

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



FISCAL YEAR 2019

Fiscal Year (FY) 2019 Congressional Budget Justification

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FY 2019 Congressional Budget Justification

I. FOREWORD

The National Labor Relations Board (NLRB, Board, or Agency) conducts union representation elections and adjudicates alleged labor law violations involving private sector employees, unions, and employers throughout the United States. The Agency's work involves challenging issues in complex cases of nationwide impact.

The NLRB FY 2019 budget request supports the President's Comprehensive Plan to improve the efficiency, effectiveness, and accountability of the Agency. The Agency Comprehensive Plan, provided in Appendix 1, provides the framework for new and continuing efforts to reengineer casehandling processes, consolidating and eliminating duplicative functions, closing and merging offices, and improving mission and business operations.

II. MISSION STATEMENT

The National Labor Relations Board's mission is to protect workplace democracy and the rights of employees and to adjudicate disputes between unions and employers under the National Labor Relations Act ("NLRA" or "Act"), in order to promote interstate commerce and strengthen the Nation's economy. The protection of concerted activities involving terms and conditions of employment in the workplace helps prevent interruptions in the free flow of commerce and balances bargaining power between employers and employees, thus advancing Congress' goal of minimizing industrial strife through collective action.

III. 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. The purpose of the Nation's primary labor relations law is to serve the public interest by reducing interruptions in commerce caused by industrial strife. It seeks to do this by providing orderly processes for ensuring workplace stability between employees, employers, and unions in their relations with one another. The Act contains an employees' bill of rights, which establishes freedom of association for the purposes of participating in collective bargaining or refraining from participation in collective action. Under the Act, the NLRB has two primary functions: (1) to prevent and remedy statutorily defined unfair labor practices (ULPs) by employers and labor organizations, and (2) to conduct secret-ballot elections among employees to determine whether they wish to be represented by a labor organization.

The role of the NLRB is to support the law through the administration, interpretation, and enforcement of the Act. There is no private right of action under the NLRA, thus the Agency is the only recourse for any employer, employee, or union to seek redress of a violation of the NLRA. Consequently, the processing of these cases assists in easing the burden on the court systems across the United States.

The NLRB authority is divided by law and by delegation. The Board has five members and primarily acts as a quasi-judicial body in deciding cases on the basis of formal records in administrative proceedings. One Board member is designated as the Chairman. Independent from the Board, the General Counsel is responsible for the investigation and prosecution of unfair labor practice charges, for the processing of representation petitions, and for the oversight of the NLRB's Regional Offices, in addition to handling the day-to-day administrative, financial, personnel, human capital, and operational responsibilities of the Agency. All of these positions are appointed by the President and confirmed by the Senate.

The Board and the General Counsel are located in the Agency's Headquarters in Washington, D.C. The Agency also has a network of Administrative Law Judges located in Washington, D.C., New York, Atlanta, and San Francisco. There are 26 Regional Offices located in major cities across the United States, and a total of 49 offices nationwide.

To fulfill the Agency's first primary function, the General Counsel has responsibility for: investigating charges of unfair labor practices filed by employees, labor organizations or employers; approving withdrawals or dismissing non-meritorious cases; and facilitating settlements or issuing complaints in meritorious cases.

In connection with its second primary function, the Agency enforces the right of employees to choose whether or not to be represented by a labor organization. Representation cases are initiated by the filing of a petition – by employees, labor organizations, or employers. The Agency evaluates the petition and, if appropriate, conducts an election to determine if employees wish to have a labor organization as their collective bargaining representative. Thereafter, the Agency addresses challenges and/or objections to the election, if filed, and ultimately issues a certification of representation or of election results.

IV. APPROPRIATIONS LANGUAGE

FY 2019

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, \$249,000,000: 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 2018 appropriation for this account was not enacted at the time the budget was prepared; therefore, the budget assumes this account is operating under the Further Continuing Appropriations Act, 2018 (P.L. 114–254). The amounts included for 2018 reflect the annualized level provided by the continuing resolution.

ADMINISTRATIVE PROVISION

None of the funds provided by this Act or previous Acts making appropriations for the National Labor Relations Board may be used to issue any new administrative directive or regulation that would provide employees any means of voting through any electronic means in an election to determine a representative for the purposes of collective bargaining.

V. OVERVIEW OF THE FISCAL YEAR 2019 BUDGET REQUEST

The NLRB's FY 2019 budget request is \$249.0 million. The request will fund the Agency's statutory mission of resolving labor disputes through investigation, settlement, litigation, adjudication, education, and compliance. This mission relies primarily on skilled and experienced attorneys and professional support employees. The annual staff compensation (salaries and benefits) uses approximately 80 percent of the requested funding (\$199.2 million); 11 percent (\$27.4 million) is required for rent, security, and other facility and property expenses for the NLRB offices in Headquarters and across the country; and the remaining nine (9) percent (\$22.4 million) is allocated to all other operating costs and activities. These other costs and activities include, but are not limited to: information technology, court reporting, case-related travel, witness fees, interpreters, legal research systems, case management systems, training, and compliance with government-wide statutory and regulatory mandates.

The FY 2019 budget request allows the NLRB to evaluate, streamline, and prioritize mission functions and still be able to protect the rights of private sector employees and to educate employers and unions covered by the NLRA about their obligations. The evaluation starts with workforce planning to ensure that both the current and future organization capacity maintains the skills to meet the Agency's mission. One of the many steps to start formulating the restructuring plan is to examine the processes in the various Program areas. The Field casehandling attorneys and examiners are already engaged in providing their process improvement ideas to better service the public and the mission. Headquarters offices are currently engaged in identifying processes that can be reengineered to be more efficient and identify more ways to use electronic media to reduce goods and services purchases.

The Agency is surveying employees who might be interested in a Voluntary Early Retirement Authority (VERA) and/or Voluntary Separation Incentive Payments (VSIPs) and is developing a VERA/VSIP plan for submission to the Office of Personnel and Management (OPM) to be executed in FY 2018 and FY 2019.

The NLRB's Comprehensive Plan outlines future reforms to further streamline operations, such as:

- Reducing the square footage at the NLRB Headquarters
- Decreasing square footage in more field offices through closures or downsizing
- Eliminating more contractor services
- Reducing office machinery and equipment, Metro benefits, technology hardware and licenses as structural de-layering occurs and FTEs decrease

VI. FUNDING LEVEL

National Labor Relations Board				
(Dollars in Thousands)				
Detail	FY 2017 Actual	FY 2018 Annualized CR	FY 2018 Budget Request	FY 2019 Performance Budget
Annual Appropriation	\$ 274,224	\$ 272,362	\$ 258,000	\$ 249,000
Agency FTEs	1,476	1,400	1,320	1,225

VII. PROGRAM ACTIVITIES

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

The personnel reductions and associated cost savings are being realized in all the Program Activities below through identifying steps in processes that can be consolidated and restructured in the respective Activities. As employees retire, resign, or move to other Federal agencies, the positions are carefully evaluated to determine if the position needs to be restructured or eliminated. While this restructuring is still in the development phase, the Agency is presenting remaining employees with opportunities to move to different offices or reassigning responsibilities to perform multiple functions that allow the person a broader breadth and depth to their knowledge, skills, and abilities.

The NLRB's Comprehensive Plan provides more specifics on Agency program initiatives that will be implemented beginning in FY 2018 and continued in FY 2019 that includes decreasing Headquarters and Field offices square footage, reducing office machinery and equipment, Metro benefits, eliminating more contractor services, and reductions in laptops, cell phones, copiers, software licenses, and other expenses associated with FTE reductions.

The top priority and main focus of the Agency during the restructuring and consolidation efforts is continuing to serve the public by completing the mission in our day-to-day operations.

FY 2019

2018/2019 Difference +/-¹

Casehandling

(\$177.6 million, 955 FTEs)

-\$9.8 million / -66 FTEs

The casehandling program activity includes Agency employees who are directly involved with processing unfair labor practice and representation cases. The offices/branches/divisions in this process include: the Regional Offices, Appeals, Advice, Operations-Management, E-Litigation, Appellate and Supreme Court Litigation, Injunction Litigation, and Contempt, Compliance, and Special Litigation.

The casehandling process starts with Regional Office personnel performing intake processing of unfair labor practice charges and representation petitions filed by employees, labor organizations, or employers. These are received in the Agency's Regional and satellite offices across the United States, which are staffed by examiners and attorneys. Each case is investigated by docketing the original charge, contacting and taking testimonial evidence from witnesses, and requesting and reviewing relevant documents from all parties involved.

Once an initial investigation is completed, Regional Directors, who are charged with overseeing effective and efficient investigations in field offices, determine whether a charge has merit. Historically, Regional Directors nationwide have found approximately 1/3 of the charges filed to be meritorious. In FY 2017, 61.4% of the charges were dismissed or withdrawn on the basis that they were considered to be without merit and the number of cases found meritorious after an investigation was 38.6%. In the event of a dismissal, the charging party is entitled to appeal that decision to the Office of Appeals located at Headquarters, which will determine whether the investigation was complete and the legal conclusion sound. If so, the dismissed case is closed, and the affected claimants have no right of further appeal. If a dismissed case is found to have probable merit following review by the Office of Appeals, a complaint will be issued if the case is not settled. Historically, when a decision is made to issue a complaint, the Regional Offices settle over 90% of meritorious cases. These final resolutions (i.e., dismissals, withdrawals or settlements) occur at an extremely early stage, typically within 3 months after the case has been initiated with the filing of a charge.

The Regional Offices seek legal advice from staff in the Division of Advice located at Headquarters. Further, if there are serious violations requiring immediate relief because obtaining a remedy in due course would be too late to effectuate the purposes of the Act, the Regional Offices will petition a U.S. District Court in certain cases under Section 10(l) of the Act and will seek guidance from the Injunction Litigation Branch of the Division of Advice in cases under Section 10(j) of the Act. If the General Counsel believes that injunctive relief under

¹ FY 2019 difference is to the FY 2018 Budget Request

Section 10(j) of the Act is warranted, s/he will seek authorization from the Board to institute court proceedings.

For FY 2017, the Injunction Litigation Branch received 113 cases, and the General Counsel sought and the Board authorized pursuit of injunctive relief in 38 cases. The Regional Offices filed 10(j) petitions in 37 cases with a success rate of 75%. In order to pursue matters in the courts, Regional staff must be familiar with the current local court rules around the country.

In cases that are found to be meritorious, the Agency strives to achieve voluntary prompt resolutions between employees and employers in the workplace, which also avoids costly and time-consuming litigation. The Agency's settlement program has been very successful, and in FY 2017, 95.5% of meritorious unfair labor practice cases were settled. The Agency issued 1,263 complaints in FY 2017, and those not settled are litigated before an Administrative Law Judge, who issues a decision and recommended order that can be appealed to the Board. In FY 2017, the Agency's litigation success rate before ALJs and the Board was 84% and it recovered almost \$74 million in backpay, fines, dues, and fees, and obtained offers of reinstatement for 1,716 employees. The Agency currently has 114 cases before the Supreme Court and Circuit Courts that involve protected concerted activities by workers.

When the Board or the Administrative Law Judges (ALJs) issue decisions, cases return to the Regional Offices where attempts are made to obtain voluntary compliance with the Board order. Since Board orders are not self-enforcing, if the respondent does not voluntarily comply with the Board's order involving unfair labor practices, the Appellate and Supreme Court Branch seeks enforcement of a Board's decision and order or defends a challenged Board decision and order through the Courts of Appeals, and sometimes the Supreme Court. In FY 2017, 69.2% of the Board decisions reviewed by appellate courts were enforced or affirmed in whole or in part. The General Counsel may initiate contempt or injunctive proceedings after a Board order issues. These proceed to the Contempt, Compliance and Special Litigation Branch for contempt or other post-enforcement proceedings or to the Injunction Litigation Branch for consideration of appropriate injunctive relief. Further, in some cases, while the case is in litigation, the respondent's financial status may change, which requires Agency personnel to be trained in bankruptcy laws and the Federal Debt Collection Procedures Act of 1990.

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

As for representation cases, the Regional Offices process petitions on behalf of the General Counsel and conducts 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. The Board ultimately may determine contested matters, such as the appropriateness of the bargaining unit, and rule on any challenges or objections to the conduct of an election. There were 2,357 petitions in representation cases filed in FY 2017 with 90% being processed within 100 days. There were 2,236 elections conducted and 97.1% of all initial elections were conducted within 56 days of filing.

