

**JUSTIFICATION
OF
PERFORMANCE BUDGET
FOR
COMMITTEE ON APPROPRIATIONS**



FISCAL YEAR 2014

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I. Introduction

This document combines the National Labor Relations Board's (NLRB) budget estimates and Annual Performance Plan for FY 2014. The Plan sets strategic goals for the fiscal year, and describes a number of initiatives that will help the Agency to use resources efficiently and effectively, and achieve the annual and long-term performance goals under the Government Performance and Results Modernization Act of 2010 (GPRAMA).

The FY 2014 budget request of \$284.991 million will support 1,680 full-time equivalents (FTE), which will enable the Agency to fund casehandling efforts and provide additional resources needed to comply with government-wide programs, including ethics, e-litigation, financial management and information technology requirements. The funding would also cover mandatory General Services Administration (GSA) space rent and Federal Protective Service (FPS) security charges that are projected to increase by a total of \$3 million over FY 2012 levels. The request is discussed in detail in Section IX.

The Board is operating with three members, Chairman Mark Gaston Pearce and Members Sharon Block and Richard F. Griffin. Lafe Solomon has been Acting General Counsel since June 21, 2010.

II. VISION STATEMENT

The NLRB strives to create a positive labor-management environment for the nation's employees, unions, and employers by assuring that employees have free choice on union representation and by preventing and remedying statutorily-defined unfair labor practices. The Agency maintains a customer-focused philosophy that best serves the needs of the American people.

III. MISSION STATEMENT

The mission of the NLRB is to carry out the statutory responsibilities of the National Labor Relations Act (NLRA), the primary federal statute governing labor relations in the private sector, as efficiently as possible, in a manner that gives full weight to the rights of employees, unions, and employers.

IV. MAJOR GOALS

The primary function of the NLRB is the effective and efficient resolution of charges and petitions filed voluntarily under the NLRA by individuals, employers or unions. The two major goals of the NLRB focus on timeliness and effectiveness in addressing caseload. The major goals are to:

- Promptly resolve all questions concerning representation
- Promptly investigate, prosecute, and remedy unfair labor practices by employers or unions

V. AGENCY ROLE AND FUNCTIONS

The NLRB is an independent federal Agency created by Congress in 1935 to administer and enforce the NLRA, the primary federal statute governing labor relations in the private sector.¹ The purpose of the law is to serve the public interest by reducing interruptions in commerce caused by conflict between employers and employees. It seeks to do this by providing orderly processes for protecting and implementing the rights of employees and regulating the respective relationships between employees, their unions and employers. The Act contains a statement of employees' bill of rights, which establishes freedom of association for the purposes of participating in the practice and procedure of collective bargaining. Under the Act, the NLRB has two primary functions: (1) to conduct secret-ballot elections among employees to determine whether they wish to be represented by a union, and (2) to prevent and remedy statutorily defined unfair labor practices by employers and unions.²

The five members of the National Labor Relations Board ("the Board"), as well as the General Counsel, are appointed by the President, subject to confirmation by the Senate. The Board and the General Counsel maintain a headquarters in Washington, D.C., and the Agency also maintains a network of Regional³ ("Field") offices, each of which is under the direction of a Regional Director⁴, and three satellite Judges' offices.

All NLRB proceedings originate from the filing of charges or petitions by employees, labor unions, or private employers who are engaged in interstate commerce. About 24,400 cases are received annually by the Board through its Regional, Sub-regional, and Resident Offices. Of those, approximately 21,700 are unfair labor practice (ULP) charges and the remaining 2,700 are representation cases, a majority of which are petitions to conduct secret ballot elections.

The NLRA assigns separate and independent responsibilities to the Board and the General Counsel: The General Counsel's role is chiefly prosecutorial and the Board's is adjudicative.

¹Major amendments to the Act were enacted in 1947 (the Taft-Hartley Amendments) and in 1959 (the Landrum-Griffin Amendments).

²Exhibit A provides detailed descriptions of the types of cases handled by the Agency.

³Including Sub-Regional and Resident Offices.

⁴Exhibit B is an organization chart of the Agency.

Congress created the position of General Counsel in its current form in the Taft-Hartley Amendments of 1947. At that time, it gave the General Counsel sole responsibility -- independent of the Board -- to investigate charges of unfair labor practices and decide whether to issue complaints.⁵ The General Counsel's decision to prosecute or not is unreviewable. Typically, Regional Directors, who are delegated the General Counsel's complaint authority, find support for the charges in about one-third of the filings and dismiss or approve withdrawal in the remaining two-thirds of the cases.

In the event of a dismissal, the charging party is entitled to an explanation, and if not satisfied, can appeal the decision to the Office of Appeals of the General Counsel's staff in Washington. The Office of Appeals will review the file to determine whether the investigation was complete and the legal conclusion sound. If the dismissal is upheld, the case is closed; if the appeal is sustained, a complaint is issued.

In those ULP cases where merit is found, (i.e., worthy of prosecution) either by a Regional Director or by the Office of Appeals, more than 90 percent are resolved through the Agency's settlement program without formal litigation, a rate that has been sustained over the past few years. It has long been the NLRB's belief that all parties are better served if disputes are settled without the need for time-consuming and costly litigation. A complaint that is not settled or withdrawn is tried before an administrative law judge, who issues a decision, which may be appealed to the Board through the filing of exceptions. The Board acts in such matters as a quasi-judicial body, deciding cases on the basis of the formal trial record according to the statute and the body of case law that has been developed by the Board and the federal courts.

In those cases in which the Board determines that a violation of the Act has been committed, the role of the General Counsel is to act on behalf of the Board to obtain compliance with the Board's order remedying the violation.⁶ Although Board decisions and orders in ULP cases are final and binding with respect to the General Counsel, they are not self-enforcing. If a party refuses to comply with a Board decision, the Board must petition for court enforcement of its order. In addition, the statute provides that any party aggrieved by a Board decision (other than the General Counsel) may seek review of the Board's decision in the U.S. Courts of Appeals. In court proceedings to review or enforce Board decisions, the General Counsel represents the Board and acts as its attorney. Also, the General Counsel acts as the Board's attorney in contempt proceedings and when the Board seeks injunctive relief under Section 10(e) and (f) after the entry of a Board order and pending enforcement or review of proceedings in circuit court.

Further, at times, the financial status of the respondent changes during the time the case is being litigated. These changes may require more sophisticated litigation in bankruptcy and federal district courts pursuant to the Federal Debt Collection Procedures Act of 1990. As the Agency has been required to engage in this complex litigation, considerable staff resources have been devoted not only to the actual litigation, but also preparing and training staff to represent the Agency in these forums.

⁵Exhibit C is a chart on ULP case processing.

⁶Exhibit D is a chart on NLRB Order Enforcement.

The NLRA also authorizes seeking preliminary injunctive relief. Section 10(j) of the Act provides that where the General Counsel has issued a complaint alleging that any type of unfair labor practice has been committed except certain practices specified under Section 10(l), by a union or by an employer, the Board *may* direct the General Counsel to institute injunction proceedings if it determines that immediate interim relief is necessary to ensure the efficacy of the Board's ultimate order. Under Section 10(l) of the Act, when a Region's investigation of a charge yields reasonable cause to believe that a union has committed certain specified unfair labor practices, such as a work stoppage or picketing with an unlawful secondary objective, the Regional Director is *required*, on behalf of the Board, to seek an injunction from a U.S. District Court to halt the alleged unlawful activity.

The Agency's other major responsibility is conducting secret-ballot elections for employees to choose whether or not to be represented by a union.⁷ Representation cases are initiated by the filing of a petition -- by an employee, a group of employees, an individual or labor organization acting on their behalf, or in some cases by an employer. The petitioner requests an election to determine whether a majority of the employees in an appropriate bargaining unit wish to have or to continue to have union representation, thereby warranting certification or re-certification of that labor organization as the employees' bargaining representative. The role of the Agency in such cases is to investigate the petition and, if necessary, to conduct a hearing to determine whether the petitioned-for unit of employees constitutes an appropriate bargaining unit under the Act. The NLRB must also determine which employees are properly included in the bargaining unit and therefore eligible to vote, conduct the election if an election is determined to be warranted, hear and decide any post-election objections to the conduct of the election, and, if the election is determined to have been fairly conducted, to certify its results.

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

Section 3(d) of the Act assigns to the General Counsel general supervision over all attorneys employed by the Agency (other than the administrative law judges, the Agency Solicitor, and the attorneys who serve as counsel to the Board Members) and over the officers and employees in the Regional Offices. The Board has also delegated to the General Counsel general supervision over the administrative functions of the Agency.

Under the General Counsel, the Division of Operations-Management has responsibility for the administration of the NLRB's Field offices. Approximately 70 percent of the Agency's staff is employed in the field, where all ULP charges and representation petitions are initially filed. Currently, the Field offices include 28 Regional Offices, 7 Sub-Regional Offices, and 16

⁷Exhibit E is a chart on representation case processing.

Resident Offices.

VI. STRATEGIC INITIATIVES

Protected Concerted Activity

In June 2012, the Agency made public a webpage that describes the rights of employees to act together for their mutual aid and protection, even if they are not in a union. The right to engage in certain types of concerted activity was written into the original 1935 National Labor Relations Act's Section 7, which states that: "Employees shall have the right 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 the purpose of collective bargaining or other mutual aid or protection, and shall also have the right to refrain from any or all such activities."

The page, at www.nlrb.gov/concerted-activity, tells the stories of more than a dozen recent cases involving protected concerted activity, which can be viewed by clicking points on a map. Among the cases: a construction crew fired after refusing to work in the rain near exposed electrical wires; a customer service representative who lost her job after discussing her wages with a coworker; and an engineer at a vegetable packing plant fired after reporting safety concerns affecting other employees.

Social Media Guidance

In FY 2012, the Acting General Counsel issued two new reports on social media cases brought to the Agency, continuing a focus that started in 2011 with the issuance of the first report on this new aspect of labor law.

Given the evolving nature of social media cases, by reviewing over 75 cases submitted by field offices, the Acting General Counsel has made a concerted effort to use actual case information to provide guidance to the labor law and human resources community. This comprehensive review was done in the interest of developing a consistent approach to this area of labor law involving technology and forms of expression that did not exist at the time of the passing of the NLRA.

The first report issued in FY 2012 represents the Acting General Counsel's interpretation of the Act as it applies to social media. It notes that these cases are extremely fact-specific and reinforces the main points from the report issued in 2011. The report describes social media cases reviewed by the Acting General Counsel's office, combining with last year's report to provide guidance to practitioners and human resource professionals on questions about employee disciplines and discharges as a result of social media activities.

The second FY 2012 report (third in the series) focuses exclusively on company policies governing the use of social media by employees. It covers seven cases involving such policies and provides specific examples from those cases of policies that were found to be partially or

fully lawful. Taken together, the reports provide current information and guidance on all aspects of the evolving intersection of social media and employee rights under the NLRA.

The reports issued thus far underscore two main points:

- Employer policies should not be so sweeping that they prohibit the kinds of activity protected by federal labor law
- An employee's comments on social media are generally not protected if they are mere gripes not made in relation to group activity among employees

Deferral Policy

As part of an effort to review NLRB practices to identify ways to better serve parties in contractual grievance-arbitration procedures, the Acting General Counsel proposed that the Board consider revising its existing policy of deferring charges to arbitration in certain circumstances. When it is anticipated that charges alleging violations of Section 8(a)(1) and (3) - including discharges or other forms of discrimination based upon union activities, will not be resolved or arbitrated within a year, the Acting General Counsel urged the Board to decide such cases on its merits, rather than defer.

The Acting General Counsel's goal, described in a memo sent to the Board, is to ensure a prompt resolution of disputes in those cases where backlogs hold up the process, sometimes for many years. By having Regional staff investigate the possibility of backlogs and refer the case to Headquarters for review instead of deferral, the Agency can identify trends and quickly bring the issue to the Board. The regions are currently reviewing all cases in deferral status for over a year to determine whether they should be removed from that status and processed through investigation and a determination on the merits.

Deferral of cases to the parties' collective bargaining agreement grievance-arbitration procedures has been the NLRB's long-standing policy to encourage collective bargaining and the private resolution of disputes. However, excessive delay can cause the circumstances at the job site to change so much over time that it makes the enforcement of a Board order pointless. This change in the Deferral Policy strengthens the Board's ability to effect meaningful compliance with the NLRA.

In addition, the Acting General Counsel announced a new approach to post-arbitral deferral cases as well as grievance settlements involving allegations of Section 8(a)(1) or (3). In these cases, the party urging deferral must demonstrate that the statutory issue was presented to the arbitrator and that the arbitrator considered that issue. In settlements, there must be evidence that the parties intended to settle the unfair labor practices in settling the matter and that the settlement meets the standards set forth in *Independent Stave*.

Special Remedies

Seeking 10(j) injunctive relief is an effective remedy the Board has used for many years in cases involving an employer's unlawful conduct during an organizing campaign. In 2010, the Acting General Counsel initiated a streamlined process for seeking 10(j) injunctive relief in these types of cases. The intent of the streamlined process was to ensure that these cases were identified and processed in "real time" to provide relief to affected employees. However, often times, discharges are accompanied by other serious unfair labor practices such as threats, solicitation of grievances, promises or grants of benefits, interrogations, or surveillance. These additional unfair labor practices also have a serious impact on employee free choice, as they inhibit employees from engaging in union activity and dry up channels of communications between them. Thus, the Acting General Counsel is seeking in appropriate cases the following remedies to enhance the effectiveness of Section 10(j) of the Act and ultimate Board relief.

Public Reading of Board Notices: In organizing cases, the Board's cease-and-desist and notice posting remedies announce to employees, who have been subjected to interference, restraint, and coercion with respect to their right to select a bargaining representative, that they have a protected right to engage in such activity free from unlawful reprisal. A public reading of a Board notice by a responsible official of the charged entity or a Board agent (with a responsible official present,) not only ensures that the information set forth in the notice is disseminated to all employees, but also allows employees to take in all of the notice, as opposed to hurriedly scanning the posting, under the scrutiny of others. Regions can specifically seek language in an order that the notice should be read to the widest audience possible.

The Board has also incorporated the concept of electronic posting of notices in cases where the Respondent uses its electronic systems routinely to communicate with employees. Electronic posting in these cases is in addition to the manual notice posting.

Access Remedies: The full exercise by employees of their Section 7 rights requires that employees be fully informed not only concerning those rights, but also concerning the advantages and disadvantages of selecting a particular labor organization, or any labor organization, as their bargaining representative. Where an employer unlawfully interferes with communications between employees, or between employees and a union, the impact of that interference requires a remedy that will ensure free and open communication. Remedies include: union access to non-work areas on non-work time, to employer bulletin boards and to employee contact information; union notice of, and equal time and facilities for, the union to respond to any address made by the employer regarding union organizing; and a union right to deliver a speech to employees before a representation election.

