Mayor's Office of Legal Counsel (MOLC)
FY2016 Performance Accountability Report (PAR)

Introduction

The Performance Accountability Report (PAR) measures each agency's performance for the fiscal year against the agency's performance plan and includes major accomplishments, updates on initiatives' progress and key performance indicators (KPIs).

Mission

The mission of the Mayor's Office of Legal Counsel (MOLC) is to provide various legal services to the Mayor and District of Columbia government agencies specifically working with their General Counsels.

Summary of Services

Overview – Agency Performance

The following section provides a summary of MOLC performance in FY 2016 by listing MOLC's top accomplishments, and a summary of its progress achieving its initiatives and progress on key performance indicators.

In FY 2016, MOLC had 4 Key Performance Indicators. Of those, 3 were neutral, and another 1 were not able to be reported by the end of the fiscal year. Of the remaining measures, 0% (0 KPIs) were met, 0% (0 KPIs) were nearly met, and 0% (0 KPIs) were unmet. In FY 2016, MOLC had 10 Initiatives. Of those, 10% (1) were completed and 50% (5) were nearly completed, and 40% (4) were not completed. The next sections provide greater detail on the specific metrics and initiatives for MOLC in FY 2016.

FY16 Objectives

Division	Objective
Mayor's Office of Legal Counsel	Provide advice, assistance, and counsel to the Mayor and DC agency attorneys on personnel-related matters, contracts, drafting of statues and regulations, real estate transactions and compliance with FOIA.
Mayor's Office of Legal Counsel	Adjudicate FOIA appeals brought against District agencies.
Mayor's Office of Legal Counsel	Assist government agencies to help resolve intergovernmental issues to the city's advantage.
Mayor's Office of Legal Counsel	Advise agency staff with FOIA compliance, including facilitating FOIA training, scheduling FOIAxpress training, and resolving other public records issues.
Mayor's Office of Legal Counsel	Assist with hiring, legal training, and retention of a highly qualified workforce of attorneys across District government.

FY16 KPIs

Objective: Assist government agencies to help resolve intergovernmental issues to the city's advantage.

Measure	Target	Freq	Q1	Q2	Q3	Q4	Total	KPI Status	KPI Barriers
number of attorneys that attended legal training courses	100	A						Neutral Measure	

Objective: Assist with hiring, legal training, and retention of a highly qualified workforce of attorneys across District government.

Measure	Target	Freq	Q1	Q2	Q3	Q4	Total	KPI Status	KPI Barriers
number of surveys from legal training courses with high rating feedback on speakers/presenters	100	A							
number of agencies who MOLC collaborated with throughout Fiscal Year	100	A						Neutral Measure	
number of surveys from legal training courses with high rating feedback on topics presented	100	A						Neutral Measure	

FY16 Workload Measures

Measure	Freq	Q1	Q2	Q3	Q4	Total
number of hiring and promotion packages reviewed by MOLC	A					
number of attorneys evaluations received	A					
number of adjudicated FOIA appeals	A					
number of partnerships, grants, and MOU's reviewed	A					
number of issues, matters, and cases advised and opined by the MOLC Associate Directors	A					

FY16 Initiatives

Title: Collaborate with DCHR on processes and procedures in agency counsel matters.
    Description: MOLC will work with DCHR to coordinate meetings with their Human Resources Agency Specialists to update them on new process, procedures, and announcements that concern their respective agencies.
        Complete to Date: 75-99%
        Status Update: DCHR and MOLC worked on the evaluation memo to all district agency director for the FY16 attorney evaluation period that begins on August 30th.

Title: Revise sections of Chapter 36 - Personnel Regulations Legal Service Act.
    Description: MOLC is currently working with the General Counsel at DCHR and Director Gibson on updating sections of Chapter 36 that need to be updated post the bifurcation.
        Complete to Date: 0-24%
        Status Update: These changes require Council approval Due to Union negotiations and the ties this has with Chapter 36, we will revisit this in Q1 of FY17. However –we did revise make internal revisions and sent it out to all agency GC for input.

Title: Coordinate year round legal training courses
    Description: In FY16, MOLC will hold regular CLE training's on a variety of topics relevant to the work of agency counsel. The training's will be District- wide and provide an opportunity for agency counsel to fulfill CLE requirements while learning about important legal issues and new developments in the law. MOLC training will feature District lawyers and agency counsel with subject matter expertise in the topics addressed. MOLC will continue to work with OAG and other District agencies in the development of legal training courses that will allow the agency counsel to meet their annual legal training requirements.
        Complete to Date: 75-99%
        Status Update: We have six courses throughout the Fiscal year that allow our agency attorneys to get legal training credit for FY16.

Title: Revise Rating Period for line attorneys to be on the same rating period as all other attorneys.
    Description: The current rating period for line attorneys is from September1 to August 31. The rating period for supervisors and non-supervisory attorneys is from October 1 to September 30.
        Complete to Date: 0-24%
        Status Update: This can not be done in FY16 due to OCTO's delayed implementation of PS 9.2 next year.

Title: Meet with agency General Counsel on a quarterly basis.
    Description: The MOLC will host quarterly meetings with agency General Counsel to share important updates, get feedback about issues and areas of concern, and answer questions.
        Complete to Date: 50-74%
        Status Update: We had the Q3 GC meeting in April. The Q4 GC meeting is planned for the beginning of September.

Title: MOLC will improve the timeframe in which appeals are adjudicated

Description: This improvement will take place by working closely with the Mayor's Correspondence Unit to more quickly discern whether correspondence sent to the Mayor is a FOIA appeal or another request. MOLC will also work on adjudicating the appeals internally on a faster basis.

Complete to Date: 75-99%

Status Update: Because we maintain an ongoing dialogue with the MCU based on the weekly work flow reports they send us. We review each report and inform them immediately of requests or appeals that have been improperly routed to us.

Title: MOLC will continue to mediate FOIA disputes before they become appeals.

Description: Many times FOIA appeals are filed because agencies do not respond to FOIA requests. MOLC will attempt to contact these agencies to expedite FOIA responses before they rise to the level of appeals.

Complete to Date: Complete

Status Update: This is an ongoing process and we have continued to contact agencies when we are alerted they have not responded to requests.

Title: MOLC will continue to serve as the EOM's primary contact for agencies seeking guidance on FOIA issues.

Description: This guidance consists of interpretation of FOIA exemptions and applicable case law and regulations. In addition, MOLC will assist agencies in addressing overly burdensome requests and fee issues.

Complete to Date: 75-99%

Status Update: This is an ongoing initiative that we have undertaken on behalf of EOM.

Title: MOLC will continue conducting training to agency FOIA officers and attorneys, both independently and in conjunction with the Office on Open Government.

Description: The type of training offered will be both general as well as specific to particular FOIA issues that are frequently appealed, such as the personal privacy exemption. MOLC will also continue scheduling FOIAxpress training classes and webinars for District employees.

Complete to Date: 75-99%

Status Update: On June 21 we conducted a FOIA training in conjunction with the Office of Open Government. This two hour session was attended by general counsels, agency attorneys, and district-wide FOIA officers.

Title: Collect, report, and responsibly share information and examples of FOIA decisions with FOIA officers throughout the District government.

Description: This will help FOIA officers identify and analyze issues under FOIA in a consistent and analytical manner.

Complete to Date: 50-74%

Status Update: We have been publishing decisions in the District of Columbia Register, as well as the DC.gov website.