The National Labor Relations Board

2024 PAR

PERFORMANCE AND ACCOUNTABILITY REPORT

Protecting Democracy in the Workplace Since 1935

HOW THIS REPORT IS ORGANIZED

This Performance and Accountability Report (PAR) consists of the following sections:

SECTION 01 **The Management's Discussion and Analysis (MD&A) Section** provides an overview of the National Labor Relations Board's (NLRB or the Agency) mission, organization, mission-related goals, performance and financial systems highlights as well as the Agency's operational and casehandling highlights for Fiscal Year (FY) 2024. The MD&A also contains an analysis of financial statements and a discussion of compliance with legal and regulatory requirements, such as the Federal Managers' Financial Integrity Act of 1982 (FMFIA).

SECTION 02 **The Performance Section** compares the NLRB's performance to its strategic goals and objectives as set forth in its current FYs 2022 through 2026 Strategic Plan. The current Strategic Plan includes three mission-related goals and two support goals to help achieve the Agency's mission and vision. The performance measures associated with the mission-related goals are outcome-based. The Agency has several outcome-based performance measures for the support goals combined with those that are management strategy driven to ensure alignment with the mission and needs of stakeholders.

SECTION 03 **The Financial Section** is composed of the NLRB's audited financial statements, related footnotes, and the Independent Auditor's Report.

SECTION 04 **Other Information** provides the Top Management and Performance Challenges identified by the Office of the Inspector General (OIG) in the current fiscal year, and the NLRB's summary of audit and management assurances, which details the Agency's review of compliance with the Payment Integrity Information Act of 2019 (PIIA). For an update on the Board's progress in addressing management and performance challenges from FY 2024 please see *https://www.nlrb.gov/reports/inspector- general-reports/oig-semiannual-reports*.

SECTION 05 **Appendices:**
- Appendix A: Acronyms used throughout this report
- Appendix B: Glossary of terms used throughout this report
- Appendix C: Historical performance data
- Appendix D: Complete strategic goal structure

An electronic version of the NLRB FY 2024 PAR is available on the NLRB's website at *https://www.nlrb.gov*. The NLRB's current Strategic Plan is also available at this website along with graphs and data which reflect the NLRB's work.

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MESSAGE FROM THE CHAIRMAN

On behalf of the National Labor Relations Board, I am pleased to submit the Agency's FY 2024 Performance and Accountability Report. In times when more and more workers are joining together to improve their working conditions, the work of the NLRB is critically important to ensure that the right to engage in such collective action is adequately protected. The Agency is charged with administering and enforcing the National Labor Relations Act (NLRA or the Act), which guarantees the right of private sector workers to choose a union, if they desire, and to bargain collectively with their employers over wages, hours, working conditions, and other aspects of their employment. Additionally, with or without a union, the NLRA protects workers' right to act collectively to seek improvements at their workplace. The entire Agency takes seriously its mission to effectively enforce the Act, and we are proud of our achievements this year in increasing our productivity and expanding access to our services. Yet, as discussed below, we continued to face the challenge of maintaining our high level of performance in an environment of significantly increasing case intake but with a shortage of necessary resources to fully support the Agency's operations.

The Board itself is a five-member body that serves as an impartial decision-maker to resolve questions pertaining to union elections and adjudicate cases where unfair labor practices are alleged. The Act also authorizes the Board to engage in rulemaking, as appropriate. The Board is committed to producing quality decisions as efficiently as possible. Timely decision-making by the Board is vitally important, both to workers seeking the benefits of collective bargaining and to those who have been the victims of unfair labor practices. The Board accordingly has focused attention in recent years on expediting case processing and increasing overall productivity, and we are continuing to make significant progress. In FY 2024, the Board issued decisions in 259 contested cases, a 5.0 percent increase compared to FY 2023. Several of these decisions, moreover, resolved important, complex, precedent-setting cases concerning workers' rights under the Act. The Board also issued 144 rulings, orders, or notices in other matters. Further, the Board achieved its goal of ensuring that the median age of pending cases at the end of the fiscal year was 180 days or less, coming in at 154 days, notwithstanding another significant increase in case intake, discussed below.

In addition, in FY 2024 the Board's rulemaking efforts continued to protect workers' ability to freely and timely exercise their rights under the Act. In FY 2024, the Board promulgated a Final Rule restoring key policies, described in this Report, that provide workers with a fair opportunity to decide whether they want union representation in the workplace and a process that respects workers' choices. Moreover, the Board's election procedures rule, which was promulgated in FY 2023 and became effective this year, already has significantly improved the timeliness of union elections. The time from petition to election decreased even as the number of elections increased 27.0 percent from 1,526 in FY 2023 to 1,943 in FY 2024. Moreover, in 45.0 percent of elections conducted under the new rule, the votes were counted within 30 days of the filing of the petition, compared to only 13.0 percent in FY 2023. Thus, the Board's new rule is allowing workers to more effectively exercise their fundamental right to express their wishes regarding union representation.

The Board's case-processing and rulemaking achievements are attributable primarily to the hard work and dedication of our career staff. Indeed, we are fortunate to have a workforce that is committed to achieving the Agency's mission. But sustaining these achievements requires that their commitment to the work be supported by the commitment of adequate resources to the Agency. In FY 2023, the Agency received a modest $25.0 million increase in its annual appropriation after receiving the same Congressional appropriation for the nine preceding years. The additional resources were an important and much appreciated down-payment on fully restoring the Agency's capacity to achieve its mission, but this down-payment did not fundamentally change the Agency's continuing need for additional resources in the face of ever-increasing costs. Despite that continuing need, in FY 2024 Congress flat-funded the NLRB at $299.2 million, limiting the Agency's ability to further advance the purposes of the Act. We simply did not have the capacity to keep pace with another significant increase in case intake—in FY 2024 the Board received a total of 393 unfair labor practice and representation cases, up 22.4 percent from 321 cases last year. Thus, although the Board's career staff continued working as hard as ever and the Board issued more decisions, the total number of pending cases at the end of FY 2024 increased by 46.0 percent relative to FY 2023. Additional budgetary support thus remains necessary to enable the Agency and its workforce to continue effectively serving the workers, employers, and unions that count on us to resolve their workplace issues.

Adequate support is also needed to ensure that as many workers, employers, and unions as possible are aware of and can access the Agency's services. The entire Agency has continued to support our outreach efforts, with an emphasis on ensuring greater public awareness, particularly among underserved communities, of the rights and responsibilities established by the Act, the Agency's role in enforcing the Act, and how to invoke our processes. Our emphasis on outreach is grounded in the reality that the Act's protections are meaningful only if all workers know their rights and how to assert them, and if all employers and unions understand their obligations and protections under the law. In the same vein, the Agency has enthusiastically embraced and is pursuing the goals of the President's Executive Orders seeking to enhance equity in access to government services and federal employment.

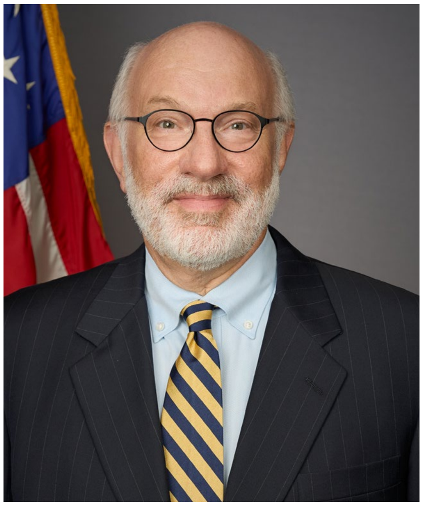
Finally, the NLRB takes seriously its responsibility to the taxpayers to be careful stewards of public funds. As Chairman, I certify that the NLRB's internal controls and financial systems meet and conform to the requirements of the Federal Managers' Financial Integrity Act. (A more detailed discussion of the Agency's internal controls can be found starting on page 68 of this report.) I have also made every effort to verify the accuracy and completeness of the performance data presented in this report.

Lauren McFerran

Lauren McFerran

Chairman

BOARD MEMBERS



Chairman Lauren McFerran

Board Member Marvin E. Kaplan

Board Member David M. Prouty

Board Member Gwynne A. Wilcox

MESSAGE FROM THE GENERAL COUNSEL

It has been an honor and a privilege to serve as General Counsel of the NLRB this fiscal year and every other one. My goals have been the same throughout my 25-year tenure with the Agency – that is to educate, protect and enforce. It is through these efforts that we effectuate our mission of empowering workers to elevate their voices and seek positive change in their workplaces. With all of the challenges that we face, encouraging and promoting productive labor management relations with regard to issues involving compensation, scheduling, health and safety, and other working conditions is a crucial step towards workplace and industrial stability. By helping to ensure that workers' choices are respected, workers' voices are heard, and issues are considered and addressed by their employers, workplace conflict diminishes and workers, their families, their communities, and businesses all have the opportunity to flourish.

In keeping with our role as educator, protector and enforcer of workers' rights under the NLRB, it is my honor and privilege to share the many important accomplishments the Agency's talented employees in the Office of the General Counsel (OGC) achieved over the last fiscal year. This FY 2024 report outlines the Agency's case handling, administrative, human capital, and financial achievements, as well as our outstanding management of our scarce resources.

The OGC is responsible for the Agency's two primary functions: (1) to prevent and remedy unfair labor practices (ULPs) and (2) to protect workers' free choice regarding union representation. The OGC exercises general supervisory authority over the NLRB's 48 Field Offices across the nation. The OGC also directly oversees Headquarters' divisions responsible for various case handling, administrative, human capital, and financial functions.

In FY 2024, Regional case intake totaled 24,566 cases, an increase of 9.0 percent over last fiscal year and a filing level not seen since FY 2011. From FY 2023 to FY 2024 representation case intake increased 27.0 percent, and ULP case intake increased by 7.0 percent. Since FY 2021, the annual case intake increased by 47.0 percent, from 16,719 to 24,566 cases.

As to our financial operation, the Agency effectively obligated 99.8 percent of its $299.2 million in appropriated funds. Unfortunately, due to budgetary constraints, OGC hiring was severely limited to backfilling only some of the many critical vacant positions. Notably, although we had a similar case intake in FY 2024 as we had in FY 2011, the Agency's Field Offices were comprised of 62.0 percent more staff in FY 2011. Thus, it is imperative that the Agency's annual appropriation for FY 2025 is substantially increased to improve staffing levels, particularly in the Field Offices, absorb cost-of-living and inflationary increases in labor and non-labor costs, and update critical infrastructure to better serve the public.

Since the start of my tenure in July 2021, I have issued public guidance memos to the Field Offices to further the goals of fully and effectively educating the public, protecting workers' rights, and enforcing the NLRA.

At the end of FY 2023, the Board issued its decision in *Cemex Construction Material Pacific, LLC*, agreeing with my position that the prior scheme for remedying unlawful failures to recognize and bargain with employees' designated representatives was inadequate to safeguard the fundamental statutory right to organize and bargain collectively.

Thus, in the first memo that issued in FY 2024, GC Memo 24–01, *Guidance in Response to Inquiries about the Board's Decision in Cemex Construction Material Pacific, LLC,* I provided guidance to assist our Field Offices and the public in operating under this new decision. Our office also created additional materials for the public, including a video, a know-your-rights card, and website with resources.

In GC Memo 24–04, *Securing Full Remedies for All Victims of Unlawful Conduct*, I highlighted the excellent work of our Field Offices in obtaining make-whole relief in the context of discharged employees, and advanced those efforts by asking Field Offices to seek full make-whole remedies for all employees harmed as a result of an unlawful work rule or contract term, regardless of whether those employees were identified during the initial unfair labor practice investigation.

Also, in response to the United States Supreme Court decision in *Starbucks Corp. v. McKinney*, I issued GC Memo 24–05, *Section 10(j) Injunctive Relief and the U.S. Supreme Court's Decision in Starbucks Corp. v. McKinney,* reaffirming my approach to seeking Section 10(j) injunctive relief in appropriate cases consistent with the U.S. Supreme Court decision.

As in previous fiscal years, the OGC strengthened our interagency work and whole-of-government approach to enforcing workers' rights. OGC entered into new a Memorandum of Understanding with the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA), expanding on the historic interagency coordination by enabling the NLRB and OSHA to closely collaborate by more broadly sharing information, conducting cross-training for staff at each agency, partnering on investigative efforts within each agency's authority, and enforcing anti-retaliation provisions. Another example of interagency collaboration was OGC's work with the Department of Education, which resulted in the issuance of GC Memo 24–06, *Clarifying Universities' and Colleges' Disclosure Obligations under the National Labor Relations Act and the Family Educational Rights and Privacy Act*, to bolster student-workers' rights while ensuring compliance with student privacy rights.

And, in August 2024, OGC expanded its interagency collaboration through an MOU with the U.S. DOL, Federal Trade Commission, and the Department of Justice's Antitrust Division to collaborate on labor issues arising in merger investigations.

As in previous years, the Field Offices actively participated in Labor Rights Week events throughout the country and OGC participated in a kick-off event and celebration at the U.S. Department of Labor, where we renewed our Letter of Arrangement with the Mexican government. The OGC also entered into new a Letter of Arrangement with the government of the Dominican Republic to build collaboration with their embassy and consulate in the United States and to work together to provide Dominican workers, their employers, and Dominican nationals who own businesses in the United States with information, guidance, and access to education and training resources regarding rights and responsibilities under the NLRA.

The Agency's Immigration Team created a new page on the Agency's website with resources for immigrant workers and engaged in multiple outreach events in-person and virtually to ensure that workers are aware of their rights and the protections available to ensure they can participate in the NLRB's processes. OGC also published a series of new resources on its website on employee rights and employer and union responsibilities under the National Labor Relations Act in 17 languages.

As you can see from our FY 2024 accomplishments, our board agents in the OGC's Field Offices and Headquarters have continued to do an excellent job of educating workers about their rights, vigorously protecting those rights, holding accountable those who violate those rights, and obtaining full remedies for violations of those rights. Once again, they have clearly demonstrated their unwavering adherence to the statutory mandate established by Congress in 1935 to protect the rights of workers to engage in union activity and other concerted activity to improve wages, benefits and working conditions.