Administrative Law Judges (ALJs)

(\$5.3 million, 37 FTEs)

-\$0.3 million /-3 FTEs

Meritorious charges are litigated before the Agency's ALJs, who travel around the country to conduct hearings and render decisions and recommended orders. Those decisions and recommended orders are then sent to the Board for review and issuance of a final Board decision and order. In FY 2017, the Division of Judges closed 170 hearings, issued 184 decisions, and achieved 453 settlements.

Board Adjudication

(\$13.5 million, 94 FTEs)

-\$0.8 million / -8 FTEs

Board adjudication encompasses the activities of the Board and the Office of the Executive Secretary and the Solicitor. In a ULP case, a judge's decision becomes a Board order if no exceptions are filed. About 30 % of ALJ decisions become Board orders or are complied with voluntarily. The remaining cases, with exceptions filed, require a Board decision. In FY 2017, the Board issued 230 decisions in contested cases -- 135 ULP cases and 95 representation cases. In representation cases, Regional Directors initially decide the issues by Board delegation. The Board itself may decide representation issues on referral from Regional Directors or by granting a request for review of a Regional Director's decision. The Board may also rule on objections and challenges in election cases.

The Executive Secretary is the chief administrative and judicial management officer of the Board. The functions and responsibilities of the Office of the Executive Secretary are similar to those of a Clerk of the Court to receive and docket all formal documents filed and issues and serve to all parties the Board decisions, orders, rulings and other case documents. It is the exclusive point of contact for communications by the parties to cases pending before the Board and, particularly with regard to questions or guidance sought on Board procedure and case status inquiries, is the principal point of contact for employers, unions, employees, other Federal agencies, and the public. In its role of facilitating case issuances, it primarily utilizes the Board's

electronic case management system to ensure that documents filed and those issued are included in the case record, and to monitor case progress and overall Board case production.

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

Mission Support

(\$51.6 million, 134 FTE)

+\$1.9 million / -17 FTE

Mission Support includes administrative, personnel, and financial management functions conducted mainly in the central Headquarters office. The various supportive offices, branches, and divisions develop standard operating procedures and protocols consistent with regulatory and legal guidance, and promulgate necessary operating directives. Specifically, these organizational units assess and assist all business operations for the Regional Offices and Headquarters through guidance and support activities related to: administration, human resource management, personnel, ethics, training, recruitment, on/off-boarding, equal employment opportunity principles, labor and employee relations, budget, acquisition, accounting, financial management, facilities, property, security, technology infrastructure, congressional and public affairs, and FOIA responses.

The additional funding in this Program Activity provides for costs associated with downsizing and/or potentially reducing the square footage of Headquarters and Regional offices.

Information Technology Projects

The Agency is continuing to develop and expand online access to relevant case documents, such as charges, petitions, and tally of ballots, as well as using social media. The public has more real-time information about NLRB proceedings than at any other point in Agency history.

Other significant accomplishments and initiatives are:

Next Generation Case Management (NxGen) Program: In FY 2019, the NxGen system will undergo considerable changes, as its foundation is directly linked to the Agency's efforts to migrate its technical infrastructure to a hybrid cloud environment. The FY 2019 budget request will help continue the modernization of an adaptable and scalable data warehouse with multiple data marts for real-time case management analytics. This data platform will provide both internal users and the public near real-time data analysis, predictive analytics, and interactive visualizations on structured and unstructured data. It will also support the reduction of paper, increased telework, remote access to information, and expedite issuance of decisions.

Administrative Systems Modernization: The FY 2019 budget request will support the continued build-out of the Office 365 SharePoint service catalog, which includes the automation and streamlining of Agency administrative processes through web-based forms, virtual workflow for routing and approval, secure data storage in Microsoft Azure, and real-time reporting. These enhancements support future reductions of paperwork, mobility, and telework regardless of geographical locations.

The incorporation of legacy administrative systems into SharePoint coupled with cloud technologies for collaboration provides better document management, social networking, and streaming media services. The FY 2019 Budget will allow continued support of the migration and clean-up of unstructured data from the Agency's shared drives into secure cloud storage to reduce operational inefficiencies and data exposure risks, as well as information technology management and maintenance.

Inspector General

(\$1.0 Million, 5 FTE)

- \$0.1 Thousand / -1 FTE

The amount of \$1,228,042 was submitted by the Inspector General (IG) for the FY 2019 budget request for the Office of Inspector General (OIG) and included a request for three additional positions to bring the office to a staff of nine (9). The IG request amount includes payroll salaries and benefits, \$5,250 for training of OIG personnel, \$177,000 for the Agency's Financial Statement Audit contract, and \$3,673 for support of the Council of the Inspectors General on Integrity and Efficiency (CIGIE).

The amount of the Inspector General's budget request is \$226,728 (15.6%) less than would have been requested for the level of personnel that the IG to provide adequate oversight of the

NLRB's mission functions. In the IG's FY 2018 request to the Board, the request was for nine (9) full time equivalents (FTEs). The level of staffing was justified by the IG explaining that the requirements placed on the OIG have increased significantly, include the annual information security review; the DATA Act audits; annual travel and purchase card reviews; and the annual audit of the financial statements. While the IG has met those mandatory reporting requirements, it has been at the expense of providing oversight of the NLRB mission functions. Any reductions in the FY 2019 Agency budget may limit the capacity to timely complete audits necessary for proper oversight of other NLRB mission areas.

In line with the decreases to other Program Activities staffing, the Agency plans to keep the IG staff in FY 2018 at six (6) FTEs and is reducing the FY 2019 request by one (1) FTE.

VIII. ATTACHMENTS

Attachment 1 - Amounts Available for Obligation

Amounts Available for Obligation				
(Dollars in Thousands)				
	FY2017 Actual	FY 2018 Annualized CR	FY 2018 Budget Request	FY 2019 Performance Budget
Annual Appropriation	\$ 274,224	\$ 272,362	\$ 258,000	\$ 249,000

Attachment 2 - Budget Authority by Object Class

Budget Authority by Object Class				
(Dollars in Millions)				
Object Class Categories:	FY 2017 Actual	FY 2018 Annualized CR	FY 2018 Budget Request	FY 2019 Performance Budget
Personnel Compensation	\$167.0	\$167.0	\$158.8	\$157.0
Personnel Benefits	\$50.0	\$43.4	\$47.2	\$42.2
<i>Sub Total Personnel Compensation</i>	\$217.0	\$210.4	\$206.0	\$199.2
Travel and Transportation of Persons	\$3.7	\$5.0	\$3.5	\$2.2
Rental Payments to GSA	\$24.0	\$26.0	\$26.0	\$27.0
Printing and Publications	\$0.2	\$0.2	\$0.2	\$0.2
Communication, Utilities, and Miscellaneous Charges	\$4.0	\$6.8	\$6.0	\$5.7
Other Services from non- Federal Sources	\$22.0	\$22.0	\$14.3	\$11.9
Supplies and Materials	\$1.0	\$1.0	\$1.0	\$0.8
Equipment and Furniture	\$1.0	\$1.0	\$1.0	\$2.0
Judgements and EEO Settlements	\$0.07	\$0.0	\$0.0	\$0.0
Unobligated	\$1.00	\$0.0	\$0.0	\$0.0
<i>Sub-total Direct Budget Authority</i>	\$57.0	\$62.0	\$52.0	\$49.8
TOTAL BUDGET AUTHORITY	\$274.0	\$272.4	\$258.0	\$249.0

Attachment 3 - Major Workload and Output Data

	FY 2017 ACTUAL	FY 2018 ESTIMATE	FY 2019 ESTIMATE
1. Regional Offices			
Unfair Labor Practice (ULP) Cases	19,280	19,300	19,300
Complaints Issued	1,263	1,260	1,260
Representation Cases	2,357	2,360	2,360
Regional Directors Decisions			
Pre-Election Decisions	132	140	140
Post-Election Decisions	55	55	55
Elections Conducted	2,236	2,000	2,000
2. Administrative Law Judges			
Hearings Closed	170	175	175
Decisions Issued	184	185	185
3. Board Adjudication			
Contested Board ULP Decisions Issued	158	160	160
Contested Representation Election Decisions Issued	108	110	110
4. General Counsel - Washington			
Advice Cases	413	420	420
Appeals Cases	1,294	1,300	1,300
Enforcement Briefs Filed	65	70	70
Enforcement Cases Dropped or Settled	11	15	15
Enforcement Consent/Summary	49	50	50

IX. APPENDICES

Appendix 1 – NLRB Comprehensive Plan for Reforming the Federal Government and Reducing the Federal Civilian Workforce

The National Labor Relations Board is committed to continuing to improve the efficiency, effectiveness, and accountability of our processes for day-to-day operations. Over the last number of years, the Agency has been proactive in streamlining and cost saving efforts through a number of initiatives. The Agency will continue to re-evaluate strategic staffing, the real estate footprint, information technology infrastructure, and performance management goals.

These past efforts have included the following:

- Relocated the Agency's Headquarters' office, which reduced the footprint from 197,769.74 to 137,536.00 usable square feet.
- Centralized the Freedom of Information Act (FOIA) inquiry responses from the field offices to Headquarters has improved the oversight and consistency of responses. Further, moving this work allows field personnel to devote more time to investigations, litigation, and elections.
- Consolidated six field offices to report to larger field offices, which reduced, at the very least, a Senior Executive in all of those offices.
- Merged several Headquarters offices such as:
 - Government and Legal Ethics – created a one-stop shop for guidance on the ethics program which includes training, job aids, providing monthly legal ethics tips, and responding to individual inquiries.
 - Contempt, Compliance, and Special Litigation – now uses one cadre of attorneys to handle offensive and defensive litigation and obtain compliance with Board orders by collaborating with each other on strategies.
 - Congressional and Public Affairs – provides structure for coordination and prompt responses to the public and Congress.
- Eliminated eleven (11) legacy systems – During the last 25 years, Regional Offices had developed their own systems in order to document and track the cases in their areas. Over the last few years the OCIO office transferred those cases into one paperless system which allows for full functionality and access to any case file at anytime, anywhere.
- Continued leveraging the Department of Interior Shared Service Provider suite of systems by starting with transitioning to Oracle Federal Financials, the Federal Personnel Pay system, the Enterprise-2 Travel system, and recently adding on the Procure-to-Pay Contract Lifecycle Management (CLM) module and WEB Time and Attendance system.

- Enhanced the functionality of the Agency public website by implementing e-Service for those that opt to receive information on cases electronically and providing online assistance related to FOIA requests.
- Capitalized on enhanced technology access through the following programs:
 - E-Delivery of background investigations, which eliminated mailing costs associated with investigations and created a more secure method for protecting PII data.
 - Implemented a personnel case management system to digital store background investigations and security paperwork.
 - Implemented the Capstone program that was developed by NARA. The program captures and maintains high-level custodians' emails with others' to be deleted pursuant to a schedule.
 - E-Discovery tool from the Department of Justice to review and store a number of case documents into an internal database.
 - Implemented an e-Litigation Branch with two specialists to assist Regional and HQ staff with electronic discovery, especially involving large, complex cases with nationwide significance.
- Eliminated contractors supporting the Office of Human Resources and the IT Help Desk, and ended the terms of two retired annuitants.
- Conducted contract reviews to leverage federal supply schedules to lower costs. Through this effort, the Agency was able to co-term software maintenance, consolidate IT hardware requirements, and participate in volume buying events.
- Completed the Unified Communications Contract that merged voice, data, and video into one system that enables collaboration and seamless connectivity nationwide, and supports teleworking.

FUTURE NLRB REFORM PLANS

For FY 2018 and FY 2019, the Agency is continuing to identify areas to improve efficiencies and effectiveness in order to further reduce the real estate rental footprint, to consolidate administrative functions, to reduce contractor support, as well as to decrease office equipment, mass transit subsidies, and other miscellaneous items.

Rent Space Reductions – Field Offices

The Agency has begun earnest discussions about a national space policy with the union representing the Agency's field employees with the goal of reducing the field office footprint over the next five years by at least 30% through eliminating hearing rooms, libraries, and vacant offices, as well as reducing office and support space sizes.

The Agency has made significant investments in information technology enhancements to support virtual communication abilities that will allow for increased teleworking thus eliminating the need for offices for each individual employee. Regional offices have also been decreasing reliance on administrative professionals because of increased technology capabilities.

