NLRB FY2021

PERFORMANCE AND ACCOUNTABILITY REPORT

PROTECTING DEMOCRACY IN
THE WORKPLACE SINCE 1935

HOW THIS REPORT IS ORGANIZED

This Performance and Accountability Report (PAR) consists of the following sections:

SECTION **01** **The Management's Discussion and Analysis (MD&A) Section** provides an overview of the National Labor Relations Board's (NLRB or Agency) mission, organization, mission-related goals, performance and financial systems highlights as well as the Agency's operational and casehandling highlights for Fiscal Year (FY) 2021. The MD&A also contains an analysis of financial statements and a discussion of compliance with legal and regulatory requirements, such as the Federal Managers' Financial Integrity Act (FMFIA).

SECTION **02** **The Performance Section** compares the NLRB's performance to its strategic goals as set forth in its current FYs 2019 through 2022 Strategic Plan. The current Strategic Plan includes two mission-related goals and two support goals to help achieve the Agency's mission and vision. The performance measures associated with the mission-related goals are outcome-based. The Agency has several outcome-based performance measures for the support goals combined with those that are management strategy driven to ensure alignment with the mission and needs of stakeholders.

SECTION **03** **The Financial Section** is composed of the NLRB's financial statements, related footnotes, and the Independent Auditor's Report.

SECTION **04** **Other Information** provides the Top Management and Performance Challenges identified by the Inspector General in the current FY, and the NLRB's summary of audit and management assurances, which details the Agency's review of compliance with the Payment Integrity Information Act of 2019. For an update on the Board's progress in addressing management and performance challenges from FY 2021 please see https://www.nlrb.gov/reports/inspector-general-reports/oig-semiannual-reports.

SECTION **05** **Appendices:**

- Appendix A: Acronyms used throughout this report
- Appendix B: Glossary of terms used throughout this report
- Appendix C: Historical performance data
- Appendix D: Complete strategic goal structure

An electronic version of the NLRB FY 2021 PAR is available on the NLRB's website at https://www.nlrb.gov/.

The NLRB's current Strategic Plan is also available at this website along with graphs and data which reflect the NLRB's work.

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MESSAGE FROM THE CHAIRMAN

On behalf of the NLRB, I am pleased to submit the FY 2021 Performance and Accountability Report. In these uncertain times, when workers are more vulnerable than ever, the work of the NLRB is critically important to restore economic security and ensure basic protections for working people. The Agency is charged with administering and enforcing the National Labor Relations Act (NLRA or Act), which guarantees the right of private sector workers to choose a union, if they desire, and to bargain collectively with their employers over wages, hours, working conditions, and other aspects of their employment. Additionally, with or without a union, the NLRA protects workers' right to act collectively to seek improvements at their workplace. The entire Agency takes seriously its mission to effectively enforce the Act, and we are proud of our ability, in the words of President Franklin D. Roosevelt, to "serve as an important step toward the achievement of just and peaceful labor relations."

The Board itself is a five-member body that serves as an impartial decision-maker to resolve questions pertaining to union elections and adjudicate cases where unfair labor practices are alleged. The Act also authorizes the Board to engage in rulemaking, as appropriate. The Board is committed to producing quality decisions as efficiently as possible. Timely decision-making by the Board is vitally important, both to workers seeking the benefits of collective bargaining and to those who have been the victims of unfair labor practices. The Board accordingly has focused attention in recent years on reducing its case processing time, and we are continuing to make significant progress. In FY 2021, the Board issued decisions in 243 contested cases and over 170 rulings, orders, or notices in other matters. Notably, the Board reduced the median age of cases pending at the end of the fiscal year by 15 percent. At the end of FY 2021 the median age of pending cases was 72 days, compared to 85 days at the end of FY 2020, 157 days at the end of FY 2019, and 233 days at the end of FY 2018.

The Board's case-processing achievements are attributable primarily to the hard work and dedication of our career staff. Indeed, we are fortunate to have a workforce that is committed to achieving the Agency's mission, even in the face of the many challenges presented this year, including the ongoing pandemic, natural disasters, changeovers in the leadership of the Agency and the composition of the Board itself. Our employees have persevered, and steadfastly served the employees, employers, and unions that count on us to resolve their workplace issues.

To ensure that we are best serving those employees, employers, and unions, the entire Agency has reinvigorated our outreach efforts, with an emphasis on reaching out to members of underrepresented communities and ensuring greater public awareness of the rights and responsibilities established by the Act, the Agency's role in enforcing the Act, and how to access our services. Our emphasis on outreach is grounded in the reality that the Act's protections are meaningful only if all workers know their rights and how to assert them, and if all employers and unions understand their obligations and protections under the law. In the same vein, the Agency has enthusiastically embraced and is pursuing the goals of the President's Executive Orders seeking to enhance equity in access to government services and federal employment.

Finally, the NLRB also takes seriously its responsibility to the taxpayers to be careful stewards of public funds. As Chairman, I certify that the NLRB's internal controls and financial systems meet and conform to the requirements of the Federal Managers' Financial Integrity Act. (A more detailed discussion of the Agency's internal controls can be found starting on page 42 of this report.) I have also made every effort to verify the accuracy and completeness of the performance data presented in this report.

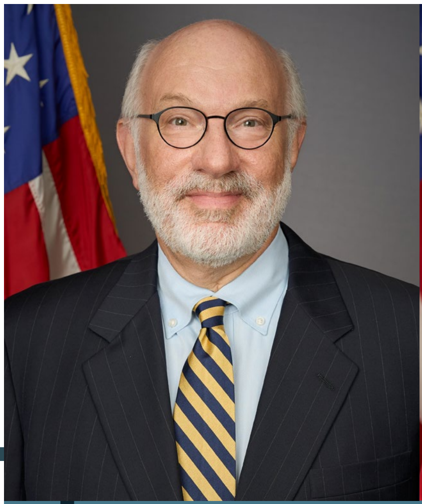
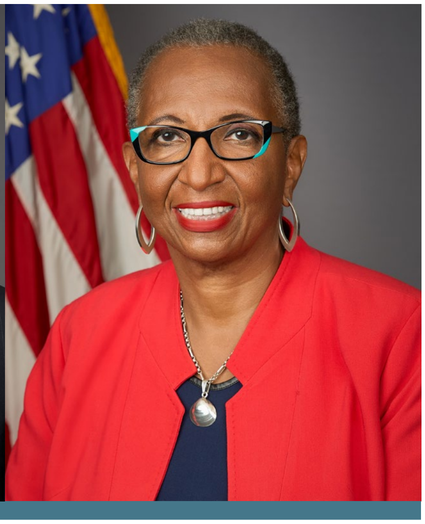
Lauren McFerran

Lauren McFerran

Chairman

BOARD MEMBERS



Clockwise from Top Left:
Chairman Lauren McFerran
Board Member Marvin E. Kaplan
Board Member John F. Ring
Board Member Gwynne A. Wilcox
Board Member David M. Prouty

MESSAGE FROM THE GENERAL COUNSEL

The NLRA at its core protects workplace democracy. The NLRA makes clear that it is the policy of United States (U.S.) to encourage collective bargaining by protecting workers full freedom of association. The NLRA provides workers at private-sector workplaces that fundamental right to seek better working conditions and designation of representation without fear of retaliation. Those are the Agency's two primary functions: (1) to prevent and remedy unfair labor practices, and (2) to protect workers' free choice regarding union representation. Poignantly, over the last two years, the COVID-19 pandemic has further exposed the inequities and imbalances of bargaining power between workers and employers further underscoring the vital importance of the actual realization of the mission of the NLRB.

This FY 2021 report outlines the Agency's casehandling, administrative, financial, and renewed outreach accomplishments; demonstrates the outstanding management of resources; and addresses current and future challenges. As a former career attorney with the NLRB, I am honored to return and to serve as the Agency's second female General Counsel (GC) in its 86-year history.

The NLRB's Office of the General Counsel (OGC) is responsible for investigating and prosecuting unfair labor practice cases and for handling representation case petitions filed in the NLRB's 26 Regional and 22 field offices across the nation.

As General Counsel, I exercise general supervisory authority over the network of field offices, staffed by approximately 700 employees, as well as hundreds of employees assigned in Headquarters. Over the past FY, the OGC has made it a top priority to put in place employees, supervisors, managers, and executives in the field offices to ensure the robust enforcement of the NLRA. Further, the OGC has taken significant steps to increase Agency-wide staffing. Since January 2021, the OGC has taken aggressive steps to ensure that Agency personnel have the resources they need to accomplish our critical mission in a timely and quality manner.

While operating under level funding during FY 2021, the OGC was able to implement a field office hiring plan consisting of several phases. As a result, I am proud to report that, but for two Regional Offices, Regional Directors have been appointed to lead the Regional Offices as part of the senior executive service cadre, and I fully intend to post for the two vacancies in the very near future. The OGC has also filled 16 other field managerial and supervisory positions, as well as dozens of field attorneys, examiners and administrative professionals. For FY 2022, I will continue to work collaboratively with internal stakeholders to ensure the NLRB has the resources and staffing to meet the needs of the public the Agency serves.

In FY 2021, the OGC also oversaw the NLRB's significant improvements to ensure appropriated funds do not go unobligated, including introduction of a performance-based budgeting process, and with these improvements in place, the Agency was well-positioned to effectively obligate 99.7 percent of its appropriated funds.

Early in my tenure as the General Counsel, I issued GC Memorandum 21-04, Mandatory Submissions to Advice, in which I communicated to the field offices and the public my enforcement focus. GC Memorandum 21-04 was divided into three sections: Board precedent that was overruled by the prior Board majority; legal initiatives that deserve closer scrutiny; and traditional Advice casehandling matters. Broadly, I am refocusing the enforcement of the NLRA to protect workers' rights to seek workplace democracy. For example, workplace rules that impinge on employees' Section 7 rights of employees to act concertedly to improve their working conditions directly contravenes the core principles of the NLRA. Moreover, when employees are misclassified as non-employees, an employer is affirmatively prohibiting the employee from being able to seek the protection of the NLRA, which was also the subject of GC Memorandum 21-08, Statutory Rights of Players at Academic Institutions. The goal of workplace democracy is for all workplaces to benefit from collective bargaining. Thus, after employees have selected a union to serve as their exclusive collective bargaining representative, both the employer and union must abide by their legal obligations to bargain in good faith with each other, and an employer cannot unlawfully withdraw recognition undermining employees' choices and voices.

Additionally, I issued GC Memoranda 21-06 and 21-07, Seeking Full Remedies and Full Remedies in Settlement Agreement, respectively. These memos go to the heart of fully effectuating the NLRA. When violations of the NLRA occur, the offending party must be held accountable to make the aggrieved party whole. It is important to note that the obligation to make whole not only inures to the named discriminatees, but also to other workers and the public. Thus, when a respondent violates the NLRA, the violation affects many and the remedy must be commensurate.

I am very proud of our field offices' efforts during this fiscal year to assist parties in resolving their issues short of litigation by garnering a number of settlement agreements. Two notable settlements included *Boeing Co.*, addressing multiple unlawful threats, rules, and retaliatory actions, including discharges, resulting in backpay in excess of a half-million dollars, and *Nebraskaland*, after filing for injunctive relief, the District Court approved a consent Injunction requiring the employer to promptly offer reinstatement to the three discharged drivers who led the strike, and to post the Court Order in English and Spanish to better remedy the threats of reprisals, the summoning of the police, and the surveillance.

I am equally proud of the litigation efforts performed by Headquarters and field offices this fiscal year. For example, with assistance from the Division of Advice's Injunction Litigation Branch in *Red Rock Casino Resort & Spa*, the Agency obtained injunctive relief, including, among other things, an order for the employer to bargain with Local Joint Executive Board of Las Vegas as the representative of a unit of over 1,300 of its food and beverage and hotel operations employees. In *Amerinox Processing, Inc*., the Agency also obtained injunctive relief providing for interim reinstatement of six employees, a broad cease and desist order, and a notice reading and posting.

Similarly, the Division of Legal Counsel capably addressed a number of legal challenges involving removal issues, and the Division of Enforcement Litigation did an admirable job in defending the Board's findings in *Nexstar,* involving unilaterally implementing two policy changes after expiration of the parties' collective-bargaining agreement. Notably, in doing so, the Court held that the Board's determination that the relevant standard for assessing those unilateral changes, post-contract expiration, was the "clear and unmistakable waiver" standard, and rejected the Employer's contention that the standard set forth in *MV Transportation* should instead be applied.

I remain committed to engaging with and educating the public. In this regard, during this fiscal year, the OGC has committed the Agency's resources to a more robust outreach program such that outreach activities in the Agency are no longer collateral duties but go to the core of enforcing the NLRA. The OGC rescinded previous internal guidance limiting field office staff from participating in outreach events. The Agency's outreach initiative aligns with the White House's goal of diversity, equity, inclusion, and access. I am committed to revitalizing the NLRB's efforts to educate the underserved and most vulnerable populations of our communities, especially immigrant groups. I have also worked to re-energize longstanding productive relationships with organizations, such as the American Bar Association's Labor and Employment Section.

In addition to this outreach to the public, our Office of Congressional and Public Affairs continued our efforts to promote broader public awareness of workers' rights under our statute and of our services to workers, employers, and unions to guarantee those rights. For example, in addition to ensuring that all congressional and intergovernmental communications were timely handled in a transparent manner, the Office increased our exposure to the public through more frequent news releases through our public website and through social media – tripling the NLRB's Twitter followers.

We also expanded our collaboration with other federal agencies, including the Department of Labor (DOL), Department of Justice, Department of Homeland Security, and the Equal Employment Opportunity Commission (EEOC) to promote the goal of improved worker protection. For example, I participated in a signing ceremony with the Ambassador from Mexico, Secretary of Labor, EEOC Chairwoman, and other officials from the DOL. The Agency's field offices also renewed its efforts to participate in Labor Rights week and partnered with representatives from Latin and South America to better educate workers and business owners in those communities about statutory rights and obligations.

As General Counsel, I am committed to the open and transparent operation of my Office. I enjoy and encourage constructive relationships with representatives of both management and labor who appear before the Agency. I am also grateful for the productive relationships and candid advice from internal stakeholders. Returning to the Agency has only reinforced my appreciation for all of the Agency's highly capable employees, who are committed to fulfill our mission of protecting workers' rights and providing the highest quality service to the public.

Jennifer A. Abruzzo

General Counsel

FY 2021 YEAR IN REVIEW

AGENCY OPERATIONS

Throughout FY 2021, the Board continued to focus on timely and efficiently issuing decisions in pending unfair labor practice (ULP) and representation cases. The Board has renewed its commitment to prioritizing expedient case processing in recent years, in recognition that long delays in the issuance of Board decisions undermines the purposes of the Act and mission of the Agency. As a result of these efforts, in FY 2021, the Board issued 243 decisions in contested cases – 136 decisions in unfair labor practice cases and 107 decisions in representation cases – and over 170 rulings, orders, or notices in a variety of other matters.

Continuing an initiative started in FY 2020, the Board placed special emphasis on issuing decisions in its oldest pending cases, defined as cases that, if not issued by the end of FY 2021, would have been pending before the Board for more than 18 months for unfair labor practice cases and more than 12 months for representation cases. The shorter timeframe for representation cases recognizes that case processing efficiency is particularly important in the context of effectuating employees' wishes regarding union representation. Overall, 62 cases were identified as "oldest cases" for FY 2021. The issuance of decisions in these oldest cases was tracked by the Executive Secretary's Office, and updates regarding progress toward this goal were reported regularly to the Board Members and their staffs.

This "oldest cases" initiative was a great success. As of the end of FY 2021, the Board issued decisions in 58 of these cases, including all 28 of the representation cases that were prioritized for completion. As noted above, the issuance of these cases reduced the median age of cases pending before the Board at the end of FY 2021 by 15 percent from FY 2020, 54 percent from FY 2019, and 69 percent since FY 2018. In terms of days, the median age of pending cases at the end of FY 2021 was 72 days, compared with 85 days at the end of FY 2020, 157 days at the end of FY 2019, and 233 days in FY 2018. Last, although four (4) of the oldest cases were not completed during FY 2021, this was due to circumstances unrelated to the Board's commitment to this initiative, and these cases will be prioritized for completion in FY 2022.

Moreover, while achieving those efficiencies, the Board maintained the high quality of its decisions. The Board is regularly apprised of the outcomes of cases that have been appealed to the federal courts of appeals and, as in years past, the Board enjoyed a high rate of judicial enforcement of its orders in FY 2021. In addition, senior leaders and staff on the Board-side regularly reviewed all appellate court decisions concerning Board orders to identify strengths and weaknesses in the Board's decision-making. These strategies enabled the Board to continually evaluate ways to enhance the quality of its decisions.

Notably, the Board also facilitated case processing throughout the Agency by continuing its expanded use of Zoom for Government to conduct virtual hearings during the pandemic, and by supporting those hearings with its "courtroom deputy" program. Through the end of FY 2021, the Agency had conducted virtual hearings in a total of 207 unfair labor practice cases and 487 representation cases. Nearly all of the virtual unfair labor practice hearings, moreover, were staffed by a Board-side employee who served as a "courtroom deputy" to assist the administrative law judge in managing the Zoom for Government platform to allow the judge to stay focused on the arguments, testimony, and other evidence presented in the hearing.

Last, as described in detail below, the Board supported the Agency's implementation of significant technology improvements, revitalized its congressional and public affairs program, supported increasing diversity, equity, inclusion, and accessibility for both internal and external stakeholders, reengaged with the unions representing Agency employees, and ensured the sound management of fiscal resources. In sum, we achieved much success in FY 2021 and we look forward to carrying this momentum into FY 2022.

TECHNOLOGY ADVANCES

In FY 2021, the Office of the Chief Information Officer (OCIO) made significant strides in advancing technologies in the areas of migration and redevelopment of legacy applications to cloud technologies, modernizing the Judicial Case Management System (JCMS), implementing NxGen Case Management applications process enhancements, improving cybersecurity and Information Technology (IT) Infrastructure enhancements to support extended telework during the COVID-19 pandemic, and dramatically increasing Federal Information Security Management Act/National Institute of Standards and Technology (FISMA/NIST) security related operational efficiencies.

The OCIO successfully implemented the Office of Management and Budget (OMB) Memorandum M-16-19 initiatives for data center optimization. The OCIO established guidelines, metrics and milestones in the following areas:

- Organization and Communications
- Streamlining the Environment
- Enterprise Data Center Discovery
- Agency Data Center Optimization Plan Formulation
- Detailed Discovery
- Application and Server Migration
- System Decommissioning
- Data Center Closures

Major milestones in FY 2021:

1. The NLRB's Agency integrated Search tool (iSearch) was re-architected with improvements in the indexing technology and completeness of indexed resources, performance, and

accuracy. The legacy KnowVation tool was retired as a result and content migrated into iSearch to realize cost savings through reduction of similar technologies and resources.

2. Launched a Classified Index of NLRB Decisions and Related Court Decisions (CiteNet) 2.0 which provides a modern user interface for the public and integrates the citation process into the NxGen Case Management System.
3. Replaced the fleet of Kodak document scanners with new Fujitsu models which provide enhanced capabilities and performance improvements, as well as supporting telework and permanent work at home individuals.
4. Continued to modernize the Agency's Enterprise Data Warehouse (EDW) to cost-effectively store and process data, reduce resource-heavy transformations to match demand, and support new reporting enhancements.
5. Developed a process in the NxGen Case Management System to manage discriminatees to capture and store discriminatee contact information.
6. Enhanced the electronic filing (E-File) functionality on the Agency public website to automate workflows and process documents. Also developed an ad-hoc report to provide data integrity checks for processing compliance packets.
7. Designed and developed a fully functional Freedom of Information Act (FOIA) Request File Sharing solution to automate the sharing of large files to FOIA requesters. Previously, this arduous, manual process involved separating large files into several smaller files that were then emailed. The FOIA Branch is now able to upload files, with delivery expiration dates, to a secure website that only allows the FOIA requester access to download. This solution won a Department of Justice (DOJ) Sunshine Week award for FY 2021 for FOIA Advancements in IT.
8. In support of COVID-related work-at-home efforts, developed and instituted a process to assist the Agency's administrative law judges with Zoom hearings and utilizing external SharePoint sites for guest access to share trial evidence and exhibits.
9. In support of the executive order on requiring COVID-19 vaccination for federal employees, designed and developed a certification of vaccination form for NLRB federal employees.
10. The Agency's public website was enhanced to increase and make case data more transparent to constituents:
    a. Interactive Case Processing Map – using data analytics and business intelligence to provide an interactive map showcasing unfair labor practice and representation case data for each region.
    b. Advanced Data Search – providing users the ability to create and download customized reports for case and election data.

c. MyNLRB – providing user profile management using Login.gov for authentication and personalization for tracking individual cases, saved searches and aggregated regional content.

d. Spanish website – approximately 50 pages translated into Spanish to reach a larger part of the constituency.

e. Improved capabilities by:

- Adding the ability to upload large media files to the E-Filing application which eliminated a significant bottleneck for processing large files in cases.
- Redesigning the Agency Careers section which places a new focus on attracting top talent to the NLRB.
- Working with the FOIA Branch, designed and developed a process for relating NLRB cases with FOIA requests from FOIAOnline.

11. Completed the implementation of Microsoft Teams and subsequent retirement of Skype for Business. Microsoft Teams provides both communication and collaboration in the form of telephony, video, chat, screen sharing, and integration with other Microsoft platforms (e.g., SharePoint, Planner, Power platform, Office suite, et cetera).

12. As a cost savings measure, completed approximately 75 percent of a three (3) terabyte shared drive file, data, and permission migration to increase document collaboration using Teams and SharePoint.

13. Implemented Microsoft SharePoint Process Automation – continued to streamline Agency processes developing web forms with routing, workflow, data storage and management reporting.

14. Implemented the following infrastructure modifications to enhance cybersecurity and reliability of the Agency's IT infrastructure:

a. Migrated Continuous Diagnostic Monitoring (CDM) infrastructure from Shared Services Platform (SSP) 1.0 to SSP 2.0.

b. Met FY 2021 requirements for all OMB mandates and Executive Orders to include:

- Executive Order 14028 on *Improving the Nation's Cybersecurity*
- OMB memorandum M-21-07, "Completing the Transition to Internet Protocol Version 6 (IPv6)"
- OMB memorandum M-21-31, "Improving the Federal Government's Investigative and Remediation Capabilities Related to Cybersecurity Incidents"

- OMB memorandum M-20-32, "Improving Vulnerability Identification, Management, and Remediation"

c. Migrated the Agency Wide-Area Network (WAN) from the General Services Administration (GSA) Networx contract to the Enterprise Infrastructure Solutions (EIS) contract. This migration enabled increased bandwidth availability and reliability through SD-WAN capability.

d. Implemented a Network Access Control (NAC) solution to protect Agency wired and wireless networks from unauthorized users and devices.

e. Completed transition to a single device management solution for endpoint protection for mobile devices and workstations.

PUBLIC INFORMATION PROGRAM

The Agency's Public Information Program is one of the critical services provided to the American public, including employers, unions, and employees. Under this program, in addition to the services provided by the Office of Congressional and Public Affairs (OCPA) in Headquarters, Board agents in the field offices provide information directly to individuals or entities that contact the Agency seeking assistance. In FY 2021, the Agency's Regional Offices received 32,106 public inquiries regarding workplace issues. In responding to these inquiries, Board agents spend a considerable amount of time explaining the rights and responsibilities under the Act and of other government agencies, accepting charges, or referring parties to other federal or state agencies. A total of 5,711 Charges and Petitions were filed using fillable forms obtained from Regional offices or from the Agency's website. An additional 5,066 Charges and Petitions were filed using the E-filing wizard on the Agency's website without assistance from Agency personnel.

The public may also contact the Agency through a toll-free telephone service (844-762-6572) designed to provide easy and cost-free access to information. Callers to this number will hear messages recorded in English and Spanish that provide a general description of the Agency's mission, contact information for other government agencies, and contact information for the Regional Offices in closest geographic proximity. In FY 2021, the toll-free telephone service received 23,833 calls. Board staff also monitor **publicinfo@nlrb.gov**, an email account for general public inquiries.

Public outreach is encouraged and has been embraced at all levels of the Agency. Over the past few years, Board Members, General Counsels, Regional Directors, Congressional and Public Affairs staff, and Board agents participated in numerous speaking engagements at events sponsored by law schools, bar associations, chambers of commerce, worker advocacy groups, and various other employer, union, and human resources professional groups to educate them on the NLRA and the role of the NLRB in impartially enforcing the Act. In addition, Regional Offices publish newsletters and participate in televised or radio public talk shows. The Agency has also been active on Twitter and Facebook accounts.

As part of the Agency's outreach to communities with limited English proficiency, in addition to the bilingual toll-free telephone service for inquiries, the NLRB employs Language Specialists and contracts with service providers whose job is to provide interpretation and translation services in various languages to assist field office casehandling. The public website contains Agency publications about the NLRA and processes, which are translated into Spanish, Chinese, Creole, Korean, Russian, Somali, and Vietnamese. The number of electronic document templates available in Spanish continues to increase and the database of translated representation case notices and ballots has expanded to include 31 languages. Finally, the Agency has teamed up with other federal agencies in conducting listening sessions among the Asian American and Pacific Islander community to educate them about the rights of workers and to listen to their concerns regarding treatment at their workplaces and confusion about the Agency's processes.

FY 2021 STATISTICAL HIGHLIGHTS

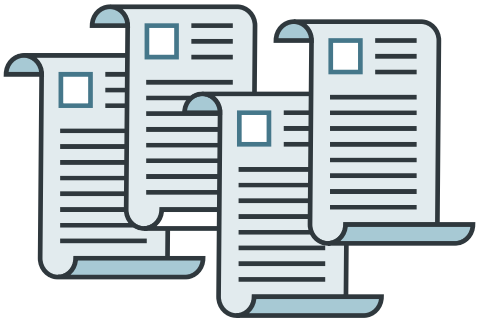
The Board issued **243** decisions in contested cases:

136 unfair labor practice cases

107 representation cases

89.0% of all initial elections were conducted within 56 days of filing of the petition.

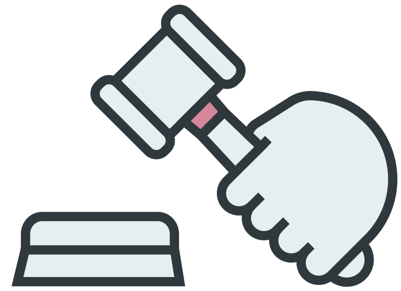
Initial elections in union representation cases were conducted in a median of **34.8 days** from the filing of the petition.



Regional Offices issued **678 complaints.**

79.6%

of meritorious ULP charges resolved within 365 days.



Regional Offices prevailed in

81.9%

of Board and administrative law judge (ALJ) decisions which were won, in whole or in part.

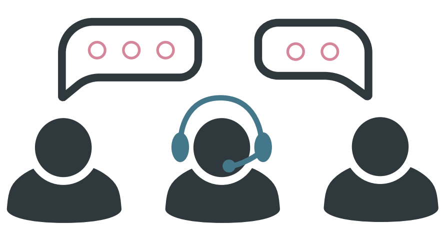
$56,801,407.04

was recovered on behalf of employees as backpay or reimbursement of fees, dues, and fines

and

6,307

employees offered reinstatement.



The Agency received **32,106** inquiries through its Public Information Program, and **23,833** calls through its toll-free number.

The Division of Judges closed **135** hearings, issued **112** decisions, and achieved **444** settlements in cases on its trial docket.

MANAGEMENT'S DISCUSSION AND ANALYSIS

PROTECTING DEMOCRACY IN THE WORKPLACE SINCE 1935

ABOUT THE NLRB

THE NATIONAL LABOR RELATIONS ACT (NLRA)

- Basic law governing relations between labor unions and business enterprises engaging in interstate commerce in the private sector.
- Serves the public interest by reducing interruptions in commerce caused by conflict between employers and employees.
- Embodies a bill of rights for workers, which establishes freedom of association for purposes of collective bargaining and concerted activities to improve terms and conditions in the workplace.
- Addresses the rights of employees and obligations of, labor unions and private employers.

THE NATIONAL LABOR RELATIONS BOARD (NLRB)

The NLRB is an independent federal agency created in 1935 to administer and enforce the NLRA by ensuring that workers can freely express their wishes regarding union representation; and to protect workers' fundamental right to act together for their mutual aid or protection.

The NLRB acts only on those charges brought before it and does not initiate cases. All proceedings originate with the filing of charges or petitions by employees, labor unions, private employers, or other private parties.

In its 86-year history, the NLRB has counted millions of votes, investigated hundreds of thousands of charges, and issued thousands of decisions. These numbers tell an important part of the Agency's story. Specific data on the following components of the Agency's work can be found on the NLRB's web site at: https://www.nlrb.gov/:

Charges and Complaints – Data related to the investigation and prosecution of ULPs received by Regional Offices and their disposition over time, including withdrawals, dismissals, complaints, and settlements.

Petitions and Elections – Data related to petitions for representation, decertification, unit amendment and clarification, and rescission of union security agreements received by Regional Offices, elections held, and outcomes.

Decisions – Data related to decisions by the Board and NLRB ALJs.

Federal Litigation – Data related to litigation by Board attorneys before administrative law judges, the Board, and in federal court, including petitions for temporary injunctions, defending Board decisions in court, and pursuing enforcement, contempt and compliance actions.

MISSION STATEMENT

Protecting workplace democracy and the rights of employees, unions and employers under the National Labor Relations Act, in order to promote commerce and strengthen the Nation's economy.

Remedies – Data related to remedies obtained to resolve ULPs, including backpay and offers of reinstatement.

EMPLOYEE RIGHTS UNDER THE NLRA

The NLRA extends rights to many private-sector employees, including the right to organize and to bargain collectively with their employer. Employees covered by the Act are protected from certain types of employer and union misconduct and have the right to support union representation in a workplace where none currently exists or to attempt to improve their wages and working conditions through other group action.

Under the NLRA, employees have the right to:

- Form, or attempt to form, a union among the employees of an employer.
- Join a union whether the union is recognized by the employer or not.
- Assist a union in organizing employees.
- Engage in protected concerted activity. Generally, "protected concerted activity" are activities that seek to improve working conditions.
- Refuse to do any or all of these things. However, the union and employer, in a state where such agreements are permitted, may enter into a lawful union-security clause requiring employees to pay union dues and fees.

The NLRA forbids employers from interfering with, restraining, or coercing employees in the exercise of rights relating to organizing, forming, joining or assisting a labor organization for collective bargaining purposes, engaging in protected concerted activities, or refraining from these activities. Similarly, unions may not restrain or coerce employees in the exercise of these rights.

STATUTORY STRUCTURE

Agency Leadership consists of six presidential appointees—five Board Members (including the Chairman) and the General Counsel. Day-to-day management of the Agency is divided by law, delegation, and Agency practice between the Chairman, the Board, and the General Counsel. The Agency's offices include its headquarters in Washington, D.C., a network of field offices throughout the U.S., and two satellite Judges' offices in New York City and San Francisco. The NLRA assigns separate and independent responsibilities to the Board and the General Counsel. The General Counsel's role is chiefly prosecutorial and the Board's is adjudicative. A map depicting the regional offices can be found at: https://www.nlrb.gov/about-nlrb/who-we-are/regional-offices

THE FIVE-MEMBER BOARD

The five-member Board primarily acts as a quasi-judicial body, deciding cases based on formal records in administrative proceedings. Board Members are appointed by the President with the advice and consent of the Senate and serve staggered five-year terms.[1] The President designates one of the Board Members as Chairman. Board Member Lauren McFerran was designated as Chairman on January 20, 2021.

THE GENERAL COUNSEL

Congress created the position of General Counsel in its current form in the Taft-Hartley Act of 1947. The General Counsel is appointed by the President to a four-year term, with Senate consent, and is responsible for the investigation and prosecution of ULP cases and for the general supervision of the NLRB Regional Offices, and pursuant to a delegation by the Board, the administrative, financial and human capital operations of the Agency. In performing delegated functions, and in some aspects statutorily assigned functions, the General Counsel acts on behalf of the Board. With respect to the investigation and prosecution of ULP cases, the General Counsel has sole prosecutorial authority under the statute, independent of the Board. Jennifer A. Abruzzo, was nominated by the President to serve as General Counsel, and was confirmed by the Senate on July 21, 2021 and sworn in on July 22, 2021.

1 Even though Board Members have five-year terms, a new five-year term begins running immediately upon the expiration of the previous Member's term and the seat remains vacant until an individual is nominated and confirmed by the Senate. Therefore, a lapse of time can occur between when a term expires and a new Board Member is confirmed, which means that a new Board Member would serve only the remaining portion of the five-year term to which they were appointed.

Below is information about the terms of the current Presidential appointees of the NLRB.

Appointee	Sworn In	Term to Expire
Lauren McFerran Chairman	8/10/2020 (as Board Member) 1/20/2021 (designated as Chairman)	12/16/2024
Marvin E. Kaplan Member	8/10/2017	8/27/2025
John F. Ring Member	4/16/2018	12/16/2022
Gwynne A. Wilcox Member	8/4/2021	8/27/2023
David M. Prouty Member	9/22/2021	8/27/2026
Jennifer A. Abruzzo General Counsel	7/22/2021	7/22/2025

ORGANIZATION

BOARD
Lauren McFerran - Chairman
Marvin E. Kaplan - Board Member
John F. Ring - Board Member
Gwynne A. Wilcox - Board Member
David M. Prouty - Board Member

OFFICE OF THE GENERAL COUNSEL
Jennifer A. Abruzzo - General Counsel
Peter Sung Ohr - Deputy General Counsel
Jessica Rutter - Associate General Counsel

OFFICE OF CONGRESSIONAL AND PUBLIC AFFAIRS
Vacant - Director

OFFICE OF THE EXECUTIVE SECRETARY
Roxanne L. Rothschild
Executive Secretary

OFFICE OF REPRESENTATION APPEALS
Terence Schoone–Jongen
Director

OFFICE OF THE SOLICITOR
Fred B. Jacob
Solicitor

DIVISION OF JUDGES
Robert A. Giannasi
Chief Administrative Law Judge

INSPECTOR GENERAL
David P. Berry
Inspector General

OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY
Brenda Valentine Harris
Director

DIVISION OF ADMINISTRATION
Lasharn Hamilton
Director

OFFICE OF THE CHIEF INFORMATION OFFICER
Prem Aburvasamy
Chief Information Officer

OFFICE OF THE CHIEF FINANCIAL OFFICER
Isabel Luengo McConnell
Chief Financial Officer

DIVISION OF OPERATIONS – MANAGEMENT
Vacant
Associate General Counsel

REGIONAL OFFICES

DIVISION OF ENFORCEMENT LITIGATION
Vacant
Associate General Counsel

DIVISION OF ADVICE
Richard Bock
Associate General Counsel

DIVISION OF LEGAL COUNSEL
Nancy Platt
Associate General Counsel

CASEHANDLING FUNCTIONS

The NLRB strives to create a positive labor-management environment for the nation's employees, unions, and employers by assuring employees free choice regarding union representation and by preventing and remedying statutorily defined ULPs. The NLRB maintains a citizen-centered and results-oriented philosophy to best serve the needs of the American people.

The primary function of the NLRB is the effective and efficient resolution of charges and petitions filed under the NLRA by individuals, employers, or unions. In carrying out the NLRA's mandates, the NLRB supports the collective bargaining process and seeks to prevent and remedy certain ULPs on the part of employers and unions so as to promote commerce and strengthen the Nation's economy.

> The NLRB strives to create a positive labor-management environment for the nation's employees, unions, and employers by assuring employees free choice on union representation and by preventing and remedying statutorily defined unfair labor practices. The NLRB maintains a citizen-centered and a results-oriented philosophy to best serve the needs of the American people.

The two mission-related goals of the NLRB are:

- Promptly and fairly resolve through investigation, settlement or prosecution, unfair labor practices under the NLRA.
- Promptly and fairly resolve all questions concerning representation of employees.

UNFAIR LABOR PRACTICE PROCEEDINGS

The NLRA regulates the conduct of labor-management relations between employers and unions. The NLRB enforces the provisions of the Act through ULP proceedings, which are adjudicated and remedied through procedures under the NLRA.

The General Counsel has sole responsibility—independent of the Board—to investigate charges of ULPs, and to decide whether to issue complaints with respect to such charges. The Board, in turn, acts independently of the General Counsel in deciding the merits of ULP cases.

The General Counsel investigates ULP charges through the Agency's network of Regional, Subregional, and Resident Offices (collectively known as field offices). If there is reason to believe that a ULP charge has merit, the Regional Director, on behalf of the General Counsel, issues and prosecutes a complaint against the charged party, unless a settlement is reached. With some exceptions, a complaint that is not settled or withdrawn is tried before an ALJ, who issues a decision. The decision may be appealed by any party to the Board through the filing of exceptions. The Board decides cases on the basis of the formal record, according to the Act and the body of case law that has been developed by the Board and the federal courts.

If the Board finds that a violation of the Act has been committed, the role of the General Counsel thereafter is to act on behalf of the Board to obtain compliance with the Board's order remedying the violation. Although Board decisions and orders in ULP cases are final and binding with respect to the General Counsel, they are not self-enforcing. The statute provides that any party may seek review of the Board's decision in a U.S. Court of Appeals. In addition, if a party refuses to comply with a Board decision, the Board must petition for court enforcement of its order. In court proceedings to review or enforce Board decisions, the General Counsel represents the Board and acts as its attorney. Also, the General Counsel acts as the Board's attorney in contempt proceedings and when the Board seeks injunctive relief under Sections 10(e) and (f) of the NLRA after the entry of a Board order and pending enforcement or review of proceedings in circuit court.

Section 10(j) of the NLRA empowers the Agency to petition a federal district court for an injunction to temporarily prevent ULPs by employers or unions and to restore the status quo, pending full review of the case by the Board. In enacting this provision, Congress was concerned that delays inherent in the administrative processing of ULP charges, in certain instances, would frustrate the Act's remedial objectives. Determining whether the use of Section 10(j) is appropriate in a particular case is dependent on preserving the Board's ability to effectively remedy the alleged ULP and ensuring the alleged violator would not otherwise reap the benefits of its violation.

Under NLRB procedures, after deciding to issue a ULP complaint, the General Counsel may request authorization from the Board to seek injunctive relief. The Board votes on the General Counsel's request and, if a majority votes to authorize injunctive proceedings, the General Counsel, through the Regional staff, files for injunctive relief with an appropriate federal district court. In addition, under Section 10(l) of the Act, when a Region's investigation of a charge yields reasonable cause to believe that a union has committed certain specified ULPs, such as a work stoppage or picketing with an unlawful secondary objective, the Regional Director is required, on behalf of the Board, to seek an injunction from a federal district court to halt the alleged unlawful activity.

REPRESENTATION PROCEEDINGS

In contrast to ULP proceedings, representation proceedings conducted pursuant to the Act are not adversarial.[2] Representation cases are initiated by the filing of a petition—by an employee, a group of employees, a labor organization acting on their behalf, or in some cases by an employer. Typically, the petitioner requests an election to determine whether a union has the support of a majority of the employees in an appropriate bargaining unit and therefore should be certified or decertified as the employees' bargaining representative. The role of the Agency

2 Unlike ULP hearings where violations of the statute are litigated in an adversarial proceeding, representation case hearings are fact-finding proceedings regarding questions concerning representation.

in such cases is to investigate the petition and conduct a secret-ballot election, if appropriate, addressing challenges and objections to the election subsequently, and thereafter determining whether certification should issue.

In the processing of representation cases, the Board and the General Counsel have shared responsibilities. The Regional Offices, which are under the day-to-day supervision of the General Counsel, process representation petitions and conduct elections on behalf of the Board based on a delegation of authority made in 1961. As a result, although the Board holds the authority to determine the rules governing representation proceedings, the Board and the General Counsel have historically worked together in developing such procedures. The Board also has ultimate authority to determine such matters as the appropriateness of the bargaining unit and to rule on any challenges and objections to the conduct of an election. The Regional Directors have been delegated authority to render initial decisions in representation matters, which are subject to Board review.

COMPLIANCE PROCEEDINGS

To obtain compliance with the Board's orders and settlement agreements, the General Counsel's staff must follow up to ensure that the results of the processes discussed above are enforced. The NLRB staff deals with employees whose rights have been violated to calculate backpay, and works with respondents regarding notice postings, reinstatement of workers, disciplinary record expungement, withdrawal of unlawful rules or policies, and bargaining remedies. Since Board orders are not self-enforcing, noncompliance or disputes on findings may require additional hearings or actions in the courts.

ADMINISTRATIVE FUNCTIONS

Section 3(d) of the Act assigns the General Counsel supervision over all attorneys employed by the Agency, with the exception of the ALJs, the Solicitor, the Executive Secretary and the attorneys who serve as counsel to the Board Members. The Board has also delegated to the General Counsel general supervision over the administrative, financial, and personnel functions of the Agency.