I am extremely proud to have such talented and dedicated colleagues, whose extremely hard work at enforcing our statute has helped empower workers to speak up about their issues and struggles and to seek positive change in their work lives. Their impactful work has helped so many workers get the dignity and respect that they deserve at workplaces around the country.

Jennifer A. Abruzzo

General Counsel

FY 2024 YEAR IN REVIEW

Agency Operations

The Board

Throughout FY 2024, the Board continued to focus on timely and efficiently issuing decisions in pending ULP and representation cases, recognizing that long delays in the issuance of Board decisions undermine the purposes of the Act and mission of the Agency. As a result of these efforts, in FY 2024 the Board issued 259 decisions in contested cases – 144 decisions in ULP cases and 115 decisions in representation cases – which is an increase of over 5.0 percent from the total number of decisions issued last fiscal year. The FY 2024 total included important, precedent-setting cases that significantly strengthen and support the protection of workers' rights under the Act.

The Board also did well in issuing decisions in its oldest pending cases, defined as cases that, if not issued by the end of FY 2024, would have been pending before the Board for more than 18 months for ULP cases and more than 12 months for representation cases. The shorter timeframe for representation cases recognizes that case processing efficiency is particularly important to effectuating employees' wishes regarding union representation. Overall, 105 cases were identified as "oldest cases" for FY 2024. The Board issued decisions in 74 of those oldest cases, including 94.0 percent of the representation cases that were prioritized for completion. The issuance of decisions in these cases helped keep the median age of cases pending before the Board low, coming in at 154 days, well below the goal of 180 days or less. Although some oldest cases were not completed during FY 2024, this was due to circumstances unrelated to the Board's commitment to this initiative, and these cases will be prioritized for completion in FY 2025. As described below, the Board also issued a Final Rule restoring key policies that provide workers with a fair opportunity to decide whether they want union representation in the workplace.

Notably, the Board achieved these results notwithstanding the challenges presented by a significant jump in case intake at a time when budgetary constraints foreclosed the Board from adding staffing capacity and delayed a much-needed overhaul of our electronic case-processing systems. The Board had an intake of 393 ULP and representation cases in FY 2024—an increase of 22.4 percent over FY 2023 (321 cases), 27.6 percent over FY 2022 (308 cases) and 44.5 percent over FY 2021 (272 cases). At the same time, however, the Board was unable to expand its capacity to meet the demands of its increased caseload. Although the Agency had received a modest funding increase in FY 2023, which enabled us to absorb mandatory pay increases, avoid furloughs, and fund a limited number of essential infrastructure needs, the Agency's FY 2024 funding remained at the same level and again precluded adding critically needed staff. As a result, although the Board issued more decisions in FY 2024 than in FY 2023, the total number of cases pending before the Board at the end of FY 2024 increased by 46.0 percent as compared to the end of last year, going from 197 cases to 288 cases this year. Nevertheless, the Board remains committed to issuing decisions in all these pending cases in as timely a manner as possible under the circumstances.

The Board is equally committed to maintaining the high quality of its decisions. The Board is regularly apprised of the outcomes of cases that have been appealed to the federal courts of appeals and, as in years past, the Board enjoyed a high rate of judicial enforcement of its orders in FY 2024. Overall, 80.4 percent of challenged Board orders were enforced in full or in part. In addition, senior leaders and staff on the Board-side regularly reviewed all appellate court decisions concerning Board orders to identify strengths and weaknesses in the Board's decision-making. These strategies enabled the Board to continually evaluate ways to enhance the quality of its decisions.

As stated above, the Board also used its statutory authority to engage in rulemaking during FY 2024. The Board issued a Final Rule in July 2024—referred to as "Fair Choice-Employee Voice"—that reinstated three key policies to protect workers' ability to freely decide whether they want union representation in the workplace, ensure their choice is respected, and allow collective bargaining relationships to thrive. These policies both strengthen workers' rights and foster stability of collective-bargaining relationships, which serves one of Congress' fundamental objectives in passing the Act—to minimize labor unrest and consequent disruptions to commerce. In addition to "Fair Choice-Employee Voice," the Board began to see the benefits of its recent election procedures rule, which was promulgated in FY 2023 and became effective this year. This rule already has significantly improved the timeliness of union elections and is allowing workers to more effectively exercise their fundamental right to express their wishes regarding union representation.

The Board fully appreciates, however, that achieving the Agency's statutory mission also depends on having the necessary infrastructure, particularly information technology (IT), to support Agency operations. Accordingly, the Board strongly supported the Agency's efforts to modernize its IT systems and implement significant cybersecurity measures and related technology to protect the integrity of our IT systems, including the Agency's successful application for funding from the Technology Modernization Fund (TMF) to make possible a complete replacement of its aging, outage-prone electronic case management system. As further described below, this new system will greatly enhance the Board's ability to efficiently process cases and deliver timely decisions to employees, employers, and unions awaiting resolutions of their labor disputes. The Board's commitment to this successful effort demonstrates its focus on effective management and stewardship of its budgetary appropriations.

Last, as described below, the Board continued to expand its congressional and public affairs program, prioritized increasing Diversity, Equity, Inclusion, and Accessibility (DEIA) for both internal and external stakeholders, continued to foster stable relationships with the unions representing Agency employees, and ensured the sound management of fiscal resources. In sum, we achieved much success in FY 2024, and we look forward to carrying this momentum into FY 2025.

The General Counsel

The Field Offices continued to successfully effectuate our rigorous settlement program to timely resolve meritorious unfair labor practices in a quality manner, pursuant to my prior GC Memos, *21-06, Seeking Full Remedies*, 21–07, *Full Remedies in Settlement Agreement*, and 22–06, *Update on Efforts to Secure Full Remedies in Settlements*. Notably, the Regions garnered settlements in 96.3 percent of meritorious cases while obtaining significant make-whole remedies for workers, who were the victims of unfair labor practices, as well as for their workplace colleagues, who were detrimentally affected by the violative conduct.

A few notable settlements include: *Big Green*, where the Employer agreed to make 10 unlawfully terminated employees whole by paying them $450,000 in monetary compensation in addition to notifications to employees and manager/supervisor training; *Paragon Systems*, where the Employer agreed to pay $286,000 to make whole 500 employees for lost wages, benefits, and all direct or foreseeable financial harms they suffered because the employer failed to bargain in good faith over a wage increase; *Juvly Aesthetics,* where the Employer agreed to rescind the unlawful training repayment and non-compete policies, cease its demands for training repayments, pay more than $25,000 in monetary relief to two employees affected by the Employer's unlawful discharge and withholding of benefits, post a remedial Notice to Employees across all of its facilities in the United States, and post a copy of the Notice to its Slack messaging application.

The General Counsel is equally proud of the litigation efforts performed by Headquarters and the Field Offices this fiscal year. By way of illustration, Regions, with assistance from the Division of Advice's Injunction Litigation Branch (ILB), successfully argued for injunctive relief in district court. For example, in *UPS Supply Chain Solutions*, the United States District Court for the Eastern District of California granted injunctive relief, ordering the Employer to reinstate an unlawfully fired worker, and cease and desist from discharging employees in retaliation for their engaging in protected activities, among other interim relief. And in *I.N.S.A.*, the United States District Court of Massachusetts issued an order requiring that the Employer recognize and bargain under the NLRB's *Cemex* decision, offer reinstatement to two unlawfully terminated employees, and hold at least one mandatory meeting in which the employer or the Board agent would read the District Court's Injunction Order to employees at its Salem, Massachusetts store.

Further, in *Bannum Place of Saginaw*, after the Division of Enforcement-Litigation successfully obtained enforcement of the Board's order, Contempt Compliance Special Litigation Branch (CCSLB) secured an order finding the employer in civil contempt for failing to comply with the Court-enforced Board order, and a Court order requiring the Employer to pay the NLRB just under $15,000 in attorney fees. Further, CCSLB successfully defended challenges to the Agency's operations in *Yapp USA v. NLRB, Alivio Medical Center v. Abruzzo et. al.,* and *Burnett Specialists v. Abruzzo*.

The Agency's outreach efforts also continued in FY 2024, reaching thousands of new members of the public. The Office of General Counsel and Field Offices educated stakeholders during numerous speaking engagements, including the American Bar Association (ABA), Labor and Employment Relations Associations, State Bar Associations, the Society of Human Resource Management, the Wall Street Journal CEO Council Summit, labor organizations, worker advocacy groups, law schools, and law firms. The Office of Congressional and Public Affairs (OCPA) also continued its great work to promote broader public awareness of workers' rights and employers' and unions' responsibilities under the NLRA. For example, the OCPA crafted and coordinated the dissemination of new "Know Your Rights" cards, as well as developed and posted news releases via our public website and on social media, which provided regular and updated announcements about the Agency's operations during this fiscal year.

Technology Advances

In FY 2024, the Office of the Chief Information Officer (OCIO) made significant technological advancements that directly support the NLRB's strategic goals. The technological advancements by the OCIO not only align with the NLRB's strategic goals but also enhance public and internal operational efficiency, reinforcing the Agency's dedication to excellence and transparency.

Public Facing Enhancements

E-Filing System Enhancements for Improved Case Intake

Enhancements to the eFiling systems have significantly boosted operational productivity and efficiency. By introducing a new document subtype, "Motion to Stay," along with response subtypes, we have streamlined workflows based on user feedback, facilitating more precise document categorization. This initiative has reduced document processing times and minimized misfiling, resulting in quicker reviews and improved user satisfaction. The NLRB's commitment to enhancing service delivery not only benefits staff but also the community it serves, which aligns with the NLRB's objective of fostering transparency and continuous improvement.

Refined E-File Business Process

By prioritizing the retrieval of user profile details, the OCIO eliminated system errors caused by inactive accounts. This improvement minimizes disruptions, increases productivity, and promotes accountability, aligning with the NLRB's objective of optimizing internal processes.

E-Filing User Experience Improvements

To further enhance user experience, the NLRB removed an outdated business rule that restricted E-Filers' contacts from appearing in the NxGen Contact Screen. Supported by stakeholders, this change has ensured that all contacts, including those of E-Filers, are now visible in the Contacts list. By improving accessibility, the NLRB enabled users to easily access necessary contact information, demonstrating the NLRB's commitment to improving system functionality and reinforcing the organization's commitment to effective case management system and informed decision-making.

NxGen-DocuSign App Implementation

Implementing the NxGen-DocuSign App streamlined the signature capture process, significantly boosting productivity and efficiency. This initiative aligns with the NLRB's strategic goal of enhancing operational effectiveness, allowing staff to focus on strategic initiatives. The app streamlined the signature capture process for effortless digital signatures from both internal and external parties.

OMB Memorandum M-23-22 Advancements

The Office of Management and Budget (OMB) Memorandum M-23-22, *Delivering a Digital-First Public Experience*, aims to make it easier to access the information and services that the federal government provides to the public. The following technological advances and memorandum actions were implemented in alignment with the Agency's goals.

- Identified and assessed using web traffic data to determine relative public engagement and help inform how the Agency and OMB prioritize digital experience improvements.
- Identified the Agency top content and common questions based on web analytics and customer feedback.
- Developed and delivered a list of top tasks that can be newly designed or further optimized as self-service digital options.

Improve Public Awareness of Agency Mission and Activities

The NLRB worked to increase the number of users who access the English and non-English language digital resources, including our public website by redesigning the "Content in Other Languages" section and adding 16 different languages in an effort to promote awareness of the Agency's mission. The type of content added explains the purpose of the Agency, who we are and what the Agency does with respect to elections, rights, and charges. The established standards for asserting jurisdiction are described in detail which explain employees, employers and union rights.

Streamlined Solr Platform Integration

The NLRB consolidated three separate Solr platforms – Cloud iSearch/Priv Solr, Cloud Pub Solr, and Standalone Pub Solr – into a single Cloud Pub Solr solution. This integration eliminates reliance on the DataImport Handler and introduces advanced indexing services through EventHub and direct database queries. This unified Solr instance significantly enhances supportability and maintainability while reducing operational costs. By utilizing the enterprise data warehouse database, it minimizes the load on the Siebel database, increasing productivity and improving efficiency across Mission systems. This initiative reflects the NLRB's commitment to delivering streamlined solutions that drive value. The new integrated Solr instance now utilizes the enterprise data warehouse database, aligning with the NLRB's strategic goal of enhancing operational efficiency and reducing costs. This unification also improves the public's search experience by providing more accurate and faster search results, directly benefiting users who interact with the NLRB services.

Azure and Office 365 Resource Management

The NLRB optimized resource management by transitioning from Azure Media Services to SharePoint Streams, ensuring efficient resource use and service continuity. With the June 2024 retirement of Azure Media Services, the NLRB migrated its media files to SharePoint Streams. This transition is essential for the E-File/MAP system's reliance on Azure for media storage and viewing, guaranteeing uninterrupted service. This migration enhances operational efficiency and aligns with the NLRB's strategic goals of improving resource management and overall operational effectiveness.

The NLRB achieved significant enhancements in operational productivity and efficiency through effective Azure resource management and cost-saving initiatives. By streamlining server organization, it removed unallocated disks from Production, Test, and Development environments, including database servers. The NLRB decommissioned the majority of our Windows 2016 Servers and started the upgrade process from Windows Server 2019 to Windows Server 2022. Additionally, the NLRB revamped database backup strategies, transitioning from full daily backups to weekly full backups, supplemented by daily differential backups and hourly transactional log backups. This optimization also included reducing the number of backup drives on Production servers, resulting in an estimated savings of $10,000 from December 2023 to September 2024.

In line with the NLRB's strategic goals, the Secure Cloud Business Applications (SCuBA) automated assessment tool has been implemented. Provided at no cost by the Continuous Diagnostic Monitoring (CDM) Program, SCuBA significantly enhances our ability to secure and standardize the NLRB's cloud business application environments, thereby safeguarding federal information stored in those environments.

These changes not only reduced our Azure infrastructure costs but also increased both are security posture and efficiency because they added new security features that allowed us to automate many tasks that could not be automated before these changes were made.

Federal Information Security Management Act of 2002

The standard method to measure the effectiveness of this strategic goal is to conduct an annual independent evaluation by each agencies OIG, or an independent external auditor to determine the effectiveness of the information security program and practices of its respective agency.