Through an NLRB national space policy, it is expected that offices will be reconfigured and the office structure will be brought into compliance with GSA standardized office sizes. The transition from single use libraries and hearing rooms to multi-purpose rooms is warranted because of the availability of resources electronically and of locations to hold hearings when needed.

Target Completion Year	Location - Federal (F) or Lease (L)	Usable Square Foot	Status	New Square Footage	Cost Savings in Future Years
2018	Tulsa (F)	1,528.34	Potentially Closing ²	0	\$27,889.68
2018	San Antonio (F)	1,424.00	Potentially Closing	0	\$31,197.24
2018	Anchorage (F)	1,131.91	Closing	0	\$45,071.76
2018	San Diego (L)	1,595.00	Potentially Closing	0	\$51,167.64
2018	Warehouse (L)	10,000.00	Closed	0	\$88,254.96
2017/2018	Judges-San Francisco (L)	6,315.00	Reduce/Relocate	1,571.25	\$273,859.32
2017/2018	Philadelphia (L)	10,281.00	Reduction	10,281.00	\$110,824.21
2018	Little Rock (L)	1,499.00	Reduction	1,499.00	\$33,580.08
2018/2019	Boston (F)	7,243.75	Reduce/Relocate	7,243.75	\$259,987.50
2018/2019	Detroit (F)	7,851.25	Reduction	7,851.75	\$137,959.72
2018/2019	Los Angeles (L)	7,818.75	Reduce/Relocate	12,765.00	\$107,156.45
2018/2019	Pittsburgh (F)	5,162.50	Reduction	5,162.50	\$162,675.08
2018/2019	Cleveland (F)	7,367.50	Reduction	7,367.50	\$116,858.39
2018/2019	New York (F)	9,867.50	Reduction	9,867.50	\$238,662.72
2018/2019	St. Louis (F)	4,236.25	Reduction	4,236.25	\$89,492.26
2018/2019	Overland Park (L)	3,233.75	Reduction	3,233.75	\$126,470.03
2018/2019	Newark (F)	7,290.00	Reduction	7,290.00	\$163,328.60
2018/2019	Indianapolis (F)	4,628.75	Reduction	4,628.75	\$97,857.43
2018/2019	Oakland (F)	5,855.00	Reduction	5,855.00	\$242,842.59
2018/2019	Hartford (F)	4,303.75	Reduction	4,303.75	\$130,386.50
2018/2019	Atlanta (L)	5,357.50	Reduction	5,357.50	\$79,506.47
2018/2019	Memphis (L)	2,536.25	Reduction	2,536.25	\$116,032.09
2018/2019	San Francisco (L)	7,432.50	Reduction	7,432.50	\$326,681.72
TOTAL		123,969.25		108,483.00	\$3,062,742.45

While a projection of costs savings solely for rent can be calculated, in order to close an office, the Agency has to cover costs for construction to restore the old space in accordance with lease specifications, as well as for contingencies, swing space, boxing and moving (times two),

² For all offices with a status of potentially closing, the Agency has sought public comments and will be reviewing those in order to make a final determination.

potential new office furniture, and shredding. The Agency is continuing to request assistance from GSA with limited success, to utilize their funding programs in order to minimize costs associated with the process of downsizing the offices.

Rent Space Reductions – Headquarters

In FY 2015, the NLRB Headquarters' office relocated from 14th and L Street, NW to the Half Street building in Southeast, DC. The 14th Street usable square footage was 197,769.74, which was reduced by 31% when relocating to the new Half Street location. Since moving in July 2015, the Unified Communication system that was installed at that time has provided the platform to support increased teleworking capabilities in the National Capital Region. This technology improvement, coupled with the budgetary constraints affecting hiring, supports a need to further reduce the footprint of the Headquarters' office space.

The current footprint for Headquarters occupies three (3) and a half floors. The Agency is discussing the elimination of the half floor (6th) or a full floor (3rd) and consolidating the personnel onto one of the other floors where there is now some space due to a large-scale telework project in the Division of Administration, which also provides savings in transit subsidies. The major savings would be about \$1.5 million in rental costs per year, but would cost the Agency \$1.5 million during the year of release to pay that portion of the Tenant Improvement costs.

Reductions in Office Machinery and Equipment – Headquarters

The Agency is committed to information technology advances, which will allow for an even more paperless operation, decreasing costs for paper, copiers, shredders, printers, and other equipment. This transition will begin in spring 2018 and continue through 2019 with the goal of a 35% reduction in supplies and equipment.

Reductions in Contractors – Headquarters

The NLRB continues to identify reductions in contractor support, such as in the following areas:

- Reducing security guards on tasks that the Security Branch FTEs can perform
- Completing the quality control process on eOPFs required pursuant to an OPM audit and not renewing the contract.

Other Miscellaneous Reform Initiatives

The Acquisition Management Branch at the NLRB is reviewing Interagency Agreements to ensure that the services being provided by other Federal agencies are appropriate and necessary. In that regard, it is meeting with those agency representatives to fully understand how rate structures for services provided are being calculated. This initiative has provided NLRB senior decision-makers with information to analyze the past usage of these services and make better decisions in the future.

The NLRB, like other agencies, is required to purchase vendor licenses and follow-on maintenance costs in order to maintain network systems and employee use access. Each agency is at the mercy of third party re-sellers when making these purchases. The NLRB, over the last three years, has been researching and discussing the expense of these licenses and annual maintenance costs with the GSA IT office to leverage any contract vehicles that will assist with cutting costs. The Agency is closely monitoring the number of licenses being purchased and working with providers to adjust the number downward with the reduction of FTEs. The goal is to capitalize on any government-wide bulk license purchasing vehicles for lower costs and to adjust license counts to future FTE levels.

The Agency is anticipating that the decrease of FTE levels and increased teleworking capabilities will lower the costs of Mass Transit subsidies. The Agency recently began using the Department of Transportation's automated system and is requiring employees to recertify their transit requirements during the year. The goal is to continue to monitor the employee requirements for accuracy and to notify the employee if their regular usage appears to be inconsistent with the calculated costs.

Appendix 2 – NLRB’s Plan to Maximize Employee Performance

1. **Review and Update Formal Agency Policy.** The National Labor Relations Board (NLRB) has embraced a comprehensive approach to its Performance Management (PM) program. Both Senior Executive Service (SES) and General Schedule (GS) workforce have policies that support management and employee interaction of the PM process.

These include:

- Administrative Policy and Procedures Manual – PER 17 GS-1 through GS-15
Prevailing Rate Employees
- Administrative Policy and Procedures Manual – PER 18 GM/GS 13-15, Supervisors
and Management Officials
- Administrative Policy and Procedures Manual – PER 19 Pay for Performance
Appraisal System for SES Employees

The Policy and Procedures manuals are broadly outlined with timelines, expectations and parameters for describing the protocols for planning, monitoring, developing, appraising, and recognizing the performance of all employees of the NLRB. These essential components of the Performance Management process will enable managers and supervisors to:

- Communicate organizational goals and objectives to employees;
- Link performance requirements to the NLRB strategic planning initiatives;
- Promote individual and/or team accountability for accomplishing organizational goals;
- Monitor progress and provide consistent employee performance feedback;
- Use the results of the performance appraisal as a basis for appropriate personnel actions; and,
- Assess and improve individual and organizational performance.

The Office of Human Resources PM unit will continue to monitor agency adherence to policy and procedures by conducting quarterly reviews, facilitating annual training and providing dedicated support to ensure management and employees have a real time understanding of program requirements of the process.

2. **Provide Transparency Around the Performance Improvement Plan (PIP) Process.** The NLRB established a systematic process to provide management officials with tools to identify and address employee deficiencies more effectively to reduce the number of Performance Improvement Plans issued and address under performers. Below are the FY results.

- 2014 A total of 20 cases nationwide
- 2015 A total of 18 cases nationwide
- 2016 A total of 10 cases nationwide

3. **Ensure Managers and Supporting HR Staff are Appropriately Trained.** The NLRB developed a robust Performance Management Training Program for Supervisors and Management Officials. In September 2017, the Office of Human Resources began its annual training in Performance Management. The communication portal for all employees, further discussed below, will soon launch. The unit is fully staffed with subject matter experts (SMEs) to provide dedicated real-time support with the process.

4. **Establish Accountability in Manager Performance Plans.** In 2014, the NLRB revamped its agency Performance Management Program by reducing the number of performance appraisal cycles for its GS community from 9 reporting cycles to 3, and implemented *USA Performance*, an automated system designed to capture essential periods of the appraisal process (Performance Plan, Mid-Year Progress Review and Annual Rating). The new model has ensured transparency and promotes fairness. This system is also equipped to provide management officials with rating distribution level reports and assist with measuring agency employee performance progress. To better serve stakeholders and increase accountability, the Office of Human Resources partnered with the Office of Special Counsel on a weekly basis to establish the “One Voice” approach to address Agency official performance management needs.

5. **Establish Real-Time Manager Support Mechanisms.** The NLRB developed a SharePoint communication portal, which provides a host of resources for Supervisors and Managers regarding Performance Management and Workforce Relations and is located on our Agency’s internal website. This Management Resource Center provides Supervisors and Managers access to Performance and Conduct resources to aid in the handling of difficult and challenging issues. The Performance and Workforce Relations Managers and the Deputy Director of the Division of Administration will continue to request policy guidance or technical assistance from OPM, as needed. Additionally, meetings are established, as appropriate, to address Supervisors’ and Managers’ questions and/or concerns regarding performance and/or conduct issues. There are protocols for regular check-ins with Supervisors and Managers, which will be reviewed periodically for potential enhancements.

Appendix 3 – NLRB’s FY 2018 to FY 2022 Strategic Plan



**PROTECTING WORKPLACE
DEMOCRACY**

STRATEGIC PLAN

FY 2018— FY 2022

GOVERNMENT PERFORMANCE and RESULTS ACT (GPRAMA) of 2010

October 1, 2017

I. MESSAGE FROM THE CHAIRMAN AND GENERAL COUNSEL

On behalf of the National Labor Relations Board, we are pleased to present the NLRB's Strategic Plan for Fiscal Years 2018-2022. This strategic plan includes the NLRB's strategic goals, objectives, initiatives, strategies and associated performance measures for managing operations and assessing the NLRB's achievements.

The NLRB is an independent federal agency established in 1935 to promote workplace democracy and, in the words of President Franklin Delano Roosevelt, "to foster the development of the employee contract on a sound and equitable basis." For more than 75 years, the NLRB has been at the forefront of the effort to promote and protect the rights and obligations of employers, unions, and employees under the National Labor Relations Act. This Strategic Plan will provide the NLRB to continue to adopt best practices for long-range planning.

This Strategic Plan contains four mission-related goals to support our mission and vision. It addresses the Agency's current challenges as well as outlining what we hope to accomplish. Through use of the performance measures for the supporting goals, as well as the mission-related goals, the NLRB aims to demonstrate transparency and accountability, along with providing a way to assess its progress.

Chairman

General Counsel

II. NATIONAL LABOR RELATIONS BOARD (NLRB) AT A GLANCE

FISCAL YEAR 2017 INFORMATION	
Established:	1935
Number of Employees:	Approximately 1,463
Overall Case Intake:	
Unfair Labor Practice Cases:	19,280
Representation Cases:	2,357
Public Inquiries:	53,052
Toll Free Phone Inquiries:	54
NLRB MISSION	
<p>Protecting workplace democracy and the rights of employees, unions and employers under the National Labor Relations Act, in order to promote commerce and strengthen the Nation's economy.</p>	
NLRB VISION	
<p>Achieving our mission through a highly motivated, talented and diverse workforce and effective and efficient stewardship of resources.</p>	
STRATEGIC GOALS	
<ol style="list-style-type: none"> 1. Promptly and fairly investigate, prosecute and resolve unfair labor practices under the National Labor Relations Act 2. Promptly and fairly resolve all questions concerning representation of employees 3. Achieve Organizational Excellence 4. Manage agency resources in a manner that instills public trust 	

III. ORGANIZATIONAL DISCUSSION/OVERVIEW

The National Labor Relations Board (NLRB) is an independent federal agency created in 1935 to administer and enforce the National Labor Relations Act (NLRA). The NLRA is the primary federal statute governing the labor relations of employees and employers in the private sector. The NLRA protects the right of employees to associate together for the purpose of negotiating the terms and conditions of their employment or for other mutual aid or protection aimed at advancing their interests as employees or to refrain from such activity. It seeks to eliminate certain unfair labor practices on the part of employers and unions, in order to promote commerce and strengthen the Nation's economy.

