



INSPECTOR GENERAL

UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY
WASHINGTON, D.C. 20424-0001

MEMORANDUM

DATE: September 24, 2020

TO: Colleen Duffy Kiko
Chairman

Ernest DuBester
Member

James Abbott
Member

FROM: Dana Rooney
Inspector General

SUBJECT: Top Management and Performance Challenges Facing the Federal Labor Relations Authority (MC-21-01)

In accordance with the *Reports Consolidation Act of 2000*, we are providing you with our perspective on the most serious management and performance challenges facing the Federal Labor Relations Authority (FLRA). The law states that the “agency head may comment on the Inspector General’s statement, but may not modify the statement.” By statute this statement should be included in the FLRA’s “Performance and Accountability Report” (PAR).

We identified these challenges based on the Office of Inspector General’s (OIG) experience and observations from our oversight work, as well as our general knowledge of the FLRA programs and operations. Our analysis considers the accomplishments the FLRA reported as of August 24, 2019.

In this year’s memorandum, we retained only one of the two management challenges that we identified in Fiscal Year (FY) 2019. My office is reporting the records management challenge. FLRA has taken sufficient action to effectively mitigate the information technology security challenge that was reported in the FY 2019 PAR. We appreciate management’s strong commitment in addressing these challenges and welcome comments to our assessment.

Attachment



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Comply with Records Management

Federal agencies are required by law (the Federal Records Act of 1950, as amended and codified in Title 44 of the United States Code) to adequately document their missions, functions, policies, procedures, decisions, and transactions. They are required to preserve historically valuable records, and it is a crime to destroy records without approval from the National Archives.

In 2011, Presidential Memorandum, *Managing Government Records*, requires Federal agencies to manage both permanent and temporary email records in an electronic format by the end of 2016. By the end of 2019, agencies are directed by the Office of Management and Budget (OMB) and U.S. National Archives and Records Administration (NARA) jointly issued Memorandum M-12-18, *Managing Government Records Directive* to manage all permanent records in an electronic format.

NARA is set to stop accepting paper-based records at the end of 2022, and OMB has issued M-19-21, *Transition to Electronic Records* to help agencies meet this deadline.

OMB is directing agencies, to “ensure that all Federal records are created, retained, and managed in electronic formats, with appropriate metadata,” and develop plans to close agency-operated storage facilities for paper and other, analog records, and transfer those records to Federal Records Centers operated by NARA or commercial storage facilities.”

The OMB guidelines require that all agencies “manage all permanent electronic records in an electronic format” by December 31, 2019. By December 31, 2022 this requirement extends to all permanent records as well as temporary records,” to the fullest extent possible.” December 31, 2022 is also the deadline for agencies to close their agency-operated record centers, and transition all records to Federal or commercial centers.

The memo states, “Beginning January 1, 2023, all other legal transfers of permanent records must be in electronic format, to the fullest extent possible, regardless of whether the records were originally created in electronic formats. After that date, agencies will be required to digitize permanent records in analog formats before transfer to NARA.”

FLRA has made great strides in to comply with the records management directive by continuing to develop the electronic case-management system (CMS) to properly handle agency case files and records. The FLRA is slated to complete testing of the CMS by end of the FY. NARA has approved the agencies proposed Capstone program for its retention schedule for the management of electronic mail messages. FLRA has also developed a Mandatory Agency Records and Information Management Training course. This is an excellent step forward to comply with records management standards. However, it is imperative that a complete oversight or



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governance process be established to include documenting agency policies, procedures and processes that address all hard copy and electronic records proper handling. Although new automated systems offer increased capabilities, they also present new internal (management) control challenges. The FLRA needs to ensure various roles (e.g., system administrator); related authorities and capabilities are properly assigned, documented, managed and monitored. Such written documentation should be maintained as this need becomes increasingly critical as additional functionality and enhancements are added to the system. Further, although, certain types of records do not have legal retention requirements; the policies, processes and procedures should, clearly and specifically, instruct staff on the proper handling. Further, management should periodically verify that such policies are being followed.

Progress in Addressing the Challenge

FLRA provided the following management challenge update:

”FLRA continues to bring its Records Management Program into compliance. During FY 2020 the Agency has taken active steps to comply with Presidential Memoranda: M-12-18 and M-19-21. Some of the progress achieved in FY 2020 includes the continued efforts to use technology to fully automate our current paper-based, manually intensive processes. This included the continued development of the electronic case-management system (CMS), which includes an electronic case file. This is a major accomplishment and is critical to support the Agency’s efforts to transition to paperless case files and records. The Agency has made significant strides in this area. The Authority CMS is in final development and testing, and is slated to be completed by the end of the fiscal year. Also, the Agency has requested the necessary funding in FY 2021 to address the remaining offices with their development and transition to the new CMS and fully electronic case files. This is in support of the Agency completing its transition to fully electronic files by December 2022, per M-19-21.

The Agency has adopted the Capstone approach for its retention schedule for the management of electronic mail messages. NARA has officially approved the Agency’s proposed Capstone program. Also, during FY 2020, in accordance with NARA Bulletin, UNITED STATES OF AMERICA FEDERAL LABOR RELATIONS AUTHORITY WASHINGTON, D.C. 20424-0001 2017-01, the FLRA developed a Mandatory Agency Records and Information Management Training course. This newly-created computer-based and role-based training is now required annual training for all FLRA employees and contractors that create, receive, access, or use federal records. Further, the Agency has begun developing policies, and procedures to provide staff guidance for their responsibilities for managing all aspects of the agency records program.”



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What Needs to Be Done

FLRA needs to continue its efforts to successfully achieve compliance with OMB deadlines. FLRA needs to develop policies and procedures to fully incorporate recordkeeping functionalities into electronic systems, establish controls and preservation considerations for systems, and issue instructions on email requirements.

Key OIG Resources

- President Memorandum, *Managing Government Records*, signed on November 28, 2011
- OMB Directive M-12-18, *Managing Government Records Directive*, issued August 24, 2012
- OMB/NARA Memorandum M-14-16, which included NARA Bulletin 2014-06, *Guidance on Managing Email* issued September 14, 2014
- NARA Memorandum, *Records Management Priorities for 2017*, issued March 15, 2017
- OMB Memorandum M-19-21, *Transition to Electronic Records*, signed on June 28, 2019