In FY 2024, in the annual Federal Information Security Management Act of 2002 (FISMA) audit conducted by the OIG, the NLRB maintained an effective maturity level, with an overall maturity assessment of Optimized. This included four of the five security functions at the Optimized level and one function at the Managed and Measurable level. The successful implementation of the NLRB's security program and the safeguarding of our IT resources help to instill public trust in our mission's effectiveness.

Redesigned Wide Area Network

The OCIO initiated a new RFP to replace our existing wide area network with a new network design that will increase the efficiency, reliability, and security of our infrastructure while reducing the annual costs by approximately 18.0 percent. The new network design will also meet the following OMB mandates to include Zero Trust Architecture and Trusted Internet Connections 3.0 requirements. It increases the efficiency of the network by dynamic routing and increases the reliability by utilizing redundant and dynamic paths.

Streamlined Document Scanning Process

The NLRB upgraded its document scanning functionality by migrating to an isolated system and implementing Functions V4. This strategic enhancement improved performance and significantly increased overall operational productivity. Transitioning from .NET Framework 4.8 and Functions V1 to a more advanced setup has positioned the Mission systems to operate with greater efficiency and effectiveness. This initiative sets a benchmark for future innovations, reinforcing the NLRB's commitment to enhanced scanning capabilities.

NxGen Template Management

The NLRB implemented Indy, an advanced templating system that enhances document management. This innovative Word add-in leverages Microsoft Word's features to boost productivity and efficiency. By streamlining the template creation process, Indy accelerates document generation, allowing the Operations team to concentrate on core responsibilities. The transition to Indy also enabled the retirement of xPression, improving workflow and resource allocation. This achievement underscores the NLRB's commitment to innovation and excellence, reflecting its dedication to modernizing technology infrastructure and enhancing operational efficiency.

Software Technology Upgrades

The NLRB upgraded its key systems, including Java and Angular, across applications such as the Judicial Case Management System, Imaging Dashboard, CiteNet, and the Self-Service Portal. These significant enhancements also include improvements to the Oracle Analytics Server, Managed Engine, Tomcat for Documentum Servers, Cosmos DB SDK, and the .NET framework. These upgrades have markedly improved the efficiency and functionality of Mission systems, aligning with the NLRB's objective of streamlining processes and enhancing service delivery. By modernizing its technological infrastructure, the NLRB reduced downtime and improved system responsiveness, allowing staff to complete tasks more quickly and effectively. This transformation created a smoother user experience for both employees and external stakeholders. Overall, these enhancements significantly increased operational productivity, enabling the

NLRB to fulfill its mission while maintaining a high standard of service. This achievement reflects the NLRB's commitment to leveraging technology to optimize operations and enhance value.

The NLRB implemented a mobile Endpoint Detections and Response (EDR) solution for the Agency's iPhones, significantly enhancing our mobile security posture. This defensive tool addresses growing concerns around SMS phishing, risky applications and mobile vulnerabilities. Acquired through the CDM Program, this solution allows the NLRB to alert users of potential risks, safeguarding the Agency's mobile devices. It provides proactive protection against malicious links, identity protection and continuous active security at no cost to the Agency.

Achievements in Operational Productivity and Efficiency

Pending Court Remands

The implementation of the Pending Court Remands report significantly improved operational productivity by streamlining the tracking of Cases on Remand to the Board. This comprehensive tool consolidates all Actions categorized as "Court Remand," highlighting open cases with upcoming briefing deadlines and providing direct links to the ES Court Remand letters. Furthermore, it indicates whether the Division of Advice or Regional offices will manage each case, enabling team members to prioritize workloads effectively. This increased visibility ensures timely responses to the Board's requests, driving productivity and reinforcing the NLRB's commitment to efficient Case Management.

Significant Memoranda Appeal

The launch of the Office of Appeals Significant Memoranda Appeal report marks a significant advancement in operational productivity within the Office of Appeals. This detailed summary compiles Significant Minutes from specified fiscal years, outlining each General Counsel (GC) Minute alongside its corresponding decisions. By including hyperlinks to the original GC Minutes, the report allows for immediate access to essential documents, facilitating in-depth analysis. By focusing on significant cases based on thorough recommendations, staff can prioritize impactful cases effectively. This targeted approach streamlines access to critical information, improving decision-making processes and response times, thereby demonstrating NLRB's commitment to operational excellence.

Administrative Law Judges Workload

Enhancing the Administrative Law Judge (ALJ) Workload Report represents a major milestone in safeguarding sensitive data while streamlining workflows. With advanced data security protocols in place, each ALJ can access only the information related to their assigned cases, allowing them to concentrate on relevant workloads. This redesign has led to quicker case resolutions and improved overall productivity, exemplifying the NLRB's commitment to leveraging technology for better public service and reinforcing trust in NLRB's administrative processes.

Improving Ad-hoc Reporting Features

The introduction of enhanced Ad Hoc reporting features has been transformative, significantly boosting operational productivity. By developing streamlined methodologies for examining and organizing fieldwork, the NLRB optimized case processes and improved regional performance. These reports centralize data from all Regions into a single, accessible repository, enabling comprehensive analysis and real-time insights. A key impact of these reports is their role in assessing Deferral case handling, allowing leadership to implement interim assistance measures and effectively address backlogs. By identifying critical cases needing immediate attention, the Ad Hoc reports have revolutionized field case management practices, fostering a culture of responsiveness. Overall, these enhancements have improved situational awareness at both regional and agency-wide levels, leading to more efficient resource management and a swift response to emerging challenges.

Transition to a Reliable Architecture; Funding and Project Development

In a bid to overcome the challenges posed by its aging Case Management System, NxGen, the NLRB recognized the urgent need for modernization. The 17–year-old system had become a burden, plagued by outdated software and poor integration, leading to frequent outages during routine updates. These disruptions resulted in thousands of hours of lost productivity, as staff struggled to access essential documents for processing cases. Additionally, NxGen's limitations increased the Agency's vulnerability to cybersecurity threats, making modernization a pressing priority.

To tackle these pressing issues, the NLRB sought assistance from the TMF to secure funding for a comprehensive overhaul. The Agency's goal was to replace its legacy system with a more reliable and adaptable architecture. To identify the best path forward, the NLRB conducted a Request for Information (RFI) and invested $2.9 million in a proof of concept that would outline the future system architecture and pinpoint optimal technology solutions.

Following a proposal to the TMF, the NLRB secured $23.0 million to support development, software acquisition, and payroll for the OCIO staff involved in the project. An initial investment of $7.8 million has been allocated for the first phase, with additional funding contingent on meeting specific performance metrics, marking a significant step toward a more efficient and secure operational framework. This transformative effort represents a pivotal step in ensuring the NLRB can effectively serve its mission in a modern, secure, and efficient manner.

Implementation of Westlaw for Legal Research

Strategic Goal Alignment: Effectively managing budgetary and other resources.

The Agency implemented Westlaw as the Agency's primary Computer Assisted Legal Research (CALR) platform, resulting in improvement in research, knowledge content in support of case management and mission support needs. Additional services included:

- Deployed Drafting Assistant, a Microsoft Word based plug-in to assist with cite checking and review of legal briefs, pleadings, and other documents.
- Migrated Agency retrieval of court dockets and filings away from U.S. Court PACER system to Westlaw's DOCKETS product, resulting in cost savings and better information security using network verification and user single sign-on authentication.
- Conducted an intensive program of training and publicity to increase user awareness of the new resource and ensure familiarity and facility with Westlaw's suite of research tools.

Implementation of 508 Compliance Program

Strategic Goal Alignment: Comply with Federal Accessibility Mandates and Executive Office Direction

- Onboarded 508 Subject Matter Expert and launched program to bring the Agency into compliance with all Section 508 Mandates.

- Launched training program for content providers to streamline the provision of materials in a 508 compliant manner.
- Built 508 remediation process, including intake and workflow protocols, and communicated awareness of the process to content providers.
  - » Submitted and successfully remediated 443 documents for Section 508 compliance on the public website.
- Conducted the annual 508 compliance audit and submitted results to GSA.
- Procured Accessibility Insights for Windows and J.A.W.S screen reader software to conduct 508 testing.
- Tested over 170 pdfs for various departments within the Agency.

Process Automation Advancements

The development of the following systems is in line with the NLRB's goal of greater organizational excellence and productivity. The system improvements increase productivity, streamline legacy processes, and provide actionable reporting to senior leadership.

- Designed, developed, and launched several Agency systems to improve productivity and streamline legacy processes.
  - » The Human Resources Performance Management team is dedicated to providing supervisors and managers with tools that will encourage growth in achieving key operating components, such as planning work, setting employee expectations, monitoring performance, creating measurable critical elements, assessing performance standards, rating performance, and rewarding good performers. To assist in eliminating the volume of emails through an Agency data call, supervisors and managers can manage Performance Ratings of Records (RORs) and Awards for Bargaining Unit and Non-Bargaining Unit employees in a system designed to efficiently collect and track RORs and awards which streamlines the collection process and enhances the accuracy of the data.
  - » In accordance with Federal Acquisition Regulation 1.604, Points of Contact (POCs) and Contracting Officer Representatives (CORs) shall maintain a file for each assigned contract. To assist POCs/CORs in maintaining their contract files, a new system was deployed to store and maintain POC/COR files in a centralized repository. The POC/CORs use prepared templates to ensure all necessary documentation is included in the files.
  - » The NLRB 4197 Out-Processing Checklist form helps the Agency ensure that exiting employees, contractors, interns, and volunteers have been properly off-boarded mitigating security and legal risks and protecting the Agency from compliance-related issues. Usage of the Out-Processing Checklist form ensures the return of PIV cards, government credit cards, and government furnished equipment. This checklist is also used to verify the return of reference materials, the Agency's cell phones and the Agency's files to the OCIO. This form assists the Agency by ensuring that exiting employees receive a post-employment package. Automating each step of this process not only ensures proper employee exiting, but has streamlined the process, increased efficiencies, reduced inaccuracies and improved security.

Improved Internal and Public Facing Customer Support and Outreach Services

Strategic Goal Alignment: Ensure public awareness of and equitable access to the Agency's services.

- Established a public facing Service Desk accessible on the Agency's website that provides support for external users of the E-Filing System. The operational support systems, Service Now, Outlook, and Microsoft Teams provides a multi-contact channel solution for non-agency users to reach the Service Desk and have their support requests recorded, tracked, and resolved as quickly as possible. The Service Desk provides direct technical support for the E-Filing system and resolves support requests on first call as frequently as possible to support timely, inclusive, and accurate case development, management, and adjudication information.
- Service demand volume and resolution performance level charts and metrics dashboards were developed using Microsoft PowerBI to support service monitoring and leadership reporting of both internal and public support service results. Leveraging this technology enables visibility that facilitates operational performance analysis that identify service improvement opportunities and solutions. It also informs data-driven service delivery process and resolution automation development decisions that support the Agency's reputation and mission objectives as they are further sustained and protected with timely and accurate provisioning and restoration of the Agency's user computing capabilities.
- The success of the support provided by the E-Filing Service Desk has resulted in fulfilling the following federal requirements for customer experience:
  - Executive Order 14058 on Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government. The term "customer experience" ("CX") means the public's perceptions of, and overall satisfaction with, interactions with an agency, product, or service.
  - OMB Circular A-11, *Preparation, Submission, and Execution of the Budget* (Section 280) defines "Customer Experience" as a combination of factors that result from touchpoints between an individual, business, or organization and the Federal Government over the duration of an interaction and relationship.
  - PMA Priority 2 Opportunity Statement "The Federal Government must deliver a simple, seamless, and secure customer experience, on par with or more effective than leading consumer experiences
- Public customer experience survey satisfaction ratings have consistently excelled above established targets and align with leading industry performance standards for telephone call and email answer speed, and resolution timeliness and accuracy resulting in timely case filings and related agency follow up activities.

Establish User Self-Service Service Capabilities

- Designed and implemented the OCIO Customer Service Portal that provides 24-hour access for users to submit support requests to the Service Desk. The portal expanded service intake channels and increased support service availability which continually contributes to timely support service for staff involved in labor relations cases and other essential Agency operations. The deployment of this web-based tool continuously contributes to building a more IT skilled and autonomous workforce and enhances employee satisfaction and productivity.

- Completed the acquisition and onboarding of a contract to design and implement a self-service Chat utility for the Agency's users which will also contribute to increasing user ability to continue computing productivity with more expedient access to frequently requested support services that enable their ability to self-solve, locate needed information, utilize available technology more efficiently.
- Updated and created new knowledge articles to enable self-help capabilities within the portal. The user-friendly self-service information makes it easier for employees to seek and obtain assistance and to access information at any time to overcome system connectivity needs, errors, and challenges, answer frequently asked questions, and to self-solve computing device and software application usage inquiries. This has helped to reduce service and related productivity delays for common user support needs.
- Implemented revised support request ticket category structure to align with current service demand, available technology, new support services, and computing resources. The category restructuring helped to more accurately record service needs and to streamline service escalation and ticket resolution paths for more timely and efficient user support.
- The restructuring also resulted in the development and advancement of real-time dashboards in PowerBI that provide service intake and delivery volume, categoric, and collective and individual Service Desk Agent performance metrics and service level requirement measuring and monitoring. The Dashboards also enabled the ability to identify both organizational performance levels and process improvement opportunities from various business facing vantage points that support data-driven service delivery direction and innovation.

Support and Promote DEIA Program Goals and Objectives

- Developed and deployed an informal name change service request capability. Access to the support request resource was enabled on the OCIO Customer Service Portal and a digital training video was built and provided to the Agency's users to support their ability to successfully request the service. This new service leveraged digital training that meets 508 compliance requirements which served to support the Agency's DEIA workforce goals, policies, and initiatives
- Actively participated in the Agency's Melwood program in partnership with the Human Resources Division the which resulted in the recruitment of neuro, gender, and ethnically diverse volunteer workers with both education and experience in Information Technology. Three Melwood volunteers were interviewed and selected, and each have made significant contributions to Service Desk performance success, operational progress, and the Agency's user satisfaction. Participation in the program has also contributed to their individual career advancement, technical skills set, knowledge, and professional development.

Expand IT Support Service and Delivery Automation

The technology advancements enable efficient IT resource management and reduces manual application of the operational maintenance requirement, minimizes the occurrence of security vulnerabilities, and contributes to long-term cost savings.

