



NATIONAL LABOR RELATIONS BOARD

Fiscal Year (FY) 2024

JUSTIFICATION OF PERFORMANCE
BUDGET FOR THE COMMITTEE
ON APPROPRIATIONS

March 13, 2023



Contents

I. Foreword	4
II. Mission Statement.....	4
III. Agency Role and Functions	4
IV. Appropriation Language	8
V. Legislative Proposal.....	8
VI. Use of Evidence and Evaluation.....	9
VII. Overview of the FY 2024 Budget Request	9
Funding Level.....	18
Program Activities	19
VIII. Information Technology Investment Strategy.....	25
IX. Attachments	26
Attachment 1 - Amounts Available for Obligation.....	26
Attachment 2 - Budget Authority by Object Class.....	27
Attachment 3 - Major Workload and Output Data.....	28
Attachment 4 – Status of Open Audit Recommendations.....	29

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FY 2024 Congressional Budget Justification

I. Foreword

The National Labor Relations Board (NLRB, Board, or Agency) is a mid-sized independent federal agency that was established by Congress in 1935 to administer and enforce the National Labor Relations Act (NLRA or Act). The NLRB promotes and protects workers' rights by investigating, prosecuting, and adjudicating alleged labor law violations involving private sector employees, labor organizations, and employers throughout the United States. The NLRB also investigates and resolves questions concerning representation among employees to determine whether the employees wish to be represented by a labor organization.

The Agency's 2024 Fiscal Year (FY) Budget Request for \$376,163,000 is essential to restore the NLRB to an appropriate and necessary funding level after nearly a decade of flat funding prior to the current fiscal year. Any funding level below this amount would have an adverse impact on America's workers across the country and in every single congressional district. The funding would begin to address critical field staffing shortages and strengthen the Agency's outreach program to support the Nation's underserved communities and vulnerable populations. These efforts include process improvements for casehandling, Board and Administrative Law Judges' adjudications, mission support, and overdue upgrades to our information technology infrastructure, and cybersecurity.

II. Mission Statement

Vigorously advance the policies of the NLRA to promote collective bargaining by ensuring that workers can freely express their wishes regarding union representation and protecting workers' fundamental right to act together for their mutual aid or protection.

III. Agency Role and Functions

The NLRB administers and enforces the NLRA, the primary federal statute governing labor relations in the private sector. The purposes of the NLRA are to promote collective bargaining among employers, labor organizations, and employees, and to protect employees' rights to freely express their wishes regarding collective-bargaining representation and to take other concerted action for their mutual aid and protection. The statute incorporates these policy goals by expressly providing employees the rights to self-organization; to form, join, or assist labor organizations; to bargain collectively through representatives of their own choosing; and to engage in other concerted activities for their mutual aid or protection. It also establishes that employees have the right to refrain from those activities. The NLRB in turn protects these rights through the administration, interpretation, and enforcement of the Act, both in prosecuting unfair labor practices and in conducting representation elections to determine employees' desires regarding collective-bargaining representation. Significantly, there is no private right of action

under the NLRA; thus, the Agency is the only recourse for an employee, employer, or labor organization to seek redress of a violation of the NLRA or to obtain a certification of whether a labor organization is the representative of a group of employees. Consequently, the Agency is essential for the enforcement of rights under the NLRA. Its processing of cases also assists in easing the burden on the court systems across the United States and promotes industrial stability nationwide.

The NLRB's authority is divided by law and by delegation. The Board has five members, when at full strength, and primarily acts as a quasi-judicial body in deciding cases based on formal records in administrative proceedings. The NLRA also grants the Board rulemaking authority. One Board member is designated as the Chairman. Independent from the Board, the General Counsel is responsible for investigating and prosecuting unfair labor practice charges, for processing representation petitions on behalf of the Board, and for overseeing the NLRB's Regional Offices, in addition to managing many of the day-to-day administrative, financial, personnel, human capital, and operational responsibilities of the Agency by delegation from the Board. These positions are appointed by the President and confirmed by the Senate.

The Board and the General Counsel are located in the Agency's Headquarters in Washington, D.C. The Agency also has a nationwide network of Administrative Law Judges who are administratively assigned to one of three offices located in Washington, D.C., New York, and San Francisco. There are 26 Regional Offices located in major cities across the United States, and an additional 22 offices, giving the Agency a network of 48 field offices nationwide.

To fulfill the Agency's first primary function, prosecuting and remedying unfair labor practices, the General Counsel has responsibility for: investigating charges alleging unfair labor practices; approving withdrawals of or dismissing non-meritorious charges; facilitating or obtaining settlements or issuing and prosecuting complaints in meritorious cases; and obtaining court enforcement of Board remedial orders in unfair labor practice cases.

In connection with its second primary function, investigating and resolving questions concerning representation, the Agency enforces the right of employees to choose whether to be represented by a labor organization. Representation cases are initiated by the filing of a petition by employees, labor organizations, or employers. The Agency evaluates the petition and, if appropriate, conducts an election to determine if employees wish to have, or continue to have, a labor organization as their collective-bargaining representative. Thereafter, the Agency addresses challenges and/or objections to the election, if filed, and ultimately certifies that the participating labor organization either does or does not serve as the exclusive collective-bargaining representative of the employees in the bargaining unit.

Strategic Plan FY 2022 – 2026

The NLRB’s FY 2022-2026 Strategic Plan (Strategic Plan) guides program and budget decisions. The Strategic Plan contains five (5) goals designed to guide and objectively measure the Agency’s success in achieving its mission. The Strategic Plan guides the Agency to timely and effectively enforce the NLRA for employees, unions, and employers; to build, support, and retain a talented and diverse workforce; to effectively manage its budgetary and other resources; and to ensure public awareness of and equitable access to the Agency’s services. The Strategic Plan includes objectively measurable time targets for both unfair labor practice and representation cases to ensure a high level of responsiveness to the public as well as efficiencies within the organization.

NLRB MISSION

Vigorously advance the policies of the NLRA to promote collective bargaining by ensuring that workers can freely express their wishes regarding union representation and by protecting workers’ fundamental right to act together for their mutual aid or protection.

