



**Federal Aviation
Administration**

Chief Counsel

Fiscal Year 2013 Business Plan



FY2013 AGC Business Plan

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The Office of the Chief Counsel (AGC) furnishes legal services to the FAA Administrator and all agency organizations worldwide. Our primary functions are providing legal advice, reviewing agency action for legal sufficiency, and providing representational services. AGC's principal legal practice areas include: rulemaking, regulatory enforcement, acquisition and commercial law, airport and environmental law, personnel and labor law, tort and other administrative litigation, international law, legislation and laws applicable generally to the executive branch (e.g., Ethics, Freedom of Information Act (FOIA) and Privacy Act compliance). AGC attorneys represent the agency in a variety of forums, including the National Transportation Safety Board (NTSB), the Merit Systems Protection Board (MSPB), the Equal Employment Opportunity Commission (EEOC), Department of Transportation Administrative Law Judges, and the United States federal courts. AGC also works closely with the Office of the General Counsel of the Department of Transportation on issues that are common to modal administrations or that are of national significance to the aviation industry. In addition to traditional legal services, AGC is responsible for two distinct internal FAA adjudicative functions. First, the Office of Dispute Resolution for Acquisition (ODRA), serves as the Administrator's adjudicatory body in acquisition-related matters. Second, a discrete segment of the office supports the FAA's civil penalty adjudication function by serving as a confidential advisor to the Administrator in his capacity as the Civil Penalty Program Decision-maker. (Title 49, United States Code, ' 46301).

Next Level of Safety

The Office of the Chief Counsel (AGC) supports the FAA's objective of increased safety primarily through our rulemaking activity, regulatory enforcement activity, and vigorous defense of the agency in various types of litigation. FAA safety regulations are one of the agency's primary means of ensuring safety in air commerce and commercial space. AGC plays a key role in the FAA's rulemaking activities by ensuring that rules meet legal standards and by assisting the agency in completing critical safety rules on schedule. AGC attorneys participate on rulemaking teams, review draft regulations for legal sufficiency, and provide advice on the legality of regulations, orders, petitions for exemption, airspace actions and obstruction determinations. We also provide interpretations of FAA regulations to internal agency officials and members of the public.

Regulatory enforcement is a core safety activity. AGC attorneys prosecute all manner of enforcement cases referred by the Flight Standards Service, Aircraft Certification Service, the Office of Aerospace Medicine,

the Office of Security and Hazardous Materials, the Office of Airports, and the Office of Commercial Space Transportation. Our attorneys represent the FAA on such matters before the NTSB, the FAA Decision-maker, and the federal courts. Proactively, we provide legal advice and policy guidance on the FAA's various voluntary safety programs, such as the Aviation Safety Action Program (ASAP), Voluntary Disclosure Reporting Program (VDRP), and Flight Operational Quality Assurance (FOQA) program.

The litigation staff defends the agency in all phases of aircraft accident litigation and represents the agency in various other actions. AGC attorneys provide advice during aircraft accident investigations and defend the agency in associated litigation; evaluate tort claims; secure Department of Justice (DOJ) representation for FAA employees sued in an individual capacity; assist DOJ in defending wrongful death, personal injury and property damage lawsuits; represent the FAA before federal courts, including courts of appeals on petitions to review agency orders; and handle requests for employee testimony in private litigation matters. The Civil Penalty staff advises the Administrator, in his capacity as Decision-maker on cases appealed from decisions issued by Administrative Law Judges (ALJs).

Strategic Measure: Commercial Air Carrier Fatality Rate

Reduce the commercial air carrier fatalities per 100 million persons on board by 24 percent over 9-year period (2010-2018). No more than 6.2 in 2018 FY13 Target: 7.4

Strategic Initiative: Rulemaking

Issue all necessary rules in a timely manner.

Strategic Activity: Rule Submission

Send critical safety rules to the Office of the Secretary of Transportation within 90 days of the planned date.

Activity Target 1:

Submit to OST 85% of safety critical (Significant) rules that are controversial in nature and/or which may impose a large economic burden on the regulated parties and issue any other (non-significant) safety critical rules within 90 days of the Council-approved schedule date. Due September 30, 2013

Activity Target 2:

Issue 85% of the non-significant rules approved by

the Council within 90 days of the scheduled date.
Due September 30, 2013

Provide legal support to FAA's emergency operations planning and response efforts.

Strategic Measure: General Aviation Fatal Accident Rate

Reduce the general aviation fatal accident rate to no more than 1 fatal accident per 100,000 flight hours by 2018.
FY13 Target: 1.06

Strategic Initiative: General Aviation Surveillance

Conduct routine surveillance activities to identify weaknesses, analyze root causes of system deficiencies, examine safety trends, regulatory deficiencies and safety management development in order to become more proactive in our approach to safety in General Aviation Aircraft.

Strategic Activity: Legal Support for UAS Test Range Program

90% of all UAS test Range solicitation, selection, or administration matters submitted to AGC-500 will receive legal review within 10 days with 100% substantive accuracy.

Activity Target 1:

90% of all UAS test Range solicitation, selection, or administration matters submitted to AGC-500 will receive legal review within 10 days with 100% substantive accuracy. Due September 30, 2013

Core Measure: Continuity of Operations

The FAA Continuity Program is a risk-management effort designed to ensure the FAA is capable of continuing its mission under all circumstances. The program ensures that the FAA has the means -- prepared leadership and staff, facilities, and communications -- in place to execute FAA Mission Essential Functions across the spectrum of potential disruptions, from natural disasters to manmade disasters or attacks.

Core Initiative: Emergency Operations and Crisis Management Integration

Integrate agency-wide emergency operations and crisis management by improving information flow among FAA Lines of Business and staff offices.

Core Activity: Provide legal support to FAA's emergency operations planning and response efforts

Activity Target 1:

Provide legal support for annual emergency operations conferences with emergency planners and CROC/ROC managers and HQ/Regional exercise. All legal support required will be provided prior to scheduled conferences, with continuing support at the conference. Due September 30, 2013

Core Measure: Rulemaking Legal Services

Assist Office of Rulemaking and program offices to provide regulatory legal services in accordance with Destination 2025 and client priorities.

Core Initiative: Support Agency Rulemaking Activity

Support Agency rulemaking activities and improvements by ensuring rules meet legal standards.

Core Activity: Provide Legal Services on Agency Rulemaking Initiatives in Accordance With Agency Priorities

Provide legal advice, representation, policy guidance, and legal sufficiency reviews relating to rulemaking.

Activity Target 1:

Provide legal services on rulemaking documents and related guidance material. Due September 13, 2013

Core Activity: Evaluate Effectiveness of Legal Services on Agency Rulemaking Initiatives

Ensure through regular formal meetings, that legal services are provided in a manner that reflects the priorities of the Administrator, Destination 2025 and AGC's primary clients.

Activity Target 1:

Meet regularly with primary clients to formally identify priorities, address type of legal support needed to advance the projects, obtain client feedback on support provided and reassess service being provided, as appropriate. Due September 30, 2013

Core Measure: Compliance and Enforcement

Prioritize and prosecute enforcement actions timely in accordance with the agency's safety goals by taking the first legal action on 80% of the number of cases received between July 1, 2012 and June 15, 2013 and conducting 50% of informal conferences within 90 days of receipt of a respondent's request and 75% of informal conferences within 180 days.