- Migrated endpoint management technology from on-premises Microsoft SCCM to Intune which serves to more efficiently sustain computing device security posture, conduct application installations, and deploy workstation patches.

- Automated the workstation imaging process by implementing Windows Autopilot and retiring the use of Microsoft Desktop Manager resulting in faster and reduced Service Desk manual involvement in the laptop imaging procedure.
- Deployed the Lenovo Commercial Vantage tool on all laptops to automate peripheral device, i.e. monitor, speaker, camera, and other integrated resource driver installations and updates as they become available.
- Upgraded the Agency's iPhones leveraging a robust cost reduction program to sustain agency network access, communications, mobility, and security posture for eligible agency users.
- Awarded a new IT Service Management contract with built in staff reduction schedule to realize labor cost savings that aligns with Chat and Portal self-service resource development and deployment plans which will continually reduce Tier 1 Service Desk labor costs and increase the Agency's user self-support resource availability and capabilities.

Public Information Program

The Agency's Public Information Program is one of the critical services provided to the American public, including employers, unions, and employees. Under this program, in addition to the services provided by the OCPA in Headquarters, Board agents in the Field Offices provide information directly to individuals or entities that contact the Agency seeking assistance. In FY 2024, the Agency's Regional Offices received 34,681 public inquiries regarding workplace issues. In responding to these inquiries, Board agents spent a considerable amount of time explaining the rights and responsibilities under the Act and of other government agencies, accepting charges, or referring parties to other federal or state agencies. Of the 24,587 Charges and Petitions filed, 20,355, were filed electronically (via E-filing wizard and onsite fillable forms), and 4,252 were filed by mail, facsimile or in-person. The public may also contact the Agency through a toll-free telephone service (844-762-6572) designed to provide easy and cost-free access to information. Callers to this number will hear messages recorded in English and Spanish languages that provide a general description of the Agency's mission, contact information for other government agencies, and contact information for the Regional Offices in closest geographic proximity. Board staff also monitor *publicinfo@nlrb.gov,* an email account for general public inquiries.

Public outreach is encouraged and has been embraced at all levels of the Agency. Over the past few years, Board Members, the General Counsel, Regional Directors, OCPA staff, and Board agents participated in numerous speaking engagements at events sponsored by law schools, bar associations, chambers of commerce, worker advocacy groups, and various other employer, union, and human resources professional groups to educate them on the NLRA and the role of the NLRB in impartially enforcing the Act. The Agency's leadership spoke with a variety of media outlets about the NLRB's congressional mandate and the rights and responsibilities under the Act. Additionally, the Director of OCPA corresponded with hundreds of reporters, explaining the NLRB's processes. Further, Regional Offices publish newsletters and participate in televised or radio public talk shows. The Agency has also been active on X (formerly known as Twitter), Facebook, Bluesky, Threads, and Instagram accounts.

As part of the Agency's outreach to communities with limited English proficiency, in addition to the bilingual toll-free telephone service for inquiries, the NLRB employs Language Specialists and contracts with service providers to provide interpretation and translation services in various languages to assist Field Office casehandling. The public website contains Agency publications about the NLRA and processes, which are translated into Spanish, Arabic, Chinese, French, Haitian Creole, Hindi, Hmong, Korean, Polish, Portuguese, Punjabi, Russian, Somali, Tagalog, Urdu, and Vietnamese. The number of electronic document templates available in Spanish continues to increase and the database of translated representation case notices and ballots includes 31 languages. Finally, the Agency collaborates with consulates from Central American countries to educate business owners and their employees about rights and obligations under the NLRA and with other federal agencies in conducting listening sessions among the Asian American and Pacific Islander community. These sessions educate them about the rights of workers, listen to their concerns regarding treatment at their workplaces, and help resolve any confusion about the Agency's processes.

Also of note is the Agency's effort to increase interagency law enforcement efforts. Specifically, the Agency has shared information and partnered with, among others, the DOJ's Antitrust Division, the FTC, CFPB, DOL's Wage and Hour Division, DOL's Office of Labor-Management Standards, the Equal Employment Opportunity Commission (EEOC), FMCS, and the New York State Office of the Attorney General, thereby maximizing governmental resources.

FY 2024 STATISTICAL HIGHLIGHTS

The Board issued **259** decisions in contested cases:

144 unfair labor practice cases

115 representation cases

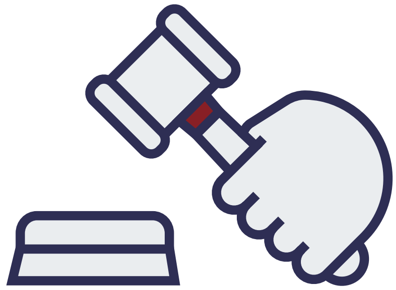
Regions obtained pre-election agreements in **93.5%** of representation cases.

Initial elections in union representation cases were conducted in a median of **31 days** from the filing of the petition.

Regional Offices issued **635 complaints.**

75.6%

of meritorious ULP charges resolved within 365 days.



Regional Offices prevailed in

93.1%

of Board and Administrative Law Judge decisions which were won, in whole or in part.

Regional Offices settled

96.3%

of meritorious cases.

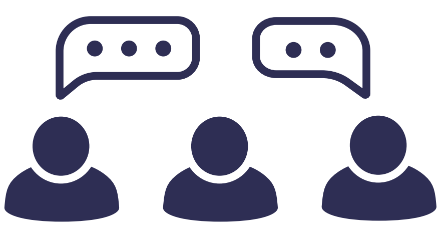
$56,531,142.71

was recovered on behalf of employees as backpay, consequential damages, or reimbursement of fees, dues, and fines

and

1,217

employees offered reinstatement.



The Agency received **34,681** inquiries through its Public Information Program.

The Division of Judges closed **153** hearings, issued **139** decisions, and achieved **310** settlements in cases on its trial docket.

MANAGEMENT'S DISCUSSION AND ANALYSIS

Protecting Democracy in the Workplace Since 1935

ABOUT THE NLRB

The National Labor Relations Act

- Is the basic law governing relations between workers, labor unions, and business enterprises engaging in interstate commerce in the private sector.
- Serves the public interest by reducing interruptions in commerce caused by conflict between employers and employees.
- Embodies a bill of rights for workers, which establishes freedom of association for purposes of collective bargaining and concerted activities to improve terms and conditions in the workplace.
- Addresses the rights of employees and obligations of labor unions and private employers.

The National Labor Relations Board

The NLRB is an independent federal agency created in 1935 to administer and enforce the NLRA by ensuring that workers can freely express their wishes regarding union representation; and by protecting workers' fundamental right to act together for their mutual aid or protection.

The NLRB acts only on those charges brought before it and does not initiate cases. All proceedings originate with the filing of charges or petitions by employees, labor unions, private employers, or other private parties.

In its 89–year history, the NLRB has counted millions of votes, investigated hundreds of thousands of charges, and issued thousands of decisions. These numbers tell an important part of the Agency's story. Specific data on the following components of the Agency's work can be found on the NLRB's web site at: *https://www.nlrb.gov/*

Charges and Complaints – Data related to the investigation and prosecution of ULPs received by Regional Offices and their disposition over time, including withdrawals, dismissals, complaints, and settlements.

Petitions and Elections – Data related to petitions for representation, decertification, unit amendment and clarification, and rescission of union security agreements received by Regional Offices, elections held, and outcomes.

Decisions – Data related to decisions by the Board and NLRB ALJs.

Federal Litigation – Data related to litigation by Board attorneys before ALJs, the Board, and in federal court, including petitions for temporary injunctions, defending Board decisions in court, and pursuing enforcement, contempt and compliance actions.

MISSION STATEMENT

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

Employee Rights Under The NLRA

The NLRA extends rights to many private-sector employees, including the right to organize and to bargain collectively with their employer. Employees covered by the Act are protected from certain types of employer and union misconduct and have the right to support union representation in a workplace where none currently exists or to attempt to improve their wages and working conditions through other group action.

Under the NLRA, employees have the right to:

- Form, or attempt to form, a union among the employees of an employer.
- Join a union whether the union is recognized by the employer or not.
- Assist a union in organizing employees.
- Engage in protected concerted activity. Generally, "protected concerted activity" are activities that seek to improve working conditions.
- Refuse to do any or all of these things. However, the union and employer, in a state where such agreements are permitted, may enter into a lawful union-security clause requiring employees to pay basic union dues and fees for core representational activities.

The NLRA forbids employers from interfering with, restraining, or coercing employees in the exercise of rights relating to organizing, forming, joining or assisting a labor organization for collective bargaining purposes, engaging in protected concerted activities, or refraining from these activities. Similarly, unions may not restrain or coerce employees in the exercise of these rights.

Statutory Structure

Agency Leadership consists of six presidential appointees—five Board Members (including the Chairman) and the General Counsel. Day-to-day management of the Agency is divided by law, delegation, and Agency practice between the Chairman, the Board, and the General Counsel. The Agency's offices include its Headquarters in Washington, D.C., a network of Field Offices throughout the U.S., and two Judges' offices, one in Washington, D.C., and another in San Francisco, CA. The NLRA assigns separate and independent responsibilities to the Board and the General Counsel. The General Counsel's role is chiefly prosecutorial and the Board's is adjudicative. A map depicting the Regional Offices can be found at: *https://www.nlrb.gov/about-nlrb/who-we-are/regional-offices*

The Five-Member Board

The five-member Board primarily acts as a quasi-judicial body, deciding cases based on formal records in administrative proceedings. Board Members are appointed by the President with the advice and consent of the Senate and serve staggered five-year terms.[1] The President designates one of the Board Members as Chairman. Board Member Lauren McFerran was designated as Chairman on January 20, 2021.

The General Counsel

Congress created the position of General Counsel in its current form in the Taft-Hartley Act of 1947. The General Counsel is appointed by the President to a four-year term, with Senate consent, and is responsible for the investigation and prosecution of ULP cases and for the general supervision of the NLRB Regional Offices, and pursuant to a delegation by the Board, the administrative, financial, and human capital operations of the Agency. In performing delegated functions, and in some aspects statutorily assigned functions, the General Counsel acts on behalf of the Board. With respect to the investigation and prosecution of ULP cases, the General Counsel has sole prosecutorial authority under the statute, independent of the Board. Jennifer A. Abruzzo was nominated by the President to serve as General Counsel, and was confirmed by the Senate on July 21, 2021, and sworn in on July 22, 2021.

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

Appointee	Sworn In	Term Expires
THE BOARD		
Lauren McFerran Chairman of the Board	8/10/2020 (as Board Member) 1/20/2021 (designated as Chairman)	12/16/2024
Marvin E. Kaplan Board Member	8/10/2017	8/27/2025
David M. Prouty Board Member	9/22/2021	8/27/2026
Gwynne A. Wilcox Board Member	9/11/2023	8/27/2028
THE GENERAL COUNSEL		
Jennifer A. Abruzzo General Counsel	7/22/2021	7/21/2025

[1] Even though Board Members have five-year terms, a new five-year term begins running immediately upon the expiration of the previous Member's term and the seat remains vacant until an individual is nominated and confirmed by the Senate. Therefore, a lapse of time can occur between when a term expires and a new Board Member is confirmed, which means that a new Board Member would serve only the remaining portion of the five-year term to which they were appointed.

ORGANIZATION

BOARD
Lauren McFerran - Chairman
Marvin E. Kaplan - Board Member
David M. Prouty - Board Member
Gwynne A. Wilcox - Board Member

OFFICE OF THE GENERAL COUNSEL
Jennifer A. Abruzzo - General Counsel
Peter Sung Ohr - Deputy General Counsel
Jessica Rutter - Associate General Counsel

OFFICE OF THE EXECUTIVE SECRETARY
Roxanne L. Rothschild
Executive Secretary

OFFICE OF THE SOLICITOR
Fred B. Jacob
Solicitor

OFFICE OF REPRESENTATION APPEALS
Terence G. Schoone-Jongen
Director

DIVISION OF JUDGES
Robert A. Giannasi
Chief Judge

OFFICE OF CONGRESSIONAL AND PUBLIC AFFAIRS
Kayla Blado
Director

OFFICE OF THE INSPECTOR GENERAL
Ruth Blevins
Inspector General

OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY
Maria Kaplan
Director

DIVISION OF ADMINISTRATION
Lasharn Hamilton
Director

ETHICS OFFICE
Monica Garcia
Associate General Counsel

OFFICE OF THE CHIEF FINANCIAL OFFICER
Isabel McConnell
Chief Financial Officer

OFFICE OF THE CHIEF INFORMATION OFFICER
Prem Aburvasamy
Chief Information Officer

SPECIAL COUNSEL AND LABOR RELATIONS OFFICE
Polly Misra
Assistant General Counsel

DIVISION OF OPERATIONS – MANAGEMENT
Joan A. Sullivan
Associate
General Counsel

REGIONAL OFFICES

DIVISION OF ENFORCEMENT LITIGATION
Appellate and Supreme Court Litigation Branch
Ruth E. Burdick
Deputy Associate General Counsel

Office of Appeals
Elicia Watts
Director

DIVISION OF ADVICE
Richard Bock
Associate General Counsel

DIVISION OF LEGAL COUNSEL
Nancy Platt
Associate
General Counsel

CASEHANDLING FUNCTIONS

The NLRB strives to create a positive labor-management environment for the Nation's employees, unions, and employers by assuring employees free choice regarding union representation and by preventing and remedying statutorily defined ULPs. The NLRB maintains a public-focused and results-oriented philosophy to best serve the needs of the American people.

The primary function of the NLRB is the effective and efficient resolution of charges and petitions filed under the NLRA by individuals, employers, or unions. In carrying out the NLRA's mandates, the NLRB supports the collective bargaining process and seeks to prevent and remedy certain ULPs on the part of employers and unions so as to effectuate employees' rights under the NLRA and promote commerce and strengthen the Nation's economy.

The three mission-related goals of the NLRB are:

- Ensure effective enforcement of the NLRA through timely and quality consideration and resolution of unfair labor practices with appropriate remedies.
- Protect employee free choice with timely and effective mechanisms to resolve questions concerning representation.
- Improve Public Awareness of Agency Mission and Activities.

