) reviewing legislation;
- (3) recommending policies designed to promote economy, efficiency, and effectiveness of the establishment; and
- (4) keeping the Chairman, Authority Members and Congress fully and currently informed about problems and deficiencies, as well as the necessity for corrective actions.

To aid the OIG in accomplishing its mission, the OIG was provided an IG and an administrative assistant.

ORGANIZATION CHART



OFFICE OF INSPECTOR GENERAL ACTIVITY

COMPLETED AUDITS AND EVALUATIONS

FINANCIAL STATEMENT AUDIT OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR FISCAL YEAR 2010 (AR-11-01)

The Accountability of Tax Dollars Act of 2002, Public Law 107-289 requires the FLRA OIG or an independent external auditor, as determined by the IG to prepare and submit to Congress and the Director of the Office of Management and Budget, audited financial statements.

Under a contract monitored by the OIG, Harper, Rains, Knight & Company, (HRK), P.A., an independent public accounting firm, audited the FLRA's balance sheets as of September 30, 2010 and 2009, and the related statements of net cost and changes in net position, the statements of budgetary resources. HRK expressed an unqualified opinion on FLRA's financial statements and reported that they presented fairly, in all material respects, the financial position of FLRA as of September 30, 2010 and 2009.

HRK was not contracted for and did not provide an opinion on the effectiveness of FLRA's internal controls. However, HRK did state they did not find any deficiencies in internal control that were considered to be material weaknesses, relative to their expressing an opinion on FLRA's financial statements.

There were no material weaknesses in internal control over financial reporting, and no reportable instances of noncompliance with laws and regulations tested. The final audit report was released November 15, 2010.

MANAGEMENT LETTER FOR FISCAL YEAR 2010 AUDIT OF THE FEDERAL LABOR RELATIONS AUTHORITY FINANCIAL STATEMENTS (AR-11-02)

HRK, P.A., under contract with the OIG, audited FLRA's balance sheets as of September 30, 2010 and 2009. HRK, P.A. also examined FLRA's internal control over financial reporting and identified other operational matters, which resulted in a total of two financial management comment observations that did not reach the level required to be reported as significant deficiencies in our Financial Statement Audit Report of the FLRA for FY 2010.

EVALUATION OF THE FEDERAL LABOR RELATIONS AUTHORITY COMPLIANCE WITH THE FEDERAL INFORMATION SECURITY MANAGEMENT ACT FISCAL YEAR 2010 (ER-11-01)

The E-Government Act of 2002 (P.L. 107-347), commonly referred to as FISMA, requires Federal agencies to develop, document, and implement an agency-wide information security program that provides security for the information and information systems that support the operations and assets of the agency. FISMA assigns specific responsibilities to agency heads and IGs.

FISMA requires agencies to have an annual independent evaluation performed of their information security programs and practices and to report the evaluation results to OMB. FISMA states that the independent evaluation is to be performed by the agency IG or an independent external auditor as determined by the IG.

Txdel, on behalf of the OIG, conducted an independent evaluation of FLRA's compliance with FISMA for FY 2010 using guidelines established by FISMA, OMB, and the National Institute of Standards and Technology. A report was issued November 12, 2010, and identified 20 findings and recommendations that were agreed upon by management. Of the 20 findings and recommendations, 16 were repeat conditions from the FY 2009 FISMA Evaluation. FLRA has a corrective action plan to remediate the weaknesses in the second half of FY 2011.

MANAGEMENT AND PERFORMANCE CHALLENGES

The Reports Consolidation Act of 2000, Public Law 106-531, requires the IG to provide the agency head with a statement that summarizes the most serious management and performance challenges facing the agency and briefly assesses the agency's progress in addressing those challenges. On October 14, 2010, we provided the Chairman and Members the most serious management and performance challenges facing the FLRA along with a brief assessment of management's progress in addressing them. These ongoing challenges included: Resource shortages; FLRA physical and information technology security; proper handling of records and succession planning. The agency has made substantial progress in addressing these challenges.

PLANNED AUDITS AND EVALUATIONS

The OIG plans to initiate the following audit and evaluations during the second half of FY 2011.

