

Federal Mine Safety and Health Review Commission (FMSHRC)

Strategic Plan 2022-2026



JANUARY 2022

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I am pleased to present the Federal Mine Safety and Health Review Commission's 2022-2026 Strategic Plan. It outlines my priorities for the Commission and provides information to the public to promote transparency of the Commission's operations.

The Commission has one overarching purpose: adjudicate disputes arising under the Mine Act. Most recently, our workforce has successfully adjusted daily operations to fulfill our core mission within the emergency pandemic environment. We continue to take the necessary steps to adapt, modernize, and accommodate our workforce and the public during this unprecedented time.

I am also excited to announce that the Commission began the initial quarter of fiscal year 2022 with the onboarding of our first Chief Operating Officer (COO), a member of the Senior Executive Service. The COO fills a critical role as a career senior official, responsible for ensuring the successful implementation of our Strategic Plan through dedicated oversight of the Commission's program offices and daily operations.

Thank you to the entire Commission workforce for your dedication to our mission. I am proud to lead a diverse team of talented and dedicated employees.

Respectfully,



Arthur R. Traynor III
Chair



Enabling Legislation

The Federal Mine Safety and Health Review Commission's authorizing statute is the Federal Mine Safety and Health Act of 1977 (Mine Act), as amended. Section 113 of the Mine Act establishes the Commission and sets forth its responsibilities.

Agency

The Federal Mine Safety and Health Review Commission is an independent adjudicatory agency charged with resolving disputes arising from the enforcement of safety and health standards in the nation's mines.

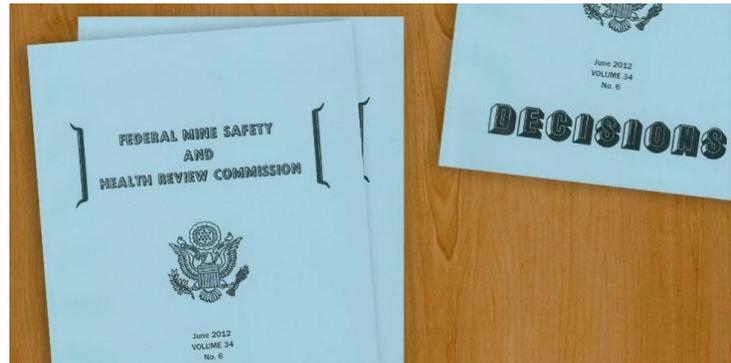


Under the Mine Act, the Commission does not regulate the mining industry, nor does it enforce the Mine Act; those functions are delegated to the Secretary of Labor acting through the Mine Safety and Health Administration (MSHA), and, with respect to Section 105(c)(3), to miners themselves.

The Commission carries out its responsibilities through trial-level adjudication by administrative law judges and appellate review of the judges' decisions by a five-member Commission. The Commissioners are appointed by the President and confirmed by the Senate.

Most cases involve the contest of civil penalties proposed by MSHA to mine operators for alleged violations of mandatory health and safety standards, and address whether the alleged safety and health violations occurred as well as the assessment of appropriate civil penalties sufficient to deter operator noncompliance. The Commission is required by the Mine Act to review proposed penalty settlements between operators and MSHA to ensure that a penalty once proposed and contested before the Commission is not compromised out of the view of the public and without justification. Other types of cases include contests of MSHA orders to close a mine for health or safety reasons, miners' requests for compensation after being idled by such orders, review of MSHA's approval or disapproval of operators' emergency response and other mine safety plans, miners' complaints that they suffered discrimination because they exercised protected safety rights, and miners' allegations of interference with the exercise of such rights. Disputes involving the temporary reinstatement of a miner or an emergency response plan must be decided on an expedited basis.

Once a case is filed with the Commission, it is referred to the Chief Administrative Law Judge (Chief Judge). Thereafter, litigants in the case must submit additional filings before the case is assigned to a judge. To expedite the decisional process, the Chief Judge may rule on certain motions and, where appropriate, issue orders of settlement, dismissal, or default. Otherwise, once a case is assigned to an individual judge, that judge is responsible for the case and rules upon motions and settlement proposals. If a hearing is necessary, the judge schedules and presides over the hearing, and issues a decision based upon the record. A judge's decision becomes a final, non-precedential order of the Commission unless it is accepted for review by the Commission.



The Commission provides administrative appellate review. It may, in its discretion, review decisions issued by judges when requested by a litigant, or it may, on its own initiative, direct cases for review. The Commission's decisions are precedential and appeals from the Commission's decisions are heard in the federal courts of appeals.

Location

The Commission is headquartered in Washington, DC with satellite offices located in Denver, CO and Pittsburgh, PA.

Mission

The mission of the Federal Mine Safety and Health Review Commission is to provide just, speedy, and legally sound adjudication of proceedings authorized under the Mine Act in a manner that deters noncompliance with the Act and ensures that a penalty once proposed and contested before the Commission is not compromised out of view of the public or without justification.