CASEHANDLING HIGHLIGHTS

The NLRB acts only on cases brought before it and does not initiate cases. While charges must be filed with the Agency to begin an investigation, if merit is found to the charge allegations, the Regional Director has delegated authority from the General Counsel to issue a complaint absent settlement.

All proceedings originate with the filing of charges or petitions by employees, labor unions, or private-sector employers engaged in interstate commerce. During FY 2021, the public filed 15,081 unfair labor practice charges, containing one or more allegations of unlawful conduct, of which 37.9 percent were found to have merit. Also, in FY 2021, the NLRB received 1,630 representation petitions, including 1,543 petitions to conduct secret-ballot elections in which workers in appropriate units freely decide whether unions represent them in collective bargaining with their employers, as well as 32 petitions for elections in which workers voted on whether to rescind existing union-security agreements. The NLRB also received three (3) petitions seeking amendment and 52 petitions seeking clarification of an existing bargaining unit.

The NLRB is focused on effectuating the dual purposes of the National Labor Relations Act to ensure employees' free choice on union representation and to prevent and remedy statutorily defined unfair labor practices in an efficient manner that best serves the needs of the American people.

The cases summarized on the following pages highlight some of the Agency's more notable casehandling activities in furtherance of these purposes.

BOARD HIGHLIGHTS

COVID-19 RELATED DEVELOPMENTS

FY 2021 continued to be challenging for the country, including for American workers and businesses. The Board addressed COVID-19 issues in a number of situations, including matters related to the method of conducting a representation election.

ASPIRUS KEWEENAW

18-RC-263185, reported at 370 NLRB No. 45 (2020)

In light of the ongoing COVID-19 pandemic, the Board outlined at least six pandemic-related factors that, if any one was present, would justify deferring to a Regional Director's decision to direct a mail-ballot election instead of a manual election. Then-Member McFerran concurred in the result but would have adopted a default presumption that mail-ballot elections are appropriate until the pandemic is over. She also questioned whether it was time to move beyond the Board's preference for manual elections in general.

Then-Chairman Ring and Members Kaplan, Emanuel, and McFerran participated.

PROTECTING THE INTEGRITY OF MAIL BALLOT ELECTIONS

The Board addressed challenges to the integrity of mail ballot elections, and what evidence should be considered in the event of such a challenge.

PROFESSIONAL TRANSPORTATION, INC.

32-RC-259368, reported at 370 NLRB No. 132 (2021)

On review, the Board (Chairman McFerran and Members Kaplan and Ring; Member Emanuel, dissenting in part) affirmed the Regional Director's overruling of election objections alleging that representatives of the Petitioner solicited the mail ballots of two eligible voters, finding that the Employer had failed to provide a description of evidence that, if credited at a hearing, would warrant setting aside the election.

In affirming the Regional Director, the full Board recognized the Agency's institutional interest in maintaining public confidence in the integrity of its election processes, and unanimously held that a party's solicitation of mail ballots from voters (that is, offering to collect and submit such ballots for voters) constitutes objectionable conduct. A majority (Chairman McFerran and Members Kaplan and Ring) held that such conduct warrants setting aside an election only if the evidence shows that a determinative number of voters were affected by it. To calculate the number of affected voters, the majority would consider evidence of the number of unit employees whose ballots were solicited and the number of employees who were aware of the solicitation, although Chairman McFerran would count only those unit employees who were made aware of the solicitation by a solicited employee.

Applying the new rule retroactively, the majority found that, although the Employer's offer of proof was sufficient to show that the Petitioner solicited the mail ballot of at least one employee, at most it could establish that the Petitioner's mail-ballot solicitations affected two voters and therefore could not have affected the outcome of the election, in which the Petitioner prevailed by a minimum of ten votes.

Dissenting in part, Member Emanuel advocated for a bright-line rule setting aside elections whenever a party is shown to have collected or solicited mail ballots, irrespective of the number of voters affected.

Chairman McFerran and Members Kaplan, Emanuel, and Ring participated.

FIRST AMENDMENT PROTECTED ACTIVITY

In FY 2021, the Board addressed challenges to unions' display of banners and large inflatable rats as a means of communication during a labor dispute.

INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL UNION NO. 150 a/w INTERNATIONAL UNION OF OPERATING ENGINEERS, AFL–CIO (LIPPERT COMPONENTS, INC.)

25-CC-228342, reported at 371 NLRB No. 8 (2021)

The Board found that the Union did not violate Section 8(b)(4)(i) or (ii)(B) of the Act by displaying two large banners and a 12-foot inflatable rat near the entrance to a neutral worksite. Concurring, Chairman McFerran expressed her belief that the outcome of this case was required by the Board's decisions in Carpenters Local 1506 (Eliason & Knuth of Arizona), 355 NLRB 797 (2010), and Sheet Metal Workers Local 15 (Brandon Regional Medical Center), 356 NLRB 1290 (2011). In their separate concurrence, Members Kaplan and Ring agreed that the complaint had to be dismissed because Supreme Court First Amendment precedent requires the Board to avoid interpreting the Act to find a violation on these facts. They disagreed, however, with the reasoning of Eliason & Knuth and Brandon to the extent those decisions read the prohibitions of Section 8(b)(4) too narrowly. Member Emanuel, dissenting, urged the overruling of Eliason & Knuth and Brandon and would have found the banner and rat display here to violate Section 8(b)(4)(ii)(B).

Chairman McFerran and Members Kaplan, Emanuel, and Ring participated.

The Board then found similar inflatable rat displays lawful in the following cases:

International Union of Operating Engineers, Local Union No. 150, a/w International Union of Operating Engineers, AFL–CIO and Maglish Plumbing, Heating & Electric, LLC, 371 NLRB No. 18 (2021);

International Brotherhood of Electrical Workers, Local 98 and Shree Sai Siddhi Spruce, LLC, d/b/a Fairfield Inn & Suites by Marriott, 371 NLRB No. 19 (2021);

International Union of Operating Engineers, Local 150, AFL–CIO and Donegal Services, LLC and Ross Builders, Inc., 371 NLRB No. 28 (2021).

THE CONTRACT BAR DOCTRINE

In FY 2021, the Board sought comment regarding whether it should undertake a general review of its contract-bar doctrine. Under the contract-bar doctrine, once an employer and a union agree to a collective bargaining agreement, the employer, employees, or any other union cannot challenge the union's status as a majority representative until either the collective bargaining agreement expires or three years pass, whichever is earlier.

MOUNTAIRE FARMS, INC.

Case 05-RD-256888, reported at 370 NLRB No. 110 (2021)

On review, the Board considered a decertification petitioner's request that it undertake a general review of its contract bar-doctrine. In response, the Board issued a Notice and Invitation to File Briefs. After considering the briefs filed by the parties and amici, a Board majority (Chairman McFerran and Members Kaplan and Ring) found a "sufficiently compelling case has not been made for any particular proposed modification" and decided not to modify the contract-bar doctrine. In doing so, the Board expressed concern that the current "window period" provided by the doctrine, typically 90-to-60 days preceding contract expiration, may not be readily ascertainable, but stated that a sufficiently compelling case had not been made for any proposed modification to the window period. Chairman McFerran did not join her colleagues' expressed concern, but agreed no changes to the window period were appropriate at the time; she also took no position on whether a shorter or longer contract bar period might be appropriate. Member Emanuel separately stated that he would have reduced the duration of the contract-bar period from three (3) to two (2) years and that he would have expanded the "window period" from 30 days to 60 days.

Chairman McFerran and Members Kaplan, Emanuel, and Ring participated.

QUESTIONS CONCERNING EMPLOYEE STATUS

The NLRA excludes certain individuals, including persons in managerial positions, from the otherwise broad definition of "employees" in the Act. These excluded individuals cannot be included in a bargaining unit established by the Board. As such, questions concerning the managerial status of particular employees present important questions under the Act.

ELON UNIVERSITY

Case 10-RC-231745, reported at 370 NLRB No. 91 (2021)

In this decision, the Board modified its test for determining whether university faculty are managerial employees who should be excluded from a bargaining unit under the Act. Under the test set forth in Pacific Lutheran University, 361 NLRB 1404 (2014), the Board had considered faculty's participation in five areas of decision-making when making a determination as to the faculty's managerial status, including when faculty participated in committee-based decisions. Prior to Elon University, the Board had taken the position that faculty members of a committee could not be considered "managerial" if they constituted only a minority of the committee, and thus could not control its decision-making. In Elon University, the Board found that even a minority group of faculty on a committee could nonetheless be considered managerial if the "faculty body exercises effective control" over certain decision-making areas and "based on the faculty's structure and operations, the petitioning subgroup is included in that managerial faculty body." Applying the modified test to the facts of the case, the Board found that the University had not met its burden to prove that the petitioned-for non-tenure-track faculty members were structurally included in the Employer's faculty bodies, and therefore, had failed to prove that the petitioned-for employees were managerial. Chairman McFerran, concurring in the result, wrote separately to stress that the "structural inclusion" analysis requires the Board to be sensitive to the unique interests of contingent faculty members, who often lack a meaningful voice in faculty governance.

Chairman McFerran and Members Kaplan, Emanuel, and Ring participated.

REMEDIES FOR UNFAIR LABOR PRACTICES

In FY 2021, the Board issued two (2) decisions in which it addressed compliance requirements for Respondents who are ordered to make one or more employees whole due to violations of the Act.

CASCADES CONTAINERBOARD PACKAGING – NIAGARA, A DIVISION OF CASCADES HOLDING US INC. ("CASCADES I")

Cases 03-CA-242367, et al., reported at 370 NLRB No. 76 (2021)

CASCADES CONTAINERBOARD PACKAGING – NIAGARA, A DIVISION OF CASCADES HOLDING US INC. ("CASCADES II")

Cases 03-CA-242367, et al., reported at 371 NLRB No. 25 (2021)

In Cascades I, the Board found that the Respondent violated the Act and ordered it to make whole the affected employees, who were owed backpay and certain profit-sharing plan payments. Additionally, at the General Counsel's request, the Board adopted a new remedy requiring the Respondent to file with the Regional Director a copy of each backpay recipient's appropriate W-2 form(s). This was in addition to the existing remedy requiring respondent employers to submit backpay allocation reports to the Regional Director within 21 days. Submission of the W-2 forms provides regional office staff with the ability to verify that appropriate backpay amounts have been paid to the employees at issue. It also allows the region to coordinate with the Social Security Administration to ensure that those employees receive appropriate credit toward their lifetime wage calculations for future SSA benefits.

Subsequently, in Cascades II, the Acting General Counsel asked the Board to impose a 21-day deadline for the filing of W-2 forms. In response to this motion, the Board issued a Notice and Invitation to File Briefs, inviting the parties and interested amici to address whether: (1) the Board should impose a deadline (and, if so, what) within which a respondent employer must furnish to a Regional Director a copy of each backpay recipient's appropriate W-2 form(s), reflecting the backpay award; and (2) the Board should modify the 21-day deadline (and, if so, how), set forth in AdvoServ of New Jersey, Inc., 363 NLRB 1324 (2016), for submission of a report allocating the backpay award to the appropriate calendar year for each affected employee.

After reviewing the briefs, the full Board granted the Acting General Counsel's motion and modified its Order in Cascades I. Under this modification, the Respondent, and respondent employers in all pending and future cases that require a respondent employer to make one or more employees whole, must, generally within 21 days of the date the amount of backpay is fixed either by agreement or Board order, file with the Regional Director a copy of each backpay recipient's corresponding W-2 form(s) reflecting the backpay award. The Board also decided to maintain the 21-day deadline in AdvoServ, above, for the submission of backpay-allocation reports.

Chairman McFerran and Members Kaplan, Emanuel, and Ring participated in Cascades I.

Chairman McFerran and Members Kaplan, Emanuel, Ring, and Wilcox participated in Cascades II.

REGIONAL HIGHLIGHTS

NP RED ROCK LLC d/b/a RED ROCK CASINO RESORT & SPA

Case 28-CA-244484

The Agency obtained injunctive relief, including an order for the employer to bargain with Local Joint Executive Board of Las Vegas as the representative of a unit of over 1,300 of its food and beverage and hotel operations employees. The District Court judge explained that, absent such relief, Red Rock's conduct would irreparably harm its employees' rights under the NLRA by depriving them of the union representation "they should have previously attained." The judge therefore decided that the public interest favored the grant of an interim bargaining order. In addition to ordering Red Rock to recognize and bargain with the union, the Court ordered Red Rock to cease and desist from engaging in the types of unfair labor practices at issue, post the Court's order at its facility, and conduct meetings where the order will be read to employees in English and Spanish in the presence of certain named company officials.

AMERINOX PROCESSING, INC.

Case 04-CA-268380

The U.S. District Court, District of New Jersey granted an interim injunction under Section 10(j) of the NLRA against Amerinox for unlawfully retaliating against six employees in response to their efforts to unionize. The Court noted that Amerinox committed similar unfair labor practices in prior cases and decided to terminate and lay off employees on the same day that employees restarted the union campaign. The Judge found that interim injunctive relief was proper because such retaliatory action was likely to have a substantial chilling effect on its employees' unionizing activities. The Order provides for interim reinstatement of the employees, a broad cease and desist order, and a notice reading and posting. Shortly thereafter, an Administrative Law Judge of the NLRB found that Amerinox committed the same retaliatory actions and engaged in other coercive conduct to discourage union support.

NEBRASKALAND

Cases 02-CA-266022, et al

The Employer employed about 70 Spanish-speaking drivers and helpers. The unrepresented employees decided to strike in response to the Employer having long ignored their demands for safety equipment. The managers told the employees that they would be arrested because they couldn't strike without a union. The police arrived and threatened the drivers with arrest if they did not move. The manager returned to the striking drivers and promised to correct their grievances if they resumed work but discharged the lead spokesperson when his turn for assignment arrived. The following day the Employer discharged the other two strike leaders telling them that striking was wrong. Following filing of the 10(j) injunctive relief the case quickly culminated in a resolution when the District Court approved a Section 10(j) Consent Injunction. The Consent Injunction required the Employer to promptly offer reinstatement to the three discharged drivers who led the strike, and to post the Court Order also in Spanish to remedy the threats of reprisals, the summoning of the police, and the surveillance.

HOOD RIVER DISTILLERS, INC.

Case 19-CA-260013

The District of Oregon granted the Region's petition for injunctive relief against Hood River Distillers, Inc. The injunction was sought because of Hood River's alleged: failure and refusal to recognize and bargain with Teamsters Local Union 670 as the exclusive collective-bargaining representative of its employees; unlawful declaration of impasse in bargaining; failure and refusal to reinstate unfair labor practice strikers; institution of unilateral changes to its employees' terms and conditions of employment; and threats to its employees as well as statements deprecating the Union. The District Court Judge ordered Hood River to rescind its changes upon request by the Union, meet and bargain with the Union, reinstate the unfair labor practice strikers, stop threatening employees, and hold meetings with employees to read them the injunctive order.

NRT BUS, INC.

Case 01-CA-268388

The Agency obtained a temporary injunction requiring the employer to recognize and bargain with the International Brotherhood of Teamsters, Local 170 ("the Union") that was certified as the representative of a unit of school bus drivers. The District Court Judge concluded that there was both "reasonable cause to believe" NRT violated the Act and a strong likelihood that the Board will succeed on the merits of its claim.

SMYRNA READY MIX CONCRETE LLC

Case 09-CA-251578

The Regional Director for Region 9 issued complaint, and on September 1, 2020, an Administrative Law Judge issued a decision finding that the terminations and subsequent closure of regular operations at the facility were motivated by the employees' union organizing. That decision is pending before the Board on exceptions filed by Smyrna. The U.S. District Court for the Eastern District of Kentucky granted the Agency's petition for injunctive relief ordering Smyrna to reopen the Winchester facility and reinstate the seven drivers and their supervisor pending issuance of a Board order on the complaint.

Upon their interim reinstatement, the Teamsters Local 89 filed a petition for an election to be held, leading to an election conducted by mail ballot. The representation election was conducted after all the drivers were ordered reinstated pursuant to a Section 10(j) injunction. The majority of the employees selected the Teamsters Local 89 as their exclusive collective bargaining representative.

NEXSTAR BROADCASTING INC., d/b/a KOIN-TV

Case 19-CA-255180

The Agency obtained temporary injunctive relief on March 29, 2021 from the Federal District Court in Oregon requiring Nexstar to recognize and bargain with the Union, to cease the assignment of unit work to non-unit employees, and to rescind the unilateral changes. Subsequently, an Administrative Law Judge determined that Nexstar committed numerous violations of the NLRA, including: defaming and denigrating the Union in written communications with its employees, failing and refusing to bargain in good faith with the Union about health insurance, and withdrawing recognition from the Union absent an actual loss of the Union's majority status. The Judge ordered Nexstar to read the Notice to Employees of the violations found, to rescind any unlawful unilateral changes at the Union's request within 15 days of the Board's Order, to meet for a minimum of 15 hours per week at the Union's request, to submit bargaining progress reports to the Region and the Union every 15 days, and to make whole employee negotiators for any earnings lost while attending negotiations.

EMPRESAS VELAZQUEZ, INC. and EURO-JAPAN AUTO SUPPLY, INC.

Cases 12-CA-251269, 12-CA-258247, and 12-CA-260353

The Employer unilaterally reassigned sales routes, failed to bargain about the recall of unit employees who were temporarily laid off because of the Covid-19 pandemic, permanently laid off 11 unit employees and reassigned the remaining two unit employees to non-unit jobs, and failed to provide information to the Union, in violation of Section 8(a)(5) and (1) of the Act. Following the issuance of complaint, the Region succeeded in obtaining a formal settlement agreement providing for a Board Order and automatic entry of a court decree. The formal settlement required the restoration of all unit work, including offers to reinstate the 11 laid off employees, restoration of the two reclassified employees back to their unit positions, make whole remedies for the failure to bargain about the prior reassignment of routes and clients of certain unit employees and the recall and the permanent layoffs, and interest and excess tax liability in the total amount of $205,039.26, expungement of the layoffs, a bargaining order requiring bargaining for an initial contract pursuant to a schedule and regular submission of bargaining progress reports, and the furnishing of requested information.

PERFORMANCE HIGHLIGHTS

The Board and the General Counsel share a common goal of ensuring that the NLRA is fully and fairly enforced. Although they have separate statutory functions, representatives from the Board and the General Counsel worked together in developing the current comprehensive Strategic Plan (FYs 2019-2022) and the PAR.

The NLRB's current Strategic Plan states the Agency's strategic goals, objectives, initiatives, performance measures, and management strategies. There are two mission-related goals, and two support goals. The majority of the support goals are management strategy based and will be discussed at length in the Performance Section of this report.

The NLRB's performance measurement system has been highly regarded for decades and modeled by other agencies to track case processing times. Most of the data collected tracks the time spent at each step of the case processing "pipeline." The Agency does not rely on outside sources for the data used in its performance management system. Each NLRB office is responsible for collecting and verifying performance measurement data. All of the NLRB's mission-related offices work fully in the NxGen system, which provides for real-time review of all case file materials and consistent data reporting.

Data regarding mission-related goals are compiled using the Agency's NxGen Case Management system. This enterprise-wide electronic case management system is used by all divisions throughout Headquarters and the Regions and has data integrity reports which help isolate and correct data errors. The Division of Operations-Management oversees the Regional offices which compile 75 percent of the case-related statistics. Each quarter, Regions are required to run various data integrity reports in NxGen and report their findings to the Division of Operations-Management for review. For more information on the program evaluation please see page 78.

The NLRB's mission-related goals represent the core functions of the Agency in its enforcement of the NLRA. Goal 1 focuses on individual segments of the casehandling process such as the average number of days from filing to disposition and average number of days from Board order Issued to Closing. Goal 2 focuses on the overall time it takes to process an entire case. The goals are outcome-based and aligned with the mission of the Agency.

The Performance Measures for Strategic Goal 1 address the timeliness of case processing at different stages for the resolution of unfair labor practice charges. On an annual basis, there are typically more than six times as many ULP cases then representation cases. Both types of cases often involve complicated issues for Regions to address.

The Performance measure for Strategic Goal 2 focuses on the time taken to resolve a representation case, from beginning to end, including time spent on the case by Field and Headquarters Offices. In representation cases, elections result from petitions filed by unions, employees, or employers seeking a secret ballot determination as to whether a majority of employees' support union representation.

GOAL 1, INITIATIVE 1 – PERFORMANCE MEASURES:

***Measure 1**: Realize a 5 percent annual decrease in the average time required to resolve meritorious unfair labor practice charges through adjusted withdrawal, adjusted dismissal, settlement or issuance of complaint.*

Year	Annual Goal	Actual Performance
FY 2018	Baseline	106 days
FY 2019	101 days	74 days
FY 2020	95 days	70.5 days
FY 2021	90 days	66 days
FY 2022	85 days	

***Measure 2**: Realize a 5 percent annual decrease in the average time between issuance of complaint and settlement by ALJ or issuance of ALJ decision in meritorious unfair labor practice cases.*

Year	Annual Goal	Actual Performance
FY 2018	Baseline	242 days
FY 2019	230 days	264 days
FY 2020	218 days	283 days
FY 2021	206 days	286 days
FY 2022	194 days	

Measure 3*: *Realize a 5 percent annual decrease in the average time between issuance of an ALJ's decision and a Board order in meritorious unfair labor practice cases.

Year	Annual Goal	Actual Performance
FY 2018	Baseline	585 days
FY 2019	556 days	513 days
FY 2020	527 days	544 days
FY 2021	497 days	305 days
FY 2022	468 days	

Measure 4*: *Realize a 5 percent annual decrease in the average time between issuance of Board order in meritorious unfair labor practice cases and the closing of the case.

Year	Annual Goal	Actual Performance
FY 2018	Baseline	648 days
FY 2019	616 days	541 days
FY 2020	583 days	578.5 days
FY 2021	556 days	869 days
FY 2022	518 days	

GOAL 2, INITIATIVE 1 – PERFORMANCE MEASURE:

Measure 1: The percentage of all representation cases resolved within 100 days of filing the election petition.

Year	Annual Goal	Actual Performance
FY 2018	85.8%	88.8%
FY 2019	85.8%	90.7%
FY 2020	85.8%	84.2%
FY 2021	85.9%	82.3%
FY 2022	85.9%	

FINANCIAL AND SYSTEMS HIGHLIGHTS

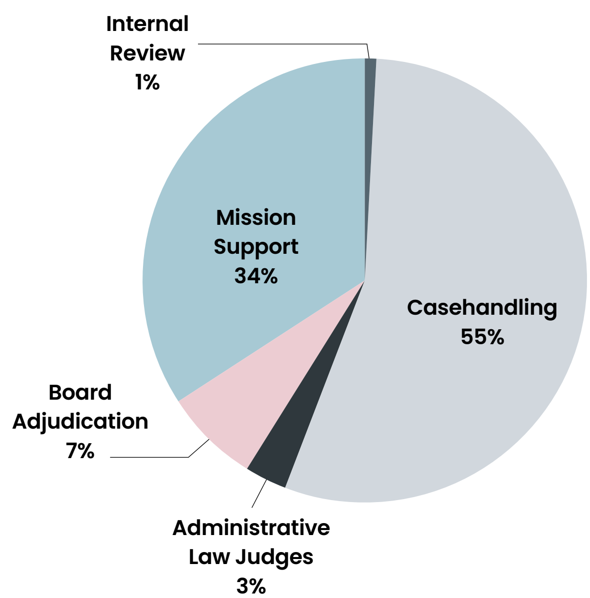
OPERATIONAL/PERFORMANCE HIGHLIGHTS

The Office of the Chief Financial Officer (OCFO), comprised of the Budget, Acquisitions, Finance, and Internal Control, Enterprise Risk and Performance Branches, reports directly to the Chairman and General Counsel. This structure integrates and enhances Agency financial management. Specifically, the OCFO focuses on effectiveness and efficiency in financial operations, reliability of financial reporting, transparency of financial data, and compliance with applicable laws and regulations.

The OCFO continuously seeks to improve discipline, structure, and internal control in the financial management lifecycle and throughout the financial management process.

Below are some highlights from FY 2021 OCFO activities:

BUDGET



The Budget Branch successfully executed the Agency's multi-million-dollar budget by ensuring all labor and mission critical non-labor requirements were fully funded during the fiscal year.

The FY 2021 Budget Resources of $274.3 million included two sources of funds, $274.2 million in appropriated funds and $98K from reimbursable agreements. These funds supported the Agency's statutory mission of resolving labor disputes through investigation, settlement, litigation, adjudication, education, and compliance. The NLRB has five program activities that define the major mission functions for budgetary reporting (see Program Activity chart). In FY 2021, the Agency obligated $273.6 million (99.7 percent) of its enacted appropriation to support these program activities leaving approximately 0.3 percent of the budget to support upward obligations that may arise in FY 2022.

During FY 2021, the NLRB participated in the following reimbursable agreements:

- *The Department of Homeland Security Surge Capacity Force Agreement*, where NLRB employees performed non-medical roles in the COVID-19 pandemic response.
- *The Office of Personnel Management, COVID-19 Emergency Paid Leave Agreement*, where NLRB employees and their families who were impacted by COVID-19 used emergency paid leave.

- *The Millennium Challenge Corporation Agreement*, where the NLRB provided temporary part-time support for managing all aspects of its Equal Employment Opportunity Program.

The FY 2021 budget provided:

- $151.9 million to support Casehandling
- $92.2 million for Mission Support
- $20.1 million for Board Adjudication
- $8.1 million for Administrative Law Judges
- $1.3 million for Internal Review

The NLRB FY 2021 annual staff compensation (salaries and benefits) accounted for approximately 78 percent of the budget, ($212.4 million). The Agency obligated 14 percent ($38.9 million) of its budget to fund rent, security, and other facility and property expenses for the NLRB offices in Headquarters and across the country. Information technology was seven (7) percent of the NLRB's budget ($20.2 million) while the remaining one (1) percent ($2.1 million) was allocated to fund activities that included court reporting, case-related travel, witness fees, interpreters, legal research systems, case management systems, training, compliance with government-wide statutory and regulatory mandates, and mission support offices.

The Budget Branch continues to coordinate its outreach efforts with the Program Offices to address enterprise-wide unfunded requirements. During FY 2021, the Budget Branch reassessed funding requirements which allowed the Agency to invest over $8 million in several high priority programs, including workforce performance management, facilities repairs and alterations projects, additional hire and promotion authorizations, and technology enhancements. During FY 2021 the Budget Branch closed four (4) audit recommendations from the audit of the FY 2019 budget.

FINANCE

In FY 2021, the Finance Branch continued to provide excellent customer service to internal and external customers. The Finance Branch successfully submitted the monthly Governmentwide Treasury Account Symbol (GTAS) and Central Accounting Reporting System (CARS) reporting to the U.S. Department of the Treasury (Treasury), Bureau of the Fiscal Service in a timely manner. The Finance Branch also closed 12 audit recommendations from the Backpay and Financial Statement audits from FYs 2016 through 2020.

The Finance Branch successfully resolved $130,000 in Fund Balance with Treasury (FBWT) discrepancies with the Treasury and successfully paid 213 schedules that amounted to over $12.6M.

ACQUISITION MANAGEMENT BRANCH (AMB)

In FY 2021, the AMB provided exceptional customer service to internal and external customers. The AMB successfully executed all non-labor funds allocated in the Operating Plan by September 30, 2021. In addition, the AMB closed two (2) outstanding audit items on the FY 2020 Management Letter relating to Purchase Cards.

CHARGE CARD PROGRAM

On October 17, 2014 the President signed an Executive Order (EO) directing the federal government to establish and maintain safeguards and internal controls for the charge card program. The NLRB evaluated the charge card program as directed by the guidance provided in OMB Circular No. A-123 Appendix B, OMB Memorandum M-12-12 *Promoting Efficient Spending to Support Agency Operations*, and OMB Memorandum M-13-21 *Implementation of the Government Charge Card Abuse Prevention Act of 2012*. The effectiveness of the Agency's purchase card and travel card program was assessed through enhanced monitoring procedures to detect fraud, waste, and abuse. The NLRB is currently utilizing CitiBank online tools to do enhanced monitoring and is in the process of configuring and implementing the Visa Intellink System for fraud, waste, and abuse monitoring. 100 percent reviews of purchase transactions are being conducted to deter fraud, waste, and abuse as well as identify areas for enhanced training.

INTERNAL CONTROL (IC), ENTERPRISE RISK MANAGEMENT (ERM), AND PERFORMANCE

The IC, ERM, and Performance Branch performs reviews and evaluates existent policies, processes, and procedures to ensure compliance with applicable laws and regulations. In addition, the Branch ensures that mechanisms, rules, and procedures are in place to 1) safeguard operations, and the integrity of financial and accounting information, and 2) promote accountability, and prevent fraud, waste, and abuse. The Branch provides recommendations and guidance for improvements to existent policies, processes, and procedures. It ensures that adequate documentation are in place to support the Chairman and the General Counsel's Statement of Assurance (SOA), which is published in the Annual PAR.

In FY 2021 the IC, ERM, and Performance Branch conducted Fraud Detection and Prevention Training for all OCFO employees. The Branch executed quantitative and qualitative risk assessments including a fraud risk assessment for OCFO operations.

As part of the OMB Circular No. A-123 Internal Control reviews, the Branch developed test plans and assessed the tests of operating effectiveness for all OCFO operations, as well as the NLRB's Entity Level Controls. The results of these assessments were summarized in a Gap Analysis that supports the NLRB's SOA. During FY 2021, the ERM program was established, along with the completion of the following activities: trained Agency Leadership and established an ERM training program for all Agency employees; developed an ERM Policy and a Risk Management

Council (RMC) Charter; assessed the Agency's ERM maturity based on a developed ERM Maturity Model. The Branch used the ERM Maturity Model to develop an ERM Implementation Roadmap. In late FY 2021, the Branch developed and delivered ERM Training for ERM Risk Champions and created the Agency's Risk Appetite Statement. The Branch began work with various NLRB offices on their Risk Profiles. The Branch also worked closely with Program Areas to collect, compile, and summarize the Agency's performance indicators, which are reported annually in the PAR. Additionally, the Branch assisted and advised Leadership on the development of the Agency's Strategic Plan.

SYSTEMS

The NLRB obtains the majority of its financial systems and services from the Department of the Interior's Interior Business Center (IBC). The IBC provides shared services and offers administrative and financial services to the NLRB. The services provided include system support for procurement and contracts, payroll management, finance, accounting, and travel. The NLRB is responsible for overseeing the IBC and ensuring that financial systems and internal controls are in place to fulfill legislated and regulatory financial management requirements. The IBC provides shared services using the following systems:

- Oracle Federal Financials (OFF) – It is the integrated system of record for all financial transactions.
- Oracle Business Intelligence Enterprise Edition (OBIEE) – This is a group of foundational reports across the Oracle modules that feature a Common Enterprise Information Model for centralized metadata management, common query request generation, and data access. The OBIEE provides the information to enable NLRB to drive innovation, optimize operations, and deliver more relevant and timely information to decision-makers. The IBC, in conjunction with the Finance Branch, successfully transitioned clients from Oracle's Discoverer reporting tool to Oracle Business Intelligence 12c on November 15, 2020.
- Federal Payroll and Personnel System (FPPS) – This is the personnel system of record, which interfaces with the Oracle system.
- E2Solutions – This is the eTravel system provided by Carlson Wagonlit (CWTSato) which is the NLRB's Travel Management Service. E2Solutions also interfaces with the Oracle system.
- Invoice Payment Platform (IPP) – This is a Treasury Web-based system that provides a single, integrated, secure system to simplify the management of vendor invoices. It is offered at no charge to federal agencies and their vendors.

ANALYSIS OF FINANCIAL STATEMENTS

The NLRB prepares annual financial statements in accordance with U.S. generally accepted accounting principles (GAAP) for federal government entities and subjects the statements to an independent audit to ensure their integrity and reliability in assessing performance. The NLRB's financial statements summarize the financial activity and financial position of the Agency. The financial statements, footnotes, and the balance of the required supplementary information appear in the Financial Section of the PAR.

Balance Sheet

NLRB's assets were $63.6 million as of September 30, 2021. The FBWT of $54.9 million represents the NLRB's largest asset at 86 percent. The FBWT is an asset of a reporting entity and a liability of the General Fund of the U.S. Government. The FBWT is the undisbursed balances from appropriated funds for the past five years. It consists of appropriated and deposited funds that are available to pay current liabilities and finance authorized purchase commitments.

The NLRB's Property, Plant, and Equipment (PP&E) of $7.9 million represents the NLRB's second largest asset at 12 percent which is primarily related to internal use software and leasehold improvements. The PP&E decreased $2.5 million (24 percent) from the prior year due to the retirement of assets, and increases in depreciation and amortization from existing PP&E. The decrease in PP&E was offset by the additional PP&E acquired during the year.

The NLRB's liabilities were $32.5 million as of September 30, 2021. The liabilities consisted of amounts owed to vendors, federal government trading partners, and Agency employees. The Unfunded Annual Leave of $16.4 million accounted for 51 percent of NLRB's liabilities which increased by $334,698 (2 percent) from prior year. The NRLB employees used less leave in FY 2021 compared to the prior year. The Federal Employees' Compensation Act (FECA) Actuarial Liability of $497,655 decreased by $1.9 million (79 percent) due to the projected FECA liability which is based on age factor, years of service, and the actual compensation for the employees included in the calculation.

Accounts Payable for intragovernmental activities of $369,796 decreased by 55 percent in FY 2021 primarily due to interagency agreements (IAAs), the timing of IPACs, billings and accruals. The Federal Employees' Compensation Act (FECA) liabilities decreased $128,009 (73 percent) due to a decrease in the number of employees who retired or separated from the Agency in FY 2021.

Statement of Net Cost

The NLRB's appropriation is used to resolve representation cases or ULP charges filed by employees, employers, and unions. In FY 2021, the net cost of operations was $286.1 million; 90 percent was used to resolve ULP charges and 10 percent was used for representation case activities. In addition, $98,171 in earned revenue was recorded from reimbursable interagency agreements with the U.S. Office of Personnel Management (OPM) for the Emergency Paid Leave (EPL) related to COVID-19 under the American Rescue Plan Act of 2021 and the Federal Emergency Management (FEMA) Surge Capacity.

Statement of Changes in Net Position

The NLRB's net position is affected by changes in its two components: Cumulative Results of Operations and Unexpended Appropriations. From FY 2020 to FY 2021, net position decreased $607,688 (two (2) percent). This change is primarily due to decreases in prior year cost capitalization for internal use software, leasehold improvements, cumulative amounts carried from prior years. The change was offset by cancelled year funds and an increase in expended appropriations used during the fiscal year related to an increase in vendor contract services.

Statement of Budgetary Resources

The Statement of Budgetary Resources shows the budgetary resources available and the status at the end of the period. This statement also represents the relationship between budget authority and budget outlays and reconciles obligations to total outlays. For FY 2021, the NLRB's total budgetary resources were $285.6 million which included appropriations of $274.2 million, unobligated balance from prior years of $11.3 million, and spending authority from offsetting collections of $98,171. In FY 2021, new obligations were $274.4 million and total outlays were $270.8 million. In FY 2021, the apportioned unexpired balance at the end of the year was $748,444 which resulted in an increase of $278,600 (59 percent) the from prior year.

LIMITATIONS OF PRINCIPAL FINANCIAL STATEMENTS

The principal financial statements are prepared to report the financial position, financial condition, and results of operations, pursuant to the requirements of 31 U.S.C. § 3515(b). The statements are prepared from records of federal entities in accordance with federal generally accepted accounting principles (GAAP) and the formats prescribed by OMB. Reports used to monitor and control budgetary resources are prepared from the same records. Users of the statements are advised that the statements are for a component of the U.S. Government.

COMPLIANCE WITH LAWS AND MANAGEMENT ASSURANCES

ANTIDEFICIENCY ACT (ADA)

The ADA prohibits an officer or employee of the U.S. Government from:

- making or authorizing an expenditure from, or creating or authorizing an obligation under, any appropriation or fund in excess of the amount available in the appropriation or fund unless authorized by law;
- involving the government in any obligation to pay money before funds have been appropriated for that purpose, unless otherwise allowed by law;
- accepting voluntary services for the U.S., or employing personal services not authorized by law, except in cases of emergency involving the safety of human life or the protection of property; and
- making obligations or expenditures in excess of an apportionment or reapportionment, or in excess of the amount permitted by Agency regulations.

There were no ADA violations in FY 2021 at the NLRB.

DEBT COLLECTION IMPROVEMENT ACT (DCIA)

The Debt Collection Improvement Act of 1996, also known as the DCIA, is a U.S. legal act, regulating the collection of bad debts owed to the U.S. government. It dictates the whole debt recovery procedure and collection tools used for collection of non-tax U.S. federal debts. Non-tax debts are considered all types of loans funded by the federal government, e.g. federal education loans, the U.S. Department of Housing and Urban Development loan amounts (the so-called HUD debts), Small Business Administration loans (or SBA loans), unpaid child support sums, etc. The main function of the DCIA is to maximize recovery of default amounts and late payments referring to federal non-tax bad debts. The DCIA acts together with the Treasury Financial Management Service (FMS) and controls US non-tax delinquent amounts, which have remained unpaid more than 180 days. After this period, such debts are to be transferred to the Treasury.

DIGITAL ACCOUNTABILITY AND TRANSPARENCY ACT (DATA ACT)

The DATA Act expands the Federal Funding Accountability and Transparency Act (FFATA) of 2006 to increase accountability and transparency in federal spending, making federal expenditure information more accessible to the public. The goal of the DATA Act is to make federal spending more accessible, searchable, and reliable so taxpayers have the opportunity to understand the impact of federal funding for federal programs/entities.

As required by the OMB Memorandum M-15-12, issued on May 8, 2015, the NLRB drafted a DATA Act of 2014 Implementation Plan in order to increase transparency of federal spending as required by the DATA Act and FFATA Act.

The Acquisition Management Branch (AMB) inputs contracts directly into the Federal Procurement Data System – Next Generation (FPDS-NG). AMB has drafted and implemented the Independent Verification and Validation Policy to identify inaccurate data within FPDS-NG to improve data accuracy and integrity.

The NLRB's service provider, IBC, has identified 47 of the required reportable data elements that will be provided for us to report from existing systems.

FEDERAL INFORMATION SECURITY MANAGEMENT ACT (FISMA)

The Federal Information Security Management Act of 2002, as amended by the Federal Information Security Modernization Act of 2014, requires federal agencies to ensure adequate security protections for federal information systems and information. Under this act, federal agencies must submit annual FISMA reports to OMB.

NLRB complies with M-21-02, FYs 2020-2021 Guidance on Federal Information Security and Privacy Management Requirements, by submitting second quarter, fourth quarter and annual FISMA reporting requirements and the annual Senior Agency Official for Privacy report to OMB as required.

GOVERNMENT CHARGE CARD ABUSE PREVENTION ACT

On October 17, 2014 the President signed an Executive Order (EO) directing the federal government to establish and maintain safeguards and internal controls for the charge card program. The NLRB evaluated the charge card program as directed by the guidance provided in OMB Circular No. A-123 Appendix B, OMB Memorandum M-12-12 Promoting Efficient Spending to Support Agency Operations, and OMB Memorandum M-13-21 Implementation of the Government Charge Card Abuse Prevention Act of 2012. The effectiveness of the Agency's purchase card and travel card program was assessed through enhanced monitoring procedures to detect fraud, waste and abuse. The NLRB is currently utilizing CitiBank online tools to do enhanced monitoring and is in the process of configuring and implementing the Visa Intellink System for fraud, waste and abuse monitoring.

PAYMENT INTEGRITY INFORMATION ACT OF 2019 (PIIA)

The PIIA amends government-wide improper payment reporting requirements by repealing and replacing the Improper Payments Information Act of 2002 (IPIA), the Improper Payments Elimination and Recovery Act of 2010 (IPERA), the Improper Payments Elimination and

Recovery Act of 2012 (IPERIA), and the Fraud Reduction and Data Analytics Act of 2015 (FRDAA). Government-wide improper payment reporting is now required to include requirements carried forward unchanged from current law (including some that stem from Office of Management and Budget (OMB) guidance), modified current-law requirements, and new requirements. The FY 2019 risk assessment indicated that no improper payments were found as a result of testing. Furthermore, the assessment stated that the NLRB has effective procedures and controls in place for its payment and disbursement processes. A detailed report of the NLRB's improper payments activities is presented in the Other Information section on page 130.

FRAUD REDUCTION REPORT

During FY 2021, NLRB OCFO conducted Fraud Detection and Prevention Training for all OCFO employees. The OCFO also executed quantitative and qualitative risk assessments, including a fraud risk assessment for OCFO operations. The Fraud Risk Assessment identified Fraud Risks related to payments and the controls currently being performed by the OCFO. OCFO plans to align the Fraud Risk Assessment to the NLRB's ERM Program, and institute annual fraud training for all OCFO staff.