These access remedies assure employees that they can learn about unionization and can contact union representatives in an atmosphere free of restraint or coercion and without fear of retaliation.

In addition to the special remedies in organizing campaigns, for the past several years the NLRB has pursued special remedies in first-contract bargaining cases. Regional Offices were instructed to consider remedies beyond the standard bargaining order to effectively address the consequences of bad faith bargaining and other violations during initial contract negotiations.

These remedies included: public notice reading, required bargaining on a set or compressed schedule, periodic reports on bargaining status, a minimum six-month extension of the certification year, and reimbursement of bargaining expenses and/or litigation expenses.

The Acting General Counsel also issued guidelines that provide more effective backpay remedies for illegally discharged employees. These guidelines outline new methods for calculating backpay that includes daily compounded interest and compensates for search-for-work-related expenses and tax penalties on lump sum payments. In FY 2012, the initiative resulted in 209 offers of reinstatement to unlawfully discharged employees and the collection of \$1.7 million in backpay. In FY 2011, 272 offers of reinstatement resulted in the collection of \$1.3 million in backpay.

Reimbursement of Excess Income Taxes Paid/Reporting of Backpay Allocation to the Social Security Administration: In *Latino Express, Inc.*, the Board adopted the Acting General Counsel's proposed remedies requiring reimbursement of excess income taxes paid as a result of discriminatee's receipt of lump-sum backpay and reporting of the backpay allocation to the Social Security Administration (SSA). These new remedies better serve the remedial policies of the National Labor Relations Act by ensuring that discriminatees are truly made whole for the discrimination they have suffered.

Public Affairs and Information Program

In FY 2014, the Office of Public Affairs (OPA) will continue its efforts to increase transparency and inform the public about the NLRB's work through its revamped public website, news releases and announcements, social media, outreach materials, and regular contact with news media.

Through FY 2013 and FY 2014, these efforts will benefit from, and build on, a major Information Technology initiative that has centralized the Agency's case processing system, making electronically available case status and a range of documents that were once difficult to access. A data coordinator position has been recently created to assist OPA to manage this new flow of data and present it to the public in meaningful ways.

When appropriate, case status updates and documents will be automatically posted to the public website, where they can be found via Search or on Case Pages. (Each NLRB case now has its own webpage.) Statistical data – more reliable and readily available than ever before – is being used to create a robust section of tables and charts that describe Board processes and case intake. Public schedules of the Agency's top officials, Board Members and the Acting General Counsel, are being made available through posted calendars, another new web function. This increase in available information will benefit researchers and policy makers, as well as the general public.

The office is developing and will soon launch a mobile website and smart phone app informing members of the public of their rights under the National Labor Relations Act. Additional apps may be developed in the future as the need arises.

Created in 2009, the Office of Public Affairs will continue to support Board and General Counsel

initiatives, such as rulemaking or enforcement initiatives, with fact sheets, news releases, and interviews with journalists. The office now has more than 15,000 email subscribers to various products, including press releases, a Weekly Summary of Decisions, and guidance memos. It will also continue to work with Outreach Coordinators at headquarters and in the field to develop materials such as brochures for outreach presentations and events.

Further, OPA also arranges presentations about the NLRB and U.S. labor laws to more than a dozen foreign delegations each year and has expanded the Agency's initiative of working with academics developing materials and projects that would be useful for teaching concepts about the National Labor Relations Act in schools.

Public outreach is encouraged, and embraced, at all levels of the Agency. Over the past few years, the Board Members, General Counsel, and Regional management participated in hundreds of speaking engagements, including at myriad law schools, American Bar Association events, the Chamber of Commerce, and various employer, union, and public advocacy groups.

In addition to both the traditional and expanded outreach programs, one of the critical services provided to employers, unions, and employees is the Agency's Public Information Program. Under this program, officers in the field provide information directly to individuals or entities that contact the Agency seeking assistance. In FY 2012, the Agency's 51 Field Offices received 82,669 public inquiries regarding workplace issues. In responding to these inquiries, Board agents spend a considerable amount of time explaining the coverage of the NLRA, accepting charges, or referring parties to other federal or state agencies.

The public can also contact the Agency through a toll-free telephone service (1-866-667-NLRB) designed to provide easy and cost-free access to information. Callers to the toll-free number may listen to messages recorded in English and Spanish that provide a general description of the Agency's mission and connections to other government agencies or to Information Officers located in the Agency's Regional Offices. In FY 2012, the toll-free telephone service received 37,323 calls.

VII. EXTERNAL FACTORS AND AGENCY GOALS

Various external factors can affect each goal, objective, and performance measure contained in the NLRB's Strategic and Annual Performance Plans. These factors include the following:

Budget

The FY 2014 request of \$284.991 million represents a 2.4 percent increase over the \$278.306 million received in FY 2012. The funding will enable the Agency to support 1,680 FTE, and GSA space rent and FPS security charges, including a projected \$3 million increase in rent and security costs over FY 2012 totals, plus information technology, court reporting, case-related travel, and other activities critical to handling case intake expected to remain at FY 2012 levels through FY 2014. Budget shortfalls have a direct impact on staffing resources, casehandling,

and Agency performance. The goals, measures and targets detailed in Section XII assume the \$284.991 million set forth in this request.

Case Intake

Case intake totaled 24,268 cases in FY 2012, including 21,622 unfair labor practice (ULP) cases, and 2,646 representation cases. Based on projected trends and current Board law, it is estimated that total ULP and representation case intake will remain stable through FY 2014.

Several factors could affect case intake, however, thereby impacting the Agency's ability to accomplish its strategic goals. As noted, the Agency does not control the number of cases filed. However, any event or issue that addresses terms and conditions in the workplace, such as discussion among co-workers on social media, or that affects labor, which can spur potential union organizing, possibly resulting in an increase in caseload. For instance, employment trends, stakeholder strategies, globalization of the economy, industrial economic trends, corporate reorganizations and bankruptcies, the overall health of the nation's economy, and the level of labor-management cooperation efforts, are all factors that could have an impact on the NLRB's intake and the complexity of its work.

Settlements

Over the past few years, those cases in which merit is found, approximately 90 to 96 percent (91 percent in FY 2012) are settled without formal litigation. Cases are settled through the Agency's settlement program, by which the parties agree to a remedy and thereby avoid time-consuming and costly litigation. While the Agency has experienced outstanding success in achieving the voluntary resolution of ULP and representation cases, the settlement rate is, of course, not entirely subject to the Agency's control.

Disputes cannot always be resolved informally or in an expeditious manner. Parties may conclude that litigation serves their legitimate and/or tactical interests. The Agency's procedures provide for administrative hearings, briefs, and appeals. When the process becomes formal and litigation takes over, Agency costs increase. The Agency calculates that every one-percent drop in the settlement rate costs the Agency more than \$2 million. Therefore, maintaining high settlement rates promotes performance, efficiency, and cost savings.

Presidential Appointments and Vacancies⁸

Another factor outside the control of the Agency is prolonged vacancies on the Board. The Board is currently operating with three members, Chairman Mark Gaston Pearce and two recess appointees, Sharon Block and Richard F. Griffin. Members Block and Griffin were nominated in December 2011, recess-appointed in January 2012, and renominated in February 2013.

⁸ Section XIV includes a chart showing the appointment and term expiration dates of the current Board Members and General Counsel.

Chairman Pearce's term expires in August 2013 and the recess appointments of Members Block and Griffin will last until adjournment of Congress in December 2013, unless they are confirmed by the Senate. Therefore, the Board could be left without a quorum and be unable to issue decisions, resulting in a backlog of cases.⁹

Lafe E. Solomon has been Acting General Counsel since June 21, 2010.

Potential Effect of Statutory Changes

This budget submission is based on an assumption that the statute administered by the Agency will remain essentially unchanged and that the Board's mission and operations will continue as before. As a general matter, of course, changes in the law will affect the Agency's operations and could have an effect on case load.

VIII. PROGRAM EVALUATION

The NLRB uses various techniques and mechanisms to evaluate whether programs are achieving their GPRA goals and other performance targets. The Board regularly tracks the status of all of its cases to determine performance against yearly targets that support the Agency's overarching measures and strategic goals. A standing committee composed of senior management officials, including, among others, the deputy chief counsels of each of the Board Members, meets at the beginning of each month to review the status of cases, to prioritize cases, and to develop lists of cases that the Board Members will jointly focus on each week in order to facilitate the issuance of decisions in those cases. These representatives also report back to the Board Members on performance data and staff workload, among other issues. The Board has an electronic casehandling management system that captures all case events in a database from which case production reports are generated. The Board Members also regularly meet and communicate with each other to discuss cases.

The NLRB also tracks how the various circuit courts have treated the Board's cases on appeal. Over the past several years the Agency's enforcement rate has been among the highest in its history. This trend continued in FY 2012, as reflected in the United States Courts of Appeals rulings on Board decisions in 73 enforcement and review cases. Of those cases, 95 percent were enforced or affirmed in whole or in part, 85 percent were won in full, 4 percent were remanded in part, 4 percent were remanded entirely, and 1 percent were lost in full.

Further, the General Counsel has had an evaluation program in place for many years to assess the performance of its Regional operations. The Quality Review Program of the Division of Operations-Management reviews ULP, representation, and compliance case files annually to

⁹ On January 25, 2013, in *Noel Canning vs. NLRB*, the U.S. Court of Appeals for the DC Circuit issued a decision finding that the January 4, 2012 recess appointments of three members to the NLRB were invalid. The decision maintained that the Senate was still in session at the time of the appointments. On March 12, 2013, the Board, in consultation with the Department of Justice, stated its intent to appeal the decision to the Supreme Court. The petition is due on April 25, 2013.

ensure that they are processed in accordance with substantive and procedural requirements, and that the General Counsel's policies are implemented appropriately. Those reviews have assessed, among other things, the quality and completeness of the investigative file, the implementation of the General Counsel's priorities in the areas of representation cases, Impact Analysis prioritization of cases, and compliance with Agency decisions. Additionally, personnel from the Division of Operations-Management review complaints issued in the Regions to ensure that pleadings are correct and supported. They also conduct site visits during which they evaluate Regional casehandling and administrative procedures. In addition, to assess the quality of litigation a field and Operations-Management Committee reviews all administrative law judges and Board decisions that constitute a significant loss. Moreover, the Regional Offices' performance with regard to quality, timeliness, and effectiveness in implementing the General Counsel's priorities is incorporated into the Regional Directors' annual performance appraisals.

The Division of Operations-Management regularly reviews case decisions to determine the quality of litigation. Other branches and offices, such as the Office of Appeals, Division of Advice, Contempt Litigation and Compliance Branch, and Office of Representation Appeals, provide valuable insight and constructive feedback on the performance and contributions of field offices. Top Agency management also meets regularly with relevant committees of the American Bar Association to obtain feedback on their members' experiences practicing before the NLRB.

In addition to the evaluation of Regional Office activities, the Office of the General Counsel monitors the litigation success rate before the Board and before district courts with regard to injunction litigation. In FY 2012, the Injunction Litigation Branch received 169 cases from Regional Offices to consider for discretionary injunctive relief under Section 10(j) of the Act, as compared to 154 cases received in FY 2011. The Board authorized 58 cases during FY 2012, compared to 59 that it authorized in FY 2011. Regional Offices filed 10(j) petitions in 37 cases in FY 2012 and filed 45 petitions in FY 2011. The "success rate", i.e., the percentage of authorized Section 10(j) cases in which the Agency achieved either a satisfactory settlement or substantial victory in litigation, was 97 percent at the end of FY 2012, compared to 93 percent at the end of FY 2011.

IX. FISCAL YEAR 2014 PERFORMANCE BUDGET

The \$284.991 million requested will fund essential staffing, space requirements, long-term investments in information technology, casehandling expenses, employee development needs, and other operational costs needed to achieve the Agency's mission and goals.

Assumptions

The request is based on the following assumptions:

- Case intake will remain at FY 2012 levels through FY 2014

- The Board will have a quorum.
- The statute administered by the Agency remains unchanged.
- Planned performance goals and measures will be met.

Requirements

The NLRB’s mission – the resolution of labor disputes through investigation, settlement, advocacy and adjudication – relies primarily on skilled and experienced professional employees; accordingly, about 80 percent of the \$284.991 million requested to support annual staffing and operational expenses is dedicated to personnel costs, 10 percent is required for rent and security, and the remaining 10 percent is allocated among all other operating costs and activities, including: IT development, acquisition and maintenance; telecommunications, including leased lines and videoconferencing for all Field offices; court reporting; case-related travel; witness fees; interpreters; maintenance of current legal research collections; training; and compliance with government-wide statutory and regulatory mandates.

The following table places the FY 2014 performance budget request in the context of resources received or anticipated over the FY 2012 through FY 2014 timeframe:

	FY 2012 Actual Obligations	FY 2013 Annualized CR Level¹⁰	FY 2014 Performance Budget
Funding Level (000s)	\$278,306	\$280,009	\$284,991
Agency FTE	1,640	1,655	1,680

The requested funding will enable the Agency to cover compensation and benefits for an estimated 1,680 FTE, including payroll costs, payments of annual leave balances to separating staff, and workman’s compensation expenses. The additional 25 FTE will be distributed amongst both field and headquarters offices to backfill mission critical vacancies that support casehandling efforts and provide further resources needed to comply with government-wide programs. Casehandling hires would include field attorneys and field examiners for Regional Offices and general attorneys for headquarters offices. In addition, staff would be added to bolster the bar and government-wide ethics programs, enhance e-litigation capabilities, and coordinate FOIA responses. Also, a few financial management, information technology (IT) and other administrative professionals would be hired to strengthen internal controls and ensure compliance with all applicable financial, IT, human resources, and other administrative regulations, policies, processes, and procedures.

¹⁰This is the annualized CR level under the CR ending March 27, 2013, which would fund the 1,655 FTE needed to support Agency operational requirements. The \$280 million does not reflect the sequestration cut, which totaled more than \$14 million, or the \$10 million included in the FY 2013 President’s request to fund a GSA-mandated headquarters space reduction and potential relocation. The combined impact of these two requirements would result in a decrease to Agency FTE below the 1,655 level.

The \$284.991 million will also cover mandatory GSA space rent and FPS security charges, including a projected \$3 million increase in rent and security costs over FY 2012 levels, plus case management, financial, and human resources systems, telecommunications, court reporting, case-related travel, training, and other activities critical to handling case intake expected to remain at FY 2012 levels through FY 2014. The request also includes \$113,000 to cover costs associated with Continuity of Operations Planning (COOP). The funding will support approximately .4 FTE and training materials, travel, and supplies required for ongoing COOP development and annual exercises.