Core Initiative: Legal Services Supporting the Agency Compliance and Enforcement Program

Provide legal support for the compliance and enforcement activities of AVS, ASH, ARP, and AST, which include representing the agency before the NTSB, FAA Decisionmaker and the federal courts, providing timely and effective legal advice and policy document review in support of enforcement activities, and assisting with training that improves the effectiveness of the agency's enforcement program

Core Activity: Timely Prosecute Legal Enforcement Actions

Prosecute enforcement actions timely and efficiently in support of agency safety activities by taking the first legal action on 80% of the number of cases received in AGC between July 1, 2012 and June 15, 2013.

Activity Target 1:

Take the first legal action (initiate case, transmit case alert to headquarters, return case to program office, or close case) on 80% of the number of cases received in AGC between July 1, 2012 and June 15, 2013. Due September 15, 2013

Activity Target 2:

Monitor and report results for each Regional Counsel Office, Aeronautical Center, AGC-300 and AGC-wide. Mid year report due on April 15, 2013, and final report due September 25, 2013. Due September 15, 2013

Core Activity: Efficient Processing of Enforcement Actions

Process legal enforcement cases efficiently by timely conducting 50% of informal conferences within 90 days of receipt of a respondent's request and 75% within 180 days

Activity Target 1:

Conduct 50% of informal conferences within 90 days of receipt of a respondent's request and 75% within 180 days. Due September 15, 2013

Activity Target 2:

Monitor and report results for each Regional

Counsel Office, Aeronautical Center, AGC-300 and AGC-wide. Due quarterly and final report on September 25, 2013. Due September 25, 2013

Core Activity: Processing Cases to Avoid Enforcement Case Backlog

Complete cases so that the percentage ratio of cases completed is at least 60% of the number of cases received.

Activity Target 1:

Complete cases, i.e., take the last legal action, so that the percentage ratio of cases completed is at least 60% of the number of cases received. Due September 15, 2013

Activity Target 2:

Monitor and report results for each Regional Counsel Office, Aeronautical Center, AGC-300 and AGC-wide. Due quarterly and final report on September 25, 2013. Due September 25, 2013

Core Activity: Efficient Coordination and Approval of Significant Enforcement Actions

Efficiently process the coordination and approval of significant enforcement actions within the FAA Headquarters.

Activity Target 1:

Submit to the program office for concurrence 70% of enforcement alerts within 45 days of receipt by AGC-300. Due September 30, 2013

Core Activity: Enhance Legal Representation

Publish enforcement newsletter and evaluate selected enforcement activity.

Activity Target 1:

Publish enforcement newsletter four times each year. Due September 30, 2013

Activity Target 2:

Select enforcement activity for evaluation, conduct evaluation, and provide feedback. Due September 15, 2013

Activity Target 3:

Meet quarterly with primary client offices to provide and receive feedback. Due September 15, 2013

Core Activity: Refresher Training for Enforcement Investigative Personnel

Provide refresher training to enforcement investigative personnel.

Activity Target 1:

Consult with enforcement client offices to determine which offices will support refresher training for its investigative personnel Due October 31, 2012

Activity Target 2:

Provide training to personnel from 25% of participating offices. Due September 15, 2013

Core Activity: Compliance and Enforcement Training for AVS

Provide support for AVS's Compliance and Enforcement training for new inspectors.

Activity Target 1:

To the extent practicable, provide instructors for the legal portions of AVS's Compliance and Enforcement Training for new inspectors and Advanced Recurrent Compliance and Enforcement Training for experienced inspectors. Due September 30, 2013

Core Activity: FAA Order 2150.3B

Reconcile FAA Order 2150.3B, Compliance and Enforcement Program and FAA Order 8900.1, Flight Standards Information Management System (FSIMS).

Activity Target 1:

Consult with primary client offices and regional counsel to determine whether changes are needed to Order 2150.3B. Due January 10, 2013

Activity Target 2:

Submit selected changes to Order 2150.3B for final coordination. Due September 15, 2013

Core Measure: Tort Litigation Services

Review claims submitted under the Federal Tort Claims Act and complete claims analysis within 6 months of receipt for 60% of the unsettled claims.

Core Initiative: Tort Litigation Support

Provide representational legal services on all phases of tort litigation.

Core Activity: Tort Litigation Support

Ensure that tort litigation services are provided in a timely manner.

Activity Target 1:

Complete the claims analysis within 6 months of the receipt of the claim or within 6 months of when, in the absence of a settlement, the claim file is complete and sufficient factual information is available. Due September 30, 2013

Activity Target 2:

Prepare proposed answers or response as requested by the Department of Justice, if DOJ has assumed control of a matter otherwise, within 50 days of filing of complaint. Due September 30, 2013

Core Activity: Training

Provide training concerning the Federal Tort Claims Act.

Activity Target 1:

Provide training concerning the Federal Tort Claims Act to other FAA staff offices and lines of business and to the Transportation Safety Institute as requested, on a funds and personnel available basis. Due September 30, 2013

Core Measure: AVS Core Delegation

Management of FAA's critically important Designee program includes the advancement of innovative delegation programs and overseeing of FAA approved designees as they conduct inspections and certifications of people, equipment, and organizations.

Core Initiative: Oversee Designees

Oversee FAA approved designees as they conduct inspections and certifications of people, equipment, and organizations.

Core Activity: Legal Training for Aviation Medical Examiners

As part of the oversight of designees, ensure that 1,000 Aviation Medical Examiners receive training on legal matters as part of their training.

Activity Target 1:

As part of the oversight of designees, ensure that 1,000 Aviation Medical Examiners receive training on legal matters as part of their training. Due September 30, 2013

Core Measure: Regulatory Legal Services

Provide legal analysis of agency regulation to Office of Rulemaking and program offices and provide the

regulated community with timely guidance on regulations by completing 60% of public requests for regulatory interpretations within 120 days of receipt.

Core Initiative: Provide Legal Analysis of Agency Documents Associated with Existing Regulations

Provide legal analysis of agency responses to exemptions from regulatory requirements to Office of Rulemaking and program offices by completing review of 80% of exemption responses within 30 days of receipt.

Core Activity: Provide Legal Review of Agency Grants and Denials of exemptions from Regulatory Requirements

Provide program offices with timely legal review of grants and denials of exemptions from the agency's existing regulatory requirements in accordance with criteria set forth by statute in 14 CFR Part 11.

Activity Target 1:

Within 30 days of receipt, provide legal concurrence or return document to program office with detailed explanation of why document is not legally sufficient for 80% of the exemptions submitted to AGC for review in FY 13. Due September 30, 2013

Core Activity: Provide Legal Review of Agency Guidance and Advisory Materials

Provide legal concurrence or return document to program office with an explanation of why the document is not legally sufficient.

Activity Target 1:

Complete review within timeframes requested to the extent possible based on other priorities. If program office has designated insufficient time for adequate legal review, attorney is to notify the program office and let it know when legal review will be complete. Due September 30, 2013

Core Initiative: Provide Regulated Community with Guidance on Agency Regulations

Provide regulated community with timely and publicly available guidance in response to requests for interpretations of FAA regulations.

Core Activity: Enforcement Program Implications

Provide initial response regarding implications on the enforcement program of a request for interpretation with 5 business days of request from AGC-200.

Activity Target 1:

Within 5 days of a request from AGC-200 provide initial response to AGC-200 on whether a request for interpretation relates to an ongoing enforcement action. Due September 30, 2013

Core Activity: Statutory Interpretation and Preemption

Provide an initial response on questions of statutory interpretation and preemption with 5 business days of a request from AGC-200.