PROMPT PAYMENT ACT

The Prompt Payment Act was enacted in 1982 to ensure the federal government makes timely payments. Bills are to be paid within 30 days after receipt and acceptance of goods and/or services - or - after receipt of a proper invoice whichever is later. When payments are not made timely, interest is paid. The Agency made late payments resulting in interest penalties of $127 in FY 2021.

FEDERAL FINANCIAL MANAGEMENT IMPROVEMENT ACT (FFMIA)

The purpose of the Federal Financial Management Improvement Act of 1996 (FFMIA) is to advance federal financial management by ensuring that federal financial management systems provide accurate, reliable, and timely financial management information to the government's managers.

FEDERAL MANAGERS' FINANCIAL INTEGRITY ACT (FMFIA)

The Federal Managers' Financial Integrity Act requires federal agencies to develop and implement appropriate and cost-effective internal controls for results-oriented management, assess the adequacy of those internal controls, identify needed areas of improvement, take corresponding corrective action, and provide an annual statement of assurance regarding internal controls and financial systems. The annual statement of assurance and management control over financial application controls and financial reporting submitted by the NLRB's service provider follows this section.

NLRB management is responsible for establishing and maintaining an environment throughout the Agency that is positive and supportive of internal controls and conscientious management. The NLRB is committed to management excellence and recognizes the importance of strong financial systems and an internal control system that promotes integrity, accountability, and reliability.

Internal control systems are expected to provide reasonable assurance that the following objectives are being achieved:

- Effectiveness and efficiency of operations
- Reliability of financial reporting
- Compliance with applicable laws and regulations

In assessing whether these objectives are being achieved, the NLRB used the following standards in accordance with OMB Circular No. A-123, *Management's Responsibility for Enterprise Risk Management and Internal Control,* dated July 15, 2016.

Control Environment	Creating and maintaining an organizational structure that promotes a high level of integrity and personal and professional standards and sets a positive and supportive attitude toward internal controls through conscientious management.
Risk Assessment	Identification and analysis of risks that could impede the achievement of Agency goals and objectives.
Control Activities	Policies, procedures, techniques, and mechanisms to ensure proper stewardship and accountability for government resources and for achieving effective and efficient program results.
Information and Communications	Ensures the Agency's control environment, risks, control activities, and performance results are communicated throughout the Agency.
Monitoring	Assessing quality of performance over time to ensure that internal control processes are appropriate and effective.

The NLRB's approach to assessing its internal controls included the identification and assessment of risks by 51 designated managers on an Agency-wide basis. In completing this annual review, the designated managers, in conjunction with subordinate staff as needed, used personal judgment as well as other sources of information. These sources included: knowledge gained from day-to-day operations; the Office of Inspector General (OIG) audits and investigations; program evaluations; reviews of financial systems; annual performance plans; and previous management reviews. The designated managers were responsible for conducting reviews of program operations, assisting program offices in identifying risks and conducting internal control reviews, issuing reports of findings, and making recommendations to improve internal controls and risk management.

Based on the internal controls program, reviews, and consideration of other information, senior management's assessment of the NLRB's internal controls is that controls are adequate to provide reasonable assurance in support of effective and efficient operations, reliable financial reporting, and compliance with laws and regulations.

The Statement of Assurance provided on page 51 is required by the FMFIA and OMB Circular No. A-123, *Management's Responsibility for Internal Control*.

FMFIA SECTION 2, MANAGEMENT CONTROL

Section 2 of the FMFIA requires federal agencies to report, based on annual assessments, any material weaknesses that have been identified in connection with their internal and administrative controls. The reviews that took place in FY 2021 provide reasonable assurance that NLRB systems and internal controls comply with the requirements of FMFIA.

FMFIA SECTION 4, FINANCIAL MANAGEMENT SYSTEMS

Section 4 of the FMFIA requires that agencies' financial management systems controls be evaluated annually. The NLRB evaluated its financial management systems for the year ending September 30, 2021, in accordance with the FMFIA and OMB Circular No. A-127, *Financial Management Systems*, Section 7 guidance. The NLRB's financial systems, taken as a whole, conform to the principles and standards developed by the Comptroller General, OMB, and the Treasury. The Agency also reviews the Statement on Standards for Attestation Engagements No. 18 (SSAE-18) for all systems operated by IBC to ensure that independent auditors have also certified that the necessary controls are in place, so the NLRB can rely on those systems.

UNITED STATES GOVERNMENT

NATIONAL LABOR RELATIONS

BOARD WASHINGTON, DC

October 26, 2021

ANNUAL STATEMENT OF ASSURANCE

Management is responsible for establishing and maintaining effective internal controls and financial management systems that meet the objectives of the Federal Managers' Financial Integrity Act (FMFIA). The National Labor Relations Board (NLRB) assessed the effectiveness of internal control over reporting, efficiency of operations, and compliance with applicable laws and regulations in accordance with Office of Management and Budget (OMB) Circular No. A-123, Management's Responsibility for Enterprise Risk Management and Internal Control. Based on the results of this evaluation, the NLRB can provide reasonable assurance over the effectiveness and efficiency of its internal controls and operations. Additionally, the NLRB has complied with the applicable laws and regulations as of September 30, 2021. Internal controls that were tested at the NLRB are operating effectively to provide reasonable assurance that the related control objectives were met during the specified period, and that no material weaknesses and/or significant deficiencies were identified in the design or operation of the internal controls.

In accordance with the requirements of OMB Circular No. A-123, Appendix A, Management of Reporting and Data Integrity Risk, the NLRB assessed the effectiveness of internal control over financial reporting, which includes internal control related to the preparation of the annual financial statements, safeguarding of assets, and compliance with applicable laws and regulations governing the use of budget authority that could have a direct and material effect on the financial statements. The result of this evaluation provides reasonable assurance that the NLRB's internal control over financial reporting was operating effectively as of September 30, 2021.

The NLRB has submitted all Fiscal Year 2021 quarterly procurement DATA Act files to the U.S. Department of the Treasury as required by the DATA Act. The Office of Inspector General (OIG) conducted a review of the NLRB's compliance with the DATA Act. The OIG issued Report No. OIG-AMR-95-21-03, which identified deficiencies in internal controls over the DATA Act submission. The OCFO is currently in the process of revising the Independent Verification and Validation Policy and the Data Act Policy to strengthen internal controls over the DATA Act submission. To date, OCFO has worked with the U.S. Department of Interior, Interior Business Center (IBC) to rectify discrepancies identified by the OIG. The OCFO anticipates this matter will be resolved during of Fiscal Year 2022.

Lauren McFerran	
Lauren McFerran Chairman	Jennifer A. Abruzzo General Counsel

PERFORMANCE SECTION

PROTECTING DEMOCRACY IN THE WORKPLACE SINCE 1935

PROGRAM PERFORMANCE

PERFORMANCE GOALS AND OBJECTIVES

This section of the PAR details the NLRB's efforts to meet its strategic and performance goals. The two mission-related goals of the NLRB's current Strategic Plan represent the core functions of the Agency in enforcing the NLRA as efficiently as possible and in a manner that gives full effect to the rights afforded to employees under the Act. The two support goals further enable the Agency to accomplish its mission. Please see Appendix D for the list of performance measures for the support goals, as well as the management strategies for all the Agency goals.

The Board and the General Counsel share a common goal of ensuring that the NLRA is fully and fairly enforced. Although they have separate statutory functions, representatives of the Board and the General Counsel worked together in developing one comprehensive Strategic Plan and PAR.

MEASURING PERFORMANCE

One of the NLRB's human capital goals is to create a results-oriented performance culture that clearly links employee performance and pay to the attainment of the NLRB's strategic goals. The Agency has two mission-related goals that emphasize individual segments of case processing to promote timely, efficient, and well-managed casehandling and two support goals that give a broader picture of how the Agency achieves its mission.

As to Agency success in bringing effective resolution to labor disputes in a timely manner, it should be noted that it is difficult for an agency, such as the NLRB, to measure "outcomes" in the sense intended by the authors of the Government Performance and Results Act (GPRA) and the Government Performance and Results Modernization Act (GPRAMA). In the representation case area, for instance, the Agency does not control or seek to influence the results of elections but strives instead to ensure the rights of employees to freely and democratically determine, through a secret ballot election, whether they wish to be represented by a labor organization. If the Agency concludes that all the necessary requirements for conducting an election have been met, it will either direct an election or approve the parties' agreement to have an election. The performance measure that the Agency has established for conducting elections is objective and is not dependent on the results of the election. The true outcome of properly conducted elections is employees freely exercising their statutory rights as set out in the NLRA.

The aim of the Agency is to prevent industrial strife and unrest that burdens the free flow of commerce. An indicator of success in the achievement of this aim is labor peace. While it is difficult to quantify by the number of ULPs, the Agency can quantify commitment to resolve all disputes that are brought before us, and to provide a remedy and ensure that labor peace is maintained or restored. Noting that the Agency cannot *sua sponte*[3] investigate the actions of an employer or labor union without a charge being filed, the NLRB established two performance measures. The timeliness and quality of case processing, from the filing of an ULP charge to the closing of a case, are the focus of those performance measures.

The tables and narratives in this section show the proposed annual targets for performance measures and management strategies for the four-year period covered by the current Strategic Plan (FYs 2019-2022). The actual results achieved for the performance measures and management strategies for FYs 2016-2020 can be found in Appendix C. Several of the goals below originated in FY 2019, so there is no historical data for these measures prior to FY 2019.

3 A Latin phrase describing an act of authority taken without formal prompting from another party.

Strategic Goal 1 (Mission):

Promptly and fairly resolve through investigation, settlement or prosecution, unfair labor practices under the National Labor Relations Act.

Objective:

1. Achieve established performance measures for the resolution of meritorious unfair labor practice charges.

Initiatives:

1. Achieve a collective 20 percent increase in timeliness of case processing under established performance measures for the resolution of all meritorious unfair labor practice charges.
2. Achieve enhanced performance for the resolution of all unfair labor practice charges.
3. Ensure that all matters before the Agency are handled in a fair and consistent manner.

After an individual, employer, or union files a ULP charge, the charge is investigated, and a Regional Director determines whether the charge has merit. Once a Regional Director has determined a ULP charge has merit, absent settlement, a complaint issues and the case is scheduled for a hearing before an ALJ. Settlement efforts continue throughout the course of the litigation. The vast majority of settlements are achieved before trial.

Once the ALJ issues a decision, the decision is not final until adopted by the Board. The parties, including the GC, can appeal the ALJ's decision to the Board. The Board issues a final order resolving the ULP case, which includes consideration of any appeals that may be filed regarding the ALJ's decision. Ordinarily, the CCU, a group added to the Division of Operations-Management, will attempt to secure compliance during the 30-day period following the Board's order. If compliance cannot be obtained, the CCU may refer the case to the Appellate and Supreme Court Litigation Branch of the Division of Enforcement Litigation, which typically proceeds to seek a judgment from an appropriate U.S. Court of Appeals enforcing the Board's order.

Following final court judgment, any disagreements about what steps are necessary before the case can be closed on compliance are resolved either in compliance proceedings before the Board or a reviewing court, or in extreme cases, in contempt proceedings.

Compliance marks the point where an employer or union has ceased engaging in the ULP conduct being prosecuted and has taken appropriate affirmative action, including reinstatement and the payment of backpay, to make whole those injured by the ULP.

In sum, a ULP case is considered resolved and is closed when it has been completely processed, such that the charge allegations have been investigated, and, where appropriate, remedied and there is no further action to be taken by the Agency. Where a Board order or approved settlement agreement sets forth remedial action, cases are most often (98 percent of FY 2021 closures in such cases) closed on compliance with the applicable order or settlement. Where exigent circumstances, such as interceding business closure, make it impossible or impracticable to obtain full compliance, the case will be closed on partial compliance (one (1) percent of FY 2021 closures) or, rarely, despite non-compliance (one (1) percent of FY 2021 closures).

GOAL 1, INITIATIVE 1 – PERFORMANCE MEASURES:

Resolution of meritorious unfair labor practice charges

Measure 1: Realize a 5 percent annual decrease in the average time required to resolve meritorious unfair labor practice charges through adjusted withdrawal, adjusted dismissal, settlement or issuance of complaint.

GOAL NO. 1, INITIATIVE 1, MEASURE 1

Decrease in the average time required to resolve meritorious unfair labor practice charges

YEAR	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
TARGET	Baseline	101 days	95 days	90 days	85 days
ACTUAL	106 days	74 days	70.5 days	66 days	

The current Strategic Plan for FYs 2019 through 2022 set a target of a 20 percent reduction over four years starting in FY 2019 in average time to resolve meritorious unfair labor practice charges, using FY 2018 numbers as the baseline from which the targets were calculated. In FY 2021, the NLRB exceeded its target of a 90-day average.

***Measure 2**: Realize a 5 percent annual decrease in the average time between issuance of complaint and settlement by ALJ or issuance of ALJ decision.*

GOAL NO. 1, INITIATIVE 1, MEASURE 2

Decrease in the average time between issuance of complaint and settlement by ALJ or issuance of a decision in meritorious ULP cases

YEAR	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
TARGET	Baseline	230 days	218 days	206 days	194 days
ACTUAL	242 days	264 days	283 days	286 days	

For FY 2021, the average number of days between issuance of complaint and settlement by an ALJ or issuance of an ALJ decision for meritorious unfair labor practice cases went up slightly (1.1 percent) from FY 2020, and as a result, the goal for this measure was not met. This is due primarily to the impact of the COVID-19 pandemic, which resulted in the cancellation of all unfair labor practice hearings for a period, and the need to transition to virtual hearings. This impacted the average number of days between issuance of a complaint and issuance of an ALJ's decision as to that complaint. The impact of the pandemic on this measure was minimized by the Agency's successful transition to virtual hearings in the summer of 2020. Through the end of FY 2021, the Agency conducted virtual hearings in 207 unfair labor practice cases.

***Measure 3**: Realize a 5 percent annual decrease in the average time between issuance of ALJ decision and Board order.*

GOAL NO. 1, INITIATIVE 1, MEASURE 3

Decrease in the average time between issuance of an ALJ decision and a Board order in meritorious ULP cases

YEAR	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
TARGET	Baseline	556 days	527 days	497 days	468 days
ACTUAL	585 days	513 days	544 days	305 days	

The Board's successful elimination of its backlog of older cases in FY 2020 allowed the Board to resume its successful achievement with respect to this goal in FY 2021, exceeding the target for FY 2021 by 38.6 percent.

***Measure 4**: Realize a 5 percent annual decrease in the average time between issuance of a Board order and the closing of a meritorious ULP case.*

GOAL NO. 1, INITIATIVE 1, MEASURE 4

Decrease in the average time between issuance of a Board order and the closing of meritorious ULP cases

YEAR	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
TARGET	Baseline	616 days	583 days	551 days	518 days
ACTUAL	648 days	541 days	578.5 days	869 days	

The current Strategic Plan for FYs 2019 through 2022 set a target of a 20 percent reduction over four years starting in FY 2019 in average time between issuance of a Board order and the closing of a case, using FY 2018 numbers as the baseline from which the targets were calculated. To meet this 20 percent reduction target, the Agency uses a measure of a five (5) percent annual reduction as a target each year for four years.

Therefore, the FY 2021 target was 15 percent from the FY 2018 baseline. In FY 2021, the Agency did not meet the target due to delays caused by the COVID pandemic and increased litigation in U.S. Courts of Appeals to enforce Board Orders. In FY 2020, the NLRB realized a 10.7 percent decrease from FY 2018, a 6.9 percent increase from FY 2019 and exceeded the 10 percent target by 0.7 percent.

GOAL 1, INITIATIVE 2 – PERFORMANCE MEASURES:

Resolution of all unfair labor practice charges

After an individual, employer, or union files a ULP charge, the charge is investigated, and a Regional Director determines whether the charge has merit and decides whether to issue a complaint. If a charge is found to have no merit, it is dismissed if the charging party does not withdraw it. A dismissal can be appealed to the GC. Once a Regional Director has determined a ULP charge has merit, absent settlement, a complaint issues and the case is scheduled for a hearing before an ALJ. Settlement efforts continue throughout the course of the litigation. The vast majority of settlements are achieved before trial.

Once the ALJ issues a decision, the decision is not final until adopted by the Board. The parties, including the GC, can appeal the ALJ's decision to the Board. The Board issues a final order resolving the ULP case, which includes consideration of any appeals that may be filed regarding the ALJ's decision. Ordinarily, the CCU, a group within the Division of Operations-Management, will attempt to secure compliance during the 30-day period following the Board's order. If compliance cannot be obtained, the CCU may refer the case to the Appellate and Supreme

Court Litigation Branch of the Division of Enforcement Litigation, which typically proceeds to seek a judgment from an appropriate U.S. Court of Appeals enforcing the Board's order.

Following final court judgment, any disagreements about what steps are necessary before the case can be closed on compliance are resolved either in compliance proceedings before the Board or a reviewing court, or in extreme cases, in contempt proceedings.

Compliance marks the point where an employer or union has ceased engaging in the ULP conduct being prosecuted and has taken appropriate affirmative action, including reinstatement and the payment of backpay, to make whole those injured by the ULP.

In sum, a ULP case is considered resolved and is closed when it has been completely processed, such that the charge allegations have been investigated, and, where appropriate, remedied and there is no further action to be taken by the Agency. Where a Board order or approved settlement agreement sets forth remedial action, cases are most often (98.05 percent of FY 2021 closures in such cases) closed on compliance with the applicable order or settlement. Where exigent circumstances, such as interceding business closure, make it impossible or impracticable to obtain full compliance, the case will be closed on partial compliance (1.07 percent of FY 2021 closures) or, rarely, despite non-compliance (0.88 percent of FY 2021 closures).

Measure 1: Realize a 5 percent annual decrease in the average time required to resolve unfair labor practice charges through withdrawal, dismissal, settlement or issuance of complaint.

GOAL NO. 1, INITIATIVE 2, MEASURE 1

Decrease in the average time required to resolve all unfair labor practice charges

YEAR	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
TARGET	Baseline	86 days	81 days	77 days	72 days
ACTUAL	90 days	74 days	73.9 days	63.2 days	

The current Strategic Plan for FYs 2019 through 2022 set a target of a 20 percent reduction over four years starting in FY 2019 in average time to resolve unfair labor practice charges, using FY 2018 numbers as the baseline from which the targets were calculated. In FY 2021, the NLRB realized a 29.7 percent decrease from FY 2018.

***Measure 2*: Realize a 5 percent annual decrease in the average time between issuance of complaint and settlement by ALJ or issuance of ALJ decision.**

GOAL NO. 1, INITIATIVE 2, MEASURE 2

Decrease in the average time between issuance of complaint and settlement by ALJ or issuance of a decision for all ULP cases

YEAR	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
TARGET	Baseline	230 days	218 days	206 days	194 days
ACTUAL	242 days	149 days	162 days	165 days	

In FY 2021, the average number of days between the issuance of complaint and settlement by an ALJ or issuance of an ALJ decision for all unfair labor practices decreased by 32 percent from FY 2018, and exceeding the target for FY 2021 by 20 percent.

***Measure 3*: Realize a 5 percent annual decrease in the average time between issuance of administrative law judge decision and Board order in all ULP cases.**

GOAL NO. 1, INITIATIVE 2, MEASURE 3

Decrease in the average time between issuance of an ALJ decision and a Board order for all ULP cases

YEAR	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
TARGET	Baseline	556 days	527 days	497 days	468 days
ACTUAL	585 days	496 days	505 days	276 days	

The Board's successful elimination of its backlog of older cases in FY 2020 allowed the Board to make significant strides with respect to its goals for this measure in FY 2021, exceeding the target for FY 2021 by 44.5 percent.

Measure 4: Realize a 5 percent annual decrease in the average time between issuance of a Board order and the closing of a ULP case.

GOAL NO. 1, INITIATIVE 2, MEASURE 4

Decrease in the average time between issuance of a Board order and the closing of all ULP cases

YEAR	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
TARGET	Baseline	616 days	583 days	551 days	518 days
ACTUAL	648 days	540 days	556 days	831 days	

The current Strategic Plan for FYs 2019 through 2022 set a target of a 20 percent reduction over four years starting in FY 2019, in average time between issuance of a Board order and the closing of a case, using FY 2018 numbers as the baseline from which the targets were calculated. To meet this 20 percent reduction target, the Agency uses a measure of a five (5) percent annual reduction as a target each year for four years.

Therefore, in FY 2021, the Agency did not meet the target due to delays caused by the COVID-19 pandemic and increased litigation in U.S. Courts of Appeals to enforce Board Orders. In FY 2020, the NLRB realized a 14.2 percent decrease from FY 2018, a 3.0 percent increase from FY 2019 and exceeded the 10 percent target by 4.2.

GOAL 1, INITIATIVE 3 – PERFORMANCE MEASURES:

Measure 1: Ensure that Regional case processing procedures evolve with the Agency's strategic goals and technological advancements.

- Launched a Classified Index of NLRB Decisions and Related Court Decisions (CiteNet) 2.0 which provides a modern user interface for the public and integrates the citation process into the NxGen Case Management System.
- Made improvements in the Agency integrated Search tool (iSearch) by introducing indexing technology that improved performance and accuracy of iSearch.
- Developed a process in the NxGen Case Management System to manage discriminatees, to capture and store discriminatee contact information.
- Developed and instituted a process to assist the Administrative Law Judges with Zoom hearings and utilizing external SharePoint sites for guest access to share trial evidence and exhibits. These process improvements assisted the Agency with its work from home efforts during COVID-19.
- Added the ability to upload large media files to the E-Filing application which eliminated a significant bottleneck for processing large files on cases.

Measure 2: Conduct annual quality reviews of Regional unfair labor practice case files and institute modifications to case processing as appropriate.

The quality review process is broken down into the three phases below. The reviewer looks at the quality of case work to ensure Regions are follow currently guidance and Board law.

PHASE 1 – INVESTIGATION AND DETERMINATION

Number of cases reviewed: TEN (10). Cases selected will include one 8(a)(1) case, two 8(a)(3) cases, one 8(a)(5) case, and two CB cases. At least one case will involve a potential 10(j) situation. The remainder will be left to the reviewer's discretion.

PHASE 2 – IMPLEMENTATION

Number of cases reviewed: SEVEN (7). Cases selected will include two cases in which the Region issued a long form dismissal and one case in each of the following categories: complaint, non-Board settlement, informal Board settlement, litigated ULP trial, and formal compliance.

PHASE 3 – R CASE REVIEW

Number of cases reviewed: THREE (3). One case in each of the following categories: pre-election hearing, post-election hearing, large election (typically <100 employees). In each of these matters, the review will cover the entire file.

Strategic Goal No. 2 (Mission):

Promptly and fairly investigate and resolve all questions concerning representation of employees.

Objectives:

1. Achieve established performance measures for the timely resolution of all questions concerning representation of employees.

Initiatives:

1. Achieve established performance measures for the resolution of representation cases
2. Ensure that all matter before the Agency are handled in a fair and consistent manner.

GOAL 2, INITIATIVE 1 – PERFORMANCE MEASURES

Measure 1: The percentage of representation cases resolved within 100 days of filing the election petition.

This measure focuses on the time taken to resolve a representation case, including time spent on both the General Counsel and the Board sides of the Agency.

An employer, labor organization, employee, or group of employees may file a petition in an NLRB Regional Office requesting an election to determine whether a majority of employees in an appropriate bargaining unit wishes to be represented by a labor organization. When a petition is filed, the Agency works with parties toward a goal of reaching a voluntary agreement regarding conducting an election, as opposed to a Regional Director directing an election, if appropriate. This measure reflects the percentage of representation cases closed within 100 days. A case is closed when the question as to whether or not a labor organization will represent employees has been finally resolved.

Representation cases are resolved and closed in a number of ways:

- Cases may be dismissed before an election is scheduled or conducted. Dismissals at an early stage in processing may be based on a variety of reasons, for example: the employer does not meet the Agency's jurisdictional standards; the petitioner fails to provide an adequate showing of interest to support the petition; and/or the petition was filed in an untimely manner.
- Cases may also be withdrawn by the petitioner for a variety of reasons, such as lack of sufficient support among the bargaining unit.
- The majority of cases are resolved upon issuance of either a certification of representative (the union prevails in the election) or a certification of results (the union loses the election).
- In a small percentage of cases, there are post-election challenges or objections to the election. The case is not closed until the challenges and/or objections have been resolved.

In FY 2021, the NLRB ended the year by closing 82.3 percent of all representation cases within 100 days from the filing of the petition. This was primarily due to representation elections taking place by mail ballots that increases the time period of the voting period to fully enfranchise employees' opportunity to vote.

GOAL NO. 2, INITIATIVE 1, MEASURE 1

Percentage of Representation Cases Resolved Within 100 Days

YEAR	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
TARGET	85.8%	85.8%	85.8%	85.9%	85.9%
ACTUAL	88.8%	90.7%	84.2%	82.3%	

Counting of days: The 100 days is calculated from the date the petition is formally docketed.

GOAL 2, INITIATIVE 2 – PERFORMANCE MEASURES:

Measure 1: Ensure that Regional case processing procedures evolve with the Agency's strategic goals and technological advancements.

- Launched a Classified Index of NLRB Decisions and Related Court Decisions (CiteNet) 2.0 which provides a modern user interface for the public and integrates the citation process into the NxGen Case Management System.
- Made improvements in the Agency integrated Search tool (iSearch) by introducing indexing technology that improved performance and accuracy of iSearch.
- Developed a process in the NxGen Case Management System to manage discriminatees, to capture and store discriminatee contact information.
- Developed and instituted a process to assist the Administrative Law Judges with Zoom hearings and utilizing external SharePoint sites for guest access to share trial evidence and exhibits. These process improvements assisted the Agency with its work from home efforts during COVID-19.
- Added the ability to upload large media files to the E-Filing application which eliminated a significant bottleneck for processing large files on cases.

Measure 2: Conduct annual quality reviews of Regional representation case files and institute modifications to case processing as appropriate.

The quality review process is broken down into the three phases below. The reviewer looks at the quality of case work to ensure Regions are follow currently guidance and Board law.

PHASE 1 – INVESTIGATION AND DETERMINATION

Number of cases reviewed: TEN (10). Cases selected will include one 8(a)(1) case, two 8(a)(3) cases, one 8(a)(5) case, and two CB cases. At least one case will involve a potential 10(j) situation. The remainder will be left to the reviewer's discretion.

PHASE 2 – IMPLEMENTATION

Number of cases reviewed: SEVEN (7). Cases selected will include two cases in which the Region issued a long form dismissal and one case in each of the following categories: complaint, non-Board settlement, informal Board settlement, litigated ULP trial, and formal compliance.

PHASE 3 – R CASE REVIEW

Number of cases reviewed: THREE (3). One case in each of the following categories: pre-election hearing, post-election hearing, large election (typically <100 employees). In each of these matters, the review will cover the entire file.

Strategic Goal 3 (Support):

Achieve Organizational Excellence and Productivity in the Public Interest

Objectives:

1. Recruit, develop, and retain a highly motivated, productive, talented, and diverse workforce to accomplish our mission.
2. Promote a culture of professionalism, mutual respect, and organizational pride.

Initiatives:

1. Invest in and value all employees through professional development, workplace flexibilities, fair treatment, and recognition of performance in the public interest.
2. Develop and implement recruitment strategies to ensure a highly qualified, productive and diverse workforce.
3. Improve employee satisfaction and employee engagement.
4. Ensure that employees understand the Agency's mission and how they contribute to its accomplishments.
5. Cultivate and promote Agency programs that encourage collaboration, flexibility, diversity and mutual respect to enable individuals to contribute to their full potential.

Strategic Goal 3 is a management strategy-based goal that is comprised of two objectives with their own set of initiatives. Each initiative has a set of measures that were created in order to identify the management actions that need to be taken to achieve the goal. For the full outline of the goal please see Appendix D on page 198.

Organizational Excellence ensures the ongoing efforts to engage and motivate employees will increase the commitment to the Agency mission. These efforts will also attract qualified and diverse applicants, to improve the quality and productivity of the Agency. The continuous commitment of assessing the organizational excellence enables the Agency to proactively enhance the organization's overall service and commitment to customers and employees. Accomplishments in FY 2021 in include:

EMPLOYEE DEVELOPMENT

- The Office of Employee Development (OED) continues to work with the Human Capital Planning Office (HCPO) to develop an agency-wide succession plan and OED continues to offer an online Individual Development Plan (IDP) tool. In FY 2021, OED conducted IDP workshops for employees and supervisors to educate individuals on the benefits of IDPs and the process for developing a meaningful IDP.
- OED leverages internal communication mechanisms to promote employee development. For example, OED provides monthly articles on employee development topics for inclusion in the agency's internal newsletter that is provided to all employees.
  - » Additionally, OED has facilitated multiple online events using webinar technology for audiences of up to 300 attendees.

WORKFORCE MANAGEMENT

- The Office of Human Resources (OHR) continues to validate that employees have performance plans through the new USA Performance reporting system.
  - » The process is used for all NLRB employees to include bargaining unit, non-bargaining unit, and Professional Association employees. The Performance Management Team provides pertinent information and offers scheduled individualized team and group performance management training throughout the year.
- Freedom of Information Act (FOIA) Branch was added to the new employee orientation.
- OHR verified that new hire's federal and state taxes are entered into FPPS correctly.
- All employees have received their performance plan for 2020-2021 and midyear feedback. Expectations are reinforced daily, and employees' performances were highlighted during the TMG audit.
- The Security Branch enrolled Agency personnel in the Rap Back Program which provides electronic reporting on post appointment arrests of Agency employees, contractors, students, and volunteers.
- Security Branch reduced the number of backlogged reinvestigations to 168, which was 285 at the beginning of FY 2021.
  - » Since FY 2012 the NLRB implemented the reinvestigation requirement every five years in accordance with 5 Code of Federal Regulations (CFR) 731, the branch has decreased the backlogged investigations from 1,050 to 168.

- The Office of the Equal Employment Opportunity (OEEO) prepared and posted No FEAR data on the Agency's public website. OEEO submitted Agency EEO Compliance report to EEOC on May 10, 2021.
- OEEO continued collaborative efforts to collect Agency workforce data from Human Resources, the Office of Employee Development, the Division of Operations Management in preparation for the Agency's annual Management Directive (MD) 715 report for FY 2020, which enabled the timely submission of the report to the EEOC on June 15, 2021.
- OEEO prepared and submitted the State of the Agency briefing report for the FY 2019 MD715 report in FY 2021. This report summarizes Agency accomplishments and challenges in attaining model EEO status and outlines strategies to reach goals.
- OEEO supported Agency's efforts to accomplish the goals of Executive Order (EO) 13985 on Advancing Racial Equity and Support for Underserved Communities through the Federal Government through its participation on the Agency Equity workgroup and by providing resource material for the group.
    - » In support of EO 13985, OEEO participated in the Agency's Equity Workgroup to assist in the development of the Agency's 200-day Equity Report.

MOTIVATION

- HCPO kicked off a multi-year collaboration with the Division of Legal Counsel to improve employee engagement. This effort should result in higher responses to the Federal Employee Viewpoint Survey (FEVS) in subsequent years for this organization.
- HCPO continued to make available to employees, via the HCPO's SharePoint site, access to its virtual suggestion box where employees can submit suggestions and submit creative and innovative ideas on how to strengthen employee engagement and offer ideas on workplace improvements.
- OHR's Performance Management Team has completed the automated revitalized Suggestion Award Program.
    - » The program will encourage employees to submit constructive new ideas that will directly contribute to the economy, efficiency, or directly improve operations and or services within the agency. Release date for this program is tentatively scheduled for the Fall of 2021.
- OHR's Performance Management Team ensures that nominations are collected for the Administrative Professional Award and Honorary Awards Programs using an automated nomination process via SharePoint. This process proves to be very instrumental in making the nomination process easy, efficient, and convenient to all parties. Award ceremonies were held in April and June 2021 respectively.

» The Special Act and On-the-Spot-Award Program was funded to offer monetary recognition to deserving employees for their performance efforts during the fiscal year.

Strategic Goal No. 4 (Support):

Manage Agency resources efficiently and in a manner that instills public trust.

Objectives:

1. Use information and technology to monitor, evaluate, and improve programs and processes in order to accomplish the Agency's mission and increase transparency.
2. Evaluate and improve the Agency's Outreach Program.
3. Conduct all internal and external Agency business in an ethical and timely manner.

Initiative:

1. Improve the productivity of the Agency's case management by standardizing business processes in a single unified case management system.
2. Achieve more effective and efficient program operations in the NLRB administrative functions by automating and improving processes and information sharing within the Agency.
3. Effective management of fiscal resources.
4. Right-sizing and closing Field Offices and Headquarters office space by up to 30 percent over the next five years in accordance with General Services Administration (GSA) guidelines.
5. Enhance Agency's Outreach Program.
6. Promote an ethical culture within the NLRB through leadership, communications, awareness, resources, and oversight.
7. Respond to internal audits in a timely manner.
8. Respond to external audits in a timely manner.
9. Respond to FOIA and other public inquiries in a timely manner.

Strategic Goal 4 consists of management strategies that are comprised of three objectives. Each set of objectives has its own set of initiatives. Each initiative has a set of measures that were created in order to identify the management actions that need to be taken to achieve the goal. For the full outline of the goal please see Appendix D on page 198.

Federal Employees are charged with managing programs and federal funds in an efficient and effective manner. As stewards of these federal funds, the Agency is making every effort to instill public trust. Accomplishments in FY 2021 include:

INFORMATION AND TECHNOLOGY:

The Agency uses an electronic filing program (E-file) to allow constituents to electronically file documents with the Agency. In FY 2021:

Number of E-Filings Received	50,069
Number of Cases Filed Through E-File Charges and Petitions (OCP)	10,777
Number of Documents Received for E-Files	139,726
Number of Board and ALJ Decisions E-Served	278
Total Number of parties E-Serviced Decisions	22,873
Number of E-Deliveries of Case Documents	69,588

Providing accessible information to the public is an important part of the NLRB's mission:

Number of NLRB Document Types Available for Public Access	563
Total Number of Case Documents Available for Public Access	1,742,081

Please see https://www.nlrb.gov/open/public-documents for a list of the document types available to the public.

During FY 2021, the following enhancements were completed for the Agency public website which increased or made case data more transparent to constituents:

- Interactive Map – Uses an interactive map to show C and R case data for each region.
- Advanced Data Search – Creates and downloads customized reports for case and election data.
- MyNLRB – Allows users to authenticate using Login.gov and personalize their experience for tracking individual cases, saved searches and aggregated regional content.
- Spanish site – Provides approximately 50 pages of documents translated into Spanish to reach a larger part of the constituency.
- Career Portal – Places a new focus on attracting top talent to the NLRB.

The OCIO continues to work with the FOIA Branch to design and develop a process for relating NLRB cases on the Agency public website with FOIA requests.

To streamline Agency processing, the Administrative Systems Team is focused on Business Process Automation using SharePoint as the platform. The Administrative System's team is in the process of automating over 200 of the Agency's processes/forms using SharePoint, InfoPath and/or PowerApps/Automate, web services and Microsoft Azure components. The business analysts continue to collect requirements and document the process flows, while the developers are working to complete the automation of the process. Following are the processes that were either completed, updated with enhancements or are ongoing in FY 2021:

- Automated Funds Request
- Bicycle Benefits Reimbursement
- Courier Authorization
- COVID-19 Employee Paid Leave
- COVID Vaccination Certification Form
- Driver's License Verification
- Employee Suggestion Form
- Ethics Inquiry Form
- Ethics Skip Counsel
- Ethics Legally Protected Information
- Facilities Request Form
- Memento of Recognition
- Payroll Ticketing System
- Performance Award Matrix
- Professional Liability Insurance
- Purchase Card Transaction Request
- Records Management Weekly Statistics
- Retirement Estimate
- Superior Qualifications
- Temporary Property Removal
- Travel Training Form
- Transportation Reimbursement

The Administrative Systems Team also completed the following:

- Completed the design and development of a Reasonable Accommodation (RA) Case Management system which tracks the entire workflow of an RA case and integrates with the Form 13 purchase request. System is in final testing and is planned to be deployed in FY 2022.
- Completed the implementation of Microsoft Teams and subsequent retirement of Skype for Business. Microsoft Teams provides both communication and collaboration in the form of telephony, video, chat, screen sharing, and integration with other Microsoft platforms (SharePoint, Planner, Power platform, Office suite, etc…). Finalized the governance model and worked with many Agency offices for the creation of Teams and channels to increase collaboration.
- Due to COVID-19, OCIO implemented a process within SharePoint for creating secure sites for the Administrative Law Judges and their bailiffs to manage their hearings and cases with external parties. Documents and evidentiary information are made available to parties on a case to ensure hearings can occur remotely.
- In response to the FOIA Branch's inability to send large documents to FOIA requesters, the Administrative System's team designed and developed a secure large file transfer system. FOIA Branch employees have an internal-only interface to upload the files with an expiration date which are only accessible to the email address associated with the file(s). The FOIA requester receives an email with a link to download the file and are unable to forward the email to another party.
- Completed 75 percent of a three (3) terabyte shared drive migration with each office as a cost savings measure to retire the legacy file share servers, migrate all of the files, data and permissions to the related Team's sites which increases collaboration using Teams and SharePoint.
- Designed and developed a Budget and Spending Dashboard using SharePoint and PowerBI which enables the OCFO and senior management the ability track funds actuals and spending from the Agency's Operating Plan.

FINANCIAL MANAGEMENT:

- Provided a response to address the Congressional Questions for the Records received from the Chair and Ranking Members of the Subcommittee on Department of Labor, Health and Human Services, and Education and Related Agencies.
- Developed and uploaded the FY 2022 Budget Blueprint data into the OMB MAX Information System.
- The OCFO submitted all quarterly and annual reporting requirements to Congress, OMB, and Treasury.

- Developed the NLRB FY 2023 Budget Request to OMB.
- Developed Status of Funds Reports and briefed Leadership on the Agency's status of the Agency's Funds and available unallocated resources.
- During FY 2021 the OCFO addressed and closed out 18 audit recommendations from previous year's audits.
- Developed a series of budget scenarios for the FY 2022 OMB Passback and developed the Agency Passback Appeal strategy and draft Passback response to OMB.

Small Business Goal Status*

Category	Gov-Wide Goal	2021	2020	2019	2018	2017
Small Business	23%	68.57%	58.79%	68.78%	65%	41.70%
Women Owned Small Business	5%	4.32%	1.30%	9.83%	5%	7.47%
Small Disadvantaged Business	5%	57.80%	52.18%	58.48%	52%	28.33%
Service-Disabled Veteran Owned Small Business	3%	0.83%	0.96%	0.75%	1.62%	2.42%
HUBZone	3%	48.21%	41.56%	38.57%	23.33%	3.43%

*In FY 2021, the NLRB was below two out of the five government wide goals because of de-obligations and spending being put in areas that were either for an existing contract or the requirement exceeded small business capabilities. Due to the COVID-19 pandemic, requirements were diverted to existing contracts to promptly support the Agency's immediate needs.

OFFICE SPACE MANAGEMENT

In accordance with GSA guidelines, 22 field offices have been identified to undergo a space reduction as part of the five-year project plan to reduce the NLRB footprint.

AGENCY OUTREACH

The Agency furthered its outreach to unrepresented employees, unions, and small business owners in the following ways:

- On September 2, 2021, General Counsel and Mexican Ambassador to the U.S. signed a Letter of Arrangement (LOA) strengthening ties between the NLRB, the Mexican Embassy, and its consulates around the country.
- Additionally, the LOA expands upon the collaboration that has existed for many years between local NLRB offices around the country and the network of Mexican consulates across the U.S., by enhancing efforts to provide Mexican workers, their employers, and Mexican business owners in the U.S. with information, guidance, and access to education regarding their rights and responsibilities under the National Labor Relations Act.
- The Regional offices signed separate LOAs with local consulates, including Philadelphia, Los Angeles, Miami, Texas, and Boston.
- Additionally, Regional offices participated in Labor Rights Week activities with various Mexican consulates and other federal agencies, including participating in a phone bank, participating in various tabling events with consulate partners, and participating in a radio show to discuss labor rights for immigrants.

The Agency produced and engaged in various outreach activities and efforts, such as:

- Produced a short video discussing Section 7 rights as applied to immigrant workers to be played in Mexican and other embassy waiting rooms.
- Established a student ambassador program to reach out to high school age individuals, which was created by the New York Regions.
- Launched a new Spanish language version of its website, NLRB.gov/es, where members of the public can access resources on their workplace rights and how to file a complaint, learn about the agency's history and current duties, and request a speaker from the NLRB.
- Launched two Spanish language Twitter accounts—@NLRBes for Board-side news and decisions and @NLRBGCes for news and information from the General Counsel's office.
- Launched a Facebook account for the General Counsel's office and Instagram accounts for the Board-side and General Counsel-side.
- Created a video for social media of the Deputy General Counsel discussing freedom of association.
- Developed a "know your rights" content for social media that explains workers' rights under the NLRA was created.