- (1) Financial Statement Audit of the Federal Labor Relations Authority for Fiscal Year 2011 (AR-12-01); and
- (2) Evaluation of the Federal Labor Relations Authority Compliance with the Federal Information Security Management Act Fiscal Year 2011 (ER-12-01).

INVESTIGATIONS

The FLRA OIG receives and investigates allegations of fraud, waste, abuse and misconduct within FLRA programs and operations. The FLRA OIG investigations can give rise to administrative, civil and criminal penalties. Based on investigations conducted, the FLRA IG makes recommendations to FLRA management regarding administrative and civil matters. Investigations which uncover potential criminal activity are referred to the Department of Justice. During the time period covered by this report, there were no new or ongoing investigations.

OIG HOTLINE

In order to facilitate reporting of allegations, FLRA OIG maintains a hotline (see “Contacting the Office of Inspector General”). Callers who have general questions or concerns that do not fall within the OIG’s jurisdiction are referred to other entities, such as other FLRA offices, Federal agencies and local or state governments.

During the reporting period, we received 26 hotline complaints. The OIG resolved 15 of the complaints, referred 9 to other OIGs, and forwarded 2 to other FLRA offices.

OTHER ACTIVITIES

REGULATORY REVIEW

Section 4(a)(2) of the Inspector General Act of 1978, as amended, requires the OIG to review existing and proposed legislation and regulations relating to FLRA programs and operations of FLRA. During this reporting period the OIG reviewed the draft Federal Register notice of interim FLRA supplemental ethics rules. These proposed rules addressed approval requirements for and certain prohibitions of outside employment.

PEER REVIEW

Offices of Inspector General performing audits are required to perform (and undergo) reviews of other OIG offices on a 3-year cycle. Peer reviews are conducted of an OIG audit organization’s system of quality control in accordance with the Council of Inspectors General on Integrity and Efficiency (CIGIE) Guide for Conducting External Peer Reviews of the Audit Organizations of Federal Offices of Inspector General, based on requirements in the Government Auditing Standards (Yellow Book). Federal audit organizations can receive a rating of pass, pass with deficiencies, or fail.

Section 989C of the Dodd-Frank Wall Street and Consumer Protection Act of 2010, contains additional semiannual reporting requirements pertaining to peer review reports. Federal Inspectors General are required to engage in peer review processes related to audit operations. In keeping with Section 989C, our office is reporting the following information related to its peer review activities. These activities cover our role as both the reviewed, and the reviewing OIG.

Peer Review Conducted on FLRA OIG Audit Operations

The United States International Trade Commission completed a peer review of the FLRA OIG and issued a report on its system of quality controls on September 16, 2008. Management has taken action to correct the weaknesses identified in the peer review.

Peer Review Planned on FLRA OIG Audit Operations

The Appalachian Regional Commission OIG will be performing a peer review of the FLRA in the second half of FY 2011.

Peer Review to be Conducted by FLRA OIG on Other OIG Audit Operations

The FLRA is scheduled to perform a peer review of the Election Assistance Commission OIG in FY 2012.

MEMORANDUM OF UNDERSTANDING

In accordance with Section 6 of the Inspector General Reform Act of 2008, each Inspector General shall have his or her own (not reporting to agency management) legal counsel, or obtain the services of a counsel appointed by and directly reporting to another Inspector General or CIGIE on a reimbursable basis. The OIG signed a Memorandum of Understanding with the Department of Treasury OIG to provide legal services on a fiscal-year basis.

LIAISON ACTIVITIES

The FLRA IG is a member of the CIGIE, which was established on October 14, 2008, pursuant to the Inspector General Reform Act of 2008.

REPORTING REQUIREMENTS OF THE INSPECTOR GENERAL ACT OF 1978, AS AMENDED

The reporting requirements of the Inspector General Act of 1978, as amended, are listed in the following table along with the location of the required information. The word “None” appears where there is no data to report under a particular requirement.