NLRB VISION

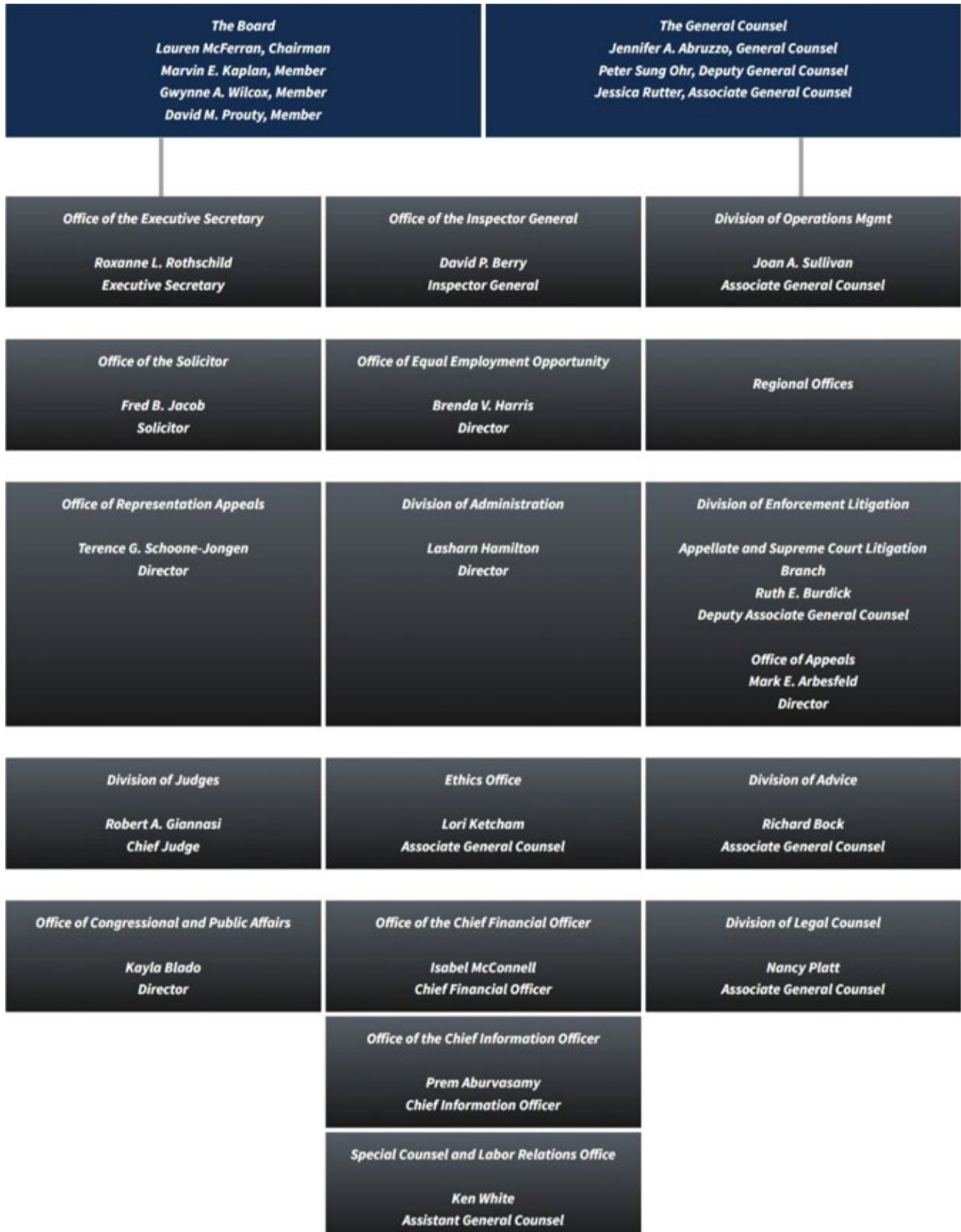
Achieving our mission by broadening public awareness and understanding of the NLRA, effectively allocating resources, and ensuring productivity, diversity, equity, inclusivity, and accessibility among the Agency’s highly talented current and future workforce.

STRATEGIC GOALS

1. Ensure effective enforcement of the National Labor Relations Act through timely and quality consideration and resolution of unfair labor practices with appropriate remedies.
2. Protect employee free choice with timely and effective mechanisms to resolve questions concerning representation.
3. Achieve organizational excellence and serve as a model employer.
4. Manage Agency resources efficiently and in a manner that instills public trust.
5. Improve public awareness of the Agency’s mission and its activities.

The complete NLRB FY 2022-2026 Strategic Plan, including objectives, initiatives and management strategies, can be viewed/downloaded at: <https://www.nlr.gov/reports-guidance/reports/government-performance-and-results>

Organizational Structure



IV. Appropriation Language

Appropriation Language	Explanation of Changes
<p style="text-align: center;">NATIONAL LABOR RELATIONS BOARD SALARIES AND EXPENSES</p> <p>For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, and other laws, [\$299,224,000] \$376,163,000, <i>of which not more than \$31,538,000 shall remain available through September 30, 2028, for costs associated with the relocation and replication of space to house National Labor Relations Board headquarters or regional offices, including furniture, fixtures, and equipment: Provided, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935, and as amended by the Labor-Management Relations Act, 1947, and as defined in section 3(f) of the Act of June 25, 1938, and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.</i></p> <p style="text-align: center;">[ADMINISTRATIVE PROVISION</p> <p>Sec. 408. None of the funds provided by this Act or previous Acts making appropriations for the National Labor Relations Board may be used to issue any new administrative directive or regulation that would provide employees any means of voting through any electronic means in an election to determine a representative for the purposes of collective bargaining.]</p> <p>(Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2023).</p>	<p style="text-align: center;">The FY 2024 Budget Request includes a proposal to remove the Administrative Provision.</p>

V. Legislative Proposal

The NLRB is not making any legislative proposals.

VI. Use of Evidence and Evaluation

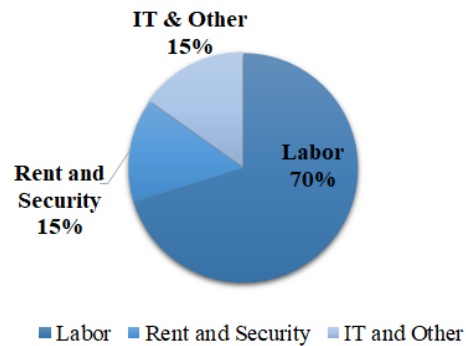
The NLRB continues to improve program performance by using data and analytics to evaluate and develop methods and processes that promote innovation and improve program delivery. The Agency will strive to build up programs in areas of policy, budget, operation, regulation, management, and decision-making.

VII. Overview of the FY 2024 Budget Request

The NLRB's FY 2024 Budget Request of \$376.2 million represents a 26 percent (\$77 million) increase over the FY 2023 enacted level of \$299.2 million. The NLRB's FY 2024 Budget Request would allow the Agency to accommodate an estimated 5.2 percent civilian pay raise for calendar year 2024. Additionally, the funding would support the Agency's statutory mission of resolving labor disputes through investigation, settlement, litigation,

adjudication, education, and compliance. This mission relies primarily on skilled and experienced professionals and administrative employees. The annual staff compensation (salaries and benefits) accounts for approximately 70 percent (\$264.2 million) of the agency's overall fiscal year budget; 15 percent (\$55 million) is required for rent, security, and other facility and property expenses for the NLRB offices in Headquarters and across the country, including required non-discretionary funding to support a potential Headquarters (HQ) move and additional lease actions in nine of the agency's Regional Office with an estimated cost of \$31.5 million;¹ and the remaining 15 percent (\$57 million) is allocated to costs and activities that include, but are not limited to: information technology, cybersecurity, outreach and inter-agency activities, 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.

FY 2024 Expenses by Category



The increased funding would allow the Agency to maintain and advance critical initiatives begun in FY 2023 and begin the restoration of the purchasing power the Agency lost due to the nine years of flat funding. For example, a stagnant funding level severely limited the Agency's ability to adequately modernize its information technology and physical space infrastructure. Moreover, based on the

¹ The General Services Administration (GSA) estimates the potential move and replication cost for the NLRB Headquarters and lease actions in the regions at \$31.5 million (\$27.5 million for HQ and \$4 million for Regional Offices).

significant increase in case intake in FY 2022², this additional funding would be essential to adequately staff the Regional Offices in anticipation of the continued increase in cases, which will also have downstream effects on the Division of Administrative Law Judges, the Board itself, and our crucial mission support offices. The FY 2024 Budget Request provides:

- \$31.5 million for future of work and physical space reconfiguration of the 1015 Half Street location and Regional Offices;
- \$23.4 million to address some of the Agency’s top priorities that are critical to the enforcement of the NLRA. They include:
 - \$10.2 million and 76 FTE to support the Regional Office staffing crisis;
 - \$13.2 million and 31 FTE to support program offices impacted by the anticipated increase in case handling and build out the NLRB’s mission support workforce. This includes \$6.6 million to address non-labor requirements.
- \$10.9 million to cover inflationary increases in pay and benefits;
- \$6.8 million for information technology modernization, cybersecurity, and data infrastructure; and
- \$4.3 million to strengthen the NLRB’s talent pipeline (talent teams, internship improvements), enhance infrastructure and capacity to support recruitment and hiring, and address staffing and skill gaps.