The NLRB has two primary functions:

- To investigate, prosecute, and resolve statutorily defined unfair labor practices by employers and unions; and
- To conduct secret-ballot elections among employees to determine whether or not the employees wish to be represented by a union.

The Board also may engage in rulemaking as necessary to carry out the provisions of the NLRA.

Top Agency leadership consists of the five Board Members and the General Counsel, each of whom is appointed by the President with the advice and consent of the Senate. The President designates one of the five Board Members as Chairman. Day-to-day management of the Agency is divided between the Chairman, the full Board, and the General Counsel. Board members serve staggered five-year terms and the General Counsel serves a term of four years.

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

The five-member Board primarily acts as a quasi-judicial body in deciding cases on the basis of formal records in administrative proceedings.

Neither the Board nor the General Counsel may initiate cases or investigations. All NLRB proceedings originate with the filing of charges or petitions by employees, labor unions, employers or other private parties. Unlike other federal agencies, Board remedial orders are not self-enforcing. There is no time limit requiring parties to petition for court review. If the parties do not voluntarily comply with Board orders remedying unfair labor practices, the Board must request that the appellate courts enforce its orders.

The Board and the General Counsel maintain a headquarters in Washington, D.C., and the Agency also maintains a network of Field offices and three satellite offices of administrative law judges. Approximately 70 percent of the Agency's staff is employed in the field, where all unfair labor practice charges and representation petitions are initiated. Currently, the Field offices include 26 Regional Offices, 9 Sub-Regional Offices, and 14 Resident Offices.

IV. STRATEGIC GOALS

For detailed information regarding the performance measures please see Appendix A.

GOAL # 1 (MISSION): PROMPTLY AND FAIRLY INVESTIGATE, PROSECUTE, AND RESOLVE UNFAIR LABOR PRACTICES UNDER THE NATIONAL LABOR RELATIONS ACT

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

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

Measure 1: The percentage targets of all meritorious unfair labor practice charges resolved by settlement or compliance with a Board Order or Court judgment within 365 days of the filing of the charge.

Initiative 2: Achieve established performance measures for the resolution of all unfair labor practice charges.

Measure 1: The percentage targets of all unfair labor practice charges resolved by withdrawal, dismissal, settlement, or compliance with a Board Order or Court judgment within 120 days of the filing of the charge.

Objective 2: Ensure that all matters before the Agency are handled in a fair and consistent manner.

Initiative 1: Conduct annual quality reviews of Regional unfair labor practice case files and institute modifications to case processing as appropriate.

Management Strategies:

- Maintain and enhance alternative decision-making procedures to expedite Board and ALJ decisions in unfair labor practice cases.
- Utilize Compliance Unit to identify and coordinate compliance in merit cases.
- Maintain and enhance existing interregional assistance programs to ensure that unfair labor practice cases in offices with backlogs are transferred to offices with available staff.
- Share best practices in unfair labor practice processing to assist regions in resolving unfair labor practice case issues promptly and fairly.

GOAL # 2 (MISSION): PROMPTLY AND FAIRLY RESOLVE ALL QUESTIONS CONCERNING REPRESENTATION OF EMPLOYEES

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

Initiative 1: Achieve established performance measures for the resolution of representation cases.

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

Objective 2: Ensure that all matters before the Agency are handled in a fair and consistent manner.

Initiative 1: Conduct annual quality reviews of Regional representation case files and institute modifications to case processing as appropriate.

Management Strategies:

- Maintain and enhance alternative decision-making procedures to expedite Board decisions in representation cases.
- Maintain and enhance existing interregional assistance programs to ensure that representation cases in offices with backlogs are transferred to offices with available staff.
- Identify and utilize procedures to ensure careful and timely processing of Requests for Review, Special Appeals, and Hearing Officer Reports.
- Share best practices in representation case processing to assist regions in resolving representation case issues promptly and fairly.

GOAL # 3 (SUPPORT): ACHIEVE ORGANIZATIONAL EXCELLENCE

Objective 1: Recruit, develop, and retain a highly motivated, talented, and diverse workforce to accomplish our mission.

Initiative 1: Invest in and value all employees through professional development, workplace flexibilities, fair treatment, and recognition.

Management Strategies:

- Maintain a current human capital plan that includes human capital goals, objectives, and strategies and a workforce plan that is consistent with the Human Capital Assessment and Accountability Framework (HCAAF) of the Office of Personnel Management (OPM).
- Ensure that the Agency's performance management system is results oriented and aligned with the Agency's goals and objectives.
- Demonstrate significant improvement in OPM's assessment of the Agency's performance management system.

- Ensure that managers collaborate with the Agency's employees and unions to implement Agency policies and collective bargaining agreements concerning workplace flexibilities.
- Reduce the number of pending background investigations.
- Enhance employee development and learning opportunities through Skillport, West Legal Ed, Training Tuesdays, and other on-line and blended media.
- Develop Individual Development Plans for training and succession planning.
- Identify, through updating the workforce plan, core competencies for managers and actions necessary to close skill gaps as required by OPM.

Initiative 2: Develop and implement recruitment strategies to ensure a highly qualified and diverse workforce.

Management Strategies:

- Comply with OPM's hiring reform, which tracks time spent to fill vacancies.
- Identify areas in which the Agency can enhance its diversity and talent through annual analysis of MD-715 guidance.
- Attract qualified and diverse applicants, including veterans and persons with disabilities, by following OPM and Equal Employment Opportunity Commission (EEOC) guidance and utilizing best practices of similar agencies.
- Establish working relationships with veterans groups and Veterans Administration and Department of Labor veterans' programs to ensure that outreach efforts to veterans are consistent with OPM, congressional and Presidential directives.

Objective # 2: Promote a culture of professionalism, mutual respect, and organizational pride.

Initiative 1: Improve employee satisfaction and employee engagement.

Management Strategies:

- Improve internal communications.
- Identify and implement strategies to increase the number of employees who respond to the Federal Employee Viewpoint Survey.
- Identify and implement strategies to increase the percentage of Federal Employee Viewpoint Survey responders who are satisfied or very satisfied.
- Develop a collaborative program to encourage employee creativity and innovation, including the Agency's suggestion program.
- Utilize internal and external recognition programs to acknowledge employee contributions (for example: Honorary Awards).

Initiative 2: Ensure that employees are aware of the Agency's mission and how they contribute to its accomplishments.

Management Strategies:

- Review and enhance the employee on boarding program.
- Ensure that each employee is provided with a performance plan and a clear understanding of management's expectations.
- Enhance publicity of significant organizational accomplishments.

Initiative 3: Cultivate and promote Agency programs that encourage collaboration, flexibility, diversity and mutual respect to enable individuals to contribute to their full potential.

Management Strategies:

- Demonstrate leadership accountability, commitment, and involvement regarding diversity and inclusion.
 - Fully and timely comply with all federal laws, regulations, executive orders, management directives and policies related to promoting diversity and inclusion in the workplace.
 - Provide on-going diversity and inclusion training for senior leadership.
 - Evaluate all levels of management on their proactivity in maintaining an inclusive work environment.
- Involve employees as participants and responsible agents of diversity, mutual respect and inclusion.
 - Reassess Agency mentoring programs to ensure they are used as tools to maintain a diverse workforce by affording a consistency of opportunity throughout all organizational units.
 - Explore the use of employee affinity groups at headquarters and in regional offices for recruitment, retention and developmental activities.
- Encourage participation in special emphasis observances.

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

Objective # 1: Use information and technology to monitor, evaluate, and improve programs and processes in order to accomplish the agency's mission and increase transparency.

Initiative 1: Improve the productivity of the Agency's case management by standardizing business processes in a single unified case management system.

Measure 1: Increase the rates of electronic service, delivery, and filings, thereby reducing the paperwork burden on constituents, including individuals, labor unions, businesses, government entities and other organizations.

Measure 2: Increase the information shared electronically with the public, making the Agency's case processes more transparent.

Management Strategies:

- Focus on most critical business needs first.
- Split projects into smaller, simpler segments with clear deliverables.
- Employ ongoing, transparent project oversight from the NxGen Integrated Project Team.

Initiative 2: Achieve more effective and efficient program operations in the NLRB administrative functions by automating and improving processes and information sharing within the Agency.

Measure 1: Streamline the Agency transactional processes by providing employees ready access to the tools, data and documents they require from anywhere, at any time.

Measure 2: Fully utilize a modern single unified communications platform and network to empower Agency personnel to communicate with voice, video and data from all locations including the office, at home and on the road by FY 2018.

Measure 3: Fully utilize a dynamic social collaborative environment for employee engagement.

Management Strategies:

- Focus on most critical business needs first.
- Split projects into smaller, simpler segments with clear deliverables.
- Increase information sharing within the Agency through mechanisms that are easy for employees to contribute to and access.
- Employ ongoing, transparent project oversight from the Administrative Systems Integrated Project Team.

Initiative 3: Effective management of fiscal resources.

Measure 1: Produce financial reports as required by OMB, Treasury, and Congress.

Measure 2: Conduct quarterly Program Management reviews on requirements development and execution to ensure programs stay on time and on budget.

Measure 3: Monitor unliquidated obligations monthly for current year execution and re-allocate to other unfunded mission requirements.

Measure 4: Increase the use of strategic sourcing, purchase card program, and in sourcing to minimize waste and abuse. Continue to support minority business enterprises for contract awards.

Initiative 4: Right-sizing and closing Field Offices and Headquarters office space by 30% over the next five years in accordance with GSA guidelines.

Measure 1: Develop five year Project Plan that identifies field offices for reductions in square footage or for closure.

Objective #2: Evaluate and improve the Agency's Outreach Program

Initiative 1: Enhance Agency's Outreach Program.

Management Strategies:

- Employ further non-traditional outreach to the following populations:
 - Immigrants
 - Youth
 - Small Business Owners
- Engage with organizations, such as those listed below, to better educate workers and employers:
 - Letters of Agreement (LOA) with embassies
 - Joint outreach with sister agencies
 - Memorandums of Understanding (MOU) with other agencies related to co-extensive investigations
- Focus on Protected Concerted Activity vs. Union Activity:
 - Expanded usage of the NLRB's social network
 - Additional information on NLRB public website
 - Broader use of NLRB Smartphone app and other technology
 - Use of Internet technology, such as YouTube
 - Development and internal posting of more informational materials for use by board agents at recruitment and outreach events

Objective # 3: Conduct all internal and external Agency business in an ethical and timely manner.

Initiative 1: Promote an ethical culture within the NLRB through leadership, awareness, resources, and oversight.

Measure 1: Involve Agency leadership promoting visibility of NLRB Ethics Program.

Measure 2: Increase employee awareness of ethics responsibilities by maintaining an education program that reaches all NLRB employees at all levels.

Measure 3: Respond to 85% of ethics inquiries within 5 days of receipt.

Measure 4: Review and certify financial disclosure reports within 60 days of receipt and notify filers of real or potential conflicts.

Measure 5: Use data analytics to improve financial disclosure reporting and review process.

Initiative 2: Respond to internal audits in a timely manner.

Measure 1: Prepare responses to internal audit reports as required by the auditor, meeting the deadlines specified in the reports.

Initiative 3: Respond to external audits in a timely manner.

Measure 1: Prepare responses to external audit reports as required by the auditor, meeting the deadlines specified in the reports.

Initiative 4: Respond to FOIA and other public inquiries in a timely manner.

Measure 1: Respond to initial FOIA requests within 20 working days.

Measure 2: Seek a statutory extension for less than 15% of requests.

Measure 3: Respond to statutory appeals within 20 working days.

Measure 4: Seek a statutory extension for less than 20% of appeals.

V. EXTERNAL FACTORS AFFECTING ACHIEVEMENT OF STRATEGIC PLAN

Various factors can affect each goal, objective, and performance measure contained in the NLRB's strategic plan. These factors include budget, case intake, settlements, Board member vacancies, and the potential effect of statutory changes.

BUDGET

Our goals and measures assume full funding of Agency budgets as submitted by the President to Congress. As a labor-intensive agency, over 90% of our budget is dedicated to fixed costs, including about 80% for salaries and benefits. If less than the full funding requested is authorized, the Agency's ability to produce the results and benefits set forth in this plan will be limited.

