



2020 Chief FOIA Officer Report
NATIONAL LABOR RELATIONS BOARD

National Labor Relations Board

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Section 1: Steps Taken to Apply the Presumption of Openness

The guiding principle underlying DOJ's [FOIA Guidelines](#) is the presumption of openness.

Please answer the following questions in order to describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. You may also include any additional information that illustrates how your agency is working to apply the presumption of openness.

A. FOIA Leadership

1. The FOIA requires each agency to designate a Chief FOIA Officer who is a senior official at the Assistant Secretary or equivalent level. Is your agency's Chief FOIA Officer at this level?

Answer: Yes. Under NLRB Rules and Regulations, 29 C.F.R. § 102.117(a)(2)(ii), the Associate General Counsel for the Division of Legal Counsel is the Agency's designated Chief FOIA Officer.

2. Please provide the name and title of your agency's Chief FOIA Officer.

Answer: Nancy E. Kessler Platt, the Associate General Counsel for the Division of Legal Counsel, is the NLRB Chief FOIA Officer.

B. FOIA Training

3. Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend any substantive FOIA training or conference during the reporting period such as that provided by the Department of Justice?

Answer: Yes, see below.

4. If yes, please provide a brief description of the type of training attended or conducted and the topics covered.

Answer: Throughout the year, various members of the NLRB FOIA Branch attended the following trainings:

- DOJ OIP Training: The Freedom of Information Act for Attorneys and Access Professionals
- DOJ OIP Training: Advanced Freedom of Information Act
- DOJ OIP Training: FOIA Litigation Seminar
- DOJ OIP Training: Continuing FOIA Education
- DOJ OIP Best Practices Workshop Series: FOIA Administrative Appeals

- American Society of Access Professionals (ASAP) 12th National Training Conference, Arlington, Virginia
- 2019 Federal Privacy Summit

In addition, the NLRB FOIA Branch promotes and encourages use of the DOJ training tools such as the FOIA Professional e-Learning Module and the Federal Employee e-Learning Module for new FOIA Branch employees and Agency employees who are temporarily detailed to the FOIA Branch.

5. Provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.

Answer: 85% of NLRB FOIA Branch professionals attended FOIA training.

6. OIP has directed agencies to “take steps to ensure that all of their FOIA professionals attend substantive FOIA training at least once throughout the year.” If your response to the previous question is that less than 80% of your FOIA professionals attended training, please explain your agency’s plan to ensure that all FOIA professionals receive or attend substantive FOIA training during the next reporting year.

Answer: This is not applicable to the NLRB since over 80% of the FOIA staff has attended FOIA training. The NLRB FOIA Officer promotes staff participation in substantive FOIA trainings to ensure that the FOIA Branch staff has the proper knowledge, skills and tools to efficiently perform its work.

C. Outreach

7. Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA? Please describe any such outreach or dialogue, and, if applicable, any specific examples of how this dialogue has led to improvements in your agency’s FOIA administration.

Answer: The NLRB FOIA Branch staff attended the following outreach events with the requester community:

- DOJ OIP Best Practices Workshop Series: FOIA Administrative Appeals
- Office of Government Information Services Annual Open Meeting

The Deputy Assistant General Counsel of the FOIA Branch is a member of the National Archives and Records Administration (NARA)’s FOIA Advisory Committee for the period of 2018-2020. The NLRB supported the application to this committee in order to assist in the improvement of FOIA administration to benefit the requester community. The purpose of this committee is to encourage dialogue between NARA and the requester community, solicit public comments, and develop consensus recommendations for improving FOIA administration and proactive disclosure. Information regarding the FOIA Advisory Committee can be found at: <https://www.archives.gov/ogis/foia-advisory-committee>.

D. Other Initiatives

8. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA.

Answer: Throughout the year, the FOIA Officer conducts FOIA overview presentations to regional staff visiting headquarters as a part of the NLRB Washington Exchange Program, new Regional Directors, summer law interns, and staff in field offices. At these trainings, FOIA materials are provided with information regarding Agency employees' FOIA obligations as to NLRB records as they perform the Agency's mission-related activities, along with FOIA Branch employees' contact information.

9. Optional -- If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here.

Answer: The FOIA Branch is in the process of updating the NLRB FOIA regulations and intends to begin a new update of its NLRB FOIA Manual.