Program Activities

The following table illustrates obligations by program activity. Administrative support costs and FTE are included in the totals for each activity.

	FY 2012 Actual Obligations		FY 2013 Annualized CR Level		FY 2014 Performance Budget	
	\$ Millions	FTE	\$ Millions	FTE	\$ Millions	FTE
Field investigation	\$224	1,300	\$226	1,310	\$230	1,330
ALJ hearing	12	100	12	102	12	102
Board adjudication	26	152	26	152	26	153
Securing compliance with Board orders	15	82	15	84	16	88
Internal review	1	6	1	7	1	7
Relocation						
Total	\$278	1,640	\$280	1,655	\$285	1,680

The FY 2014 budget request assumes that case intake will remain close to FY 2012 levels – 21,700 ULP cases and 2,700 representation cases. The initial processing and disposition of new case filings in the Field drives the intake for other stages of the casehandling pipeline. Historically, approximately one-third of the cases dismissed by the Regional Directors based on a lack of merit are appealed to the Office of Appeals; however, a very small percentage of those appeals are sustained. The meritorious charges, if not settled, go onto the administrative law judges' (ALJ) trial calendar, and, after hearing, go to the Board for final review and decision. Some of these cases proceed to the Enforcement Division for contempt or other post-enforcement proceedings. While cases are winnowed out at every stage of the pipeline, the merit, settlement, litigation and appeal rates tend to be constant over time.

With new filings projected to hold at FY 2012 levels, it is expected that caseload at the ALJ hearing and Board adjudication stages of the casehandling pipeline will also remain relatively

stable.

Once the Board has decided a case, the next step in the process is to secure full compliance with Board decisions and orders. The decisions and orders of the Board require either voluntary compliance or enforcement in the courts. A substantial portion of the Field FTE will be devoted to seeking voluntary compliance, while at Headquarters employees from the Division of Enforcement Litigation will continue to seek enforcement of contested cases through the courts. The Agency estimates that the number of cases pending compliance and court litigation will increase slightly between FY 2013 and FY 2014, as the Board deals with a number of “lead” cases currently pending decision. When those decisions are released, other cases involving similar or related issues will be released soon thereafter, resulting in a spike in Board decisional output, in Appellate Court enforcement work, and in compliance work in the regions.

Budget Oversight

The NLRB prides itself on being a responsible steward of taxpayer dollars. As such, the Agency has conserved funds and maximized spending flexibility over the years by imposing hiring controls; restructuring and streamlining the workforce to operate more efficiently and effectively; consolidating space to reduce space rent costs; investing in information technology to achieve long-term savings; and monitoring closely travel and other casehandling and support costs. These practices have enabled the Agency to cover normal operational requirements, serve constituents at a high level, maintain labor peace, and achieve performance goals.

Savings Initiatives

The Agency’s Next Generation Case Management (NxGen) program, financial management systems modernization, and infrastructure consolidation efforts are beginning to provide returns on their respective investments. As such, the Agency is able to achieve a near 10 percent reduction in IT spending in FY 2014, compared to the average spending on IT from FY 2010 through 2012, with no reductions to current programs or services. These initiatives are discussed in detail in Section XI.

DESCRIPTION	AVG SPEND FY 2010-2012	EST SPEND FY 2014	REDUCTION
Legacy/NxGen Case Management	\$4,215,147.06	\$3,705,257.40	\$509,889.66
Financial Systems Modernization	\$2,069,069.94	\$1,375,945.80	\$693,124.14
Consolidated Infrastructure	\$1,750,701.94	\$1,474,670.18	\$276,031.77
Total			\$1,479,045.56

***Average Agency expenditures FY 2010-2012
compared with estimated expenditures for FY 2014***

Additionally, the Agency is undertaking the following initiatives that will save money, increase efficiency, enhance performance, and enable the NLRB to continue to provide high quality service to the public:

1. Unified Communications: In FY 2013, the Agency will continue to implement its plan

for the consolidation of its data, voice, video and wireless networks. In FY 2013, the costs for these segregated services will be in excess of \$3.7 million. The initial FY 2012 investments in Cloud-based messaging, presence, conferencing, and collaboration services in will be offset by deferred investments for servers, storage, hosting, and disaster recovery. After the initial investments in network and end-user voice equipment in FYs 2013 and 2014, the Agency expects total network services costs to be about the same as the current separate allocations for data, voice and video networks. However, the enhanced services will demonstrably improve administrative efficiencies, the gains of which will be realized in future budget years.

2. **Cloud-based email:** The Agency is migrating its email repositories and services to Microsoft's cloud-based, software as a service solution, Office 365. The Agency will repurpose the nearly one million dollar investment in its email infrastructure for use by the NxGen case management system. The prior significant investments in email infrastructure supported 300 megabytes of storage for each Agency employee. The cloud-based service offers over 80 times the storage, and expanded services, for approximately three dollars per user per month.
3. **Telework:** The Agency expects to appreciably increase its telework efforts by FY 2014 and is working with GSA on a plan to significantly reduce space/rent costs going forward. These efforts are supported by recent investments in the NxGen case management system, infrastructure consolidation, and the FYs 2012 and 2013 deployment of over 1,000 new laptops with secure remote access.
4. **Electronic Records Management:** The Agency is modernizing its case records management system and made NxGen the official Regional Office case file for all cases filed on or after October 1, 2012. Managing a single, electronic case file provides significant administrative efficiencies for these offices. The Agency estimates to save at least \$17,000 a year solely on reduced paper supplies, shipping, and Federal Records Center service charges.
5. **E-Filing:** In FY 2012, the Agency received over 31,000 case-related documents through its electronic filing program. Each filing was routed directly into the NxGen system for processing, eliminating the requirements for mail handling and scanning and significantly reducing the need for data entry. In FYs 2013 and 2014, the Agency is expanding this program to enable constituents to E-File charges and petitions, the two initiating documents for the Agency's cases.
6. **E-Service and E-Delivery:** Also in FY 2012, the Agency electronically served and delivered over 500 decisions to more than 38,000 parties and Agency offices who would have otherwise received printed and mailed copies. The estimated printing and postage savings in FY 2011 is in excess of \$13,000. These savings are expected to increase significantly after the Field Offices finish piloting E-Delivery in FY 2013.

In addition to the initiatives above, the Agency also implemented a change in the way copy machine contracts were being managed, opting to manage them in-house, rather than via another

federal agency. This change is expected to save about \$300,000 over FY 2012 costs.

X. OFFICE OF THE INSPECTOR GENERAL

The amount of \$1,250,038 for the Office of Inspector General (OIG) operations was submitted by the Inspector General and was included in this request without change. That amount includes \$10,500 for training of OIG personnel and \$2,993 for support of the Council of the Inspectors General on Integrity and Efficiency (CIGIE). The Inspector General certified to the Chairman that the budget estimate and request would satisfy the training requirements for the Inspector General's office for FY 2014, and any resources necessary to support the CIGIE.

XI. MANAGEMENT INITIATIVES

This section describes the agency's overall management priorities and plan for advancing performance and management outcomes.

Technology Advances

The NLRB Office of the Chief Information Officer (OCIO) is executing enterprise-architecture-based technology programs that deliver value and advance the Agency's mission. The current Information Technology (IT) initiatives support the Agency's broader efforts to improve productivity and provide greater transparency.

The Agency's major IT initiatives are results-oriented and are designed to:

- Improve the productivity of the Agency's case management by standardizing business processes on a single unified case management system.
- Optimize business processes by providing employees ready access to the tools, data and documents they require from anywhere, at anytime.
- Transform the way the NLRB serves the public, including making its case processes transparent and providing more information to its constituents in a timely matter.
- Reduce the paperwork burden on constituents, including individuals, labor unions, businesses, government entities and other organizations.

The Agency's present efforts to accomplish these objectives include several major IT initiatives:

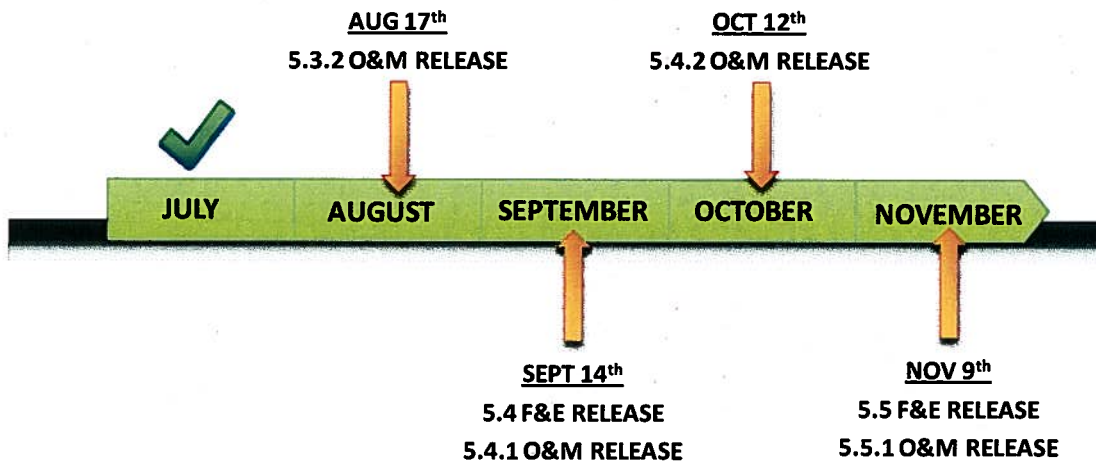
- Next Generation Case Management (NxGen)
- Infrastructure Modernization and Consolidation
- Unified Communications and Mobility
- Desktop Modernization and HSPD-12 Deployment
- E-Government
- Administrative Systems Modernization

Next Generation Case Management (NxGen)

The Agency's enterprise case management system has transitioned from its development phase to a mixed life cycle of continued development and operations and maintenance. Known as the Next Generation Case Management System (NxGen), this system was architected to replace 11 separate legacy systems and integrate into a single unified solution that leverages multiple technologies. This is the most comprehensive technology project undertaken at the NLRB, and its success is essential to the Agency's mission.

In 2010, the White House and OMB issued a memorandum to agencies that reforms the way the Federal Government manages IT projects. The memorandum lists "principles and best practices that have been proven to reduce project risk and increase success rates" for IT projects. These principles and best practices, along with the OCIO's implementation actions, are listed below:

- *Split projects into smaller, simpler segments with clear deliverables.* In late 2009, the OCIO and the NxGen Integrated Project Team (IPT) determined that NxGen would be more successful with an increased number of smaller development efforts, commonly known as an agile methodology. The NxGen team now deploys a release every month – as is illustrated below, alternating between Functionality and Enhancement (F&E) releases and those associated with Operations and Maintenance (O&M).



- *Focus on most critical business needs first.* Along with the change in operating method, the OCIO and IPT modified the program's focus. Whereas it previously appeared that the team was attempting to "boil the ocean," deeper business involvement and shorter timeframes have focused efforts on that which is achievable and adds value.
- *Ongoing, transparent project oversight.* The IPT is the true success story of the NxGen program. This governance group has been and continues to be enthusiastic, involved and supportive. OMB suggests that often senior agency managers do not adequately monitor projects on an ongoing basis once they are underway. With NxGen, the Board and General Counsel have been well served in this capacity by a dedicated group.

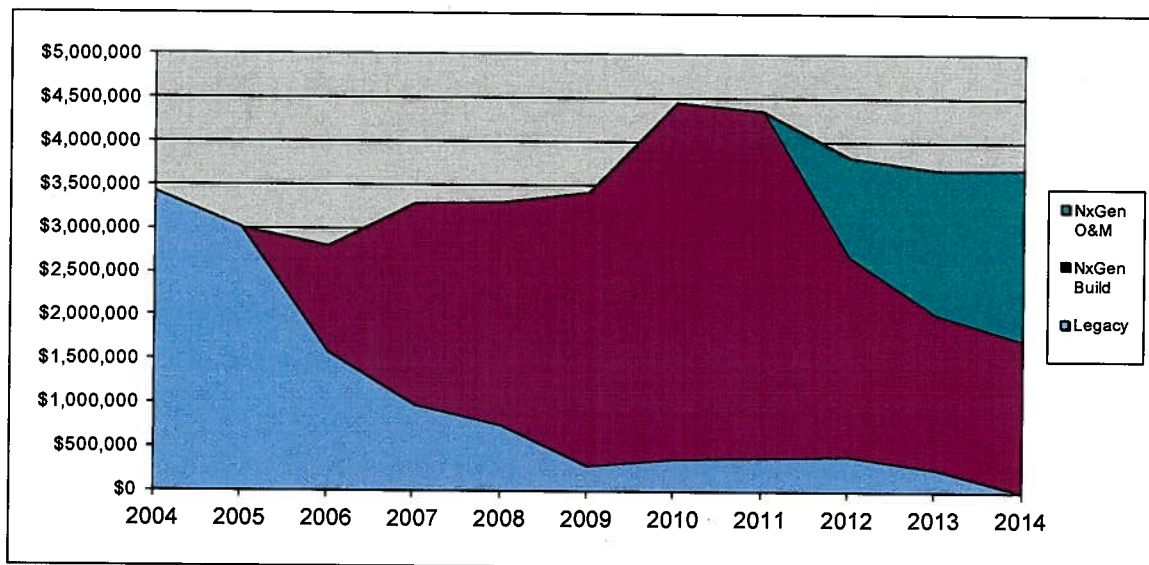
Over 1,400 of the Agency’s employees have signed into the NxGen system in the last month and the system presently is in comprehensive use for:

- General Counsel’s fifty-one Field Offices – whose Case Activity Tracking (CATS) legacy system has been retired.
- General Counsel’s Office of Appeals – whose Appeals Case Tracking (ACTS) legacy system has been retired.
- General Counsel’s Division of Advice – whose Regional Advice and Injunction Litigation (RAILS) legacy system has been retired.
- Division of Judges – whose case tracking (TIGER) legacy system has been retired.
- Board Offices – whose Pending Case List (PCL) legacy system has largely been retired.
- Integration with the Board’s collaborative Judicial Case Management System (JCMS).
- All Offices for processing incoming electronically-filed documents, including hearing transcripts and exhibits.
- Electronic issuance of Board and Division of Judges Decisions.

As of the March 5, 2013, the NxGen case management system managed:

- 224,582 cases;
- 598,770 case actions of the Agency; and
- 2,761,829 documents, images, and videos, each linked to its action and case.

As is illustrated below, the Agency funded the NxGen modernization efforts in significant measure by reducing expenditures on the 11 remaining legacy systems. The notable spikes in the FY 2010 and FY 2011 expenditures were due to the Agency’s successful efforts to complete development and deployment of NxGen to the Field Offices prior to the end of FY 2011.