CASE INTAKE

While the Agency projects caseload based on known factors and recent history, it cannot control the number of cases filed. Public perceptions about unionization and the role of the Agency, employment trends, stakeholder strategies, globalization of the economy, industrial economic trends, corporate reorganizations and the level of labor-management cooperation efforts can all have an impact on case intake and the complexity of the work. Difficult issues can arise when companies relocate or close, dissipate or hide assets, file for bankruptcy, reorganize or operate through a different corporate entity. An unexpectedly large increase in intake or in the complexity of issues would likely result in significant delays in processing cases.

SETTLEMENTS

While the Agency has experienced outstanding success in achieving voluntary resolutions of representation and ULP cases and litigating cases, it cannot control the desires of the other parties. Parties may conclude that litigation serves their strategic interests. The Agency's procedures provide for administrative hearings, briefs and appeals. Disputes cannot always be resolved informally or in an expeditious manner. It is estimated that a one percent drop in the settlement rate will cost the Agency more than \$2 million as the process becomes formal and litigation takes over.

BOARD MEMBER VACANCIES

The timely nomination of Presidential appointees and their confirmation by the Senate is another factor outside the control of the Agency. A failure to timely appoint and confirm Board Members can lead to Board Member vacancies for months at a time, affecting the Board's ability to issue decisions. The adverse impact of operating with less than a full Board was fully described in the Congressional hearings conducted by the Government Reform and Oversight Committee. Having a full complement of members increases the Agency's ability to achieve its goals and measures.

VI. PROGRAM EVALUATION

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, 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. In the unfair labor practice area, 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 these aims 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 two performance measures; timeliness and quality of case processing, from the filing of a representation case petition or unfair labor practice charge to the closing of the case.

The NLRB uses various techniques and mechanisms to evaluate whether programs are achieving their GPRA goals and other performance targets. The Board monitors the status of all of its cases to determine performance against yearly targets that support the Agency's overarching measures and strategic goals. A committee composed of senior management officials, including 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.

Further, the General Counsel has an evaluation program to assess the performance of its Regional operations. The Quality Review Program of the Division of Operations-Management reviews unfair labor practice, representation, and compliance case files annually to ensure that they are processed in accordance with substantive and procedural requirements and that the General Counsel's policies are implemented appropriately. Those reviews 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, complaints and Administrative Law Judges' and Board decisions that constitute significant losses are reviewed to ensure quality casehandling, and the litigation success rate before the Board and before district courts with regard to injunction litigation is monitored. Further, Regional site visits are conducted during which Regional casehandling and administrative procedures are evaluated, and Regional Offices' performance in implementing the General Counsel's priorities is incorporated into the Regional Directors' annual performance appraisals.

In addition to the Division of Operations-Management's regular review of case decisions to determine the quality of litigation, other branches and offices, such as the Office of Appeals, Division of Advice, Contempt, Compliance and Special Litigation 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 practice and procedure committees of the American Bar Association to obtain feedback on their members' experiences when practicing before the NLRB.

VII. OFFICE OF INSPECTOR GENERAL STRATEGIC PLAN

GOAL #1: PROMOTE ECONOMY, EFFICIENCY, AND EFFECTIVENESS IN THE ADMINISTRATION OF THE AGENCY'S PROGRAMS AND OPERATIONS.

OBJECTIVES

- A. Conduct audits and inspections of the issues, programs and operations of most importance to the Agency.
- B. Achieve positive change by presenting findings, identifying causes of reported problems, and making recommendations that are useful to the Agency.

STRATEGIES

- 1. Ensure that the audit program is aligned with the Agency's Strategic Plan.
- 2. Solicit input from Agency employees to prepare an annual audit work plan.

3. Identify ways to improve and strengthen management controls in Agency programs and operations.

GOAL #2: PREVENT OR DETECT FRAUD AND ABUSE IN THE AGENCY'S PROGRAMS AND OPERATIONS.

OBJECTIVES

- A. Evaluate all referrals to the OIG in an objective, timely, and lawful manner.
- B. Conduct investigations in a thorough, efficient, timely, and lawful manner.
- C. Monitor referrals under investigation by other offices to ensure appropriate action is taken.

STRATEGIES

1. Operate a fraud hotline and advertise its existence and other means for referring matters of possible fraud or abuse to the OIG.
2. Refer matters within the jurisdiction of other Agency offices, e.g., EEO, security, or ethics, to those offices for action.
3. Conduct investigations in accordance with Council of Inspectors General on Integrity and Efficiency (CIGIE) Quality standards, identify program vulnerabilities and recommend ways to prevent program abuse as part of the investigative process.
4. Report immediately to the Chairman and/or the General Counsel any serious or flagrant problems, abuses, or deficiencies.
5. Report expeditiously to the Attorney General potential violations of Federal criminal law.
6. Present findings of wrongdoing to the appropriate officials for action.

GOAL #3: ESTABLISH A COLLABORATIVE RELATIONSHIP WITH THE CONGRESS, THE BOARD, AND AGENCY EMPLOYEES TO IMPROVE AGENCY OPERATIONS.

OBJECTIVES

- A. Keep the Chairman, General Counsel, Board, and Congress informed of program or operational vulnerabilities and significant issues.
- B. Respond to requests from program managers for technical advice on changes in program operations or new functions and activities.
- C. Operate in a manner that demonstrates values such as fairness, courtesy, professionalism, empathy, openness, access, and a willingness to listen.

STRATEGIES

1. Issue semiannual reports by April 30 and October 31 each year.
2. Participate in CIGIE projects to improve financial and program operations.
3. Participate in Agency projects or provide technical advice and recommendations as requested.
4. Review and comment on proposed laws and regulations and draft Agency directives.

APPENDICES

These appendices provide additional information regarding Agency performance measures, further details regarding the Impact Analysis case prioritization process, outlines of the types of cases arising under the Labor Management Relations Act, the basic procedures in the processing of cases within the Agency and overviews of each strategic goal.

A. Performance Measures

B. Impact Analysis

C. Explanation of Types of Cases and Case Handling Procedures

C-1. Explanation of Types of Cases

C-2. Procedures in Cases Involving Charges of Unfair Labor Practice

C-3. NLRB Order Enforcement

C-4. Outline of Representation Procedures under Section 9c

D. Strategic Plan Diagrams

D-1. Goal #1 (Mission): Promptly and Fairly Investigate, Prosecute, and Resolve Unfair Labor Practices Under the National Labor Relations Act

D-2. Goal #2 (Mission): Promptly and Fairly Resolve All Questions Concerning Representation of Employees

D-3. Goal #3 (Support): Achieve Organizational Excellence

D-4. Goal #4: Manage Agency Resources in a Manner That Instills Public Trust

PERFORMANCE MEASURES

In support of our mission related goals, objectives, and initiatives, the Agency has a long, successful history of performance measurement focusing on timeliness and effectiveness in our case handling process – timeliness, because we firmly believe that "justice delayed is justice denied," and effectiveness, because we strive to give customers a response they can trust.

In support of the mission related goals that appeared in the Fiscal Years 2007-2012 strategic plan, the Agency developed two goals that help drive the mission and the vision of the agency. These goals are tied to either management strategies that do not have annual percentage targets or specific projects or deliverables that can be accounted for with a “yes” or a “no”.

GOAL 1, Objective 1, Initiative 1:

Measure 1: The percentage targets of all meritorious unfair labor practice charges resolved by settlement or compliance with a Board Order or Court judgment within 365 days of the filing of the charge.

Baseline:		82.9%
Long-term target:	FY 2022	82.8%
Annual targets:	FY 2018	82.8%
	FY 2019	82.8%
	FY 2020	82.8%
	FY 2021	82.9%
	FY 2022	82.9%

GOAL 1, Objective 1, Initiative 2:

Measure 1: The percentage targets of all unfair labor practice charges resolved by withdrawal, dismissal, settlement, or compliance with a Board Order or Court judgment within 120 days of the filing of the charge.

Baseline:		72.3%
Long-term target:	FY 2022	72.5%
Annual targets:	FY 2018	72.5%
	FY 2019	72.5%
	FY 2020	72.5%
	FY 2021	72.6%
	FY 2022	72.6%

Goal 1, Objective 2, Initiative 1: This initiative consists of management strategies that are not measured by performance; they will be measured by actions and reflected in the Agency Performance Management System. See management strategies on page 6 for Goal 1, Objective 2, and Initiative 1.

Definitions:

Resolve -- The ULP case has been finally processed. The issues raised by the charging party's charge 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.

GOAL 2, Objective 1, Initiative 1:

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

Baseline:		85.9%
Long-term target:	FY 2022	85.9%
Annual targets:	FY 2018	85.8%
	FY 2019	85.8%
	FY 2020	85.8%
	FY 2021	85.9%
	FY 2022	85.9%

Goal 2, Objective 2, Initiative 1: This initiative consists of management strategies that are not measured by performance; they will be measured by actions and reflected in the Agency Performance Management System. See management strategies on page 7 for Goal 2, Objective 2, and Initiative 1.

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 our jurisdictional standards, 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 either administratively or by a hearing and a report that has been adopted by the Board.

Counting of Days -- The Agency starts counting the 100 days on the date that the petition is formally docketed.

GOAL 3: This goal consists of management strategies that are not measured by performance; they will be measured by actions and reflected in the Agency Performance Management System. See Management Strategies on pages 7-9 for Goal 3.

GOAL 4, Objective 1, Initiative 1:

Measure 1: Increase the rates of electronic service, delivery, and filings, thereby reducing the paperwork burden on constituents, including individuals, labor unions, businesses, government entities and other organizations. (Y, N)

Measure 2: Increase in the information shared electronically with the public, making the Agency's case processes more transparent. (Y, N)

Goal 4, Objective 1, Initiative 2:

Measure 1: Document the streamlined Agency transactional processes wherein employees were provided with ready access to the tools, data and documents they require from anywhere, at any time. (Y, N)

Measure 2: Document the full usage of a modern single unified communications platform and network to empower Agency personnel to communicate with voice, video and data from all locations including the office, at home and on the road by FY 2016. (Y, N)

Measure 3: Document the full usage of dynamic social collaborative environments for employee engagement. (Y, N)

Goal 4, Objective 1, Initiative 3: Effective management of fiscal resources

Measure 1: Produce financial reports as required by OMB, Treasury, and Congress. (Y, N)

Measure 2: Conducted quarterly Program Management reviews on requirements development and execution to ensure programs stay on time and on budget. (Y, N)

Measure 3: Monitor unliquidated obligations monthly for current year execution and re-allocate to other unfunded mission requirements. (Y, N)

Measure 4: Increase the use of strategic sourcing, purchase card program, and in sourcing to minimize waste and abuse. Continue to support minority business enterprises for contract awards. (Y, N)

Goal 4, Objective 2, Initiative 1: This initiative consists of management strategies that are not measured by performance; they will be measured by actions and reflected in the Agency Performance Management System. See management strategies on page 11 for Goal 4, Objective 2, and Initiative 1.

Goal 4, Objective 3, Initiative 1:

Measure 1: Involve agency leadership promoting visibility of NLRB ethics program (Y, N)

Measure 2: Increase employee awareness of ethics responsibilities by maintain an education program that reaches all NLRB employees at all levels (Y, N)

Measure 3: Respond to 85 % of ethics inquiries within 5 days of receipt (Y, N)

Measure 4: Review and certify financial disclosure reports within 60 days of receipt and notify filers of real or potential conflicts

Measure 5: Use technology to improve financial disclosure reporting and review process (Y, N)

Goal 4, Objective 3, Initiative 2:

Measure 1: Prepare responses to internal audits as required by the auditor, meeting the deadlines specified in the reports. (Y, N)

Goal 4, Objective 3, Initiative 3:

Measure 1: Prepare responses to external audit reports as required by the auditor, meeting the deadlines specified in the reports. (Y, N)

Goal 4, Objective 3, Initiative 4:

Measure 1: Respond to initial FOIA requests within 20 working days (Y, N)

Measure 2: Seek a statutory extension for less than 15% of requests (Y, N)

Measure 3: Respond to statutory appeals within 20 working days (Y, N)

Measure 4: Seek a statutory extension for less than 20% of appeals (Y, N)

IMPACT ANALYSIS

Impact Analysis provides an analytical framework for classifying cases so as to differentiate among them in deciding both the resources and the urgency to be given each case. Impact Analysis requires that all cases be assessed in terms of their impact on the public and their significance in the effective achievement of the NLRB's mission. It is a system for differentiating cases so as to ensure that cases with the highest impact on the public are handled most expeditiously.