The investment would strengthen the NLRB’s efforts to protect employee rights guaranteed by the Act through outreach to employees, unions, and employers; timely and high-quality case-processing; and effective modernization efforts for internal and external facing information technology systems.

Under the NLRA, the NLRB is tasked with protecting the rights of private-sector workers to self-organize; to freely form, join, or assist labor organizations; to bargain collectively through representatives of their own choosing; and to engage in other concerted activities for their mutual aid or protection. The Act also establishes that employees have the right to refrain from those activities. The NLRB requires full funding in order to fulfill its mission and vigorously enforce the NLRA as required by Congress. In the Agency’s Regional Offices, where virtually all NLRA enforcement work takes place, the staffing is down 43 percent since FY 2010 and 50 percent since FY 2002.³ This staffing shortfall has created significant challenges for our dedicated field staff as they work to maintain the Agency’s current enforcement efforts. Increased funding would enable the Agency to more fully support these efforts and additional initiatives to effectuate the mission of the NLRA. Accordingly, the NLRB has retained its focus on workforce planning and performance. This investment is planned to increase NLRB’s capacity to fully effectuate its mission.

²The NLRB has seen a significant increase in case handling due to several nationwide organizing campaigns. From FY 2021 to FY 2022, the ULP cases increased by 2,921 or 19 percent and Representation cases increased by 873 or 53 percent.

³ The staffing statistics were based on headcount.

The funding would better position the NLRB to realize improved productivity through substantial investments in technology and training, coupled with continuing review and adjustment of case processing procedures at both the Headquarters and Regional Office levels. The NLRB is committed to ensuring that all offices throughout the Agency are adequately staffed with a diverse team of highly capable, well-trained, mission-focused employees. Funding at the FY 2024 level would ensure the NLRB can provide its personnel with the skills, equipment, and infrastructure needed to fulfill the Agency’s mission. The funding would also support expanded access to the NLRB’s offices, personnel, educational information, and public digital resources by stakeholders and members of the public, including those from underserved communities.

Moreover, the FY 2024 request supports the field staffing mandated by Congress; enables the Agency to address critical staffing shortages resulting from nine straight years of level funding prior to FY 2023, which effectively equated to budget cuts taking into account rising costs; positions the Agency to efficiently manage the anticipated continued increase in case handling; supports the Agency’s ability to meet cybersecurity requirements; and facilitates the Agency’s ability to reduce the footprint of its HQ location by June 2025. The funds would allow the Agency to improve its overall efficiency, effectiveness, and accountability by enabling process improvements for mission critical and mission support operations in order to more fully comport with our Congressional mandate and better serve the public. As these process improvements continue to be implemented and executed in FY 2024, the Agency will have more effective ways to engage the public through in-person and virtual outreach, as well as have enhanced technology platforms that will assist staff in research, intake, tracking, and management reviews.

Base Adjustments +\$10,880,000 / +0 FTE

Mandatory Personnel Pay Inflation +\$10,880,000

Funds are requested to support an estimated 5.2 percent pay raise effective January 2024. This percentage is based on the inflation factor that was provided by the Office of Management and Budget.

Program Increases.....+\$66,059,000 / +124 FTE

Empowering, Rebuilding, and Protecting the Federal Workforce + \$4,347,000 / +12 FTE

This \$4.3 million investment would allow the NLRB to empower, rebuild, and protect the Agency’s most valuable resource, its federal workforce, as the Agency continues its effort to rebuild from the residual impact of nearly a decade of prior year flat funding (again, effectively budget cuts given rising costs), and staff attrition. NLRB will strengthen its federal talent pipeline and retention efforts through the creation of Talent Teams and by continuing its transition to paid internships to make those opportunities more accessible to a wider pool of applicants. The NLRB will also assess existing infrastructure and capacity of Agency managers and HR professionals and the funding needed to support recruitment and hiring efforts. Further, the Agency will use human-capital program evaluations, the Agency’s Human Capital Operating Plan, and HRStat reviews to help evaluate its human capital needs

and capacity gaps (including mission-critical and mission-support needs) and inform Agency decisions about areas in which it should focus its talent search.

Address Regional Office Staffing Crisis, Expand Crucial Education and Outreach Activities in Underserved Communities + \$23,410,000 / +107 FTE

The funding request of \$23.4 million would support 107 full-time equivalent employees and non-labor requirements such as court reporting, interpretation and translation services, travel, and other contractual services. The agency would invest \$10.2 million to hire 76 FTE to continue the restoration of critical field staff, who are the Agency's frontline workers for case processing and public engagement, another \$6.6 million to hire 31 FTE to support program offices impacted by the anticipated increase in case handling, and \$6.6 million to cover non-labor requirements including the cost associated with case processing, post reentry requirements, transit benefits, health units' availability and usage, as well as facilities, information technology and other corporate costs that are associated with onboarding employees. The increase in FTE consists of a variety of ALJs, Auditors, Field Attorneys, Labor Management Relations Examiners, Program Support Assistants, Compliance Officers, Compliance Assistants, Accountants, Administrative Professionals, Human Resource and Security personnel. These positions would:

- Support the Regional Offices to ensure their hiring efforts align with the Agency's DEIA Strategic Plan to improve workforce demographics to better represent the communities our offices serve. This would ensure that the NLRB is more effective in addressing concerns of those who come before the Agency.
- Ensure correct calculations and receipt of full remedies for the victims of violations of the NLRA.
- Effectively handle the substantial litigation that would likely be filed during the coming years as a result of the renewed emphasis on enforcement of the Act.
- Reduce the risk of not providing adequate resources for complex special litigation cases that may not be given sufficient attention to maintain the quality necessary to win what are often high-profile cases.
- Allow the Administrative Law Judges to address expected increases in casehandling.⁴
- Support critical mission-support areas of the NLRB, such as the Division of Administration's processing of personnel actions, security clearances, and training.

In addition, this funding would further strengthen outreach to underserved communities, increase stakeholder awareness their rights and obligations under the NLRA, protect workers' rights, and encourage broader voluntary compliance with the Act. Greater awareness of the Act and employees' right to engage in collective bargaining and other concerted activity for mutual aid or protection, as well as greater access to the NLRB's processes for members of underserved communities, would ensure that

⁴ See footnote 2.

employees are not denied their rights or the opportunity to exercise and enforce those rights because of a deficit of information or other barriers. Vulnerable workers uninformed about their rights are subject to greater exploitation that can result in substandard wages and benefits and contribute to industrial instability and labor unrest, which is what the Congress sought to prevent by enacting the NLRA in 1935.