Activity Target 1:

Within 5 business days of a request from AGC-200 provide an initial response to AGC-200 on questions of statutory interpretation and preemption Due September 30, 2013

Core Activity: Respond to Requests By The Public For Legal Interpretations Of Agency Regulations

Provide regulated community with timely guidance in response to public requests for interpretations of FAA regulations. Respond to 60% of requests for interpretation within 120 days of receipt in FY2013. In cases where the Agency decides not answer the request, a "no-response" letter will be sent within 120 days, consistent with performance metric.

Activity Target 1:

Respond to 60% of requests for interpretation within 120 days of receipt in FY2013. In cases where the Agency decides not answer the request, a "no-response" letter will be sent within 120 days, consistent with performance metric. Due September 30, 2013

Activity Target 2:

Have legal interpretations of agency regulations placed on the FAA website within 10 business days of issuance. Responses to legal interpretations requested by program offices will be posted on the website when not otherwise contrary to the agency's interest and the response addresses a matter that could directly impact regulated parties. Due September 30, 2013

Core Measure: Agency Tort Liability Analysis

Monitor the Agency's contingent liability and keep the Chief Counsel and Administrator apprised of potential agency exposure and prepare quarterly reports.

Core Initiative: Agency Tort Liability Analysis

Assessment of potential agency exposure and monitor the Agency's contingent liability.

Core Activity: Contingent Liability

Monitor the Agency's contingent liability and keeps the Chief Counsel and Administrator apprised of potential agency exposure.

Activity Target 1:

Coordinate with Financial Management Services (AFM) litigation liability response. Due September 30, 2013

Activity Target 2:

Complete report to meet quarterly deadline and, as necessary, keep the Administrator, Deputy Administrator and ATO apprised of significant changes and potential future liability likely to affect the agency. Due September 30, 2013

Core Measure: Civil Penalty Appeal Decisions

Complete draft decisions for the Administrator, or other decision-maker, for civil penalty appeals within 180 days of the receipt of the last brief in 60% of the appeals.

Core Initiative: Civil Penalty Appeal Decisions

Prepare draft civil penalty decisions within 180 days of the receipt of the last brief in 60% of the appeals.

Core Activity: Preparation of Draft Decisions for Civil Penalty Appeals

Provide timely draft civil penalty decisions to AGC-1.

Activity Target 1:

Complete draft decisions for civil penalty appeals within 180 days of the receipt of the last brief in 60 percent of the appeals. Due September 30, 2013

Aviation Access

The Office of the Chief Counsel (AGC) supports the agency's objective of maximizing access to the aviation system in two critical ways. First, AGC plays a vital role in advising program offices on the legal and environmental implications of programs that enhance airport and airspace

capacity and defending the agency's choice of action. Second, AGC provides legal support to program offices responsible for acquiring safety and capacity enhancing equipment, services and technology.

AGC attorneys provide legal advice, litigation support, policy and regulatory guidance, and legal sufficiency reviews related to environmental review of airport capacity and capacity-related projects, administration of the airport improvement program, funding of runway expansion and safety projects, redesign of the airspace surrounding airports in major metropolitan areas, and streamlined environmental review and compliance.

AGC attorneys in our acquisition and commercial law practice area assist clients in acquiring safety and capacity enhancing equipment and services, as well as, the intellectual and real property needed to support Destination 2025 initiatives and other high priority projects. The attorneys support all high value agency procurement activities; advise on grants, cooperative agreements, and other transaction agreements; and represent the Agency in acquisition related litigation and disputes. The acquisition attorneys also provide the fiscal and commercial law services needed to support the agency's information security requirements, export control compliance, bankruptcy cases, antitrust issues, real estate activity and appropriations matters.

The Office of Dispute Resolution for Acquisition ("ODRA") is an independently operating adjudicatory authority comprised of administrative judges. The ODRA safeguards the quality and integrity of the Agency's acquisition and contract administration processes by fulfilling its statutory mandate as the sole administrative tribunal authorized to decide or resolve all bid protests and contract disputes on behalf of the FAA administrator under the FAA's Acquisition Management System. In addition, the ODRA Director serves as the Agency's Dispute Resolution Specialist pursuant to the Administrative Dispute Resolution Act of 1997.

Strategic Measure: Performance Based Navigation

Optimize airspace and Performance Based Navigation (PBN) procedures to improve efficiency an average of 10 percent across core airports by 2018. FY13 Target: 0.05%

Strategic Initiative: Airspace Optimization (Metroplex)

Optimize airspace and procedures in the Metroplex.

Strategic Activity: Airspace Optimization (Metroplex)

Responsible for the Optimization of Airspace and Procedures in the Metroplex (OAPM) project. The

Airspace Optimization Group will begin integrated airspace design and associated activities, including traffic flow analysis and facilitated design and procedures optimization. This will lay the framework for accelerating Performance Based Navigation (PBN) initiatives, taking a systems approach for airspace design and procedure implementation. This project is focused on operational optimization, delivering key efficiencies for the nation's busiest metropolitan areas within 2-3 years once work begins at each site.

Activity Target 1:

Provide advice to expedite and streamline environmental reviews for OAPM projects and other proposed RNAV/RNP procedures in accordance with Section 213 of the FAA Modernization and Reform Act. Due September 30, 2013

Activity Target 2:

Complete legal review within 30 calendar days of receipt of technically adequate and complete environmental assessments for OAPM projects and other proposed RNAV/RNP procedures. Due September 30, 2013

Strategic Measure: Average Daily Capacity

Maintain an average daily airport capacity for Core Airports of 86,835 arrivals and departures per day through FY 2016. FY13 Target: 86,835

Strategic Initiative: Capacity-Enhancing Policies

Work with the aviation community to establish the most feasible policies to enhance capacity and manage congestion.

Strategic Activity: Orders, regulations and legislative proposal support

Analyze capacity and congestion policy implications of NextGen near-term and mid-term improvements.

Activity Target 1:

Review new and current agreements for legal sufficiency with airports and/or airlines regarding NextGen-related capacity enhancements, congestion reduction and delay mitigation as needed. Due September 30, 2013

Activity Target 2:

Provide legal drafting, analysis and other technical assistance on draft orders, regulations and

legislative proposals as needed. Due September 30, 2013

Core Measure: Capacity-Enhancing Policies

Work with the aviation community to establish the most feasible policies to enhance capacity and manage congestion.

Core Initiative: Orders, regulations and legislative proposal support

Analyze capacity and congestion policy implications of NextGen near-term and mid-term improvements.

Core Activity: Congestion management solutions in the New York Area

Implement congestion management solutions in the New York Area.

Activity Target 1:

Provide support for orders, regulations or legislation rulemaking to address congestion at the New York Metro airports as needed. Due September 30, 2013

Activity Target 2:

Manage slot allocation program as needed. Due September 30, 2013

Core Measure: Airport and Environmental Legal Services

Provide timely representational legal services relating to complaints of grant noncompliance and improper diversion of airport revenue under Part 16 by conducting an initial review of 70% of draft Part 16 Final Agency Decisions (FAD) within 10 days of receipt, conducting substantive legal reviews of 60% of completed FADs within 2 weeks, and meeting due dates while processing Part 16 complaints. Provide timely and effective representational legal services in defense of airport and environmental litigation by reviewing petitioners' initial briefs within 2 weeks, assisting Department of Justice in drafting respondent's brief within 10 days, and provide active support in preparation for oral arguments. To promote efficiency in processes, partner with client offices to conduct recurrent training for program offices.