Agency expenditures on case management development and support FY 2004-2014

The Agency’s efforts for FYs 2013 and 2014 are focused on replacing the remaining substantial

systems case tracking applications, expanding reporting, integrating inter-office workflows, and modernizing its records management system. The Agency made NxGen the official Regional Office case file for all cases filed on or after October 1, 2012.

Infrastructure Modernization and Consolidation

The NLRB has completed its initial implementation of an ambitious plan to modernize and consolidate its IT infrastructure. These efforts, which significantly strengthened the Agency's continuity of operations plans (COOP), provided greater storage capacity and manageability, and afforded staff improved access to resources.

- The Agency consolidated its storage infrastructure from its 51 Field offices to two data centers located in Sterling, VA, and Waltham, MA. The build-out of the second data center marked the first time that the OCIO and its contractors had access to test systems that mirrored its production environments.
- The OCIO consolidated its two Headquarters and six Field Office email servers into a single clustered platform at the Sterling datacenter, with COOP services provisioned in Waltham.
- The deployment of NxGen to all Field Offices left no application-provisioning equipment in the Field Offices and met the core objectives for consolidation first proposed in 2006.
- The Agency improved the efficiency and availability of IT resources and applications by fully virtualizing its test and production environments – presently comprised of over 150 virtual servers. Additionally, the Agency is in the process of moving its development environment to Amazon's Elastic Compute Cloud.
- The Agency migrated Internet access for its Headquarters, Field Offices and two data centers to GSA's Managed Trusted Internet Protocol Service (MTIPS), complying with OMB's Trusted Internet Connection (TIC) initiative.
- As part of its modernization efforts, the Agency refreshed network infrastructure and optimization devices in all offices and data centers.
- The Agency transitioned to services provided by the GSA Networx contract, taking advantage of lower data-communications rates and upgrading bandwidth at the Field Offices. Additionally, the Agency deployed wireless access points in all offices.

The Agency is in the process of migrating its email repositories and services to Microsoft's cloud-based, software as a service solution, Office 365. The Agency will repurpose the nearly one million dollar investment in its email infrastructure for use by the NxGen case management system.

Through continuing to modernize and consolidate its IT infrastructure, the NLRB is able to provide cost-effective access to the tools, data and documents that employees require from anywhere, at anytime, along with the service and support that they require.

Unified Communications and Mobility

In FY 2012, the Agency began developing a plan to consolidate its data, voice, video and

wireless networks.

Currently, the Agency utilizes disparate networks for its data and video conferencing services and manages 52 legacy phone systems from different voice service providers in the Field and Headquarters. The segregation of data, voice, and video services results in an inefficient use of Agency resources and creates communication and collaboration silos within critical business processes. Additionally, the Agency's present communications infrastructure provisions remote access for certain business processes only to Agency laptops, with limited support for mobile and tablet devices.

The Agency envisions unified communications services that increase both productivity and agility through:

- Presence – Being able to find and reach contacts regardless of where they are working.
- Communication – Being able to communicate via messaging, voice and video anywhere and at any time.
- Collaboration – Being able to work on and share documents and information anywhere and at any time.
- Multiple Device Support – Being able to use the “right” device to perform the Agency's work.

In FY 2012, the Agency released a Statement of Objectives seeking messaging, presence, conferencing, and collaboration services from a “highly integrated, cost-effective Cloud-based provider.” The contract award was for an integrated suite of tools and capabilities that will enable the Agency to transform the way business is conducted, while providing the OCIO with the ability to better manage performance, quality, and delivery through clearly defined roles and business rules. The migration of email services to Office 365 was the first deliverable of this award.

In FYs 2013 and 2014, the Agency's efforts will focus on implementing the aforementioned services and provisioning consolidated voice services. Based on current research, the Agency expects that voice services will be provided by a combination of Voice Over Internet Protocol (VOIP) and mobile services.

The Agency also expects to significantly increase its current telework efforts in FYs 2013 and 2014. These mandated efforts are supported by an investment in unified communications, as well as investments in the NxGen case management system, infrastructure consolidation and the widespread deployment of laptops.

As such, the Agency proposes to reinvest the previously identified reductions from the average FY 2010 through 2012 IT budgets towards unified communications services. Costs for Cloud-based messaging, presence, conferencing, and collaboration services will be offset initially by deferred investments for servers, storage, hosting and disaster recovery. After the initial investments in network and end-user equipment, the Agency expects total network services costs to be in line with the current separate allocations for data, voice and video networks, and expects the enhanced services to demonstrably improve administrative efficiencies.

Desktop Modernization and HSPD-12 Deployment

One of the most significant efforts of FY 2012 involved the development and deployment of a Windows 7 image that included upgrades to Office 2007, Adobe Acrobat X, and Internet Explorer 9. The Agency's Windows 7 release utilized a single configuration across different models to provide identical applications, configuration and functionality regardless of a computer's make or model.

Development of the Windows 7 image resulted in a new approach for computer and image deployment. The Agency developed a lite-touch installation process designed to provide a repeatable and automated approach for deployment. Using Microsoft Deployment Toolkit (MDT) technologies, the OCIO devised a process incorporating automated data backup, Windows 7 image installation and data restoration.

During FY 2012, the Agency deployed over 1,000 new laptops and upgraded nearly 800 existing desktops and laptops with the aforementioned Windows 7 image configuration. The Agency had not experienced such a massive upgrade of equipment and software since the early 2000s, when a contractor developed the image and provided significant deployment assistance. Utilizing the MDT deployment process, the OCIO provisioned the equipment and updates with minimal user downtime. Future image updates will be managed with increased efficiency as a result of the Agency's investment in Active Directory 2008 to provide dynamic configuration setting changes and System Center Configuration Manager 2012 for the deployment of product updates and daily maintenance activity.

Concurrent with the deployment of the new equipment and desktop software, the Agency delivered the tools and Personal Identity Verification (PIV) card certificates required to enable all staff to use PIV cards for network login. While not mandating PIV card use at this time, this effort brought the Agency into compliance with Homeland Security Presidential Directive 12 (HSPD-12).

The OCIO has enabled PIV authentication within its test and production environments and is presently conducting system integration testing with Agency applications. Throughout FY 2013, the Agency will increase its use of PIV-based authentication with updated policies, procedures and training.

E-Government

The NLRB places a high priority on offering timely and relevant information to case participants, citizens, and employees. To that end, the Agency maintains online resources that provide access to these groups, so that they can obtain, maintain and share information.

The Agency debuted a redesigned public website in February 2011 that included a direct link to the case data and documents in NxGen. This new resource furthered the Agency's commitment to transparency and made it easier for those interested in the Agency's work to find information as efficiently as possible.

The Agency developed its public website on an open source content management platform (Drupal), a key technology tenet of the U.S. Digital Government Strategy issued on May 23, 2012. The enhanced intranet is a key ingredient in fostering improved communication throughout the Agency.

By mid-2013, the NLRB's website will work equally well on smartphones, tablets and personal computers, through a redesign which will allow content to be displayed effectively regardless of the size of the screen. At the same time, the Agency will launch its first mobile app for smartphones, focused on employee and employer rights under the National Labor Relations Act.

The NLRB is developing a Digital Government Strategy that directly aligns with the aforementioned goals of improving the productivity of the Agency's case management procedures, optimizing business processes by providing employees ready access to the tools, data and documents they require from anywhere at any time, transforming the way the NLRB serves the public through increased transparency and information provided to its constituents, and by reducing the paperwork burden on its employees and constituents.

The NLRB recognizes that developing and executing its Digital Government Strategy is not solely a technology issue. Technology and digital services are enablers, but the delivery of services and assistance to constituents is fundamental to NLRB's mission. In the rapidly evolving digital world and mobile environment, NLRB is committed to improving its capabilities and offerings in the areas of public access and digital services.

In FYs 2013 and 2014, the Agency will execute ambitious plans to offer constituent self-service through the NxGen program; expand E-Issuance beyond the Board and Division of Judges; and increase the number and types of E-Filing submissions. These efforts will provide better services and greater transparency to our constituents, and more efficient case handling and improved quality internally.

Administrative Systems Modernization

In FY 2012, the Agency embarked on an aggressive plan to migrate financial management systems for finance, acquisitions and budget to the Department of Interior's Interior Business Center's (IBC) shared instance of Oracle Federal Financials. The primary driver was the high cost of support for NBC's legacy Momentum system.

The Agency began using the new systems at the start of FY 2013 and expects Oracle Federal Financials to continue to deliver the following benefits:

- Offer similar functionality to its legacy Momentum system, including integration with the Federal Personnel and Payroll System (FPPS) and E-Travel.
- Leverage a common data model across all its modules, enabling improved business processes and financial data analytics.
- Deliver significantly improved enterprise reporting that increases transparency and mitigates the need of account holders to develop shadow systems to manage to budget.

- Provide a web-based interface that will support remote access and telework for staff in finance, acquisitions, budget, and those office managers in the regional offices that perform financial functions.

While this migration offers an attractive return on investment from the support perspective, the Agency is optimistic that there may be savings attributable to the productivity afforded by a modern financial management system, such as the integration of decentralized functions into a central core system, the elimination of redundant data input, streamlined financial reporting functions, enhanced internal controls, improved segregation of duties, and enhanced data analysis.

The Agency released a new intranet, *Insider*, in FY 2012 and employed a formal web management structure to give all parts of the NLRB a voice regarding content. To more fully utilize the intranet platform, and to actively assess, develop and re-model the Agency's non-mission critical systems and processes, the Agency recently formed an Administrative Systems IPT.

The intranet platform's increasing use as a document library, together with the growing employment of ad hoc forms, shared drives and other on-premise document repositories revealed the requirement for more comprehensive solution. In FY 2013, the Agency began market research and alternatives analysis for cloud-based collaborative solutions to better manage data, content, records, and workflows, and to provide near-real time reports and analytics for its administrative systems. In FY 2014, the Agency expects to deploy a cloud-based collaboration to meet these requirements.

Workforce Planning

The NLRB has always sought to efficiently manage its human resources. To enhance these efforts, the Agency continues to expand its utilization of automated systems for hiring, recruitment, training, retirement planning, and other human resource programs. The NLRB workforce is spread throughout the country, with about 550 FTE located in the Washington, D.C. headquarters office, and the remaining 1,130 located in 28 Regional Offices, 7 Subregional Offices, 16 Resident Offices, and 3 satellite Judges' offices nationwide.

To ensure maximum efficiency, the Agency has consolidated several Regional Offices in the Field, and restructured several different branches and divisions within headquarters. In so doing, the Agency will ensure maximum efficiency while also continuing to provide the public with easy access to and direct contact with casehandlers and decision-makers. This is discussed in further detail below.

Regional Office Consolidation

In March 2013, the Acting General Counsel announced that he was considering a proposal to reorganize four Regional offices as part of an ongoing effort by the Agency to explore ways to restructure its operations in light of new technologies and changing patterns of intake. Under the

proposal, the Regional Office in Milwaukee (Region 30) would become a Subregion of the Minneapolis, Minnesota Regional Office (Region 18), and the Regional Office in San Juan, Puerto Rico (Region 24) would become a Subregion of the Tampa, Florida Regional Office (Region 12). No office would be closed under this proposed reorganization.

Before making a final decision regarding whether to present a formal proposal to the Board concerning this restructuring, the Acting General Counsel said he would thoroughly consider input from Agency staff and external stakeholders, including practitioners, members of the management-labor relations community, and Members of Congress. Any permanent structural change would need to be approved by the Board.

The proposal builds on previous efforts initiated in FY 2012, when, in response to evolving patterns of case intake in its nationwide network of Regional Offices, the Agency undertook a pilot program as to the restructuring of some of its field offices. The pilot program was designed to allow the NLRB to take advantage of new technologies and create operational efficiencies while gathering information on internal management and case processing issues that might arise. After evaluating the pilot, including discussions with members of Congress, NLRB staff, and the public, the restructuring was approved by the Board in December 2012.

The restructuring changed the status of four Regional Offices to subregional offices, and reassigned some subregional and resident offices to new Regional Offices. Specifically, the Winston-Salem, NC office (Region 11) became a subregion of the Atlanta Regional Office (Region 10); the Memphis, TN office (Region 26) became a subregion of the New Orleans, LA Regional Office (Region 15); the Overland Park, KS office (Region 17) became a subregion of the St. Louis, MO Regional Office (Region 14), and the Hartford, CT office (Region 34) became a subregion of the Boston, MA Regional Office (Region 1). In addition, the resident offices in Nashville, TN and Little Rock, AR were reassigned from Region 26 to Region 10, and the subregional office in Peoria, IL was reassigned from Region 14 to Indianapolis, IN (Region 25). The total number of Regional Offices has thus been reduced from 32 to 28, while the total number of field offices remains unchanged at 51.

This restructuring adjusts the Agency's presence to the case filing developments that have occurred over the years by more evenly distributing case intake among Regions. All of the resulting Regions will be of a size and internal management structure that will optimize efficiency and economy, while preserving high quality investigations and litigation and resulting in an Agency that is best able to fulfill its mission in the future.

Headquarters Restructuring

Related to this consolidation effort in the field, the NLRB also centralized services in several different branches and divisions within headquarters. This centralization includes moving non-mission related legal and advisory support services to a new and independent Division of Legal Counsel and shifting records, forms and library functions to the Office of the Chief Information Officer, in keeping with advances in electronic processing, storage, and retrieval systems, and moving printing, copying, and mailroom functions to the Facilities and Property Branch. In doing so, the Agency will eliminate duplication of functions, improve delivery of services,

centralize services and streamline management functions.

Financial Management

In addition, the Agency recently created the Office of the Chief Financial Officer (OCFO), which will include the budget, finance and acquisitions functions. The new structure will further enhance agency financial management. The Chief Financial Officer will report to both the Chairman and Acting General Counsel.

As mentioned in the *Technology Advances* section, financial controls will be improved with the conversion to a new financial system. In October 2012, the Agency migrated from the Department of Interior's Interior Business Center's (IBC) Momentum financial system to IBC's Oracle Federal Financials. The new system provides similar functionality as Momentum while also meeting requirements for cost-effectiveness and efficiency. The Agency will also be migrating to a new travel manager system, Concur, at the end of FY 2013. As with Momentum, Oracle will be fully integrated with both the payroll and new travel manager systems.

The Agency has also strengthened its acquisition workforce over the past few years, elevating the unit from a section to a branch and hiring experienced staff. These actions will facilitate identification of acquisition strategies best aligned with specified requirements, enhance the ability to negotiate more cost-effective contracts, and eliminate competitions resulting in bids that do not meet requirements. Further advances in policies, procedures and protocols in the Acquisition Management Branch are expected now that it is housed in the OCFO with a financial management expert at the helm.