Core Values

In late 2020, Commission employees representing a cross-section of the agency and all its departments and geographic locations organized into a Work Environment Committee (WEC). The WEC studied and discussed methods for improving workplace civility and culture. The Committee arrived at a set of core values for the agency that will guide the development and implementation of a WEC action plan.

The four core values place People **FiRST**:

- **F**air Treatment
- **R**espect
- **S**ervice
- **T**rust



Logo courtesy of FMSHRC employee Christoph Wilhelm.

The Strategic Plan focuses on three goals:



Strategic Goal 1: Ensure expeditious, fair, and legally sound adjudication of cases



Strategic Goal 2: Increase the Commission's overall operational efficiency and effectiveness



Strategic Goal 3: Achieve organizational excellence through workforce development

1

Ensure expeditious, fair, and legally sound adjudication of cases



The Commission strives to produce timely decisions and regularly adjusts business processes to address the unpredictable workload. We remain flexible given that the number of new cases at both the trial and appellate levels is not subject to the control of the Commission.



Strategic Objectives:

- I.1 Ensure timely issuance of decisions at the trial level
- I.2 Ensure timely issuance of decisions at the appellate level
- I.3 Issue orders addressing motions to reopen cases in a timely manner

I.1 Ensure timely issuance of decisions at the trial level

Strategies

- Refine electronic docketing systems and develop enhanced search functionality
- Evaluate case management process to identify tools for efficient processing
- Support and train staff to conduct virtual hearings when in-person hearings are unavailable
- Create dedicated SharePoint pages for administrative law judge groups to centralize relevant data
- Provide mediation training and other resources to facilitate settlement

Performance Indicators

- Average time from receipt to disposition of all cases
- Average time from receipt to disposition of penalty cases
- Percent of all cases on hand over 365 days in age

I.2 Ensure timely issuance of decisions at the appellate level

Strategies

- Ensure that Office of the General Counsel (OGC) attorneys submit initial drafts of decision to the General Counsel within 30 days of an Open Meeting
- Fill open OGC positions as caseloads increase
- Reinstate Commission quarterly case status pipeline meetings (when processing time lags)

Performance Indicators

- Average time from direction for review to issuance of a decision
- Average time from briefing completion to issuance of a decision
- Percent of all substantive cases on hand over 18 months in age

I.3 Issue orders addressing motions to reopen cases in a timely manner

Strategies

- Assign motions to OGC attorneys on a rotating basis (if the number of filings remain consistent)
- Hire a dedicated attorney-advisor (if there is a substantial increase in number of filings)

Performance Indicators

- Average time from receipt of the motion to issuance of final order

2

Increase the Commission's overall operational efficiency and effectiveness



Proper administration of agency resources is key to the success of our substantive mission and instilling public confidence in the Commission's operations. We are committed to consistent evaluation of our programs in order identify and assess areas in need of adjustments or improvements and taking necessary corrective actions.



Strategic Objectives:

2.1 Modernize Information Technology infrastructure, resources, and capabilities

2.2 Increase internal transparency

2.1 Modernize Information Technology infrastructure, resources, and capabilities

Strategies

- Create a dedicated Information Technology (IT) work unit
- Consolidate and streamline IT services and providers

Performance Indicators

- Number of IT professionals recruited and onboarded
- Percentage of milestones for IT modernization met on schedule

2.2 Increase internal transparency

Strategies

- Launch a SharePoint Intranet homepage
- Update and centralize agency-wide policies

Performance Indicators

- Number of SharePoint pages added for data sharing
- Number of policies updated and shared with workforce

STRATEGIC GOAL 3

3

Achieve organizational excellence through workforce development



We must align human capital to support the new Strategic Plan, develop current staff to enable their success, and advance diversity, equity, inclusion, and accessibility (DEIA) initiatives. We will continue to adapt to support a hybrid work environment, maintain workplace flexibilities, and invest in programs that further work-life balance.



Strategic Objectives:

- 3.1 Advance diversity, equity, inclusion, and accessibility**
- 3.2 Improve talent management**
- 3.3 Promote work-life programs**

3.1 Advance diversity, equity, inclusion, and accessibility

Strategies

- Implement WEC recommendations to promote a workforce environment focused on DEIA and create a culture that embodies our agency's core values
- Increase data collection in areas key to DEIA and assess, interpret, and use collected data to accomplish DEIA goals

Performance Indicators

- Number of WEC recommendations implemented to advance DEIA initiatives
- Implement systems to track and use DEIA data

3.2 Improve talent management

Strategies

- Institute an internal mentorship network
- Support the loaner judge program
- Initiate professional development programs including interagency assignments

Performance Indicators

- Number of employees participating in internal mentorship network
- Percentage of eligible judges participating in the loaner judge program
- Number of eligible employees participating in the interagency assignments and other professional development programs

3.3 Promote work-life programs

Strategies

- Establish long-term hybrid work schedules
- Set up a Student Loan Repayment Program (SLRP)
- Survey the workforce on desired work-life programs

Performance Indicators

- Percentage of signed routine telework agreements
- Number of continued service agreements signed for SLRP
- Number of other work-life programs instituted