Core Initiative: Legal Services to Airport & Environmental Program Offices

Provide legal support necessary to streamline and complete environmental reviews for airport capacity and

capacity-related projects on a timely basis and continue to develop strategies and best practices to minimize legal risks in FAA airport and environmental litigation. Provide legal support for efficient administration of the AIP, passenger facility charge program, and the airport compliance program, including legal review of policy and regulatory guidance and Part 16 determinations. Provide timely representational legal services to the agency relating to complaints of grant noncompliance and improper diversion of airport revenue under 14 CFR Part 16 and defense of airport and environmental litigation.

Core Activity: Training for Client Offices

Provide training to program offices on legal trends and agency best practices. Provide support for primary clients' recurrent training courses.

Activity Target 1:

Meet with program offices to determine which will support a legal training session. Due December 30, 2012

Activity Target 2:

Organize a planning committee. Due March 1, 2013

Activity Target 3:

Develop agenda or content of eLMS training course. Identify speakers and location or individuals to draft computer based training course for eLMS. Due May 31, 2013

Activity Target 4:

Conduct training or draft and arrange for upload of eLMS course. Due September 30, 2013

Activity Target 5:

Provide speakers for client recurrent training course subject to availability of funding. Due September 13, 2013 Due September 13, 2013

Core Activity: Validate Client Priorities and Provide Timely Airport Law Services to Office of Airports

Ensure that airport and environmental law services are provided in a manner that reflects agency and primary client priorities, provide timely service in providing advice and processing complaints concerning noncompliance of airport sponsors with grants under 14 CFR Part 16, Rules of Practice for Federally Assisted Airport Enforcement Proceedings.

Activity Target 1:

Meet quarterly with primary clients to formally identify priorities, address type of legal support needed to advance the projects, obtain client feedback on support provided, and, as necessary,

reassess services being provided. Due September 30, 2013

Activity Target 2:

Review each draft Final Agency Decision (FAD) within five business days of receipt from the Associate Administrator for Airports to determine whether it is substantially complete and ready for legal review 70% of the time. Due September 30, 2013

Activity Target 3:

Complete legal sufficiency review of each substantially complete draft part 16 Final Agency decision (FAD) within 2 weeks of determining substantial completeness 60% of the time. Due September 30, 2013

Activity Target 4:

To achieve a targeted reduction in Part 16 processing times, provide legal support to develop or update external guidance on sponsor assurances. Due September 30, 2013

Core Activity: Legal Support to develop guidance in support of Administration of the Airport Improvement Program (AIP)

Provide Legal Support to develop guidance in support of Administration of the Airport Improvement Program (AIP)

Activity Target 1:

Provide comments on preliminary draft AIP Handbook. Due October 31, 2012

Core Activity: Legal Support for Policy and Guidance Information for NEPA Compliance Support

Provide policy and guidance on the requirements of the National Environmental Policy Act (NEPA) and related natural and cultural resource issues to minimize delays to FAA aviation projects. As part of this guidance, there needs to be a forum for FAA environmental specialists to discuss current NEPA trends and issues and disseminate environmental information. In an effort to provide the most up to date policy guidance, AEE is updating its policies and procedures for complying with NEPA, FAA Order 1050.1E, Change 1.

Activity Target 1:

Compile, categorize and draft responses to CEQ comments received on revised FAA Order 1050.1E. Due July 31, 2013

Core Activity: Timely and Effective Provision of Representational Legal Services

Provide timely and effective provision of legal services.

Activity Target 1:

No later than 30 days after the certified list of documents comprising the administrative record has been filed, contact the U.S. Department of Justice attorney and provide an overview of the key issues in the case. Due September 30, 2013

Activity Target 2:

Review petitioners' initial briefs within 2 weeks of receipt and provide comments on the statement of facts with references to the administrative record. Due September 30, 2013

Activity Target 3:

Assist the U.S. Department of Justice attorney in drafting respondent's brief, as requested, within ten business days of the request. Due September 30, 2013

Activity Target 4:

Review petitioners' reply brief and provide any appropriate additional analysis and comments on the brief, with references to the administrative record, at least 30 days before oral argument is held. Participate in moot courts to help the Department of Justice attorney prepare for oral argument. Due September 30, 2013

Core Activity: Validate Client Priorities and Review All Procurement Documents Within An Average Of 10 Days

Ensure that acquisition legal services are provided in a manner that reflects agency and primary client priorities, provides timely review of procurement documents and represents the Agency in bid protest and contracts disputes.

Activity Target 1:

Meet monthly with primary clients to formally identify priorities, address type of legal support needed to advance the projects, obtain client feedback on support provided and, as necessary, reassess service being provided. Due September 30, 2013

Activity Target 2:

Review all acquisition documents within an average of 10 calendar days or fewer. Due September 30, 2013

Activity Target 3:

Meet imposed litigation deadlines while representing the agency in bid protests and contract disputes. Due September 30, 2013

Core Activity: Provide Procurement Training to Client Office

Provide training to contracting personnel (contracting officers, specialists, and contracting officer technical representatives) on the agency's acquisition best practices, detection of contract fraud, and on procurement integrity.

Activity Target 1:

Establish schedule for training. Due December 31, 2012

Activity Target 2:

Complete training at 3 ATO Business Services Centers, the Technical Center and Aeronautical Center. Due September 1, 2013

Core Activity: Aviation War Risk Insurance

Efficiently process the coordination and legal analysis of aviation war risk insurance issues to effectively address agency objectives.

Activity Target 1:

Initiate legal coordination with ATO, the FAA APL and other U.S. government agencies as needed within 30 days of receipt of an incoming request. Due September 30, 2013

Core Measure: Acquisition Related Legal Services

Provide timely legal service by conducting legal review of all procurement documents within an average of 10 calendar days and meet litigation deadlines while representing the agency in bid protests and contract disputes.

Core Initiative: Acquisition & Commercial Law Services Division

Provide legal advice and represent the Agency interests relating to the FAA's acquisition of the systems and services needed to achieve Destination 2025 initiatives and other high priority goals. Its staff ensures the legal sufficiency of acquisition documents; assists clients in developing a rational basis for acquisition decisions; and, represents the agency when acquisition decisions are challenged.

Core Measure: Procurement and Acquisition Related Adjudication and Dispute Resolution Services (ODRA)

Provide timely, fair, responsive and efficient adjudication and collaborative dispute resolution ("CDR") services for bid protests, contract disputes and other matters arising under the AMS, thereby ensuring the quality and integrity of the Agency's procurement and contract administration processes. Provide timely, fair, responsive and efficient adjudication and CDR in other designated administrative matters.

Core Initiative: Adjudicatory/Dispute Resolution Services

Serve as the FAA's exclusive tribunal for adjudicating and deciding procurement and acquisition-related and other administrative disputes. Provide collaborative dispute avoidance and early resolution services to the Agency and its private sector contracting partners, assisting them through voluntary dispute resolution and dispute avoidance methods to the maximum extent practicable. For those matters that cannot be avoided or resolved through CDR, provide a flexible, efficient and transparent adjudication process. Educate Agency personnel and private sector stakeholders regarding the FAA's dispute resolution and adjudication processes.