Training

In order to ensure that staff members have the skills needed to accomplish the NLRB's mission, the Agency has enhanced training opportunities and materials for both supervisory and non-supervisory staff. These efforts will increase staff efficiency, facilitating the Agency's ability to continue achieving its mission in a constrained budget environment. The focus has involved initiatives aimed at developing the following key skill areas:

Technical Training: NLRB is developing instructor guides regarding specifics on how to effectuate provisions of the NLRA. Over thirty-five of these guides are currently being used to provide the introductory and refresher training throughout the Agency. These are complemented by technical training conferences addressing topics such as implementing provisions of the NLRA for new employees, trial advocacy training for attorneys, and refresher training for experienced employees. Legal experts are also brought in to address introductory and advanced Legal Writing topics and on-line legal training is also offered.

Supervisory, Managerial, and Executive Training: As part of an Agency-wide management program, managers at all levels annually assess their management skills and training needs. The Agency offers a variety of ways managers can take training to meet these needs, including: a 360 degree assessment/executive coaching program; training for new supervisors; attendance at

external private vendor and OPM's Management Development Center and Federal Executive Institute seminars; and on-line training from Skillsoft and Ninth House. These offerings are supplemented by training seminars that address managerial concerns unique to the Agency and details to other offices to acquire experience in dealing with new functional areas and managerial challenges.

Support Staff: NLRB is focusing on on-line and videoconference training in business skills and writing. Also, training that includes Agency-specific topics such as proper data transfer techniques for the new automated case management system.

General: Training is being presented to address common needs such as mentoring for new employees, EEO/Diversity/Inclusion, retirement planning and an Agency-wide software upgrade. Videoconferencing and on-line technology is also being used so training can be delivered nationwide to all employees. Headquarters presentations by special emphasis speakers, experts from academia and short "how to" seminars by internal and external experts can now be shared with Field employees.

Finally, the Agency will be revising its Strategic Plan in accordance with the GPRA Modernization Act of 2010. One of the NLRB's human capital goals is to create a results-oriented performance culture that clearly links employee performance and pay to the attainment of the NLRB's strategic goals, and current SES performance plans are linked to current goals and measures. Accordingly, any changes to the goals and measures will also be incorporated into SES performance plans to maintain a clear linkage between executive performance and pay, and attainment of our goals. Further details regarding Agency goals and performance measures can be found in Sections XII and XIII.

Green House Gas and Sustainability

The NLRB has several ongoing initiatives to address sustainability issues. Over the next few years, the Agency plans to expand the use of telework. Currently, about 20 percent of eligible employees telework, but this will increase as systems and policies are implemented that enable more employees to work from home. We have also coordinated with GSA to reduce space requirements at headquarters in conjunction with the expiration of the lease in June 2013. The plan incorporates GSA's new flex space design, consistent with the Administration's effort to reduce the federal government's footprint nationwide. The design would reduce space by about one third, resulting in rent savings for the headquarters location of about 30 percent starting in FY 2015. In addition, the Agency will be analyzing information collected during the Regional Office consolidation pilot program, which could lead to further space reductions. The Agency's sustainability priorities are fully in line with its initiatives to improve management and internal functions and thereby enhance the Agency's ability to meet its performance goals and measures.

Records Management

The Agency has a robust records management program and is very proactive in enhancing electronic recordkeeping, identifying and transferring important documents to the National

Archives and Records Administration, and eliminating paper. In accordance with an Administration initiative, the Agency will be developing plans to transition to managing all permanent electronic records in an electronic format, including digitizing permanent records created in hard-copy or other analog formats. The plan is expected to be implemented by December 2013. Also, efforts to evaluate how best to manage all email records in an electronic format are ongoing, and the Agency looks forward to reporting the status of this initiative next year.

The NLRB has always strived to manage its records effectively and in compliance with all Federal statutes, regulations and professional standards. To enhance these efforts, the Agency has designated a Senior Agency Official (SAO) to oversee a review of the records management program. The SAO will ensure compliance with all pertinent records management statutes, verify that the Agency Records Officer has the appropriate credentials, and make certain that all staff are aware of records management responsibilities and receive suitable training.

XII. STRATEGIC PLAN GOALS AND THEIR RELATIONSHIP TO THE PERFORMANCE BUDGET

The NLRB's Strategic Plan states the Agency's two strategic goals: 1) Resolve all questions concerning representation impartially and promptly; 2) Investigate, prosecute, and remedy cases of unfair labor practices by employers or unions, or both, impartially and promptly. These two goals reflect both the short-and long-term goals of the Agency and represent its core functions in enforcing the NLRA. They translate the Agency's mission into major policy directions and are focused on the unique characteristics of the organization.

The NLRB's two strategic goals are supported by three overarching performance measures: 1) The percentage of representation cases resolved within 100 days of filing of the election petition; 2) The percentage of ULP charges resolved by withdrawal, by dismissal, or by closing upon compliance with a settlement or Board order or Court judgment within 120 days of the filing of the charge; 3) The percentage of meritorious (prosecutable) ULP cases closed on compliance within 365 days of the filing of the ULP charge. Rather than focus on the individual segments of the casehandling process, these performance measures focus on the time it takes to process an entire case, from start to finish. They are outcome-based, aligned with the mission of the NLRB, and are meaningful to the public the Agency serves. The goal is to resolve representation matters within 100 days, resolve all ULP cases within 120 days, and resolve meritorious ULP cases within 365 days.

Because the Agency either met or exceeded the annual targets set since the institution of these performance measures in 2007, it undertook a review of the annual targets and revised them for fiscal years 2010, 2011, and 2012.

In accordance with the Government Performance and Results Modernization Act (GPRAMA), the NLRB in FY 2012 issued an addendum to its Strategic Plan (2007 – 2012). While the strategic goals and associated measures remain unchanged, the addendum provided the Agency's performance targets for FY 2013 and 2014, updates on its initiatives, and changes to its structure.

As per GPRAMA requirements, a new plan will be issued in February 2014. As part of this effort, the Agency is undergoing a comprehensive evaluation of the current strategic plan and considering adding new goals, overarching performance measures, objectives and strategies.

The NLRB strengthens budget and performance linkages by establishing a direct, vertical relationship between the performance plans of individual executives in its Regional and Headquarters offices and the performance goals for their programs, goals which are derived from the Agency's broader strategic goals. These goals are implemented on a daily basis through the actions of individual managers leading programs and activities throughout the Agency. In revising the Strategic Plan, the Agency will continue these linkages between budget and performance, and performance plans will be revised as necessary to incorporate any new goals/measures.

The Annual Performance Plan is integrated into the budget request to form the basis of the Agency's Performance Budget. Budget priorities are linked to Agency goals and measures to maximize performance and efficiency. The charts below show the relationship between the budget, GPRA goals and the related performance measures for each goal. Agency overhead costs, including administrative support costs, were distributed by the percentage of direct costs attributed to that goal and measure.

Goal 1—Resolve all questions concerning representation impartially and promptly

	FY 2012 Actual		FY 2013 Annualized CR Level		FY 2014 Performance Budget	
	FTE	\$ (mill)	FTE	\$ (mill)	FTE	\$ (mill)
Measure #1: Resolve representation cases within 100 days	277	\$46.9	279	\$47.2	283	\$48.0
Subtotal, Goal 1	277	\$46.9	279	\$47.2	283	\$48.0

Goal 2—Investigate, prosecute, and remedy cases of unfair labor practices by employers or unions, or both, impartially and promptly

	FY 2012 Actual		FY 2013 Annualized CR Level		FY 2014 Performance Budget	
	FTE	\$ (mill)	FTE	\$ (mill)	FTE	\$ (mill)
Measure #2: Resolve ULP cases within 120 days	909	\$154.2	917	\$155.2	931	\$157.9
Measure #3: Resolve meritorious ULP cases within 365 days	454	\$77.2	459	\$77.6	466	\$79.1
Subtotal, Goal 2	1,363	\$231.4	1,376	\$232.8	1,397	\$237.0
Total, Goals 1 & 2	1,640	\$278.3	1,655	\$280.0	1,680	\$285.0

As discussed in Section XII, the Agency will be revising its Strategic Plan for FY 2014. Any new measures included in the revised Plan will continue to maintain the strong connection

between performance and budget detailed above.

Below are the Agency's two major strategic goals described in detail, along with associated objectives, strategies and performance measures.

GOAL # 1: Resolve all questions concerning representation impartially and promptly

OBJECTIVES:

The NLRA recognizes and expressly protects the right of employees to freely and democratically determine, through a secret ballot election, whether they want to be represented for purposes of collective bargaining by a labor organization. The Agency seeks to ensure that the process used to resolve such questions allows employees to express their choice in an open, un-coerced atmosphere. The NLRB strives to give sound and well-supported guidance to all parties and to the public at large with respect to representation issues. Predictable, consistent procedures and goals have been established to better serve our customers and avoid unnecessary delays. The Agency will process representation cases promptly in order to avoid unnecessary disruptions to commerce and minimize the potential for unlawful or objectionable conduct.

- A. Encourage voluntary election agreements by conducting an effective stipulation program.
- B. Conduct elections promptly.
- C. Issue all representation decisions in a timely manner.
- D. Afford due process under the law to all parties involved in questions concerning union representation.

STRATEGIES:

- 1. Give priority in timing and resource allocation to the processing of cases that involve the core objectives of the Act and are expected to have the greatest impact on the public.
- 2. Evaluate the quality of representation casework regularly to provide the best possible service to the public.
- 3. Give sound and well-supported guidance to the parties and to the public at large, on all representation issues.

4. Share best practices in representation case processing to assist regions in resolving representation case issues promptly and fairly.
5. Identify and utilize alternative decision-making procedures to expedite Board decisions in representation cases, e.g., super-panels.
6. Ensure that due process is accorded in representation cases by careful review of Requests for Review, Special Appeal and Hearing Officer Reports, and, where appropriate, the records in the cases.
7. Analyze and prioritize critical workforce skill gaps and address these needs through training and effective recruitment in order to achieve Agency goals.
8. Provide an information technology environment that will equip employees with technology tools and access to research and professional information comparable to that available to their private sector counterparts.

The success of this goal will be measured by the percentage of representation cases resolved within 100 days of filing the election petition.

GOAL #2: Investigate, prosecute, and remedy cases of unfair labor practices by employers or unions, or both, impartially and promptly

OBJECTIVES:

Certain conduct by employers and labor organizations leading to workplace conflict has been determined by Congress to burden interstate commerce and has been declared an unfair labor practice under Section 8 of the NLRA. This goal communicates the Agency's resolve to fairly and expeditiously investigate charges of unfair labor practice. Where violations are found, the Agency will provide such remedial relief as would effectuate the policies of the Act, including, but not limited to, ordering reinstatement of employees; ensuring that employees are made whole, with interest; directing bargaining in good faith; and ordering a respondent to cease and desist from the unlawful conduct. The Agency will give special priority to resolving disputes with the greatest impact on the public and the core objectives of the Act.

These objectives are to:

- A. Conduct thorough unfair labor practice investigations and issue all unfair labor practice decisions in a timely manner.
- B. Give special priority to disputes with the greatest impact on the public and the core objectives of the Act.
- C. Conduct effective settlement programs.

- D. Provide prompt and appropriate remedial relief when violations are found.
- E. Afford due process under the law to all parties involved in unfair labor practice disputes.

STRATEGIES:

1. Take proactive steps to disseminate information and provide easily accessible facts and information to the public about the Board's jurisdiction in unfair labor practice matters and the rights and obligations of employers, employees, unions, and the Board under the Act.
2. Evaluate the quality of unfair labor practice casework regularly to provide the best possible service to the public.
3. Utilize impact analysis to provide an analytical framework for classifying unfair labor practice cases in terms of their impact on the public so as to differentiate among them in deciding both the resources and urgency to be assigned to each case.
4. Share best practices in the processing of unfair labor practice cases to assist regions in resolving unfair labor practice issues promptly and fairly.
5. Emphasize the early identification of remedy and compliance issues and potential compliance problems in merit cases; conduct all phases of litigation, including settlement, so as to maximize the likelihood of obtaining a prompt and effective remedy.
6. Utilize injunctive proceedings to provide interim relief where there is a threat of remedial failure.
7. Emphasize and encourage settlements as a means of promptly resolving unfair labor practice disputes at all stages of the case-handling process.
8. Identify and utilize alternative decision-making procedures to expedite Board decisions in unfair labor practice cases.
9. Analyze and prioritize the critical workforce skill gaps of the Agency and address these needs through training and effective recruitment in order to achieve Agency goals.
10. Provide an information technology environment that will provide NLRB employees with technology tools and access to research and professional information comparable to that available to their private sector counterparts.

The success of this goal will be measured in two ways: The percentage of unfair labor practice (ULP) charges resolved by withdrawal, by dismissal, or by closing

upon compliance with a settlement or Board order or Court judgment within 120 days of the filing of the charge; and the percentage of meritorious (prosecutable) ULP cases closed on compliance within 365 days of the filing of the ULP charge.

XIII. AGENCY PERFORMANCE

It should be noted that it is difficult for an Agency such as the NLRB to measure “outcomes” in the sense intended by the authors of the Government Performance and Results Act. In the representation case area, for instance, the Agency does not control or seek to influence the results of elections, but strives instead to ensure the rights of employees to freely and democratically determine, through a secret ballot election, whether they wish to be represented by a labor organization. If the Agency concludes that all of the necessary requirements for the conduct of an election have been met, it will either direct an election or approve the parties’ agreement to have an election. The performance measure the Agency has established for the conduct of elections is objective and is not dependent on the results of the election. The true outcome of properly conducted elections is employees, employers and unions voluntarily and freely exercising their statutory rights as set out in the NLRA.

The same difficulty is inherent in any attempt to define “outcomes” in the prevention of unfair labor practice conduct. The aim of the Agency is to prevent industrial strife and unrest that burdens the free flow of commerce. An indicator of success in the achievement of this aim is labor peace. In the absence of a mechanism to accurately gauge “labor peace” or the impact of Agency activities among a range of variables influencing that goal, the NLRB has established the two performance measures noted above. In particular, the timeliness and quality of case processing, from the filing of an unfair labor practice charge to the closing of a case upon compliance with a litigated or agreed-to remedy, are the focus of the performance measures. In FY 2012, the NLRB exceeded the targets for performance measures No. 2 and No. 3 and came close to meeting the target for measure No. 1. The measures and FY 2012 performance are further detailed below.

Please note that the FY 2013 targets reflect deferral to FY 2014 of the \$10 million included in the FY 2013 President’s request for the GSA-mandated space reduction and potential headquarters relocation.

