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Office of the Solicitor
Division of Management and Administrative Legal Services
200 Constitution Ave NW
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Washington, DC 20210
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[Department of Labor eFOIA Portal](#)
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August 23, 2022

This correspondence is in response to your Freedom of Information Act (FOIA) request dated December 27, 2021 (FOIA number 2022-F-04112) wherein you requested, “A copy of each FOIA Backlog Reduction Plan, or FOIA Backlog Reduction Strategy, and each equivalent document discussing reduction of the FOIA Case Backlog.”

For informational purposes, the Department of Labor adhered to the guidance in M10-06, Open Government Directive, issued on December 8, 2009, which required that each agency with a significant pending backlog of outstanding Freedom of Information requests shall take steps to reduce any such backlog by ten percent each year. In accordance with that guidance, DOL worked toward that goal and measured our success in relation to that mandate by establishing internal processing measures. Those measures are discussed in our published Annual FOIA and Chief FOIA Officer Reports. Under the direction of the Department’s Chief FOIA Officer, DOL established its first comprehensive backlog reduction plan based on the 2020 guidelines for the Chief FOIA Officer Report. That backlog reduction plan, consisting of six-pages, is enclosed.

Under 29 CFR § 70.40(c)(1)(iv) and (d)(4), you are considered an “other requester” and charges assessed for the production of records are limited to search costs and reproduction costs with no fee for the first 100 pages. Therefore, there is no cost associated with the processing of this request.

All questions regarding this response should be directed to Sharon Hudson, SOL FOIA Coordinator at 202-693-5406 or by email at hudson.sharon@dol.gov.

If you need any further assistance or would like to discuss any aspect of your request, please do not hesitate to contact Ms. Hudson or the DOL FOIA Public Liaison, Thomas Hicks, at 202-693-5427 or by email at hicks.thomas@dol.gov. Alternatively, you may contact the Office of Government Information Services (OGIS), National Archives and Records Administration, to inquire as to the mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. You can also reach that office by e-mail at ogis@nara.gov, by phone at 202-741-5770, by fax at 202-741-5769, or by calling toll-free at 1-877-684-6448.


You may file an appeal of this decision with the Solicitor of Labor within 90 days from the date of this letter. The appeal must state in writing the grounds for the appeal, and it may include any

supporting statements or arguments, but such statements are not required. To facilitate processing of the appeal, please include your mailing address and daytime telephone number, as well as a copy of the initial request and copy of this letter. The envelope and letter of the appeal should be clearly marked "Freedom of Information Act Appeal." Any amendment to the appeal must be made in writing and received prior to a decision.

The appeal should be addressed to the Solicitor of Labor, Division of Management and Administrative Legal Services, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N2420, Washington, DC 20210. Appeals may also be submitted by email to foiaappeal@dol.gov. Appeals submitted to any other email address will not be accepted.

Sincerely,

**Shankar
Duraismamy**

 Digitally signed by Shankar
Duraismamy
Date: 2022.08.23 07:27:10 -04'00'

Shankar Duraismamy
Deputy Solicitor for National Operations

Enclosure

US Department of Labor

BACKLOG REDUCTION PLAN FOR FY2022

(Implemented by the Office of Information Services)

This Backlog Reduction Plan (Plan) was prepared in accordance with guidance in the 2020 Chief FOIA Officers Report that requires all agencies to develop a backlog plan if they have more than 1,000 backlogged FOIA requests at the end of the reporting interval. Data compiled for DOL's Annual FOIA Report covering FY2021 showed that DOL ended FY2021 with a total of 1,216 backlogged FOIA requests. Preparation of this Plan began during FY2021, and certain aspects have already been completed.

While the Department has modernized its FOIA processes, including leveraging technology by procuring and implementing a new FOIA tracking system that can assist DOL's FOIA components to efficiently process initial FOIA requests, special attention is needed to reduce DOL's overall FOIA backlog. By direction of the Chief FOIA Officer, OIS will work collaboratively with agency components to decrease the volume of backlogged FOIA requests. The Plan includes four (4) targeted goals which are outlined below. Progress toward the goals outlined below is based on data reports from the Department's FOIA tracking system, FOIAXpress, which cover all DOL agency components except for the Office of the Inspector General (OIG). Accordingly, there may be slight variations in the metrics tracked here compared to the aggregate Annual FOIA Reports which include data manually tabulated by the OIG. This backlog report may also contain data that varies slightly from the Departmental Financial and Administrative Scorecard (commonly referred to as the F&A report), which also excludes certain DOL agency components from its aggregate calculations.