Core Activity: Provide timely, fair, responsive and efficient ADR and Adjudication Services

Provide timely, fair, responsive and efficient ADR and Adjudication services to the FAA and its contracting partners

Activity Target 1:

Publish a revised Standing Order establishing a final procedure for the optional electronic filing of pleadings and documents in ODRA matters. Due September 30, 2013

Activity Target 2:

Participate in 3 or more Agency/ outside training/educational conferences. Due September 30, 2013

Activity Target 3:

Conduct workshops with attorneys and contracting personnel of at least 2 regions/centers. Due September 30, 2013

Activity Target 4:

Complete Findings and Recommendations in typical adjudicated cases in the following average

number of days from the date of closing of the administrative record: non-complex protests- 30 calendar days; complex protests- 60 calendar days; non-complex contract disputes-90 calendar days; complex contract disputes- 180 calendar days. Due September 30, 2013

Activity Target 5:

As the Agency's designated Dispute Resolution Specialist under the Administrative Dispute Resolution Act, represent the FAA by: participating in the Attorney General's Interagency Alternative Dispute Resolution Working Group; advising the Agency on dispute resolution policies and practices; and providing guidance and assistance to Agency Components regarding dispute resolution or conflict management programs. Due September 30, 2013

Activity Target 6:

Provide hearing officers to adjudicate designated airport grant-related disputes pursuant to 14 C.F.R. Part 16. Due September 30, 2013

Activity Target 7:

Conduct periodic surveys of participating parties regarding the quality and efficacy of the ODRA's dispute resolution and educational/ training services. Due September 30, 2013

Core Measure: Improve FAA Contracting & Acquisitions

Achieve 10% increase in evaluation results, for each location reviewed when compared to the most recent review, conducted by the National Acquisition Evaluation Program (NAEP) in FY13.

Core Initiative: Strengthen Core Contracting Services (CIP#:X01.00-00)

Provide acquisition and contracting expertise to procure material, equipment, systems, construction, services, aviation research grants and research and development for all FAA offices. Ensure that the contracting team is staffed with the skill mix needed to successfully award and manage all major acquisition programs, all NextGen initiatives and support all FAA offices and other customers. Provide quality assurance services for all applicable systems, equipment, material and services.

Relationship to Measure: Provide acquisition and contracting expertise

Core Activity: Contract Formation and Administration Oversight

Participate in formal oversight program to review solicitations and contracts through the National Acquisition Evaluation Program (NAEP). Based on the result of these reviews assist with corrective actions as necessary.

Activity Target 1:

Provide legal support to NAEP audits done in FY2013. Target 2: Target 3: Due September 30, 2013

Activity Target 2:

Review and provide input to the NAEP reports and assist the contracting office with any proposed corrective action plans. Due September 30, 2013

Activity Target 3:

Suspend or debar contractors within 45 calendar days of a proper notice of an indictment, conviction or guilty plea or document why suspension or debarment is not appropriate. Due September 30, 2013. Due September 30, 2013

Activity Target 1:

Complete no less than 95% of airport privatization applications under the pilot privatization program. Due September 30, 2013

Activity Target 2:

Consistent with legislative and regulatory requirements, review and make determinations on applications under the FAA pilot airport privatization program within 30 business days after initial submission. Due September 30, 2013

Activity Target 3:

Within 30 business days of receiving final administrative approval, send notice to the Federal Register to initiate a 60 day public comment period. Due September 30, 2013

Activity Target 4:

Support community and airport sponsor requirements for San Juan International Airport privatization proposal. Due September 30, 2013

Core Measure: Airport Compliance Capacity-Enhancing Support to Communities

The Airport Privatization Pilot Program assists communities that pursue private-public partnerships to improve infrastructure funding by creating alternative sources of capital for airport development, with the goal of achieving public benefit through efficiencies. To accomplish this, the Office of Airports must engage multiple Departments and their Agencies, State and Local Authorities, DOT and FAA senior leadership in the decision processes, and must keep Congressional and Industry stakeholders informed throughout the process. To ensure we support communities' needs, we must complete no less than 95% of airport privatization applications under the pilot privatization program consistent with legislative and regulatory requirements.

Core Initiative: Airport Compliance Capacity-Enhancing Support to Communities

Airports are looking at alternative means of enhancing capacity. FAA needs to be responsive to such initiatives.

Core Activity: Airport Privatization Pilot Program

Respond to Airport and community requests for alternative means of enhancing capacity by supporting and coordinating privatization pilot program requests within program schedule and guidelines.

Global Collaboration

In support of the FAA's goal of maintaining U.S. leadership in global civil aviation, AGC assists in developing the agency position on international law issues and serves as a liaison for FAA international aviation legal matters with other government agencies and industry. AGC attorneys provide legal services relating to drafting and negotiating international agreements on safety oversight, air traffic, airworthiness, technical assistance, and other aviation related areas. The attorneys also prepare the U.S. position on matters before the International Civil Aviation Organization (ICAO); provide legal policy guidance on registration of aircraft and recordation of property rights in aircraft.

Core Measure: International Legal Services

Provide legal services as required to FAA program offices responsible for promoting USG interests with other countries and international organizations, including ICAO. Assist API in meeting work plan milestones. Complete legal sufficiency reviews within timeframes that meet defined client needs.

Core Initiative: Support Client Offices

Provide legal services relating to drafting and negotiation of international agreements; prepare the U.S. position on matters before ICAO; and provide legal support for the client offices with international legal issues through the provision of legal services. Provides legal services to ensure priorities of the Administrator, Destination 2025 and primary clients are met.

Core Activity: Promote USG Interests at the International Civil Aviation Organization

Provide legal assistance to FAA Program Offices on technical issues involving ICAO Standards and Recommended Practices. Serve as legal representatives at upcoming ICAO meetings, as necessary.

Activity Target 1:

Provide (i) legal support by reviewing ICAO initiatives, including proposals for new or revised standards and recommended practices; and (ii) legal assistance to FAA program offices in implementation of any new ICAO standards. Due September 30, 2013

Activity Target 2:

Provide legal input on USG positions for meetings in ICAO and other international organizations as necessary. Due September 30, 2013

Activity Target 3:

Serve as FAA legal clearance point for the Interagency Group on International Aviation (IGIA) by performing initial review and initial coordination of U.S. positions and strategies by the deadlines specified in a particular IGIA paper. Due September 30, 2013

Core Activity: International Aviation Safety Assessment Audits (IASAs)

Support the IASA program by (1) conducting legal assessment of the civil aviation laws, regulations, and enforcement systems of foreign aviation authorities for compliance with minimum international aviation safety standards established under the Convention on International Civil Aviation and (2) assisting the program office in development of policy for execution of the Administrator's responsibility for the safety of foreign air carriers.

Activity Target 1:

Support AFS-50 in scheduling and conducting IASA assessments, consultations, or final discussions, including the review of cables to foreign governments about IASA activities. Due September 30, 2013

Activity Target 2:

Participate in the development and presentation of IASA training program for legal and technical staff. Due September 30, 2013

Activity Target 3:

Participate in the development of IASA policies

and procedures as requested by the program office. Due September 30, 2013

Core Activity: Technical Assistance

Provide legal technical assistance efforts to foreign aviation authorities, either independently or in conjunction with FAA program offices or other USG agencies or programs, including the DOT Safe Skies for Africa Program, in furtherance FAA international aviation safety objectives and to achieve global harmonization with ICAO standards. Provide legal advice, representation, international legal policy guidance and legal sufficiency reviews relating to international activities of aviation safety in a timely and responsive manner.

