



United States Government
National Labor Relations Board
Office of Inspector General

Semiannual Report
October 1, 2022 – March 31, 2023

EXECUTIVE SUMMARY

I hereby submit this Semiannual Report for the period October 1, 2022 – March 31, 2023. This report summarizes the major activities and accomplishments of the Office of Inspector General of the National Labor Relations Board, and its submission is in accordance with the Inspector General Act of 1978, as amended. Section 5 of the Inspector General Act requires that the National Labor Relations Board transmit this report to the appropriate committees or subcommittees of Congress within 30 days of its receipt.

In the audit program, the Office of Inspector General issued one audit report, a memorandum identifying the Agency's top management and performance challenges, and a report to the Office of Management and Budget on the Agency's progress in implementing recommendations related to Government charge cards in accordance with the Government Charge Card Abuse Prevention Act of 2012. In the investigation program, we processed 366 contacts, initiated three investigations, and issued one report. One employee retired while administrative action was being considered.

I appreciate the support of all Agency employees in achieving the accomplishments set forth in this report.

A handwritten signature in black ink, appearing to read 'David Berry', written in a cursive style.

David Berry
Inspector General
April 28, 2023

This report was produced by OIG personnel using a standard copier and supplies.

Table of Contents

AGENCY PROFILE	1
OFFICE OF INSPECTOR GENERAL	2
RESOURCES	2
AUDIT PROGRAM	3
INVESTIGATION PROGRAM.....	4
Investigative Highlights.....	4
Hotline	5
LEGISLATION, REGULATIONS, AND POLICY	6
LIAISON ACTIVITIES	7
Inspector General Community.....	7
U.S. Government Accountability Office	7
INFORMATION REQUIRED BY THE ACT	8
APPENDIX – NLRB OIG Peer Review Report.....	12

AGENCY PROFILE

The National Labor Relations Board (NLRB or Agency) is an independent Federal agency established in 1935 to administer the National Labor Relations Act. The National Labor Relations Act is the principal labor relations law of the United States, and its provisions generally apply to private sector enterprises engaged in, or to activities affecting, interstate commerce. NLRB jurisdiction includes the U.S. Postal Service; however, other government entities, railroads, and airlines are not within NLRB's jurisdiction.

The NLRB seeks to serve the public interest by reducing interruptions in commerce caused by industrial strife. It 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 protect and implement employees' free choice 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, by either employers or unions.

NLRB authority is divided by law and delegation. The five-member Board primarily acts as a quasi-judicial body in deciding cases on formal records. The General Counsel investigates and prosecutes unfair labor practices before administrative law judges, 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.

The Board consists of the Chairman and four Members who are appointed by the President with the advice and consent of the Senate. Board Members serve staggered terms of 5 years each. The General Counsel is also appointed by the President with the advice and consent of the Senate and serves a term of 4 years.

During this reporting period, Member Lauren M. McFerran continued to serve as Chairman with Members Marvin E. Kaplan, Gwynne A. Wilcox and David M. Prouty. Member John F. Ring's term ended on December 16, 2022. General Counsel Jennifer A. Abruzzo continued to serve in that position.

The NLRB Headquarters is located at 1015 Half Street, SE, Washington, DC. In addition to the Headquarters building, the NLRB has 48 field offices and 2 satellite offices for administrative law judges. The NLRB has designated 26 of the 48 field offices as Regional Offices.

Additional information about the NLRB can be found at www.NLRB.gov.

OFFICE OF INSPECTOR GENERAL

The NLRB established the Office of Inspector General (OIG) pursuant to the 1988 amendments to the Inspector General Act of 1978 (IG Act).

RESOURCES

In addition to the Inspector General, the OIG staff positions consist of a Counsel/Assistant Inspector General for Investigations, an Assistant Inspector General for Audits, and five auditors. Additionally, the OIG staff is augmented by contract auditors. During this reporting period, the OIG was working to fill three auditor positions.