The targeted goals are as follows (and detailed below):

- **TARGET 1:** Eliminate all backlogged FOIA requests received by the Department during calendar years 2014-2016 by 100% by December 31, 2021.
- **TARGET 2:** Take proactive steps to encourage the reduction of the number of backlogged FOIA requests received by the Department during calendar years 2017 and 2018 by 100% by September 30, 2022.
- **TARGET 3:** Consistent with the Department's standing FOIA Modernization Initiative, take proactive steps to encourage the reduction by September 30, 2022 of the number of remaining backlogged FOIA requests received by the Department during calendar year 2019 by 50% and by 25% for FOIA requests received during calendar year 2020 and 2021.
- **TARGET 4:** Take proactive steps to encourage the reduction of the overall backlog of FOIA requests by 20% on or before September 30, 2022, in compliance with the Department's backlog reduction goal established in the DOL Financial and Administrative Management Scorecard.

TARGET 1: Eliminate all backlogged FOIA requests received by the Department during calendar years 2014-2016 by 100% by December 30, 2021.

As part of the Department's ongoing FOIA Modernization Initiative, OIS reviewed the overall FOIA backlog to assess the status of the oldest pending requests. As of March 2021, the Department's FOIA backlog included sixteen (16) FOIA requests that were received during calendar years 2014 - 2016. To promote full and complete processing of those requests, OIS

worked collaboratively with each DOL agency component with FOIA requests meeting this criteria to: 1) determine what issues prevented the component from processing the request; 2) encourage the component to process and close the request(s) as soon as possible with a proposed completion date; or, provide a rational for why the request could not be closed (e.g., ongoing litigation, external equities that require clearance or other matter).

Progress Regarding Overdue Requests received during calendar years 2014-2016

Milestone Dates	Result Number of Remaining Backlogged Request	Goal Achieved	Notes
March 2021	16	Initial Goal	All these requests originated in SIMS-FOIA and were known prior to the migration of data from SIMS-FOIA in October 2020.
Dec. 31, 2021	0	Yes	Each case meeting this criteria was closed in advance of the established deadline. These cases were confirmed to be closed at the end of FY2021 (September 30, 2021) and documented in the Department's Annual FOIA Report.

TARGET 2: Take proactive steps to encourage the reduction of the number of backlogged FOIA requests received by the Department during calendar years 2017 and 2018 by 100% by September 30, 2022.

As reported in the Department's Annual FOIA Report for FY2020, prior to the launch of FOIAXpress, OIS worked aggressively to identify FOIA requests that were in "AR" (Action Required) status in the legacy FOIA tracking system, SIMS-FOIA. While those efforts were successful, additional FOIA requests in the "AR" status were located during the migration of FOIA data from the legacy data system, which ultimately increased the overall volume of requests in the Department's FOIA backlog. As of April 2021, OIS identified 80 backlogged FOIA requests that had been received by the Department between January 1, 2017, and December 31, 2018; this number includes FOIA requests identified as part of the data migration.

To achieve the Target 2 goal, OIS will work collaboratively with each DOL agency component with FOIA requests meeting this criteria to: 1) identify FOIA requests migrated from SIMS-FOIA to determine if any of those requests can be administratively closed because they are duplicative, already processed but not annotated as closed in the legacy data system or inappropriately assigned; 2) determine what issues are preventing the component from processing the request; 3) encourage the component to process and close the request(s) as soon as possible with a proposed completion date; or, provide a rational for why the request cannot be closed (e.g., ongoing litigation, external equities that require clearance or other matter).

The goal under Target 2 is to reduce these overdue FOIA requests (requests received during calendar years 2017 and 2018) by 50% by September 30, 2021, and by working closely with each agency components that have such requests to fully process and close them by September 30, 2022.

Progress Regarding Overdue Requests Received in 2017 and 2018

Milestone Dates	Result Number of Remaining Backlogged Request Received During CY 2017 and 2018	Goal Achieved	Notes
4/23/2021	80	Initial Goal	This data report was run on April 23, 2021, based on the criteria established by the FOIA Modernization plan, which contemplated backlog reduction by calendar year.
9/30/2021	48	No	As of September 30, 2021, DOL agency components failed to close 50% of the backlogged FOIA requests received during calendar years 2017 and 2018. During that time, 32 backlogged FOIA requests meeting the established criteria were closed, which is a completion rate of 40%.
12/31/2021	48	No	Agency components did not make any progress toward the established goal.
03/31/2022	48	No	Agency components did not make any progress toward the established goal.
06/30/2022			
09/30/2022			

TARGET 3: Consistent with the Department’s standing FOIA Modernization Initiative, take proactive steps to encourage the reduction by September 20, 2022 of the number of remaining backlogged FOIA requests received by the Department during calendar year 2019 by 50% and by 25% for FOIA requests received during calendar year 2020.

In advance of the creation of the backlog reduction plan, OIS consistently monitored the performance of agency components against our overall backlog performance objectives. In July of 2021, OIS identified that they were 147 backlogged FOIA requests that had been received during calendar year 2019 and 739 received during calendar year 2020. While continuing to work to eliminate overdue FOIA requests received prior to 2018, OIS will also work with each DOL agency component with FOIA requests meeting this criteria to: 1) identify FOIA requests received during calendar year 2019 and 2020 and migrated from SIMS-FOIA to determine if any of those requests can be administratively closed because they are duplicative, already processed but not annotated as closed in the legacy data system or inappropriately assigned; 2) determine what issues are preventing the component from processing the request; 3) encourage the component to process and close the request(s) as soon as possible with a proposed completion date; or, provide a rational for why the request cannot be closed (e.g., ongoing litigation, external equities that require clearance or other matter).