The Impact Analysis model consists of three categories of cases, with Category III being the cases of the highest impact and Category I the lowest. Categorization is not based upon the type of charge filed or which section of the National Labor Relations Act may have been violated, but upon consideration of the relative impact on the public or a significant number of employees and the core purposes of the Act. A description of the different categories, the types of cases in each, and the applicable time targets, is provided below:

Category III: Cases involving the greatest impact on the public and allegations most central to the achievement of the Agency mission.

Timeframe: 7 weeks

Types of Cases:

- First Contract Bargaining Cases – These are cases where there are alleged violations that occur during the period after certification when parties are or should be bargaining for an initial collective bargaining agreement. First contract bargaining constitutes a crucial stage of the negotiation process because it forms the foundation for the parties' future labor-management relationship. Initial contract negotiations are often more difficult than established successor contract negotiations since they often follow contentious representation election campaigns. Moreover, when employees are bargaining for their first collective-bargaining agreement they are highly susceptible to unfair labor practices intended to undermine support for their bargaining representative. Regional Offices have been instructed to focus particular attention on remedies for such violations and to consider whether injunctive relief should be sought to protect the representational choice of employees. In addition, Regional Offices are also to consider whether additional remedies are appropriate to fully remedy unfair labor practices committed during initial contract bargaining. Such additional remedies would include seeking a new full certification year, notice reading and publication, union access to bulletin boards and other means of communication, periodic reports on the status of bargaining and bargaining and/or litigation expenses.
- Cases where injunctive relief may be warranted
- Representation cases involving the resolution of a question concerning the collective bargaining status of the union
- Cases that block the processing of a representation case
- Unfair labor practice cases in which the establishment or continuation of a union's status as the collective bargaining representative of employees is at stake. This would include: cases involving bargaining orders; the relocation, transfer or elimination of a bargaining unit; cases where the Employer is contesting the certification of the union; and alleged misconduct designed to frustrate a union's ability to obtain an initial contract after certification.
- Cases involving the resolution of the question whether a strike or lockout is based on economic or

- unfair labor practice considerations
- Any case involving the issue of whether a strike is unprotected and the status of strikers is at issue or the employment status of significant numbers of employees is to be settled
- Cases involving a strike or an intent to strike at a health care institution
- Cases involving a permanent or indefinite loss of employment
- Cases where individuals have been denied work opportunities because of the union's discrimination, including hiring hall refusal to refer allegations. National cases or cases of unusually high impact involving the national application of a provision affecting employment.
- Any case where injunctive relief under either Section 10(l) or 10(j) may be pursued³

Category II: Cases not included in Categories III or I. They typically involve conduct which affects core rights under the Act, and for which there is no alternative remedy.

Timeframe: 9 weeks

Types of Cases:

- Discrimination cases that do not involve a permanent or indefinite loss of employment
- Refusal to hire cases
- Picket line violence or misconduct cases where injunctive relief is not warranted and the violence of misconduct has ended
- All representation cases that do not involve the resolution of a question concerning the collective bargaining status of the union.
- Refusal to provide information cases
- Cases alleging the unilateral change of terms and conditions of employment
- Cases alleging a union's violation of its duty of fair representation
- Independent allegations of restraint and coercion of employees Section 7 rights under the Act⁴

Category I: Cases involving conduct for which alternative means of redress are available to the charging party.

Timeframe: 12 weeks

Types of Cases:

- Cases that can be deferred to the parties' grievance/arbitration procedure
- Pension and welfare contribution collection cases

³ Under Section 10(l), the mandatory injunction provision of the Act, the Agency *must* seek injunctive relief in situations where a union's ongoing unlawful conduct violates Section 8(b) or 8(b)(7). In short, if a union is engaged in unlawful picketing or threats to picket when its goal is to force an employer to recognize an uncertified labor organization, or to force an employer to cease doing business with another employer with whom the union has a labor dispute, the Agency will petition the district court for injunctive relief. Under 10(j), the discretionary injunction provision of the Act, the Agency *may* seek injunctive relief in cases where the time it will take to fully litigate the case significantly diminishes the possibility of a full and effective remedy.

⁴ The basic rights of employees are articulated in Section 7 of the Act. It is there declared to be Federal labor policy that, "[e]mployees 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.. ."

Appendix C. Explanation of Types of Cases and Case Handling Procedures

TYPES OF NLRB CASES

1. CHARGES OF UNFAIR LABOR PRACTICES (C CASES)

Charges Against Employer		Charges Against Labor Organization					Charge Against Labor Organization and Employer
Section of the Act <u>CA</u>	Section of the Act <u>CB</u>	Section of the Act <u>CC</u>	Section of the Act <u>CD</u>	Section of the Act <u>CG</u>	Section of the Act <u>CP</u>	Section of the Act <u>CE</u>	
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)(4)(i) 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:	(C) 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.	8(g) To strike, picket, or otherwise concertedly refuse to work at any health care institution without notifying the institution and the Federal Mediation and Conciliation Service in writing 10 days prior to such action.	8(b)(7) To picket, cause, or 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 employees of an employer to select such labor organization as their collective-bargaining representative, unless such labor organization is currently certified as the representative of such 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 of 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)(B) To restrain or coerce an employer in the selection of its representatives for collective bargaining or adjustment of grievances.	(A) To force or require any employer or self-employed person to join any labor organization or to enter into any agreement prohibited by Section 8 (e).	(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 falling to conform to an appropriate Board order or certification.		(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.	(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.			(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) 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)(5) To require of employees the payment of excessive or discriminatory fees for membership.						
	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.						

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

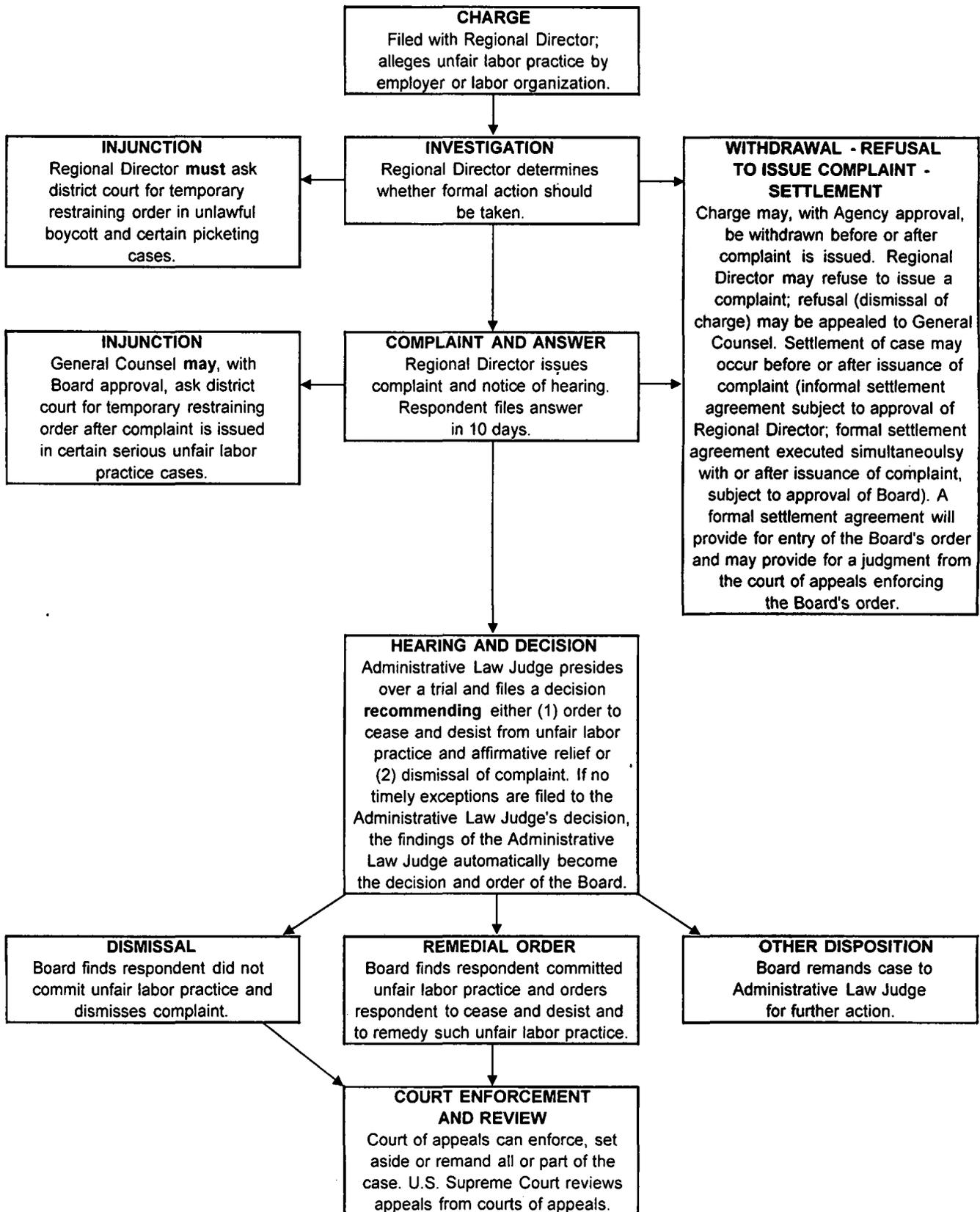
3. OTHER PETITIONS

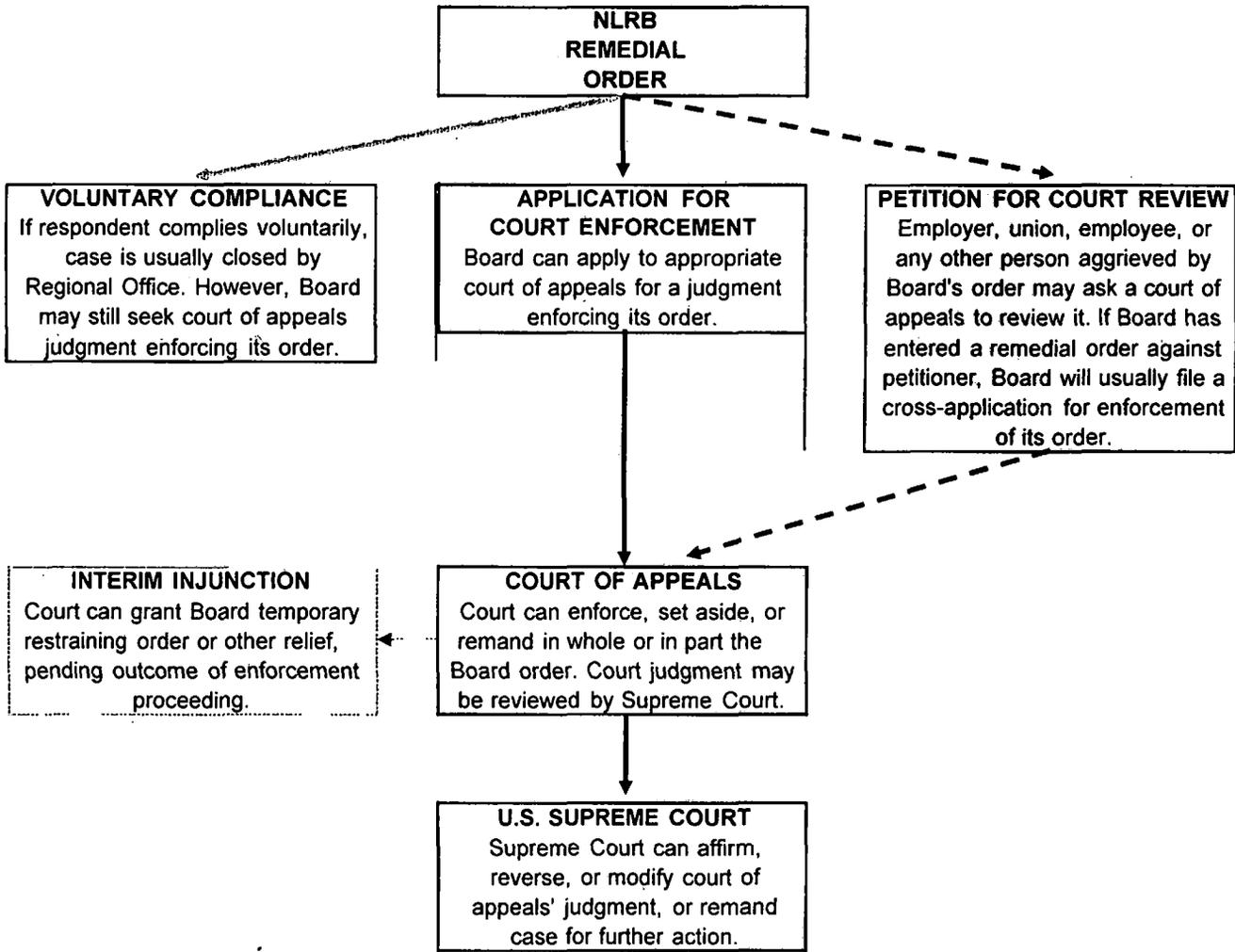
By or in Behalf of Employees		By an Employer	By or in Behalf of Employees	By a Labor Organization or an Employer	
Section of the Act <u>RC</u>	Section of the Act <u>RD</u>	Section of the Act <u>RM</u>	Section of the Act <u>UD</u>	Board Rules <u>UC</u>	Board Rules <u>AC</u>
9(c)(1)(A)(i) Alleging that 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.	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.