Section II: Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests

DOJ's [FOIA Guidelines](#) emphasize that “[a]pplication of the proper disclosure standard is only one part of ensuring transparency. Open government requires not just a presumption of disclosure, but also an effective system for responding to FOIA requests.” It is essential that agencies effectively manage their FOIA program.

Please answer the following questions to describe the steps your agency has taken to ensure that the management of your FOIA program is effective and efficient. You should also include any additional information that that describes your agency's efforts in this area.

1. For Fiscal Year 2019, what was the average number of days your agency reported for adjudicating requests for expedited processing? Please see Section VIII.A. of your agency's Fiscal Year 2019 Annual FOIA Report.

Answer: For Fiscal Year 2019, the NLRB FOIA Branch adjudicated requests for expedited processing in an average of 5.56 days.

2. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

Answer: This is not applicable to the NLRB since the number of days it took the Agency to adjudicate requests for expedited processing was below 10 days.

3. During the reporting period, did your agency conduct a self-assessment of its FOIA program? If so, please describe the methods used, such as reviewing Annual Report data, using active workflows and track management, reviewing and updating processing procedures, etc.

- **Note: In September 2017, OIP released a FOIA Self-Assessment Toolkit as a resource for agencies conducting a self-assessment of their FOIA program. The Toolkit is available on OIP’s website for all agencies to use.**

Answer: With FOIAonline, the NLRB FOIA Branch regularly creates various reports to track the review status of FOIA requests, response times, and the completion of review tasks.

Additionally, the FOIA Branch compares the Quarterly Reports and the FOIA Annual Reports to assess quarterly and yearly trends and levels of productivity. The FOIA Branch will continue to use the power of the FOIAonline reporting features to assess its productivity and assist it in streamlining processes and procedures. Additionally, the FOIA Branch holds an annual staff meeting to review and discuss the Annual FOIA Report and the Chief FOIA Officer Report to illustrate areas of improvement and to study areas to focus upon for improvement in the next fiscal year.

In Fiscal Year 2019, the FOIA Branch began conducting self-assessments using the DOJ FOIA Self-Assessment Toolkit modules. Notably, the FOIA Branch completed Module 13 FOIA Website Development and Maintenance and reviewed the DOJ OIP Guidance: Agency FOIA Website 2.0 while it revamped the NLRB FOIA Homepage on the Agency’s website. Upon completion of the homepage, the NLRB requested and received a review and critique of the home page by DOJ OIP. The NLRB will continue to conduct these self-assessments, so that the FOIA Branch will be the most efficient in performing its FOIA duties and assisting the Agency in accomplishing its mission.

4. The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the agency’s FOIA Public Liaison. Please provide an estimate of the number of times requesters sought assistance from your agency’s FOIA Public Liaison during FY 2019 (please provide a total number or an estimate of the number).

Answer: The FOIA Public Liaison assisted approximately 91 requesters in Fiscal Year 2019.

5. Optional -- Please describe:

- **Best practices used to ensure that your FOIA system operates efficiently and effectively**
- **Any challenges your agency faces in this area**

Answer: The NLRB FOIA Branch is a partner agency with FOIAonline. FOIAonline is a multi-agency workflow system and repository that enables partner agencies to: 1) receive, manage, track, and respond to FOIA requests, 2) generate reports, 3) communicate with requesters, 4) post responsive records online, and 5) manage FOIA case files as electronic records. FOIAonline also allows the public to: 1) submit FOIA requests to participating FOIAonline agencies, 2) search for other people's FOIA requests and responsive records, and 3) check the status reports on the processing of their request. The FOIA Officer, Deputy Assistant General Counsel, and Office of the Chief Information Officer Senior Applications Developer attend all FOIAonline meetings to regularly inform the FOIAonline Team of any issues that arise in processing, to stay

current on FOIAonline developments, and suggest future developments that would complement and improve the NLRB's FOIA processing.

Currently the FOIA Branch staff is cleaning up the information in the Records Requested Description sections in FOIAonline. Once completed, it will be easier for requesters to conduct productive searches in FOIAonline in order to find publicly available records and will help the Branch generate releasable FOIA logs.

Last year was a challenging year for FOIAonline. FOIAonline shared infrastructure with eRulemaking, which was migrated to GSA. This shared infrastructure allowed for lower costs to the agencies and greater functionality. During late FY2018 and FY2019, while transitioning to its own infrastructure, FOIAonline experienced performance issues and was not able to support the level of report generation needed by all agencies, including the NLRB. However, the FOIAonline Team immediately took migration steps, communicated issues on a regular basis, held regular meetings with the agency partners, and addressed the performance issues.