Unfair Labor Practice Proceedings

The NLRA regulates the conduct of labor-management relations between employers and unions. The NLRB enforces the provisions of the Act through ULP proceedings, which are adjudicated and remedied through procedures under the NLRA.

The General Counsel has sole responsibility—independent of the Board—to investigate charges of ULPs, and to decide whether to issue complaints with respect to such charges. The Board, in turn, acts independently of the General Counsel in deciding the merits of ULP cases.

The General Counsel investigates ULP charges through the Agency's network of Regional, Subregional, and Resident Offices (collectively known as Field Offices). If there is reason to believe that a ULP charge has merit, the Regional Director, on behalf of the General Counsel, issues and prosecutes a complaint against the charged party, unless a settlement is reached. With some exceptions, a complaint that is not settled or withdrawn is tried before an ALJ, who issues a decision. The decision may be appealed by any party to the Board through the filing of exceptions. The Board decides cases on the basis of the formal record, according to the Act and the body of case law that has been developed by the Board and the federal courts.

If the Board finds that a violation of the Act has been committed, the role of the General Counsel thereafter is to act on behalf of the Board to obtain compliance with the Board's order remedying the violation.

Although Board decisions and orders in ULP cases are final and binding with respect to the General Counsel, they are not self-enforcing. The statute provides that any party may seek review of the Board's decision in a U.S. Court of Appeals. In addition, if a party refuses to comply with a Board decision, the Board must petition for court enforcement of its order. In court proceedings to review or enforce Board decisions, the General Counsel represents the Board and acts as its attorney. Also, the General Counsel acts as the Board's attorney in contempt proceedings and when the Board seeks temporary injunctive relief under Sections 10(e) and (f) of the NLRA after the entry of a Board order and pending enforcement or review of proceedings in circuit court.

Section 10(j) of the NLRA empowers the Agency to petition a federal district court for an injunction to temporarily prevent ULPs by employers or unions and to restore the status quo, pending full review of the case by the Board. In enacting this provision, Congress was concerned that delays inherent in the administrative processing of ULP charges, in certain instances, would frustrate the Act's remedial objectives. Determining whether the use of Section 10(j) is appropriate in a particular case is dependent on preserving the Board's ability to effectively remedy the alleged ULP and ensuring the alleged violator would not otherwise reap the benefits of its violation.

Under the NLRB procedures, after deciding to issue a ULP complaint, the General Counsel may request authorization from the Board to seek injunctive relief. The Board votes on the General Counsel's request and, if a majority votes to authorize injunctive proceedings, the General Counsel, through the Regional staff, files for injunctive relief with an appropriate federal district court. In addition, under Section 10(l) of the Act, when a Region's investigation of a charge yields reasonable cause to believe that a union has committed certain specified ULPs, such as a work stoppage or picketing with an unlawful secondary objective, the Regional Director is required, on behalf of the Board, to seek an injunction from a federal district court to halt the alleged unlawful activity.

Representation Proceedings

In contrast to ULP proceedings, representation proceedings conducted pursuant to the Act are not adversarial.[2] Representation cases are initiated by the filing of a petition—by an employee, a group of employees, a labor organization acting on their behalf, or in some cases by an employer. Typically, the petitioner requests an election to determine whether a union has the support of a majority of the employees in an appropriate bargaining unit and therefore should be certified or decertified as the employees' bargaining representative. The role of the Agency in such cases is to investigate the petition and conduct a secret-ballot election, if appropriate, addressing challenges and objections to the election subsequently, and thereafter determining whether certification should issue.

In the processing of representation cases, the Board and the General Counsel have shared responsibilities. The Regional Offices, which are under the day-to-day supervision of the General Counsel, process representation petitions and conduct elections on behalf of the Board based on a delegation of authority made in 1961. As a result, although the Board holds the authority to determine the rules governing representation proceedings, the Board and the General Counsel have historically worked together in developing such procedures. The Board also has ultimate authority to determine such matters as the appropriateness of the bargaining unit and to rule on any challenges and objections to the conduct of an election. The Regional Directors have been delegated authority to render initial decisions in representation matters, which are subject to Board review.

Compliance Proceedings

To obtain compliance with the Board's orders and settlement agreements, the General Counsel's staff must follow up to ensure that the results of the processes discussed above are enforced. The NLRB staff deals with employees whose rights have been violated to calculate backpay, and works with respondents regarding notice postings, reinstatement of workers, disciplinary record expungement, withdrawal of unlawful rules or policies, and bargaining remedies. Since Board orders are not self-enforcing, noncompliance or disputes on findings may require additional hearings or actions in the courts.

Administrative Functions

Section 3(d) of the Act assigns the General Counsel supervision over all attorneys employed by the Agency, with the exception of the ALJs, the Solicitor, the Executive Secretary and the attorneys who serve as counsel to the Board Members. The Board has also delegated to the General Counsel general supervision over the administrative, financial, and human capital functions of the Agency.

[2] Unlike ULP hearings where violations of the statute are litigated in an adversarial proceeding, representation case hearings are fact-finding proceedings regarding questions concerning representation.

CASEHANDLING HIGHLIGHTS

The NLRB acts only on cases brought before it and does not initiate cases. While charges must be filed with the Agency to begin an investigation, if merit is found to the charge allegations, the Regional Director has delegated authority from the General Counsel to issue a complaint absent settlement.

All proceedings originate with the filing of charges or petitions by employees, labor unions, or private-sector employers engaged in interstate commerce. During FY 2024, the public filed 21,300 ULP charges, containing one or more allegations of unlawful conduct, of which 39.5 percent were found to have merit, and settled 96.3 percent of meritorious cases. Also, in FY 2024, the NLRB received 3,287 representation petitions, including 3,184 petitions to conduct secret-ballot elections in which workers in appropriate units freely decide whether they want unions to represent them in collective bargaining with their employers. There were 489 RM petitions filed. There were 19 petitions for elections in which workers voted on whether to rescind existing union-security agreements. The NLRB also received nine petitions seeking amendment and 69 petitions seeking clarification of an existing bargaining unit.

The NLRB is focused on effectuating the dual purposes of the NLRA to ensure employees' free choice on union representation and to prevent and remedy statutorily defined unfair labor practices in an efficient manner that best serves the needs of the American people.

The cases summarized on the following pages highlight some of the Agency's more notable casehandling activities in furtherance of these purposes.

Board Highlights

The Board Issues Decision Ending Practice of Consent Orders

Metro Health, Inc. d/b/a Hospital Metropolitano Rio Piedras

(12–CA-284984; *373 NLRB No. 89*) San Juan, PR, August 22, 2024.

In *Metro Health, Inc. d/b/a Hospital Metropolitano Rio Piedras*, the Board (Chairman McFerran and Members Prouty and Wilcox; Member Kaplan, dissenting) overruled *UPMC* (2017) and held that the Board will no longer accept "consent orders," where an ALJ resolves an unfair labor practice case based on terms offered by the respondent but objected to by both the General Counsel and the charging party.

The Board concluded that the prior practice failed to serve the goals of the National Labor Relations Act because it did not facilitate a truly mutual resolution of labor disputes. Moreover, the Board explained that the practice of accepting consent orders contradicts the language of the Board's Rules and Regulations, creates administrative difficulties and inefficiencies, and tends to interfere with the prosecutorial authority of the General Counsel.

The Board nevertheless reaffirmed its longstanding support for true settlements between a respondent and the General Counsel and/or a charging party in lieu of finally adjudicating an unfair labor practice case on the merits, where accepting the settlement would effectuate the policies of the Act.

The Board Rules Employee's "Black Lives Matter" Action at Home Depot was Protected

Home Depot USA, Inc.

(18–CA-273796; *373 NLRB No. 25*) Minneapolis, MN, February 21, 2024.

In *Home Depot USA, Inc.,* the Board (Chairman McFerran and Members Prouty and Wilcox; Member Kaplan, dissenting) held that an employer violated the National Labor Relations Act when it discharged an employee for refusing to remove the hand-drawn letters "BLM" — the acronym for "Black Lives Matter" — from their work apron. Several other employees at the same store also displayed "BLM" markings on their work aprons at about the same time.

The Act protects the legal right of employees to engage in "concerted activities" for the purpose of "mutual aid or protection" — whether or not they are represented by a union. Applying well established precedent, the Board explained that the employee's refusal to remove the BLM marking was "concerted" because it was a "logical outgrowth" of prior concerted employee protests about racial discrimination in the workplace and because it was an attempt to bring those group complaints to the attention of the employer's managers. The employee's conduct was also "for mutual aid or protection" because the issue of racial discrimination involved employees' working conditions. In those circumstances, the employer's interference with the employee's protected display of the "BLM" marking was presumptively unlawful under longstanding Supreme Court precedent. It thus became the employer's burden to establish special circumstances making its prohibition necessary to maintain production or discipline. On the facts of this particular case, the Board found that the employer failed to make that showing, and thus violated the Act by conditioning the employee's continued employment on removing the "BLM" insignia from their apron.

The Board Orders Extensive Remedies for Employer Unfair Labor Practices

Spike Enterprise, Inc.

(14–CA-281652; *373 NLRB No. 41*) Channahon, IL, April 10, 2024.

In *Spike Enterprise, Inc.*, the Board (Members Prouty and Wilcox; Member Kaplan, dissenting in part) held that, in the week after first learning of employees' unionizing campaign, the employer unlawfully discharged two employees for their union activity and made threatening and coercive statements to employees. As a remedy, the Board ordered, pursuant to *NLRB v. Gissel Packing Co.*, 395 U.S. 575 (1969), that the employer to bargain with the Union as the employees' collective-bargaining representative, and ordered a broad cease-and-desist order barring the employer from violating the Act "in any other manner." In addition, as part of the remedy, the Board required the employer to: 1) have its owner, president, and CEO sign the notice to employees attached to the Board's Order; 2) mail the notice to current and former employees; 3) have its supervisors and managers attend a reading of the notice to its employees; 4) have a hard copy of the notice distributed to all employees, supervisors, and managers in attendance at the notice reading; 5) sign, post, mail, distribute, and read aloud an explanation of rights to employees; 6) compensate the unlawfully discharged employees for any direct or foreseeable pecuniary harms incurred as a result of their unlawful discharges; 7) reimburse the Union for economic assistance it provided employees who participated in an unfair labor practice strike against the employer; and 8) offer the unfair labor practice strikers, on their unconditional offer to return to work, immediate and full reinstatement to their former jobs or, if such positions no longer exist, to substantially equivalent positions.

The Board Applies New Framework for Bargaining Orders Based on Union's Showing of Majority Support

NP Red Rock LLC d/b/a Red Rock Casino Resort Spa

(28–CA-244484, et al.; 373 NLRB No. 67) Las Vegas, NV, June 17, 2024

In *NP Red Rock*, the Board (Chairman McFerran and Members Prouty and Wilcox) adopted the ALJs conclusions that the Respondent violated Section 8(a)(1) by many separate instances of coercive conduct. Further, the Board affirmed the judge's conclusions that the Respondent violated Section 8(a)(3) and (1) by issuing discriminatory disciplines and a discriminatory work assignment to union supporters and by failing to recall an employee from layoff status because of her union activity and that it violated Section 8(a)(5) and (1) by unilaterally cancelling a policy providing servers with compensation for changes in table assignments.

The Board concluded that the Respondent's refusal to bargain with the Union while engaging in the unlawful conduct found violated Section 8(a)(5) and (1) and the Board affirmed and adopted the judge's recommended remedial affirmative bargaining order under *NLRB v. Gissel Packing Co.*, 395 U.S. 575 (1969). The Board additionally concluded that an affirmative bargaining order was warranted as a remedy for the Respondent's unlawful refusal to bargain under the framework set forth in *Cemex Construction Materials Pacific, LLC*, 372 NLRB No. 130 (2023).

Rulemaking

The Board Issues Fair Choice–Employee Voice Final Rule

On July 26, 2024, the Board (Chairman McFerran and Members Prouty and Wilcox; Member Kaplan, dissenting) published the *Fair Choice–Employee Voice Final Rule* (FCEV), restoring three key policies that provide workers with a fair opportunity to decide whether they want union representation in the workplace, and a process that respects workers' choices: the blocking charge policy, voluntary recognition of a union, and construction industry bargaining relationships.

As to blocking charges, the Final Rule reinstated the Board's pre-2020 practice of allowing a Regional Director to delay a union election based on unfair labor practice charges alleging conduct that, if proven, would be sufficiently serious to interfere with employee free choice. In doing so, the Rule reversed the prior Board's 2020 rule requiring Regional Directors to proceed with elections notwithstanding the potential taint of serious misconduct.

Second, the Final Rule restored workers' and employers' ability to establish a bargaining relationship through voluntary recognition. Under prior law, an employer could choose to voluntarily recognize a union with majority support and immediately begin negotiating a collective bargaining agreement. The prior Board's 2020 rule disrupted that process by requiring the parties to provide a 45–day period for a minority of workers to demand an election questioning the employer's choice. The Final Rule also restored the Board's longstanding voluntary recognition bar, which gives the parties a reasonable period to reach a contract without a challenge to the union's previously demonstrated majority status.

Third, the Final Rule grants parity between unions in the construction industry and unions in other industries with respect to the benefits of establishing majority status. Because of the transitory nature of work in the construction industry, the Act allows construction employers to voluntarily recognize unions that have not yet demonstrated majority support. But in those circumstances the unions do not have the same protections as unions that have been voluntarily recognized by employers in other industries based on a showing of majority support. The new rules allow construction industry unions to more readily establish recognition based on majority support and thus claim the same protections as other unions, providing a more stable foundation for collective bargaining.

Regional Highlights

The Agency Obtains a Court Order Upholding the Board's Contract-Bar Rule

Hospital Menonita de Guayama, Inc.

12-CA-214830, et al.

After an investigation and determination of merit, the Region issued a complaint alleging that the Employer, an undisputed successor, violated Section 8(a)(5) and (1) of the Act in numerous ways.

After a hearing, an ALJ issued a decision finding that the Employer unlawfully refused to bargain with the Union, refused to provide the Union with relevant information, made unilateral changes to terms and conditions of employment, and withdrew recognition from the Union.