Progress Regarding Overdue Requests Received in 2019

Milestone Dates	Number of Remaining Backlogged Requests Received During CY 2019	Goal Achieved	Notes
7/30/2021	147	Initial Goal	This data report was run on July 30, 2021, based on the criteria established by the FOIA Modernization plan, which contemplated backlog reduction by calendar year.
9/30/2021	89	Ongoing	As of September 30, 2021, DOL agency components were able to close 58 backlogged FOIA requests by completely and fully processing those requests and documenting their disposition in FOIAXpress. This was a reduction of 39% toward the 50% goal.
12/31/2021	59	Yes/Ongoing	As of December 31, 2021, DOL agency components were able to close 30 additional FOIA requests by completely and fully processing those requests and documenting their disposition in FOIAXpress. This was a total reduction of 60% toward the established goal.
03/31/2022	59	Yes/Ongoing	As of March 31, 2022, DOL agency components have not made any additional progress toward the reduction of backlogged FOIA requests received during calendar year 2019.
06/20/2022			
09/30/2022			

Progress Regarding Overdue Requests Received in 2020

Milestone Dates	Number of Remaining Backlogged Requests Received During CY 2020	Goal Achieved	Notes

7/30/2021	739	Initial Goal	This data report was run on July 30, 2021, based on the criteria established by the FOIA Modernization plan, which contemplated backlog reduction by calendar year.
09/30/2021	354	Yes/ongoing	As of September 30, 2021, DOL agency components were able to close 385 backlogged FOIA requests by completely and fully processing those requests and documenting their disposition in FOIAXpress. This was a reduction of 52%, exceeding the established goal of 25%.
12/31/2021	174	Yes/ongoing	As of December 31, 2021, DOL agency components were able to close 180 additional FOIA requests by completely and fully processing those requests and documenting their disposition in FOIAXpress. This was a total reduction of 76.5%, exceeding the established goal.
03/31/2022	153	Yes/ongoing	As of March 31, 2022, DOL agency components were able to close 21 additional FOIA requests by completely and fully processing those requests and documenting their disposition in FOIAXpress. This was a total reduction of 79%, exceeding the established goal.
06/30/2022			
09/31/2022			

TARGET 4: Take proactive steps to encourage the reduction of the overall backlog of FOIA requests by 20% on or before September 30, 2022, in compliance with the Department's backlog reduction goal established in the DOL Financial and Administrative Management Scorecard.

For the FOIA requests received in FY2021, OIS will resume conducting administrative agency reviews using the Backlog Review and Assessment Form established based on the "self-assessment" template from the Department of Justice. The Form will be sent bi-monthly to all agency components that have a current backlog with a request that the Lead FOIA Coordinator acknowledge their agency's backlog, and request that each FOIA Coordinator provide detailed information regarding the agency's progress to close out these requests. The Form will also note each agency component's progress to close out their 10 oldest FOIA requests from the beginning of the fiscal year. The Form will be sent to all agency components that have a backlog and/or have not closed out their 10 oldest overdue FOIA requests based on the data provided in the FY21 Annual FOIA Report. The goal is to reduce the overall backlog of FOIA requests by 20% by the end of FY2022.

As of the end of FY2021 (September 30, 2021), there were 1,216 FOIA requests in overdue status. The goal is to reduce the overall number of backlogged FOIA requests by 20% by the end

of FY2022. Please note that this metric is measured based on fiscal year calculations consistent with DOL's internal and external reporting requirements.

Progress Regarding Overall Backlog Reduction of 20% by September 30, 2022

Milestone Dates	Number of Remaining Backlogged Requests	Goal Achieved	Notes
9/30/2021	1,412	Initial Goal	This data report was run on September 30, 2021, based on performance measures established in the Financial and Administrative Scorecard, which mandates an overall backlog reduction of 20%. While this number in the F&A reporting varies by DOL agency component, this plan will document performance at the agency level.
11/31/2021	1,119	Yes/ongoing	As of the end November 31, 2021, agency components were able to close 293 backlogged FOIA requests by completely and fully processing those requests and documenting their disposition in FOIAXpress. This was a reduction of 21%, exceeding the established goal.
12/31/2021	1,278	No/ongoing	With the influx on incoming initial FOIA request received and which have now become backlogged, as of the end of the 1 st quarter of FY2022, DOL agency components did not make any progress toward the standing backlog reduction goal.
03/31/2022	1,323	No/ongoing	With the influx on incoming initial FOIA request received and which have now become backlogged, as of the end of the 1 st quarter of FY2022, DOL agency components did not make any progress toward the standing backlog reduction goal.
06/30/2022			
09/30/2022			