Section III: Steps Taken to Increase Proactive Disclosures

The Department of Justice has long focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received.

Please answer the following questions to describe the steps your agency has taken to increase the amount of material that is available on your agency websites. In addition to the questions below, you should also describe any additional steps taken by your agency to make and improve proactive disclosures of information.

1. Provide examples of any material that your agency has proactively disclosed during the past reporting year, including records that have been requested and released three or more times in accordance with 5 U.S.C. § 552(a)(2)(D). Please include links to these materials as well.

Answer: The NLRB makes numerous proactive disclosures as follows:

- Final Agency Opinions and Orders
 - [Advice Memoranda](#). Two categories of Advice Memoranda are released to the public: 1) memoranda directing dismissal of administrative unfair labor practice charges that are required to be released pursuant to *NLRB v. Sears, Roebuck & Co.*, 421 U.S. 132 (1975); and 2) memoranda directing issuance of an administrative complaint in unfair labor practice cases that have closed, which are not required by law to be released but are released in the General Counsel's discretion.
 - [Decisions and Orders of the NLRB](#). A searchable index of all Board Decisions issued.

- [Administrative Law Judge Decisions](#). A searchable index of ALJ Decisions issued.
- [Regional Election Decisions](#). A searchable index of 1) Decisions and Directions of Elections (D&DEs) - the Regional Director concludes that the prerequisites to an election have been satisfied and directs that an election be conducted; 2) Decisions and Orders (D&Os) - the Regional Director determines that an election should not be conducted and the petition is dismissed; and 3) Regional Director Supplemental Decision on Objections and Challenges - a post-election decision resolving objections and/or challenges with or without a post-election hearing.
- Specific Policy Statements
 - Memoranda issued by the [General Counsel](#).
 - Memoranda issued by the NLRB's Division of [Operations Management](#).
- Administrative Staff Manuals and Instructions to Staff
 - [Manuals](#). This page contains NLRB casehandling manuals and other materials regarding NLRB case procedures, as well as the Agency's FOIA Manual for Agency employees who process FOIA requests.
- Frequently Requested Records
 - As of August 1, 2017, frequently requested records may be found on [FOIAonline](#). Records sought may have already been posted proactively, and are searchable by the NLRB case name, number, or search terms to locate any responsive records.
 - [Monthly records related to representation and unfair labor practice cases](#).
 - [Cases and Organizations of Interest](#). This page links to the case pages of NLRB cases that are of significant public interest.
 - [Case Search](#). A search for an NLRB case is available here, using the case number or name. The resulting case number or name links to the case page.
 - [NLRB Recent Charges and Petitions Filings Search](#). This page contains links to case pages for all cases maintained in the Agency's electronic casehandling system. NLRB cases may be searched using various filters, and search results can be downloaded in CSV and XML format. Representation cases listed in the search results will also include the number of employees in the bargaining unit and the unit description.
 - [Tally of Ballots Search](#). This page contains data on cases in which a tally of ballots was issued.

- [NLRB Data on Data.gov](#). NLRB data for unfair labor practice cases and representation cases filed from October 10, 1999 through December 2, 2009 from the NLRB’s legacy system, Case Activity Tracking System (CATS), are available at: [www.data.gov](#) by searching “NLRB.”