Explanation of Measures

The NLRB tracks the total time taken to accomplish three outcomes: resolution of all questions concerning representation; the processing, investigation, and remedy of ULP charges; and the resolution of those ULP charges found to have merit. On a yearly basis, there are more than six times as many ULP cases as representation cases, usually involving more complicated issues for Regions to address.

Measure #1: The percentage of representation cases resolved within 100 days

of filing the election petition

Background:

This is an overarching, outcome-based performance measure first implemented in FY 2007. The measure focuses on the time taken to resolve a representation case, including time spent on both the General Counsel and Board sides.

An employer, labor organization, or a group of employees may file a petition in an NLRB Regional Office requesting an election to determine whether a majority of employees in an appropriate bargaining unit wish to be represented by a labor organization. When a petition is filed, the Agency works with the parties toward a goal of reaching a voluntary agreement regarding the conduct of an election. If a voluntary agreement is not possible, the parties present their positions and evidence at a formal hearing. The NLRB Regional Director issues a decision after review of the transcript of the hearing and the parties' legal argument, either dismissing the case or directing an election. If the parties in the case disagree with the Regional Director's decision, they may appeal that decision to the Board for review. Prompt elections are desirable because an expeditious determination affords employers, employees, and unions a more stable environment and promotes the resolution of industrial disputes.

Definitions:

Resolve -- When a case has been finally processed with no further rights of appeal or administrative action required, the question as to whether or not the labor organization will represent the employees has been finally resolved. Representation cases are resolved in a number of ways:

- Cases may be dismissed before an election is scheduled or conducted. Dismissals at an early stage in the processing may be based on a variety of reasons, for example, the employer not meeting jurisdictional requirements, the petitioner's failure to provide an adequate showing of interest to support the petition, and/or the petition being filed in an untimely manner.
- Cases may also be withdrawn by the petitioner for a variety of reasons including lack of support among the bargaining unit and/or failure to provide an adequate showing of interest.
- The majority of cases are resolved upon either a certification of representative (the union prevails in the election) or a certification of results (the union loses the election).
- In a small percentage of cases, there are post-election challenges or objections to the election. These cases are not considered resolved until the challenges and/or objections have been investigated and a report has been adopted by the Board.

Counting of Days -- The 100 days is calculated from the date that the petition is formally docketed.

Performance -- Goal 1/Measure 1: As reflected in Table1, in FY 2012 the Agency closed 84.5 percent of representation cases within 100 days of filing -- 0.7 percent below the stated target. This was due primarily to two factors which affected operational efficiency: the learning curve associated with the transition to the newly-deployed case management system, NxGen, in our Regional Offices; and a number of retirements among senior regional leadership.

In order to meet its FY 2013 target, the Agency conducted NxGen training, much of which focused on the processing of representation cases. It is the Agency's plan to continue this training to each of its field offices over the next year. Consistent with operating needs, those executive and managerial positions left vacant by retiring senior leadership have been filled, and it is expected that improved efficiencies will result.

Table 1: Goal 1/Measure 1

Assumes Continuation of Current Labor Law			
Goal 1: Resolve all questions concerning representation impartially and promptly			
Measure 1: The percentage of representation cases resolved within 100 days of filing the election petition			
Baseline: 78.0%			
Fiscal Year	Initial Targets	Revised Targets*	Actual
FY 2007	79.0%	--	79.0%
FY 2008	80.0%	--	83.5%
FY 2009	81.0%	--	84.4%
FY 2010	82.0%	85.0%	86.3%
FY 2011	83.5%	85.0%	84.7%
FY 2012	85.0%	85.2%	84.5%
FY 2013		85.2%	
FY 2014		85.3%	

*Targets revised or implemented after publication of FY 2007-FY 2012 Strategic Plan

Measure #2: The percentage of unfair labor practice (ULP) charges resolved by withdrawal, by dismissal, or by closing upon compliance with a settlement or Board order or Court judgment within 120 days of the filing of the charge

Background:

This is an overarching, outcome-based performance measure first implemented in FY 2007. The measure focuses on the time taken to resolve a ULP charge, including time spent on both the General Counsel and Board sides.

After an individual, employer, or union files an unfair labor practice charge, a Regional Director evaluates it for merit and decides whether or not to issue a complaint. Complaints not settled or withdrawn, or dismissed, are litigated before an administrative law judge, whose decision may be appealed to the Board.

Definitions:

Resolve -- The ULP case has been finally processed. The issues raised by the charging party have been answered and, where appropriate, remedied. There is no further Agency action to be taken.

Counting of Days -- The 120 days is calculated from the date that the charge is docketed.

Performance -- Goal 2/Measure 2: In FY 2012, the NLRB closed 72.7 percent of all ULP cases within 120 days of the docketing of the charge, exceeding the target by 0.7 percent.

Table 2: Goal 2/Measure 2

Assumes Continuation of Current Labor Law			
Goal 2: Investigate, prosecute, and remedy cases of unfair labor practices by employers or unions, or both, impartially and promptly			
Measure 2: The percentage of ULP charges resolved by withdrawal, by dismissal, or by closing upon compliance with a settlement or Board order or Court judgment within 120 days of the filing of the charge			
Baseline: 66.7%			
Fiscal Year	Initial Targets	Revised Targets*	Actual
FY 2007	67.5%	--	66.0%
FY 2008	68.0%	--	68.0%
FY 2009	68.5%	--	71.0%
FY 2010	69.5%	71.2%	73.3%
FY 2011	70.0%	71.2%	72.5%
FY 2012	71.0%	72.0%	72.7%
FY 2013		72.0%	
FY 2014		72.3%	

*Targets revised or implemented after publication of FY 2007-FY 2012 Strategic Plan

Measure #3: The percentage of meritorious (prosecutable) ULP cases closed on compliance within 365 days of the filing of the ULP charge

Background:

This is an overarching, outcome-based performance measure first implemented in FY 2007. The measure focuses on meritorious (prosecutable) ULP cases and the time taken to close them on compliance, including time spent by both the General Counsel and the Board. Compliance marks the point where an employer or union has ceased engaging in the ULP conduct being prosecuted and has taken appropriate affirmative action, including the payment of backpay, to make whole those injured by the ULP.

Once a Regional Director has determined an unfair labor practice charge has merit, it is scheduled for a hearing date before an administrative law judge. However, efforts to obtain voluntary compliance or appropriate settlements begin immediately and continue throughout the course of any necessary litigation. Most settlements are achieved before trial. Once the administrative law judge issues a decision, the decision can then be appealed to the Board. The Board, in turn, will consider the case and issue a final order resolving the ULP case. Ordinarily, the Regional Office will attempt to secure compliance in the 30-day period following the Board's order. If compliance cannot be obtained, the Region will refer the case to the Appellate Court Branch of the Division of Enforcement Litigation, which, if it is unable to secure voluntary compliance or a settlement meeting established standards, will proceed to seek a judgment from an appropriate U.S. Court of Appeals enforcing the Board's order.

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

Definitions:

Resolve -- Cases are closed on compliance when the remedial actions ordered by the Board or agreed to by the party charged with the violation are complete.

Counting of Days -- The 365 days is calculated from the date the charge is docketed.

Performance -- Goal 2/Measure 3: In FY 2012, the NLRB closed 83.8 percent of all prosecutable ULP cases in 365 days from the docketing of the charge, exceeding the target by 3.5 percent.

Table 3: Goal 2/Measure 3

Assumes Continuation of Current Labor Law			
Goal 2: Investigate, prosecute, and remedy cases of unfair labor practices by employers or unions, or both, impartially and promptly			
Measure 3: The percentage of meritorious (prosecutable) ULP cases closed on compliance within 365 days of the filing of the ULP charge			
Baseline: 73.6%			
Fiscal Year	Initial Targets	Revised Targets*	Actual
FY 2007	74.0%	--	73.5%
FY 2008	75.0%	--	76.0%
FY 2009	75.5%	--	79.7%
FY 2010	76.0%	80.0%	84.6%
FY 2011	76.5%	80.2%	83.2%
FY 2012	77.0%	80.3%	83.8%
FY 2013		82.0%	
FY 2014		82.5%	

*Targets revised or implemented after publication of FY 2007-FY 2012 Strategic Plan

The following chart summarizes the Annual Performance Plan for the period FY 2011 to FY 2014:

**FY 2014 ANNUAL PERFORMANCE PLAN
ASSUMING CONTINUATION OF CURRENT LABOR LAW**

	FY 2011	FY 2012	FY 2013	FY 2014
Goal #1: Resolve all questions concerning representation impartial and promptly				
Measure 1: The percentage of representation cases resolved within 100 days of filing the election petition	Target 85.0% Actual 84.7%	Target 85.2% Actual 84.5%	Target 85.2%	Target 85.3%
Goal #2: Investigate, prosecute, and remedy cases of unfair labor practices by employers or unions, or both, impartially and promptly				
Measure 2: The percentage of ULP charges resolved by withdrawal, by dismissal, or by closing upon compliance with a settlement or Board order or Court judgment within 120 days of the filing of the charge	Target 71.2% Actual 72.5%	Target 72.0% Actual 72.7%	Target 72.0%	Target 72.3%
Goal #2: Investigate, prosecute, and remedy cases of unfair labor practices by employers or unions, or both, impartially and promptly				
Measure 3: The percentage of meritorious (prosecutable) ULP cases closed on compliance within 365 days of the filing of the ULP charge	Target 80.2% Actual 83.2%	Target 80.3% Actual 83.8%	Target 82.0%	Target 82.5%

XIV. BOARD MEMBERS AND GENERAL COUNSEL

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

	<u>Appointed</u>	<u>Term to Expire</u>	<u>Nominated to Term Expiring</u>
Mark G. Pearce ¹¹ Chairman	4/7/2010	8/27/2013	-----
Sharon Block ¹² Member	1/4/2012	12/2013	12/16/14
Richard F. Griffin ¹³ Member	1/4/2012	12/2013	8/27/16
Vacant Member			
Vacant Member			
Lafe E. Solomon Acting General Counsel	6/21/2010		

¹¹Mark Gaston Pearce was appointed Chairman on August 28, 2011.

¹²Sharon Block was nominated on December 15, 2011 and recess-appointed on January 4, 2012. She was renominated on February 13, 2013.

¹³Richard F. Griffin was nominated on December 15, 2011 and recess-appointed on January 4, 2012. He was renominated on February 13, 2013.

XV. BUDGET MATERIALS

Appropriation Language

Amounts Available for Obligation

Budget Authority by Object Class

Detail of FTE Employment

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Major Workload and Output Data

FY 2014
Proposed Changes in Appropriation Language

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

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, \$284,991,000:

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.

Note: A full-year 2013 appropriation for this account was not enacted at the time the budget was prepared; therefore, this account is operating under a continuing resolution (P.L. 112-75). The amounts included for 2013 reflect the annualized level provided by the continuing resolution.

Amounts Available for Obligation
(Dollars in Thousands)

	FY 2012 ACTUAL	FY 2013 ANNUALIZED CR LEVEL	FY 2014 ESTIMATE
Appropriation	\$278,306	\$280,009	\$284,991
Spending authority from offsetting collections 1/	11	20	20
Lapsed Balance in Prior Year			
Total Estimated Obligations	<u>\$278,317</u>	<u>\$280,029</u>	<u>\$285,011</u>

1/ Offsetting collections totaling \$10,972, comprising \$6,798 for the federal fitness center in Washington, DC. and \$4,174 for Judges' reimbursable details.

Budget Authority by Object Class
(Dollars in Millions)

	2012 ACTUAL	2013 ANNUALIZED CR LEVEL	2014 ESTIMATE
Personnel Compensation:			
Full-time Permanent	167	170	173
Other Than Full-time Permanent	2	2	2
Other Personnel Compensation			
Subtotal Personnel Compensation	169	172	175
Civilian Personnel Benefits	45	45	46
Travel and Transportation of Persons	3	3	4
Space Rent Payments to GSA	26	27	27
Rent, Communications, and Utilities	7	7	7
Other Services	24	23	23
Supplies and Materials	1	1	1
Furniture and Equipment	3	2	2
Subtotal, Direct Budget Authority	278	280	285
Reimbursables	0	0	0
Total Budget Authority	278	280	285

Detail of Full-Time Equivalent Employment

	FY 2012	FY 2013	FY 2014
	<u>ACTUAL</u>	<u>ESTIMATE</u>	<u>ESTIMATE</u>
Executive Level I	0	0	0
Executive Level II	0	0	0
Executive Level III	1	1	1
Executive Level IV	3	5	5
Executive Level V	<u>0</u>	<u>0</u>	<u>0</u>
Subtotal	<u>4</u>	<u>6</u>	<u>6</u>
ES	<u>57</u>	<u>64</u>	<u>64</u>
Subtotal	<u>57</u>	<u>64</u>	<u>64</u>
AL-1	1	1	1
AL-2	4	4	4
AL-3	34	33	33
Subtotal	<u>39</u>	<u>38</u>	<u>38</u>
GS/GM-15	208	214	221
GS/GM-14	465	474	487
GS/GM-13	251	232	243
GS-12	61	73	75
GS-11	102	105	98
GS-10	1	1	1
GS-9	72	73	72
GS-8	54	57	57
GS-7	180	184	187
GS-6	71	59	56
GS-5	61	64	64
GS-4	13	4	6
GS-3	2	5	5
GS-2	0	2	0
GS-1	<u>0</u>	<u>0</u>	<u>0</u>
Subtotal	<u>1,540</u>	<u>1,547</u>	<u>1,572</u>
Total Permanent Employment On Board, End-of-Year	<u>1,647</u>	<u>1,656</u>	<u>1,705</u>
Full-time Equivalent Usage	<u>1,640</u>	<u>1,655</u>	<u>1,680</u>
Average ES Level	3	3	3
Average ES Salary	\$172,692	\$173,000	\$173,000
Average AL Level	2.84	2.84	2.84
Average AL Salary	\$165,295	\$165,300	\$165,300
Average GS/GM Grade	11.61	11.64	11.70
Average GS/GM Salary	\$95,966	\$96,987	\$98,512