- Created a flyer and PowerPoint presentations to inform the public about the Agency.
- Conducted outreach to Latino organizations, members of Congress, and media through the Agency's Office of Congressional and Public Affairs.
- Began issuing Spanish-language press releases.
- Participated in clinic for workers with disabilities.
- Conducted outreach to the Asian American Bar Association of New York to host clinic.
- Participated in equal pay forum with the National Council of 100 Women.
- Participated in White House Initiative on Asian American Pacific Islander listening session.
- Participated in Cafecito con los Consulares in San Francisco.

To better educate workers and employers the NLRB:

- Presented to California Labor Trafficking Task Force Subcommittee.
- Presented to Make the Road NJ (focusing on Latino and other minority workers).
- Met with representatives of the Mexican Embassy to provide training, discuss renewal of MOU, and establish joint outreach opportunities.
- Presented updates of the NLRB to Healthcare Labor Relations Advisory Committee (association of legal counsels representing employers in labor relations).
- Presented to management-side labor law firm on developments under the NLRA.
- Met with the U.S. Department of Labor (DOL), Bureau of International Labor Affairs to establish joint outreach opportunities.
- Collaborated with New York Interagency Community on Asian Americans and Pacific Islanders Month events.
- Participated in the Alameda County Labor Trafficking Task Force.
- Delivered Joint Presentation with DOL Wage and Hour concerning essential workers in Detroit.

INTERNAL AND EXTERNAL AUDIT RESPONSES:

- Responses to internal and external auditors have been prepared and all deadlines were successfully met in FY 2021.

FREEDOM OF INFORMATION ACT (FOIA):

From October 1, 2020 to September 30, 2021, the Agency:

- The Agency received 1,436 FOIA requests and responded to 1,410 FOIA requests. The Agency responded to 1,264 FOIA requests in 1-20 days. Thus, 90 percent of the FOIA requests were processed within the 20-day statutory time.
- The Agency sought five (5) extensions of time to process a request beyond the 20-day period for the FOIA requests received from October 1, 2020, to September 30, 2021. Thus, the Agency sought statutory extensions for less than 1 percent of requests.
- The Agency received 11 FOIA appeals and responded to five (5) FOIA appeals from October 1, 2020 to September 30, 2021. The number of average days to process these appeals was 19.4 working days. The lowest number of working days to process these appeals was 18. The highest number of working days to process these appeals was 20. Thus, 100 percent of the FOIA appeals were processed within the 20-day statutory time.
- The Agency did not seek an extension of time for the FOIA appeals received from October 1, 2021, to September 30, 2021.

FACTORS AFFECTING AGENCY PERFORMANCE

Various factors can affect Agency performance as a whole, in addition to each goal, objective, and performance measure contained in the NLRB's strategic and annual performance plans. These factors include case intake, settlements, Board Member vacancies, the potential effect of case precedent and statutory changes, nationwide work-related activities by external entities, technological advances, and economic fluctuations, and other externalities such as the ongoing pandemic.

CASE INTAKE

The Agency's FY 2021 case intake totals 16,719 and includes 15,081 ULP cases and 1,638 representation cases. NLRB Board agents effectively and efficiently process all cases that are brought to the Agency by the general public. Comprehensive and complex matters that come before the Agency are often attributable to external factors, such as: impact of the COVID-19 pandemic on the economy and workers ongoing nationwide efforts to improve the wages and working conditions of workers in the retail, technology and fast food industries; the increased prevalence and evolving tools and usage by employees of technology and social media in and outside of the workplace to discuss terms and conditions of employment with one another, and the related handbook provisions and workplace rules generated therefrom; bankruptcies; jurisdiction over enterprises; increased understanding of statutory application in non-union workplaces; and difficult questions concerning single, joint, and successor employer relationships, and supervisory status, as well as defining employees covered under the NLRA.

SETTLEMENTS

The initial processing and disposition of new case filings in the Regional Offices drives the intake for other stages of the casehandling pipeline. Over the past few years, more than 90 percent of those cases in which merit is found are settled without formal litigation. While the Agency has experienced outstanding success in achieving the voluntary resolution of ULP and representation cases, the settlement rate is, of course, not entirely subject to the Agency's control. When the process becomes formal and litigation takes over, Agency costs increase.

BOARD MEMBER TERMS

The staggering of Board Member terms and the filling of a vacant seat by an individual who will not be a Board Member for a full-term impairs Board productivity, as successive Board Members often have to get up to speed on the same case matter.

GENERAL COUNSEL TERMS

Delays in confirming the President's nomination of the General Counsel impairs the NLRB's ability to fully effectuate important policies and initiatives to enforce the Act.

POTENTIAL EFFECT OF STATUTORY CHANGES

As a general matter, changes in the law can affect NLRB operations and could have consequences on the Agency's case load. Statutory changes, for example, could lead to an increase in ULP charges and/or election petitions filed with the Agency, with corresponding increases in investigations and proceedings conducted by Agency personnel. Statutory changes may also directly mandate additional litigation by the Agency, e.g., seeking injunctive relief in federal district court.

RELIABILITY OF PERFORMANCE DATA

PROGRAM EVALUATION

The NLRB uses various governance mechanisms to evaluate whether programs are achieving their GPRA goals and other performance targets. Both the Board and General Counsel regularly track the status of all of their respective cases to determine performance against yearly targets that support the Agency's strategic goals and measures.

On the Board-side of the Agency, a group of senior management officials, including, among others, the Deputy Chief Counsels of each of the Board Members and the Executive Secretary, periodically review the status of cases, prioritize cases, and develop lists of cases that the Board Members jointly focus on in order to facilitate the issuance of decisions in those cases. These representatives also report back to the Board Members on performance data and staff workload, among other issues. The Board has an electronic case management system that captures all case events and milestones in a database from which case production reports are generated. The Board Members also regularly meet and communicate with each other to discuss case priorities and the overall processing of cases.

In FY 2021, the Division of Judges closed 135 hearings, issued 112 decisions and achieved 444 settlements. The NLRB also tracks how the various circuit courts have treated the Board's cases on appeal. In FY 2021, the U.S. Courts of Appeals ruled on Board decisions in 43 enforcement and review cases. Of those cases, 75.4 percent were enforced or affirmed in whole or in part.

The General Counsel's Office has long had an evaluation program in place to assess the performance of its Headquarters and Regional operations. The Division of Operations-Management regularly reviews case decisions to determine the quality of litigation. Other NLRB offices, such as the Office of Appeals, Division of Advice, Division of Legal Counsel and

Office of Representation Appeals, provide valuable insight and constructive feedback on the performance and contributions of field offices. Top Agency management also meets regularly with relevant committees of the American Bar Association to obtain feedback on their members' experiences practicing before the NLRB.

With respect to the Regional Offices, the Quality Review Program of the General Counsel's Division of Operations-Management reviews ULP, representation, and compliance case files annually to ensure that they are processed in accordance with substantive and procedural requirements, and that the General Counsel's policies are implemented appropriately. Those reviews assess, among other things, the quality and completeness of the investigative file, the implementation of the General Counsel's initiatives and priorities, and compliance with Agency decisions. As a result of the COVID-19 pandemic, personnel from the Division of Operations-Management have not conducted site visits of the field offices; however, through the use of technology, acceptable interactions simulating those live interactions have taken place throughout FY 2021, such as conducting "town hall" meetings with the different field offices. In addition, to assess the quality of litigation, Operations-Management reviews all ALJ and Board decisions that constitute a significant prosecutorial loss. The Regional Offices' performance with regard to quality, timeliness, and effectiveness in implementing the General Counsel's priorities is also incorporated into the Regional Directors' annual performance appraisals.

The Office of the General Counsel regularly monitors Regional Office activities, including the settlement and litigation success rates of ULP cases. In FY 2021, Regional Offices found merit in 37.9 percent of ULP cases filed of which over 90 percent of them settled. The Regional Office won 82 percent of ULP and Compliance matters in whole or in part. A total of over $56 million was recovered in backpay, fines, dues and fees and over 6,307 employees were offered reinstatement. As to monitoring representation cases, in FY 2021, 89 percent of all initial elections were conducted within 56 days of filing.

In addition to the evaluation of Regional Office activities, the Office of the General Counsel monitors the litigation success rate before district courts with regard to injunction litigation. In FY 2021, the Injunction Litigation Branch received 65 cases from Regional Offices to consider whether to seek discretionary injunctive relief under Section 10(j) of the Act. The Board authorized the Injunction Litigation Branch to proceed with 10(j) actions in 14 cases in FY 2021, and Regional Offices filed 10(j) petitions in 12 cases. The "success rate," i.e., the percentage of authorized Section 10(j) cases in which the Agency achieved either a satisfactory settlement or substantial victory in litigation was 84 percent. The Office of the General Counsel continues to focus its attention on "nip-in-the-bud cases," where a nascent organizing campaign is being unlawfully squelched, and on first outreach bargaining and successor cases, where the relationship between the employer and the union is most fragile.

As previously mentioned, while there are a few outcome-based performance measures associated with the two support goals, the majority of them are management strategy driven.

The Agency collects quarterly performance metrics and strategies on the two Agency support goals, as well as utilizing NxGen reports for the mission-related goals. The metrics and strategies are tracked and monitored throughout the fiscal year. The compiled data is then presented in this document.

The data reported by OCIO comes from NxGen. The FOIA Branch maintains their case data in FOIAonline, which is a FOIA tracking and processing web tool. FOIAonline also generates annual, quarterly, and other workload reports to effectively monitor all aspects of FOIA case handling. The Ethics Office uses an electronic spreadsheet to track when an employee reaches out to the Office with an ethics inquiry. The FOIA Office logs the question and collects several pieces of data about the inquiry, including the date that the inquiry was made and the date that guidance was provided. The spreadsheet calculates the number of days between the two dates in order to track inquiry response times.

FINANCIAL SECTION

PROTECTING DEMOCRACY IN THE WORKPLACE SINCE 1935

MESSAGE FROM THE CHIEF FINANCIAL OFFICER

November 4, 2021

I am pleased to present the NLRB's consolidated financial statements for the FY 2021 Performance and Accountability Report (PAR). For the eighteenth consecutive year an independent auditor has rendered an unmodified or "clean" audit opinion on the NLRB's financial statements.

The Office of the Chief Financial Officer (OCFO) is responsible for improving efficiency and effectiveness in financial operations. The OCFO ensures reliability of financial reporting, transparency of financial data, and compliance with applicable laws and regulations. FY 2021 was the second year in a row that the OCFO supported customers through telework. In FY 2021, NLRB's year-end closing was executed smoothly leaving only approximately $748,444 in unobligated funds, which is 0.3 percent of the total budgetary resources of $274.3 million. This was a concerted effort by the Program Areas, the Budget Branch, Finance Branch, Acquisition Management Branch, and the Internal Controls Team. To all of them, thank you for a job well done.

During FY 2021, the OCFO continued to focus on process improvement and internal controls and conducted Internal Control reviews in accordance with OMB Circular No. A-123. The OCFO continued to update its FY 2021 Federal Managers Financial Integrity Act (FMFIA) Survey regarding the seventeen principles within the five components of Internal Controls, from the U.S. Government Accountability Office (GAO) Standards for Internal Controls in the Federal Government (the "Green Book").

During FY 2021, the OCFO addressed and closed out 18 audit recommendations from previous year's audits and assisted the Agency Leadership with the establishment of the Enterprise Risk Management (ERM) Program. The OCFO staff developed training and communications to ensure that the Agency becomes aware of ERM activities and requirements.

I would like to acknowledge and thank the OCFO staff for their dedication to the NLRB's mission and their diligent efforts in working to resolve open audit items, maintaining an unmodified opinion on NLRB's financial statements, and working through the OMB Circular No. A-123 reviews. Their demonstrated knowledge of the NLRB programs and processes and their constant effort to provide excellent customer service were outstanding.

Isabel Luengo McConnell

Chief Financial Officer

UNITED STATES GOVERNMENT
National Labor Relations Board
Office of Inspector General

Memorandum

November 12, 2021

To: Lauren McFerran
Chairman

Jennifer A. Abruzzo
General Counsel

From: David P. Berry
Inspector General

Subject: Audit of the National Labor Relations Board Fiscal Year 2021 Financial Statements (OIG-F-26-22-01)

This memorandum transmits the audit report on the National Labor Relations Board (NLRB) Fiscal Year 2021 Financial Statements.

The Accountability of Tax Dollars Act of 2002 requires the NLRB to prepare and submit to Congress and the Director of the Office of Management and Budget annual audited financial statements. We contracted with Castro & Company, an independent public accounting firm, to audit the financial statements. The contract required that the audit be done in accordance with generally accepted government auditing standards issued by the Comptroller General of the United States and Bulletin 21-04, *Audit Requirements for Federal Financial Statements*, issued by the Office of Management and Budget.

In connection with the contract, we reviewed Castro & Company's report and related documentation and inquired of its representatives. Our review, as differentiated from an audit in accordance with generally accepted government auditing standards, was not intended to enable us to express, and we do not express, opinions on the NLRB's financial statements or internal control or conclusions on compliance with laws and regulations. Castro & Company is responsible for the attached auditor's report dated November 12, 2021, and the conclusions expressed in the report. However, our review disclosed no instances where Castro & Company did not comply, in all material respects, with generally accepted government auditing standards.

We appreciate the courtesies and cooperation extended to Castro & Company and our staff during the audit.

cc: Board
CFO
CIO

Castro & Company
Auditors ✓ Advisors

1635 King Street
Alexandria, VA 22314
Phone: 703.229.4440
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Independent Auditor's Report on the Financial Statements

Inspector General
National Labor Relations Board

We have audited the accompanying balance sheets of the National Labor Relations Board (NLRB) as of September 30, 2021 and 2020 and the related statements of net cost, changes in net position, and budgetary resources for the fiscal years then ended, and the related notes to the financial statements.

Management's Responsibility for the Financial Statements
Management is responsible for the preparation and fair presentation of these financial statements in accordance with U.S. generally accepted accounting principles; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility
Our responsibility is to express an opinion on these financial statements based on our audits. We conducted our audits in accordance with the auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and Office of Management and Budget (OMB) Bulletin No. 21-04, *Audit Requirements for Federal Financial Statements*. Those standards require that we plan and perform the audits to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the agency's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the agency's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant estimates made by management, as well as evaluating the overall presentation of the financial statements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Opinion on the Financial Statements
In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the NLRB as of September 30, 2021 and 2020, and the related statements of net cost, changes in net position, and budgetary resources for the years then ended in accordance with accounting principles generally accepted in the United States of America.

Independent Auditor's Report
Page 2

Required Supplementary and Other Information
U.S. generally accepted accounting principles require that the information in the *Required Supplementary Information*, including *Management's Discussion and Analysis*, be presented to supplement the basic financial statements. Such information, although not part of the basic financial statements, is required by the Federal Accounting Standards Advisory Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. The required supplementary information is the responsibility of management and was derived from, and relates directly to, the underlying accounting and other records used to prepare the basic financial statements. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

The information presented in the Messages from the Chairman, General Counsel, and Chief Financial Officer, list of Board Members, Other Accompanying Information, and Appendices is presented for purposes of additional analysis and are not required as part of the basic financial statements. Such information has not been subjected to auditing procedures applied by us in the audit of the basic financial statements, and accordingly, we do not express an opinion or provide any assurance on it.

Other Reporting Required by Government Auditing Standards
In accordance with U.S. *Government Auditing Standards* and OMB Bulletin No. 21-04, we have also issued our reports dated November 12, 2021, on our consideration of NLRB's internal control over financial reporting and the results of our tests of its compliance with certain provisions of laws, regulations, and other matters that are required to be reported under *Government Auditing Standards*. The purpose of those reports is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing and not to provide an opinion on the internal control over financial reporting or on compliance. Those reports are an integral part of an audit performed in accordance with U.S. *Government Auditing Standards* and OMB Bulletin 21-04 in considering the NLRB's internal control and compliance and should be read in conjunction with this report in considering the results of our audit.

This report is intended solely for the information and use of management and the NLRB Office of Inspector General, OMB, U.S. Government Accountability Office, and Congress, and is not intended to be and should not be used by anyone other than these specified parties.

Castro & Company, LLC

Alexandria, VA
November 12, 2021

Castro & Company
Auditors ✓ Advisors

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Independent Auditor's Report on Internal Control over Financial Reporting Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*

Inspector General
National Labor Relations Board

We have audited the financial statements of the National Labor Relations Board (NLRB), which comprise the balance sheets as of September 30, 2021 and 2020, and the related statements of net cost, changes in net position, and budgetary resources for the years then ended, and the related notes to the financial statements, and have issued our report thereon dated November 12, 2021. We conducted our audit in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and Office of Management and Budget (OMB) Bulletin No. 21-04, *Audit Requirements for Federal Financial Statements*.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements as of and for the year ended September 30, 2021, we considered NLRB's internal control over financial reporting by obtaining an understanding of the design effectiveness of NLRB's internal control, determining whether controls had been placed in operation, assessing control risk, and performing tests of NLRB's controls as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statements, but not to express an opinion on the effectiveness of NLRB's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of NLRB's internal control over financial reporting. We limited our internal control testing to those controls necessary to achieve the objectives described in the OMB Bulletin No. 21-04. We did not test all internal controls relevant to operating objectives as broadly defined by the Federal Managers' Financial Integrity Act of 1982 (FMFIA), such as those controls relevant to ensuring efficient operations.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect and correct misstatements on a timely basis. A material weakness is a deficiency, or combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the financial statements will not be prevented, or detected and corrected, on a timely basis. A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over financial reporting was for the limited purposes described in the first paragraph of this section and would not necessarily identify all deficiencies in internal control over financial reporting that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in

Independent Auditor's Report on Internal Control
Page 2

internal control that we consider to be material weaknesses or significant deficiencies. However, material weakness or significant deficiencies may exist that have not been identified.

We noted less significant matters involving internal control and its operations which we have reported to NLRB management in a separate letter dated November 12, 2021.

Purpose of this Report
The purpose of this report is solely to describe the scope of our testing of internal control and the result of that testing, and not to provide an opinion on the effectiveness of NLRB's internal control. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering NLRB's internal control. Accordingly, this communication is not suitable for any other purpose.

This report is intended solely for the information and use of the management and NLRB Office of Inspector General, OMB, the Government Accountability Office, and Congress, and is not intended to be and should not be used by anyone other than these specified parties.

Castro & Company, LLC

Alexandria, VA
November 12, 2021

Castro & Company
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Independent Auditor's Report on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*

Inspector General
National Labor Relations Board

We have audited the financial statements of the National Labor Relations Board (NLRB), which comprise the balance sheets as of September 30, 2021 and 2020, and the related statements of net cost, changes in net position, and budgetary resources for the years then ended, and the related notes to the financial statements, and have issued our report thereon dated November 12, 2021. We conducted our audit in accordance with the auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and Office of Management and Budget (OMB) Bulletin No. 21-04, *Audit Requirements for Federal Financial Statements*.

The management of NLRB is responsible for complying with laws and regulations applicable to NLRB. We performed tests of its compliance with certain provisions of laws and regulations, noncompliance with which could have a direct and material effect on the determination of financial statement amounts, and certain other laws and regulations specified in OMB Bulletin No. 21-04, including the requirements referred to in the Federal Managers' Financial Integrity Act of 1982. We limited our tests of compliance to these provisions, and we did not test compliance with all laws and regulations applicable to NLRB.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the NLRB's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, and contracts, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests of compliance disclosed no instances of noncompliance or other matters that are required to be reported herein under *Government Auditing Standards* or OMB Bulletin No. 21-04.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of compliance and the results of that testing, and not to provide an opinion on the NLRB's compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the NLRB's compliance. Accordingly, this communication is not suitable for any other purpose.

This report is intended solely for the information and use of management and the NLRB Office of Inspector General, OMB, Government Accountability Office, and Congress, and is not intended to be and should not be used by anyone other than these specified parties.

Castro & Company, LLC

Alexandria, VA
November 12, 2021

NLRB RESPONSE TO AUDIT REPORT

United States Government

NATIONAL LABOR RELATIONS BOARD
1015 Half Street, SE
WASHINGTON DC 20570
www.nlrb.gov

To: David P. Berry, Inspector General

From: Isabel Luengo McConnell, Chief Financial Officer

Date: November 12, 2021

Subject: Response to the Audit of the National Labor Relations Board Fiscal Year (FY) 2021 Financial Statements

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During the FY 2021 Financial Statements audit, the National Labor Relations Board (NLRB) received an unmodified audit opinion on its financial statements. This opinion indicates that the auditors determined that the NLRB's financial statements present fairly, in all material respects, the financial position of the NLRB as of September 30, 2021.

During the past two years, the Office of the Chief Financial Officer's (OCFO) focus has been to address audit findings that were identified in previous audits. The remediation of these previous audit findings has resulted in an unmodified audit opinion with no significant deficiencies or material weaknesses.

The OCFO will continue to support and guide NLRB's management programs and initiatives to ensure that the Agency delivers on its mission effectively and efficiently and provides the best value to the American people.

ISABEL MCCONNELL Digitally signed by ISABEL MCCONNELL Date: 2021.11.12 09:48:23 -05'00'

Isabel Luengo McConnell

PRINCIPAL FINANCIAL STATEMENTS

AUDITOR'S REPORTS AND PRINCIPAL FINANCIAL STATEMENTS

PRINCIPAL STATEMENTS

National Labor Relations Board
BALANCE SHEETS
As of September 30, 2021 and 2020
(in dollars)

	2021	2020
Assets		
Intragovernmental:		
Fund Balance with Treasury (Note 3)	$ 54,910,487	$ 53,065,763
Accounts Receivable, net (Note 5)	67,906	0
Advances and Prepayments (Note 4)	1,646	28,050
Total Intragovernmental Assets	54,980,039	53,093,813
Assets with the Public		
Accounts Receivable, net (Note 5)	700,291	665,283
General Property, Plant, and Equipment, net (Note 6)	7,899,517	10,430,498
Advances and Prepayments (Note 4)	26,706	25,658
Total Assets with the Public	8,626,514	11,121,439
Total Assets (Note 2)	$ 63,606,553	$ 64,215,252
Liabilities		
Intragovernmental:		
Benefit Program Contributions Payable	$ 2,507,334	$ 2,245,912
FECA Liabilities (Note 7)	48,452	176,461
Accounts Payable	369,796	821,290
Total Intragovernmental	2,925,582	3,243,663
Liabilities with the Public		
Accounts Payable	4,134,546	2,834,718
Unfunded Annual Leave (Note 7)	16,448,720	16,114,022
Fed Employee Benefits - FECA Actuarial Liability (Note 7)	497,655	2,354,777
Federal Employee and Veteran Benefits Payable	372,249	341,105
Accrued Funded Payroll & Leave and Payroll Taxes Payable	8,106,564	7,598,042
Total Liabilities with the Public	29,559,734	29,242,664
Total Liabilities	$ 32,485,316	$ 32,486,327
Commitments and Contingencies (Note 15)		
Net Position		
Total Unexpended Appropriations	39,523,320	39,359,424
Total Cumulative Results of Operations	(8,402,083)	(7,630,499)
Total Net Position	$ 31,121,237	$ 31,728,925
Total Liabilities and Net Position	$ 63,606,553	$ 64,215,252

The accompanying notes are an integral part of the financial statements.

National Labor Relations Board
STATEMENTS OF NET COST
For the Years Ended September 30, 2021 and 2020
(in dollars)

	2021	2020
Program Costs		
Resolve Unfair Labor Practices		
Net Cost	$ 258,158,547	$ 259,754,376
Resolve Representation Cases		
Net Cost	28,080,001	28,893,669
Costs	286,238,548	288,648,045
Less: Earned Revenue	(98,171)	(16,104)
Net Cost of Operations	$ 286,140,377	$ 288,631,941

The accompanying notes are an integral part of the financial statements.

National Labor Relations Board
STATEMENTS OF CHANGES IN NET POSITION
For the Years Ended September 30, 2021 and 2020
(in dollars)

	2021	2020
Unexpended Appropriations:		
Beginning Balance (Note 10)	$ 39,359,517	$ 38,099,866
Appropriations Received	274,224,000	274,224,000
Other Adjustments	(1,600,700)	(1,180,449)
Appropriations Used	(272,459,497)	(271,783,993)
Change in Unexpended Appropriations	163,803	1,259,558
Total Unexpended Appropriations: Ending	$ 39,523,320	$ 39,359,424
Cumulative Results of Operations:		
Beginning Balances (Note 10)	$ (7,630,592)	$ (3,323,529)
Appropriations Used	272,459,497	271,783,993
Imputed Financing	12,909,389	12,540,978
Net Cost of Operations	(286,140,377)	(288,631,941)
Net Change in Cumulative Results of Operations	(771,491)	(4,306,970)
Cumulative Results of Operations: Ending	$ (8,402,083)	$ (7,630,499)
Net Position	$ 31,121,237	$ 31,728,925

The accompanying notes are an integral part of the financial statements.

National Labor Relations Board
STATEMENTS OF BUDGETARY RESOURCES
For the Years Ended September 30, 2021 and 2020
(in dollars)

	2021	2020
Budgetary Resources		
Unobligated balance from prior year budget authority, net (discretionary and mandatory)	$ 11,301,969	$ 13,234,243
Appropriations (discretionary and mandatory)	274,224,000	274,224,000
Spending Authority from offsetting collections (discretionary and mandatory)	98,171	16,104
Total Budgetary Resources (Note 11)	$ 285,624,140	$ 287,474,347
Status of Budgetary Resources		
New Obligations and upward adjustments (total)	$ 274,420,561	$ 275,943,382
Unobligated balance, end of year:		
Apportioned, unexpired accounts	748,444	469,844
Unexpired unobligated balance, end of year	748,444	469,844
Expired unobligated balance, end of year	10,455,135	11,061,121
Unobligated balance, end of year (total)	11,203,579	11,530,965
Total Budgetary Resources	$ 285,624,140	$ 287,474,347
Outlays, Net (total) (discretionary and mandatory)		
Outlays, net (total) (discretionary and mandatory)	$ 270,778,575	$ 271,950,855

The accompanying notes are an integral part of the financial statements.

NOTES TO PRINCIPAL STATEMENTS

NOTE 1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

A. REPORTING ENTITY

The NLRB is an independent federal agency established in 1935 to administer the NLRA. The NLRA is the principal labor relations law of the U.S., and its provisions generally apply to private sector enterprises engaged in, or to activities affecting, interstate commerce. The NLRB's jurisdiction includes the United States Postal Service (USPS); but other government entities, railroads, and airlines are not within the NLRB's jurisdiction. The NLRB seeks to serve the public interest by reducing interruptions in commerce caused by industrial strife. The NLRB does this by providing orderly processes for protecting and implementing the respective rights of employees, employers, and unions in their relations with one another. The NLRB has two principal functions: (1) to determine and implement, through secret ballot elections, free democratic choice by employees as to whether they wish to be represented by a union in dealing with their employers and, if so, by which union; and (2) to prevent and remedy unlawful acts, called unfair labor practices (ULP), by either an employer, a union, or both. The NLRB's authority is divided both by law and delegation. The five-member Board (Board) primarily acts as a quasi-judicial body in deciding cases on formal records. The General Counsel investigates and prosecutes ULP charges before Administrative Law Judges (ALJ), whose decisions may be appealed to the Board; and, on behalf of the Board, conducts secret ballot elections to determine whether employees wish to be represented by a union.

B. BASIS OF ACCOUNTING AND PRESENTATION

The accompanying financial statements have been prepared to report the financial position, net cost, changes in net position, and budgetary resources of the NLRB as required by the Accountability of Tax Dollars Act of 2002. These financial statements have been prepared from the books and records of the NLRB in accordance with U.S. generally accepted accounting principles (GAAP) and the accounting standards issued by the Federal Accounting Standards Advisory Board (FASAB) in the format prescribed by the Office of Management and Budget (OMB) Circular No. A-136, *Financial Reporting Requirements, as amended*. GAAP for federal entities are the standards prescribed by the Federal Accounting Standards Advisory Board (FASAB), which is the official standard-setting body for the Federal government.

The NLRB's financial statements should be read with the realization that they are for a component of the U.S. Government whose liabilities not covered by budgetary resources cannot be liquidated without the enactment of an appropriation, and that the payment of all liabilities other than for contracts can be abrogated by the Federal Government acting in its capacity.

The NLRB is required to be in substantial compliance with all applicable accounting principles and standards established, issued, and implemented by the FASAB, which is recognized by the American Institute of Certified Public Accountants (AICPA) as the entity to establish GAAP for the Federal government. The Federal Financial Management Integrity Act (FFMIA) of 1996 requires the NLRB (Agency) to comply substantially with (1) federal financial management systems requirements, (2) applicable federal accounting standards, and (3) the United States Standard General Ledger (USSGL) at the transaction level. The NLRB uses the Department of Interior's financial management system and that system is FFMIA compliant. Thus, the NLRB's financial management system complied with the requirements of FFMIA and produced records in accordance with USSGL at the transaction level.

The NLRB's financial statements reflect both accrual and budgetary basis of accounting. Under the accrual method of accounting, revenues are recognized when earned and expenses are recognized as incurred, without regard to receipt or payment of cash. Budgetary accounting is essential for compliance with legal constraints and controls over the use of federal funds. Budgetary accounting principles are designed to recognize the obligation of funds according to legal requirements.

The Balance Sheet presents the Agency's assets and liabilities, and the difference between the two is the Agency's net position. The Agency's assets include both entity assets; those which are available for use by the Agency and non-entity assets; those which are managed by the Agency but not available for use in its operations. The Agency's liabilities include both those covered by budgetary resources (funded) and those not covered by budgetary resources (unfunded). A note disclosure is required to provide information about the Agency's fiduciary activities. Fiduciary cash and other assets are not assets of the Federal Government.

The Statement of Net Cost presents the gross costs of programs, reported by program and for the Agency.

The Statement of Changes in Net Position reports beginning balances, budgetary and other financing sources, and net cost of operations, to arrive at ending balances.

The Statement of Budgetary Resources provides information about how budgetary resources were made available as well as their status at the end of the period. Recognition and measurement of budgetary information reported on this statement is based on budget terminology, definitions, and guidance in OMB Circular No. A-11, *Preparation, Submission, and Execution of the Budget, as amended*.

The information as presented on the Statement of Net Cost is based on the programs below:

ULP Cases are initiated by individuals or organizations through the filing of a charge with the NLRB. Unless a settlement is reached, the NLRB Regional Office will issue and prosecute a complaint against the party being charged if it believes that the charge has merit. A complaint that is not settled or withdrawn is tried before an ALJ, who issues a decision, which may be appealed by any party to the Board. The Board acts in such matters as a quasi-judicial body, deciding cases based on the formal trial record according to the law and the body of case law that has been developed by the Board and the federal courts.

Representation Cases are initiated by the filing of a petition by an employee, a group of employees, an individual or labor organization acting on their behalf, or in some cases by an employer. The petitioner requests an election to determine whether a union represents, or in some cases continues to represent, a majority of the employees in an appropriate bargaining unit and therefore should be certified as the employees' bargaining representative. The role of the Agency is to investigate the petition and, if necessary, conduct a hearing to determine whether the employees constitute an appropriate bargaining unit under the NLRA.

All cases are assigned unique tracking numbers, with the letter "C" designating Unfair Labor Practices cases, and the letter "R" designating Representation cases. The percentage of new cases filed for each type of case drives the program breakout for financial reporting purposes. See chart below with the calculations for FY 2021 and FY 2020, through September 30.

	2021 Percentage	2020 Percentage
C Cases (Unfair Labor Practices)	90%	90%
R Cases (Representation)	10%	10%
	100%	100%

C. BUDGETARY BASIS OF ACCOUNTING

The NLRB's programs and activities are funded through annual appropriations. Congress annually adopts a budget appropriation that provides the NLRB with authority to use funds from the U.S. Department of the Treasury (Treasury) to meet operating expense requirements. The NLRB has single year budgetary authority and all unobligated amounts at year-end expire. At the end of the fifth year following the year of execution, all amounts not expended are canceled and returned to Treasury. Additionally, all revenue received from other sources must be returned to the Treasury.

Budgetary accounting measures appropriation and consumption of budget/spending authority and facilitates compliance with legal constraints and controls over the use of federal funds. Under budgetary reporting principles, budgetary resources are consumed at the time an obligation is incurred. Only those liabilities for which valid obligations have been established are considered to consume budgetary resources.

D. CLASSIFIED ACTIVITIES

Accounting standards require all reporting entities to disclose that accounting standards allow certain presentations and disclosures to be modified, if needed, to prevent the disclosure of classified information.

E. FINANCING SOURCES

As a component of the Government-wide reporting entity, the NLRB is subject to the Federal budget process, which involves appropriations that are provided annually. The financial transactions that are supported by budgetary resources, which include appropriations, are generally the same transactions reflected in the NLRB and the Government-wide financial reports.

The NLRB's budgetary resources reflect past congressional action and enable the NLRB to incur budgetary obligations, but they do not reflect assets to the Government as a whole. Budgetary obligations are legal obligations for goods, services, or amounts to be paid based on statutory provisions (e.g., Social Security benefits). After budgetary obligations are incurred, the U.S. Treasury will make disbursements to liquidate the budgetary obligations and finance those disbursements in the same way it finances all disbursements, using some combination of receipts, other inflows, and borrowing from the public.

F. FUND BALANCE WITH THE TREASURY

FBWT is an asset of a reporting entity and a liability of the General Fund. The amounts represent commitments by the Government to provide resources for particular programs, but they do not represent net assets to the Government as a whole.

The NLRB does not maintain cash in commercial bank accounts. The U.S. Department of the Treasury processes cash receipts and disbursements. Funds with the Treasury consist of appropriated and deposited funds that are available to pay current liabilities and finance authorized purchase commitments. In addition, funds held with Treasury also include escrow funds that are not appropriated but are fiduciary in nature. The fiduciary funds are not assets of the Federal Government; therefore, they are not recognized on the Balance Sheet.

G. ACCOUNTS RECEIVABLE, NET

Accounts Receivable typically consists of payroll related debts due to the NLRB from Agency employees and debts due to the NLRB from third party sources for invitational travel. Accounts receivable is stated net of allowance for doubtful accounts. The allowance is estimated based on an aging of account balances, past collection experience, and an analysis of outstanding accounts at year-end.

H. GENERAL PROPERTY, PLANT AND EQUIPMENT

General property, plant and equipment consist primarily of telephone systems, bulk purchases, computer hardware and software, and leasehold improvements.

Personal Property. Personal property costing $15,000 or more per unit is capitalized at cost and depreciated using the straight-line method over the useful life. Bulk purchases of large quantities of property that would otherwise fall under the individual capitalization threshold are capitalized if the total purchase is $100,000 or more. Other property items are expensed when purchased. Expenditures for repairs and maintenance are charged to operating expenses as incurred. The useful life for this category is three to twelve years. There are no restrictions on the use or convertibility of general property, plant and equipment.

Real Property. Real property consists of leasehold improvements on GSA leased space which cost $100,000 or more. Leasehold improvements are recorded as construction in progress until the Agency has beneficial occupancy of the space, and then the costs are moved to the Leasehold Improvements account for amortization over the remaining life of the lease.

Internal Use Software. Internal use software (IUS) includes purchased commercial off-the-shelf software (COTS), contractor-developed software, and software that was internally developed by Agency employees. IUS is capitalized at cost if the development cost is $100,000 or more. For COTS software, the capitalized costs include the amount paid to the vendor for the software; for contractor-developed software it includes the amount paid to a contractor to design, program, install, and implement the software. Capitalized costs for internally developed software include the full cost (direct and indirect) incurred during the software development stage. The standard useful life for IUS has been established as three years, to accurately match expenses with the period in which the benefits are received from the software. The NLRB uses the straight-line method of amortization.

Internal Use Software in Development. Internal use software in development is software that is being developed, but not yet put into production. At the time the software is moved into production the costs will be moved into the IUS account and amortized accordingly.

I. NON-ENTITY ASSETS

Assets held by the NLRB that are not available to the NLRB for obligation are considered non-entity assets. Non-Entity assets, restricted by nature, consist of miscellaneous receipt accounts. The miscellaneous receipts represent court fines and fees collected for FOIA requests that must be transferred to the Treasury at the end of each fiscal year.

J. LIABILITIES

Liabilities represent amounts that are likely to be paid by the NLRB as the result of transactions or events that have already occurred; however, no liabilities are paid by the NLRB without an appropriation. Liabilities of the NLRB arising from other than contracts can be abrogated by the government, acting in its sovereign capacity. Intragovernmental liabilities arise from transactions with other Federal entities.

Accounts Payable

Accounts payable represent amounts due to Federal and Nonfederal entities for goods and services received by the NLRB that have not been paid at the end of the accounting period.

Intragovernmental accounts payable represent payable transactions with other Federal entities. Nonfederal accounts payable represent transactions with Nonfederal entities.

Accrued Payroll

Accrued payroll consists of salaries, wages, and other compensation earned by employees but not disbursed as of September 30, 2021 and 2020, respectively. The liability is estimated for reporting purposes based on historical pay information.

K. LIABILITIES NOT COVERED BY BUDGETARY RESOURCES

Liabilities not covered by budgetary resources result from the receipts of goods or services in the current or prior periods, or the occurrence of eligible events in the current or prior periods for which appropriations, revenues, or other financing sources of funds necessary to pay the liabilities have not been made available through Congressional appropriations or current earnings of the reporting entity. Liabilities not covered by budgetary resources include, unfunded leave, Federal Employees' Compensation Act (FECA) and unemployment compensation.

Unfunded Leave

A liability for annual and other vested compensatory leave is accrued as earned and reduced when taken. The value of employees' unused annual leave at the end of each fiscal quarter is accrued as a liability. At the end of each fiscal quarter, the balance in the accrued annual leave account is adjusted to reflect current pay rate and leave balances. To the extent the current or prior year appropriations are not available to fund annual leave earned but not taken, funding will be obtained from future financing sources. Sick leave and other types of non-vested leave are expensed when used, and in accordance with Federal requirements, no accruals are recorded for unused sick leave.

Unfunded Federal Employees' Compensation Act

The FECA was established by Public Law 103-3 which provides income and medical cost protection to covered federal civilian employees injured on the job, to employees who have incurred work-related occupational diseases, and to beneficiaries of employees whose deaths are attributable to job-related injuries or occupational diseases. The FECA program is administered by the U.S. Department of Labor (DOL), which pays valid claims and subsequently seeks reimbursement from the NLRB for these paid claims.

The FECA liability consists of two components. The first component is based on actual claims paid by the DOL but not yet reimbursed by the NLRB. The NLRB reimburses the DOL for the actual claim amount as funds are appropriated for this purpose. There is generally a two to three-year period between payment by the DOL and reimbursement by the NLRB. As a result, the NLRB recognizes a liability for the actual claims paid by the DOL and to be reimbursed by the NLRB.

The second component is the estimated liability for future benefit payments as a result of past events. This liability includes death, disability, medical, and miscellaneous costs. The

NLRB determines this component annually, as of September 30, using a method that considers historical benefit payment patterns.

Due to the small number of claimants, the NLRB uses the methodology of reviewing the ages of claimants on a case-by-case basis to evaluate the estimated FECA liability. The determination was made to use the life expectancy of claimants.

Unfunded Unemployment

The NLRB's unemployment programs provide unemployment benefits to eligible workers who become unemployed through no fault of their own and meet certain other eligibility requirements. The Unemployment Compensation for Federal Employees program provides benefits for eligible, unemployed, former civilian Federal employees. The NLRB's liability for unemployment includes and costs incurred but unbilled as of the quarter end, as calculated by DOL, and not funded by current appropriations.

L. COMMITMENTS AND CONTINGENCIES

Commitments reflect binding agreements that may result in the future expenditure of financial resources that are not recognized on the Balance Sheet.

A loss contingency is an existing condition, situation, or set of circumstances involving uncertainty as to possible loss to an entity. The uncertainty should ultimately be resolved when a future event occurs or fails to occur. A contingent liability should be recorded when a past event or exchange transaction has occurred, a future outflow or other sacrifice of resources is probable, and the future outflow or sacrifice of resources is measurable.

The NLRB recognizes material contingent liabilities in the form of claims, legal action, administrative proceedings, and suits that have been brought to the attention of legal counsel, some of which will be paid by the Treasury Judgment Fund. It is the opinion of management and legal counsel that the ultimate resolution of these proceedings, actions and claims, will not materially affect the financial position or results of operations.

M. LIFE INSURANCE AND RETIREMENT PLANS

Federal Employees' Group Life Insurance (FEGLI) Program

The NLRB employees are entitled to participate in the FEGLI Program. Participating employees can obtain basic life term life insurance, with the employee paying two-thirds of the cost and the NLRB paying one-third. Additional coverage is optional, to be paid fully by the employee. The basic life coverage may be continued into retirement if certain requirements are met. The Office of Personnel Management (OPM) administers this program and is responsible for the reporting of liabilities. For each fiscal year, OPM calculates the U.S. Government's service cost for the post-retirement portion of the basic life coverage. Because the NLRB's contributions to the basic life coverage are fully allocated by OPM to the pre-retirement portion of coverage, the NLRB has recognized the entire service cost of the post-retirement portion of basic life coverage as an imputed cost and imputed financing source.