NLRB Program Office	Cost	FTE	Explanation
Division of Operations-Management Field	\$10,251,977	76	To restore critical field staffing to process case handling workload increases.
Office of the Solicitor	\$128,370	1	To hire a paralegal specialist to address unfair labor practice cases that require expedited consideration by the Board, including motions for summary judgment in test of certification cases; motions for default judgment in no answer and settlement breach cases; petitions to revoke investigative subpoenas; requests for permission to file special appeals; and formal settlements submitted for Board approval.
Division of Judges	\$1,493,143	7	Four of the seven positions are Administrative Law Judges while the remaining three positions are support staff to help address the increase in case handling. The support staff includes an office manager, a law clerk, and a support staff.
Office of Congressional and Public Affairs	\$128,370	1	To perform Congressional and Public Affairs duties relating primarily to the increase in casework. This position would track cases, draft Congressional and press correspondences, collaborate with the Regional and Headquarters Offices to reply to casework inquiries, and research initial responses to oversight requests.
Office of Appeals	\$256,740	2	To handle the increase in appeals from the dismissal of unfair labor practice charges and/or allegations.
Appellate and Supreme Court	\$1,158,903	5	To support the increase in case handling workload.
Division of Advice	\$1,213,497	5	To support the increase in case handling workload by expanding service and creating a discrete unit focused on furnishing formal and informal litigation advice and other cases that require expeditious processing.
Division of Legal Counsel	\$1,124,019	5	To support the increase in case handling workload.

Division of Administration	\$1,057,529	5	To meet staffing needs to support the Agency's hiring surge for field operations and the impacted support offices. (i.e., processing personnel actions, security clearances, and by providing robust training.)
Other Non-Labor Costs	\$6,597,452		To cover the cost associated with processing cases including court reporting, interpretation and translation services, and case related travel. Funding would also support increased post-reentry requirements, including employees resuming use of transit benefits and the Agency's maintenance of Health Units. Also, other non-labor requirements include support for technology, facilities, training, postage, supplies, time and attendance, and security costs associated with the onboarding process.
Total	\$23,410,000	107	

Enhancing Federal Information Technology (IT) Modernization, Cybersecurity, and Data Infrastructure +\$6,764,000 / +5 FTE

The investment would support replacement of the NLRB's outdated NxGen Case Management system and the Agency's efforts to modernize technology infrastructures and applications to meet new federally mandated security requirements. The transition from an "implicit trust" to a "zero trust" security posture will require 1 to 1.5 years and significant staffing investments to complete the effort. In addition, the funding would allow the agency's continued participation in the Department of Justice (DOJ's) Security Operations Center (SOC) support as a service (SOCaaS) pilot. The Agency would prioritize modernization of its cybersecurity infrastructure and improve public awareness of the Agency's mission and activities by increasing the functionality and accessibility of information on the Agency's public website.

a) Replacement of the Legacy Case Management System +\$4,000,000

The current NxGen case management system is a legacy system that is supported by outdated technology and end-of-life product software. The Agency must modernize the system by utilizing newer cloud technology. The Agency plans to expand the FY 2023 "proof of concepts" efforts by developing the NxGen 2.0 system in FY 2024. The Agency would develop the Legal Case Management system in several phases. In the phased approach the "proof of concept" will be expanded to include additional features and implement new technology to replace the legacy system. The current case management system utilizes unsupported technology that poses risks to the Agency IT infrastructure. Additionally, the phased development of the Legal Case Management in FY 2024 will include features that will support the Agency initiative to Enhance Digital Services to Improve Public Awareness.

b) Address the OMB Mandate to Develop a Security Operations Center (SOC) as a Service (SOCaaS) +\$500,000

The Office of Management and Budget (OMB) directed the Cybersecurity Infrastructure Security Agency's (CISA's) Cyber Quality Services Management Office (QSMO) to collaborate with DOJSOC and develop a pilot offering of SOCaaS. Currently, SOCaaS costs are paid through OMB appropriations. CISA's Cyber QSMO identified and selected Small Agencies for Pilot participation. The NLRB was selected as part of this pilot program to receive 24 hours per day, 7 days per week, 365 days per year continuous coverage services, including security monitoring and event triage, centralized logging, endpoint protection platform, advanced email security, zero trust network access, cyber threat hunting, penetration testing, information system security officer support, and supply chain risk management. OMB's funding for the pilot is scheduled to expire at the end of FY 2023. As a result, the NLRB would need funding to continue DOJ SOCaaS beginning in FY 2024 as the Agency continues to modernize its technology infrastructures and technology.

Based on the funding availability this initiative would be limited to SOC monitoring services under DOJ Shared Services. The Agency will strive to satisfy Executive Order (EO) 14028 requirements by using other services that are available with commercial vendors.

c) Enhance Digital Services to Improve Public Awareness +\$1,111,000 / +5 FTE

In FY 2024, the NLRB would enhance initiatives to increase outreach activities to underserved communities by translating Agency public website content to Spanish and other foreign languages across its entire website. The NLRB plans to migrate the public website into the Microsoft Azure cloud for increased security, scalability, and performance. The Agency will continue to take advantage of the cloud to improve its infrastructure. As the Agency seeks to improve its digital services to the public, continued modernization of the public website is a priority. In support of the NLRB FY 2022-2026 Strategic Plan, the purpose of this initiative is to improve public awareness of the Agency's mission and activities.

The NLRB's data systems are still largely geared to a non-digital, document-based information paradigm. Electronic documents (e.g., PDFs) are not the same as digital data. The NLRB's legacy technology and data systems barely allow the Agency to meet its regulatory responsibilities, thus the NLRB urgently needs new, robust, and flexible capabilities to avoid losing future opportunities for public outreach and operational efficiency.

As part of the NLRB's data modernization effort, the Agency plans to employ a Chief Data Officer (CDO), who will manage and improve the Agency's ability to leverage data as a strategic asset. The CDO's responsibilities will include lifecycle data management and developing and enforcing data governance policies. The CDO will be responsible for developing and enforcing the Agency's open data plan, including management of a centralized comprehensive data inventory accounting for all data assets across the Agency. The CDO will also be responsible for developing and maintaining a technological and analytical infrastructure that is responsive to the Agency's strategic data needs, exploiting traditional

and emerging analytical methods to improve decision making, optimize outcomes, and create efficiencies.

Additionally, the expectation is that this investment would enable the NLRB to support additional language translations including Arabic, Chinese, Kreyòl Ayisyen (Haitian Creole), Korean, Pycckom (Russian), Tagalog, Tiếng Việt (Vietnamese), and Pashto. The high-level objectives will include:

- Automation and translation of the entire NLRB public website to support the additional languages.
- Translate versions of E-Filing, Online Charge & Petition, MyAccount Portal, and MyNLRB.
- Service Desk support for intake and response to public website support tickets.
- Additional infrastructure for website redundancy and failover to an alternate site.

d) Combat Cybersecurity Attacks +\$1,153,000

Cyber-attacks against federal agencies have increased significantly and have resulted in multiple breaches at a number of agencies. Cyber defense requires greater speed and agility to outpace our adversaries and the durability and resiliency to recover immediately.

The Department of Homeland Security's (DHS) CISA provides support to agencies for evolving and operationalizing cybersecurity programs and capabilities. As the cyber risk advisor for the federal government, CISA seeks to provide enhanced support for agencies adopting cloud services to improve situational awareness and incident response in cloud environments. CISA is also responsible for aiding federal agencies, critical infrastructure, and industry partners as they defend against, respond to, and recover from major cyber incidents.