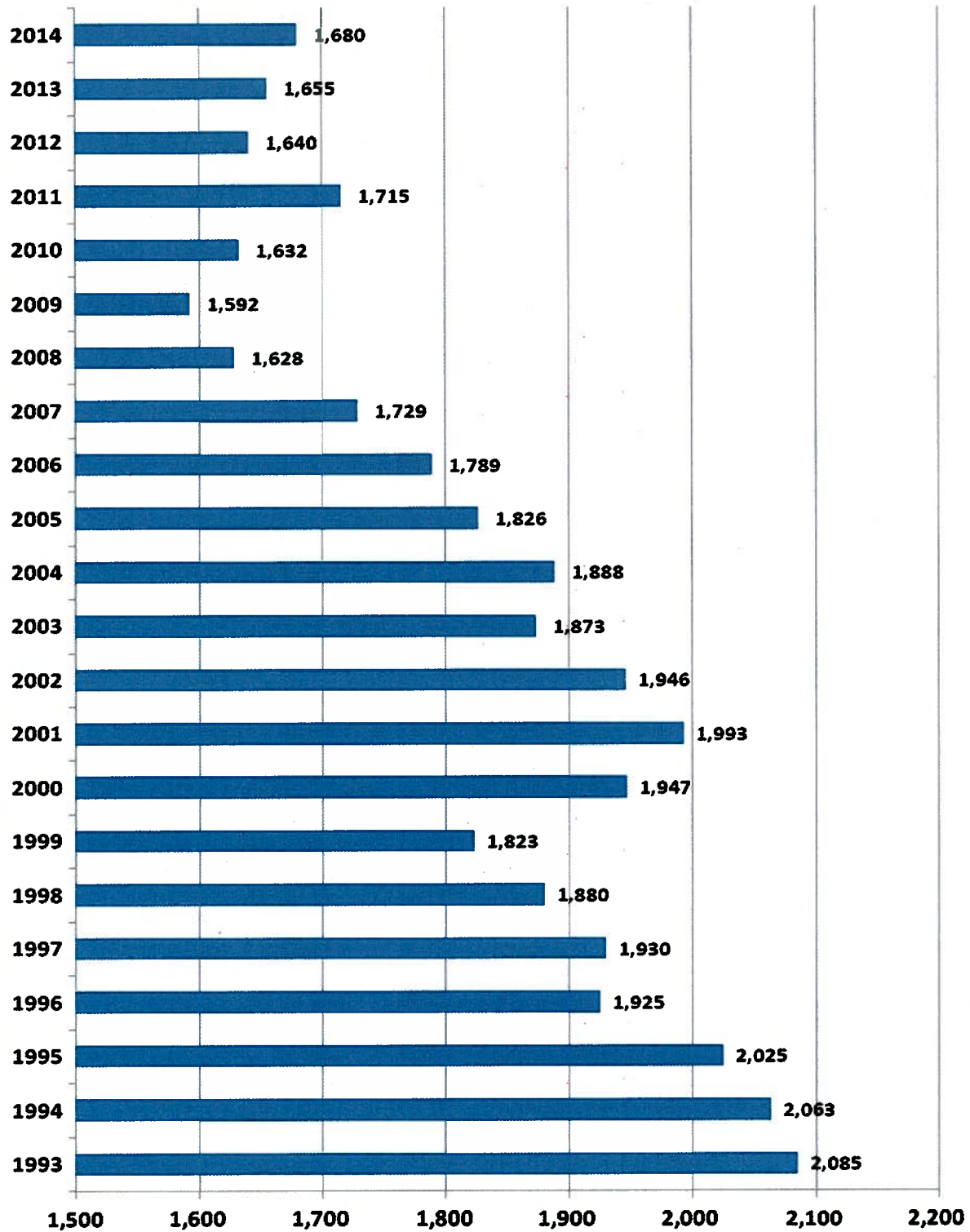
Appropriations History

Year	Estimate to Congress	House Allowance	Senate Allowance	Appropriation or Continuing Resolution	
1990	\$140,111,000	\$140,111,000	\$140,111,000	\$140,111,000	
1991	\$151,103,000	\$151,103,000	\$151,103,000	\$147,461,000	1/
1992	\$162,000,000	\$162,000,000	\$162,000,000	\$162,000,000	
1993	\$172,905,000	\$171,176,000	\$171,176,000	\$169,807,000	2/
1994	\$171,274,000	\$171,274,000	\$171,274,000	\$171,274,000	
1995	\$174,700,000	\$173,388,000	\$176,047,000	\$175,721,000	3/
1996	\$181,134,000	\$123,233,000		\$170,266,000	4/ 5/
1997	\$181,134,000	\$144,692,000		\$174,661,000	6/ 7/
1998	\$186,434,000	\$174,661,000	\$174,661,000	\$174,661,000	
1999	\$184,451,000	\$174,661,000	\$184,451,000	\$184,230,000	8/
2000	\$210,193,000		\$205,717,000	\$205,717,000	9/ 10/
2001	\$216,438,000	\$205,717,000	\$216,438,000	\$216,438,000	
2002	\$221,438,000	\$221,438,000	\$226,438,000	\$226,450,000	11/
2003	\$233,223,000		\$231,314,533	\$237,428,592	12/
2004	\$243,073,000	\$239,429,000	\$246,073,000	\$242,632,969	13/
2005	\$248,785,000	\$248,785,000	\$250,000,000	\$249,860,000	14/
2006	\$252,268,000	\$252,268,000	\$252,268,000	\$249,745,000	15/
2007	\$249,789,000	\$249,789,000	\$249,789,000	\$251,507,470	16/
2008	\$256,238,000	\$256,988,000	\$256,988,000	\$251,761,522	17/
2009	\$262,595,207	\$262,595,000	\$262,595,000	\$262,595,000	
2010	\$283,400,000	\$283,400,000	\$283,400,000	\$283,400,000	
2011	\$287,100,000			\$282,833,200	18/
2012	\$287,699,000			\$278,306,006	19/
2013	\$292,800,000			\$280,009,238	20/
2014	\$284,991,000				

Appropriations History -- Footnotes

- 1/ Reflects reduction of 2.41% applied to all discretionary programs, per P.L. 101-517.
- 2/ Reflects .8 percent across-the-board reduction applied during conference.
- 3/ Reflects government-wide rescission of \$326,000, per P.L. 104-19.
- 4/ The Senate Appropriations Committee recommended \$176,047,000. However, the full Senate never voted on the Labor/HHS Appropriations bill. Funding was provided through the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (P.L. 104-134).
- 5/ Reflects reduction of \$477,000 per two rescissions in the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (P.L. 104-134).
- 6/ The Senate Appropriations Committee recommended \$170,266,000. However, the full Senate never voted on the Labor/HHS Appropriations bill. Funding was provided through the Omnibus Consolidated Appropriations Act of 1997, (P.L. 104-208).
- 7/ Reflects reduction of \$339,000 due to across-the-board reductions in conference per Section 519, P.L. 104-208.
- 8/ Reflects reduction of \$221,000, per government-wide rescission (P.L. 106-5).
- 9/ The House Appropriations Committee recommended \$174,661,000. However, the full House never voted on the Labor/HHS Appropriations bill. Funding was provided through the Consolidated Appropriations Act for 2000 (P.L.106-113)
- 10/ Reflects reduction of \$783,000 due to across-the-board reductions in conference, per P.L. 106-113.
- 11/ This total includes a one-time transfer of \$180,000 from the Emergency Response Fund and reflects a rescission amount of \$168,000 as provided under P.L.s 107-117 and 107-206, respectively.
- 12/ The Senate bill initially provided for \$238,223,000 and two amendments reduced all discretionary programs by 2.9%.
- 13/ This total includes a rescission amount of \$1,440,031 as provided under P.L. 108-199.
- 14/ Reflects a .8 percent across-the-board rescission, per P.L. 108-477.
- 15/ Reflects a 1 percent across-the-board rescission, per P.L. 109-148.
- 16/ Reflects an additional \$1,762,150 to cover 50% of the pay increase, as per P.L. 110-5.
- 17/ The Labor/HHS bill was passed by Congress but vetoed by the President. The total reflects the President's Request less a 1.747% rescission, per H.R 2764.
- 18/ Reflects a .2% across-the-board rescission, per P.L. 112-10.
- 19/ Includes a .189% across-the-board rescission, per P.L. 112-74.
- 20/ Reflects annualized CR level, including increase of .612%, per P.L. 112-75.

STAFFING HISTORY



Major Workload and Output Data

	FY 2012 ACTUAL	FY 2013 ESTIMATE	FY 2014 ESTIMATE
1) Regional Offices:			
Unfair Labor Practice (ULP) Cases			
Situations Pending Preliminary			
Investigation at Start of Year	4,482	3,452	3,600
Case Intake During Year	21,622	21,700	21,700
Consolidation of Dispositions	30,009	31,000	31,000
Total ULP Proceedings	30,000	31,000	31,000
Situations Pending Preliminary			
Investigation at End of Year	3,452	3,600	3,600
Representation Cases			
Case Intake During Year	2,646	2,700	2,700
Dispositions	2,604	2,650	2,650
Regional Directors Decisions	169	169	169
2) Administrative Law Judges:			
Hearings Pending at Start of Year	264	307	263
Hearings Closed	219	225	228
Hearings Pending at End of Year	307	263	264
Adjustments After Hearings Closed	6	7	7
Decisions Pending at Start of Year	58	60	61
Decisions Issued	207	210	211
Decisions Pending at End of Year	60	61	62
3) Board Adjudication:			
Contested Board ULP Decisions Issued	277	279	280
Contested Representation Election Decisions Issued	64	65	66
4) General Counsel - Washington:			
Advice Pending at Start of Year	91	91	86
Advice Cases Received During Year	594	620	630
Advice Disposed	594	625	630
Advice Pending at End of Year	91	86	86
Appeals Pending at Start of Year	234	199	194
Appeals Received During Year	1,892	1,925	1,940
Appeals Disposed	1,927	1,930	1,945
Appeals Pending at End of Year	199	194	189
Enforcement Cases Received During Year	159	154	149
Enforcement Briefs Filed	81	85	92
Enforcement Cases Dropped or Settled	37	45	55
Enforcement Consent/Summary	62	70	73

XVI. PROGRAM MATERIALS

Exhibit A: Types of NLRB Cases

Exhibit B: Organization Chart

Exhibit C: Basic Procedures in Cases Involving Charges of Unfair Labor Practices

Exhibit D: NLRB Order Enforcement

Exhibit E: Outline of Representation Procedures Under Section 9c

TYPES OF NLRB CASES

1. CHARGES OF UNFAIR LABOR PRACTICES (C CASES)

Charges Against Labor Organization

Charge Against Labor Organization and Employer

Section of the Act	Section of the Act	Section of the Act	Section of the Act	Section of the Act	Section of the Act	Section of the Act	Section of the Act
CA	CB	CC	CD	CE	CG	CP	CE
8(a)(1) To interfere with, restrain, or coerce employees in exercise of their rights under Section 7 (to join or assist a labor organization or to refrain).	8(b)(1)(A) To restrain or coerce employees in exercise of their rights under Section 7 (to join or assist a labor organization or to refrain).	8(b)(1)(B) To restrain or coerce an employer in the selection of its representatives for collective bargaining or adjustment of grievances.	8(b)(2) To cause or attempt to cause an employer to discriminate against an employee collectively with employer.	8(b)(3) To refuse to bargain collectively with employer.	8(b)(4) To discharge or otherwise discriminate against employees because they have given testimony under the Act.	8(b)(5) To refuse to bargain collectively with representatives of its employees.	8(e) To enter into any contract or agreement (any labor organization and any employer) whereby such employer ceases or refrains or agrees to cease or refrain from handling or dealing in any product or any other employer, or to cease doing business with any other person.
8(a)(2) To dominate or interfere with the formation or administration of a labor organization or contribute financial or other support to it.	8(b)(1)(A) To engage in, or induce or encourage any individual employed by any person engaged in commerce or in an industry affecting commerce, to engage in a strike, work stoppage, or boycott, or (ii) to threaten, coerce, or restrain any person engaged in commerce or in an industry affecting commerce, where in either case an object is:	(A) To force or require any employer to recognize or bargain with a particular labor organization as the representative of its employees if another labor organization has been certified as the representative.	(C) To force or require any employer to recognize or bargain with a particular labor organization as the representative.	(D) To force or require any employer to assign particular work to employees in a particular labor organization or in a particular trade, craft, or class rather than to employees in another trade, craft, or class, unless such employer is failing to conform to an appropriate Board order or certification.	(E) To force or require any employer to assign particular work to employees in a particular labor organization or in a particular trade, craft, or class rather than to employees in another trade, craft, or class, unless such employer is failing to conform to an appropriate Board order or certification.	(A) To force or require any employer to recognize or bargain with a particular labor organization as the representative of its employees if another labor organization has been certified as the representative.	(A) where the employer has lawfully recognized any other labor organization and a question concerning representation may not appropriately be raised under Section 9(c).
8(a)(3) By discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization.	8(b)(2) To cause or attempt to cause an employer to discriminate against an employee collectively with employer.	(B) To force or require any person to cease using, selling, handling, transporting, or otherwise dealing in the products of any other producer, processor, or manufacturer, or to cease doing business with any other person, or force or require any other employer to recognize or bargain with a labor organization as the representative of its employees unless such labor organization has been so certified.	(C) To force or require any employer to recognize or bargain with a particular labor organization as the representative.	(D) To force or require any employer to assign particular work to employees in a particular labor organization or in a particular trade, craft, or class rather than to employees in another trade, craft, or class, unless such employer is failing to conform to an appropriate Board order or certification.	(E) To force or require any employer to assign particular work to employees in a particular labor organization or in a particular trade, craft, or class, unless such employer is failing to conform to an appropriate Board order or certification.	(B) where within the preceding 12 months a valid election under Section 9(c) has been conducted, or	(B) where within the preceding 12 months a valid election under Section 9(c) has been conducted, or
8(a)(4) To discharge or otherwise discriminate against employees because they have given testimony under the Act.	8(b)(3) To refuse to bargain collectively with employer.	(C) To force or require any person to cease using, selling, handling, transporting, or otherwise dealing in the products of any other producer, processor, or manufacturer, or to cease doing business with any other person, or force or require any other employer to recognize or bargain with a labor organization as the representative of its employees unless such labor organization has been so certified.	(D) To force or require any employer to assign particular work to employees in a particular labor organization or in a particular trade, craft, or class rather than to employees in another trade, craft, or class, unless such employer is failing to conform to an appropriate Board order or certification.	(E) To force or require any employer to assign particular work to employees in a particular labor organization or in a particular trade, craft, or class, unless such employer is failing to conform to an appropriate Board order or certification.	(F) To force or require any employer to assign particular work to employees in a particular labor organization or in a particular trade, craft, or class, unless such employer is failing to conform to an appropriate Board order or certification.	(C) where picketing has been conducted without a petition under Section 9(c) being filed within a reasonable period of time not to exceed 30 days from the commencement of the picketing; except where the picketing is for the purpose of truthfully advising the public (including consumers) that an employer does not employ members of, or have a contract with, a labor organization, and it does not have an effect of interference with deliveries or services.	(C) where picketing has been conducted without a petition under Section 9(c) being filed within a reasonable period of time not to exceed 30 days from the commencement of the picketing; except where the picketing is for the purpose of truthfully advising the public (including consumers) that an employer does not employ members of, or have a contract with, a labor organization, and it does not have an effect of interference with deliveries or services.
8(a)(5) To refuse to bargain collectively with representatives of its employees.	8(b)(6) To cause or attempt to cause an employer to pay or agree to pay money or other things of value for services which are not performed or not to be performed.	(D) To force or require any person to cease using, selling, handling, transporting, or otherwise dealing in the products of any other producer, processor, or manufacturer, or to cease doing business with any other person, or force or require any other employer to recognize or bargain with a labor organization as the representative of its employees unless such labor organization has been so certified.	(E) To force or require any employer to assign particular work to employees in a particular labor organization or in a particular trade, craft, or class, unless such employer is failing to conform to an appropriate Board order or certification.	(F) To force or require any employer to assign particular work to employees in a particular labor organization or in a particular trade, craft, or class, unless such employer is failing to conform to an appropriate Board order or certification.	(G) To strike, picket, or otherwise threaten the picketing of any employer where an object is to force or require an employer to recognize or bargain with a labor organization as the representative of its employees, or to force or require the employer to select such labor organization as their collective-bargaining representative, unless such labor organization is currently certified as the representative of such employees.	(A) where the employer has lawfully recognized any other labor organization and a question concerning representation may not appropriately be raised under Section 9(c).	(A) where the employer has lawfully recognized any other labor organization and a question concerning representation may not appropriately be raised under Section 9(c).