Activity Target 1:

Provide legal technical assistance to countries or regional organizations directed at achieving compliance with ICAO civil aviation standards for primary aviation law, regulations, enforcement systems, and related issues. Due September 30, 2013

Activity Target 2:

Support FAA program offices by (i) identifying priority countries for technical assistance, including technical reviews or the development of action plans for achieving compliance with international standards; and (ii) participating in technical reviews and action planning when deficiencies in the primary aviation law, regulations, or enforcement system are suspected or have been identified. Due September 30, 2013

Activity Target 3:

Provide legal review of FAA policies and procedures for providing technical assistance to foreign aviation authorities as needed. Due September 30, 2013

Core Activity: International Agreements

Provide legal counsel to business lines and staff offices for international activities to support agency objectives by providing advice on agreement strategies, review of international agreements, and legal coordination with necessary U.S. government agencies (particularly the U.S. Department of State). Participate in negotiations with foreign civil aviation authorities, air navigation service providers, and research and development organizations.

Activity Target 1:

Provide initial review of template-based technical assistance agreements for international activities within 15 working days of receipt in the legal office. Due September 30, 2013

Activity Target 2:

As necessary, develop and submit to the U.S. Department of State for clearance (i) new agreement templates; (ii) agreements designed to accomplish specific international objectives of the FAA that are not otherwise addressed in the standard templates; and (iii) draft Circular 175 packages. Due March 30, 2013

Activity Target 3:

Meet regularly with program offices to identify priorities, discuss the legal support necessary for agreements, and coordinate realistic strategies and timelines given the complexity and urgency of individual agreements. Due September 30, 2013

Activity Target 4:

Provide legal support for all agreements, annexes, or appendices for technical assistance, air navigation services, operational data sharing, research and development, and the transfer of oversight functions pursuant to Article 83 bis to the Chicago Convention. Due September 30, 2013

Activity Target 5:

Providing legal support to ATO Business Development Group in establishing and implementing a cost recovery system for ATO technical assistance. Due September 30, 2013

Activity Target 6:

Provide legal clearance and assistance to AIR and AFS in drafting and negotiation of international safety agreements, implementation procedures (IPs), or amendments to existing agreements or IPs. Due September 30, 2013

Core Activity: Emergency Operations/Crisis Response

Provide legal counsel to the Crisis Response Working Group (CRWG) and the Crisis Response Steering Group (CRSG). Provide legal support to FAA's emergency operations planning and response efforts, including the continuity of operations (COOP) function.

Activity Target 1:

Provide legal assistance to, and participate as a member of Crisis Response Working Groups and Crisis Response Steering Groups established for the purpose of responding to (i) potentially hostile threat situations; or (ii) natural or man-made disasters or crises. The assistance will include the legal review of, and guidance on, draft responses, plans, recommendations, and related documents within the timeframes dictated by the nature of the

emergency and the response expected of the FAA. Due September 30, 2013

Activity Target 2:

Provide legal review of, and guidance on, the international aspects of draft NOTAMs, SFARs, responses to petitions for exemptions to SFARs, requests for approvals, and other related FAA actions to be taken in response to a particular event within the timeframes dictated by the nature of the event and the response expected of the FAA. Due September 30, 2013

Activity Target 3:

Provide legal review of, and guidance on, (i) interagency agreements and planning documents dealing with emergency response matters; and (ii) internal FAA and DOT emergency response policy and planning documents within 30 days of receipt, or as specified by the requesting office or agency. Due September 30, 2013

Activity Target 4:

Assist in the planning of, and participate in, emergency operations exercises and any post-exercise review. Summarize AGC's participation as necessary in post-exercise reports. Due September 30, 2013

Activity Target 5:

Provide legal review of, and guidance on, (i) the development and implementation of FAA policies and procedures for responding to pandemics, including coordination with other AGC divisions as necessary; and (ii) pandemic response policies and plans submitted to the FAA by other USG agencies. Due September 30, 2013

Activity Target 6:

Lead AGC's work to (i) revise and expand its continuity of operations plan, coordinating with other AGC headquarters and regional elements, as necessary; (ii) provide legal review of, and guidance on, the development and implementation of FAA policies and procedures on continuity of operations, including coordination with other AGC divisions as necessary; and (iii) provide legal review of continuity of operations policies and plans submitted to the FAA by other USG agencies. Due September 30, 2013

Workplace of Choice

In support of the agency's objective of building and enhancing our high performance workforce, AGC continues to support the numerous agency-wide strategic initiatives and provide legal services in support of the administrative activity of the agency, including employment

and labor law services, ethics counsel, FOIA and Privacy Act services, and legislative services. The largest legal practice group within this goal area is our employment law office. The employment law attorneys represent the agency before various administrative and federal courts and provide advice and guidance to the Administrator and primary client offices on personnel, labor, civil rights, equal employment opportunity matters. They also counsel on ways to minimize the legal risks relating to employment decisions and policy. Moreover, AGC have programmatic responsibility for administration and oversight of the agency's compliance with government-wide ethics requirements.

Core Measure: Drive Continuous Efficiency Improvement & Cost Control

Achieve documented cost savings and cost avoidance of \$82.3 million in FY 2013.

Core Initiative: Cost Control Program

Implement line of business-specific cost efficiency as well as agency-wide initiatives to reduce costs or improve productivity. Each FAA organization will develop, track, and report quarterly on a comprehensive measure of its operating efficiency or financial performance, accounting for 75% of operating resources.

Core Activity: AGC SAVES and Video Conferencing Cost Control Activity

AGC will participate in the SAVES program and will reduce its travel costs by utilizing AIO's Video Conferencing program in place of travel.

Activity Target 1:

Participate in the SAVES Program. Due September 30, 2013

Activity Target 2:

Use Video Conferencing in place of travel where possible. Due September 30, 2013

Core Activity: AGC Efficiency Measure: Response Time to Public Requests for Interpretations

Activity: Implement measures to improve timeliness of responses to public requests for interpretations of FAA regulations. Target: Response within 120 days of receipt 60% of the time

Activity Target 1:

Report quarterly (Q4 FY 2012 and Q1-3 FY 2013)

to ABA, within 30 days of quarter close. Due September 30, 2013

Activity Target 2:

Provide updated FY 2014 template for review and approval in time to be included in the FY 2014 Business Plan. Due May 15, 2013

Core Activity: AGC Efficiency Measure: Time to Process Enforcement Cases

Activity: Efficient Processing of Enforcement Cases
Target: First legal action is taken within 60 days of receipt by a legal counsel office 70% of the time.

Activity Target 1:

Report quarterly (Q4 FY 2012 and Q1-3 FY 2013) to ABA, within 30 days of quarter close. Due September 30, 2013

Activity Target 2:

Provide updated FY 2014 template for review and approval in time to be included in the FY 2014 Business Plan. Due May 15, 2013

Core Measure: Support Open Government Initiative

Support the Open Government Initiative to Streamline Service Delivery, Improve Customer Service (EO13571), and leverage technology to increase productive collaboration with citizens, stakeholders and other government agencies by making high-value data and content in at least two existing major customer-facing systems available through web APIs via FAA.gov, including IdeaHub as a topic in at least two Town Hall or all-hands meetings, and using Twitter and Facebook to promote at least 3 FAA Safety related initiatives.

Core Initiative: Support Open Government Initiative

Support the Open Government Initiative to Streamline Service Delivery, Improve Customer Service (EO13571), and leverage technology to increase productive collaboration with citizens, stakeholders and other government agencies by making high-value data and content in at least two existing major customer-facing systems available through web International Affairs (APIs) via FAA.gov, including IdeaHub as a topic in at least two Town Hall or all-hands meetings, and using Twitter and Facebook to promote at least 3 FAA Safety related initiatives.