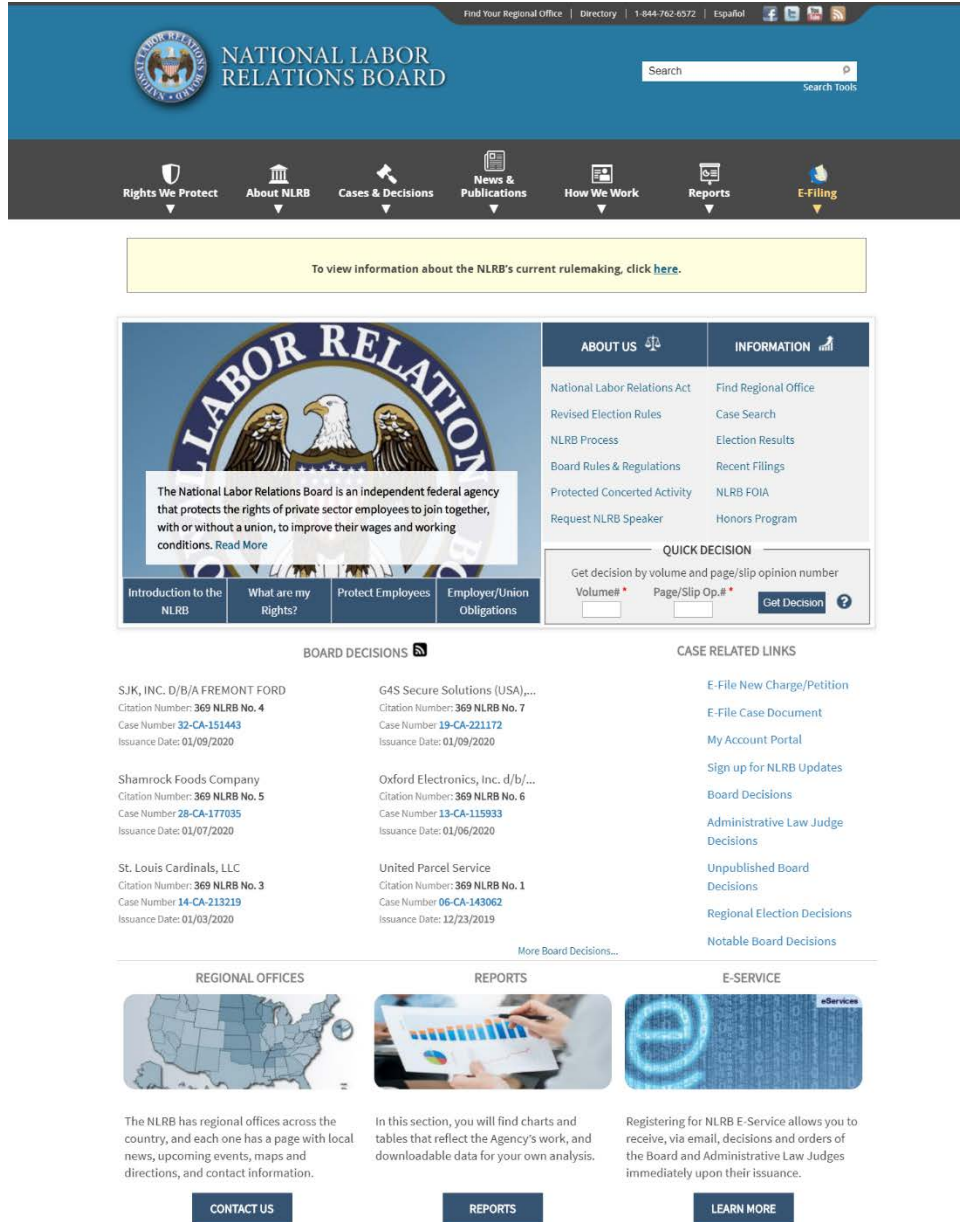
- Other Proactively-Disclosed NLRB Records
 - [Reports](#). The Agency makes many reports available to the public, containing various types of information related to casehandling, the Agency’s performance, the FOIA, and the Office of the Inspector General.
 - [Performance and Accountability Reports \(PARs\)](#). The PAR presents the NLRB’s audited financial statements, and sets forth the Agency’s performance against its major objectives. Additionally, it addresses goals, metrics, and performance, as required by the Government Performance and Results Act of 1993.
 - [Election Reports](#). These reports list all elections conducted in the NLRB’s regions. Elections are counted in the month in which the outcome is certified.
 - [Annual Reports](#). As of FY2009, the Agency ceased producing Annual Reports, which are available at this [link](#). Financial and performance data are now available in the annual [Performance and Accountability Reports \(PARs\)](#). Statistical information is now available on the NLRB website’s [Graphs and Data section](#).

2. Beyond posting new material, is your agency taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your agency’s website?

Answer: Yes

3. If yes, please provide examples of such improvements.

Answer: In FY 2019, the NLRB revised the [Agency’s public website](#) to highlight and explain available Agency case records and to make it easier for the public to locate and access records, and download data.



The FOIA Branch revised its homepage to become more requester friendly, and created the [FOIA-E Library](#), which is an index of NLRB records of interest to the requester community.