Retirement Programs

The NLRB employees participate in either the Civil Service Retirement System (CSRS), a defined benefit plan, or the Federal Employees' Retirement System (FERS), a defined benefit and contribution plan. On January 1, 1987, FERS went into effect pursuant to Public Law 99-335. The NLRB employees hired after December 31, 1983, are automatically covered by FERS and Social Security. Employees hired prior to January 1, 1984, could elect to either join FERS and Social Security or remain in CSRS. Employees covered by CSRS are not subject to Social Security taxes, nor are they entitled to accrue Social Security benefits for wages subject to CSRS. The NLRB contributes a matching contribution equal to seven percent of pay for CSRS employees.

FERS consists of Social Security, a basic annuity plan, and the Thrift Savings Plan (TSP). The Agency and the employee contribute to Social Security and the basic annuity plan at rates prescribed by law. In addition, the Agency is required to contribute to the Thrift Savings Plan a minimum of 1 percent per year of the basic pay of employees covered by this system and to match voluntary employee contributions up to 3 percent of the employee's basic pay, and one-half of contributions between 3 percent and 5 percent of basic pay. The maximum amount of base pay that an employee participating in FERS may contribute is $19,500 in calendar year (CY) 2021 to this plan. Employees belonging to CSRS may also contribute up to $19,500 of their salary in CY 2021 and receive no matching contribution from the NLRB. The maximum for catch-up contributions for CY 2021 is $6,500. For CY 2021, the regular and catch-up contributions may not exceed $26,000. The sum of the employees' and the NLRB's contributions are transferred to the Federal Retirement Thrift Investment Board. For FERS employees, the Agency also contributes the employer's share of Medicare.

OPM is responsible for reporting assets, accumulated plan benefits, and unfunded liabilities, if any, applicable to CSRS participants and FERS employee government-wide, including the NLRB employees. The NLRB has recognized an imputed cost and imputed financing source for the difference between the estimated service cost and the contributions made by the NLRB and covered CSRS employees.

The NLRB does not report FERS and CSRS assets, accumulated plan benefits, or unfunded liabilities applicable to its employees on its financial statements. Reporting such amounts is the responsibility of OPM. The portion of the current and estimated future outlays for CSRS not paid by the NLRB is, in accordance with Statements of Federal Financial Accounting Standards (SFFAS) Number 4, Managerial Cost Accounting Concepts and Standards for the Federal Government, included in the NLRB's financial statements as an imputed financing source.

Liabilities for future pension payments and other future payments for retired employees who participate in the Federal Employees Health Benefits (FEHB) and the FEGLI programs are reported by OPM rather than the NLRB.

SFFAS Number 4, Managerial Cost Accounting Concepts and Standards for the Federal government, requires employing agencies to recognize the cost of pensions and other retirement benefits during their employees' active years of service. OPM actuaries determine pension cost factors by calculating the value of pension benefits expected to be paid in the future and provide these factors to the Agency for current period expense reporting. Information is also provided by OPM regarding the full cost of health and life insurance benefits.

As of September 30, 2021, the NLRB, utilizing OPM provided cost factors, recognized $2,467,290 of pension expenses, $10,417,004 of post-retirement health benefits expenses, and $25,095 of post-retirement life insurance expenses, beyond amounts actually paid. The NLRB recognized offsetting revenue of $12,909,389 as an imputed financing source to the extent that these intragovernmental expenses will be paid by OPM. In comparison, in FY 2020, the NLRB recognized $2,490,860 of pension expenses, $10,025,397 of post-retirement health benefits expenses, and $24,721 of post-retirement life insurance expenses, beyond amounts actually paid. The NLRB recognized offsetting revenue of $12,540,978 as an imputed financing source from OPM.

N. OPERATING LEASES

The NLRB has no capital lease liability or capital leases. Operating leases consist of real and personal property leases with the General Services Administration (GSA) and commercial copier leases. NLRB leases all buildings through GSA. The NLRB pays GSA a standard level user charge for the annual leases, which approximates the commercial rental rates for similar properties. The NLRB is not legally a party to any building lease agreements, and it does not record GSA-owned properties as assets. The real property leases are for the NLRB's headquarters and regional offices and the personal property leases are for fleet vehicles and copiers.

O. NET POSITION

Net position is composed of unexpended appropriations and cumulative results of operations.

Unexpended Appropriations include the portion of the NLRB's appropriations represented by undelivered orders and unobligated balances. Unexpended appropriations on the Balance Sheet must equal unexpended appropriations on the Statement of Changes in Net Position (SCNP). The NLRB does not have unexpended appropriations attributable to Funds from Dedicated Collections.

Cumulative Results of Operations represent the net results of operations since inception plus the cumulative amount of prior-period adjustments. Cumulative results of operations on the Balance Sheet should equal cumulative results of operations on the SCNP. The NLRB does not have cumulative results of operations attributable to Funds from Dedicated Collections.

The FY 2021 beginning unexpended appropriations of $39,359,517 did not comport with the FY 2020 ending unexpended appropriations of $39,359,424. In addition, the FY 2021 beginning cumulative results of operations of $7,630,592 did not comport with the FY 2020 ending cumulative results of operations of $7,630,499. This was due to a Treasury confirmation payment of $93 processed on September 30, 2020 instead of October 1, 2020. The NLRB did not correct the beginning balances, as the NLRB deemed the $93 difference as immaterial.

P. USE OF MANAGEMENT ESTIMATES

The preparation of financial statements in conformity with GAAP requires management to make estimates and assumptions, and exercise judgement that affects the reported amount of assets, liabilities, net position, and disclosure or contingent assets and liabilities as of the date of the financial statements, as well as reported amounts of financing sources, expenses, and obligations incurred during the reporting period. The assumptions made and estimates used by the NLRB to prepare the financial statements are based upon the facts that exist when the financial statements are prepared and on various other assumptions that are believed to be reasonable under the circumstances. Changes in estimates are reflected in the period in which they become known. Actual results may differ from those estimates. The notes to the financial statements include information to assist the reader in understanding the effect of changes in assumptions on the related information.

Q. TAX STATUS

The NLRB, as an independent Board of the Executive Branch, is a federal agency, and is not subject to federal, state, or local income taxes, and accordingly, no provision for income tax is recorded.

R. SUBSEQUENT EVENTS

Subsequent events and transactions occurring after fiscal year-end through the date of the auditor's opinion have been evaluated for potential recognition of disclosure in the financial statements. The date of the auditor's opinion also represents the date that the financial statements were available to be issued.

NOTE 2. NON-ENTITY ASSETS

Non-Entity assets represent miscellaneous receipts collected and related accounts receivable (net of allowance for doubtful accounts). Miscellaneous Receipts represent court fines and fees collected for Freedom of Information Act requests that must be transferred to the Treasury at the end of each fiscal year.

The composition of non-entity assets as of September 30, 2021 and September 30, 2020, is as follows:

(in dollars)	2021	2020
Non-Entity Assets		
Fund Balance with Treasury	$ 0	$ 0
Accounts Receivable	0	0
Total Non-Entity Assets	0	0
Total Entity Assets	63,606,553	64,215,252
Total Assets	$ 63,606,553	$ 64,215,252

Additionally, the NLRB received a remainder interest in Florida real estate valued at approximately $46,000 as part of a ULP case settlement. This asset is not included in the table above.

NOTE 3. FUND BALANCE WITH TREASURY

Treasury performs cash management activities for all federal agencies. The NLRB's Fund Balance with Treasury represents the right of the NLRB to draw down funds from Treasury for expenses and liabilities. Status of Fund Balance with Treasury as of September 30, 2021 and September 30, 2020 consists of the following:

FUND BALANCE WITH TREASURY

(in dollars)	2021	2020
Status of Fund Balance with Treasury		
Unobligated Balance		
Available	$ 748,444	$ 469,844
Unavailable	10,455,135	11,061,121
Obligated Balance Not Yet Disbursed	43,706,908	41,534,798
Non-budgetary Fund Balance with Treasury	0	0
Total	$ 54,910,487	$ 53,065,763

The status of the fund balance may be classified as unobligated available, unobligated unavailable, or obligated. Unobligated funds, depending on budget authority, are generally available for new obligations in the current year of operations. Unavailable unobligated balances are not available to fund new obligations because they are expired. The obligated but not yet disbursed balance represents amounts designated for payment of goods and services ordered but not yet received or goods and services received but for which payment has not yet been made.

Obligated and unobligated balances reported for the status of Fund Balance with Treasury do not agree with obligated and unobligated balances reported on the Statement of Budgetary Resources because the Fund Balance with Treasury includes items for which budgetary resources are not recorded, such as deposit funds and miscellaneous receipts (non-entity).

NOTE 4. ADVANCES

Intragovernmental

As of September 30, 2021, and 2020, the NLRB reported advances to the Department of Transportation for the employee transit subsidy program totaling $1,646 and $28,050 respectively.

Public

As of September 30, 2021, and 2020, the NLRB reported advances for postage meter funding totaling $26,706 and $25,658 respectively.

NOTE 5. ACCOUNTS RECEIVABLE, NET

As of September 30, 2021, and 2020, the NLRB reported accounts receivable, net totaling $768,197 and $665,283 respectively. In FY 2021, the NLRB had receivables related to reimbursable agreements with the Office of Personnel Management (OPM) for the Emergency Paid Leave (EPL) and the Federal Emergency Management Agency (FEMA) for the Surge Capacity Force that was not collected as of September 30, 2021.

(in dollars)	2021	2020
Intragovernmental		
Accounts Receivable	$ 67,906	$ 0
With the public		
Accounts receivable	756,187	769,981
Total Account Receivable	824,093	769,981
Allowance for doubtful accounts	(55,896)	(104,698)
Accounts receivable, net	$ 768,197	$ 665,283

NOTE 6. GENERAL PROPERTY, PLANT AND EQUIPMENT

General property, plant, and equipment consists of that property which is used in operations and consumed over time. The table below summarizes the cost and accumulated depreciation for general property, plant and equipment.

2021			
(in dollars)	Asset Cost	Accumulated Depreciation / Amortization	Net Asset Value
Equipment	$ 3,859,957	$ 2,469,793	$ 1,390,164
Leasehold Improvements	6,935,780	3,896,065	3,039,715
Internal Use Software	45,060,728	41,591,090	3,469,638
IUS in Development	0	0	0
Total Property, Plant and Equipment	$ 55,856,465	$ 47,956,948	$ 7,899,517

2020			
(in dollars)	Asset Cost	Accumulated Depreciation / Amortization	Net Asset Value
Equipment	$ 2,033,178	$ 2,009,367	$ 23,811
Leasehold Improvements	6,935,780	3,202,487	3,733,293
Internal Use Software	42,063,312	38,356,231	3,707,081
IUS in Development	2,966,313	0	2,966,313
Total Property, Plant and Equipment	$ 53,998,583	$ 43,568,085	$ 10,430,498

NOTE 7. LIABILITIES NOT COVERED BY BUDGETARY RESOURCES

Liabilities are classified as liabilities covered by budgetary resources, liabilities not covered by budgetary resources, and liabilities not requiring budgetary resources. The NLRB's liabilities not covered by budgetary resources represent amounts owed in excess of available congressionally appropriated funds or other amounts. The custodial liability represents court fines and fees collected for Freedom of Information Act requests that must be transferred to the Treasury at the end of each fiscal year.

The composition of liabilities not covered by budgetary resources as of September 30, 2021 and September 30, 2020, is as follows:

(in dollars)	2021	2020
Liabilities Not Covered by Budgetary Resources		
Intragovernmental		
FECA - Unfunded	$ 48,452	$ 176,461
Total Intragovernmental	48,452	176,461
Liabilities with the Public		
Estimated Future FECA	497,655	2,354,777
Accrued Annual Leave	16,448,720	16,114,022
Total Liabilities Not Covered by Budgetary Resources	16,994,827	18,645,260
Total Liabilities Covered by Budgetary Resources	15,490,489	13,841,067
Total Liabilities	$ 32,485,316	$ 32,486,327

NOTE 8. INTRAGOVERNMENTAL COSTS AND EXCHANGE REVENUE

For the intragovernmental costs, the buyer and seller are both federal entities. The earned revenue is the reimbursable costs from other federal entities. The NLRB has the authority to provide administrative law judges' services to other federal entities. There is no exchange revenue with the public.

(in dollars)	2021	2020
Resolve Unfair Labor Practices		
Intragovernmental Costs	$ 81,902,714	$ 79,240,403
Costs with the Public	176,255,833	180,513,973
Total Net Cost – Resolve Unfair Labor Practices	258,158,547	259,754,376
Resolve Representation Cases		
Intragovernmental Costs	8,908,588	8,814,272
Costs with the Public	19,171,413	20,079,397
Total Net Cost – Resolve Representation Cases	28,080,001	28,893,669
Less: Earned Revenue	(98,171)	(16,104)
Net Cost of Operations	$ 286,140,377	$ 288,631,941

NOTE 9. OPERATING LEASES

GSA Real Property. The NLRB's facilities are rented from the GSA, which charges rent that is intended to approximate commercial rental rates. The terms of the NLRB's occupancy agreements with GSA will vary according to whether the underlying assets are owned by GSA or rented by GSA from the private sector. The NLRB has occupancy agreements with GSA, which set forth terms and conditions for the space the Agency will occupy for an extended period. Included within the occupancy agreements are 120 to 180-day notification requirements for the Agency to release space. For purposes of disclosing future operating lease payments in the table below, federally owned leases are included in FYs 2021 through 2026.

Rental expenses for operating leases for the period ended September 30, 2021, were $23,663,212 for Agency leased space and $2,630,724 for Agency building security. For FY 2020 the operating lease costs were $23,745,987 and the Agency building security portion was $2,593,288.

Future Space Lease Payments	
(in dollars) Fiscal Year	GSA Real Property Cost
2022	$ 24,316,834
2023	25,046,400
2024	25,797,800
2025	26,571,800
2026	27,368,900
After 5 Years	28,189,950
Total	$ 157,291,684

GSA Fleet. The future fleet payments reflect the expense for 13 vehicles used for official the NLRB business throughout the U.S. Expenses for the fleet vehicles for the period ending September 30, 2021 were $46,320; for FY 2020 the costs were $45,814.

Future Fleet Lease Payments	
(in dollars) Fiscal Year	GSA Fleet Cost
2022	$ 50,400
2023	51,912
2024	53,469
2025	55,073
2026	56,726
After 5 Years	58,427
Total	$ 326,007

Commercial Copiers. The commercial copier rental expense reflects lease contracts for copy machines located at the NLRB Headquarters and Field Offices. For FY 2021 the commercial copier yearly contract is $154,288; for FY 2020 the cost was $154,288.

Future Copier Lease Payments	
(in dollars) Fiscal Year	Copier Lease Cost
2022	$ 154,288
2023	154,288
2024	180,000
2025	185,400
2026	190,962
After 5 Years	196,691
Total	$ 1,061,629

Digital Mailing System. The digital mailing system expense reflects lease contracts for mailing systems and postage meters located at the NLRB Headquarters and Field Offices. For FY 2021 the digital mailing system yearly contract is $62,368; for 2020 the cost was $63,615.

Future Digital Mailing Lease Payments	
(in dollars) Fiscal Year	Digital Mailing Lease Cost
2022	$ 114,184
2023	108,723
2024	108,723
2025	108,723
2026	114,160
After 5 Years	119,868
Total	$ 674,381

NOTE 10. INTER-ENTITY COSTS

Goods and services are received from other federal entities at no cost or at a cost less than the full cost to the providing federal entity. Consistent with accounting standards, certain costs of the providing entity that are not fully reimbursed are recognized as imputed cost in the Statement of Net Cost and are offset by imputed revenue in the Statement of Changes in Net Position. Such imputed costs and revenues relate to employee benefits. However, unreimbursed costs of goods and services other than those identified are not included the financial statements.

OPM pays pension and other future retirement benefits on behalf of federal agencies for federal employees. OPM provides rates for recording the estimated cost of pension and other future retirement benefits paid by OPM on behalf of federal agencies. The costs of these benefits are reflected as imputed financing in the consolidated financial statements. Expenses of the NLRB paid or to be paid by other federal agencies at September 30, 2021 and 2020 consisted of:

(in dollars)	2021	2020
Office of Personnel Management:		
Pension Expenses	$ 2,467,290	$ 2,490,860
Federal Employees Health Benefits	10,417,004	10,025,397
Federal Employees Group Life Insurance Program	25,095	24,721
Total Imputed Financing Costs	$ 12,909,389	$ 12,540,978

NOTE 11. STATEMENT OF BUDGETARY RESOURCES

The Statement of Budgetary Resources provides information about how budgetary resources were made available as well as their status at the end of the period. It is the only financial statement exclusively derived from the entity's budgetary general ledger in accordance with budgetary accounting rules that are incorporated into GAAP for the Federal government. The total Budgetary Resources of $285,624,140 as of September 30, 2021, and $287,474,347 as of September 30, 2020, includes new budget authority, unobligated balances at the beginning of the year, spending authority from offsetting collections, recoveries of prior year obligations and permanently not available. NLRB received $274,224,000 in appropriations as of September 30, 2021 and September 30, 2020. The NLRB's apportioned unobligated balance available at September 30, 2021 was $748,444 and at September 30, 2020 was $469,844.

NOTE 12. UNDELIVERED ORDERS AT THE END OF THE PERIOD

Undelivered orders are purchase orders issued by the NLRB during the FY 2021 and the five (5) expiring fiscal years, which have not had delivery of the required product or service as of September 30, 2021 and 2020, respectively. It is anticipated that these undelivered items will be provided in future periods and will require resources obligated during the respective fiscal years.

Undelivered Orders as of September 30, 2021 and 2020		
(in dollars)	**2021**	**2020**
Intragovernmental		
Paid	$ 0	$ 0
Unpaid	10,035,026	5,008,814
Total Intragovernmental	10,035,026	5,008,814
Public		
Paid	28,353	53,708
Unpaid	18,298,293	22,691,564
Total Public	18,326,646	22,745,272
Total	**$ 28,361,672**	**$ 27,754,086**

NOTE 13. FIDUCIARY ACTIVITIES

The NLRB Escrow Accounts are fiduciary deposit funds presented in accordance with SFFAS 31, Accounting for Fiduciary Activities, and OMB Circular A-136, *Financial Reporting Requirements*. The Escrow Accounts, Restraining Order Cases (420X6152) and Backpay Cases (402X6154) are authorized by Title 31 U.S. Code, Section 3513 and Title 29 U.S. Code, Section 151-169. The Escrow Account, Restraining Order Cases (420X6152) was established to separate cases related to protective restraining orders.

The NLRB investigates and adjudicates disputes between private sector employees, employers, and unions. Part of the NLRB's mission is to determine if the employer (or sometimes the union), herein referred to as respondent, engaged in unfair labor practices, which resulted in a loss of employment or wages for the affected employees (discriminatees). In some cases, the respondent is ordered to pay monetary amounts to the discriminatees. These payments can be paid by respondent directly to the discriminatees or they can pay the NLRB, which disburses the funds to the discriminatees. The NLRB is authorized to collect funds on behalf of discriminatees.

The fiduciary funds collected by the NLRB are held in escrow and represent funds that were collected as part of the standard Board remedy whenever a violation of the NLRA has resulted in a loss of employment or earnings. The NLRB collects the funds, and then distributes them to employees, unions, pension funds, or other discriminatees in the settlement. The NLRB has the option to invest funds in Federal government securities if the funds will remain in escrow for a lengthy period. During FY 2021, fiduciary funds were not invested.

The NLRB executed a Memorandum of Understanding (MOU) with the Treasury that established agreed upon policies and procedures for investing monies in, and redeeming investments held by, the fiduciary fund account in Treasury. The NLRB manages these funds in a fiduciary capacity and does not have ownership rights against its contributions and investments; the assets and activities summarized in the schedule below are not presented in the financial statements. The NLRB's fiduciary activities are disclosed in this note.

Schedule of Fiduciary Activity As of September 30, 2021 and 2020						
(in dollars)	**2021**			**2020**		
Fiduciary Funds	Fund 420X6152	Fund 420X6154	Total Funds	Fund 420X6152	Fund 420X6154	Total Funds
Fiduciary net assets, beginning of year	$2,000	$31,163,779	$31,165,779	$0	$7,389,554	$7,389,554
Fiduciary revenues	(2,000)	4,778,021	4,776,021	2,000	78,449,609	78,451,609
Disbursements to and on the behalf of beneficiaries	$0	(12,544,576)	(12,544,576)	$0	(54,675,384)	(54,675,384)
Increase (Decrease) in fiduciary net assets	(2,000)	(7,766,555)	(7,768,555)	2,000	23,774,225	23,776,225
Fiduciary net assets, end of year	$0	$23,397,224	$23,397,224	$2,000	$31,163,779	$31,165,779

Fiduciary Net Assets As of September 30, 2021 and 2020						
(in dollars)	2021			2020		
Fiduciary Funds	Fund 420X6152	Fund 420X6154	Total Funds	Fund 420X6152	Fund 420X6154	Total Funds
Fund Balance with Treasury	$0	$23,397,224	$23,397,224	$2,000	$31,163,779	$31,165,779
Total Fiduciary net assets	$0	$23,397,224	$23,397,224	$2,000	$31,163,779	$31,165,779

NOTE 14. RECONCILIATION OF NET COST TO NET OUTLAYS

SFFAS No. 53, *Budget and Accrual Reconciliation*, amended SFFAS 7, *Accounting for Revenue and Other Financing Sources and Concepts for Reconciling Budgetary and Financial Accounting* and 24, *Selected Standards for the Consolidated Financial Report of the U.S. Government*, and rescinded SFFAS 22, *Change in Certain Requirements for Reconciling Obligations and Net Cost of Operations*. SFFAS No. 53 provided for the budget and accrual reconciliation (BAR) to replace the statement of financing. The BAR explains the relationship between the NLRB's net outlays on a budgetary basis and the net cost of operations during the reporting period. The reconciliation starts with the net cost of operations as reported on the Statement of Net Cost and will be adjusted by components of net cost that are not part of net outlays. Common components include depreciation and gains and losses on disposition of assets and changes in assets and liabilities (e.g., accounts receivable, accounts payable and salaries and benefits) not affecting budget outlays. Net cost of operations is also adjusted by budget outlays that are not part of net operating cost. Components of budget outlays that are not part of net operating cost include acquisition of capital assets, inventory, and other assets. Other reconciling differences, when applicable, include timing differences.

Reconciliation of Net Cost to Net Outlays As of September 30, 2021			
	Intra-governmental	With the public	Total 2021
Net Cost	**$ 90,713,131**	**$ 195,427,246**	**$ 286,140,377**
Components of Net Cost That Are Not Part of Net Outlays:			
Other		13,858	13,858
Increase/(decrease) in assets:			
Accounts receivable	67,906	707,385	775,291
Other assets	26,404	(1,048)	25,356
(Increase)/decrease in liabilities:			
Accounts payable	458,990	(1,371,941)	(912,951)
Salaries and benefits	(261,422)	(539,666)	(801,088)
Other liabilities	128,009	(14,591,598)	(14,463,589)
Total Components of Net Cost That Are Not Part of Net Outlays	**419,887**	**(15,783,010)**	**(15,363,123)**
Components of Net Outlays That Are Not Part of Net Cost:			
Acquisition of capital assets			
Total Components of Net Outlays That Are Not Part of Net Cost			
Other Temporary Timing Differences		1,321	1,321
Net Outlays	**$ 91,133,018**	**$ 179,645,557**	**$ 270,778,575**
Related Amounts on the Statement of Budgetary Resources			
Outlays, net			270,778,575
Distributed offsetting receipts			0
Agency Outlays, Net			**$ 270,778,575**

Reconciliation of Net Cost to Net Outlays As of September 30, 2020			
	Intra-governmental	With the public	Total 2020
Net Cost	**$ 88,038,571**	**$ 200,593,370**	**$ 288,631,941**
Components of Net Cost That Are Not Part of Net Outlays:			
Other		(2,428)	(2,428)
Increase/(decrease) in assets:			
Accounts receivable		(665,283)	(665,283)
Other assets	28,050	25,658	53,708
(Increase)/decrease in liabilities:			
Accounts payable	(821,290)	(1,217,689)	(2,038,979)
Salaries and benefits	(2,245,912)	(7,939,147)	(10,185,059)
Other liabilities	(223,074)	(3,699,190)	(3,922,264)
Total Components of Net Cost That Are Not Part of Net Outlays	**(3,262,226)**	**(13,498,079)**	**(16,760,305)**
Components of Net Outlays That Are Not Part of Net Cost:			
Acquisition of capital assets		80,558	80,558
Total Components of Net Outlays That Are Not Part of Net Cost		80,558	80,558
Other Temporary Timing Differences		(1,339)	(1,339)
Net Outlays	$ 84,776,345	$ 187,174,510	$ 271,950,855
Related Amounts on the Statement of Budgetary Resources			
Outlays, net			271,950,855
Distributed offsetting receipts			0
Agency Outlays, Net			**$ 271,950,855**

NOTE 15. COMMITMENTS AND CONTINGENCIES

In addition to future commitments discussed in Note 9, Operating Leases, the NLRB is committed under obligations at year end for goods and services which have been received and not yet paid or for goods and services which have been ordered but not yet received. These are unpaid delivered orders.

The NLRB was not party to any legal actions that were likely to result in a material liability. Accordingly, no provision for loss is included in the financial statements.

NOTE 16. COVID-19 ACTIVITY

In FY 2021 and FY 2020, the NLRB received an annual appropriation of $274,224,000 to carry out the functions vested in it by the Labor-Management Relations Act of 1947. The NLRB did not receive a supplemental appropriation associated with responding to COVID-19.

OTHER INFORMATION

PROTECTING DEMOCRACY IN THE WORKPLACE SINCE 1935

UNITED STATES GOVERNMENT
National Labor Relations Board
Office of Inspector General

Memorandum

October 14, 2021

To: Board and General Counsel

From: David Berry
Inspector General

Subject: Top Management and Performance Challenges

As part of the Performance and Accountability Report, the Office of Inspector General (OIG) is required by section 3516 of title 31 to summarize what the Inspector General considers to be the most serious management and performance challenges facing the National Labor Relations Board (NLRB or Agency) and briefly assess its progress in addressing those challenges. This memorandum fulfills that requirement. The information provided in this report is based upon our reviews and investigations, as well as our general knowledge and observations of the NLRB's operations.

For the purpose of this report, an item can be noted as a management or performance challenge even though it is not a deficiency or within the control of the Agency. The challenges noted below are not OIG findings or matters that necessarily involve mismanagement or any type of failure on the part of the NLRB's leaders or managers. In our view, a challenge is just that, a task or endeavor that is made difficult by the circumstances, and several challenges are governmentwide and are not unique to the NLRB. In our prior year's memorandum, we identified five management and performance challenges.

CHALLENGES

Manage the Agency

The past 2 years have obviously been extraordinary. The rapid, almost instantaneous, switch to an entirely remote work force in Fiscal Year (FY) 2020 was unprecedented. In FY 2021, it was reasonably anticipated that the NLRB would begin the process of bringing employees back to its offices as the vaccine became readily available. Unfortunately, rather than seeing that return, we saw that the pandemic continued to create a great deal of uncertainty and presented evolving challenges for the Agency. It is also noteworthy that, while meeting this challenge, the NLRB had a complete change in leadership. Throughout this very uncertain time, the NLRB continued to meet its statutory mission by receiving and investigating charges, conducting elections, and issuing decisions.

Manage the Agency's Financial Resources

In July 2012, the Board created the Office of the Chief Financial Officer (OCFO), implementing a recommendation from the FY 2010 audit of the financial statements. The OCFO now oversees the budget, procurement, and finance functions.

In the audits of the financial statements for 5 of the 7 prior fiscal years, the audits reported findings related to significant deficiencies and/or material weaknesses involving financial management. In our audit of the FY 2019 lapse in funding, we found several internal control issues related to the OCFO's budget processes.

At the end of FY 2020, the OCFO closed a number of pending audit recommendations from the prior financial statement audits and reported a significantly lower lapse in funding as compared to FY 2019. Also, the audit of the FY 2020 financial statements did not have significant deficiency or material weakness findings. During FY 2021, we continued to see a significant effort to implement audit recommendations related to improving internal controls and financial management. This effort by the OCFO staff in addressing internal control issues resulted in far fewer audit issues at the mid-year testing.

Manage the Agency's Human Capital and Maintain the Agency's Institutional Knowledge

These two challenges are interrelated. The need to maintain a stable and productive workforce is key to the NLRB's ability to fulfill its statutory mission.

In our audit work we have, over an extended time period, observed a loss of institutional knowledge in management practices as new personnel take over key positions. In some circumstances when information about historical practices is available, the context regarding why the practice was developed has been lost with the personnel changes.

Between May and August, the Acting and new General Counsel announced that they filled 13 Regional management positions below the Director's level. In August, a Director position in a large Region that became vacant in December 2019 was also filled. Despite the significant effort to fill inherited vacancies, at the end of FY 2021, 7 of the 26 Regional Director positions were vacant, with three of the positions being vacant for more than a year. The large number of vacancies in the Regional management structure of the Agency obviously makes it difficult to manage field offices. What may not be so readily apparent is that when lower-level management positions remain vacant, it compounds the difficulty in filling positions at the executive level from a pool of well qualified candidates and creates a leadership vacuum with a very real opportunity for the loss of institutional knowledge and mismanagement.

Manage the Agency's Information Technology Security

The FY 2016 Federal Information Security Modernization Act (FISMA) review was the start of the change from reviewing what the Agency was doing to assessing the maturity of the

Agency's information technology (IT) security processes. For the past several years, the OCIO made steady progress in improving the Agency's IT security processes and maturity level. For FY 2020, the OCIO met at least the "managed and measurable" level across the five FISMA IT security functions and obtained an overall maturity level assessment of "effective." That steady improvement over an extended period of time represented a significant effort on the part of the OCIO security staff. In FY 2021, we observed that the OCIO continued its progress and will for the second consecutive year receive a FISMA maturity level assessment of "effective." As we stated in our prior reports, however, threats to the NLRB's information systems will not abate in the future. Because of the rapid changes in technology that results in evolving threats, we expect that the OCIO will continue to face challenges as it works to keep the NLRB network secure.

Implement Audit Recommendations

In last year's Top Management and Performance Challenges memorandum, we reported that the Agency had 41 open audit recommendations. During FY 2021, we added 5 recommendations and closed 22. Currently, there are 24 open recommendations. As with the prior fiscal year, the oldest open recommendations are from audit reports issued in FY 2015. This reduction in the number of open audit recommendations is noteworthy and represents a significant effort on the part of the Chief Financial Officer and the Chief Information Officer.

SUMMARY OF AUDIT AND MANAGEMENT ASSURANCES

I. SUMMARY OF FINANCIAL STATEMENT AUDIT

Audit Opinion: Unmodified					
Restatement: No					
Material Weaknesses	Beginning Balance	New	Resolved	Consolidated	Ending Balance
	0	0	0	0	0

II. SUMMARY OF MANAGEMENT ASSURANCES

Effectiveness of Internal Control Over Operations (FMFIA §2)

Statement of Assurance: Unqualified						
Material Weaknesses	Beginning Balance	New	Resolved	Consolidated	Reassessed	Ending Balance
	0	0	0	0	0	0

Compliance with Financial Systems Requirements (FMFIA §4)

Statement of Assurance: Unqualified						
Material Weaknesses	Beginning Balance	New	Resolved	Consolidated	Reassessed	Ending Balance
	0	0	0	0	0	0

PAYMENT INTEGRITY INFORMATION ACT REPORTING

The PIIA amends government-wide improper payment reporting requirements by repealing and replacing the Improper Payments Information Act of 2002 (IPIA), the Improper Payments Elimination and Recovery Act of 2010 (IPERA), the Improper Payments Elimination and Recovery Act of 2012 (IPERIA), and the Fraud Reduction and Data Analytics Act of 2015 (FRDAA).

For FY 2021, $270,950,994 in disbursements were made, of which payroll, benefits, and travel accounted for $211,753,110. Additionally, the NLRB made payments of $59,197,884 to vendors and government agencies which represented approximately 22 percent of the total disbursements.

The Agency's latest IPERIA assessment (FY 2019) and review performed by an independent consultant concluded that the NLRB program and activities were at a low risk for improper payments.

During FY 2019, the Agency performed an independent review that evaluated the procedures in the Agency's payment and disbursement processes. It also tested and assessed the design and effectiveness of controls. Given these controls, the IPERIA assessment found no improper payment in the testing and found that the estimated improper payments to be within the thresholds defined by IPERIA. Thus, improper payments for the NLRB's programs did not exceed $10 million and 1.5 percent of the program total expenditures or $100 million of the total program expenditures. The Agency estimates the improper payments rate to be at most 1.5 percent and the improper payment amount to be no more than $4,064,265. Therefore, the NLRB has effective procedures and controls in place for its payment and disbursement processes. The NLRB has reasonable assurance that controls over financial and non-financial operations are sufficient. No additional reporting requirements are necessary.

DO NOT PAY (DNP) INITIATIVE

The mission of the Treasury's Do Not Pay (DNP) team is to "protect the integrity of the government's payment process by assisting agencies in mitigating and eliminating improper payments in a cost-effective manner while safeguarding the privacy of individuals." The NLRB echoes that sentiment and has made eliminating improper payments one of the Agency's financial management priorities. The DNP portal is a multifaceted system that embraces resources from several agency subsystems i.e. Social Security Administration's Death Master

File, GSA's System for Award Management (SAM) Exclusion Records as well as the Treasury Offset Program (TOP). DNP uses this network of systems in order to disseminate to agencies whom should or should not receive public funds in order to reduce or prevent the likelihood of improper payments.

In FY 2021, the DNP portal vetted 4,889 payments for authenticity and validity. The number of payments made amounted to $ $38,762,121.57 in disbursements that passed through DNP's network of red flag indicating systems. As a result, DNP identified one payment totaling $348.10 that required further review because of a death record match. DNP did not identify any payments which matched a vendor name on the Excluded Parties List (EPL). DNP also identified one payments that were matched (AIS-Obit) however, the payee was listed as deceased when that is not the case.

September 2020– August 2021*						
	Number (#) of payments reviewed for improper payments	Dollars ($) of payments reviewed for improper payments	Number (#) of payments stopped	Dollars ($) of payments stopped	Number (#) of improper payments reviewed and not stopped	Dollars ($) of improper payments reviewed and not stopped
Reviews with DMF Public	4,889	$38,762,121.57	N/A	N/A	N/A	$0
Reviews with SAM Exclusions Public	4,889	$38,762,121.57	N/A	N/A	N/A	$0

*September 2020's information was not available at the time the PAR was published last year. It was available after the PAR's publication. Therefore, the information must be included in this year's PAR.

- Payments reviewed for improper payments includes the total number of payments disbursed by the Agency through the Payments, Claims and Enhanced Reconciliation (PACER) payment system minus any payments that were excluded from matching due to (1) a missing or unmatchable TIN (DMF only) or (2) a missing name.
- Payments stopped is currently not applicable since the DNP matching and adjudication process is based on post payment results.
- Improper payments reviewed and not stopped includes the total number of matches identified by the DNP Initiative that were adjudicated as proper by the Agency.

REAL PROPERTY

The GSA, the nation's largest public real estate organization, provides workspace for more than 1.2 million federal workers through its Public Buildings Service. Approximately half of federal employees are housed in buildings owned by the federal government and half are located in separate leased properties, including buildings, land, antenna sites, etc. across the country. GSA charges rent to over 100 federal agencies, which is deposited into the federal buildings fund and used to operate the government's buildings and pay rent to private companies for leased space.

The GSA serves as the real estate agent for the NLRB by providing office space in federal and leased space. GSA is the organization that makes the appropriate and final determination for NLRB office locations. Federal building occupancy is the preferred choice. GSA determines which space is the most cost effective for the government. GSA lease actions start +/- 18 months prior to lease expiration. The lease is signed between the lessor and GSA. The agency signs an occupancy agreement (OA) with GSA.