Because of the changing threat environment, OMB and CISA have provided the following new guidance for all federal non-DOD agencies: OMB Memorandum M-21-07, dated November 19, 2020, outlines the Federal government's strategic mandate to deliver its information services, operate its networks, and access the services of others using only IPv6. The IPv6 protocol is the next-generation Internet protocol, designed to replace version 4 (IPv4) that has been in use since 1983. Internet Protocol (IP) addresses are the globally unique numeric identifiers necessary to distinguish individual entities that communicate over the Internet. This Memorandum gives Federal agencies specific requirements for completing the operational deployment of IPv6 across all Federal information systems and services.

In FY 2024, the NLRB will begin efforts to modernize Agency applications and infrastructures to meet new federally mandated IPv6 network requirements. The ongoing program will require an additional 1 to 1.5 years to complete. Most applications require replacement or major development modifications. Continued significant manpower investment is required to complete the effort. Migrating to an IPv6-only network involves significant changes to our entire infrastructure, especially the security configurations of our network and cloud devices. Additional contract support staff are required for the buildout and support of the new network environment. The network modernization is planned to be completed in FY 2024, budget permitting, and then a maintenance and support phase is expected

thereafter. In addition to the structural changes, additional operational processes are required. The NLRB requires continued funding to address current staffing/skill gaps:

- Senior Network Engineer (quantity = 1). Current staff lack IPv6 experience. A senior contractor lead will be responsible for daily operations and support required through the end of modernization efforts.
- The Agency requires one senior security contractor to transition operations. Although the current NLRB staff has implemented security defenses, it was based on a perimeter defense against known cyber threats with static filtering. The new Zero Trust Access (ZTA) will require a transition from implied trust to an adaptive trust model built on automated processes and systems.
- Agency will acquire additional software to implement ZTA.

Cost Description	Estimate for FY 2024
Senior Network Engineer – contractor	\$350,000
Senior Security Engineer – contractor	\$300,000
Software for ZTA	\$503,000
Total	\$1,153,000

Preparing for Future of Work and Physical Space Reconfiguration +\$31,538,000 / +0 FTE

An investment of \$27.5 million would support space optimization and reduction of the Agency’s HQ footprint, whether we remain at 1015 Half Street Washington, DC, or move to another location in Washington, DC. The Agency’s HQ current lease expires on June 29, 2025. This provides the NLRB an opportunity to implement savings by significantly reducing the rentable square footage (RSF) currently at 152,872 consistent with GSA guidelines. The NLRB will save approximately \$9.2 million over 20 years if the funds are provided to execute a new lease with a space reduction of at least 18 percent. This reduction aligns with OMB Memorandum M-12-12 Section 3: Reduce the Footprint, as well as former President Obama’s 2014 Memorandum on Enhancing Workplace Flexibilities and Work-Life Programs, which will provide for alternative officing arrangements and a telework program for the approximately 633 employees and contractors in the Agency’s HQ.

Lease actions require GSA to do an open and fair competition. If the lease is awarded to a new landlord, NLRB will be required to do a full construction project and relocate to this new facility after construction. GSA estimates that, in this scenario, design and construction would take approximately 12 months and cost approximately \$27.5 million. If the existing landlord is awarded the new lease, construction to reduce NLRB square footage would take six months and cost approximately \$9 million.

An additional \$4 million would support the replacement of about nine Regional Office leases that are due to expire starting in FY 2024. The funds would cover upfront costs for construction and moving expenses. While the actual investment cost will not be known until the lease actions are awarded, the

funding would allow the NLRB to promptly begin the required lease actions for the NLRB HQ and Regional Offices. The agency will continue to work with GSA to iron out the timing, process, amount, and other details of each lease action.

Funding Level

National Labor Relations Board			
(Dollars in Thousands)			
Detail	FY 2022 Actual	FY 2023 Enacted	FY 2024 Budget Request
Appropriation	\$274,224	\$299,224	\$376,163
FTE⁵	1,210	1,342	1,466

⁵ The FY 2023 and FY 2024 FTE totals do not take into account the historical average of 9 percent attrition rate, which due to onboarding and processing separations, the FTEs for FYs 2023 and 2024 will be ultimately less than the estimates.

Program Activities

The NLRB has five (5) Program Activities that can be thought of as major mission functions for reporting. The Program Activities are Casehandling, Administrative Law Judge Hearings, Board Adjudication, Mission Support, and the Inspector General.

Program Activity	FY 2022 Actual		FY 2023 Enacted		FY 2024 Budget Request ⁶		\$Change from FY 2023 Enacted Budget		%Change from FY 2023 Enacted Budget	
	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE
Casehandling	\$154.1	871	\$162.6	960	\$185.5	1,053	\$22.9	93	14.1%	9.7%
Administrative Law Judges	\$8.2	38	\$9.5	42	\$11.5	49	\$2.0	7	21.1%	16.7%
Board Adjudication	\$21.3	101	\$23.3	110	\$24.4	111	\$1.1	1	4.7%	0.9%
Mission Support	\$89.2	194	\$102.2	222	\$153.0	245	\$50.8	23	49.7%	10.4%
Inspector General	\$1.4	6	\$1.6	8	\$1.8	8	\$0.2	0	12.5%	0%
Total Budgetary Resources	\$274.2	1,210	\$299.2	1,342	\$376.2	1,466	\$77.0	124	25.7%	9.2%

Casehandling

+\$185.5 million / +1,053 FTE

Net Change +\$22.9 / +93 FTE

The casehandling program activity is the processing of unfair labor practice and representation cases. The Agency employees who work in the offices/branches/divisions involved in these processes include: The Office of the General Counsel, Regional Offices, Office of Appeals, Division of Advice (including Injunction Litigation Branch), Division of Operations-Management, Appellate and Supreme Court Litigation Branch, and Division of Legal Counsel.

The Agency is not authorized to initiate cases on its own accord, so the casehandling process starts with Regional Office personnel processing unfair labor practice charges and representation petitions filed by employees, labor organizations, or employers. These charges and petitions are filed in the Agency's Regional and satellite offices across the United States, which are staffed by professional and

⁶ See footnote one.

administrative employees. Each unfair labor practice charge is investigated by contacting and taking evidence from witnesses and requesting and reviewing relevant evidence from all parties involved.

Once an initial investigation is completed, Regional Directors, who are charged with overseeing effective and efficient investigations in field offices, determine preliminarily whether a charge has merit. Historically, Regional Directors nationwide have found approximately 35 to 41 percent of filed charges to be meritorious at this level. In the event of a dismissal, the Charging Party is entitled to appeal that decision to the General Counsel through the Office of Appeals located at Headquarters, where a determination will be made whether the investigation was sufficient and thorough, and the legal conclusion sound. If the Office of Appeals determines that the appeal lacks merit, the Charging Party may seek reconsideration from the General Counsel through the Office of Appeals, but there is no further appeal right. If the General Counsel finds the appeal has merit, the case will be remanded to the Region for the issuance of a complaint, absent settlement. Historically, the Regional Offices settle over 90 percent of meritorious charges filed. These resolutions (i.e., dismissals, withdrawals, or settlements) occur at an extremely early stage, typically within three months after the case has been filed.