[Home](#) » [News & Publications](#) » [More Information](#) » [FOIA](#)

FOIA E-Library

Freedom Of Information Act

[How to File a FOIA Request](#)

[FOIA Reference Guide](#)

[FOIA E-Library](#)

[FOIA Reports](#)

[FOIA Resources](#)

[FOIA Contacts](#)

The FOIA E-Library is a collection of National Labor Relations Board (NLRB) materials that are frequently requested or are of broad general interest to the public. Subsection (a)(2) of the FOIA requires agencies to proactively make available to the public non-exempt information from certain categories of records without waiting for a specific request to be received. These categories are:

- Final agency opinions and orders rendered in the adjudication of cases,
- Specific policy statements that are not published in the Federal Register,
- Administrative staff manuals and instructions to staff that affect a member of the public, and
- Records that have become or are likely to become the subject of subsequent requests or those records that have been requested three or more times – commonly referred to as frequently requested records.

It is highly likely that information you seek is readily available on the NLRB web site. Before making a FOIA request, please visit the below links.

▪ Final Agency Opinions and Orders

- **Advice Memoranda.** Two categories of advice memoranda are released to the public: 1) memoranda directing dismissal of the charge that are required to be released pursuant to *NLRB v. Sears, Roebuck & Co.*, 421 U.S. 132 (1975), and 2) memoranda in closed cases that are not required by law to be released but are released in the General Counsel's discretion.
- **Decisions and Orders of the NLRB.** A searchable index of all Board Decisions issued.
- **Administrative Law Judge Decisions.** A searchable index of ALJ Decisions issued.
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▪ Specific Policy Statements

- Memoranda issued by the [General Counsel](#)
- Memoranda issued by the [NLRB's Operations Management](#)

▪ Administrative staff manuals and instructions to staff

- **Manuals.** This page contains NLRB casehandling manuals and other materials regarding NLRB case procedures and FOIA requests maintained by the NLRB.

▪ Frequently Requested Records.

- As of August 1, 2017, frequently requested records may be found on [FOIAonline](#). The record you seek may have already been posted proactively. You can search by the NLRB case name, number, or search terms to locate any responsive records.
- **Monthly records related to representation and unfair labor practice cases.**
- **Cases and Organizations of Interest.** This page links to the case pages of NLRB cases that are great public interest.
- **Case Search.** From here, you can conduct a search for an NLRB case using the case number or name. Clicking on the resulting case number or name takes you to its case page.
- **NLRB Case File Search.** The page contains links to case pages for all cases maintained in the Agency's casehandling system. Data on these cases can be downloaded in CSV and XML format. Representation Cases listed in the search results will also include the number of employees in the bargaining unit and the unit description.
- **Tally of Ballots Search.** This page contains data on cases in which a tally of ballots was issued.
- **NLRB Data on Data.gov.** NLRB data for unfair labor practice cases ("C cases") and representation cases ("R cases") filed from October 10, 1999 through December 2, 2009 from the NLRB's legacy system, Case Activity Tracking System (CATS) are available at: www.data.gov by searching "NLRB."

▪ Other Proactive Disclosed NLRB Records

- **Reports.** The Agency makes many reports available to the public, containing various types of information related to casehandling, the Agency's performance, the FOIA, and Office of the Inspector General.
- **Performance and Accountability Reports (PARs).** The PAR presents the NLRB's audited financial statements, and sets forth the Agency's performance against its major objectives. Additionally, it addresses goals, metrics, and performance, as required by the Government Performance and Results Act of 1993.
- **Election Reports.** These reports list all elections conducted in the NLRB's regions. Elections are counted in the month in which the outcome is certified.
- **Annual Reports.** As of FY2009, the Agency ceased producing Annual Reports, which are available at this link. Financial and performance data are now available in the annual [Performance and Accountability Reports \(PAR's\)](#). Statistical information is now available on the NLRB website's [Graphs and Data](#) section.

4. Optional -- Please describe:

- **Best practices used to improve proactive disclosures**
- **Any challenges your agency faces in this area**

Answer: After conducting a self-assessment last year, the FOIA Branch revised the FOIA Homepage to make it more user friendly and easier to navigate. The FOIA Branch continues to work with its Office of the Chief Information Officer to make certain previously-released records, which are publicly available on the FOIAonline website, also available through the Agency website. Currently, the public can search FOIAonline and obtain frequently-requested records, as well as records disclosed to media requesters.

Section IV: Steps Taken to Greater Utilize Technology

A key component of FOIA administration is using technology to make information more accessible. In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests.