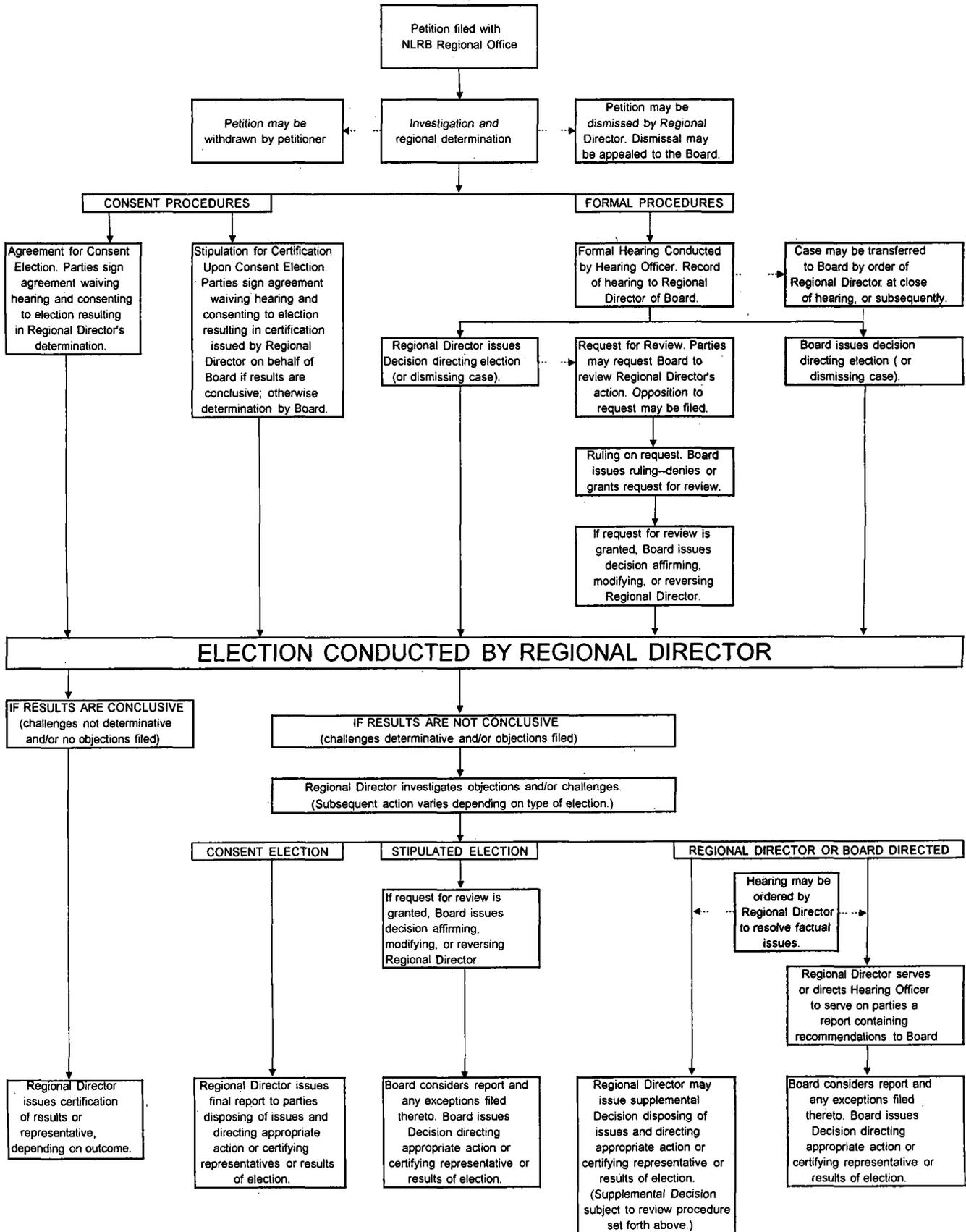
Charges filed with the National Labor Relations Board are letter-coded and numbered. Unfair labor practice charges are classified as "C" cases and petitions for certification or decertification of representatives as "R" cases. This chart indicates the letter codes used for "C" cases and "R" cases, and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

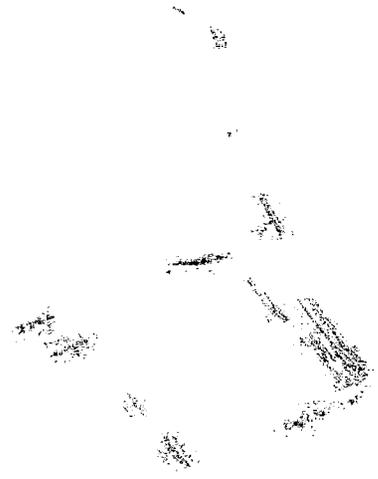
PROCEDURES IN CASES INVOLVING CHARGES OF UNFAIR LABOR PRACTICES





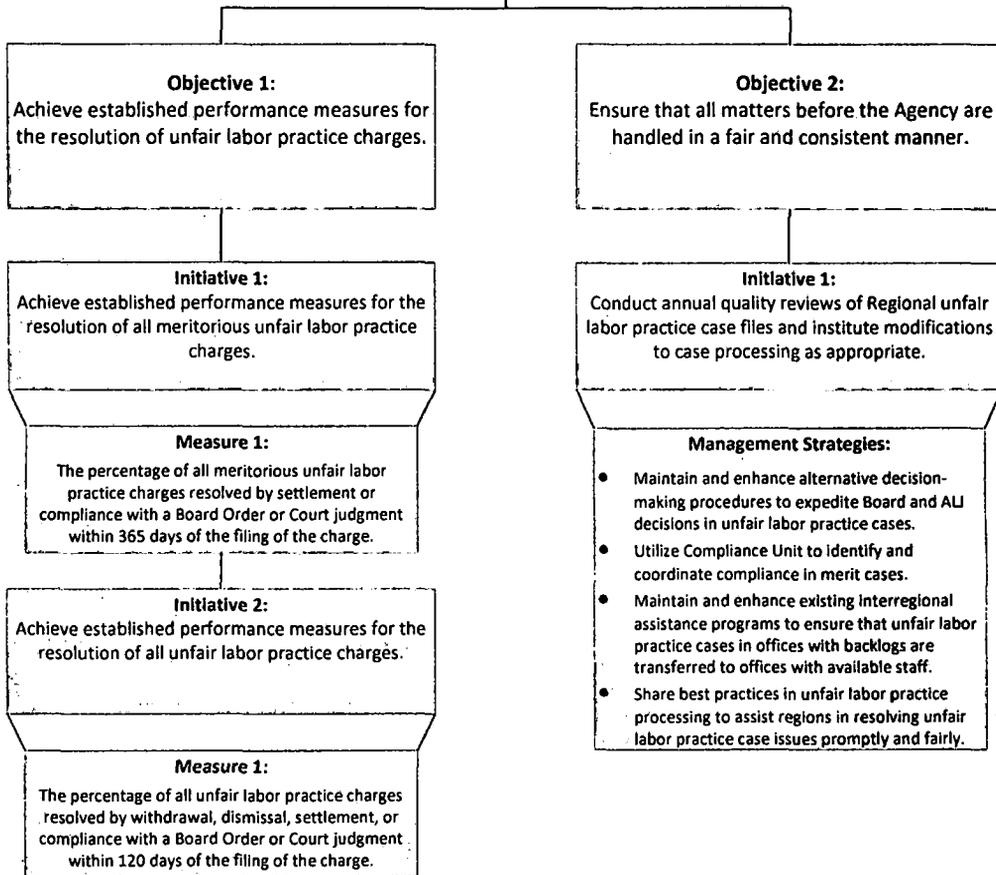
OUTLINE OF REPRESENTATION PROCEDURES UNDER SECTION 9(c)

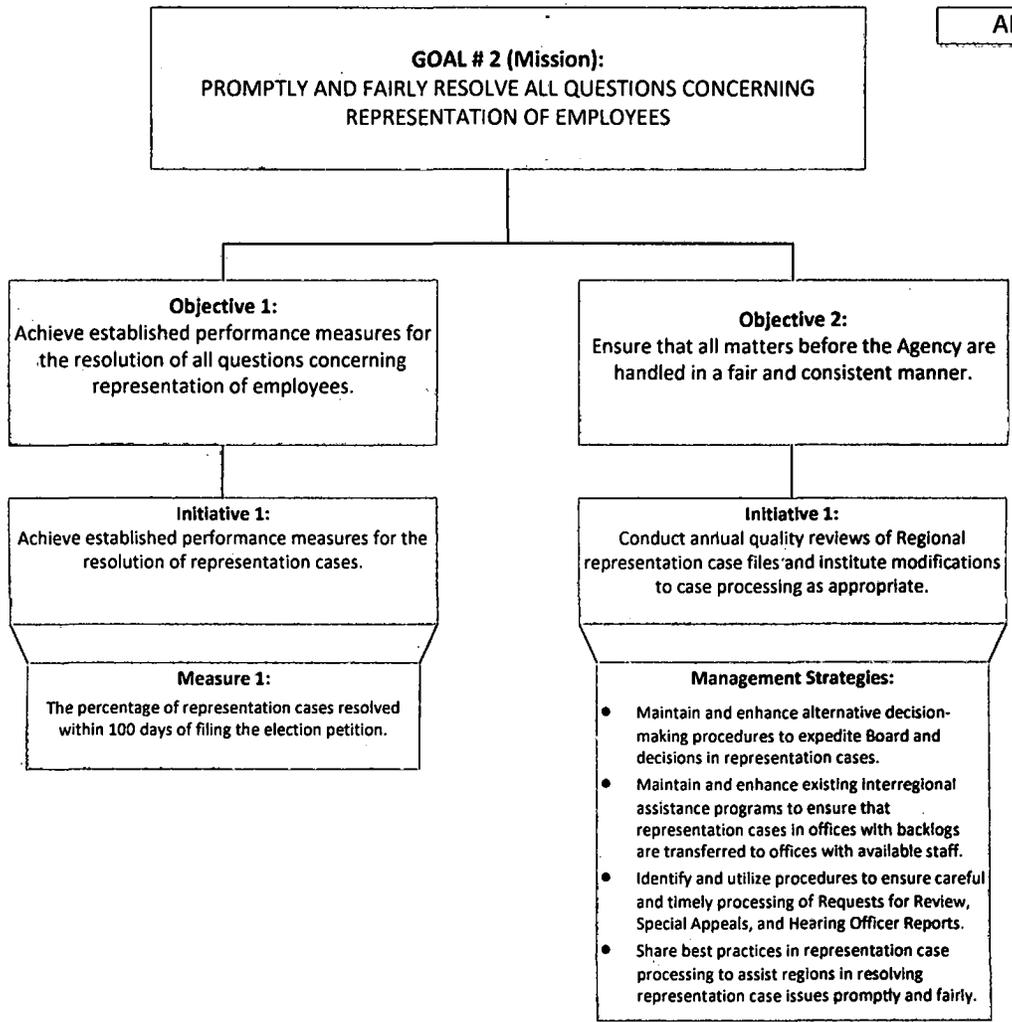




Appendix D. Strategic Plan Diagrams

GOAL # 1 (Mission):
PROMPTLY AND FAIRLY INVESTIGATE, PROSECUTE, AND RESOLVE
UNFAIR LABOR PRACTICES UNDER THE NATIONAL LABOR RELATIONS
ACT





GOAL # 2 (Mission):
PROMPTLY AND FAIRLY RESOLVE ALL QUESTIONS CONCERNING
REPRESENTATION OF EMPLOYEES

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

Objective 2:
Ensure that all matters before the Agency are
handled in a fair and consistent manner.