AUDIT PROGRAM

The Inspector General is to provide policy direction for and is to conduct, supervise, and coordinate audits relating to program operations of the Agency. During the reporting period, we issued one audit report, a memorandum identifying the Agency's top management and performance challenges, and a report to the Office of Management and Budget (OMB) on the Agency's progress in implementing recommendations related to Government charge cards in accordance with the Government Charge Card Abuse Prevention Act of 2012.

We issued Audit Report OIG-F-27-23-01, **Audit of the NLRB Fiscal Year 2022 Financial Statements**, on November 14, 2022. The audit, performed by an independent public accounting firm, found that the NLRB's Fiscal Year 2022 Financial Statements were fairly stated. The audit process found no material weaknesses or significant deficiencies related to internal controls. The report did not make any recommendations for corrective action.

The **Management Letter**, issued as part of the financial statement audit process, contained findings related to improvements needed in recording and reporting of construction in progress costs and in the monitoring of undelivered orders. The Management Letter made four recommendations related to the findings. Management generally agreed with the recommendations.

We issued a memorandum identifying the Agency's **Top Management and Performance Challenges** on October 12, 2022. The challenges were:

1. Manage the Agency;
2. Manage the Agency's Financial Resources;
3. Manage the NLRB's Human Capital and Maintain the Agency's Institutional Knowledge;
4. Manage the Agency's Information Technology Security; and
5. Implement Audit Recommendations.

On January 12, 2023, we complied with the provisions of the **Government Charge Card Abuse Prevention Act of 2012** and reported to OMB the Agency's progress in implementing audit recommendations related to Government charge cards. At that time, we reported that the Agency closed nine open recommendations related to the management of Government charge cards and that there were no remaining open audit recommendations relating to Government charge cards.

INVESTIGATION PROGRAM

The Inspector General is to provide policy direction for and is to conduct, supervise, and coordinate investigations relating to the programs and operations of the Agency. During this reporting period, we processed 366 contacts, initiated three investigations, and issued one report. One employee retired while administrative action was being considered.

Case Workload		Contacts Processed	
Open (10/1/2022)	4	Received	366
Initiated	3	Initiated Investigation	1
Closed	3	Opened Case -- Referred to Agency	0
Open (3/31/2023)	4	Non-Investigative Disposition	365

Investigative Highlights

In a prior reporting period, we initiated an investigation involving allegations that an NLRB employee engaged in bribery, wire fraud, and conspiracy. During this reporting period, our investigative efforts continued. (OIG-I-558)

In a prior reporting period, we reported an investigation involving an allegation that a senior Government employee participated in matters in which the employee had a financial interest in violation of 18 U.S.C. § 208 and the *Standards of Conduct for Employees of the Executive Branch*. Our investigative efforts substantiated the allegation. The appropriate U.S. Attorney's Office declined prosecution. We issued an administrative report. During this reporting period, the employee retired while Management was considering appropriate administrative action. We closed the case. (OIG-I-566)

We investigated an allegation that an individual who represents parties before Regional Offices submitted false notices of appearance to obtain NLRB case-related documents. The appropriate U.S. Attorney's Office declined prosecution. We issued a summary report to the Division of Operations-Management for consideration of disciplinary action under the NLRB's regulations pertaining to a representative's conduct. We closed the case. (OIG-I-568)

We investigated an allegation that an NLRB employee used a controlled substance in the workplace and openly spoke about their use of the controlled substance to other NLRB employees and parties. We did not substantiate the allegation. We closed the case. (OIG-I-571)

Hotline

Employees and members of the public with information on fraud, waste, and abuse are encouraged to contact the OIG. A log of calls to a nationwide toll-free number or the office numbers and a log of mail, email, and facsimile messages are maintained. All information received, regardless of the method used, is referred to as Hotline contacts. Hotline contacts are analyzed to determine if further inquiry or action is warranted.

During this reporting period, the OIG received 366 Hotline contacts, of which 171 were telephone calls or walk-ins and 195 were in writing.