REFERENCE	REPORTING REQUIREMENT	PAGE
Section 4(a)(2)	Review of legislation and regulations	p. 9
Section 5(a)(1)	Significant problems, abuses, and deficiencies relating to the administration of programs and operations	None
Section 5(a)(2)	Recommendations with respect to significant problems, abuses or deficiencies	None
Section 5(a)(3)	Recommendations included in previous semiannual reports on which corrective action has not been completed (TABLE I)	p. 13
Section 5(a)(4)	Matters referred to prosecutive authorities	None
Section 5(a)(5)	Summary of reports	None
Section 5(a)(6)	Listing by subject of audit reports issued (TABLE II)	p. 14
Section 5(a)(7)	Summary of significant reports	p. 7
Section 5(a)(8)	Statistical table – Reports with questioned costs (TABLE III)	p. 15
Section 5(a)(9)	Statistical table – Recommendations that funds be put to better use (TABLE IV)	p. 16
Section 5(a)(10)	Summary of each audit report, inspection report, and evaluation report without management decisions	None
Section 5(a)(11)	Description and explanation of revised management decision	None
Section 5(a)(12)	Management decision with which the IG is in disagreement	None
Section 5(a)(13)	Information under section 05(b) of the Federal Financial Management Improvement Act (FFMIA) of 1996 ¹	None
Section 5(a)(14)	Peer Review Activity	p. 9

¹ FLRA is not subject to the requirements of the FFMIA.

FREEDOM OF INFORMATION ACT REQUESTS

Number of Freedom of Information Act (FOIA) Requests Received	1
Number of FOIA Requests Processed	2
Number Granted	1
Number Partially Granted	
Number Not Granted	
Reasons for Denial	
No Records Available	
Referred to Other Agencies	
Requests Denied in Full Exemption 3	
Requests Denied in Full Exemption 5	
Requests Denied in Full Exemption 7(A)	
Requests Denied in Full Exemption 7(C)	
Request Withdrawn	
Not a Proper FOIA Request	
Not an Agency Record	
Duplicate Request	
Other	
Requests for OIG Reports from Congress and Other Government Agencies	
Received	
Processed	
Appeals Received	
Appeals Processed	
Appeals Completely Upheld	
Appeals Partially Reversed	
Not Proper FOIA Request	
Other	
Number of OIG Reports/Documents Released in Response to Requests	
<p>Note 1: The OIG processed one FOIA request that was received in FY 2010. Note 2: A request may involve more than one report. Note 3: During this 6-month period, two reports were posted on line on the OIG Web site: http://www.flra.gov/OIG</p>	

TABLE I**SUMMARY OF AUDIT REPORTS WITH CORRECTIVE ACTIONS OUTSTANDING FOR MORE THAN 1 YEAR**

REPORT TITLE	REPORT NUMBER	ISSUE DATE	RECOMMENDATIONS		
			NUMBER	CLOSE	OPEN
Report on Evaluation of FLRA's FISMA Compliance	FY09FISMA	07/09	16	0	16

TABLE II

LISTING OF AUDIT REPORTS ISSUED

REPORT NUMBER	ISSUE DATE	REPORT TITLE	QUESTIONED COSTS	UNSUPPORTED COSTS	FUNDS PUT TO BETTER USE
ER-11-01	11/12/10	Evaluation of the FLRA's Compliance with the Federal Information Security Management Act Fiscal Year 2010	\$0	\$0	\$0
AR-11-01	11/15/10	Financial Statement Audit of the FLRA for Fiscal Year 2010	\$0	\$0	\$0
AR-11-02	01/04/11	Management Letter for the FY 2010 Audit of the FLRA's Financial Statement Report	\$0	\$0	\$0

TABLE III

REPORTS WITH QUESTIONED COSTS

The following statistical table summarizes the OIG monetary recommendations and the FLRA responses to those recommendations.