Regional Offices seek legal advice from the General Counsel through the Division of Advice located at Headquarters. Cases presenting complex or novel issues, or otherwise dealing with topics the General Counsel has determined require a centralized approach, are submitted by the Regions to the Regional Advice Branch in the Division of Advice, which furnishes guidance and direction. The Regional Advice Branch also prepares and files briefs and statements of position on behalf of the General Counsel as requested by the Board in certain cases, as well as guideline memoranda to aid Regional Offices in dealing with developments in certain areas of the law.

If there are alleged violations of the NLRA requiring immediate relief to maintain or restore the status quo and prevent irreparable harm to employee rights because obtaining a remedy in due course would be too late to effectuate the purposes of the Act, the General Counsel may seek authorization from the Board through the Injunction Litigation Branch of the Division of Advice under Section 10(j) of the Act to seek temporary injunctive relief from a U.S. District Court. In other cases, involving certain alleged violations by labor organizations, the Regional Offices will, on behalf of the Board, petition a U.S. District Court for injunctive relief under Section 10(l) of the Act. If a respondent does not comply with the court order, the Injunction Litigation Branch will consider whether contempt proceedings are appropriate. The Injunction Litigation Branch also represents the Agency in appeals to the circuit Courts of Appeals in cases arising under Sections 10(j) and 10(l), including requests for temporary injunctions pending the appeal and oppositions to respondent requests for temporary stays of injunctions pending the appeal. In FY 2022, the Agency's success rate for Section 10(j) cases was 93 percent. The Agency strives to achieve voluntary prompt resolutions of disputes between employees, employers, and labor organizations in the workplace, which also avoids costly and time-consuming litigation. In FY 2022, the Agency's settlement program was very successful, and a total of 5,140 unfair labor practice cases were settled. For the same period, the Agency issued 738 complaints, and those not

settled are litigated before an Administrative Law Judge, who issues a decision and recommended order subject to review by the Board.

When the Board issues a Decision and Order, the Regional Office will seek to obtain voluntary compliance with the Board Order. Because Board Orders are not self-enforcing, if the respondent does not voluntarily comply with a Board Order, the case is referred to the Appellate and Supreme Court Litigation Branch to seek enforcement of the Order in an appropriate Court of Appeals, and occasionally the Supreme Court. The Appellate and Supreme Court Litigation Branch also defends challenges to Board Orders filed by the parties in the Court of Appeals, and occasionally the Supreme Court. All Supreme Court litigation is handled together with the Solicitor General of the United States in the Department of Justice. After a Board Order is enforced by the Court of Appeals, the General Counsel may initiate contempt proceedings in the event the respondent still refuses to comply. These cases proceed to the Contempt, Compliance, and Special Litigation Branch for contempt or other post-enforcement proceedings. Further, in some cases, while the case is in litigation, the respondent's financial status may change, requiring Agency personnel to be proficient in bankruptcy laws. Compliance with Board Orders and court judgments are overseen by the Regional Offices in accordance with policies and procedures.

The merit, settlement, litigation, and appeal rates for cases handled by the Agency can vary over time. Further, although the number of cases can be accurately counted, those raw numbers do not reflect the reality of casehandling because the cases vary greatly in the amount of time and effort Agency staff must devote to prevent and remedy unfair labor practices and resolve questions concerning representation. The NLRB tracks the total time taken to resolve a case through the investigation, prosecution, and compliance stages. This process includes capturing the timeliness and quality of case processing.

As for representation cases, the Regional Offices process petitions and conduct elections on behalf of the Board. As a result, the General Counsel, who supervises the Regions, develops procedures for the conduct of representation proceedings in accordance with Board precedent and regulations. The Board ultimately determines contested matters, such as the appropriateness of the proposed bargaining unit, and rules on any challenges to ballots or objections to the conduct of an election.

Administrative Law Judges (ALJs)

+\$11.5 million / +49 FTE

Net Change +\$2.0 million /+ 7 FTE

Meritorious charges are litigated before the Agency’s ALJs, who travel around the country to conduct hearings and render decisions and recommended orders. The parties may accept and comply with a judge’s decision. Alternatively, any party may appeal those decisions and recommended orders to the Board, which then reviews the case and issues a final Board decision and order. In FY 2022, the Division of Judges closed 122 hearings, issued 127 decisions, and achieved 343 settlements. Based on the most recent disposition and inventory projections, the NLRB will set a target of 150 closed hearings and 120 decisions for FY 2023 and 170 closed hearings and 140 decisions for FY 2024.

Board Adjudication

+\$24.4 million / +111 FTE

Net Change +\$1.1 million / +1 FTE

Board Adjudication encompasses the activities of the Board, Board Member staff offices, the Office of the Executive Secretary, the Office of the Solicitor, and the Office of Representation Appeals. In an unfair labor practice case, the Board adopts an ALJ’s decision if no exceptions are filed. Historically, around 35 percent of ALJ decisions are not excepted to by the parties and are complied with voluntarily. The remaining cases, where exceptions are filed, require review and issuance of a Board decision. This review and writing process depends on each Board Member’s office being sufficiently staffed with a full complement of attorneys. In representation cases, the Board has delegated the initial processing of these cases to the Regional Offices, but in matters arising from the Regional Offices’ handling of representation cases, including decisions issued by Regional Directors in such cases, may be appealed to the Board for review.

The Board-side attorneys are primarily responsible for assisting the Members in reviewing both unfair labor practice and representation cases and play an integral role in the drafting of decisions. In addition, Board-side staff are called upon to handle the Board’s rulemaking activities, including drafting notices of proposed rulemaking, reviewing comments, and drafting final rules. In short, the staff attorneys are integral to all of this work, and it could not get done without them. In FY 2022, the Board issued 243 decisions in contested cases — 132 decisions in ULP cases and 111 decisions in representation cases. For FY 2023 and FY 2024, it is estimated that the Board will far exceed those numbers and issue 300 or more decisions in contested cases each fiscal year. That number could be even higher given the downstream effects of recent increases in both unfair labor practice and representation case intake in the Agency’s field offices. In addition, the Board currently has two open rulemaking proceedings, and it is possible the Board may initiate additional rulemakings in the current and future fiscal years, which will add significantly to the Board-side attorneys’ overall duties. Adequate funding is necessary to ensure capacity to handle both additional adjudications and rulemakings.

The Executive Secretary is the chief administrative and judicial management officer of the Board. The functions and responsibilities of the Office of the Executive Secretary (“ES Office”) are similar to those

of a Clerk of the Court — to receive and docket all formal documents filed with the Board and issue and serve on all parties the Board’s decisions, orders, rulings, and other case documents. The ES Office is the exclusive point of contact for communications by the parties to cases pending before the Board and, particularly regarding questions about Board procedure and case status inquiries, is the principal point of contact for employers, unions, employees, other Federal agencies, and the public. In its role of facilitating case management, the ES Office relies upon the Board’s electronic case management system to ensure that documents filed and those issued are included in the case record, and to monitor case progress and overall Board case production.

The Solicitor serves as the chief legal adviser and consultant to the Board on all questions of law arising in connection with the Board’s general operations and on major questions of law and policy arising in connection with enforcing, defending, and achieving compliance with Board orders in the Courts of Appeals and the U.S. Supreme Court. The Office of the Solicitor processes, reviews, researches, provides written recommendations to the Board, and drafts appropriate orders with respect to various unfair labor practice case matters that require expedited consideration, including motions for summary and default judgment, special appeals, formal settlement agreements, and petitions to revoke investigative subpoenas. The Office of the Solicitor serves as the Board’s legal representative and liaison in contacts with the General Counsel’s office and other offices within the Board’s organization. The Solicitor’s Office reviews and researches relevant case law, precedent, Board policy, and provides written recommendations for action to the Board with respect to requests from the General Counsel to institute various types of litigation requiring authorization by the Board, such as seeking injunctions, intervention, and contempt, and petitioning for certiorari with the Supreme Court.