Most Hotline contacts are from members of the public seeking help on an employment-related problem or issues outside OIG and/or Agency jurisdiction. As appropriate, the OIG refers those Hotline contacts to an NLRB Regional Office; local, state, or Federal agencies; or private resources to provide assistance.

LEGISLATION, REGULATIONS, AND POLICY

The responsibilities and duties of an OIG include reviewing existing and proposed legislation and regulations relating to the programs and operations of its agency and making recommendations in the semiannual reports concerning their impact on the economy and efficiency in the administration of programs and operations administered or financed by the agency or the prevention and detection of fraud and abuse in such programs and operations. During the current Congress, 9 legislative proposals have been introduced that would amend the National Labor Relations Act (NLRA) or otherwise impact the programs and operations of the Agency:

H.R. 20 & S. 567	Richard L. Trumka Protecting the Right to Organize Act of 2023;
H.R. 721	Union Integrity Act;
H.R. 937	Tribal Labor Sovereignty Act of 2023;
H.R. 1200 & S. 532	National Right-to-Work Act;
H.R. 2043	A bill that provides for limitations on availability of funds for the NLRB;
S. 710	Striking and Locked Out Workers Healthcare Protection Act; and
S. 991	National Labor Relations Board Reform Act.

LIAISON ACTIVITIES

The Inspector General is to recommend policies for, and is to conduct, supervise, or coordinate relationships between the Agency and other Federal agencies, state and local governmental agencies, and non-governmental entities. The Inspector General is to give particular regard to the activities of the Comptroller General of the United States. Similarly, we encourage OIG staff members to participate in Agency programs and activities.

Inspector General Community

The Inspector General is a member of the Council of the Inspectors General on Integrity and Efficiency (CIGIE). This organization consists of Inspectors General at the Federal Government's departments and agencies. The Inspector General participates on CIGIE's Audit and Budget committees.

The Assistant Inspector General for Audits, or designated auditors, participated in the Federal Audit Executive Council, Financial Statement Audit Network, and the Interagency Fraud and Risk Data Mining Group. The Counsel to the Inspector General participates in the Council of Counsels to Inspectors General.

U.S. Government Accountability Office

The IG Act states that each Inspector General shall give particular regard to the activities of the Comptroller General of the United States, as head of the U.S. Government Accountability Office (GAO), with a view toward avoiding duplication and ensuring effective coordination and cooperation. During this reporting period, there were no matters that required coordination with GAO.

INFORMATION REQUIRED BY THE ACT

Certain information and statistics based on the activities accomplished during this period are required by section 5(a) of the IG Act to be included in the semiannual report. These are set forth below:

(1), (2), (7) Other than as reported in the Reports to Congress, Audit Program, and Investigation Program sections, the OIG did not identify significant problems, abuses or deficiencies relating to the administration of programs. For the purpose of this section, we used the definition of significant as set forth in the Federal Managers' Financial Integrity Act.

(3) There remain seven unimplemented recommendations noted in previous semiannual reports. (See also 10(C))

(4) No matters were referred to the U.S. Department of Justice (DOJ).

(5) No reports were made to the Board that information or assistance requested by the Inspector General was unreasonably refused or not provided.

(6) The following audit, inspection, and evaluation reports were issued during the reporting period:

Subject Matter and Title	Questioned Costs	Unsupported Costs	Funds To Be Put To Better Use
Mission Support NLRB Fiscal Year 2022 Financial Statements OIG-F-27-23-01	0	0	0

(8) Statistical Table of Reports with Questioned Costs:

	Number of Reports	Questioned Costs	Unsupported Costs
A. For which no management decision has been made by the commencement of the period	0	0	0
B. Which were issued during the reporting period	0	0	0
Subtotals (A+B)	0	0	0
C. For which a management decision was made during the reporting period	0	0	0
(i) Dollar value of disallowed costs	0	0	0
(ii) Dollar value of costs not disallowed	0	0	0
D. For which no management decision has been made by the end of the reporting period	0	0	0
E. Reports for which no management decision was made within six months of issuance	0	0	0