Please answer the following questions to describe how your agency is utilizing technology to improve its FOIA administration and the public's access to information. You should also include any additional information that that describes your agency's efforts in this area.

1. Is your agency leveraging or exploring any new technology to facilitate efficiency in its FOIA administration that you have not previously reported? If so, please describe the type of technology.

Answer: Consistently, the FOIA Branch explores new technology and investigates whether the technology is efficient and whether it would aid in its FOIA administration. The FOIA Branch managers have attended presentations on new redaction technology and presentations by the Chief FOIA Officers Council Technology Subcommittee.

2. OIP issued [guidance](#) in 2017 encouraging agencies to regularly review their FOIA websites to ensure that they contain essential resources, and are informative and user-friendly. Has your agency reviewed its FOIA website(s) during the reporting period to ensure it addresses the elements noted in the guidance?

Answer: In Fiscal Year 2019, while revamping the NLRB FOIA Homepage, the FOIA Branch completed Module 13 FOIA Website Development and Maintenance of the DOJ FOIA Self-Assessment Toolkit and reviewed the DOJ OIP Guidance: Agency FOIA Website 2.0. Upon completion of the Homepage, the FOIA Branch requested a review and critique by DOJ OIP to ensure every element of guidance was included in the revision. In September 2019, the NLRB launched the NLRB FOIA Homepage, which included the newly created FOIA E-Library. The goal for the FOIA E-Library is to act as an index of NLRB records for the requester community and the public at large.

3. Did your agency successfully post all four quarterly reports for Fiscal Year 2019?

Answer: Yes, the NLRB posted the four quarterly reports for Fiscal Year 2019. The reports are posted on the NLRB website at: <https://www.nlr.gov/news-publications/more-information/foia/foia-reports>.

4. If your agency did not successfully post all quarterly reports, with information appearing on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2020.

Answer: The NLRB posted the First, Second, and Third Quarter FOIA Reports on FOIA.gov. During the time frame for the posting of the Fourth Quarter FOIA Report on FOIA.gov, an error occurred on the NLRB website. To ensure this situation does not occur in the future, the FOIA Branch and the OCIO Web Team will separately verify the FOIA.gov postings.

5. The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency's Fiscal Year 2018 Annual FOIA Report and, if available, for your agency's Fiscal Year 2019 Annual FOIA Report.

Answer: The NLRB 2018 FOIA Annual Report and the NLRB 2019 FOIA Annual Report are posted on the Agency website at: <https://www.nlr.gov/news-publications/more-information/foia/foia-reports>.

6. Optional -- Please describe:

- **Best practices used in greater utilizing technology**
- **Any challenges your agency faces in this area**

Answer: With FOIAonline, the FOIA Branch posts Agency records online quickly and has increased its FOIA workflow process. The FOIAonline report tool enables the FOIA Branch to 1) produce custom reports for staff and management and to create metrics to increase efficiency, and 2) conduct individual productivity assessments. Additionally, the FOIA Branch uses the Microsoft Office 365 eDiscovery tool to conduct searches of Microsoft Exchange, SharePoint Online, and OneDrive, and uses Relativity for FOIA cases involving voluminous responsive records.

The FOIA Branch is working with the FOIAonline Team to implement a payment module that interfaces with www.Pay.gov and a web application to post FOIAonline records to the case pages of NLRB cases on the Agency's web site.

Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs

The Department of Justice has emphasized the importance of improving timeliness in responding to requests. This section of your Chief FOIA Officer Report addresses both time limits and backlog reduction. Backlog reduction is measured both in terms of numbers of backlogged requests or appeals and by looking at whether agencies closed their ten oldest requests, appeals, and consultations.

For the figures required in this Section, please use the numbers contained in the specified sections of your agency's 2019 Annual FOIA Report and, when applicable, your agency's 2018 Annual FOIA Report.

A. Simple Track

Section VII.A of your agency's Annual FOIA Report, entitled "FOIA Requests – Response Time for All Processed Requests," includes figures that show your agency's average response times for processed requests. For agencies utilizing a multi-track system to process requests, there is a category for "simple" requests, which are those requests that are placed in the agency's fastest (non-expedited) track, based on the low volume and/or simplicity of the records requested.

1. Does your agency utilize a separate track for simple requests?

Answer: No. The NLRB does not have a separate track for simple requests pursuant to NLRB's current Rules and Regulations. However, the FOIA Branch manually reviews each FOIA request and makes an effort to identify and process the simple requests first.