Mission Support

+\$153 million / +245 FTE

Net Change +\$50.8 million / +23 FTE

Mission Support encompasses activities from the following offices: The Division of Administration, the Office of the Chief Financial Officer, the Office of the Chief Information Officer, the Office of Ethics, the Office of Congressional and Public Affairs, the Office of Equal Employment Opportunity, the Freedom of Information Act (FOIA) Branch, and the Office of Special Counsel and Labor Relations. Mission Support resources fund multiple functions that have a direct tie to Agency-wide activities. For example, while compensation for field attorneys is funded in the casehandling account, the facilities (and the resulting rent and physical security) and the computer and research systems that they use to conduct their work are funded by Mission Support. Without commensurate funding in Mission Support, casehandling and other critical personnel would not be able to execute their mission critical work of administering and enforcing the NLRA.

Mission Support includes administrative, personnel, human capital, operational, and financial management functions conducted mainly in the central Headquarters office. The various supportive offices, branches, and divisions develop standard operating procedures and protocols consistent with regulatory and legal guidance and promulgate necessary operating directives. Specifically, these

organizational units assess and assist all business operations for the Regional Offices and Headquarters through guidance and support activities related to: administration, human resource management, government and legal ethics, training, recruitment, on/off-boarding, equal employment opportunity principles, labor and employee relations, budget, acquisition, accounting, financial management, facilities, property, security, technology infrastructure, congressional and public affairs, and privacy. The additional resources for these functions are vital to meeting the Agency's diverse hiring goals, promoting diversity, equity, inclusion, and accessibility within our workforce, and fostering broader and more productive engagement with employees and internal labor organizations. In addition, the Agency will continue to support access to Health Units nationwide to help ensure a healthy and safe workforce now that the Agency has returned to in-person operations, especially as the Nation recovers from the COVID-19 pandemic. These efforts will in turn benefit the Agency with respect to employee productivity and retention.

Additionally, the Mission Support includes \$31.5 million to support the costs associated with the upcoming lease actions for the NLRB headquarters and Regional Offices.

Inspector General

+\$1.8 million / 8 FTE

Net Change \$0.2 million / 0 FTE

The amount of \$1.8 million was submitted by the Inspector General (IG) for the FY 2024 Budget Request for the Office of Inspector General (OIG). The IG's requested amount includes payroll salaries and benefits, \$5,250 for training of OIG personnel, \$250,000 for the Agency's Financial Statement Audit contract, and \$6,825 for support of the Council of the Inspectors General on Integrity and Efficiency (CIGIE).

VIII. Information Technology Investment Strategy

The NLRB Office of the Chief Information Officer (OCIO) is expanding its capabilities to create a dynamic Information Technology (IT) organization that not only supports OCIO's operations but shapes the enterprise strategy solution to deliver value and advance the Agency's broader mission as well as its efforts to improve productivity and provide greater transparency.

The Agency's NxGen Case Management System, which replaced 11 stove-piped systems, has undergone considerable changes since 2009 when it was introduced, but it is a legacy system at the end of its lifecycle. This was the Agency's first effort to migrate its technical infrastructure to a hybrid cloud environment. The transformation resulted in reduced paperwork, more efficient casehandling processes, increased telework and remote access to information, and expedited issuance of NLRB decisions.

In the last four fiscal years, some enhancements to the NxGen system were performed to modernize the system to adapt to newer cloud technologies as budget permitted. These enhancements maximized system availability to support the development of a scalable data warehouse with multiple data marts for real-time case management analytics.

Since the NxGen system was originally built for 'on-premises' IT infrastructure, the core software and tools used by the system are outdated and have reached end-of-life support. The system does not satisfy current, end-to-end cybersecurity requirements and incurs a high operations and maintenance cost.

NxGen 2.0, the replacement case management system, has a planned development for FY 2024, budget permitting. The modernization is expected to be an expansion of FY 2023 "proof of concept" efforts that the Agency hopes to get accomplished. The resulting fully developed replacement system will be adopted as the NxGen 2.0 modernized system in the following fiscal year. The implementation will support the Agency's efforts to take a leadership role in the changing labor relations management landscape:

- Leveraging technology as a strategic asset for a facts-based, data-driven, and customer-focused organization.
- Providing opportunities to harness its vast data assets strategically to improve internal decision-making and efficiently use resources, maximizing the impact of public-facing programs, and providing the public and private industry with easy access to data that can solve public problems and drive innovation.
- Improving the productivity of Agency case management through the standardization of business processes in a consistent, reliable, scalable state using new service-oriented technologies.
- Optimizing business processes and providing employees with ready access to the tools, data, and documents that they require to perform their jobs from anywhere, at any time, enhancing their performance in-office and while teleworking.
- Transforming the way NLRB serves the public and providing additional website language support to underserved communities; thus, making Agency information and case processes more accessible and transparent to all people.
- Providing more information to constituents in a timely manner and reducing manual Freedom of Information Act (FOIA) request processes.

- Reducing the paperwork burden on constituents, including individuals, labor unions, businesses, government entities, and other organizations through digitizing of forms and case intake.
- Implementing a technology platform to empower both internal users and the public and providing near real-time data analysis, predictive analytics, and interactive visualizations on structured and unstructured data.
- Integrating artificial intelligence services to identify and label content providing a means to categorize, monitor, and control access to agency data for Data Loss Prevention cybersecurity needs.
- Establishing governance and program service indicators to identify, triage, and act on risky user system activity.
- Enhancing cyber defenses to assist the Agency in monitoring cyber threats to respond in real time and satisfy FISMA Cybersecurity requirements. Provide the Agency with cyber defense tools that will allow identification of key metrics and remediation.

IX. Attachments

Attachment 1 - Amounts Available for Obligation

Amounts Available for Obligation			
(Dollars in Thousands)			
Description	FY 2022 Actual	FY 2023 Enacted	FY 2024 Budget Request
Annual Appropriation	\$274,224	\$299,224	\$376,163

Attachment 2 - Budget Authority by Object Class

Budget Authority by Object Class			
(Dollars in Millions)			
Object Class Categories:	FY 2022 Actual	FY 2023 Enacted	FY 2024 Budget Request ⁷
Personnel Compensation	\$159.1	\$171.5	\$192.9
Personnel Benefits	\$57.3	\$61.8	\$71.2
<i>Sub Total Personnel Compensation</i>	\$216.4	\$233.3	\$264.1
Travel and Transportation of Persons	\$0.6	\$1.2	\$1.3
Transportation of Things	\$0.2	\$0.2	\$0.2
Rental Payments to GSA	\$23.7	\$23.5	\$55.0
Communication, Utilities, and Miscellaneous Charges	\$3.4	\$3.4	\$3.4
Printing and Publications	\$0.2	\$0.2	\$0.2
Other Services	\$26.6	\$36.0	\$50.0
Supplies and Materials	\$0.2	\$0.3	\$0.4
Equipment and Furniture	\$2.7	\$1.0	\$1.5
Insurance Claims & Indemnities	\$0.2	\$0.1	\$0.1
<i>Sub-total Direct Budget Authority</i>	\$57.8	\$65.9	\$112.1
Total	\$274.2	\$299.2	\$376.2

⁷ See footnote one.

