

GOVERNMENT OF THE DISTRICT OF COLUMBIA

OFFICE OF EMPLOYEE APPEALS



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THE OFFICE OF EMPLOYEE APPEALS
BEFORE
THE COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON LABOR
AND
WORKFORCE DEVELOPMENT

The Honorable Elissa Silverman, Chairperson

ANNUAL PERFORMANCE HEARING

Fiscal Year 2018

And

Fiscal Year 2019-To-Date

Testimony Submitted By

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Executive Director

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Good afternoon Chairman Silverman and members of the Committee on Labor and Workforce Development. My name is Sheila Barfield and I am the Executive Director of the Office of Employee Appeals (OEA). I am joined by Lasheka Bassey, General Counsel, and Joseph Lim, Senior Administrative Judge. Thank you for the opportunity to testify before you and the committee regarding OEA's performance for Fiscal Year 2018 and Fiscal Year 2019 to date.

OEA is an independent agency whose mission is to render impartial, legally sufficient, and timely decisions on appeals filed by District of Columbia government employees. OEA's jurisdiction extends to appeals filed by employees who have received a performance rating which resulted in removal and to employees who have been the subject of an adverse action for cause which resulted in the employee being terminated, suspended for at least 10 days, placed on enforced leave for at least 10 days, or reduced in grade. OEA also has jurisdiction over reductions-in-force which result in an employee's position being abolished.

OEA offers District government agencies and employees a three-part appeal process which consists of mediation, adjudication, and petitions for review. The mediation process allows the employee and the agency an opportunity to resolve their disputes without going through the lengthy and costly adjudication process. The adjudication process results in disputes being resolved by an Administrative Judge who issues an Initial Decision and finds in favor of either the agency or

employee. The petition for review process provides an impartial review of Initial Decisions by OEA's Board.

OEA succeeded at meeting several of its goals in Fiscal Year 2018. The agency had projected that its Board would issue 25 Opinions and Orders on Petition for Review. The Board actually issued 33 Opinions and Orders thereby being able to resolve more Petitions for Review. Moreover, OEA's Board was able to resolve its Petitions for Review within a five-month timeframe even though it had projected that it would take nine months to resolve them. A second major accomplishment for the agency was that its Administrative Judges succeeded at resolving Petitions for Appeal within the statutory timeframe. By completing adjudications within a six-month timeframe, the agency was able to fully comply with its statutory mandate for issuing Initial Decisions within 120 business days. Another major accomplishment for the agency was that the District of Columbia Superior Court and the Court of Appeals upheld 100% of the agency's decisions that were appealed to these courts. The impact of this accomplishment is that the agency's decisions are considered final and can be confidently relied upon, and cited by, other District agencies, employees, and the entire legal community. The agency did not, however, meet its target with respect to the number of Initial Decisions the Administrative Judges would issue. The target for the number of Initial Decisions to be issued in Fiscal Year 2018 was set at 150. The judges were able to actually issue 123 Initial Decisions. I believe this target was not met due to the fact that of the agency's five full-time Administrative Judges, two of them were on extended medical leave during the fiscal year.

With respect to Fiscal Year 2019, the agency's performance goals are to issue 135 Initial Decisions and 25 Opinions and Orders. So far, we have issued 47 Initial Decisions and five Opinions and Orders. Also this fiscal year, the agency plans to continue tracking the percent of appeals involved in the mediation process and the percent of appeals resolved through mediation. Even though mediation has been mandatory for several years, Fiscal Year 2018 was the first year that the agency began tracking this particular data. I believe that as we continue gathering data with respect to these measurements, we can eventually see how effective our mediation program is.

This concludes my testimony. We will be happy to answer any questions you may have.