On review, the Board found, in agreement with the Judge, that the Employer violated the Act. As to the withdrawal of recognition, the Board rejected the Employer's argument that the Board should overrule *UGL-UNICCO Service Co.*, 357 NLRB 801 (2011), which held that a union enjoys an irrebuttable presumption of majority status for a reasonable period of time after successorship, and return to the prior rule of *MV Transportation*, 337 NLRB 770 (2002), which instead applied a rebuttable presumption of majority support.

The Employer subsequently filed a petition for review of the Board's decision and order in the United States Court of Appeals for the District of Columbia. The Appellate and Supreme Court Litigation Branch filed a cross-application for enforcement.

In a published opinion, the Court held that the Board properly adhered to *UGL-UNICCO*, its established precedent, in reaching its withdrawal-of-recognition findings under the Board's "successor bar rule." The Court held that, in *UGL-UNICCO*, the Board permissibly changed its policy by acknowledging that it was overruling existing precedent and by providing a sound explanation for its decision. Therefore, the Court applied its "normal deference" to reasoned Board policy choices, and, on the record evidence, concluded that the case "fell easily within the compass of the successor bar rule."

The Agency Obtains a Court Order Enforcing Numerous Remedies for Egregious Unlawful Conduct

Noah's Ark Processors, LLC (d/b/a WR Reserve)

14-CA-255658

After an investigation and determination of merit, the Region issued a complaint alleging that the Employer failed to bargain in good faith and unilaterally changed working conditions by implementing its final contract offer without reaching a valid impasse, all in violation of Section 8(a)(5) and (1) of the Act.

After a hearing, an ALJ issued a decision finding the violations as alleged. On review, the Board affirmed the Judge's findings and conclusions, and ordered numerous remedies to dissipate the chilling effect of the

Employer's repeated and egregious unfair labor practices. Among those, the Board ordered the Employer to reimburse the Union for bargaining expenses, to reimburse employee negotiators for any lost earnings, to require the Employer's CEO, or someone else in his presence, to read aloud and distribute the Board's remedial notice and an explanation of rights in both English and Spanish at all-employee meetings, and to mail and post for one year the remedial notices and explanation of rights signed by the CEO. Further, the Board's order required the Employer to adhere to a bargaining schedule requiring at least 24 hours per month, for at least 6 hours per session, and to submit bargaining reports to the Regional Office every 15 days, and to provide a one-year visitation remedy, whereby a Board agent would be permitted to enter the facility at reasonable times to ensure compliance with the posting and mailing requirements.

After the Employer failed to comply with the Board's order, the Appellate and Supreme Court Litigation Branch filed for enforcement in the United States Court of Appeals for the Eighth Circuit. In a published opinion, the Court held that substantial evidence supported the Board's unfair-labor-practice findings and enforced the Board's order in full.

The Region Successfully Obtained Injunctive Relief that Included a Bargaining Order and the Reinstatement of Two Unlawfully Laid Off Workers

I.N.S.A., Inc.

01–CA-290558, 01–CA-290561, 01–CA-290762, 01–CA-292452, 1–CA-292453, 01–CA-292458, 01–CA-296411, 01–CA-300421 and 01–RC-288998

After an investigation and determination of merit, the Region issued a complaint alleging that the Employer violated Section 8(a)(1), (3) and (5) of the Act by, among other things, unlawfully discharging two employees for union organizing activity, soliciting grievances and impliedly promised increased benefits and improved terms and conditions of employment, by selectively and disparately apply work rules more strictly against employees who formed joined or assisted the union and for refusing to recognize and bargain collectively with the Union as the exclusive bargaining representative. Late in the prior fiscal year, the Region successfully obtained the Agency's first Cemex bargaining order when the ALJ found that the Employer had engaged in "serious unfair labor practices" during the election period and ordered the employer to bargain with the union.

The Region subsequently sought and obtained injunctive relief under Section 10(j) of the Act alleging that the Employer unlawfully retaliated against, disciplined, and eventually discharged two employees after the employees had shown majority support for a union and asked for voluntary recognition. After the Employer engaged in the alleged unlawful conduct, including refusing to recognize the union, the employees voted against union representation. The United States District Court of Massachusetts issued an injunction requiring the Employer to recognize and bargain with the Union and ordered the Employer to offer reinstatement to two unlawfully terminated employees and hold at least one mandatory meeting in which the employer or the Board agent reads the Court's Injunction Order to employees. The Court further ordered the Employer to rescind all retaliatory discipline against employees for their union activity, expunge employees' records, physically post and electronically distribute the Court's Order to employees, and cease and desist from unlawful activities. The Court's Order provides this relief is pending a final decision by the Board on the underlying administrative complaint.

The Region Obtained Injunctive Relieve that Required Reinstatement of 10 Employees and a Bargaining Order and then Secured Settlement Requiring the Employer to Pay Nearly $450,000 to Employees

Big Green

27–CA-276068

After an investigation and a determination of merit, the Region issued a complaint alleging that Big Green unlawfully reorganized its operations and laid off all 10 of its program coordinators and program managers less than three months after they requested that the Employer recognize the Union as their collective bargaining representative, and only a few weeks after a representation hearing where the Employer claimed that all employees in the proposed unit were exempt from the NLRA's protection as either supervisors or managers. The complaint also alleged other unlawful actions, including threats of retaliation, interrogation, enforcement of overly broad or unlawful policies, and disciplines in retaliation for employees' protected concerted activity and Union activity.

The ALJ issued a decision finding that the Employer had engaged in unfair labor practices. The United States District Court for the Eastern District of Colorado issued an injunction requiring the Employer to recognize and bargain with the Union and reinstate the 10 unlawfully terminated employees while the underlying complaint is litigated. The Region obtained a settlement agreement requiring the Employer to make whole the 10 unlawfully terminated employees and pay them $449,999 in backpay, benefits and wages, post, email, mail, and read aloud a notice to employees; and require all current managers and supervisors to attend an NLRB training on employee rights under the NLRA.

The Region Successfully Obtained Injunctive Relief Requiring the Employer to Offer Interim Reinstatement to Two Employees and Read the Notice to Employees During Mandatory Meetings

Lucid USA, Inc.

28–CA-313086 & 28–CA-322749

After an investigation and determination of merit, the Region issued a complaint alleging that the Employer violated Section 8(a)(1) and (3) of the Act by, among other things, unlawfully discharging two employees for union organizing activity, surveilling employees' union activity, threatening employees with retaliation for engaging in union activity, and removing or confiscating actual or suspected union materials distributed in non-work areas.

The Region subsequently sought and obtained injunctive relief under Section 10(j) of the Act in the United States District Court for the District of Arizona, requiring the Employer to, among other things, offer interim reinstatement to the two unlawfully discharged employees, convene one or more mandatory meetings for employees on working time during which the Injunction Order must be read in English and any other language that employees may need, physically post copies of the Court's Order (including in other languages as necessary to ensure effective communication to the Employer's employees), electronically distribute copies of the Court's Order by email and all intranet or internet sites or other electronic platforms or applications that the Employer customarily uses to communicate with employees, and cease and desist from violating the Act.

The Region Successfully Obtained Injunctive Relief Requiring the Employer to Offer Interim Reinstatement to the Lead Union Activist and Read the Notice to Employees During Mandatory Meetings

UPS Supply Chain Solutions

32-CA-295913 & 32-CA-297314

After an investigation and determination of merit, the Region issued a complaint alleging that the Employer violated Section 8(a)(1) and (3) by, among other things, unlawfully threatening job loss prior to the representation election and unlawfully suspending and discharging the lead Union supporter shortly after the Union won the election.

The Region subsequently sought and obtained injunctive relief under Section 10(j) of the Act in the United States District Court for the Eastern District of California, requiring the Employer to, among other things, offer interim reinstatement to the lead Union activist, convene one or more mandatory meetings for employees on working time during which a specified remedial notice had to be read, physically post copies of the Court's Order (including in other languages as necessary to ensure effective communication to the Employer's employees), electronically distribute copies of the Court's Order by email and all intranet or internet sites or other electronic platforms or applications that the Employer customarily uses to communicate with employees, and cease and desist from committing similar violations of the Act.

The Agency Secures Consent Contempt Order that Resolved 24 Cases and the Payment of $33,000 in Fines

United States Postal Service

10-CA-292631, 10-CA-298392, 10-CA-246272, 10-CA-266671, 10-CA-303147, 10-CA-306295, 10-CA- 306346, 10-CA-306304, 10-CA-306342, 10-CA-306297, 10-CA-306300, 10-CA-306387, 10-CA-306343, 10-CA-307761, 10-CA-327369, 10-CA-330702, 10-CA-330951, 10-CA-331479, 10-CA-318901, 10-CA-318907, 10-CA-332868, 10-CA-334587, 10-CA-337015, and 10-CA-339992

The Region made numerous referrals to Contempt Compliance & Special Litigation Branch (CCSLB) over the past few years, recommending contempt proceedings against the Employer for its refusal to furnish, and for delays in furnishing, relevant information to unions representing employees at multiple facilities in North Carolina. These referrals alleged violations of an existing judgment and consent order covering all facilities in a single postal district. The case was complicated by an ongoing stream of new contempt referrals and the Employer's adamant opposition to entry of a new consent order. Following a comprehensive investigation, and on the threshold of CCSLB filing a contempt petition, CCSLB leveraged a comprehensive settlement with the Employer that provided for substantial remedies. The settlement stipulation provided for the entry of a new consent order included, among other remedies, a contempt fine of $33,000 and increased prospective fines for four recidivist locations and retaining current fines for other locations. The United States Court of Appeals for the Fourth Circuit issued its judgment entering the consent order that resolved twenty-four unfair labor practice cases.

The Region Successfully Obtained an Order that Required the Employer to Give Fired Unfair Labor Practice Strikers 12 Years of Backpay

Healthbridge Management Care and Care One Management, LLC

34-CA-070823, 34-CA-072875, 34-CA-075226, 34-CA-083335, 34-CA-084717 and 01-CA-096349

After an investigation and determination of merit, the Region issued a complaint alleging that the Employer violated Sections 8(a)(1), (3) and (5) of the Act by making coercive statements, initiating a lockout, permanently replacing its employees engaged the unfair labor practice strike, engaging in surface and bad faith bargaining. The Administrative Judge found that the Employer violated the Act by, among other things, unlawfully lockout out its employees and permanently replacing them, engaging in surface and bad faith bargaining, making unilateral changes and impermissible declaration of impasse. The Judge ordered the payment of backpay to over 500 strikers since 2011, instituted a bargaining schedule that required 24 hours per month for at least 6 hours per session, and the submission of progress reports on bargaining. The order also included the obligation to mail the notice to all current and former employees, the reading of the notice that permitted the Union to videotape the reading. This case is pending before the Board.

The Region Wins Administrative Hearing in a Case Involving Disparate Treatment of a Dissident Member

International Longshoremen's Association, Local 1694, AFL-CIO (GT USAW Wilmington, LLC)

04-CB-280810

After an investigation and determination of merit, the Region issued a complaint alleging that the Union violated Section 8(b)(1)(A) of the Act by making coercive statements to an employee; and violated 8(b)(2) by refusing to refer the Charging Party over a one-year period and telling the Charging Party that they were banned from the workplace and had to leave. The Region won before an ALJ on all counts. The Judge ordered the Union to cease and desist from barring members access to its hiring hall because they contacted the International Union to complain or from engaging in any other dissident union activity; failing and refusing to refer individuals from its exclusive hiring hall or tell members that they are banned from seeking employment for arbitrary or discriminatory reasons; and for causing or attempting to cause any employer that is signatory to its collective-bargaining agreement to fail to hire individuals for arbitrary or discriminatory reasons. The Union also was ordered to make the Charging Party whole for his lost earnings and other benefits. This case is pending before the Board.

The Region Obtained a *Thryv* Remedy in an Administrative Hearing Involving Failure to Bargain in Good Faith and a Unilateral Failure to Honor the Dues Checkoff after Expiration of the Collective Bargaining Agreement

PG Publishing Co., Inc., D/B/A Pittsburgh Post-Gazette

06-CA-269416, 06-CA-302629 and 06-CA-311141

After an investigation and determination of merit, the Region issued a complaint alleging that the Employer violated Sections 8(a)(1)(5) of the Act by (1) failing to bargain to bargain in good faith with the Charing Party Union (typos unit) during negotiations for a successor CBA; (2) failing to bargain in good faith with the Union during negotiations for an interim agreement on health insurance, and; (3) unilaterally failed to honor the dues checkoff arrangement in the expired CBA. Following a hearing, an ALJ found violations with respect to issues 1 and 3 in this hotly contested case. The Region filed exceptions over the Judge's failure to find a violation for issue 2 and the matter is pending before the Board. The Judge granted a *Thryv* remedy; an affirmative bargaining order; submission of bargaining progress reports every 30 days; and remission of loss dues to the Union at no cost to the unit employees. This case is pending before the Board.

The Region Prevails in Hearing Concerning Overly Broad Work Rules, Threats, and Refusal to Hire

United Electrical Contractors, Inc. d/b/a United Electrical Contractors

07-CA-291548

After an investigation and determination of merit, the Region issued complaint alleging that the Employer violated the Act by maintaining overly broad work rules, several coercive and threatening statements, and refusal to consider for hire three job applicants because of their union affiliation. An ALJ agreed, finding that, except for a single rule, the Employer maintained overly broad rules, made threatening and coercive statements to employees, and refused to consider three applicants for hire based on union animus, in violation of the Act. Among other remedies, the Judge's decision required the Employer to reinstate all unlawfully fired workers; make employees whole for economic harms suffered because of the Employer's unlawful conduct; expunge employee's personnel files, rescind unlawful rules, and post and electronically distribute a Notice to Employees to all employees. This case is pending before the Board.

An Administrative Law Judge Finds that the Employer's Efforts to Undermine the Union Violates the Act

Brown-Forman Corporation d/b/a Woodford Reserve Distillery

09-CA-307806, 09-CA-311850 and 09-RC-305269

After an investigation and determination of merit, the Region issued a complaint alleging that the Employer violated the Act and engaged in objectionable conduct affecting the results of the election to determine whether a unit of its production employees wished to be represented by the Union. Following a hearing, an ALJ found that the Employer had violated Sections 8(a)(1), (3), and (5) the Act.