Attachment 3 - Major Workload and Output Data

Major Activities	FY 2022 Actuals	FY 2023 Estimate	FY 2024 Estimate
1. Regional Offices			
Unfair Labor Practices (ULP) Cases ⁸	18,002	19,861	21,912
Representation Cases	2,511	2,726	2,959
Regional Director Decisions ⁹	342	269	538
2. Administrative Law Judges			
Hearings Closed	122	150	170
Decisions Issued	127	120	140
3. Board Adjudication			
Contested Board Decisions Issued	243	300	300
4. Board Decisions Requirement			
Court Enforcement	27	60	65

⁸ The NLRB updated its Unfair Labor Practice Cases statistics in February 2023. The numbers in the chart above more accurately reflect actuals and estimates based thereon.

⁹The FY 2023 rate for Regional Directors' decisions was updated to more accurately align with changes in the election process related to addressing COVID-19 levels.

Attachment 4 – Status of Open Audit Recommendations

Audit No.	Audit Title	Report Date	Agreement Date	Rec #	Recommendation	Status
FY 2016						
OIG-AMR-77-16-02	Training and Conferences	9/27/2016	9/27/2016	5	We recommend that OED require continuing service agreements for all employees taking training.	OED is continuing to work with the Office of Special Counsel regarding the use of Continuing Service Agreements (CSA) in certain circumstances, such as extended leave without pay to conduct study, research, or a teaching position. Notably, at the moment, the Agency does not have the budgetary capacity to use significant funds for training. Thus, the Agency does not want to disincentivize Agency employees from utilizing the minimal training funds that are available by creating restrictions on their mobility/ability to seek outside employment.
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.	Management Succession Plan is awaiting concurrence from Agency leadership.
Total FY 2016	2					
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	Finance is working to resolve by executing the following steps:

Audit No.	Audit Title	Report Date	Agreement Date	Rec #	Recommendation	Status
					appropriate action to correct the accounting errors.	1. Assessment 2. Reconciliation 3. Further discussion with IG.
Total FY 2020	1					
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 cross warning report.	85% Complete -The Data Act Policy is under review.
OIG-AMR-95-21-03	DATA Act	8/30/2021	8/30/2021	2	Resolve the discrepancies in the Program Activity Codes between the financial system, OMB's MAX Collect Repository, and the President's Budget Program and Financing Schedule.	85% Complete -The Data Act Policy is under review.
Total FY 2021	2					

Audit No.	Audit Title	Report Date	Agreement Date	Rec #	Recommendation	Status
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.	The work group has completed a list of recommendations that include both changes in business practice and NxGen modifications. Operations- Management have placed service tickets for the proposed modifications
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.	The work group has completed a list of recommendations that include both changes in business practice and NxGen modifications. Operations- Management have placed service tickets for the proposed modifications
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.	Operations-Management is working to develop training program.
OIG-AMR-97-22-04	Casehandling Efficiency	6/27/2022	6/27/2022	3	Develop appropriate internal controls related to strategic planning, goal implementation management, and data management.	The GC's Office has tentatively approved the work report and has asked for the development of

Audit No.	Audit Title	Report Date	Agreement Date	Rec #	Recommendation	Status
						administrative policy document prior to final approval. That document is in the in final stages of being prepared.
OIG-AMR-100-22-05	FY 2022 FISMA	8/26/2022	8/26/2022	1	We recommend that the OCIO perform corrective actions to ensure that the System Security and Privacy Plan is updated to comply with NIST 800-53 Revision 5.	The OCIO procured and onboarded contractor to document and update the NLRB GSS SSP and Privacy Plan to comply with NIST REV 5. Scheduled completion of the updated SSP is still on schedule for the end of Q2 FY 23.
OIG-AMR-98-22-06	Division of Judges	9/29/2022	9/29/2022	1	We recommend that the Division of Judges develop internal controls to ensure the completeness and accuracy of its case processing data to include but not limited to the assignment of cases to ALJs.	The Division has formed a Case Processing Committee, assisted by the OCIO, who will provide technical assistance and lead the implementation of any needed changes in the NxGen system. The Division anticipates the Committee completing its work by the end of Q2, FY 2023 (March 31).
OIG-AMR-98-22-06	Division of Judges	9/29/2022	9/29/2022	2	We recommend that the Division of Judges consult with the Board and determine if the current decision issuance time targets are	The Division agrees to evaluate the relevance and appropriateness of its

Audit No.	Audit Title	Report Date	Agreement Date	Rec #	Recommendation	Status
					relevant and appropriate.	existing time targets. The Division will convene a working group comprising the Chief of Staff and experienced judges to make recommendations to the Board on whether the existing time targets should be revised and, if so, what time targets should be implemented going forward. The target completion date is the end of Q2, FY 2023 (March 31).
OIG-AMR-98-22-06	Division of Judges	9/29/2022	9/29/2022	3	We recommend that the Division of Judges adopt appropriate internal controls to address the issuance of ALJ decisions in accordance with its time targets.	The Division will adopt appropriate internal controls to monitor the judges' timely issuance of decisions. The target completion date is the end of Q2, FY 2023 (March 31)
OIG-AMR-98-22-06	Division of Judges	9/29/2022	9/29/2022	4	We recommend that the Division of Judges develop and implement policies and procedures that ensure the assignment of cases on a rotational basis.	The Division agrees to develop and implement written policies to memorialize the practice and promote its consistent application. The target completion date is March 31, 2023.
Total FY 2022	9					

Audit No.	Audit Title	Report Date	Agreement Date	Rec #	Recommendation	Status
FY 2023						
OIG-F-27-23-01 (ML)	Audit of NLRB Fiscal Year 2022 Financial Statements – Management Letter	12/9/2022	12/9/2022	1	Develop policies and procedures to ensure accruals related to construction or capital improvement are consistent and accurately recorded in both PP&E and A/P accounts.	The Action Plan was provided to the OIG on 2/28/2023.
OIG-F-27-23-01 (ML)	Audit of NLRB Fiscal Year 2022 Financial Statements - Management Letter	12/9/2022	12/9/2022	2	Develop and implement internal controls to ensure that the Office of Chief Financial Officer’s policies and procedures are consistently followed including but not limited to the monitoring of new construction or capital improvements on a quarterly basis and appropriately recording and reporting as projects are completed.	The Action Plan was provided to the OIG on 2/28/2023.
OIG-F-27-23-01 (ML)	Audit of NLRB Fiscal Year 2022 Financial Statements - Management Letter	12/9/2022	12/9/2022	3	Assess whether the Office of the Chief Financial Officer is adequately staffed with personnel to monitor expired contracts, initiate contract close-out, and de-obligate funds in a timely manner.	The Action Plan was provided to the OIG on 2/28/2023.
OIG-F-27-23-01 (ML)	Audit of NLRB Fiscal Year 2022 Financial Statements – Management	12/9/2022	12/9/2022	4	Ensure monitoring of expired contracts is performed on a quarterly basis, contract closeout procedures are initiated, and open balances are de-obligated in a timely manner.	The Action Plan was provided to the OIG on 2/28/2023.

Audit No.	Audit Title	Report Date	Agreement Date	Rec #	Recommendation	Status
	Letter					
FY 2023	4					
Total Open Recommendations	18					