This link take you to the GSA's website: https://www.gsa.gov/tools-overview/buildings-and-real-estate-tools/inventory-of-gsa-owned-and-leased-properties. The chart below provides information on NLRB locations.

https://catalog.data.gov/dataset/inventory-of-owned-and-leased-properties-iolp							
NLRB Location	**Address**	**Current Building Type**	**GSA Location Code**	**GSA Occupancy Agreement (OA) Number**	**Current Rentable Square Footage**	**OA Term Start Date**	**OA Term Expiration Date**
Headquarters	1015 Half Street, SE Washington, DC 20570-0001	Leased	DC0719	ADC07116	152,872	6/30/2015	6/29/2025
R-1 Boston	Thomas P. O'Neill Federal Building 10 Causeway Street - 6th Floor Boston, MA 02222-1072	Federal	MA0153	AMA00119	18,333	10/1/2016	9/30/2026
SR-34 Hartford	A. A. Ribicoff Federal Bldg & Courthouse 450 Main St 4th Floor Hartford, CT 06103-3503	Federal	CT0054	ACT01875	14,602	9/27/2020	5/31/2030
R-2 New York	Jacob K. Javits Federal Building 26 Federal Plaza, Room 3614 New York, NY 10278-0104	Federal	NY0282	ANY02166 & ANY02687	21,622	10/1/2021	9/30/2022
R-3 Buffalo	Niagara Center Building 130 S. Elmwood Avenue, Suite 630 Buffalo, NY 14202-2387	Leased	NY7340	ANY07196	10,296	9/20/2015	9/19/2025
RO-3 Albany	Leo W. O'Brien Federal Building 11A Clinton Ave, Room 342 Albany, NY 12207-2366	Federal	NY0300	ANY02196	3,993	3/1/2019	2/28/2029
R-4 Philadelphia	100 Penn Square East, Suite 403 Philadelphia, PA 19107-3323	Leased	PA0549	APA04935	12,525	10/16/2018	10/15/2028

R-5 Baltimore	Bank of America Center- Tower II 100 South Charles Street, Suite 600 Baltimore, MD 21202-2700	Leased	MD0395	AMD05219	20,050	6/14/2012	6/13/2022
RO-5 Washington, DC	1015 Half Street, SE - Suite 6020 Washington, DC 20570-0001	Leased	DC0719	ADC07116	Incl. w/ Headquarters	6/30/2015	6/29/2025
R-6 Pittsburgh	William S. Moorhead Federal Building 1000 Liberty Avenue, Room 904 Pittsburgh, PA 15222-4	Federal	PA0233	APA01602	18,365	12/15/2018	12/14/2028
R-7 Detroit	P. V. McNamara Federal Building 477 Michigan Avenue, Room 05-200 Detroit, MI 48226-2569	Federal	MI0131MC	AMI05260	12,173	2/1/2019	1/31/2028
RO-7 Grand Rapids	Gerald Ford Federal Bldg 110 Michigan St NW, Rm 299 Grand Rapids, MI 49503-23	Federal	MI0137	AMI04500	6,465	9/27/2020	8/31/2029
R-8 Cleveland	Anthony J. Celebrezze Federal Building 1240 East 9th Street, Room 1695 Cleveland, OH 44199-2086	Federal	OH0192	AOH00148	19,286	1/1/2017	10/31/2027
R-9 Cincinnati	John Weld Peck Federal Building 550 Main Street, Room 3003 Cincinnati, OH 45202-3	Federal	OH0189CN	AOH05409	22,971	2/1/2018	1/31/2028
R-10 Atlanta	Peachtree Summit Federal Building 401 W. Peachtree St. NW Suite 472 Atlanta, GA 30308-3525	Federal	GA0087	AGA04525	2,691	3/1/2021	2/28/2031
SR-11 Winston-Salem	Republic Square 4035 University Parkway Suite 200 Winston-Salem, NC 27106-3325	Leased	NC2178	ANC02253	10,209	5/1/2021	12/18/2021
RO-10 Birmingham	Ridge Park Place, Suite 3400 1130 South 22nd Street Birmingham, AL 35205-2871	Leased	AL2154	AAL02336	3,853	8/14/2012	8/13/2022
RO-26 Nashville	810 Broadway - Suite 302 Nashville, TN 37203-3859	Leased	TN2038	ATN02958	3,605	4/15/2013	4/14/2023
R-12 Tampa	South Trust Plaza Suite 530 201 East Kennedy Blvd Tampa, FL 33602-5824	Leased	FL2155	AFL03931	11,702	4/1/2018	3/31/2023
RO-12 Miami	Claude Pepper Federal Building Federal Building, Room 1320 51 SW 1st Avenue Miami, FL 33130-1608	Federal	FL0061	AFL00498	5,769	6/1/2013	3/31/2022
SR-24 Hato Rey	La Torre de Plaza Suite 1002 525 F. D. Roosevelt Avenue San Juan, PR 00918-1002	Federal	PR3928	APR02840	9,343	7/1/2014	6/30/2022
R-13 Chicago	Dirksen Federal Building and Courthouse 219 South Dearborn Street, Suite 808 Chicago, IL 60604	Federal	IL0205	AIL06640	23,860	1/1/2016	12/31/2025
R-14 St. Louis	Robert A. Young Federal Building 1222 Spruce Street, Room 8.302 St. Louis, MO 63103-2829	Federal	MO0106	AMO00055	13,487	6/1/2017	5/31/2027

SR-17 Overland Park	8600 Farley Street, Suite 100 Overland Park, KS 66212	Leased	KS1492	AKS01959	11,057	1/13/2014	1/12/2024
RO-17 Tulsa	Tulsa Federal Building 224 South Boulder Avenue, Room 322 Tulsa, OK 74103-3027	Federal	OK0063	AOK00169	2,233	9/27/2020	8/20/2030
R-15 New Orleans	F. Edward Hebert Federal Building 600 South Maestri Place, 7th Floor New Orleans, LA 70130-3413	Federal	LA0034	ALA01186	18,296	2/6/2019	1/31/2029
SR-26 Memphis	The Brinkley Plaza Bldg. 80 Monroe Avenue, Suite 350 Memphis, TN 38103-2481	Leased	TN2220	ATN03204	3,131	7/10/2021	5/19/2022
RO-26 Little Rock	Metropolitan National Bank Building 425 West Capitol Ave., Suite 1615 Little Rock, AR 72201-3401	Leased	AR1182	AAR01243	1,881	9/1/2020	6/30/2022
R-16 Fort Worth	Fritz G. Lanham Federal Building 819 Taylor Street, Room 8A24 Ft. Worth, TX 76102-6178	Federal	TX0224	ATX00305	12,112	11/1/2012	9/30/2026
RO-16 Houston	Mickey Leland Federal Building 1919 Smith Street, Suite 1545 Houston, TX 77002	Federal	TX0298	ATX02117	5,352	10/1/2014	9/30/2024
RO-16 San Antonio	Garcia Federal Building 615 East Houston Street, Suite 559 San Antonio, TX 78205-1	Federal	TX0164	ATX07520	2,517	9/27/2020	9/30/2030
R-18 Minneapolis	212 3rd Avenue South Minneapolis, MN 55401-2221	Federal	MN0036	AMN03832	14,152	9/27/2020	4/30/2030
SR- 30 Milwaukee	310 West Wisconsin Avenue, Suite #700 Milwaukee, WI 53203-2211	Leased	WI1542RP	AWI02887	10,226	9/1/2013	3/7/2023
R-19 Seattle	Jackson Federal Building 915 2nd Avenue, Room 2948 Seattle, WA 98174-1078	Federal	WA0101	AWA00901	16,307	11/1/2017	10/31/2027
SR-36 Portland	Edith Green -Wendell Wyatt Federal Building 1220 SW 3rd Avenue Portland, OR 97204-2825	Federal	OR0043	APR04200	5,478	10/1/2011	10/1/2021
R-20 San Francisco	901 Market Street, Suite 400 San Francisco, CA 94103-1735	Leased	CA6104	ACA09779	17,508	10/1/2021	7/31/2022
SR-37 Honolulu	Prince Kuhio Federal Building 300 Ala Moana Boulevard, Room 7-245 Honolulu, HI 96850-4980	Federal	HI0011	AHI00093	3,661	10/1/2017	9/30/2027
R-21 Los Angeles	U.S. Courthouse 312 N Spring Street, 10th floor Los Angeles, CA 90017-5449	Leased	CA0041	ACA11399	17,945	10/1/2018	9/30/2028
RO-21 San Diego	555 West Beech Street, Suite 418 San Diego, CA 92101-2939	Leased	CA5938	ACA08118	1,965	1/1/2018	6/30/2023
R-22 Newark	Federal Building 20 Washington Place, 5th Floor Newark, NJ 07102-3	Federal	NJ0056	ANJ00031	17,633	8/1/2017	7/31/2027
R-25 Indianapolis	Minton-Capehart Federal Building 575 N. Pennsylvania Street, Room 238 Indianapolis, IN 46204-1577	Federal	IN0133	AIN00258	12,930	3/1/2018	10/31/2028

SR-33 Peoria	101 SW Adams Street, 4th Floor Peoria, IL 61602	Leased	IL2637	AIL06665	5,599	6/1/2015	5/31/2025
R-27 Denver	Byron G. Rogers Federal Building 1961 Stout Street, 13th Floor Denver, CO 80202-5433	Federal	CO0039	ACO05930	12,743	11/8/2013	11/7/2023
R-28 Phoenix	2600 North Central Avenue, Suite 1400 Phoenix, AZ 85004-3099	Leased	AZ7319	AAZ04330	13,253	12/1/2011	11/30/2021
RO-28 Albuquerque	The Federal Building and U. S. Courthouse 421 Gold Avenue SW, Suite 310 P.O. Box 567 Albuquerque, NM 87103-2181	Federal	NM0502	ANM01766	5,028	7/1/2017	6/12/2027
RO-28 Las Vegas	Foley Federal Building and Courthouse 300 S Las Vegas Blvd, Suite 2-901 Las Vegas, NV 89101	Federal	NV0013	ANV02878	7,952	2/1/2015	2/1/2025
R-29 Brooklyn	Two Metro Tech Center 100 Myrtle Avenue, 5th Floor Brooklyn, NY 11201-4201	Leased	NY7402	ANY07506	23,238	9/11/2016	9/10/2023
R-31 West Los Angeles	11150 West Olympic Blvd, Suite 700 Los Angeles, CA 90064-1824	Leased	CA7365	ACA10028	18,774	2/19/2013	2/18/2023
R-32 Oakland	Oakland Federal Building 1301 Clay Street, Room 300-N Oakland, CA 94612-5211	Federal	CA0281	ACA00440	18,009	11/9/2018	10/31/2028
DOJ-Washington, DC	1015 Half Street, SE - Suite 6034 Washington, DC 20570-0001	Leased	DC0719	ADC07116	Incl. w/ Headquarters	6/30/2015	6/29/2025
DOJ-New York	Jacob K. Javits 26 Federal Plaza, Suite 41-120 New York, New York 10036-5503	Federal	NY0282	ANY09511	4,047	9/11/2017	9/10/2027
DOJ-San Francisco	901 Market Street, Suite 485 San Francisco, CA 94103-1779	Leased	CA6104	ACA09779	Incl. w/ R-20	10/1/2021	7/31/2022

APPENDICES

PROTECTING DEMOCRACY IN THE WORKPLACE SINCE 1935

APPENDIX A

ACRONYMS

AAPI	Asian Americans and Pacific Islanders
ABA	American Bar Association
ADA	Antideficiency Act
ADR	Alternate Dispute Resolution
ALJ	Administrative Law Judge
AMB	Acquisitions Management Branch
AS	Administrative Systems
BMS	Backpay Management System
CATS	Case Activity Tracking System
CCSLB	Contempt, Compliance and Special Litigation Branch
CCU	Centralized Compliance Unit
CDM	Continuous Diagnostic Monitoring
CEP	Cultural Enhancement Program
CFO	Chief Financial Officer
CLM	Contract Lifecycle Management
COOP	Continuity of Operations
COR	Contracting Officer Representative
CPAO	Congressional and Public Affairs Office
CR	Continuing Resolution
CWTSato	(Carlson Wagonlit) NLRB's travel Management Service
Data Act	Digital Accountability and Transparency Act
DCIA	Debt Collection Improvement Act
DHS	Department of Homeland Security
DMF	Death Master File
DNP	"Do Not Pay" List
DOJ	Department of Justice
DOL	Department of Labor
EDW	Enterprise Data Warehouse
EEO	Equal Employment Opportunity
EEOC	Equal Employment Opportunity Commission
E-File	Electronic Filing
FAA	Federal Arbitration Act
FAR	Federal Acquisition Regulation
FASAB	Federal Accounting Standards Advisory Board

FCPIA	Federal Civil Penalties Inflation Adjustment Act
FEVS	Federal Employee Viewpoint Survey
FFATA	Federal Funding Accountability and Transparency Act
FISMA	Federal Information Security Management Act
FMFIA	Federal Managers' Financial Integrity Act
FPB	Facilities and Property Branch
FPDS-NG	Federal Procurement Data System – Next Generation
FPPS	Federal Payroll and Personnel System
FRPP	Federal Real Property Profile
FTR	Federal Travel Regulations
FY	Fiscal Year
GAAP	Generally Accepted Accounting Principles
GPO	Government Publishing Office
GPRA	Government Performance and Results Act
GPRAMA	Government Performance and Results Modernization Act
GSA	General Services Administration
HCPO	Human Capital Planning Officer
IAA	Interagency Agreement
IBC	Interior Business Center
ILAB	Bureau of International Labor Affairs
INT	Interest Income
IOC	Indicator of Compromise
IPERA	Improper Payments Elimination and Recovery Act
IPERIA	Improper Payments Elimination and Recovery Improvement Act
IPIA	Improper Payments Information Act
ITSM	Information Technology Services Management
IUS	Internal Use Software
IWG	Interagency Working Group
JCMS	Judicial Case Management System
LOA	Letters of Agreement
LVER	Local Veterans Employment Representative Program
MD&A	Management's Discussion and Analysis
MOU	Memorandum of Understanding
NAC	Network Access Control
NIST	National Institute of Standards of Technology
NLRA	National Labor Relations Act
NLRB	National Labor Relations Board
NxGen	Next Generation Case Management System
OA	Occupancy Agreement

OBIA	Oracle Business Intelligence Application
OBIEE	Oracle Business Intelligence Enterprise Edition
OCFO	Office of the Chief Financial Officer
OCIO	Office of the Chief Information Officer
OED	Office of Employee Development
OEEO	Office of Equal Employment Opportunity
OFCCP	Office of Federal Contract Compliance Programs
OGC	Office of the General Counsel
OGE	Office of Government Ethics
OHR	Office of Human Resources
OIG	Office of Inspector General
OLMS	Office of Labor Management Standards
OMB	Office of Management and Budget
OPA	Office of Public Affairs
OSC	Office of Special Counsel
OSHA	Occupational Safety and Health Administration
PACER	Payments, Claims and Enhanced Reconciliation
PAR	Performance and Accountability Report
PAS	Presidential Appointees with Senate Confirmation
PD	Position Description
PIF	Presidential Innovation Fellows
QR	Quick Response
RA	Reasonable Accommodation
SAM	System for Award Management
SBA	Small Business Administration
SEPM	Special Emphasis Program Manager
SES	Senior Executive Service
T&A	Time and Attendance
TIC	Trusted Internet Connection
TIN	Taxpayer Identification Number
TOP	Treasury Offset Program
UCC	Unified Communications Contract
ULP	Unfair Labor Practice
USPS	United States Postal Service
VRA	Veteran’s Recruitment Appointment
WAN	Wide-Area Network
WH	White House
WHD	Wage and Hour Division
WHIAAPI	White House Initiative on Asian Americans and Pacific Islander

APPENDIX B

GLOSSARY

Adjudicate: Formal judgment or decision about a disputed matter**.**

Adversarial: Of a trial or legal procedure in which the parties in a dispute have the responsibility for finding and presenting evidence.

Amicus Curiae: Friend of the court.

Arbitrator: An independent person of body officially appointed to settle a dispute.

Backpay: Payment for work done in the past that was withheld at the time, or for work that could have been done had the worker not been prevented from doing so.

Case: The general term used in referring to a charge or petition filed with the Board. Each case is numbered and carries a letter designation indicating the type of case.

Certiorari: A writ or order by which a higher court reviews a decision of a lower court.

Charge: A document filed by an employee, an employer, a union, or an individual alleging that a ULP has been committed by a union or employer.

Collective Bargaining: Negotiation between organized workers and their employer or employers to determine wages, hours, rules, and working conditions.

Complaint: A document that initiates "formal" proceedings in a ULP case. It is issued by the Regional Director when he or she concludes on the basis of a completed investigation that any of the allegations contained in the charge have merit and the parties have not achieved settlement. The complaint sets forth all allegations and information necessary to bring a case to hearing before an administrative law judge pursuant to due process of law. The complaint contains a notice of hearing, specifying the time and place of the hearing.

Compliance: The carrying out of remedial action as agreed upon by the parties in writing; as recommended by the administrative law judge in the decision; as ordered by the Board in its decision and order; or as decreed by the court.

Consent Election: A Regional Director will hold a prehearing conference to attempt to resolve bargaining unit issues and questions of voter eligibility without having to resort to a full hearing. This type of election eliminates the need for a formal hearing if all parties voluntarily reach an agreement.

Decisions: Decisions by the Board and NLRB Administrative Law Judges.

Deferral: Under certain circumstances, it may be appropriate for a Regional Director to hold up making a determination on the merits of a charge pending the outcome of proceedings on related matters. Such matters may be pending in the parties' contractual grievance procedure or before the Agency or other federal, state or local agencies or courts.

Dismissed Cases: Cases may be dismissed at any stage. For example, following an investigation, the Regional Director may dismiss a case when he or she concludes that there has been no violation of the law, that there is insufficient evidence to support further action, or for other legitimate reasons. Before the charge is dismissed, the charging party is given the opportunity to withdraw the charge by the Regional Director. A dismissal may be appealed to the Office of the General Counsel.

Directed Election: An election which the Regional Director directs after evidence is presented at a hearing regarding the existence of questions concerning representation and the appropriateness of the bargaining unit sought by the petitioning party.

Expungement: When a first-time offender of a prior criminal conviction seeks that the records of that earlier process be sealed, making the records unavailable through the state or federal repositories.

Formal Action: Formal actions may be documents issued or proceedings conducted when the voluntary agreement of all parties regarding the disposition of all issues in a case cannot be obtained, and where dismissal of the charge or petition is not warranted. "Formal actions" are those in which the Board exercises its decision-making authority in order to dispose of a case or issues raised in a case. "Formal action" also describes a Board decision and consent order issued pursuant to a stipulation, even though a stipulation constitutes a voluntary agreement.

***Gissel* Bargaining Order:** *Gissel* bargaining orders are orders to bargain with a union that may no longer have majority support because of serious employer ULPs that have poisoned the possibility of a fair election.

Impact Analysis: Provides an analytical framework for classifying cases so as to differentiate among them in deciding both the resources and urgency to be assigned each case. All cases are assessed in terms of their impact on the public and their significance to the achievement of the Agency's mission. The cases of highest priority, those that impact the greatest number of people, are placed in Category III. Depending on their relative priority, other cases are placed in Category II or I.

Injunctive Relief: A temporary remedy sought in case of egregious violations of the Act pending final action by the Board in which Counsel for the General Counsel asks a district court judge to issue an order requiring the charged party to cease and desist from engaging in violations of the Act and may also seek certain affirmative actions in order to return to status quo.

Injunctive Proceedings: The adjudicatory process by which Counsel for the General Counsel seeks injunctive relief, as described directly above, from a district court judge.

Interstate Commerce: In the U.S., any commercial transaction or traffic that crosses state boundaries or that involves more than one state. Government regulation of interstate commerce is founded on the commerce clause of the Constitution (Article I, section 8), which authorizes Congress "To regulate Commerce with foreign Nations, and among the several States, and with Indian Tribes."

Investigative Subpoena: Use of a subpoena during a case investigation to ascertain facts on which to base an initial administrative decision regarding the merits of charge allegations in jurisdictional issues.

Litigation: Litigation by Board attorneys in federal court, including petitions for temporary injunctions, defending Board decisions in court, and pursuing enforcement, contempt and compliance actions.

"Make-Whole" Remedy: A remedy that provides a victim of an unfair labor practice with full restoration of his or her status prior to the unfair labor practice, which includes backpay, consequential damages, and other remedial relief.

Meritorious Unfair Labor Practice Charge: Charge allegations evidencing statutory violations.

"Mixed-Guard" Union: A union that has both security guards and non-guards as members.

"Nip-in-the Bud" Cases: Cases arising from allegations of unfair labor practices committed during union organizing campaigns.

Overage Case: A case is reported "overage" when it is still pending disposition after its time target was exceeded.

P&P Committee: Practice and Procedure Under the NLRA Committee.

Petition: A petition is the official NLRB form filed by a labor organization, employee, or employer. Petitions are filed primarily for the purpose of having the Board conduct an election among certain employees of an employer to determine whether they wish to be represented by a particular labor organization for the purposes of collective bargaining with the employer concerning wages, hours, and other terms and conditions of employment.

Petitioner: The party who presents a petition to the court or a person or entity who files a representation case petition with the Agency.

Prosecutorial: Acts related to the process of litigating against a charged party when meritorious charge allegations are found.

Protected Concerted Activity: The NLRA protects employees' rights to engage in protected concerted activities with or without a union, which are activities to improve working conditions, such as wages and benefits.

Remedies: Remedies obtained to resolve unfair labor practices, including backpay and offers of reinstatement.

Reinstatement: To put a victim of an unfair labor practice back to his or her job.

Representation Cases: Initiated by the filing of a petition—by an employee, a group of employees, a labor organization acting on their behalf, or in some cases by an employer.

Secret-ballot Elections: A voting method in which voter's choices in an election or referendum are anonymous, forestalling attempts to influence the voter by intimidation and potential vote buying.

Settlements: A resolution between disputing parties about a legal case, reached either before or after litigation begins.

Sua Sponte: A Latin phrase describing an act of authority taken without formal prompting from another party.

Social Media: Various online technology tools that enable people to communicate easily via the Internet to share information and resources. These tools can encompass text, audio, video, images, podcasts, and other multimedia communications.

Status Quo: A Latin phrase meaning the existing state of affairs, particularly with regards to social or political issues.

Statutory: Required, permitted, or enacted by statute.

Stipulated Election: The parties agree on an appropriate unit and the method, date, time, and place of a secret ballot election that will be conducted by an NLRB agent.

Taft-Hartley Act: The Labor Management Relations Act, better known as the Taft-Hartley Act (enacted June 23, 1947) is a U.S. federal law that restricts the activities and power of labor unions. The Taft-Hartley Act amended the NLRA, informally the Wagner Act, which Congress passed in 1935.

Temporary Injunction: A court order prohibiting an action by a party to a lawsuit until there has been a trial or other court action, the purpose of which is to maintain the status quo and preserve the subject matter of the litigation until the trial is over.

Unfair Labor Practice (ULP): An unfair labor practice is unlawful conduct by either a labor organization or an employer that violates the National Labor Relations Act.

Union: An organized association of workers formed to protect and further their rights and interests.

Withdrawals: Case resolution resulting from a charging party or petitioner deciding to withdraw the filing of an ULP charge or representation case petition.

APPENDIX C

HISTORICAL PERFORMANCE MEASURES FOR GOALS 1 AND 2

***Goal 1**: This goal is new as of FY 2019 and there is not five years of historical data available to present. FY 2019 and FY 2020 data for Goal 1 can be found in the chart on page 57 in the Performance Section.*

***Goal 2**: Promptly and fairly resolve all questions concerning representation of employees.*

***Measure**: The percentage of representation cases resolved within 100 days of filing the election petition.*

Year	Target	Actual
FY 2016	85.5%	87.6%
FY 2017	85.7%	89.9%
FY 2018	85.8%	88.8%
FY 2019	85.8%	90.7%
FY 2020	85.8%	84.2%

HISTORICAL PERFORMANCE MEASURES FOR GOALS 3 AND 4

FY 2016 STRATEGIC GOAL 3 (SUPPORT): ACHIEVE ORGANIZATIONAL EXCELLENCE

Management Strategies:

Employee Development

- OHR continued its partnership with the OPM on the implementation of USA Performance, a new performance management reporting system.
  - OHR issued a memorandum titled Performance Management Validation Cycle to all Agency employees to inform that all management officials had to complete a Performance Management Validation Spreadsheet certifying that they had issued properly executed performance plans to all of their employees.
  - OHR completed a data validation, which showed that more than 86 percent of employees were issued properly executed performance plans. OHR's goal of 100 percent

execution of performance plans will be achieved with the full implementation of USA Performance in June 2017.

- The Office of Employee Development (OED) developed online content for legal writing and provided legal writing coaching for Headquarters employees.
- OED is updating the Management Development Program curriculum to align with the Federal Supervisory and Managerial Frameworks and Guidance released by OPM on September 28, 2015.
- The Security Branch worked with OED to release the FY 2016 Continuity of Operations Training for Agency personnel via Skillport, and also hosted an Active Shooter Training Event at NLRB Headquarters, which was internally posted for access by all employees.
- In compliance with OPM's hiring reform efforts, OHR implemented a Standard Operating Procedure to provide a detailed explanation and overview of the processes to be followed when a vacancy has been identified and when positions are filled internally.

Workforce Management

- OHR continued to utilize the Workforce Recruitment Program for College Students with Disabilities as a hiring flexibility for managers to recruit qualified postsecondary students and recent graduates with disabilities who are interested in summer internships or permanent jobs.
- OHR leveraged its relationship with U.S. Department of Veterans Affairs through the Feds for Vets Program, which allows for the recruitment of veterans under various special hiring appointing authorities, such as veterans who are 30 percent or more disabled. Under the program, approximately five special hiring appointments were completed, and one appointment was converted to a career-conditional appointment.
- HCPO implemented a communication plan to encourage employees to take the FEVS, which included guidance on monitoring the participation rates, talking points, and FAQs.
- OHR made enhancements to the New Employee Orientation that includes more information about the Agency to help new employees transition successfully.
- The Office of Equal Employment Opportunity (OEEO) developed and implemented a training program mandatory for all supervisors' managers and senior executive leaders on whistleblower rights and protections for all Agency employees.
- OEEO recommended that supervisors' and managers' appraisals contain more specific language to measure their efforts to maintain an inclusive work environment, as an action item from the MD715 report submitted to the EEOC.
- OEEO, OED, and the Division of Operations- Management collaborated in the Agency workgroup on the Culture Enhancement Program and rolled out training podcasts and interviews from a diverse array of Agency employees in segments throughout the fiscal year.

- OEEO sponsored the Agency's network of Asian American and Pacific Islander employees in its request for support from Agency Leadership. OEEO conducted a briefing with Agency Leadership on the topic of Employee Resource Groups (ERGs).
    - » There was a briefing by OPM diversity and inclusion experts for Agency Leadership to address questions about ERGs.
    - » Consultations with the unions representing Agency employees will assist OEEO when drafting final recommendations to Agency Leadership.
- OEEO and OHR briefed leadership on the Strategic Recruitment Plan and received critical feedback for the plan. OEEO and OHR are working to implement the plan in early FY 2017.
- OEEO develops and hosts special emphasis observances at Headquarters, some of which have been made available to field offices through simultaneous broadcast and/or digital recording.

Motivation

- HCPO conducted 16 FEVS organizational assessments with senior executives on the FY 2015 FEVS results focusing on: identifying Agency trends/ barriers behind low survey scores; reviewing and prioritizing targeted areas of change; identifying outcomes that enable the organization to transition to higher FEVS scores; identifying best practices for managing staff to higher levels of engagement; and action planning efforts.
    - » During the organizational assessments, results were provided and the two FEVS Agency-wide strategic areas of focus, effective leadership and communication, were discussed.
    - » Agency Leadership will be implementing action plans/best practices designed to drive higher levels of employee satisfaction and engagement within their respective organizations, with a particular focus on improving effective leadership and communication.
    - » The HCPO also developed an FEVS Action Planning Toolkit for organizations to utilize in developing action strategies to effect change.

FY 2016 STRATEGIC GOAL 4 (SUPPORT): MANAGE AGENCY RESOURCES IN A MANNER THAT INSTILLS PUBLIC TRUST

Information and Technology:

The Agency uses a legacy case tracking solution called NxGen which is an enterprise case management system.

The NxGen System presently manages:	
Internal users	1,368
Cases	309,700
Case Actions of the Agency	1,001,206
Documents, images, and videos, each linked to its Action and Case	7,543,929

The Agency expanded electronic distribution of case documents in FY 2016 through the USPS for 15 document types, resulting in 626 documents being sent to the USPS electronically and savings for the NLRB.

The Agency uses an electronic filing program (E-File) to allow constituents to electronically file documents with the Agency.

Number of E-Filings Received	51,229
Number of Documents Received	79,011
Number of cases filed thru E-Filing Charges and Petitions	9,958
Number of Board and ALJ Decisions E-Served	803
Total Number of parties E-Serviced Decisions	54,262
Number of E-Deliveries of Case Documents	3,546

The total number of case documents available for public access in FY 2016 was 984,663

In FY 2016, the Agency expanded the use and capabilities for electronic filing to enable parties to e-File charges and petitions using an online forms wizard on the NLRB website that automatically creates the charge or petition form.

Number of cases filed thru Charge and Petition Wizard was **805** in FY 2016.

Please see https://www.nlrb.gov/open/public-documents for a complete list of the 564 document types available to the public.

- The Administrative Systems team continued its effort to migrate all content from the current intranet platform, which was mostly static, to a new intranet platform office by office.

- The team automated and launched the process of authoring, editing, approval and publishing of Operations-Management memorandums.
- The team completed the automation of the training request and approval process by developing a web-based form with routing, approval, data storage for advanced reporting, and records management.
- The Agency awarded its UCC contract on September 24, 2014. Through FY 2016, 48 Field Offices, the two existing datacenters, two new voice datacenters, and the Agency's HQ were upgraded to the new network and 47 field offices were migrated fully migrated to Skype for Business.
- In FY 2016, the OCIO deployed over 1020 iPhone 6's and 6-Pluses to the Field.

Financial Management:

- To enhance internal controls of the purchase card program, Acquisition Management Branch (AMB), in coordination with the Budget Office implemented a process by which quarterly target amounts for purchase card spending are sent to each of the Headquarters and Regional Offices. These amounts are disseminated at the beginning of each quarter to the Office of Operations-Management. Operations-Management is responsible for communicating specific dollar amounts to the respective Regional Offices, and for tracking the overall expenditures from the regional offices.
    - » In additional to quarterly target amounts sent to the Headquarters Offices, all headquarters purchase card holders submit a Form 13 (Requisition/Procurement Request Form) for certification and approval of appropriated funds prior to making any purchase via their Government issued purchase card. This process helps certify that appropriated funds are approved and available for purchase.
    - » AMB provided monthly and quarterly reports to the Budget Office which offered greater insight and transparency on purchasing habits and spending. By spending hours analyzing what was being purchased on the p-card and working with the Budget Office, senior leadership had more visibility into that budget line item on the Spend Plan. Analysis of this data also identified purchases that should be on a contract and lead to the establishment of the HQ and field office quarterly bulk purchases.
- In the Agency's continuing effort to increase its financial integrity, financial statement crosswalks were established in order to accurately and efficiently integrate general ledger account balances to the NLRB financial statements. This reduces the timeframe it takes to produce the statements.
- Updated and submitted the NLRB Travel Card Management Plan, as well as travel charge card metrics, to OMB per the Circular No. A-123 Appendix B guidance.
- Developed and disseminated procedure guides for witness payment processes to allow for more timely payments.

- Developed and disseminated travel reimbursement processes internally with accounting technicians and externally with office managers and travel arrangers to increase accuracy in travel reimbursements.
- Successfully implemented the Undelivered Orders (UDO) review process, performed on a quarterly basis that assists in liquidating obligations timely and accurately.
- As demonstrated in the chart below, the NLRB has exceeded the statutory goals established by federal executive agencies in all categories except one, namely the service-disabled veteran owned small businesses. AMB continues to focus on small businesses as the supplier of choice, and particularly on increasing the number of awards to service-disabled veteran owned small business.
- During FY 2016, the Agency reported a total of $20.26M and 372 contract actions in the Federal Procurement Data System (FPDS). Of this amount, $7.4M and 181 actions went to small businesses.

Fiscal Year SBA Goaling Report

Category	Goal	2016	2015	2014	2013
Small Business	23%	36.51%	39.75%	31.65%	34.13%
Women Owned Small Business	5%	11.19%	12.46%	13.5%	17.81%
Small Disadvantaged Business	5%	8.02%	10.71%	11.05%	7.36%
Service-Disabled Veteran Owned Small Business	3%	2.42%	0.31%	0.97%	0.32%
HUBZone	3%	3.43%	2.13%	2.27%	0.84%

Agency Outreach

- Designated Immigration Coordinators in each Regional office act as a liaison between the office and Headquarters staff regarding casehandling issues that may affect the immigrant worker community.
- The Agency prepared outreach materials for immigrant communities for use during outreach events, and a letter that outreach coordinators may use to introduce themselves to organizations that serve immigrant communities and offer outreach services. The outreach coordinators have been provided with a "collaboration packet" with the contact information for their outreach counterparts with the EEOC, Wage and Hour Division (WHD), and OSHA.

- During FY 2016, the Agency provided direct outreach to immigrant populations by:
  - Speaking in Spanish and other languages at events organized by the consulates or other community groups, such as the Workplace Justice Project to educate the public about the NLRA
  - Participating in interviews on Spanish-language radio stations
  - Responding to inquiries from individuals who seek consular services
  - Speaking at naturalization ceremonies to new citizens
  - Participating in Asian Public Interest and Public Service Panels
  - Meeting with foreign labor and business representatives to provide information about employee rights under the NLRA and NLRB processes
- Activities directed at the youth population include:
  - Leading discussions for high school and middle school classes concerning the development of the NLRA and the New Deal, as well as workers' statutory rights and Board processes
  - Holding mock trials for schools to demonstrate how an unfair labor practice trial is conducted
  - Engaging in the Workplace Street Law Project in Washington, DC, which educates high school students about their rights as workers
  - Participating in a union-sponsored youth-to-youth apprentice training
- The agency is Partnering with The Department of Homeland Security (DHS), DOL, WHD, Occupational Safety and Health Administration (OSHA), Office of Labor Management Standards (OLMS), and Office of Federal Contract Compliance Programs (OFCCP), OSC, DOJ and EEOC in an IAWG for the Consistent Enforcement of Federal Labor, Employment and Immigration Laws. The work group seeks to:
  - Ensure agencies' immigration enforcement and worker protection policies, promote workers' cooperation with labor and employment law enforcement authorities without fear of retaliation;
  - Ensure federal enforcement authorities are not used by parties seeking to undermine worker protection laws by enmeshing immigration authorities in labor disputes; and,
  - Ensure the consistent enforcement of federal labor, employment, and immigration laws.
- The Agency has produced a new informational pamphlet, available on the NLRB website in both English and Spanish, titled "Protecting Employee Rights," which contains an expanded discussion of an employee's right to engage in concerted activity and other rights under the NLRA.

- The Agency maintains an interactive smart phone app which provides information about employer and employee rights under the NLRA and contact information.

Ethics:

- The NLRB requires all Public Financial Disclosure filers, who are the leadership of the Agency (SES and PAS), to complete the annual ethics briefing. Scenarios were provided that demonstrated how well-meaning federal employees could violate government ethics laws and regulations when participating in outside activities, fundraising, and speaking engagements.
- The Ethics Office developed and delivered a Job Aid that covered participation as a member of a Board Directors for a non-federal organization. All employees are required to request permission from their approving official prior to accepting a position on a Board. Approving Officials are directed to consult with the Ethics Office prior to granting approval. A list of information that employees must give to their approving officials is also provided.
- The Ethics Office developed an addendum that is used by all NLRB employees and Presidential Appointees to affirm that by consenting to the recording of a presentation, the NLRB employee or official is not permitting the sponsor to use their official title or likeness to advertise or endorse the final product. This addendum is consistent with the requirement, reinforced by the Office of Government Ethics (OGE) at its latest symposium, that Executive Branch employees take reasonable steps to ensure that a third party does not misuse a government employee's position to promote their products or events.

The Ethics staff continued to seek out opportunities to educate all Agency employees about their ethical obligations. Throughout FY 2016 the ethics branch:

- Distributed a Speaking Engagements guidance memo to all Agency employees which provided employees with general guidance regarding speaking engagements, and explained how to distinguish between speaking in an official versus a personal capacity.
- Provided OHR with government ethics information that will be used in the OHR New Hire Orientation presentation.
- Provided guidance to the General Counsel and Board Members regarding speaking events where certain topics may create an appearance issue for the Agency or lead to discussion that could put the speaker at risk of making comments that could be construed as "prejudging" a case, and lead to requests for recusal.
- Provided legal ethics guidance regarding Immigration and Candor to the Tribunal in consultation with the Immigration Unit.

Guidance Provided

Measure:	Goal	2016	2015	2014
Percentage of inquiries resolved within 5 business days	85%	83%	87.7%	87%
Percentage of submitted financial disclosure reports reviewed within 60-days	100%	100%	100%	100%

- During FY 2016, the Ethics Office received 844 inquiries. 737 (83 percent) were resolved within five business days.
  - » The increase in the number of days to provide guidance is directly related to the significant number of cases in a new area; conflicts involving Board of Director positions. The Ethics Office identified and responded immediately to more routine matters within the targeted time frame. In order to respond more quickly to more complex situations, a template was developed in order to create customized responses for the various types of Board of Director positions. 52 percent of 53 cases involving Board of Directors exceeded the five business day benchmark. However, the Ethics Office kept everyone apprised of their progress prioritized according to need.
- All financial disclosure reports filed in FY 2016 were reviewed within 60 days. During this review the Ethics Office confirmed that all filers had been provided appropriate ethics guidance relating to their reportable assets, outside arrangements, and outside employment activities.

Note: *Review and approval of New Entrant and Annual filings (Confidential and Public) resulted in 126 memos that remind and educate filers about their reporting obligations, potential conflicts, and recusal obligations.*

Internal and External Audit Responses:

Responses to internal auditors have been prepared and all deadlines have been successfully coordinated regarding the OIG audit recommendations.

The OCIO and the OCFO responded completely and timely to external information requests including:

- Juniper ScreenOS and Firewall and VPN Server Data Call in Q1
- CISCO vulnerability Data Call in Q2
- Independent Financial Statement Audit

FOIA:

Processing Times

Measure:	2016	2015	2014
Respond to initial FOIA requests within 20 working days	32.7 days; 36.6%	14 days; 78.34%	7 days; 91.81%
Seek a statutory extension for less than 15 percent of requests	25.4%	20%	7.08%
Respond to statutory appeals within 20 working days	32.35 workings days	24 working days	20 working days

- Based on the information in the FOIA Tracking System, the Agency responded to initial FOIA requests on an average of 32.7 working days for requests received from October 1, 2015, to June 30, 2016. The Agency received 2,682 requests for this period and responded to 982 of those requests in 1-20 days. Thus, 36.6 percent of the FOIA requests were processed within the 20-day statutory time period.
- The Agency sought an extension of time to process a request beyond the 20-day period in about 25.4 percent of the FOIA requests received during the fiscal year.
- The Agency received 23 FOIA Appeals from October 1, 2015, to June 30, 2016. The average elapsed days to process the appeal was 32.35 business days.

The increase in processing times correlates to the centralization. In the FY 2014 FOIA duties were handled by Headquarters and each Field/Regional Office by their respective FOIA Points of Contacts (POCs). For uniformity and consistency in FOIA handling, it was decided to centralize FOIA processing and this began at the end of FY 2014 with Headquarters processing, in addition to its own requests, those of Regions 10 and 28. By June of 2015, all FOIA requests were handled at HQ. The consolidation resulted in a very significant increase in the amount of requests handled by Headquarters. In addition, the Branch was dealing with new staff members, who required necessary training to become proficient in handling requests. There were also difficulties associated with the technology that was available to the Branch. However, the technology has been upgraded and the Branch is currently working with OCIO on making additional improvements to the technology. With the staffing and technology issues well in hand, the Agency anticipates significant improvements in processing times in FY 2017.

FY 2017 STRATEGIC GOAL 3 (SUPPORT): ACHIEVE ORGANIZATIONAL EXCELLENCE

Management Strategies:

Employee Development

- OHR continues its partnership with the OPM on the implementation and rollout of the new Agency-wide performance management reporting system, *USA Performance*. In September 2017, performance plans for all non-bargaining unit employees were fully integrated.
- The Agency continued to comply with OPM's hiring reform efforts, including the 80-day hiring model.
- Domestic Violence, Sexual Assault, and Stalking Awareness training was released to all employees and 1,452 employees have completed the training. Continuity of Operations Training was released, and 1,275 employees have completed the training. The Personal Security On-the-Job Course completion is being monitored to ensure new field employees complete it within the first 90 days on the job.
- OEEO collaborated with a workgroup consisting of OHR and OED, to engage in pre-decisional involvement discussions with the NLRBU and the NLRBPA to develop and implement mandatory training for managers and supervisors on the Agency's Reasonable Accommodation Policy. The workgroup has developed a comprehensive training module and anticipates launching the training in FY 2018.
- The GC Mentoring committee, which includes OEEO, has been focused on developing ways to measure the success of the Agency's mentoring program by ensuring that the mentoring program supports Agency diversity and inclusion goals, and exploring ways to develop mentoring into a more robust individual development vehicle. OEEO's collaboration with this workgroup led to the development and launch of a revised survey for mentees, mentors and mentoring program managers that will enable management to gauge the impact of the program.

Workforce Management

- The Agency instituted a series of trainings that provides pertinent information on the history of disability in the workforce, current workplace laws and regulations, as well as information on Agency recruitment. HR Staff has taken OPM's HR University training entitled "A Roadmap to Success: Hiring, Retaining and Including People with Disabilities" and "Issues, Impacts and Implications of an Aging Workforce" by the Institute on Employment and Disability.
- OEEO led the Agency-wide effort to develop a plan for the Agency to develop into a model federal EEO employer as envisioned and implemented through the EEOC's Management Directive 715 (MD715). OEEO conducted quarterly meetings with a cross section of organizational units, including the OHR, the Office of Employee Development (OED) and the

Division of Operations-Management (OPS). Each office was required to identify, develop, measure and report out on its progress on issues related to barriers to full opportunity. These efforts resulted in a more relevant and responsive MD715 report and plan.

- OEEO collaborated with OGC and OED to develop and launch mandatory training for all Agency managers and supervisors on issues and best practices in supporting transgender employees' transition in the workplace. The training was also made available on a voluntary basis to all Agency employees.
- HCPO worked on developing a report detailing a deep dive analysis of the changing composition of the workforce and shifting work patterns/trends, including demographics, diversity, size, attrition, performance, and training, to inform core competency requirements for the future workforce.
- The Security Branch completed 23 percent of the backlogged investigation this fiscal year.

Motivation

- The HCPO conducted 18 FEVS organizational assessments with Agency heads and senior executives FEVS results with a focus on identifying Agency trends/barriers behind low survey scores; reviewing and prioritizing targeted areas of change; identifying outcomes that enables the organization to transition to higher FEVS scores; identifying best practices for managing staff to higher levels of engagement; and engaging in action planning. During those meetings, the HCPO also discussed the two FEVS Agency-wide strategic areas of focus *(effective leadership and communication)* and its impact on improving FEVS scores and the workforce culture. As a result, Agency Leadership endorsed an action plan, with a particular focus on enhancing employee engagement, commitment and satisfaction.
- The HCPO developed an online Employee Suggestion Box making it easier for employees to now go online and submit suggestions electronically.
- The HCPO held the first ever Sensing Session where non-supervisory personnel within the Division of Administration (DoA) assembled to discuss the customer experience based on feedback received from customers. The sessions examined mapping the customer experience and looking for fresh service ideas to improve it; getting front-line employees from each of the functional branches to collaborate on identifying the causes of problems and finding innovative solutions; and coordinating activities to maximize the speed of service from the customer's point of view. Through this method, DoA employees had an active voice in developing innovative solutions and the sessions marked an important milestone in employee engagement and communication efforts linked to the FEVS. The HCPO plans to rollout Sensing Sessions to other organizations with the Agency.
- OHR also administered the annual Administrative Professional Program where six Agency employees were selected for recognition.

FY 2017 STRATEGIC GOAL 4 (SUPPORT): MANAGE AGENCY RESOURCES IN A MANNER THAT INSTILLS PUBLIC TRUST

Information and Technology:

The Agency uses a legacy case tracking solution called NxGen which is an enterprise case management system.

The NxGen System presently manages:	
Internal users	1,379
Cases	331,074
Case Actions of the Agency	1,115,809
Documents, images, and videos, each linked to its Action and Case	8,977,578

The Agency expanded electronic distribution of case documents for 15 document types, resulting in 626 documents being sent to the USPS electronically and in savings for the Agency.

The Agency uses an electronic filing program (E-File) to allow constituents to electronically file documents with the Agency.

Number of E-Filings Received	51,369
Number of Documents Received	82,459
Number of cases filed thru E-Filing Charges and Petitions	23,356
Number of Board and ALJ Decisions E-Served	563
Total Number of parties E-Serviced Decisions	35,936
Number of E-Deliveries of Case Documents	4,848

The total number of case documents available for public access in FY 2017 was 1,146,108.