Specifically, the Employer violated the Act when it announced and later implemented the wage increase, changed its merit increase and vacation usage policies, and gave away bottles of bourbon. The Union separately alleged the Employer engaged in objectionable conduct when it announced the wage increase, changed the merit increase policy, and gave out the bottles of bourbon. The Employer denied the allegations and contended each action was for a legitimate business reason, unrelated to the organizing campaign or the pending election.

After the hearing, the Judge concluded that the Employer had engaged in violative and objectionable conduct. And further concluded that traditional remedies, including a rerun election, were inadequate under the circumstances and ordered Respondent to recognize and bargain with the Union as the chosen representative of the employees in the petitioned-for unit. The Judge ordered to the Employer to cease and desist and to take certain affirmative action designed to effectuate the policies of the Act which included post the notice distribute the notices electronically. This case is pending before the Board.

The Region Secures *Thryv* Remedy Against the Union

International Longshoremen's Association, Local 1526 (Florida International Terminal)

12-CB-299858

After an investigation and determination of merit, the Region issued a complaint alleging that the Union violated Section 8(b)(1)(A) and (2) of the Act by when it arbitrarily, discriminatorily, and in bad faith represented a member in his seniority claim and threatened members for filing charges with the Board or participating in its proceedings. The Judge found that the Union had violated the Act as alleged and ordered it to make the employee whole for any losses of earnings and other benefits suffered as a result of the delay in his receiving seniority credit for the 2019-2020 contract year. Pursuant to *Thryv,* the Judge also ordered that the Union compensate the employee for any other direct or foreseeable pecuniary harms incurred as a result of its unlawful conduct and compensate him for the any adverse tax consequences. This case is pending before the Board.

The Region Obtains Win in Unlawful Discharge and Obtains Make Whole Order and Reading of Notice at Mandatory Meetings

Atlantic Fire Protection, LLC

13-CA-305638

Following an investigation and finding of merit, the Region issued complaint alleging that the Employer coercively interrogated employees about their union activities, telling employees that they could not work for the Employer or any other non-union company if they were with a union, telling them that the Employer did not want a union and that they could not talk to other workers about organizing, firing two employees because of their union activity and support, creating an impression that it was surveilling employees' union activities.

The ALJ agreed that the Employer coercively interrogated employees, unlawfully told them they could not work for it or other non-union companies if they were with the union, unlawfully told them that the Employer did not want a union and that they could not talk to other employees about organizing, and unlawfully terminated employees because of their union or protected activities. Among the remedies in the ALJs decision, the Employer is required to make the unlawfully discharged employees whole for economic harms suffered as a result of the unlawful conduct, post and electronically distribute a Notice to Employees to all employees and holding a meeting or meetings with employees during work hours and read the notice, the presence of a Board agent. The Employer is complying with the Judge's order.

The Region Secures Administrative Hearing Win and the Employer Ordered to Remit Outstanding Union Dues and Provide Requested Information

Kroger Limited Partnership I d/b/a Kroger Delta Division

15-CA-280676 and 15-CA-315052

After an investigation and determination of merit, the Region issued a complaint alleging that the Employer violated the Act when it unlawfully stopped deducting and remitting dues and fees to the Union representing its employees after its collective bargaining agreements with the Union expired, and that the Employer unreasonably delayed in providing relevant information that the Union requested.

Following a hearing, an ALJ found that the Employer had violated the Act by ceasing the deduction of dues from the paychecks of members of the Union after the expiration of several collective bargaining agreements but prior to a successor agreement or impasse and by unreasonably delaying in responding to the Union's request for information. The Judge ordered the Employer to, among other things, cease and desist from unilaterally ending dues checkoff without first giving the Union notice and an opportunity to bargain or bargaining to impasse, unreasonably delaying in providing the Union with information that is relevant and necessary to the Union's performance of its functions as the collective-bargaining representative, and to remit the outstanding dues, at no cost to the employees, provide payroll information to the Region and the requested information to the Union. This case is pending before the Board.

The Region Secures Settlement Requiring the Employer to Pay $200,000 in Backpay and Benefits

Hall Aluminum Products

25–CA-282353

After investigation and determination of merit, the Region issued complaint alleging that the Employer unlawfully withdrew recognition from the union and maintained and enforced overly broad work rules.

Prior to a hearing, the Region negotiated a settlement agreement making employees whole for the losses they suffered, including $51,773 in backpay and $149,000 in union health and welfare funds on behalf of the employees.

The Region Secures Settlement Requiring that the Employer Rescind Unlawful Work Rules and Pay $297,000 to Employees

Hilst Enterprises, Inc. d/b/a La-Z-Boy Furniture Galleries

25–CA-297668

After an investigation and determination of merit, the Region issued a complaint alleging that the Employer discharged two employees and maintained unlawful work rules prohibiting employees from discussing wages, hours, and working conditions.

After the hearing closed, the Region negotiated a settlement whereby the Employer agreed to rescind the unlawful work rules and pay $297,000 in backpay, front pay, interest, excess tax, mileage, and medical expenses and issue a letter of apology.

The Region Secures Win and Full Compliance where an Employee was Disciplined for Discussing Discipline with Other Employees

Walmart, Inc.

15–CA-292146

After an investigation and determination of merit, the Region issued a complaint alleging that the Employer violated Section 8(a)(1) of the Act when it prohibited an employee from discussing with anyone (including other employees) the discipline issued and the disciplinary meeting, and when the Employer threatened the employee with further discipline or discharge.

Following a hearing, the ALJ found that the Employer had violated Section 8(a)(1) of the Act when it threatened its employees with discipline and discharge if they discussed discipline and disciplinary meetings with their coworkers. The Judge ordered the Employer to post and electronically a notice to employees. The case closed on full compliance.

The Region Proved that the Employer Had Anti-Union Animus and Secured a Make Whole Remedy and Expungement of Personnel Files of Employees

Hiran Management, Inc. d/b/a Hungry Like the Wolf

16-CA-303914

Following an investigation and finding of merit, the Region issued complaint alleging that the Employer threatened and discharged eight restaurant employees for engaging in a strike to improve their working conditions. The Judge found that that the employees had engaged in protected activity when they engaged in the walkout/strike and that the Employer's statements, which were violative of the Act and "… plainly' establish strong animus towards employees' protected activities." Among other remedies, the Judge's decision required the Employer to reinstate all unlawfully fired workers; make employees whole for economic harms suffered because of the Employer's unlawful conduct; expunge employee's personnel files and post a Notice to Employees to all employees. This case is pending before the Board.

The Region Wins Decision Finding Employer Unlawfully Fired a Worker and Violated the Act by Requiring Employees to Sign Employment Agreement with Overly Broad Non-Compete Provisions

J.O. Mory, Inc.

25-CA-309577 and 25-CA-336995

After an investigation and determination of merit, the Region issued complaint alleging that the Employer violated the Act by discharging an employee for engaging in protected activity and for maintaining overly broad and unlawful terms in its employment agreement, including non-compete provisions that prohibited employees from working for another employer engaged in a similar business as the Employer.

Following a hearing, an ALJ found that the Employer had violated the Act by maintaining unlawful noncompete and solicitation policies and that the employer unlawfully terminated an employee for engaging in union activity protected under the Act. The Judge also found that the employer maintained an unlawful "Union Free Statement" in a handbook that employees were forced to sign as a condition of employment. In so doing, the Judge cited *Stericycle* in support of the determination that the Employer's non-compete and solicitation provisions were overly broad and unlawful. The Judge determined that the non-compete agreement would cause a reasonable employee to refrain from engaging in protected activities because if an employee knows they are barred from being involved with a company that operates a similar business to the employer, they will be more fearful of being fired and less willing to rock the boat, as they face the prospect of being unable to find any work in their geographic area if they are fired or forced to leave their job. The provisions prohibiting employees from soliciting their co-workers to leave the Employer and requiring that employees disclose solicitations to the Employer also interfered with protected activities, such as telling co-workers about union benefits, participating in and recruiting others to work at another employer in an effort to unionize, and making concerted threats to quit.

Among other remedies, the Judge's decision required the Employer to cease and desist from the unlawful activity, offer reinstatement to the unlawfully terminated employee, and make the employee whole for any loss of earnings and financial harms suffered. The judge also ordered the Employer to rescind its unlawful handbook provisions, post a notice to employees in its two facilities, and mail a copy of the notice to all current and former employees. The case is pending before the Board.

The Region Wins at Administrative Hearing that the Employer Unlawfully Retaliated Against Workers for their Union Activities

Amazon Services, Inc.

29–CA-277198, 29–CA-278982, 29–CA-277598, 29–CA-278701, 29–CA-285445, and 29–CA-286272

After an investigation and determination of merit, the Region issued a complaint alleging that the Employer violated Sections 8(a)(1) and (3) of the Act by discharging and otherwise retaliating against an employee for their activities on behalf of the Union and for other protected concerted activities. The Complaint further alleges that the Employer committed numerous independent violations of Section 8(a)(1), including coercive interrogations, statements conveying that support for the Union was futile, solicitation of employee grievances with promises to remedy them, surveillance and creation of the impression of surveillance of Union activity, confiscation and unlawful restrictions on the distribution of union literature, and unlawful disparagement of the Union.

The ALJ found that the Employer violated the Act by dismissing employees early, altering employees' work assignments, and subjecting employees to closer supervision in retaliation for the employees' support for the Union, or for engaging in protected concerted activities. The Judge also found that the Employer unlawfully interrogated employees, disparaged the Union by using appeals to racial prejudice and derogatory racial stereotyping, and prohibited employees from distributing union literature and confiscating union literature from employees.

The Judge ordered the Employer to cease and desist from further unlawful activity and to make the adversely affected worker whole for any loss of earnings and other benefits including any other direct or foreseeable pecuniary harms and any adverse tax consequences. The Employer must also post the notice and distribute the notice to employees electronically. The case is pending before the Board.

The Region Wins ALJ Decision Granting Union Equal Time and Access to Employer's Facility, Reimbursing the Union for its Expenses and Rerunning the Election

USC Care Medical Group, Inc., KECK Medicine of USC

31–CA-307034

After an investigation and determination of merit, the Region issued a complaint alleging that the Employer violated the Act by creating an impression of surveillance of employees' union activities, impliedly threatening to investigate employees' union activities by telling employees that employees who felt harassed by union supporters could file a complaint, and promising employees a pay raise to discourage union support. The complaint further alleged that the Employer held a mandatory captive-audience meeting to discourage union activities and threatened employees with loss of flexibility for time off if the Union won the election.

Following a hearing, the ALJ found that the Employer unlawfully threatened employees with loss of flexibility for time off and with restricting their raises if the Union won. Given the seriousness of the Employer's unfair labor practices, among other remedies, the Judge's decision required a reading of the Notice to Employees and required the Region conduct a training of the Employer's employees, including management officials and supervisors, both current and new, on employees' rights under the Act and/or its compliance with the Board's Orders, that the Employer grant the Union equal time and access to the Employer's facility to respond to any Employer meetings with employees about union representation and that the Employer grant the Union reasonable access nonwork areas during the employees' nonwork time. The Judge also ordered the Employer to reimburse the Union for expenses it incurred in organizing the Employer's employees. Finally, the Judge determined that the Employer's unfair labor practices required the setting aside of the initial representation election and included in the order that a second election be run. The case is pending with the Board.

The Region Wins ALJ Decision Finding Employer Bargained in Bad-Faith and Unlawfully Sought a TRO and Fired a Strike Captain

Kaiser Permanente

32-CA-282834 and 32-CA-287206

After an investigation and determination of merit, the Region issued a consolidated complaint alleging that the Employer violated the Act by failing to engage in good-faith bargaining for a successor contract and seeking a Temporary Restraining Order, causing the arrest of the strike captain on the strike line, and making verbal and physical threats against the individual and other strikers, and then firing the Union's strike captain.

Following a hearing, an ALJ found merit to the complaint allegations. More specifically, the Judge found that the Employer violated the Act when it failed to bargain in good faith with the Union, threatened striking employees with physical violence because they were engaged in lawful picketing, and filed a TRO against the strike captain, caused the arrest of the strike captain, and terminated the strike captain, all in an effort to limit the lawful picketing and union activities on public sidewalks in front of their workplace. The Judge ordered the Employer to request local law enforcement to remove all records of the strike captains arrest, offer the strike captain reinstatement to their former position, and make the employee whole, bargain in good faith with the Union, reduce any agreement into writing, and post a remedial Notice to Employees. The case is pending with the Board and is currently pending Board mediation.

The Region Secures Settlement that Extends the Certification Year the Posting and Emailing of the Notice to Employees

Trustees of Boston University

01-CA-315655 and 01-CA-323636

Following the Region's investigation and determination of merit that the Employer violated Section 8(a)(1) and (5) of the Act by failing and refusing to bargain collectively and in good faith with the exclusive collective-bargaining representative of its employees by, among other things, when it increased the cost of Unit employees' health insurance premiums, deductibles, and copayments without notice to the Union and the opportunity to bargain.

The Region secured an informal settlement that dealt with the intersection between the Act and the Family Educational Rights and Privacy Act with respect to requests for information. The Employer agreed to post and email a notice to employees and in accordance with *Mar-Jac Poultry*, to extend the certification year.

The Region Obtains a Settlement Resolving All Allegations and Secure the Payment of over $60,000 in Backpay and an Extension of the Certification Year

Mt. Pocahontas Property Owners Association, Inc.

04-CA-325362 and 04-CA-333828

Following the Region's investigation and determination of merit that the Employer violated Sections 8(a)(1), (3) and (5) of the Act by, among other things, unlawfully engaging in making coercive statements, unilaterally changing in terms and conditions of employment, discharging employees for engaging in protective concerted activity. The Region secured an informal settlement on the day of the hearing that eliminated the need to seek injunctive relief and fully remedied the 8(a)(1), (3), and (5) violations that included coercive statements, closer supervision, changes to terms and conditions of employment, discharge of the bargaining unit, subcontracting unit work, and unilateral changes. The Employer also agreed to pay $60,287 in backpay to two employees and provide them neutral references as well extend the certification year, train managers and supervisors, and a post, email and read the Notice to Employees at an employee meeting.