	<u>NUMBER OF REPORTS</u>	<u>QUESTIONED COSTS</u>	<u>UNSUPPORTED COSTS</u>
A. For which no management decision has been made by the commencement of the reporting period.	0	\$0	\$0
B. Which were issued during the reporting period.	0	\$0	\$0
Subtotals (A+B)	0	\$0	\$0
C. For which a management decision was made during the reporting period.	0	\$0	\$0
(i) Dollar value of disallowed costs; and	0	\$0	\$0
(ii) Dollar value of costs not disallowed.	0	\$0	\$0
D. For which no management decision has been made by the end of the reporting period.	0	\$0	\$0
E. Reports for which no management decision was made within six months of issuance.	0	\$0	\$0

TABLE IV

RECOMMENDATIONS THAT FUNDS BE PUT TO BETTER USE

	<u>NUMBER OF REPORTS</u>	<u>DOLLAR VALUE (IN THOUSANDS)</u>
A. For which no management decision has been made by the commencement of the reporting period.	0	\$0
B. Which were issued during the reporting period.	0	\$0
Subtotals (A+B)	0	\$0
C. For which a management decision was made during the reporting period.	0	\$0
(i) Dollar value of recommendations that were agreed to by management	0	\$0
(ii) Dollar value of recommendations that were not agreed to by management	0	\$0
D. For which no management decision has been made by the end of the reporting period.	0	\$0
E. Reports for which no management decision was made within six months of issuance.	0	\$0

ACRONYMS AND ABBREVIATIONS

ARB	Arbitration (type of FLRA case)
FFMIA	Federal Financial Management Improvement Act
FISMA	Federal Information Security Management Act of 2002
FLRA	Federal Labor Relations Authority
FOIA	Freedom of Information Act
FSLRB	Foreign Service Labor Relations Board
FY	Fiscal Year
CIGIE	Council of Inspectors General on Integrity and Efficiency
HRK	Harper, Rains, and Knight Company
IG	Inspector General
NEG	Negotiability (Type of FLRA case)
OGC	Office of the General Counsel
OIG	Office of Inspector General
OMB	Office of Management and Budget
P.L.	Public Law
REP	Representation (Type of FLRA Case)
STATUTE	Federal Service Labor-management Relations Statute
ULP	Unfair Labor Practice (Type of FLRA case)

DEFINITIONS OF TERMS USED

Disallowed Cost	A questioned cost that management, in a management decision, has sustained or agreed should not be charged to the Government.
Final Action	The completion of all actions that management has concluded, in its management decision, are necessary with respect to the findings and recommendations. If management concluded that no actions were necessary, final action occurs when management decision is issued.
Management Decision	An evaluation by management of the findings and recommendations included in an audit report and the issuance of a final decision by management concerning its response to such findings and recommendations, including actions concluded to be necessary.
Questioned Cost	A cost questioned because of: (a) an alleged violation of a law, regulation, contract, or other agreement or document governing the expenditures of funds; (b) a finding that, at the time of the audit, such cost is not supported by adequate documentation; or (c) a finding that the expenditure of funds for the intended purpose is unnecessary or unreasonable.
Recommendation That Funds Be Put To Better Use	A recommendation that funds could be used more efficiently if management took actions to complete the recommendation, including: (a) reduction in outlays; (b) deobligate funds; (c) costs not incurred by implementing recommended improvements related to the operations of the establishment, a contractor; (d) avoidance of unnecessary expenditures noted in preaward reviews of contract; or (e) any other savings which specifically identified.
Unsupported Cost	A cost questioned because at the time of the audit, such cost is not supported by adequate documentation.



CONTACTING THE OFFICE OF INSPECTOR GENERAL

IF YOU BELIEVE AN ACTIVITY IS WASTEFUL,
FRAUDULENT, OR ABUSIVE OF FEDERAL FUNDS,
CONTACT THE:

HOTLINE (800)331-3572

[HTTP://WWW.FLRA.GOV/OIG-HOTLINE](http://www.flra.gov/oig-hotline)

EMAIL: OIGMAIL@FLRA.GOV

CALL: (202)218-7970 FAX: (202)343-1042

WRITE TO: 1400 K Street, N.W. Suite 250, Washington, D.C. 20424

The complainant may remain confidential; allow their name to be used; or anonymous. If the complainant chooses to remain anonymous, FLRA OIG cannot obtain additional information on the allegation, and also cannot inform the complainant as to what action FLRA OIG has taken on the complaint. Confidential status allows further communication between FLRA OIG and the complainant after the original complaint is received. The identity of complainants is protected under the provisions of the Whistleblower Protection Act of 1989 and the Inspector General Act of 1978. To learn more about the FLRA OIG, visit our Website at <http://www.flra.gov/oig>