In FY 2017, the Agency expanded the use and capabilities for electronic filing to enable parties to e-File charges and petitions using an online forms wizard on the NLRB website that automatically creates the charge or petition form.

Number of cases filed through the Charge and Petition Wizard was 662.

Please see https://www.nlrb.gov/open/public-documents for a complete list of the 564 document types available to the public.

- The Administrative Systems team continued its effort to migrate all content from the current intranet platform, which was mostly static, to a new intranet platform office by office.
- The team automated and launched the process of authoring, editing, approval and publishing of Operations-Management memorandums.
- The team completed the automation of the training request and approval process by developing a web-based form with routing, approval, data storage for advanced reporting, and records management.
- The Agency awarded its UCC contract on September 24, 2014. Through FY 2017, 49 Field Offices, the two existing datacenters, two new voice datacenters, and the Agency's Headquarters were upgraded to the new network and field offices were fully migrated to Skype for Business.
- In FY 2017, the OCIO deployed over 1,020 iPhone 6's and 6-Pluses to the Field Offices.

Financial Management:

- To enhance internal controls of the purchase card program, AMB, in coordination with the Budget Office, continues to enforce a process by which quarterly target amounts for purchase card spending are sent to each Headquarters and Regional offices. These amounts are disseminated at the beginning of each quarter to the Division of Operations Management. Operations Management is responsible for communicating specific dollar amounts to the respective Regional Offices, and for tracking the overall expenditures from the Regional offices. In addition to quarterly target amounts sent to the Headquarters Offices, all Headquarters PCHs submit a Form 13 (Requisition/Procurement Request Form) for certification and approval of appropriated funds prior to making any purchase via their Government issued purchase card. This process helps certify that appropriated funds are approved and available for purchase.
- In April 2017, AMB, in coordination with the OCIO, issued a large IDIQ award for Information Technology (IT) services, and ensured strategic sourcing opportunities were carefully effectuated. The result of this acquisition provided the Agency with a framework to promote an agile systems development life cycle, and empowered the Agency's IT personnel to adopt new technologies and automate processes which resulted in increased proficiencies and budgetary savings.
- AMB continued to utilize the bulk purchasing program for paper and toner across the Agency. The program allows for better coordination, distribution and cost-savings of required items. In FY 2017, bulk orders took place in November, February, May and August.

- AMB implemented Split Pay for travel payments, which allows vouchered transactions which utilized the agency charge card to pay Citibank directly.

As demonstrated in the chart below, the NLRB has exceeded the statutory goals established by federal executive agencies in all categories except one, namely the service-disabled veteran owned businesses.

From October 1, 2016, – September 30, 2017, a total of $16M and 339 contract actions were reported within the Federal Procurement Data System (FPDS). Out of this amount, $6.7M and 176 actions went to small businesses; approximately 41.7 percent of contract dollars and 51 percent of contract actions were awarded to small businesses.

Category	Goal	2017	2016	2015	2014	2013
Small Business	23%	41.7%	36.51%	39.75%	31.65%	34.13%
Women Owned Small Business	5%	7.47%	11.19%	12.46%	13.5%	17.81%
Small Disadvantaged Business	5%	28.33%	8.02%	10.71%	11.05%	7.36%
Service-Disabled Veteran Owned Small Business	3%	1.62%	2.42%	0.31%	0.97%	0.32%
HUBZone	3%	23.33%	3.43%	2.13%	2.27%	0.84%

Agency Outreach

The Agency met with local consulates of various countries to educate consular officials about the NLRB's protections and processes.

The Agency provided direct outreach to immigrant populations by:

- Speaking in Spanish and other languages at events organized by the consulates or other community and non-profit groups, such as the Mexican Embassy, Philippine Embassy, Ecuadoran Consulate, El Salvador Consulate, Labor Alliance Committee on Minority Affairs, Colorado Central Region Farmworker Project, West Harlem Development Corporation, and Workplace Justice Project, Justice, Equality and Safety in the Workplace, to educate the public about the NLRA
- Participating in Labor Rights Week activities organized by the Mexican Embassy and Consulates at various locations throughout the country
- Speaking at naturalization ceremonies
- Participating in interviews on Spanish-language radio stations

- Staffing booths at informational fairs
- Responding to inquiries from individuals who seek consular services
- Participating in Platicas en Consulado (Consul on Wheels)
- Participating in a Univision phone bank
- Speaking at the Federaccion De Clubes Zatecanos event sponsored by the Mexican consulate
- Speaking at Filipino Workers Center SAMA-SAME Network Meetings

Other Agency activities directed at the immigrant population include:

- Speaking at naturalization ceremonies to new citizens
- Participating in Asian Public Interest and Public Service Panels
- Meeting with foreign labor and business representatives to provide information about employee rights under the NLRA and NLRB processes, including a delegation from South Korea

Activities directed at the youth population include:

- Leading discussions for high school and middle school classes concerning the development of the NLRA and the New Deal, as well as workers' statutory rights and Board processes
- Holding mock trials for schools to demonstrate how an unfair labor practice trial is conducted
- Leading discussions at the Hanna Boys Center/La Luz Center
- Participating in Youth to Youth Apprentice Training program

The Agency continued to partner with DHS, DOL, OSC, DOJ, and EEOC in an Interagency Working Group for the Consistent Enforcement of Federal Labor, Employment and Immigration Laws.

The Agency has joined with other state and federal agencies by:

- Participating in "listening sessions" coordinated by worker advocacy groups.
- Participating in Wage Theft Task Force discussions
- Meeting with the Illinois Attorney General's Office
- Meeting with the Michigan Employment Relations Commission
- Participating in a forum sponsored by City of Chicago Department of Human Services
- Participating in a community outreach program sponsored by U.S. Rep. Susan Brooks
- Participating in the EEOC Training Institute Technical Assistance Program Seminar

- Participating in the California Association of Labor Relations Officers annual conference
- Participating in an FMCS open house
- Providing outreach to the New York State Department of Labor Anti Retaliation Task Force
- Participating in SBA Ombudsman roundtables and listening sessions
- Participating in DOL Prevailing Wage Seminar

Ethics

The Ethics Staff continued to meet with the General Counsel's office to review the status of all ethics projects and to discuss notable ethics issues.

In coordination with the Office of the General Counsel, the Ethics Staff:

- Developed and distributed guidance concerning OPM's updated Combined Federal Campaign (CFC) regulations to all Agency employees.
- Met with Agency Leadership to discuss the limitations placed on CFC fundraising.
- Distributed an updated Speaking Engagements DAEO memo to all Agency employees which provided employees with general guidance regarding speaking engagements and explained how to distinguish between speaking in an official versus a personal capacity.
- Distributed guidance to all supervisors and managers highlighting the restrictions that apply when a supervisor serves as a campaign coordinator and/or keyworker for the CFC.
- Suggested updates to the Agency's Pro Bono program to comply with government ethics regulations and the Agency's IT policy.
- Completed a Structural Assessment of the Ethics Office to maximize resources.
- Developed and distributed a Hatch Act webcast to all Agency employees.
- Answered extensive Hatch Act hypotheticals submitted by the NLRBPA.
- Distributed a memo which was intended to remind supervisors and managers that they should not encourage their subordinates to participate in outside activities or causes, including political advocacy events and activities. The memo explained that this conduct would implicate the regulations in the Standards of Conduct concerning misuse of position, as well as the Hatch Act, if the conduct involves political activity. The DAEO discussed this memo with Agency Leadership at a General Counsel staff meeting.
- Assisted the Office of the Chief Financial Officer (OCFO) in the review of the Agency's travel policy to ensure that it is consistent with 31 U.S.C 1353 which covers Travel Reimbursement from a Non-Federal Source.

The Ethics Staff continued to seek out opportunities to educate all Agency employees about their ethical obligations.

During FY 2017, the Ethics Staff:

- Developed a comprehensive ethics orientation package that is used in the onboarding of NLRB Political Appointed Senate Confirmed employees (PAS).
- Provided customized ethics briefing to newly appointed Board Members.
- Met with newly appointed Regional Directors to discuss how the Ethics Office supports each Regional Office.
- Provided Operations Management with guidance concerning the ethics limitations placed on NLRB employees who are engaged in outreach activities.
- Provided Ethics Briefings for the Professional Exchange Program and Honors Attorney Orientation.
- Developed ethics training materials that will be distributed through the Agency's SharePoint page in the first quarter of FY 2018.
- Developed comprehensive post-employment guidance which emphasizes an attorney's recusal obligations after departure from the Agency.
- Continued to participate in the OHR New Hire Onboarding.
- Continued to use the "Ethical Highway" webpage to archive guidance documents, newsletter articles, Tips of the Month, and Job Aids.

Measure:	Goal	2017	2016	2015	2014
Percentage of inquiries resolved within 5 business days	85%	92%	83%	87.7%	87%
Percentage of submitted financial disclosure reports reviewed within 60-days	100%	100%	100%	100%	100%

- All financial disclosure reports filed in FY 2017 were reviewed within 60 days. During this review the Ethics Office confirmed that all filers had been provided appropriate ethics guidance relating to their reportable assets, outside arrangements, and outside employment activities.
- The annual financial disclosure cycle began on January 1st. NLRB filers use electronic filing systems to comply with the Office of Government Ethics' filing requirement.
- In mid-January, the Ethics Office began to receive Public (OGE 278e) and Confidential (OGE 450) Financial Disclosure reports for calendar year (CY) 2016. In all cases, the Ethics Office

completed the review of each report within 60 days of receipt and notified the filer of any real or potential conflicts.

During FY 2017, the Agency has completed its review of:

- 30 Annual Confidential Financial Disclosure Reports (OGE 450)
- 84 Annual Public Financial Disclosure Reports (OGE 278e)
- 9 New Entrant Public Financial Disclosure Reports (OGE 278e)
- 119 Monthly Transaction Reports (OGE 278T)
- 13 Termination Reports (OGE 278)

Note: *Review and approval of New Entrant and Annual filings (Confidential and Public) resulted in 126 memos that remind and educate filers about their reporting obligations, potential conflicts, and recusal obligations.*

Internal and External Audit Responses:

- Responses to internal auditors have been prepared and all deadlines have been successfully coordinated regarding the OIG audit recommendations.
- OCFO responded to the Data Act audit.
- OCIO responded to one C-CAR data call regarding Kaspersky software.
- OCIO responded to one C-CAR data call regarding WannaCry Ransomware.
- OCIO responded to Risk Management Assessment data calls related to Executive Order 13800 "Strengthening the Cybersecurity of Federal Networks and Critical Infrastructure," and OMB Memorandum M-17-25.

FOIA

Measure:	2017	2016	2015	2014
Respond to initial FOIA requests within 20 working days	46.36 days; 35.9 %	32.7 days; 36.6%	14 days; 78.34%	7 days; 91.81%
Seek a statutory extension for less than 15 percent of requests	10.5%	25.4%	20%	7.08%
Respond to statutory appeals within 20 working days	20 working days	32.35 workings days	24 working days	20 working days

- Based on the information in the FOIAonline, the Agency responded to initial FOIA requests in an average of 46.36 working days for requests received from October 1, 2016, to September 30, 2017. The Agency received 2,217 requests this period and responded to 798 of those requests in 1-20 days. Thus, 35.9 percent of the FOIA requests were processed within the 20-day statutory time period.
- The Agency sought an extension of time to process a request beyond the 20-day period by sending a letter to the requester taking an additional ten working days to respond to the request in approximately 10.5 percent of the FOIA requests received during the FY 2017.
- The Agency received 11 FOIA Appeals from October 1, 2016, to September 30, 2017, and responded to ten of these appeals. The Agency responded to eight of those appeals in 1-20 days. Thus, 72.7 percent of the FOIA appeals were processed within the 20-day statutory time period.
- The Agency did not seek an extension of time for the FOIA appeals received from October 1, 2016, to September 30, 2017.
- All FOIA requests and appeals are now processed in Headquarters. In FY 2017, the influx of new staff members, most of whom required significant training until they became proficient in handling requests, and difficulties associated with technology, which has since been upgraded, affected FOIA response rates.

FY 2018 STRATEGIC GOAL 3 (SUPPORT): ACHIEVE ORGANIZATIONAL EXCELLENCE

Management Strategies:

Employee Development

- The agency continued to move forward with the transition to USA Performance. Guidance was issued on July 3, 2018, to managers and supervisors on completing the first rating phase using USA Performance for all Non-Bargaining Unit Employees.
    - » OPM conducted an audit to make certain that the essential points of the Agency's performance management system are in compliance. This was validated by OPM staff during the Human Accountability Assessment Framework (HCAAF) audit in April 2018. OPM advised that NLRB systems provided robust tools and resources to support the process.
- Security Branch hosted Active Shooter Preparedness Training for the Headquarters employees. The Security Branch is ensuring through Office Managers that all field offices have received this critical training. The last time this was coordinated through the field offices was in FY 2016.
- Office of Employee Development (OED) developed online content for legal writing and provide legal writing coaching for Headquarters employees.

- Office of Employee Development (OED) continued updating the Management Development Program curriculum to align with the Federal Supervisory and Managerial Frameworks and Guidance to address critical future skills needed by the Agency.
    - » Additionally, upon the acquisition of additional staff, HCPO plans to work with leadership to develop a core set of HRstat metrics to use in tracking and analyzing competencies and skills gap data for NLRB's mission critical occupations. The Security Branch worked with OED to release the FY 2016 Continuity of Operations Training for Agency personnel, for the third year in row via Skillport.
- HCPO developed a draft Human Capital Operating Plan pursuant to the newly revised regulations at 5 CFR 250. The draft outlines human capital goals, objectives, and strategies and is currently being reviewed by management.
- The Agency continued to comply with OPM's hiring reform efforts by using the 80-day hiring model.

Workforce Management

- The Agency continues to provide information and pertinent training regarding disability in the workforce, workplace laws and regulations, as well as information on Agency recruitment. During the 4th Quarter, OHR embarked on a new partnership with several Senior Community Employment Service Program (SCSEP) affiliates for Headquarters and Chicago and New York field offices.
- OHR continued to validate that employees have performance plans through its new USA Performance reporting system. The process is being used with all non-bargaining unit employees. The rollout for bargaining unit employee will occur during FY 2019.
- OHR management team finalized narratives for their program areas to ensure that all HR professionals deliver a unified New Employee Orientation (NEO).
- Office of Equal Employment Opportunity (OEEO) continues to lead the Agency-wide effort to develop programs for the Agency through the EEOC's Management Directive 715 (MD715).
    - » OEEO held two (2) quarterly meetings with a cross section of organizational units, including OHR, OED and the Division of Operations-Management (Ops).
    - » It was determined that many EEO and inclusion efforts have a technology component, including handling EEO data, responding to Agency reporting requirements and 508 accessibility. OEEO consulted with the Office of the Chief Information Officer (OCIO) in the 2nd quarter to ensure improved reporting in the MD715 report. It was determined that OCIO will be a regular partner in all quarterly model EEO meetings. Each office is required to identify, develop, measure and report out on its progress on issues related to barriers to full opportunity. These efforts will result in a more relevant and responsive MD715 report and plan.

- OEEO, OHR and OED delivered comprehensive mandatory training for managers and supervisors on the Agency's revised Reasonable Accommodation Policy.
- OED led the effort to develop comprehensive mentoring and career development programs for administrative support professionals and for all employees.
  - » OED identified resources to develop Individual Development Plans for Agency employees.
- OEEO is leading the effort to develop an Agency-wide Diversity and Inclusion Council, as a best practice among federal agencies and as part of the Agency's Diversity and Inclusion Strategic Plan (FY 2012 and FY 2016), to fully engage all employees by serving as a platform for discussion of diversity and inclusion issues and to develop recommendations to leadership. This proposed council would serve as the platform for recognition of Agency Employee Resource Groups.

Motivation

- HCPO conducted 16 FEVS organizational assessments with senior executives on the CY 2017 FEVS results with a focus on identifying Agency trends/barriers behind low survey scores; reviewing and prioritizing targeted areas of change; identifying outcomes that enables the organization to transition to higher FEVS scores; identifying best practices for managing staff to higher levels of engagement; engaged in root cause analyses and action planning efforts for challenge areas.
  - » HCPO developed an FEVS Action Planning Toolkit for organizations to utilize in developing action strategies to effect change.
  - » During the assessment meetings, the HCPO also discussed, inter alia, the two FEVS Agency-wide strategic areas of focus: effective leadership and communication. As a result, leadership will continue to engage in FEVS action planning efforts and implement best practices designed to drive higher levels of employee satisfaction and engagement, with a particular focus on improving the work environment.
- The HCPO completed a comprehensive analysis of the FY 2017 FEVS results and provided each division/office with a comprehensive organizational assessment briefing of the FEVS results. During those briefings, a target of increasing the number of employees responding to the FY 2018 FEVS was set at a five percent increase over the FY 2017 FEVS participation rate.
  - » The implemented strategies included the HCPO building successive weekly communications with managers and supervisors during the survey administration period where they would encourage their staff to participate; a communication plan that provided division/office heads with a weekly report on their organization's participation levels; an FEVS Management Toolkit to leverage in promoting the FEVS; and FEVS promotional flyers distributed in NLRB's work space promoting the survey administration period.

FY 2018 STRATEGIC GOAL 4 (SUPPORT): MANAGE AGENCY RESOURCES IN A MANNER THAT INSTILLS PUBLIC TRUST

Information and Technology:

The Agency uses a legacy case tracking solution called NxGen which is an enterprise case management system.

NxGen presently manages:	
Internal users	1,242
Cases	352,032
Case Actions of the Agency	1,225,231
Documents, images, and videos, each linked to its Action and Case	10,375,671

The Agency expanded electronic distribution of case documents for 15 document types resulting in 626 documents being sent to the USPS electronically, and in savings for the Agency.

The Agency uses an electronic filing program (E-File) to allow constituents to electronically file documents with the Agency.

Number of E-Filings Received	50,682
Number of Documents Received	79,293
Number of Board and ALJ Decisions E-Served	593
Total Number of parties E-Serviced Decisions	27,249
Number of E-Deliveries of Case Documents	4,148

The total number of case documents available for public access in FY 2018 was 1,259,762

Please see https://www.nlrb.gov/open/public-documents for a complete list of the document types available to the public.

- To streamline Agency processing, the Administrative Systems Team focused on Business Process Automation using SharePoint as the platform. The Administrative System's team is in the process of automating approximately 100 of the Agency's processes/forms using

SharePoint, InfoPath, web services and Microsoft Azure components. The processes completed in FY 2018 are:

  - Administrative Professional Award Nomination
  - Advanced Annual and Sick Leave
  - Duress Alarm Test
  - Facilities Request
  - Honorary Award Nomination
  - Property Pass
  - Recruitment Strategy
  - Superior Qualifications
  - Training Request

- The Administrative Systems team also completed the modernization of two applications; Archivalware and WIP/CiteNet, to remediate security vulnerabilities associated with end of life operating system support and allow for the continued growth of the systems with respect to access control and data management.
- The Administrative Systems team also completed several projects designed to make the SharePoint-based intranet a robust, dynamic, and secure location for employee collaboration:
  - Development of a new Events and Announcements application was deployed. This will allow contributors the ability to input events or announcements to be posted on the Intranet homepage, the Events and Announcements home page and email notifications to be sent for greater visibility and awareness.
  - Launched a redesign of the Service Catalog to provide easy to use categorization of services and allows for growth to add additional services as processes are automated. Included in a recent updated release was an alternate view of all services alphabetized A-Z for another easy way to find and launch the services.
  - Implemented a dynamic Staff Directory which allows employees to easily find office and staff information through browse and/or search.
  - Created various private office workspaces with document libraries, discussion boards, and calendars for group collaboration.

Financial Management:

- To enhance internal controls of the purchase card program, AMB, in coordination with the Budget Office continues to enforce a process by which quarterly target amounts for purchase card spending are sent to each headquarters and regional offices. These amounts are disseminated at the beginning of each quarter to the Office of Operations Management. Operations Management is responsible for communicating specific dollar amounts to the respective regional offices, and for tracking the overall expenditures from the regional offices. In additional to quarterly target amounts sent to the Headquarters Offices, all headquarters PCHs submit a Form 13 (Requisition/Procurement Request Form) for certification and approval of appropriated funds prior to making any purchase via their Government issued purchase card. This process helps certify that appropriated funds are approved and available for purchase.

- AMB continues to utilize the bulk purchasing program for paper and toner across the agency. The program allows for better coordination, distribution and cost-savings of required items. In FY 2018, bulk orders have taken place in November, February, May, and August 2018.
- As demonstrated in the chart below, the NLRB has exceeded the statutory goals established by federal executive agencies in all categories except one, namely the service-disabled veteran owned businesses. NLRB will work towards achieving the statutory goal for service-disabled veteran owned businesses in FY 2019.
- From October 1, 2017, – September 30, 2018, a total of $28,057,166.00 and 244 contract actions were reported within the Federal Procurement Data System (FPDS). Out of this amount, $18,211,493.00 and 119 actions went to small businesses. This is a 22 percent increase in awards given to small business from the previous year. In FY 2017, NLRB awarded 41.70 percent to small businesses. In FY 2018, this percentage increased to 65 percent.

Category	Gov-Wide Goal	2018	2017	2016	2015	2014	2013
Small Business	23%	65%	41.7%	36.5%	39.7%	31.6%	34.1%
Women Owned Small Business	5%	5%	7.47%	11.1%	12.4%	13.5%	17.8%
Small Disadvantaged Business	5%	52%	28.3%	8.0%	10.7%	11.0%	7.3%
Service-Disabled Veteran Owned Small Business	3%	1%	1.6%	2.4%	0.3%	0.9%	0.3%
HUBZone	3%	41%	23.3%	3.4%	2.1%	2.2%	0.8%

Agency Outreach

The Agency met with local consulates of various countries to educate consular officials about the NLRB's protections and processes.

The Agency provided direct outreach to immigrant populations by:

- Speaking in Spanish and other languages at events organized by the consulates or other community and non-profit groups, such as the Mexican Embassy, the Workplace Justice Project, and workers' rights clinics, to educate the public about the NLRA
- Staffing booths at informational fairs
- Responding to inquiries from individuals who seek consular services
- Participating in Platicas en Consulado (Consul on Wheels)
- Participating in various Labor Rights Week activities in numerous locations throughout the country sponsored by different consulates, including Mexico, El Salvador, Philippines, and Guatemala
- Appearing on Spanish-radio talk show

Other Agency activities directed at the immigrant population included:

- Meeting with foreign labor and business representatives to provide information about employee rights under the NLRA and NLRB processes, including a delegation from South Korea, Shaanxi Federation of Trade Unions, and State Tobacco Monopoly Administration of China

Activities directed at the youth population include:

- Leading discussions for high school and middle school classes concerning the development of the NLRA
- Participating in the Great American Teach In

The agency continues to partner with The Department of Homeland Security (DHS), The Department of Labor (DOL) and (Wage and Hour Division (WHD), Occupational Safety and Health Administration (OSHA), and Office of Federal Contract Compliance Programs (OFCCP), OSC, DOJ, and Equal Opportunity Employment Commission (EEOC) in an Interagency Working Group for the Consistent Enforcement of Federal Labor, Employment and Immigration Laws.

The Agency has joined with other state and federal agencies by:

- Participating in the Vulnerable Workers Project
- Participating in "listening sessions" coordinated by the Asian American and Pacific Islanders community

- Participating in Wage Theft Task Force discussions
- Participating in SBA Ombudsman roundtables and listening sessions

The Agency produced an informational pamphlet entitled "Protecting Employee Rights," which contains an expanded discussion of an employee's right to engage in concerted activity and other rights under the NLRA, which is available on the NLRB website and in hard copy, in English and Spanish.

The Agency maintains webpages for each individual regional office. This webpage contains news articles relevant to the particular region. To ensure that these pages remain fresh, news articles are tagged by the Agency's Office of Public Affairs and automatically loaded on the Region's webpage.

The Agency maintains an internal SharePoint database through which the Agency outreach coordinators post and share outreach materials and participate in a discussion board sharing ideas and leads for outreach.

The Agency maintains an interactive smart phone app which provides information about employer and employee rights under the NLRA and contact information.

The Agency inserted QR codes to its correspondence to direct the public to the website.

Ethics:

The Ethics Staff continued to communicate with Agency Leadership about the status of ethics projects and to discuss notable ethics issues.

In coordination with the Agency's General Counsel and Chairman, the Ethics Staff:

- Prepared and distributed the FY 2017 Annual Ethics Briefing to all Public and Confidential Financial Disclosure filers as required by the Office of Government Ethics. The Ethics Office presented the briefing through the Agency's learning management system and covered conflicting financial interests, impartiality, misuse of position, gifts, and the NLRB's Supplemental Regulations. As of the December 31st due date, 92 percent of Agency filers had completed the FY 2018 Annual Ethics Briefing. Employees who did not complete the training by the specified due date indicated that their delay was due to technical issues and schedule conflicts (mission related or scheduled leave). However, all filer employees completed the training requirement on or before January 5, 2018.
- Distributed the FY 2017 Annual Ethics Briefing to all Agency supervisors and managers. By making this briefing available to supervisors and managers, the Ethics Office ensured that all management employees are in a position to identify potential ethics issues and avoid situations that distract from the mission of the Agency.

Reissued CFC guidance memo and Job Aid to all Agency employees. These documents covered the relevant rules and regulations, including those applicable to CFC events, and discussed the importance of During FY 2018, the Ethics Staff continued to communicate with Agency Leadership about the status of ethics projects and to discuss notable ethics issues.

In coordination with the Agency's General Counsel and Chairman, the Ethics Staff:

- Reissued CFC guidance memo and Job Aid to all Agency employees. These documents covered the relevant rules and regulations, including those applicable to CFC events, and discussed the importance of preventing coercive activity when a supervisor serves as a campaign coordinator and/or keyworker for the CFC.
- Reissued Speaking Engagement memo to all Agency employees. This document provided general guidance about speaking engagements and emphasized the difference between speaking in an official versus a personal capacity. In addition, the memo encouraged the use of the NLRB Waiver Addendum which affirms that by consenting to the recording of a presentation, an NLRB employee is not permitting the sponsor to use their official title or likeness to advertise or endorse the recording, or endorse any other products or services offered by the organization.
- Distributed guidance memo to all Agency employees that addressed monetary and in-kind donations to disaster relief programs, and individual donations to coworkers who were victims of Hurricanes Maria and Irma.
- Partnered with the Office of the Chief Financial Officer (OCFO) to draft a policy statement relating to the acceptance of travel reimbursement from a non-federal source.
- Assisted Board and General Counsel in evaluating ethics recusal obligations.
- Partnered with the Office of the Chief Information Officer (OCIO) to index legal ethics Tips of the Month by subject matter. This feature of SharePoint should make it easier for Board agents to find legal ethics resources more efficiently.
- Assisted the General Counsel's office in developing a process for approving speakers for NLRB sponsored events.

The Ethics Staff continued to seek out opportunities to educate all Agency employees about their ethical obligations.

During FY 2018, the Ethics Staff:

- Revised and reissued a memo to all Agency employees concerning speaking engagements and encouraged the use of the NLRB Waiver Addendum to comply with the misuse provisions in the Standards of Conduct. This document also reminded employees about the prohibition on soliciting travel reimbursement which is found in the gift regulations.
- Provided customized ethics training to newly confirmed political appointees and their front office staffs.
- Developed a post-employment webcast which is provided to all employees who retire

or resign from government service. This webcast supplements the Agency's post-employment guidance documents by providing general guidance covering the Federal Government post-employment restrictions applicable to all government employees, as well as specific post-employment restrictions from the ABA Model Rules of Professional Conduct applicable to Agency attorneys. It helps to ensure the confidentiality of information that belongs to the Agency.

- Began development of the FY 2018 Annual Ethics Briefing which will be offered to all financial disclosure filers, as well as all supervisors and managers, before the end of the calendar year.

Measure:	Goal	2018	2017	2016	2015	2014
Percentage of inquiries resolved within 5 business days	85%	89%	92%	83%	87.7%	87%
Percentage of submitted financial disclosure reports reviewed within 60-days	100%	100%	100%	100%	100%	100%

- During FY 2018, the Ethics Office received 927 inquiries. 826 (89%) were resolved within five business days.
- All financial disclosure reports filed in FY 2016 were reviewed within 60 days. During this review the Ethics Office confirmed that all filers had been provided appropriate ethics guidance relating to their reportable assets, outside arrangements, and outside employment activities.
- The annual financial disclosure cycle began on January 1st. NLRB filers use electronic filing systems to comply with the Office of Government Ethics' filing requirement.
- In mid-January the Ethics Office began to receive Public (OGE 278e) and Confidential (OGE 450) Financial Disclosure reports for Calendar Year (CY) 2017. In all cases, the Ethics Office completed the review of each report within 60 days of receipt and notified the filer of any real or potential conflicts.

During FY 2018, the Agency completed its review of:

- 31 Annual Confidential Financial Disclosure Reports (OGE 450)
- 105 Annual Public Financial Disclosure Reports (OGE 278e)
- 13 New Entrant Public Financial Disclosure Reports (OGE 278e)
- 119 Monthly Transaction Reports (OGE 278T)
- 11 Termination Reports (OGE 278)

Note: *Review and approval of New Entrant and Annual filings resulted in 118 memos that remind and educate filers about their reporting obligations, potential conflicts, and recusal obligations.*

Internal and External Audit Responses:

- Responses to internal auditors have been prepared and all deadlines have been successfully coordinated regarding the OIG audit recommendations
- OCIO addresses data calls related to DHS Binding Operational Directive 18-01, Enhanced Email and Web Security.
- OCIO responded to data calls in relation to BOD 18-02, High Value Assets (HVA).
- OCIO submitted FISMA quarterly reports to DHS.
- Juniper ScreenOS and Firewall and VPN Server Data Call in Q1.
- CISCO vulnerability Data Call in Q2.

FOIA:

Measure:	2018	2017	2016	2015	2014
Respond to initial FOIA requests within 20 working days	41 days; 54.8%	46 days; 35.9 %	33 days; 36.6%	14 days; 78.34%	7 days; 91.81%
Seek a statutory extension for less than 15% of requests	1%	10.5 %	25.4%	20%	7.08%
Respond to statutory appeals within 20 working days	20 working days	20 working days	32.25 working days	24 working days	20 working days

Summary

- From October 1, 2017, to September 30, 2018, the FOIA Branch received 1,312 requests and responded to 780 of those requests within 1-20 days. Thus, 54.8 percent of the FOIA requests were processed within the 20-day statutory time period.
- During FY 2018, the FOIA Branch sought an extension of time to process a FOIA request beyond the 20-day statutory time period in 1 percent of the FOIA requests received.
- During FY 2018, the FOIA Branch received 12 FOIA Appeals. The average response time was 20 working days. The Agency did not seek an extension of time to respond to the FOIA appeals.

- The NLRB had a FOIA request backlog of 294 at the end of FY 2017. At the end of FY 2018, the NLRB had a FOIA request backlog of 90, which reflects a backlog decrease of 69.39 %.

Reports

Each year, the FOIA Branch prepares an Annual Report, which contains statistics on the number of FOIA requests and appeals received, processed, and pending during the fiscal year, and the outcome of each request. The NLRB FOIA Annual Reports and the NLRB FOIA Quarterly Reports are available on the:

1. NLRB website at https://www.nlrb.gov/reports,
2. DOJ website at https://www.justice.gov/oip/reports-1 , and
3. FOIA.gov website https://www.foia.gov/

The FOIA requires each agency Chief FOIA Officer to report to the Attorney General on their performance in implementing the law and the efforts to improve FOIA operations. The NLRB Chief FOIA Officer Reports are publicly available on the:

1. NLRB website at: https://www.nlrb.gov/reports, and
2. DOJ website at https://www.justice.gov/oip/reports-1.

Proactive Disclosure

In response to receiving several monthly requests for certain records filed or issued by the twenty-six Regional Offices, the FOIA Branch created a webpage where requesters may directly search for these records. These records are: Representation Petitions and Certifications in RD, RM, and RC cases; and Unfair Labor Practice Charges and Dismissal Letters in CB, CC, CD, CP, CG, and CE cases. The FOIA Branch began posting the January 2017 records online at: https://www.nlrb.gov/region-monthly-uploads. On a monthly basis, the FOIA Branch maintains and updates this webpage with new responsive records in accordance with the FOIA.

In July 2017, the FOIA Branch became a FOIAonline participating agency. As the FOIA case management system, FOIAonline provides the FOIA Branch with technology tools for FOIA tracking, processing, and posting. Additionally, the NLRB has proactively made more responsive records available to the public on the FOIAonline website https://foiaonline.gov/foiaonline/action/public/home.

Training

The FOIA Branch continues to promote and use the DOJ training tools such as the FOIA Professional e-Learning Module and the Federal Employee e-Learning Module, which are available to all Agency employees on the NLRB e-Learning platform.

If you are unfamiliar with the FOIA, please view the DOJ FOIA Training for Federal Government Employees available on the NLRB's Skillport and contact your colleagues in the FOIA Branch.

FY 2019 STRATEGIC GOAL 3 (SUPPORT): ACHIEVE ORGANIZATIONAL EXCELLENCE

Management Strategies:

Employee Development

- The agency continued to move forward with the transition to USA Performance.
  - » The transition of all employees to the automated performance management system was concluded effective June 1, 2019.
  - » The performance management team responded to questions and assisted all employees during their transition.
  - » OHR continues to transition appraisals for all agency employees to Electronic Official Personnel Folder (eOPF) from the USA Performance system.
- Office of Employee Development (OED) offered monthly webinars for administrative professionals, periodic retirement seminars, and other training topics in addition to the robust catalog of online training content covering general skills, technical topics, and legal education.
- OED launched an online Individual Development Plan (IDP) form and conducted training on the IDP process and form for employees and supervisors.
- HCPO developed a draft Human Capital Operating Plan pursuant to the newly revised regulations at 5 CFR 250. The draft outlines human capital goals, objectives, and strategies and is currently being reviewed by management.
- The Agency continued to comply with OPM's hiring reform efforts by using the 80-day hiring model.
- The Office of Equal Employment Opportunity (OEEO) participated as resource personnel on the General Counsel's Joint Labor-Management EEO Advisory committee, enabling employee participation as agents of diversity and inclusion, through their collective-bargaining representative.
- During FY 2019, the security Branch reduced the number of backlogged reinvestigations from 462 to 336.

Workforce Management

- The Agency continued to provide information and pertinent training regarding disability in the workforce, workplace laws and regulations, as well as information on Agency recruitment. OHR embarked on a new partnership with the Senior Community Employment Service Program (SCSEP) affiliates, for the Agency's Headquarters office and initiated new partnership with Melwood, an organization that employs individuals with differing abilities.

- OHR continued to validate that employees have performance plans through its new USA Performance reporting system.
- OHR management team continued to revise its New Employee Orientation (NEO) to ensure a unified and stellar presentation to new employees. Some of the changes in FY 2019 include:
  - » Personalized orientation specifically to the orientee
  - » Information about the Employee Assistance Program and eOPF
  - » Included policy documents such as Equal Employment Opportunity (EEO) policy statement, Policy statement on the Prevention of Unlawful Harassment, including Sexual Harassment and the Alternative Dispute Resolution (ADR).
- OEEO submitted the Agency's annual Management Directive (MD 715) Report to the equal Employment Opportunity Commission (EEOC) during the 4th quarter of FY 2019.
  - » OEEO held two (2) quarterly meetings with a cross section of organizational units, including OHR, the Office of Employee Development (OED), the Division of Operations-Management (Ops) and the OCIO, to build a fully integrated model EEO program under MD 715 goals.
- OEEO collaborated with OHR to develop revisions to the Agency's Reasonable Accommodation Procedures, in order to comply with guidance from the EEOC.

Motivation

- HCPO conducted 17 FEVS organizational assessments with senior executives on the FY 2018 FEVS results which became available in FY 2019 for review and analysis. The assessments focused on identifying Agency trends/barriers behind low survey scores; reviewing and prioritizing targeted areas of change; identifying outcomes that enable the organization to transition to higher FEVS scores; identifying best practices for managing staff to higher levels of engagement; and action planning efforts for challenge areas.
- The HCPO completed a comprehensive analysis of the FY 2018 FEVS results and provided each division/office with a comprehensive organizational assessment briefing of the FEVS results.
  - » Included in the comprehensive analysis were discussions of strategies with leadership to promote higher employee participation.
  - » The strategies involved the HCPO building successive weekly communications with managers and supervisors during the survey administration period that encourage all employees to participate; developing a communication plan that provides division/office heads with a weekly report on their organization's participation levels; leveraging an FEVS

Management Toolkit for management to promote the FEVS; and distributing an FEVS promotional flyers in NLRB's work space that promotes the survey administration period.

» Additionally, the HCPO fostered greater transparency with the Agency's FEVS action planning efforts surrounding FEVS results and encouraged an open two-way communication between leadership and employees on the FEVS results.

» Leadership committed to make a more concerted effort to both transmitting and receiving feedback information, which would inherently translate into a higher employee participation rate in the FEVS. The NLRB's FY 2018 FEVS participation rate exceeded the FY 2018 governmentwide FEVS participation rate by 21 percentage points.

FY 2019 STRATEGIC GOAL 4 (SUPPORT): MANAGE AGENCY RESOURCES IN A MANNER THAT INSTILLS PUBLIC TRUST

Information and Technology:

The Agency uses an electronic filing program (E-File) to allow constituents to electronically file documents with the Agency. In FY 2019:

Number of Documents Received	79,381
Number of E-Filings Received	49,852
Total Number of parties E-Serviced Decisions	41,689
Number of E-Deliveries of Case Documents	5,695
Number of Board and ALJ Decisions E-Served	656

Providing accessible information to the public is an important part of the NLRB's mission:

Total Number of Case Documents Available for Public Access	1,489,477
Number of NLRB Document Types Available for Public Access	560

Please see https://www.nlrb.gov/open/public-documents for a list of the document types available to the public and https://www.nlrb.gov/reports for updated metrics for FY 2019 Charges and Complaints, Petitions and Elections, Decisions, Litigation, Remedies, Recent Filings and Tally of Ballots.

- To streamline Agency processing, the Administrative Systems Team focused on Business Process Automation using SharePoint as the platform. The Administrative System's team is in the process of automating over 200 of the Agency's processes/forms using SharePoint, InfoPath, web services, and Microsoft Azure components. The business analysts continue to collect requirements and document the process flows, while the developers work to complete the automation of the process. Following are the processes that were either completed or are ongoing in FY 2019:

» Case Records Unit Weekly Statistics

» Facilities Request enhancements

» Form 13 – Purchase Request

» Form 4197 – Employee Exiting

» Bicycle Benefits Program Reimbursement Certification

» HR Employee Suggestion Form

» HR Workforce Relations Activity Tracker

» HR Performance Management Activity Tracker

» Individual Development Plan

» Records Disposition

» Request a Photographer

» Request for Retirement Annuity Estimate

» Temporary Records Loan

» Transcripts and Exhibits

» Transportation Reimbursement Form

- The Administrative System's Team also completed the following:

» Deployed 95 Polycom Trio8500 conference phones in the agency to enhance the unified communications platform.

» Deployed an enhancement to the Personnel Security Case Management System (PSCMS) to automate the background initiation process. NLRB sponsors enter the candidate's information which is routed to the candidate to complete the form which is then routed to the Security Branch for processing. This remediated a security risk for securely routing sensitive information.

» Developed and implemented the Translation Information Management System which allows Agency employees the ability to request interpreting and translation services to a group of Language Specialists within the Agency. The system manages the workflow processes associated with the request and the allocation of resources to manage the requests.

- » Developed Google Analytics Dashboard for public website metrics which allows Agency employees the ability to view metrics related to most popular pages, number of visitors per month, most popular browsers and devices. Date ranges can be set to show trends. Added additional separate dashboards for the eFiling, eService, and Charge and Petition applications.
- » Implemented enhancements to the Agency Events and Announcements system to assist with communication to all Agency employees.
- » Completed the design and development of a Performance Awards Matrix system that allows for the collection of performance data from managers and supervisors to easily calculate awards for employees.

Financial Management:

- For FY 2019 the Budget office engaged in quarterly reviews with Program Managers (PMs) throughout the Agency providing accountability to ensure the execution of funds was completed efficiently and effectively throughout the year. The quarterly reviews also provided the opportunity to take remedial action to address any budget issue identified in the FY 2019 Spend Plan Reviews with Leadership.
    - » The Budget Office developed a Spend Plan Analysis tool to track expenses and report on projections, allowing routine briefings to Agency Leadership on budget status, projections, and estimated funding surplus levels.
- The OCFO addressed three audit recommendations from previous audits during FY 2019:
    - » Audit of FY 2014 Financial Statements (OIG-F-19-15-01) – Recommended a reconciliation for each GSA agreement to ensure that the obligations were valid, and the documentation existed to clearly support that the goods or services were ordered.
    - » Audit of the FY 2016 Financial Statements (OIG-F-21-17-01) – Recommended an assessment of the OCFO organizational structure to ensure that the OCFO was adequately staffed to comply with accounting and financial reporting standards.
    - » Audit of the Data Act: (OIG-AMR-83-18-01) – Recommended that the OCFO coordinate with other users of the Oracle financial system to determine if they had similar Data Act findings.
- The OCFO coordinated a multiple organization coalition that included OMB, IRS, Treasury to address questions on backpay and travel.
- The OCFO submitted all quarterly and annual reporting requirements to Congress, OMB, and Treasury.
- In response to the OMB Directive M-19-13, strategic sourcing/category management initiatives, the Agency collects data on those initiatives and reports out annually on progress towards increasing the utilization of the initiatives.
- Small Business Goal Status.