(9) Statistical Table of Recommendations that Funds be Put to Better Use:

	Number of Reports	Funds Be Put To Better Use
A. For which no management decision has been made by the commencement of the period	0	0
B. Which were issued during the reporting period	0	0
Subtotals (A+B)	0	0
C. For which a management decision was made during the reporting period	0	0
(i) Dollar value of recommendations that were agreed to by management	0	0
(ii) Dollar value of recommendations that were not agreed to by management	0	0
D. For which no management decision has been made by the end of the reporting period	0	0
E. Reports for which no management decision was made within six months of issuance	0	0

(10) For each audit, inspection, or evaluation issued before the commencement of the reporting period:

(A) There were no reports for which no management decision had been made by the end of the reporting period;

(B) There were no reports for which no establishment comment was returned within 60 days of providing the report to the establishment; and

(C) The following are the outstanding unimplemented recommendations:

Audit No.	Audit Summary and Link	Issued	Management Decision	Rec #	Recommendation with any Aggregate Cost Saving Noted
FY 2016					
OIG-AMR-77-16-02	Training and Conferences	9/27/2016	9/27/2016	7	We recommend that the Division of Administration develop and implement a Management Succession Plan.
FY 2020					
OIG-AMR-88-20-03	Backpay Accounting	12/10/2019	12/10/2019	3	We recommend that the Finance Branch reconcile the backpay cases with recurring journal voucher entries and take appropriate action to correct the accounting errors.

FY 2021					
OIG-AMR-95-21-03	DATA Act	8/30/2021	8/30/2021	1	Develop and implement internal controls to ensure that: a. Procurement data in the financial system is recorded in an accurate and timely manner; b. Procurement actions are reported into FPDS-NG within the time requirement set out in the FAR; and c. There is a documented process of procurement data quality control that enables the SAO to reasonably provide assurances of validity, reliability, and completeness of the DATA Act submission. The process should include adequate segregation of duties and address the errors in the crosswarning report.
FY 2022					
OIG-AMR-94-22-02	NxGen Data Accuracy	11/16/2021	11/16/2021	1	Develop and implement a quality review process at the local Regional Office level that includes review of the data at key points during the case life cycle.
OIG-AMR-94-22-02	NxGen Data Accuracy	11/16/2021	11/16/2021	3	Develop and implement a standard methodology for documenting data in the NxGen case file.
OIG-AMR-94-22-02	NxGen Data Accuracy	11/16/2021	11/16/2021	4	Develop and implement a training program that focuses on NxGen data quality controls and processes. This program should include new employee NxGen orientation, periodic refresher training, and supervisory data quality review.
OIG-AMR-98-22-06	Division of Judges	9/29/2022	9/29/2022	1	Develop internal controls to ensure the completeness and accuracy of case processing data to include, but not limited to, the assignment of cases to ALJs.

(11) No significant revised management decisions were made during the reporting period.

(12) There were no significant management decisions with which I am in disagreement.

(13) There is no information to report under the requirements of section 05(b) of the Federal Financial Management Improvement Act of 1996.

(14) (15) A peer review of the audit program was conducted by the Office of Inspector General, National Credit Union Administration. The peer review report was issued on November 17, 2020. A copy of the peer review report is attached as an appendix. There were no recommendations. The OIG's investigative program is not subject to the peer review requirement.

(16) The OIG did not conduct a peer review during the reporting period.