Core Activity: Support Open Government Initiative - AGC

Support the Open Government Initiative the President's Executive Order on Streamlining Service

Delivery and Improving Customer Service (EO 13571) and the 21st Century Digital Government directive by leveraging technology to make data available, improve web service efficiencies and increase productive collaboration with citizens, stakeholders and other government agencies while reducing duplicative efforts.

Activity Target 1:

Update web strategy and action plans in writing to the FAA Web Manager and brief Web Council on office plans Due November 30, 2012

Activity Target 2:

Submit a progress report to the FAA Web Manager on their LOB and Staff Office FY 2013 Web Strategy and Action Plan. Due March 30, 2013

Activity Target 3:

Submit a progress report to the FAA Web Manager on their LOB and Staff Office FY 2013 Web Strategy and Action Plan. Due August 31, 2013

Activity Target 4:

Certify to the Administrator in writing: An estimated 95% of static information web pages on the public and employee web sites comply with FAA web standards, proper branding as described in the branding order and web policies. Due September 30, 2013

Activity Target 5:

Certify to the Administrator in writing: The number of compliant web-based applications has been coordinated with and accepted by the Office of Communications as complying with FAA web standards, policies, and requirements. Due September 30, 2013

Core Measure: Personnel & Labor Law Legal Services

Meet 100% of EEOC, MSPB, and federal court employment case deadlines.

Core Initiative: Legal Services in Labor and Personnel Law

Represent the FAA in administrative and court litigation having a potentially significant impact on any law, regulation, or FAA policy relating to the employment of FAA personnel and provide timely and effective legal advice regarding employment matters. Provide legal services and representation in a timely and effective manner reflecting agency priorities and continue to

improve the Agency's employment practices by identifying ways of minimizing the FAA's legal risk relating to employment decisions and policy

Core Activity: Legal Representation and Policy Advice

Represent the FAA in administrative and court litigation having a potentially significant impact on any law, regulation, or FAA policy relating to the employment of FAA personnel.

Activity Target 1:

Meet 100% of EEOC, MSPB, and federal court employment case deadlines. Due September 15, 2013

Core Activity: Reasonable Accommodation Training for Managers

Develop training for managers on the disability/reasonable accommodation issues.

Activity Target 1:

Establish a joint R/C/HQ AGC team and identify topics that will be covered by the training. Due February 15, 2013

Activity Target 2:

Develop a training module to meet the identified needs. Due June 30, 2013

Activity Target 3:

Implement training through LOB training offices and eLMS. Due August 30, 2013

Core Activity: Fair Labor Standards Act-Policy Review

Review all FAA policies relating to overtime for compliance with the Federal Labor Standards Act (FLSA).

Activity Target 1:

Establish a joint R/C/HQ AGC team to review all FAA policies relating to overtime to determine compliance with the FLSA. Due March 15, 2013

Activity Target 2:

Identify all noncompliant policies and needed corrective action. Due July 30, 2013

Activity Target 3:

Brief appropriate FAA officials for implementation decisions. Due August 30, 2013

Core Measure: General Legal Services

Meet client due dates 80% of the time.

Core Initiative: General Legal Services

Various small practice areas related to administrative requirements imposed on the agency by statute, including Ethics, FOIA, and Privacy Act,

Core Activity: Manage Ethics Program and Agency Administration Related Legal Services

Provide legal services related to Ethics, FOIA, and Privacy Act.

Activity Target 1:

Provide timely legal services relating to FOIA, Privacy Act, and related litigation. Due September 30, 2013

Activity Target 2:

Represent the agency before Congress, in administrative forums and in federal district and appeal courts on all general law issues and litigation. Due September 30, 2013

Activity Target 3:

Provide general legal services functions. Due September 30, 2013

Core Activity: Review of OGE Forms

Complete review of all OGE Form 278 and Form 450

Activity Target 1:

Complete review of all OGE Form 278 and Form 450. Due September 15, 2013

Core Activity: Review of FOIA Appeals

Provide timely review of the appeal of initial FOIA decisions.

Activity Target 1:

Prepare appeal responses within 20 days of the receipt of a complete FOIA appeal package in 60 percent of the appeals. Due September 30, 2013

Core Measure: Library Services and FAA Historian

Provide law library research services within two weeks of request. Provide historical services within guidance provided by the Oversight Board.

Core Initiative: Library Services and FAA Historian

Provide library services and maintain FAA Historical Services to the Office of the Chief Counsel and Agency, as appropriate.

Core Activity: Library Services and FAA Historian

Provide library services and maintain FAA Historical Services to the Office of the Chief Counsel and Agency, as appropriate.

Activity Target 1:

Provide generally, law library research services within two weeks of request. Define and organize technical library services. Due September 30, 2013

Activity Target 2:

Obtain direction and guidance from oversight group in order to manage and maintain FAA Historical Services. Due September 30, 2013

Activity Target 3:

Provide historical services within guidance provided by the Oversight Board. Due September 30, 2013

Core Measure: HR Programs and Policies

Reduce the average calendar days it takes to hire employees to 90 days by September 30, 2013.

Core Initiative: Core Compensation System

FAA's Core Compensation System is a fiscally responsible and competitive pay system.

Core Activity: Core Compensation System

Obtain the Work Force Council's approval of a compensation strategy and implementation plan by July 31, 2013.

Activity Target 1:

AGC-100 will provide legal support and guidance as needed at each targeted phase of the development process. Due September 30, 2013

Core Measure: Hiring People with Targeted Disabilities

In support of the Secretary of Transportation goal that 3% of all new hires are People with Targeted Disabilities (PWTD), ACR will create quarterly reports to track the hiring of PWTD by FAA organizations. In FY 2013, the FAA will ensure that at least 1.67% of all new hires are PWTD. Each year, the FAA will work towards increasing the percentage of PWTD hires by .67% per year to reach the 3% hiring goal by FY 2015. ACR will provide supervisors and managers training on the DOT Online Accommodation Tracking System (OATS) to ensure that 90% of reasonable accommodations requests are completed within 25 business days or less. Additionally, ACR will work on achieving FAA-wide utilization of several resources for recruiting and hiring people with disabilities. Accomplishment of this measure will contribute to creating a work environment that embraces and values diversity.

Core Initiative: Hiring People with Targeted Disabilities

Each FAA organization will take actions in support of the Secretary of Transportation fiscal year goal that 3% of all new hires are individuals with targeted (severe) disabilities. In FY 2013, all FAA organizations will ensure that at least 1.67 of all new hires are people with targeted (severe) disabilities.

Core Activity: Hiring People with Targeted Disabilities

Assist agency efforts to support the hiring goal for PWTD by reporting quarterly on the specific number of new hires of PWTD; improving the efficacy and timeliness of the reasonable accommodation process; and promoting the use of various resources for hiring PWD. Accomplishment of this activity will ensure that FAA organizations meet the FY 13 Shared STI goal that at least 1.67% of all new hires are people with targeted (severe) disabilities.