Category	Gov-Wide Goal	2019	2018	2017	2016	2015
Small Business	23%	68.78%	65%	41.70%	36.51%	39.75%
Women Owned Small Business	5%	9.83%	5%	7.47%	11.19%	12.46%
Small Disadvantaged Business	5%	58.48%	52%	28.33%	8.02%	10.71%
Service-Disabled Veteran Owned Small Business	3%	0.75%	1.62%	2.42%	0.31%	0.97%
HUBZone	3%	38.57%	23.33%	3.43%	2.13%	2.27%

Office Space Management

- In accordance with General Services Administration (GSA) guidelines, 15 field offices have been identified to undergo a space reduction as part of the five-year project plan to reduce the NLRB footprint.

Agency Outreach

The Agency furthered its outreach to unrepresented employees, unions, and small business owners in the following ways:

- Distributed newsletters describing recent case developments electronically using govdelivery in the Regional Offices.
- Produced an informational pamphlet entitled "Protecting Employee Rights," which contained an expanded discussion of an employee's right to engage in concerted activity and other rights under the NLRA, which is available on the NLRB website and in hard copy, in English and Spanish.
- Maintained webpages for each individual regional office that contain news articles relevant to that region. To ensure that these pages remain fresh, news articles are tagged by the Agency's Office of Public Affairs and automatically loaded on the Region's webpage.
- Maintained an internal SharePoint database through which the Agency outreach coordinators post and share outreach materials and participate in a discussion board sharing ideas and leads for outreach.
- Maintained an interactive smart phone app which provides information about employer and employee rights under the NLRA and contact information.

- Conducted regional outreach that provided information about the Act and the Agency's processes to unions and small business owners. This included outreach to law firms representing employers, employees, and unions, and organizations representing trade groups (such as LERA and SHRM), professional societies, and groups sponsored by various embassies and consulates, including Mexico, El Salvador, Guatemala, and the Philippines. The Agency also appeared on radio programs to discuss various aspects of the Act. Various offices also participated in Labor Rights Week, sponsored by various Central American consulates.

To better educate workers and employers the NLRB:

- Continued to partner with The Department of Homeland Security (DHS), The Department of Labor (DOL), (Wage and Hour Division (WHD), Occupational Safety and Health Administration (OSHA), and Office of Federal Contract Compliance Programs (OFCCP), OSC, DOJ, EEOC in an Interagency Working Group for the Consistent Enforcement of Federal Labor, Employment, and Immigration Laws.
- Partnered with DOL, EEOC, and DOJ to develop and implement employer.gov, a companion site to worker.gov, to provide information about the Agency relevant to employers.

Ethics:

The Ethics Staff continued to communicate with Agency Leadership about the status of ethics projects and to discuss notable ethics issues.

In coordination with the Agency's General Counsel and Chairman, the Ethics Staff:

- Prepared the FY 2019 Annual Ethics Briefing for all Public and Confidential Financial Disclosure filers as required by the Office of Government Ethics. Presented an in-person briefing during the Agency's Leadership Conference held in D.C. on September 18, 2019. The training covered conflicting financial interests, impartiality, misuse of position, gifts, the NLRB's Supplemental Regulations, and the importance of protecting confidential Agency information.
- Analyzed data obtained through the FY 2019 Ethics Survey and provided several recommendations to leadership to continue to develop a robust ethical culture at the NLRB.
- Reissued CFC guidance memo and Job Aid to all Agency employees. These documents covered the relevant rules and regulations, including those applicable to CFC events, and discussed the importance of preventing coercive activity when a supervisor serves as a campaign coordinator and/or keyworker for the CFC.
- Reissued Speaking Engagement memo to all Agency employees. This document provided general guidance about speaking engagements and emphasized the difference between speaking in an official versus a personal capacity. In addition, the memo encouraged the use of the NLRB Waiver Addendum which affirms that by consenting to the recording of a presentation, an NLRB employee is not permitting the sponsor to use their official title or

likeness to advertise or endorse the recording, or endorse any other products or services offered by the organization.

- Developed a short five-question survey designed to evaluate the effectiveness of the NLRB's ethics program. The collected information will help engage Agency Leadership in discussions about how to continue to build a strong and robust ethical culture at the NLRB.

The Ethics Staff continued to seek out opportunities to educate all Agency employees about their ethical obligations.

During FY 2019, the Ethics Staff:

- Distributed reminder email which highlighted the limitations the Hatch Act places on federal employee partisan political activity. The message also summarized additional Office of Special Counsel (OSC) guidance issued in July which addressed federal employee conversations about current events, policy issues, and matters of public interest that, depending on the circumstances, could violate the Hatch Act.
- Revised and reissued the Outside Employment memo to all Agency employees which provided a reminder that outside employment includes the provision of unpaid services such as charitable work and speaking and writing engagements. This memo also served as a reminder that the NLRB's Supplemental Regulations require all employees to obtain written approval before engaging in outside employment.
- Distributed short one-page email blasts designed to remind all employees about key ethics regulations to include: misuse of position, financial conflicts, the Hatch Act limitations, impartiality in performing official duties, gifts, and the importance of protecting confidential Agency information.

Measure:	Goal	2019	2020	2021	2022
Percentage of inquiries resolved within five business days	85%	88.9%	92%	95%	
Percentage of submitted financial disclosure reports reviewed within 60-days	100%	100%	100%	100%	

- During FY 2019, the Ethics Office received 839 inquiries. 743 (88.9 percent) were resolved within five (5) business days.
- All financial disclosure reports filed in FY 2019 were reviewed within 60 days.
- In mid-January ethics staff began to receive Public (OGE 278e) and Confidential (OGE 450) Financial Disclosure reports for CY 2017. In all cases, the review of each report was completed within 60 days of receipt and filers were notified of any real or potential conflicts.

During FY 2019, the Agency completed its review of:

- 140 Monthly Transaction Reports (OGE 278T)
- 83 Annual Public Financial Disclosure Reports (OGE 278e)
- 29 Annual Confidential Financial Disclosure Reports (OGE 450)
- 12 Termination Reports (OGE 278)
- 5 New Entrant Public Financial Disclosure Reports (OGE 278e)

During FY 2019 the Ethics staff continued to use technology to help filers complete filing requirements under the Ethics in Government Act (EIGA).

Ethics staff supported filers through:

- One-on-one assistance with online filing systems.
- Job Aids and checklists to help filers accurately report their financial holdings.
- Monthly reminders which emphasize the importance of reviewing brokerage statements for transactions which are reportable under the STOCK Act.

Internal and External Audit Responses:

- Responses to internal and external auditors have been prepared and all deadlines were successfully met in FY 2019.

FOIA:

From October 1, 2018, to September 30, 2019, the Agency:

- Received 1,351 FOIA requests in FY 2019 and responded to 1,419 (FY 2019 + prior year backlog/pending) of those requests within 1-20 days. Thus, 69.65 percent of the FOIA requests were processed within the 20-day statutory time period.
- Sought an extension of time to process three requests beyond the 20-day period for FOIA requests received. Thus, .22 percent of the FOIA requests were extended an additional ten days on the due date.
- The Agency received 11 FOIA appeals and responded to 12 (FY 2019 + prior year backlog/pending) FOIA appeals. The average amount of days to process these appeals was 17.33 working days. The lowest number of working days to process these appeals was three. The highest number of working days to process these appeals was 22. Eleven appeals were processed within 20 days. Thus, 91.66 percent of the FOIA appeals were processed within the 20-day statutory time period.
- Did not see an extension of time for the FOIA appeals received in FY 2019.

Reports

Each year, the FOIA Branch prepares an Annual Report, which contains statistics on the number of FOIA requests and appeals received, processed, and pending during the fiscal year, and the outcome of each request. The NLRB FOIA Annual Reports and the NLRB FOIA Quarterly Reports are available on the:

1. NLRB website at https://www.nlrb.gov/reports,
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FY 2020 STRATEGIC GOAL 3 (SUPPORT): ACHIEVE ORGANIZATIONAL EXCELLENCE AND PRODUCTIVITY IN THE PUBIC INTEREST

Employee Development

- During FY 2020, OHR transitioned all Agency employees to USA Performance, the automated performance management system.
  - » The Agency's Performance Management Program continued to provide training and coaching with robust tools and resources to make certain the essential points of the Agency's Performance Management System met the key activities for the four (4) appraisal cycles.
- The Office of Employee Development (OED) continues to offer a wide array of online and blended media training offerings to enhance employee development at the Agency. During FY 2020, there were 9,860 individual courses completed in Skillport, 786 course enrollments through West LegalEdcenter, and monthly training on the Agency's internal case management system (NxGen) through the Training Tuesday program.
  - » Additionally, OED offered monthly live training sessions via webinar on general skills and leadership topics. In FY 2020, OED expanded its online training offerings to include an online simulation for Trial Training and conducted a virtual teambuilding event for the Board-side staff and a virtual conference for Regional Directors.
- OED continued to offer Individual Development Plan (IDP) tools via an online form available to all employees.

  - The IDP tool includes self-assessments, goal planning worksheets, and an IDP form that employees can use to plan for and track their development activities.

- OED aligned the Agency's Leadership Development Program (LDP) with the supervisory and managerial training frameworks provided by OPM and with the Senior Executive Service (SES) Executive Core Qualifications. The LDP provides development resources for aspiring supervisors, new and current managers and supervisors, aspiring executives, and existing executives.

  - The LDP guide and offerings are made available on the Agency's intranet site. OED has also completed a Training Needs Assessment to identify Agency-wide development needs in critical job fields and has developed a competency model framework to chart career progression and inform gap analysis.

- OHR continues to hire in accordance with federal guidelines and follows procedures to attract a diverse workforce that includes Veterans.

- In 4th quarter of FY 2020, OEEO launched annual mandatory training for Agency managers and supervisors to meet training requirements from the Office of Special Counsel. In addition, the OEEO director briefed newly appointed Regional Directors and Deputy General Counsels on the Agency's Equal Employment Opportunity (EEO) program and on federal sector EEO regulations regarding whistleblower protections, prohibited personnel practices and prohibitions against retaliation.

Workforce Management

- OED began working with HCPO to develop an agency-wide succession plan during the 4th quarter of FY 2020.

- OHR partnered with the OEEO on a self-identifying process for employees to anonymously identify their race, national origin, and disability through Employee Express.

- OHR continued to validate that employees have performance plans through its new USA Performance reporting system.

  - The process is used for all NLRB employees to include all bargaining unit, non-bargaining unit, and Professional Association employees. All employees were issued a performance plan at the beginning of the reporting period.

  - Performance appraisals were issued in June for NLRB Union staff members and July for non-union employees.

- OHR seamlessly transitioned the New Employee Orientation (NEO) to a 100 percent virtual and interactive presentation using Skype technology, due to Covid19.

  - This included coordinating with the Office of the Chief Information Officer (OCIO) for new employees to obtain computer and log-in information and with the Security Branch to receive government credentials.

- » Additionally, the OHR added the NLRB's Office of Equal Employment Opportunity (OEEO) to the NEO.
- OEEO continued to provide resources and serve as a consultant for Agency managers to field questions on ways to handle sensitive EEO issues.
  - » OEEO identified appropriate resources for diversity and inclusion training, and presented it to the OEEO staff, all Agency EEO counselors and Special Emphasis Program Coordinators at Headquarters and in all field offices.
  - » OEEO collaborated with the OED to develop and present training Agency-wide training on unconscious bias.
- During FY 2020, the Security Branch reduced the number of backlogged reinvestigations to 284 from 331.

Motivation

- HCPO completed enhancements to its SharePoint website. The enhancements promote information sharing on a variety of employee engagement topics and include an interactive ideation portal and a toolkit to facilitate communication with the HCPO. It is expected that not only will communications improve between the HCPO and the workforce, but communication and engagement will also improve between employees and managers as a result of these new tools, which should help strengthen overall agency performance and employee engagement.
- The HCPO developed a *Your Voice Matters!* ideation portal on its SharePoint site where employees can access and contribute to driving greater employee engagement by submitting new ideas/suggestions and also by suggesting solutions to existing organizational problems/barriers.
  - » The HCPO will review the site daily and help adjudicate submitted ideas/suggestions into action. Additionally, after an idea/suggestion is implemented, a listing of implemented actions will be posted to the site so that employees can be made aware of how they helped managers and supervisors boost employee engagement and address real-time organizational challenges.
- Additionally, the HCPO completed and made accessible a collection of FEVS accomplishments so that employees could know about what actions leadership have implemented in response to their feedback to the FEVS. These measures enhance transparency, which should motivate employees to participate in the FEVS at a much higher rate.
- The HCPO issued a memorandum to all employees signed by the Chairman and General Counsel on the value of the FEVS and soliciting employee participation in the 2020 FEVS. The HCPO also published FAQs to the FEVS on its SharePoint site, which addressed commonly asked questions regarding the 2020 FEVS.

FY 2020 STRATEGIC GOAL 4 (SUPPORT): MANAGE AGENCY RESOURCES IN A MANNER THAT INSTILLS PUBLIC TRUST

Information and Technology:

The Agency uses an electronic filing program (E-file) to allow constituents to electronically file documents with the Agency. In FY 2020:

Number of E-Filings Received	14,320
Number of Documents Received	24,869
Number of Board and ALJ Decisions E-Served	483
Total Number of parties E-Serviced Decisions	30,694
Number of E-Deliveries of Case Documents	58,520

Providing accessible information to the public is an important part of the NLRB's mission:

Number of NLRB Document Types Available for Public Access	560
Total Number of Case Documents Available for Public Access	1,619,011

Please see https://www.nlrb.gov/open/public-documents for a list of the document types available to the public and https://www.nlrb.gov/reports for updates metrics for FY 2020 Charges & Complaints, Petitions & Elections, Decisions, Litigation, Remedies, Recent Filings and Tally of Ballots.

In FY 2020 the following new enhancements were developed for the Agency's public website:

- **MyNLRB** – Allows stakeholders to personalize their website experience with targeted regional news and case information and access to their saved searches.
- **Advanced Data Search** – Provides stakeholders the ability to create, save and download ad hoc searches for case and election data.
- **Spanish Translations** – Provides Spanish translations of approximately 40-50 pages of the public website with the ability for users to switch back and forth between Spanish and English.
- **Interactive Map** – Provides Unfair Labor Practice (C) and Representation (R) case data via an interactive map interface.

To streamline Agency processing, the Administrative Systems Team focused on Business Process Automation using SharePoint as the platform. The Administrative System's team is in the process of automating over 200 of the Agency's processes/forms using SharePoint, InfoPath, and/or PowerApps/Automate, web services, and Microsoft Azure components. The business analysts continue to collect requirements and document the process flows, while the developers work to complete the automation of the process. Following are the processes that were either completed, updated with enhancements or are ongoing in FY 2020:

- Case Records Unit Weekly Statistics
- Form 4197 – Employee Exiting
- Professional Liability Insurance Form
- Facilities Request Form
- Retirement Estimate Annuity Form
- Employee Suggestion Form
- Memento of Recognition
- Shred Service Verification Form
- Travel Card Request
- Travel Training Form
- Transportation Reimbursement
- Payroll Ticketing System
- Ethics Skip Counsel
- Ethics Legally Protected Information
- Ethics Inquiry

The Administrative System's Team also completed the following:

- Completed the development of an EEO Case Tracking System to automate their case processing end-to-end and provide a better mechanism for monthly and yearly reporting.
- Completed the development of a case tracking system for the Reasonable Accommodation process.
    - » The Reasonable Accommodation process provides a means in which to request and track accommodations for NLRB employees and applicants for employment to ensure that qualified individuals with disabilities enjoy equal access with respect to the: (a) application process; (b) to enable an individual with a disability to perform essential job functions; and (c) to provide equal access to the benefits and privileges of employment;

unless to do so would cause undue hardship to the NLRB; and to handle requests as quickly as possible, and in as confidential manner.

- Continued development to automate a case tracking system for the Special Counsel Labor Relations Branch which will track grievances, integrate with the EEO case tracking system and other general inquiries from management.
- Completed the development and deployment of the automation of the GC memorandum process. GC memos are authored in Microsoft Word and upon final approval, a workflow process converts the document to pdf and transfers it to both the Agency Intranet and Agency public website.
- Completed the development and deployment of a reporting dashboard for the Acquisitions Management Branch using Microsoft PowerBI for the entire purchase card dataset. Data is ingested from multiple sources (CitiBank, Oracle Federal Financials and Excel).
- Due to COVID-19, OCIO implemented a process within SharePoint for creating secure sites for the Administrative Law Judges and their bailiffs to manage their Hearings and Cases with external parties. Documents and evidentiary information are made available to parties on a case to ensure Hearings can occur remotely.

Financial Management:

- Provided a response to address Questions for the Records received from the Chair and Ranking Members of the Subcommittee on Department of Labor, Health and Human Services, and Education and Related Agencies.
- Developed monthly Status of Funds Reports and conducted Quarterly Reviews where the NLRB examined overall spending and the budgetary impacts due to the COVID-19.
- Routinely monitored and performed reviews of unliquidated obligations to properly report obligation balances and commitments.
- During FY 2020, the OCFO addressed and closed out thirteen audit recommendations from previous year's audits.
- The OCFO submitted all quarterly and annual reporting requirements to Congress, OMB, and Treasury.
- In response to the OMB Directive M-19-13, strategic sourcing/category management initiatives, the Agency collects data on those initiatives and reports out annually on progress towards increasing the utilization of the initiatives.

Small Business Goal Status*						
Category	**Gov-Wide Goal**	**2020**	**2019**	**2018**	**2017**	**2016**
Small Business	23%	58.79%	68.78%	65%	41.70%	36.51%
Women Owned Small Business	5%	1.298%	9.83%	5%	7.47%	11.19%
Small Disadvantaged Business	5%	52.18%	58.48%	52%	28.33%	8.02%
Service-Disabled Veteran Owned Small Business	3%	0.963%	0.75%	1.62%	2.42%	0.31%
HUBZone	3%	41.56%	38.57%	23.33%	3.43%	2.13%

*In FY 2020 the NLRB was below three out of the five government wide goals because of de-obligations and spend being put in areas that were either for an existing contract or the requirement exceeded small business capabilities.

Office Space Management

- In accordance with General Services Administration (GSA) guidelines, 18 field offices have been identified to undergo a space reduction as part of the five-year project plan to reduce the NLRB footprint.

Agency Outreach

The Agency furthered its outreach to unrepresented employees, unions, and small business owners in the following ways:

- Met with local consulates of various countries to educate consular officials about the NLRB's protections and processes and delegation from the Korean Federation of Trade.
- Led discussions for high school and middle school classes concerning the development of the NLRA, workers' statutory rights, and Board processes
- Maintained webpages for each individual regional office that contain news articles relevant to that region. To ensure that these pages remain fresh, news articles are tagged by the Agency's Office of Public Affairs and automatically loaded on the Region's webpage.

- Maintained an internal SharePoint database through which the Agency outreach coordinators post and share outreach materials and participate in a discussion board sharing ideas and leads for outreach.
- Maintained an interactive smart phone app which provides information about employer and employee rights under the NLRA and contact information.
- The Regional Offices conducted outreach that focuses on protected concerted activity vs. union activity. This includes outreach to law firms, labor organizations, trade groups, law school and graduate school groups, and professional societies.

To better educate workers and employers the NLRB:

- Presented to Staten Island District Attorney's Economic Crimes Bureau - Exchange information about what each respective agency does – the NY agency is a task force to prosecute wage crimes, which oftentimes overlaps with cases, e.g., protected concerted activity wage complaints.
- Maintained Memorandum of Understanding (MOUs) with Immigrant and Employee Rights Section of the Civil Rights Division of the Department of Justice; Occupational Safety and Health Administration; USPS; Wage and Hour Division, U.S. Department of Labor; Mine Safety and Health Administration, U.S. Department of Labor; Illinois Labor Relations Commission.

Ethics:

The Ethics Staff continued to communicate with Agency leadership about the status of ethics projects and to discuss notable ethics issues.

In coordination with the Agency's General Counsel and Chairman, the Ethics Staff:

- Distributed the 2019 Annual Ethics Briefing through the Agency's Learning Management System, which included a recorded message from the Chairman and the General Counsel, to all Agency supervisors and managers. By making this briefing available to supervisors and managers, the Ethics Staff ensures that all management employees are in a position to identify potential ethics issues and avoid situations that distract from the mission of the Agency. All supervisors and managers (non-filers) completed this training requirement by Q1 FY 2020.
- Continued to assist the Board and General Counsel in evaluating ethics recusal obligations and to involve management in the recusal process.
- Renewed annual MOU with the Office of Human Resources to ensure that all newly hired employees and all newly promoted supervisors receive required ethics notifications in compliance with the Executive Branch Ethics Program Amendments, 81 Federal Register 76,271.

- Assisted General Counsel's Office with update to casehandling policy to include the development of a conflicts of interest worksheet to assist Board Agents with identifying potential conflicts of interest before beginning an investigation.
- Developed a protocol for the review and approval of internal NLRB solicitations that benefit coworkers and their families who are victims of the COVID – 19 pandemic.

The Ethics Staff continued to seek out opportunities to educate all Agency employees about their ethical obligations.

During FY 2020, the Ethics Staff:

- Provided technical requirements to OCIO staff in order to redesign the Ethics SharePoint page to enhance search capabilities and to develop various webforms designed to help the Ethics Office gain efficiencies in case processing.
- Distributed agency-wide a variety of information which highlighted the limitations the Hatch Act places on federal employee partisan political activity. These messages included: a link to a brief online overview of the Hatch Act; Office of Special Counsel's (OSC) guidance covering how to determine whether an organization is a partisan political group and whether certain activities that an organization engages in would be considered political activity under the Hatch Act; an OSC announcement explaining that face masks which display a partisan political slogan or image may not be worn in the workplace and while on duty; a brief reminder covering how to avoid Hatch Act violations while using Agency email; and an OSC press release explaining the role of the Hatch Act.
- Revised and reissued a memo to all Agency employees concerning participation in protests and demonstrations.
- Provided general ethics reminder to all employees via email to emphasize that ethics staff is available to answer any government or legal ethics question during the COVID-19 pandemic. The importance of maintaining confidentiality while teleworking with others in the employee's household was also emphasized.

Measure:	**Goal**	**2019**	**2020**	**2021**	**2022**
Percentage of inquiries resolved within 5 business days	85%	88.9%	92%	95%	
Percentage of submitted financial disclosure reports reviewed within 60-days	100%	100%	100%	100%	

- During FY 2020, the Ethics Office received 633 inquiries. 587 (92 percent) were resolved within five (5) business days.
- All financial disclosure reports filed in FY 2020 were reviewed within 60 days.

- In mid-January ethics staff began to receive Public (OGE 278e) and Confidential (OGE 450) Financial Disclosure reports for CY 2019. In all cases, the review of each report was completed within 60 days of receipt and filers were notified of any real or potential conflicts.

During FY 2020, the Agency completed its review of:

- 30 Annual Confidential Financial Disclosure Reports (OGE 450)
- 2 New Entrant Confidential Financial Disclosure Report (OGE 450)
- 82 Annual Public Financial Disclosure Reports (OGE 278e)
- 11 New Entrant Public Financial Disclosure Reports (OGE 278e)
- 117 Monthly Transaction Reports (OGE 278T)
- 4 Termination Reports (OGE 278)

During FY 2020 the Ethics staff continued to use technology to help filers complete filing requirements under the Ethics in Government Act (EIGA).

Ethics staff supported filers through:

- One-on-one assistance with online filing systems.
- Job Aids and checklists to help filers accurately report their financial holdings.
- Monthly reminders which emphasize the importance of reviewing brokerage statements for transactions which are reportable under the Stop Trading on Congressional Knowledge (STOCK) Act.

Internal and External Audit Responses:

- Responses to internal and external auditors have been prepared and all deadlines were successfully met in FY 2020.

Freedom of Information Act (FOIA):

From October 1, 2019, to September 30, 2020, the Agency:

- Received 1,327 FOIA requests in FY 2020 and responded to 1,393 (FY 2020 + prior year backlog/ pending). 1,137 of those requests were responded to within 1-20 days. Thus, 82 percent of the FOIA requests were processed within the 20-day statutory time period.
- Sought three extensions of time to process a request beyond the 20-day period for FOIA requests received. Thus, the Agency statutory extensions for less than one (1) percent (0.23 percent) of its cases received.
- The Agency received 17 FOIA appeals and responded to 18 (FY 2020 + prior year backlog/ pending) FOIA appeals. The average amount of days to process these appeals was 13 working days. The lowest number of working days to process these appeals was 2. The

highest number of working days to process these appeals was 20. Thus, 100 percent of the FOIA appeals were processed within the 20-day statutory time period.

- Did not seek an extension of time for the FOIA appeals received in FY 2020.

Ethics:

The Ethics Staff continued to communicate with Agency Leadership about the status of ethics projects and to discuss notable ethics issues.

In coordination with the Agency's GC and Chairman, the Ethics Staff:

- Continued to assist the Board and General Counsel in evaluating ethics recusal obligations.
- Reissued Combined Federal Campaign (CFC) guidance memo and Job Aid to all Agency employees at the start of the FY 2021 CFC campaign. These documents covered the relevant rules and regulations, including those applicable to CFC events, and discussed the importance of preventing coercive activity when a supervisor serves as a campaign coordinator and/or keyworker for the CFC.
- Participated in transition related tasks to include: preparing various staff for meetings with the Biden Transition Team; working with newly appointed leaders to maintain the NLRB's ethical culture; and meeting with potential nominees and White House ethics officials to discuss the Ethics Office's role in ensuring the integrity of the NLRB's programs and processes.
- Met with GC and Chairman front offices and the Office of Congressional Public Affairs (OCPA) to present research of federal agency social media policies, summaries of First Amendment cases, and issues to consider when developing a comprehensive social media policy for the Agency.

The Ethics Staff continued to seek out opportunities to educate all Agency employees about their ethical obligations.

During FY 2021, the Ethics Staff:

- Distributed the CY 2020 Annual Ethics Briefing through the Agency's Learning Management System to all financial disclosure filers as well as managers and supervisors. This program included a message from the Agency's Designated Agency Ethics Official (DAEO) which emphasized the importance of making compliance with ethics regulations a *personal responsibility of everyone* but noted that it is particularly important for the Agency's managers and supervisors.
- Renewed annual MOU with the Office of Human Resources to ensure that all newly hired employees and all newly promoted supervisors receive required ethics notifications in compliance with the Executive Branch Ethics Program Amendments, 81 Federal Register 76,271.
- Participated in Operation's Regional Directors (RD) Roundtable where the Ethics Office updated Regional Management on trending legal and government ethics issues. The Ethics

Office also presented new resources that were developed to assist the field in identifying potential legal ethics concerns.

- Launched new Ethics intranet site which provides a user-friendly organization; new search tools; three new online forms to help the Ethics Office collect relevant facts so that ethics inquiries can be handled more efficiently; and several newly developed legal ethics training resources.
- Provided customized ethics briefing to the newly appointed Political Appointees with Senate Conformation (PAS) and Schedule C appointed employees.
- Provided new hire orientation to all new NLRB employees within 90 days of appointment to the Agency.
- Distributed various training resources and reminders covering key ethics laws and regulations; the Hatch Act; and the importance of maintaining the NLRB's Screening Wall. Many of these resources and reminders were distributed Agency-wide while others were directed to specific categories of employees to support their particular mission work.
- Distributed a memo which provided guidance for employees interacting with NLRB social media accounts via personal social media accounts.
- Presented content at several Agency meetings and conferences. Ethics Staff emphasized that all employees have a personal responsibility to comply with the Rules of Professional Conduct, the Standards of Conduct and the Criminal Conflict of Interest Statutes.
- Assisted various offices in developing policies to ensure compliance with the NLRB's internal screening wall that separates the prosecutorial and adjudicatory sides of the Agency and protects confidential information from disclosure to the other side.
- Distributed post-employment guidance to all employees scheduled to retire or resign from government service, and answered specific post-employment inquiries from former employees of all levels.

During FY 2021, the Ethics Office received 651 inquiries. 622 (95 percent) were resolved within 5 business days.

Measure:	Goal	2019	2020	2021	2022
Percentage of inquiries resolved within 5 business days	85%	88.9%	92%	95%	
Percentage of submitted financial disclosure reports reviewed within 60-days	100%	100%	100%	100%	

The Ethics staff continued to use technology to help filers complete filing requirements under the Ethics in Government Act (EIGA).

During FY 2021, Ethics staff supported filers through:

- One-on-one assistance with online filing systems.
- Job Aids and checklists to help filers accurately report their financial holdings.
- Monthly reminders which emphasize the importance of reviewing brokerage statements for transactions which are reportable under the Stop Trading on Congressional Knowledge (STOCK) Act.

In mid-January, Ethics staff began to receive Public (OGE 278e) and Confidential (OGE 450) Financial Disclosure reports for CY 2020. Completed the review of 99 percent of all reports within 60 days of receipt and the Ethics Office notified the filer of any real or potential conflicts.

During FY 2021, the Agency completed its review of:

- 31 Annual Confidential Financial Disclosure Reports (OGE 450)
- 2 New Entrant Confidential Financial Disclosure Report (OGE 450)
- 82 Annual Public Financial Disclosure Reports (OGE 278e)
- 6 New Entrant Public Financial Disclosure Report (OGE 278e)
- 170 Monthly Transaction Reports (OGE 278T)
- 13 Termination Reports (OGE 278)

APPENDIX D

STRATEGIC GOALS

Goal #1 (Mission): Promptly and Fairly Resolve Through Investigation, Settlement or Prosecution, Unfair Labor Practices Under The National Labor Relations Act

Objective 1: Achieve established performance measures for the resolution of meritorious unfair labor practice charges.

Initiative 1: Achieve a collective 20% increase in timeliness of case processing under established performance measures for the resolution of all meritorious unfair labor practice charges.

Measure 1: Realize a 5% annual decrease in the average time required to resolve meritorious unfair labor practice charges through adjusted withdrawal, adjusted dismissal, settlement or issuance of complaint.

Measure 2: Realize a 5% annual decrease in the average time between issuance of complaint and settlement by administrative law judge or issuance of administrative law judge decision.

Measure 3: Realize a 5% annual decrease in the average time between issuance of administrative law judge decision and a Board order.

Measure 4: Realize a 5% annual decrease in the average time between issuance of a Board order and the closing of the case.

Initiative 2: Achieve enhanced performance for the resolution of all unfair labor practice charges.

Measure 1: Realize a 5% annual decrease in the average time required to resolve unfair labor practice charges through withdrawal, dismissal, settlement or issuance of complaint.

Measure 2: Realize a 5% annual decrease in the average time between issuance of complaint and settlement by administrative law judge or issuance of administrative law judge decision.

Measure 3: Realize a 5% annual decrease in the average time between issuance of an administrative law judge decision and a Board order.

Measure 4: Realize a 5% annual decrease in the average time between issuance of a Board order and the closing of the case.

Initiative 3: Ensure that all matters before the Agency are handled in a fair and consistent manner.

Measure 1: Ensure that Regional case processing procedures evolve with the Agency's strategic goals and technological advancements.

Management Strategy:

Continually review staff suggestions for improvement and modify case processing procedures to ensure more timely and efficient resolution of case.

Measure 2: Conduct annual quality reviews of Regional unfair labor practice case files and institute modifications to case processing as appropriate.

Management Strategies:

- Maintain and enhance alternative decision-making procedures to expedite Regional, Board and ALJ decisions in unfair labor practice cases.
- Utililize Compliance Unit to identify and coordinate compliance in merit cases.
- Discontinue existing interregional assistance program and replace it with a program that will ensure unfair labor practice cases in offices with backlogs are transferred to offices with available staff.
- Share best practices in unfair labor practice processing to assist regions in resolving unfair labor practice case issues promptly and fairly.

Goal #2 (Mission): Promptly and fairly investigate and resolve all questions concerning representation of employees.

Objective 1: Achieve established performance measures for the timely resolution of all questions concerning representation of employees.

Initiative 1: Achieve established performance measures for the resolution of representation cases.

Measure 1: The percentage of representation cases resolved within 100 days of filing the election petition.

Initiative 2: Ensure that all matter before the Agency are handled in a fair and consistent manner.

Measure 1: Ensure that Regional case processing procedures evolve with the Agency's strategic goals and technological advancements.

Management Strategy:

Continually review staff suggestions for improvement and modify case processing procedures to ensure more timely and efficient resolution of cases.

Measure 2: Conduct annual quality reviews of Regional representation case files and institute modifications to case processing as appropriate.

Management Strategies:

- Maintain and enhance alternative decision-making procedures to expedite Board decisions in representation cases.
- Discontinue existing interregional assistance program and replace it with a program that will ensure that representation cases in offices with backlogs are transferred to offices with available staff.
- Identify and utilize procedures to ensure careful and timely processing of Requests for Review, Special Appeals, and Hearing Officer Reports.
- Share best practices in representation case processing to assist regions in resolving representation case issues promptly and fairly.

Goal #3 (Support): Achieve Organizational Excellence And Productivity In The Public Interest

Objective 1: Recruit, develop, and retain a highly motivated, productive, talented, and diverse workforce to accomplish our mission.

Initiative 1: Invest in and value all employees through professional development, workplace flexibilities, fair treatment, and recognition of performance in the public interest.

Management Strategies:

- Maintain a current human capital plan that includes human capital goals, objectives, and strategies and a workforce plan that is consistent with the Human Capital Assessment and Accountability Framework (HCAAF) of the Office of Personnel Management (OPM).
- Ensure that the Agency's performance management system is results-oriented and aligned with the Agency's goals and objectives as to quality and productivity.
- Demonstrate significant improvement in OPM's assessment of the Agency's performance management system.
- Ensure that managers collaborate with the Agency's employees and unions to implement Agency policies and collective bargaining agreements that balance performance, productivity and workplace flexibilities.
- Reduce the number of pending background investigations.
- Enhance employee development and learning opportunities through Skillport, West Legal Ed, Training Tuesdays, and other on-line and blended media.
- Develop Individual Development Plans for training and succession planning.
- Identify, through updating the workforce plan, core competencies for managers and actions necessary to close skill gaps as required by OPM.

Initiative 2: Develop and implement recruitment strategies to ensure a highly qualified and diverse workforce.

Management Strategies:

- Comply with OPM's hiring reform, which tracks time spent to fill vacancies.
- Identify areas in which the Agency can enhance its diversity and talent through annual analysis of MD-715 guidance.
- Attract qualified and diverse applicants, including veterans and persons with disabilities, by following OPM and Equal Opportunity Commission (EEOC) guidance and utilizing best practices of similar agencies.
- Establish working relationships with veteran's groups and Veterans Administration and Department of Labor veterans' programs to ensure that outreach efforts to veterans are consistent with OPM, congressional and Presidential directives.

Objective # 2: Promote a culture of professionalism, mutual respect, and organizational pride

Initiative 1: Improve employee satisfaction and employee engagement.

Management Strategies:

- Strive to achieve improved internal communications.
- Identify and implement strategies to increase the number of employees who respond to the Federal Employee Viewpoint Survey.
- Develop a collaborative program to encourage employee creativity and innovation, including the Agency's suggestion program.
- Enhance internal and external recognition programs to acknowledge employee contributions (for example: Honorary Awards).

Initiative 2: Ensure that employees understand the Agency's mission and how they contribute to its accomplishments.

Management Strategies:

- Review and enhance the employee on boarding program.
- Ensure that each employee is provided with a performance plan and a clear understanding of management's expectations.
- Enhance publicity of significant organizational accomplishments.

Initiative 3: Cultivate and promote Agency programs that encourage collaboration, flexibility, diversity, and mutual respect to enable individuals to contribute to their full potential.

Management Strategies:

- Demonstrate leadership accountability, commitment, and involvement regarding diversity and inclusion.
  - » Fully and timely comply with all federal laws, regulations, executive orders, management directives and policies related to promoting diversity and inclusion in the workplace.
  - » Provide on-going diversity and inclusion training for senior leadership.
  - » Evaluate all levels of management on their proactivity in maintaining an inclusive work environment.
- Involve employees as participants and responsible agents of diversity, mutual respect and inclusion.
  - » Reassess Agency mentoring programs to ensure they are used as tools to maintain a diverse workforce by affording a consistency of opportunity throughout all organizational units.
- Encourage participation in special emphasis observances.

Goal #4 (Support): Manage Agency Resources Efficiently and in a Manner That Instills Public Trust

Objective 1: Use information and technology to monitor, evaluate, and improve programs and processes in order to accomplish the Agency's mission and increase transparency.

Initiative 1: Improve the productivity of the Agency's case management by standardizing business processes in a single unified case management system.

Measure 1: Increase the rates of electronic service, delivery, and filings, thereby reducing the paperwork burden on constituents, including individuals, labor unions, businesses, government entities and other organizations.

Measure 2: Increase the information shared electronically with the public, making the Agency's case processes more transparent.

Management Strategies:

- Focus on critical business needs first.
- Split projects into smaller, simpler segments with clear deliverables.
- Employ ongoing, transparent project oversight from the NxGen Integrated Project Team.

Initiative 2: Achieve more effective and efficient program operations in the NLRB administrative functions by automating and improving processes and information sharing with the Agency.

Measure 1: Streamline the Agency transactional processes by providing employees ready access to the tools, data and documents they require from anywhere, at any time.

Measure 2: Continue to enhance and utilize a modern single unified communications platform and network to empower Agency personnel to communicate with voice, video, and data from all locations including the office, at home and on the road.

Measure 3: Fully utilize a dynamic social collaborative environment for employee engagement.

Management Strategies:

- Focus on critical business needs first.
- Split projects into smaller, simpler segments with clear deliverables.
- Increase information sharing within the Agency through mechanisms that are easy for employees to contribute to and access.
- Employ ongoing, transparent project oversight from the NxGen Integrated Project Team.

Initiative 3: Effective Management of fiscal resources.

Measure 1: Develop and/or support the development of the Agency's budget.

Measure 2: Produce financial reports as required by OMB, Treasury, and Congress.

Measure 2: Conduct quarterly Program Management reviews on requirements development and execution to ensure programs stay on time and on budget.

Measure 4: Monitor unliquidated obligations quarterly for current year execution and re-allocate to other unfunded mission requirements.

Measure 5: Increase the use of strategic sourcing, purchase card program, and in sourcing to minimize waste and abuse. Continue to support minority business enterprises for contract awards.

Initiative 4: Right-sizing and closing Field Offices and Headquarters office space by up to 30% over the next five years in accordance with GSA guidelines.

Measure 1: Develop five-year Project Plan that identifies field offices for reductions in square footage or for closure.

Objective # 2: Evaluate and improve the Agency's Outreach Program.

Initiative 1: Enhance Agency's Outreach Program.

Management Strategies:

- Employ further non-traditional outreach to the following populations:
  - Unrepresented employees
  - Unions, Small Business Owners
- Engage with organizations, such as those listed below, to better educate workers and employers:
  - Joint outreach with sister agencies
  - Memorandums of Understanding (MOU) with other agencies related to co-extensive investigations

Objective # 3: Conduct all internal and external Agency business in an ethical and timely manner.

Initiative 1: Promote an ethical culture within the NLRB through leadership, communications, awareness, resources, and oversight.

Measure 1: Involve Agency leadership in promoting visibility and commitment to the NLRB Ethics Program.

Measure 2: Increase employee awareness of ethics responsibilities by maintaining an education program that reaches all NLRB employees at all levels and uses internet technology to expand access to program materials.

Measure 3: Respond to at least 85% of ethics inquiries within 5 days of receipt.

Measure 4: Review and certify financial disclosure reports within 60 days of receipt and notify filers of real or potential conflicts.

Measure 5: Use technology to improve financial disclosure reporting and review process.

Initiative 2: Respond to internal audits in a timely manner.

Measure 1: Prepare responses to internal audit reports as required by the auditor, meeting the deadlines specified in the reports.

Initiative 3: Respond to external audits in a timely manner.

Measure 1: Prepare responses to external audit reports as required by the auditor, meeting the deadlines specified in the reports.

Initiative 4: Respond to FOIA and other public inquiries in a timely manner.

Measure 1: Respond to at least 60% of initial FOIA requests within 20 working days.

Measure 2: Seek a statutory extension for less than 15% of requests.

Measure 3: Respond to at least 95% of statutory appeals within 20 working days.

Measure 4: Seek a statutory extension for less than 20% of appeals.

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