(17) Statistical Table of the information related to investigative activity:

Investigative Reports Issued	Number of Persons Referred to DOJ	Number of Persons Referred to State or Local Prosecutors	Total Number of Indictments and Criminal Informations
1	0	0	0

(18) Description of the metrics used for developing investigative statistical data: The OIG considers a report issued when it transmits the report to an NLRB management official. It is the OIG’s practice to contact DOJ’s Public Integrity Section or the appropriate U.S. Attorney’s office when the OIG determines that there is reasonable cause to believe that a person violated a Federal criminal statute. The OIG does not consider coordination of its investigative activity with the FBI as a referral to the DOJ. Because of the nature of the NLRB’s mission, the factual basis for a referral to a state or local prosecutor rarely occurs. Referrals, indictments, and criminal informations are reported for the period in which they occurred.

(19) There was one investigation conducted in a prior reporting period that remained open during this reporting period involving a senior Government employee (GS 15 or above) where an allegation of misconduct was substantiated. The OIG considers an allegation substantiated when a determination is made that there is a preponderance of evidence that the employee engaged in misconduct and issues an investigative report.

Facts and Circumstances of the Investigation. OIG-I-566	We investigated an allegation that a senior Government employee participated in matters in which the employee had a financial interest in violation of 18 U.S.C. § 208 and the <i>Standards of Conduct for Employees of the Executive Branch</i> .
Status and Disposition of the Matter	On July 27, 2022, the matter was referred to the Department of Justice. On July 28, 2022, prosecution was declined. We issued an administrative report, dated September 16 2022, substantiating the allegation. During this reporting period, the employee retired while Management was considering appropriate administrative action.

(20) There were no instances of whistleblower retaliation that were reported to the OIG during the reporting period.

(21) There were no attempts by the establishment to interfere with the independence of the OIG that involved budget constraints designed to limit the capabilities of the OIG or incidents where when it was apparent that the establishment resisted or objected to the OIG’s oversight activities or restricted or significantly delayed access to information.

(22) Disclosure of closed items:

(A) During the reporting period, the OIG did not close any inspections, evaluations, or audits that were not disclosed to the public: and

(B) All investigations that were closed during the reporting period are reported in the Investigation section of this report.

APPENDIX – NLRB OIG Peer Review Report



Office of Inspector General

System Review Report

November 17, 2020

To David Berry, Inspector General
National Labor Relations Board

We have reviewed the system of quality control for the National Labor Relations Board (NLRB) Office of Inspector General (OIG) in effect for the year ended September 30, 2020. A system of quality control encompasses NLRB OIG's organizational structure and the policies adopted and procedures established to provide it with reasonable assurance of conforming in all material respects with *Government Auditing Standards* and applicable legal and regulatory requirements. The elements of quality control are described in *Government Auditing Standards*. NLRB OIG is responsible for establishing and maintaining a system of quality control designed to provide NLRB OIG with reasonable assurance that the organization and its personnel comply in all material respects with professional standards and applicable legal and regulatory requirements. Our responsibility is to express an opinion on the design of the system of quality control and NLRB OIG's compliance based on our review.

In our opinion, the system of quality control for the audit organization of NLRB OIG in effect for the year ended September 30, 2020, has been suitably designed and complied with to provide NLRB OIG with reasonable assurance of performing and reporting in conformity with applicable professional standards and applicable legal and regulatory requirements in all material respects. Audit organizations can receive a rating of *pass*, *pass with deficiencies*, or *fail*. NLRB OIG has received an External Peer Review rating of *pass*.

Our review was conducted in accordance with *Government Auditing Standards* and the CIGIE *Guide for Conducting Peer Reviews of Audit Organizations of Federal Offices of Inspector General*. During our review, we obtained an understanding of the nature of the NLRB OIG audit organization, and the design of NLRB OIG's system of quality control sufficient to assess the risks implicit in its audit function. Based on our assessments, we selected GAGAS engagements and administrative files to test for conformity with professional standards and compliance with NLRB OIG's system of quality control. The GAGAS engagements selected represented a reasonable cross-section of the NLRB OIG audit organization, with an emphasis on higher-risk engagements. Prior to concluding the peer review, we reassessed the adequacy of the scope of the peer review procedures and met with NLRB OIG management to discuss the results of our review. We believe that the procedures we performed provide a reasonable basis for our opinion.