Activity Target 1:

Each LOB/SO will report quarterly on the specific number of new hires of PWTD and the specific actions taken (i.e. outreach activities, marketing of vacant positions, internships, disability awareness events) to ensure that at least 1.67% of all new hires are people with targeted (severe) disabilities. Due September 30, 2013

Activity Target 2:

Cooperate with ACR to ensure that 400 FAA managers/supervisors are trained on the DOT Online Accommodation Tracking system. Due September 30, 2013

Activity Target 3:

Ensure managers/supervisors attend briefings on the resources available for recruiting and hiring PWD. Due September 30, 2013

Activity Target 4:

Process 90% reasonable accommodation requests within 25 days or less of been received. Due September 30, 2013

Core Measure: EEOC Management Directive 715 (STI)

ACR will oversee the process for developing the Annual MD-715 EEO Plan and Monitoring Agency Accomplishments due to EEOC by January 31 of each year, unless granted an extension. ACR will conduct one (1) mission critical occupation barrier analyses and collaborate with the LOB/SO to provide recommendations and actions for improvement with regard to the barriers identified. Additionally, ACR, in collaboration with the Office of Human Resources (AHR) and General Council (AGC), will develop a plan to identify at least one personnel practice (e.g. awards, promotions, training, retention etc.) to be reviewed for potential barriers.

Core Initiative: Barrier Analysis

Conduct one (1) mission critical occupation barrier analysis and collaborate with the LOB/SO to provide recommendations for improvement with regard to these barriers.

Core Activity: Barrier Analysis

AGC will provide legal review and guidance at each targeted phase of the two barrier analyses in accordance with the established timeline.

Activity Target 1:

AGC will provide legal review and guidance to ACR as they analyze the prior year statistical demographic data for triggers that will narrow down the area of concentration for potential barriers. Due September 30, 2013

Activity Target 2:

AGC will provide legal review and guidance to ACR as they identify the two personnel practice or occupation to conduct barrier analysis. Due September 30, 2013

Activity Target 3:

AGC will provide legal review and guidance to ACR as they conduct the barrier analysis. Due September 30, 2013

Activity Target 4:

AGC will provide legal review and guidance to ACR as they collaborate with the LOB/SO the findings and provide guidance on developing actions to eliminate any identified barriers. Due September 30, 2013

Core Measure: Alternative Dispute Resolution Engagement (STI)

ACR, in coordination with the LOB/SO, will ensure that 70% of all managers agree to engage in mediation and that 35% of all EEO pre-complaint cases engage in the ADR process when the employee request mediation, to reduce the number of formal EEO complaints.

Core Initiative: Alternative Dispute Resolution (ADR) Engagement

ACR, in coordination with the LOB/SO, will ensure that 70% of all managers agree to engage in mediation when the complainant has requested mediation and that 35% of all EEO pre-complaint cases engage in the ADR process to reduce the number of formal EEO complaints.

Core Activity: Alternative Dispute Resolution (ADR)

ACR, in coordination with the LOB/SO, will ensure that 70% of all managers agree to mediation as a means to track management willingness to participate in the ADR process. Ensure that 35% of all EEO pre-complaint cases engage in the ADR process when the employee request mediation, to reduce the number of formal EEO complaints.

Activity Target 1:

Civil Rights Offices (ANM, ASW, ACT, and ASO) will manage the ADR process within the geographical service areas and the LOB/SOs will ensure that 70% of all managers agree to mediation as a means to track management willingness to participate in the ADR process. Due September 30, 2013

Activity Target 2:

Assist agency efforts with ADR engagement by ensuring that 35% of all EEO pre-complaint cases engage in the ADR process when the employee request mediation, to reduce the number of formal EEO complaints. Due September 30, 2013

Core Measure: Labor Management and Employee Relations

Oversee and manage the FAA's Labor and Employee Relations policies and programs.

Core Initiative: Other Matter Allegations

Have a robust, standardized Employee Relations process to address "other matters" that are brought to the attention of the Accountability Board.

Core Activity: Employee Relations Process

Develop a process for assigning "other matter" allegations to Employee Relations by December 31, 2012. Train 100% of Employee Relations and Accountability Board employees on the new process by March 31, 2013. Implement the new process by March 31, 2013.

Activity Target 1:

AGC-100 will provide legal support and guidance as needed at each targeted phase of the development process and assist in training 100% of Employee Relations and Accountability Board employees on the new process. Due September 30, 2013

Core Initiative: Labor Relations Training

Have an enhanced labor relations management training course that ensures managers understand their role in the collective bargaining and grievance processes.

Core Activity: Labor Relations Management Training

Create and implement a fundamentals of Labor Relations training course for FAA managers. Incorporate into the FAA U.

Activity Target 1:

AGC-100 will provide legal support and guidance as needed at each targeted phase of the training development process. Due September 30, 2013

Core Measure: Manage EEO Training

Assist agency efforts to prevent discrimination by training 60% of management and 10% of employees on EEO responsibilities and appropriate behaviors; ensuring that all FAA employees complete the NO FEAR Training that is required by OPM; and providing training to 75% of all new Air Traffic Student hires.

Core Initiative: Prevent Discrimination through EEO Training

Assist agency efforts to prevent discrimination by training 60% of management and 10% of employees on EEO responsibilities and appropriate behaviors. Additionally, ACR will ensure that all FAA employees

complete the NO FEAR Training that is required by OPM.

Core Activity: Prevent Discrimination through EEO Training

Assist agency efforts to create a FAA culture in which managers and employees each understand their role in creating and maintaining an inclusive workplace, by promoting diversity and equal employment opportunity, consistent with merit principles and applicable law.

Activity Target 1:

Ensure that employees complete the NO FEAR Training to meet the OPM requirement. Due November 23, 2012

Activity Target 2:

Promote and support agency's efforts to prevent discrimination by ensuring that 60% of management and 10% of employees attend EEO training. Due September 30, 2013

Core Measure: EEO Action Committee

ACR in coordination with LOB/SOs will host a minimum of five (5) meetings to identify recommendations and strategies regarding EEO and diversity within the FAA Workplace.

Core Initiative: EEO Action Committee Meetings

ACR in coordination with LOB/SOs will host a minimum of five (5) meetings to identify recommendations and strategies regarding EEO and diversity within the FAA Workplace.

Core Activity: EEO Action Committee Meetings

Attend a minimum of five (5) EEO Action Committee Meetings held by ACR to identify recommendations and strategies regarding EEO and diversity within the FAA Workplace.

Activity Target 1:

Attend EEO Action Committee Meetings scheduled by ACR. Due September 30, 2013

Activity Target 2:

Present demographics profiles for AGC at the EEO Action Committee and discuss strategies for improving in areas with low participation. Due September 30, 2013

Activity Target 3:

Analyze AGC statistical demographic data and identify programs, recommendations, actions regarding EEO and diversity within the FAA workplace. Due September 30, 2013

Core Measure: Legislative Legal Services

Meet client due dates 80% of the time.

Core Initiative: Legislative Legal Services

Timely provision of legislative legal services to affected FAA organizations.

Core Activity: Legislative Legal Services

Provide timely legislative legal services.

Activity Target 1:

Issue request for technical assistance to affected FAA organizations within 24 hours of receipt by AGC-260, and issue the Agency response to the request with 24 hours of receipt of final coordination and clearance from politicals in 80% of requests for technical assistance. Due September 30, 2013

Activity Target 2:

Issue a schedule for hearing preparation within 48 hours of AGC-260 receipt of notice of the hearing 80% of the time. Due September 30, 2013

Activity Target 3:

Conduct principal witness preparation meetings no later than 3 days prior to the scheduled hearing date in more than 80% of scheduled hearings. Due September 30, 2013