2. If your agency uses a separate track for simple requests, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2019?

Answer: This is not applicable to the NLRB because the Agency does not have a separate track for simple requests.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2019 that were placed in your simple track.

Answer: This is not applicable to the NLRB because the Agency does not have a separate track for simple requests.

4. If your agency does not track simple requests separately, was the average number of days to process all non-expedited requests twenty working days or fewer?

Answer: The average number of days taken to process all non-expedited requests was over twenty working days.

B. Backlogs

Section XII.A of your agency's Annual FOIA Report, entitled "Backlogs of FOIA Requests and Administrative Appeals" shows the numbers of any backlogged requests or appeals from the fiscal year. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2018 and Fiscal Year 2019 when completing this section of your Chief FOIA Officer Report.

BACKLOGGED REQUESTS

5. If your agency had a backlog of requests at the close of Fiscal Year 2019, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2018?

Answer: Yes. The NLRB had a FOIA request backlog of 87 at the end of Fiscal Year 2018. At the end of Fiscal Year 2019, the NLRB had a reduced FOIA request backlog of 35, which reflects a decrease of 59.77%.

6. If not, did your agency process more requests during Fiscal Year 2019 than it did during Fiscal Year 2018?

Answer: This is not applicable to the NLRB.

7. If your agency's request backlog increased during Fiscal Year 2019, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

- **An increase in the number of incoming requests.**
- **A loss of staff.**
- **An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.**
- **Any other reasons – please briefly describe or provide examples when possible.**

Answer: This is not applicable to the NLRB.

8. If you had a request backlog please report the percentage of requests that make up the backlog out of the total number of requests received by your agency in Fiscal Year 2019. If your agency has no request backlog, please answer with "N/A."

Answer: The NLRB received 1,370 requests during Fiscal Year 2019. The total Fiscal Year 2019 backlog was 35, which is the equivalent of 2.55% of the total requests received.

BACKLOGGED APPEALS

9. If your agency had a backlog of appeals at the close of Fiscal Year 2019, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2018?

Answer: The NLRB did not have a backlog of administrative appeals at the end of Fiscal Year 2019 or at the end of Fiscal Year 2018.

10. If not, did your agency process more appeals during Fiscal Year 2019 than it did during Fiscal Year 2018?

Answer: This is not applicable to the NLRB.

11. If your agency's appeal backlog increased during Fiscal Year 2019, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

- **An increase in the number of incoming appeals.**
- **A loss of staff.**
- **An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.**
- **Any other reasons – please briefly describe or provide examples when possible.**

Answer: This is not applicable to the NLRB.

12. If you had an appeal backlog please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in Fiscal Year 2019. If your agency did not receive any appeals in Fiscal Year 2019 and/or has no appeal backlog, please answer with "N/A."

Answer: This is not applicable to the NLRB.

C. Backlog Reduction Plans

13. In the 2019 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2018 was asked to provide a plan for achieving backlog reduction in the year ahead. Did you agency implement a backlog reduction plan last year? If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2019?

Answer: The NLRB did not have a backlog more than 1,000 FOIA requests in Fiscal Year 2018. In Fiscal Year 2019, the FOIA Branch took the following steps to reduce backlog:

- Made more records publicly available through FOIAonline;

- Obtained detail employees from other agency offices to assist with review of agency records prior to posting;
- Created template FOIA response letters;
- Utilized the FOIAonline report tool to provide metrics to measure effectiveness and productivity, and to make assessments;
- Authorized compensatory time and time off awards for the FOIA Branch staff members;
- Provided in-house training for FOIA Branch staff;
- Encouraged FOIA Branch staff to attend DOJ and OGIS training sessions and the ASAP 12th National Training Conference;
- Requested additional staff personnel and additional supervisory personnel;
- Requested and obtained authority to hire personnel for vacant staff positions; and
- Conducted weekly backlog meetings among supervisors and staff during the Fourth Quarter.

The FOIA Branch set the goal of responding to at least 60% of initial FOIA requests within 20 working days. This goal is included in the NLRB Strategic Plan FY 2019 - FY2022 on page 12.

At the end of Fiscal Year 2019, the NLRB had a reduced FOIA request backlog of 35, which reflects a significant backlog decrease of 59.77%.

14. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2019, what is your agency's plan to reduce this backlog during Fiscal Year 2020?

Answer: This is not applicable to the NLRB. Each fiscal year, the NLRB implements a backlog plan, which has proved effective to significantly reduce the backlog.

D. Status of Oldest Requests, Appeals, and Consultations

Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," Section VI.C.(5), entitled "Ten Oldest Pending Administrative Appeals," and Section XII.C., entitled "Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency," show the ten oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2018 and Fiscal Year 2019 when completing this section of your Chief FOIA Officer Report.

OLDEST REQUESTS

15. In Fiscal Year 2019, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2018 Annual FOIA Report?

Answer: Yes. The FOIA Branch is pleased to report that it closed the ten oldest FOIA requests reported in the Fiscal Year 2018 Annual FOIA Report.

16. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2018 Annual FOIA Report. If you had fewer than ten total oldest requests to close, please indicate that.

Answer: This is not applicable to the NLRB.

17. Beyond work on the ten oldest requests, please describe any steps your agency took to reduce the overall age of your pending requests.

The Branch's FOIA supervisors assist staff with the techniques of properly triaging and prioritizing cases. Each staff member is directed to work on the top three oldest cases in their work queue to possibly narrow, process, and close out those requests, while also working to close more current requests that do not require significant review.

TEN OLDEST APPEALS

18. In Fiscal Year 2019, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2018 Annual FOIA Report?

Answer: For the Fiscal Year 2018 Annual FOIA Report, the NLRB reported that it had two old administrative appeals. The NLRB closed these administrative appeals in Fiscal Year 2019.

19. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2018 Annual FOIA Report. If you had fewer than ten total oldest appeals to close, please indicate that.

Answer: This is not applicable to the NLRB.

20. Beyond work on the ten oldest appeals, please describe any steps your agency took to reduce the overall age of your pending appeals.

Answer: The FOIA Branch set the goal of closing 95% of the administrative FOIA appeals within 20 days. This goal is included in the NLRB Strategic Plan FY2019 - FY2022 on page 12.

TEN OLDEST CONSULTATIONS

21. In Fiscal Year 2019, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2018 Annual FOIA Report?

Answer: For the Fiscal Year 2018 Annual FOIA Report, the NLRB reported no outstanding consultations.

22. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C. of your Fiscal Year 2018 Annual FOIA Report. If you had fewer than ten total oldest consultations to close, please indicate that.

Answer: This is not applicable to the NLRB. For the Fiscal Year 2018 Annual FOIA Report, the NLRB reported no outstanding consultations.

E. Additional Information on Ten Oldest Requests, Appeals, and Consultations & Plans

23. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2019.

Answer: The NLRB closed its ten oldest requests. It is important to note that for five cases there were extenuating circumstances. Three of the FOIA requests contained voluminous responsive records and the review of these records was extremely time consuming. For two of the FOIA requests, the NLRB was required to proceed through the business submitter process.

24. If your agency was unable to close any of its ten oldest requests because you were waiting to hear back from other agencies on consultations you sent, please provide the date the request was initially received by your agency, the date when your agency sent the consultation, and the date when you last contacted the agency where the consultation was pending.

Answer: This is not applicable to the NLRB.

25. If your agency did not close its ten oldest pending requests, appeals, or consultations, please provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2020.

Answer: This is not applicable to the NLRB. For the Fiscal Year 2019 Annual FOIA Report, the NLRB closed the ten oldest cases from the Fiscal Year 2018 Annual FOIA Report.

F. Success Stories

Out of all the activities undertaken by your agency since March 2019 to increase transparency and improve FOIA administration, please briefly describe here at least one success story that you would like to highlight as emblematic of your agency’s efforts. The success story can come from any one of the five key areas. As noted above, OIP will highlight these agency success stories during Sunshine Week. To facilitate this process, all agencies should use bullets to describe their success story and limit their text to a half page. The success story is designed to be a quick summary of key achievements. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report.

Answer: The most notable success story this year for the NLRB FOIA Branch is that after implementing many creative backlog techniques and with the overall support, work efforts, and enthusiasm of the FOIA staff, the Branch significantly reduced its FOIA request backlog by 59.77%.

Adding to that success story is the fact that during the strenuous backlog efforts, the NLRB FOIA Branch also successfully launched its revised FOIA Homepage and its newly created FOIA E-Library, which provides a useful index of NLRB records for the requester community and the public at large.