In performing our review, we obtained an understanding of the system of quality control for the NLRB OIG audit organization. In addition, we tested compliance with NLRB OIG's quality control policies and procedures to the extent we considered appropriate. These tests covered the application of NLRB OIG's policies and procedures on selected GAGAS

November 17, 2020

Page 2

engagements. Our review was based on selected tests; therefore, it would not necessarily detect all weaknesses in the system of quality control or all instances of noncompliance with it.

There are inherent limitations in the effectiveness of any system of quality control; therefore, noncompliance with the system of quality control may occur and may not be detected. Projection of any evaluation of a system of quality control to future periods is subject to the risk that the system of quality control may become inadequate because of changes in conditions, or because the degree of compliance with the policies or procedures may deteriorate.

Enclosure 1 to this report identifies the NLRB OIG engagements we reviewed.

In addition to reviewing its system of quality control to ensure adherence with *Government Auditing Standards*, we applied certain limited procedures in accordance with guidance established by the Council of the Inspectors General on Integrity and Efficiency (CIGIE) related to NLRB OIG's monitoring of engagements conducted in accordance with generally accepted government auditing standards (GAGAS engagements) by Independent Public Accountants (IPAs) under contract where the IPA served as the auditor. It should be noted that monitoring of GAGAS engagements performed by IPAs is not an audit and, therefore, is not subject to the requirements of *Government Auditing Standards*. The purpose of our limited procedures was to determine whether NLRB OIG had controls to ensure IPAs performed contracted work in accordance with professional standards. However, our objective was not to express an opinion; accordingly, we do not express an opinion on NLRB OIG's monitoring of work performed by IPAs.

Enclosure 2 to this report is NLRB OIG's response to our review.

/s/

James Hagen, Inspector General

Enclosures

Scope and Methodology

We tested compliance with NLRB OIG audit organization's system of quality control to the extent we considered appropriate. These tests included a review of 3 of 14 engagements reports issued from October 1, 2017 through September 30, 2020. We also reviewed the internal quality control reviews performed by NLRB OIG.

In addition, we reviewed NLRB OIG's monitoring of GAGAS engagements performed by IPAs where the IPA served as the auditor from October 1, 2017, through September 30, 2020. During the period, NLRB OIG contracted for five audits that were to be performed in accordance with *Government Auditing Standards*.

Reviewed Audit Engagements Performed by the NLRB OIG:

<u>Report No.</u>	<u>Report Date</u>	<u>Report Title</u>
OIG-AMR-88-20-03	12/10/2019	Backpay Accounting
OIG-AMR-91-20-04	09/16/2020	Fiscal Year 2019 Budget Execution

Reviewed Monitoring Files of the NLRB OIG for Contracted Engagements:

<u>Report No.</u>	<u>Report Date</u>	<u>Report Title</u>
OIG-F-24-20-01	11/15/2019	Fiscal Year 2019 Financial Statements



United States Government
NATIONAL LABOR RELATIONS BOARD
OFFICE OF INSPECTOR GENERAL
Washington, DC 20570-0001

November 16, 2020

James W. Hagen
Inspector General
National Credit Union Administration
1775 Duke Street
Alexandria, VA 22314-3428

Dear Mr. Hagen:

Thank you for the opportunity to comment on the Draft System Review Report, dated November 16, 2020, on the National Labor Relations Board's Office of Inspector General's audit organization for the period ended September 30, 2020. We are pleased that your independent review of our audit organization resulted in a rating of *pass* and concluded that our system of quality control was suitably designed and complied with to provide reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects.

We appreciate the efforts of your office in conducting this review.

Sincerely,

A handwritten signature in black ink, appearing to read "David Berry".

David Berry
Inspector General

**Report
Fraud, Waste, and Abuse**

(202) 273-1960

(800) 736-2983

OIGHOTLINE@nrb.gov

Office of Inspector General
National Labor Relations Board
1015 Half Street, SE
Washington, DC 20570