Initiative 1:
Achieve established performance measures for the
resolution of representation cases.

Initiative 1:
Conduct annual quality reviews of Regional
representation case files and institute modifications
to case processing as appropriate.

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

- Management Strategies:**
- Maintain and enhance alternative decision-making procedures to expedite Board and decisions in representation cases.
 - Maintain and enhance existing interregional assistance programs to ensure that representation cases in offices with backlogs are transferred to offices with available staff.
 - Identify and utilize procedures to ensure careful and timely processing of Requests for Review, Special Appeals, and Hearing Officer Reports.
 - Share best practices in representation case processing to assist regions in resolving representation case issues promptly and fairly.

**GOAL # 3 (Support):
ACHIEVE ORGANIZATIONAL EXCELLENCE**

Objective 1:

Recruit, develop, and retain a highly motivated, talented, and diverse workforce to accomplish our mission.

Initiative 1:

Invest in and value all employees through professional development, workplace flexibilities, fair treatment, and recognition.

Management Strategies:

- Maintain a current human capital plan that includes human capital goals, objectives and strategies and a workforce plan that is consistent with the Human Capital Assessment and Accountability Framework (HCAAF) of the Office of Personnel Management (OPM).
- Ensure that the Agency's performance management system is results oriented and aligned with the Agency's goals and objectives.
- Demonstrate significant improvement in OPM's assessment of the Agency's performance management system.
- Ensure that managers collaborate with the Agency's employees and unions to implement Agency policies and collective bargaining agreements concerning workplace flexibilities.
- Reduce the number of pending background investigations by 20% each year.
- Enhance employee development and learning opportunities through Skillport, Training Tuesdays, and other blended media.
- Identify, through updating the workforce plan, core competencies for managers and actions necessary to close skill gaps as required by OPM.

Initiative 2:

Develop and implement recruitment strategies to ensure a highly qualified and diverse workforce.

Management Strategies:

- Comply with OPM's hiring reform which tracks time spent to fill vacancies.
- Identify areas in which the Agency can enhance its diversity and talent through annual analysis of MD-715 guidance.
- Attract qualified and diverse applicants, including veterans and persons with disabilities, by following OPM and Equal Employment Opportunity Commission (EEOC) guidance and utilizing best practices of similar agencies.
- Establish working relationships with veterans groups and Veterans Administration and Department of Labor veterans programs to ensure that outreach efforts to veterans are consistent with OPM, congressional and Presidential directives.

Objective 2:

Promote a culture of professionalism, mutual respect, and organizational pride.

Initiative 1:

Improve employee satisfaction and employee engagement.

Management Strategies:

- Improve internal communication.
- Identify and implement strategies to increase the number of employees who respond to the Federal Employee Viewpoint Survey.
- Identify and implement strategies to increase the percentage of Federal employee Viewpoint Survey responders who are satisfied or very satisfied.
- Develop a collaborative program to encourage employee creativity and innovation including redeploying the Agency's suggestion program.
- Utilize internal and external recognition programs to acknowledge employee contributions (for example: Honorary Awards).

Initiative 2:

Ensure that employees are aware of the Agency's mission and how they contribute to its accomplishments.

Management Strategies:

- Review and enhance the employee onboarding program.
- Ensure that each employee is provided with a performance plan and a clear understanding of management's expectations.
- Enhance publicity of significant organizational accomplishments.

Initiative 3:

Cultivate and promote Agency programs that encourage collaboration, flexibility, diversity and mutual respect to enable individuals to contribute to their full potential.

Management Strategies:

- Demonstrate leadership accountability, commitment, and involvement regarding diversity and inclusion.
- Involve employees as participants and responsible agents of diversity, mutual respect and inclusion.
- Encourage participation in special emphasis observances.

GOAL # 4 (Support):
MANAGE AGENCY RESOURCES IN A MANNER THAT INSTILLS PUBLIC TRUST

APPENDIX D-4

Objective 1:
 Use information and technology to monitor, evaluate, and improve programs and processes in order to accomplish the Agency's mission and increase transparency.

Initiative 1:
 Improve the productivity of the Agency's case management by standardizing business processes in a single unified case management system.

- Measures:**
- Complete the deployment of the Next Generation Case Management System (NxGen), replacing 11 separate legacy systems, to all Agency mission offices during FY 2015.
 - Increase the rates of electronic service, delivery, and filings, thereby reducing the paperwork burden on constituents, including individuals, labor unions, businesses, government entities and other organizations.
 - Increase the information shared electronically with the public, making the Agency's case processes more transparent.
- Management Strategies:**
- Focus on critical business needs first.
 - Split projects into smaller, simpler segments with clear deliverables.
 - Ongoing, transparent project oversight from the NxGen Integrated Project Team.

Initiative 2:
 Achieve more effective and efficient program operations in the NLRB administrative functions by automating and improving processes and information sharing within the Agency.

- Measures:**
- Streamline the Agency transactional processes by providing employees ready access to the tools, data and documents they require from anywhere, at any time.
 - Create a modern single unified communications platform and network to empower Agency personnel to communicate with voice, video and data from all locations including the office, at home and on the road by FY 2016.
 - Create a dynamic social collaborative environment for employee engagement.
- Management Strategies:**
- Focus on critical business needs first.
 - Split projects into smaller, simpler segments with clear deliverables.
 - Increase information sharing within the Agency through mechanism that are easy for employees to contribute to and access.
 - Employ ongoing, transparent project oversight from the NxGen Integrated Project Team.

Objective 2:
 Evaluate and improve the Agency's Outreach Program.

Initiative 1:
 Enhance the Agency's outreach program.

- Management Strategies:**
- Employ further non-traditional outreach to the following populations:
 - Immigration Population
 - Youth
 - Engage with organizations, such as those listed below, to better educate workers and employers:
 - Letter of Agreement (LOA) with embassies
 - Joint outreach with sister agencies
 - Memorandums of Understanding (MOU) with other Agencies related to co-extensive investigations
 - Focus on Protected Concerted Activity vs. Union Activity
 - Expanded usage of the NLRB's social network
 - Additional information on NLRB public website
 - Broader use of NLRB Smartphone app and other technology
 - Use of internet technology, such as YouTube
 - Development and internal posting of more informational materials for use by board agents at recruitment and outreach events

Initiative 3:
 Effective management of fiscal resources.

- Measures:**
- Produce financial reports as required by OMB, Treasury, and Congress.
 - Conduct annual training of allowance holders.
 - Conduct training for new allowance holders within 90 days of on boarding.
 - Increase transparency in enterprise financial reporting.
 - Increase use of strategic sourcing, purchase card program, and in sourcing to minimize waste and abuse.
 - Increase number of awards given to minority business enterprises.

Objective 3:
 Conduct all internal and external Agency business in an ethical and timely manner.

Initiative 1:
 Promote an ethical culture within the NLRB through leadership, awareness, resources, and oversight.

- Measures:**
- Involve Agency leadership promoting visibility of NLRB ethics program.
 - Increase employee awareness of ethics responsibilities by maintaining an education program that reaches all NLRB employees at all levels.
 - Respond to 85% of ethics inquiries within 5 days of receipt.
 - Review and certify financial disclosure reports within 60 days of receipt and notify filers of real or potential conflicts.
 - Use technology to improve financial disclosure reporting and review process.

Initiative 2:
 Respond to internal audits in a timely manner.

- Measure 1:**
 Prepare responses to internal audit reports as required by the auditor, meeting the deadlines specified in the reports.

Initiative 3:
 Respond to external audits in a timely manner.

- Measure 1:**
 Prepare responses to external audit reports as required by the auditor, meeting the deadlines specified in the reports.

Initiative 4:
 Respond to FOIA and other public inquiries in a timely manner.

- Measures:**
- Respond to initial FOIA requests within 20 working days.
 - Seek a statutory extension for less than 15% of requests.
 - Respond to statutory appeals within 20 working days.

GOAL # 4 (Support):
MANAGE AGENCY RESOURCES IN A MANNER THAT INSTILLS PUBLIC TRUST

APPENDIX D-4

Objective 1:
 Use information and technology to monitor, evaluate, and improve programs and processes in order to accomplish the Agency's mission and increase transparency

Initiative 1
 Improve the productivity of the Agency's case management by standardizing business processes in a single unified case management system

- Measures:**
- Complete the deployment of the Next Generation Case Management System (NxGen), replacing 11 separate legacy systems, to all Agency mission offices during FY 2015.
 - Increase the rates of electronic service delivery and filings, thereby reducing the paperwork burden on constituents, including individuals, labor unions, businesses, government entities and other organizations.
 - Increase the information shared electronically with the public, making the Agency's case processes more transparent.
- Management Strategies:**
- Focus on critical business needs first
 - Split projects into smaller simpler segments with clear deliverables
 - Ongoing, transparent project oversight from the NxGen Integrated Project Team

Initiative 2
 Achieve more effective and efficient program operations in the NLRB administrative functions by automating and improving processes and information sharing within the Agency

- Measures:**
- Streamline the Agency transactional processes by providing employees ready access to the tools, data and documents they require from anywhere, at any time.
 - Create a modern single unified communications platform and network to empower Agency personnel to communicate with voice, video and data from all locations including the office, at home and on the road by FY 2016.
 - Create a dynamic social collaborative environment for employee engagement.
- Management Strategies:**
- Focus on critical business needs first.
 - Split projects into smaller simpler segments with clear deliverables.
 - Increase information sharing within the Agency through mechanism that are easy for employees to contribute to and access.
 - Employ ongoing, transparent project oversight from the NxGen Integrated Project Team

Objective 2
 Evaluate and improve the Agency's Outreach Program

Initiative 1
 Enhance the Agency's outreach program

- Management Strategies**
- Employ further non-traditional outreach to the following populations
 - Immigration Population
 - Youth
 - Engage with organizations, such as those listed below to better educate workers and employers.
 - Letter of Agreement (LOA) with embassies
 - Joint outreach with sister agencies
 - Memorandums of Understanding (MOU) with other Agencies related to co-extensive investigations
 - Focus on Protected Concerted Activity vs. Union Activity
 - Expanded usage of the NLRB's social network
 - Additional information on NLRB public website
 - Broader use of NLRB Smartphone app and other technology
 - Use of Internet technology such as YouTube
 - Development and internal posting of more informational materials for use by board agents at recruitment and outreach events

Initiative 3
 Effective management of fiscal resources

- Measures:**
- Produce financial reports as required by OMB, Treasury and Congress.
 - Conduct annual training of allowance holders.
 - Conduct training for new allowance holders within 90 days of on boarding.
 - Increase transparency in enterprise financial reporting.
 - Increase use of strategic sourcing, purchase card program, and in sourcing to minimize waste and abuse
 - Increase number of awards given to minority business enterprises.

Objective 3.
 Conduct all internal and external Agency business in an ethical and timely manner

Initiative 1
 Promote an ethical culture within the NLRB through leadership awareness, resources and oversight.

- Measures:**
- Involve Agency leadership promoting visibility of NLRB ethics program
 - Increase employee awareness of ethics responsibilities by maintaining an education program that reaches all NLRB employees at all levels.
 - Respond to 85% of ethics inquiries within 5 days of receipt.
 - Review and certify financial disclosure reports within 60 days of receipt and notify filers of real or potential conflicts.
 - Use technology to improve financial disclosure reporting and review process.

Initiative 2
 Respond to internal audits in a timely manner

- Measure 1**
 Prepare responses to internal audit reports as required by the auditor meeting the deadlines specified in the reports

Initiative 3
 Respond to external audits in a timely manner

- Measure 1**
 Prepare responses to external audit reports as required by the auditor meeting the deadlines specified in the reports.

Initiative 4
 Respond to FOIA and other public inquiries in a timely manner

- Measures**
- Respond to Initial FOIA requests within 20 working days.
 - Seek a statutory extension for less than 15% of requests.
 - Respond to statutory appeals within 20 working days