2. PETITIONS FOR CERTIFICATION OR DECERTIFICATION OF REPRESENTATIVES (R CASES)

By or in Behalf of Employees

By an Employer

By or in Behalf of Employees

By a Labor Organization or an Employer

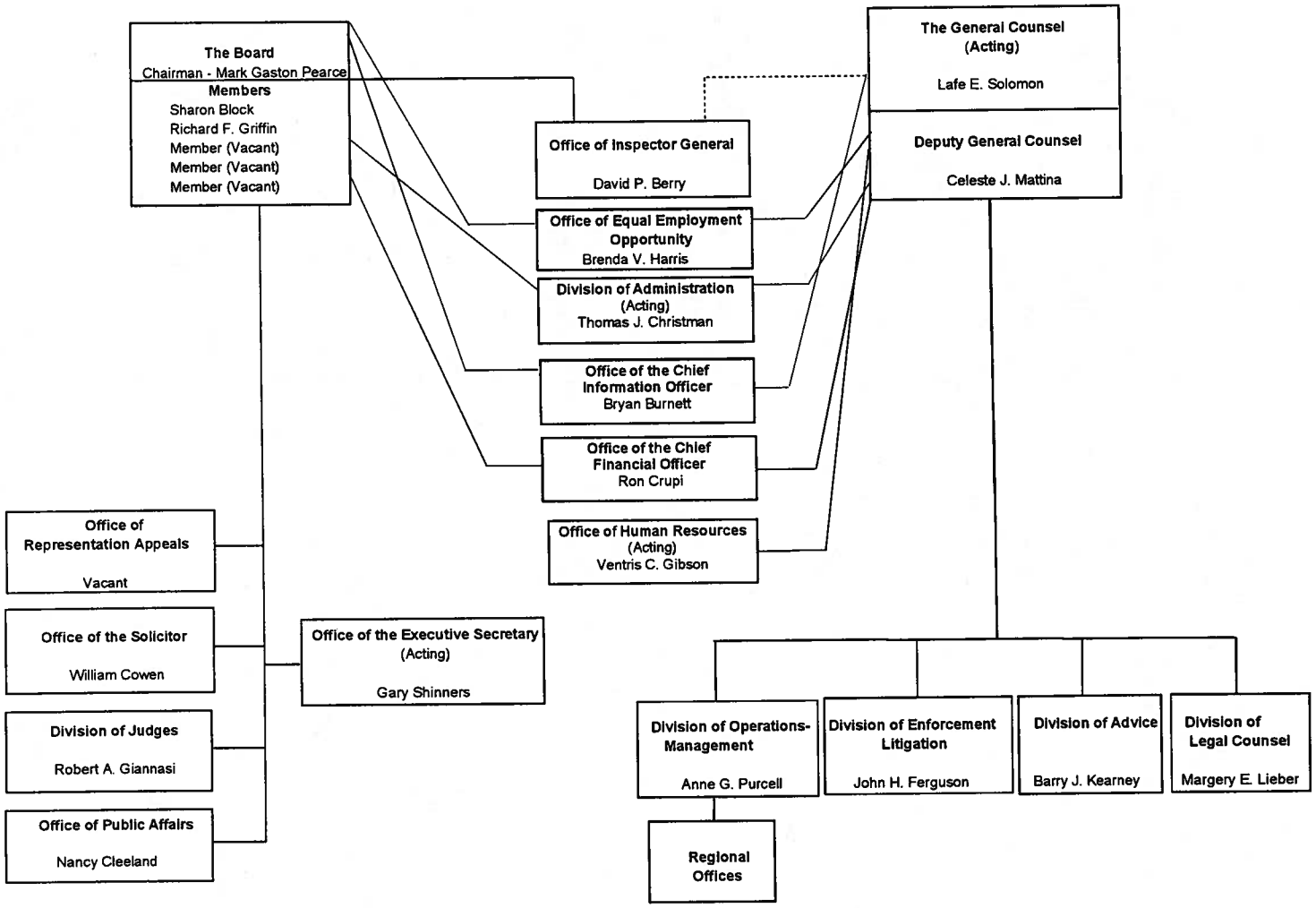
Section of the Act	Section of the Act	Section of the Act	Section of the Act	Section of the Act	Section of the Act	Section of the Act	Section of the Act
RC	RD	RM	UD	UC	UR	AC	AC
9(c)(1)(A)(i) Alleging that a substantial number of employees wish to be represented for collective bargaining and their employer declines to recognize their representative.*	9(c)(1)(A)(ii) Alleging that a substantial number of employees assert that the certified or currently recognized bargaining representative is no longer their representative.*	9(c)(1)(B) Alleging that one or more claims for recognition as exclusive bargaining representative have been received by the employer.*	9(e)(1) Alleging that employees (30 percent or more of an appropriate unit) wish to rescind an existing union-security agreement.	9(e)(1) Alleging that employees (30 percent or more of an appropriate unit) wish to rescind an existing union-security agreement.	9(e)(1) Alleging that employees (30 percent or more of an appropriate unit) wish to rescind an existing union-security agreement.	Subpart C Seeking clarification of an existing bargaining unit.	Subpart C Seeking amendment of an outstanding certification of bargaining representative.

* If an 8(b)(1) charge has been filed involving the same employer, these statements in RC, RD, and RM petitions are not required.

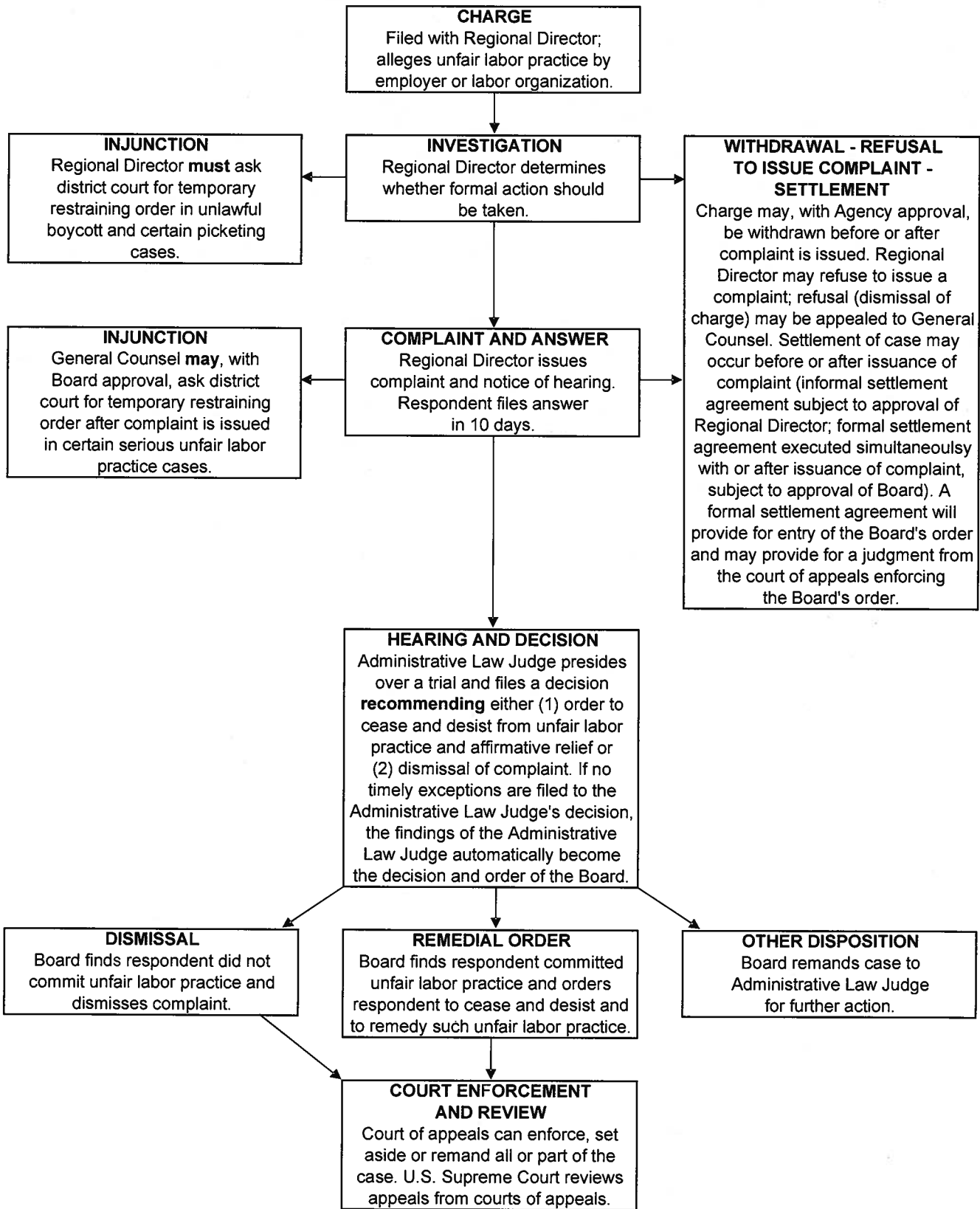
Charges filed with the National Labor Relations Board are letter-coded and numbered. Unfair labor practice charges are classified as "C" cases and petitions for certification or decertification of representatives as "R" cases. This chart indicates the letter codes used for "C" cases and "R" cases, and also presents a summary of each section involved.

NATIONAL LABOR RELATIONS BOARD

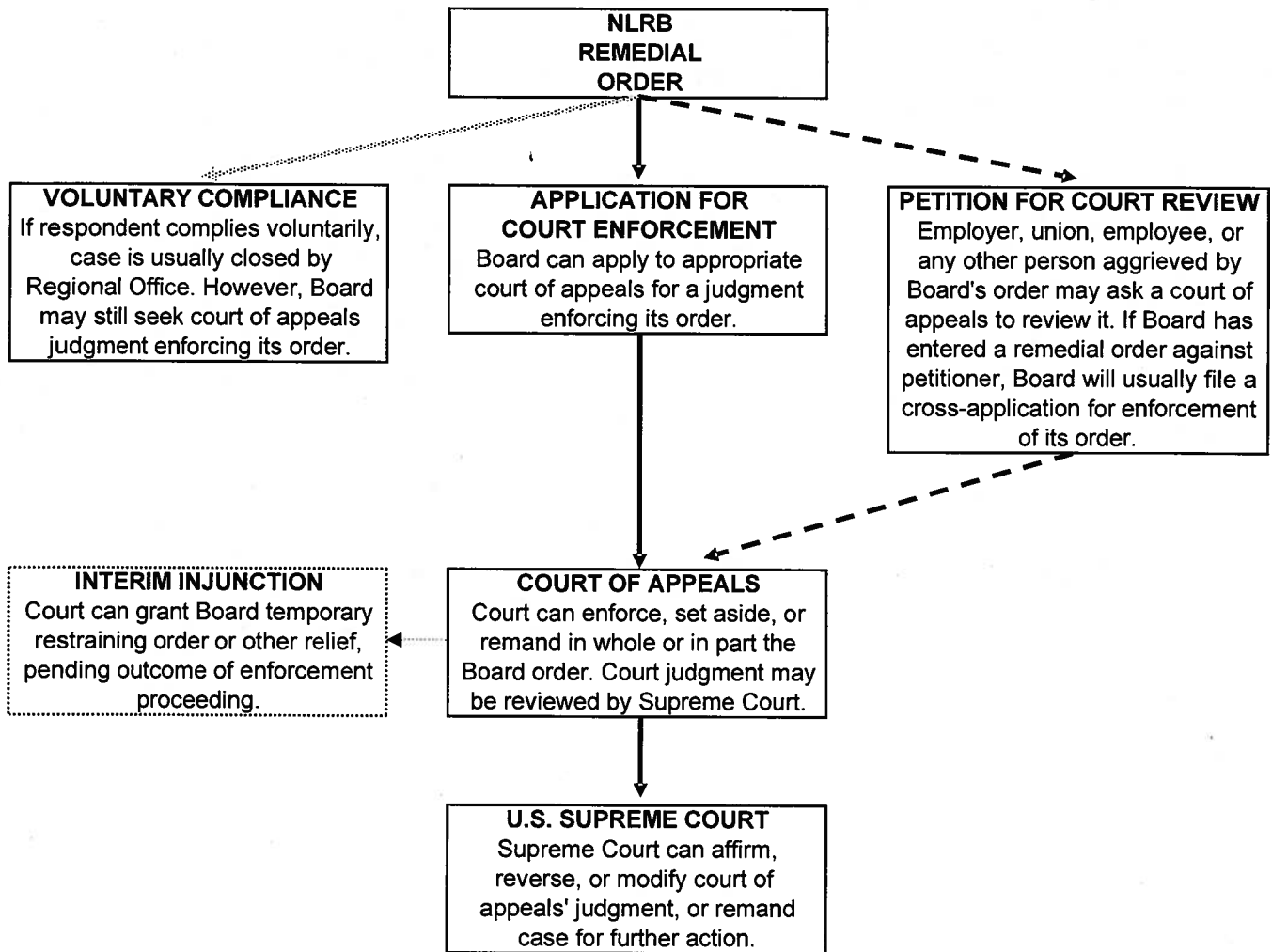
ORGANIZATION CHART



NATIONAL LABOR RELATIONS BOARD **EXHIBIT C**
BASIC PROCEDURES IN CASES INVOLVING CHARGES OF UNFAIR LABOR PRACTICES



NLRB ORDER ENFORCEMENT CHART EXHIBIT D



OUTLINE OF REPRESENTATION PROCEDURES UNDER SECTION 9(c)