The Region Secured a Settlement that Included over $100,000 in Backpay and a Tentative Agreement on Contract Terms

Four Rivers Nuclear Partnership, LLC

10–CA-288574

Following the Region's investigation and determination of merit that the Employer violated the Act that included making coercive statements and the creating the impression of surveillance, refusing to approve a subcontractor's request to hire bargaining unit employees, failing and refusing to provide information, making unilateral changes, prematurely declaring impasse, and unilaterally subcontracting unit work. The Region and received approval to institute injunctive relief under Section 10(j) of the Act.

The Board authorized the institution of Section 10(j) proceedings in this case involving the employer's unilateral transfer and reassignment of bargaining unit work and refusal to provide information in violation of Section 8(a)(5), along with some additional Section 8(a)(1) and (3) violations. Before the Section 10(j) petition was filed, the parties entered into a bilateral settlement agreement that fully resolved the underlying administrative case, including $111,264.72 in backpay for affected bargaining unit employees, bargaining with the Union, and posting of a notice. As part of the settlement, the parties also reached tentative agreement on contract terms.

The Region Obtained a Settlement that Resolved All the Allegations that Included the Payment of Backpay, Expungement of Personnel Files, Mandatory Trainings, and Extension of the Certification Year

International Foundation for Electoral Systems

05–CA-314152, 05–CA-322080, 05–CA-326890, 05–CA-330226, 05–CA-333287, 05–CA-333762, 05–CA-333721, 05–CA-336670, 05–CA336829, 05–CA-336838 and 05–CA-338629

Following the Region's investigation and determination of merit that the Employer violated the Sections 8(a)(1), (3) and (5) of Act including, but not limited to, retaliation, discharge and discipline, refusing to bargain and refusing to furnish information. A hearing commenced before an ALJ in which the Region put on substantial evidence before securing a settlement.

The settlement included mandatory training for supervisors and managers, a separate mandatory training for employees, the extension of the certification year, a make-whole remedy for discipline and discharge under unlawful rules that will be determined at the compliance stage. The agreement also included the removal of the unlawful work rules involving performance, confidential nature of work and the non-disclosure of electronic confidential information. The settlement required the posting of the notice to employees as well as sending by e-mail and posting it on the Employer's intranet site. The total backpay involved exceeded $450,000, of which a portion was set forth in a non-Board settlement approved by the Region. The informal settlement included $304,699 in backpay and interest. Also, as part of the non-Board settlement, the parties also agreed to a process for evaluating all outstanding information requests, which ends in binding arbitration, and the withdrawal of allegations related to the information requests. Moreover, the parties also agreed on the implementation of a new interim agreement, and the withdrawal of allegations related to the interim agreement.

The Region Secured Over $286,000 of Monetary Relief for Lost Bargaining Opportunity

Paragon Systems, Inc.

06–CA-282943

The Region conducted an investigation and determined merit to allegations that the Employer bargained with the Union with no intention of reaching an agreement pursuant to the wage reopener provision in the parties' contract by withdrawing its proposal for a 1.0 percent wage increase to take effect in October 2021, and by prematurely halting bargaining. Subsequently, the Employer lost the government contract to another employer who hired the employees and was not alleged to have engaged in any unfair labor practices. The complaint sought a retroactive make-whole remedy for the employees' lost opportunity to bargain in good faith for an annual wage increase.

The Region secured a settlement involving the Employer and the Union that represents over 500 employees who were formally employed at various federal court houses. The settlement resolves an unfair labor practice charge that arose when the Employer hired employees pursuant to a government contract. In the settlement, the Employer agreed to make whole all of the employees for lost wages, benefits, and all direct or foreseeable financial harms they suffered because the employer failed to bargain in good faith over a wage increase prior to losing the government contract. The employees will receive over $286,000 of monetary relief.

The Region Secured Nearly $200,000 in Compensation for Employees Along with a Retroactive 3.0 percent Wage Increase

Hello Neighbor

06–CA-311584, 06–CA-311991, 06–CA-315038 and 06–CA-318541

The Region conducted an investigation and determined merit to allegation that the Employer unlawfully discharged employees and a supervisor in violations of Section 8(a)(3) of the Act. Shortly before the scheduled trial, the Region secured an informal settlement agreement that resolved several charges involving unlawful conduct during an organizing campaign. The consolidated complaint alleged the unlawful discharge of five employees and one supervisor, failure to conduct performance reviews resulting in the denial of an annual wage increase for the entire unit, threats, interrogations, unilateral changes, proffering an unlawful separation agreement and, requests that employees share their personal social media accounts. The Consolidated Complaint also requested both a *Gissel* and a *Cemex* bargaining order. The settlement provided 100.0 percent backpay for the discharged employees and supervisor and reimbursement for financial harms such as search for work expenses, reimbursement for a laptop used to search for work, reimbursement for interim employment expenses such as increased mileage and parking for a number of other employees. The compensation totaled $198,832. The parties also agreed to a retroactive 3.0 percent wage increase for the unit which included backpay for their losses. The Union withdrew its related election objections and waived its right to contest the certification of election results as a way to resolve the bargaining order issue.

The Region Secures Settlement Requiring the Rescission of Unlawful Non-Compete and Training Repayment Provisions, Pays Over $25,000, and Posts the Notice to Employees on Slack

Harper Holdings, LLC d/b/a Juvly Aesthetics

09-CA-300239, 09-CA-301669, 09-CA-302692 and 18-CA-308596

Following the Region's investigation and determination of merit that the Employer violated numerous Sections of the Act, the Region issued a consolidated complaint. The complaint alleged numerous violations, including maintaining unlawful confidentiality, non-disparagement, non-compete, no-solicitation, and training repayment provisions. The Employer's policies had required employees leaving their employment within the first twelve months of employment to pay up to $75,000 in costs for training and prohibited employees from practicing aesthetic services within a twenty-mile radius for 24 months after termination of their employment. The complaint also alleged that the Employer told employees not to discuss their terms and conditions of employment, including individual employment contracts, bonuses, and evaluations; unlawfully enforced its non-disparagement and training repayment provisions; and unlawfully discharged and withheld benefits from employees.

The Region secured a settlement in which the Employer agreed to rescind the unlawful policies, cease its demands for training repayments, pay more than $25,000 in monetary relief to two employees affected by the Employer's unlawful discharge and withholding of benefits, post a remedial Notice to Employees across all of its facilities in the United States, and post a copy of the notice to its Slack messaging application.

The Region Secures Settlement Requiring the Employer to pay over $334,000 to Employees

Mr. P' Express, Inc.

09-CA-320594, 09-CA-320616, 09-CA-322618, 09-CA-324205, 09-CA-331670, 09-CA-342331 and 09-CA-338191

After an investigation and determination of merit, the Region issued a complaint alleging that the Employer engaged in numerous violations of sections 8(a)(1) the Act by, among other things, engaging in hallmark violations during captive audience meetings that included implied promise of benefits and that unionizing would be futile and unlawfully discharging employees in violation of Section 8(a)(3) for engaging in protected concerted activity or for pretextual reasons. After issuance of complaint, the Employer agreed to recognize and bargain with the Union. The Region obtained monetary remedies for three discharged employees, including over $100,000 in front pay, and monetary remedies for other adversely impacted employees, with total monetary remedies at about $234,792. There are also additional remedies in the settlement including the distribution of the Explanation of Rights, the reading and texting of the Notice to Employees and Union access to the facility.

The Region Secured a Settlement that Required the Revision and Distribution of the Employer's Handbook and Other Polices

Morgan Auto Group, LLC and Brandon H Automotive Management, LLC d/b/a Brandon Hyundai

12-CA-316829

Following the Region's investigation and determination of merit that the Employer violated the Act by its unlawful work rules and instructions to not discuss compensation, the Region obtained a settlement agreement that required the posting of a Notice of Employees as well as the revision and distribution of revised employee handbook, Confidentiality and Non-Solicitation Agreement, Arbitration Agreement, Social Media Policy, Privacy Policy and Safeguarding Agreement, and Electronic Recordings/Customer Information Safety Policy at 65 related auto dealerships.

The Region Secures Make Whole Relief for Discharged Worker, Apology, and Electronic Posting

Enchanted Fairies Studio, LLC

13-CA-305146

After an investigation and determination of merit, the Region issued a complaint alleging that the Employer violated the Act by maintaining overly broad rules and discharging an employee for engaging in protected activity. Under the terms of the settlement agreement, the Employer agreed to rescind the overly broad rules and pay the employee $130,136 in backpay, interest, and excess tax; and $20,195.93 in other make whole relief. In addition, the Employer agreed to electronically distribute a Notice to Employees, including through Slack.

The Region Secures Settlement Requiring Reinstatement and Make Whole Relief of Discharged Workers, Recognition of Union as the Exclusive Bargaining Representative

Point Management, LLC, d/b/a Shangri-La

14-CA-324836

Following an investigation and determination of merit, the Region issued a complaint alleging that the Employer violated the Act by maintaining overly broad rules, interrogating and threatening employees, imposing more onerous working conditions, calling law enforcement on employees, banning terminated employees from its property, and discharging 10 employees during an organizing effort because employees engaged in union and protected activity. Among the remedies obtained in the settlement, the Employer agreed to recognize and bargain with the Union as the exclusive bargaining representative of the Employer’s employees, rescind overly broad work rules, reinstate employees, and make whole 10 discharged employees for economic harms suffered as a result of the unlawful conduct.

Post Board Order, the Region Secured a Settlement that Required the Payment of Nearly $420,000 in Backpay, Interest and Excess Tax Liability for an Employee

Phillips 66 Company

15-CA-263723

The Board issued an Order partially adopting the ALJs recommended decision that found that the Employer violated Section 8(a)(1) when it applied or enforced work rules to issue a verbal warning to three employees because they engaged in protected concerted activity. Soon thereafter, the Region secured a compliance stipulation that required the Employer to make one employee whole by paying $280,770 in backpay and $138,520 for payment of expenses, interest, and excess tax liability that totaled $419,290.

The Region Secures Settlement that Included Payment of Backpay, Front Pay and the Issuance of a Letter of Apology by the Employer Along with Training of Managers and Supervisors

Volane TN, LLC

15–CA-331968

The Employer encouraged the Charging Party to resign and discharged the employee in retaliation for engaging in protected concerted activity. The Region obtained a settlement that required the Employer to mail, electronically post and email the notice to employees as well as to train its managers and supervisors and issue a letter of apology. The Employer paid 100.0 percent backpay, interest and excess tax liability in the amount of $7,283, plus $5,000 in front pay and issued a letter of apology. The case in closed after achieving full compliance with the terms of the settlement.

The Region Obtains Settlement that Requires the Employer to Reimburse More than 100 Employees for the Increased Health Insurance Premium Costs

The Dallas Morning News, Inc.

16–CA-285301

Following an investigation and determination of merit, the Region issued a complaint alleging violations of Section 8(a)(1) and (5) of the Act for failing to continue the status quo when it approved a different healthcare renewal package applicable to bargaining unit employees and when it implemented the healthcare renewal package applicable to over 100 bargaining unit employees.

The Region secured a settlement in which the Employer agreed to pay a total of $34,016 in reimbursements to more than 100 employees for excess health insurance premium costs and out-of-pocket expenses that employees would not have incurred if not for the alleged unlawful unilateral changes. The change occurred while the parties were negotiating their first collective bargaining agreement after the Union was certified in 2020. The Employer also agreed to bargain in good faith with the Union over employees' health insurance benefits. The case closed after achieving full compliance with the terms of the settlement.

The Region Secures Settlement that Includes Bargaining, Providing Requested Information and Rescinding Unilateral Changes Upon the Union's Request

Joe and The Juice

20–CA-322236

Following the Region's investigation and determination of merit that the Employer violated the Act by refusing to recognize and bargain with the Union, the parties entered into a bilateral settlement agreement fully remedying the violations. During the investigation, the Union demonstrated that it had established majority status via signed authorization cards and had demanded the employer recognize the Union; the Employer failed to file a petition for an election. Under the Board's decision in *Cemex*, the Region obtained an informal settlement agreement under which the Employer recognized the Union and agreed to bargain, agreed to provide information sought by the Union, and agreed to rescind unilateral changes upon the Union's request.

The Region Secured Nearly $145,000 in Backpay for Five Employees

DM Breathe, LLC; Elements I-25 & Hampden, LLC; Elements Briargate, LLC; Elements Highlands Ranch, LLC; Elements Littleton, LLC; Elements Park Meadows West, LLC; Elements Stetson Hills, LLC, operating as a single employer

27-CA-300907

After an investigation and determination of merit, the Region obtained a settlement agreement in a case against a massage therapy studio with six locations. The settlement resolved four unfair labor practice charges filed by the Union alleging an unlawful interrogation, coercive statements, unlawful closure of studios to avoid recognizing and bargaining with the Union, unilaterally discontinuing employees' health insurance benefits at unionized studios, unilaterally granting wage increases to certain employees because of their lack of support for the Union, and terminating employees in retaliation for engaging in activity protected by Section 7 of the Act. The settlement provided for $144,639 in backpay, benefits, and wages for five employees, as well as a requirement that the Employer post, distribute, and read aloud a remedial notice and a Notice of Employee Rights Under the Act, letters or apology to and neutral references for the employees.

The Region Secures Settlement Requiring the Reinstatement of Two Discharged Employees and the Posting of the Notice to Employees in English and Chinese and on WeChat

Liangtse KG Wellness One, LLC

29-CA-311388

The Region conducted an investigation and determined merit to allegations that the Employer violated section 8(a)(1) of the Act by giving unlawful instructions, threats, and the firing of two employees for raising concerns about work assignments. After the issuance of the complaint, the Region obtained a settlement agreement with the Employer, a spa that furnishes natural healthcare and massage services that resolved the allegations.

In the settlement agreement, the Employer agreed to immediate reinstatement of both employees, payment of lost wages and benefits, and the reading, posting and electronic distribution of the notice to employees regarding employee rights to employees in both English and Mandarin Chinese. The notices also were posted on WeChat, which is a popular Chinese instant messaging platform. The Employer also agreed to have its managers and supervisors attend a training conducted by the Region about employee rights under Act.

The Region Obtained a Settlement that Included $38,000 in Backpay and Neutral Reference for the Employee

Service Employees International Union, Local 2015

31-CA-306564, 31-CA-308685, 31-CA-308685 and 31-CA-320800

After an investigation and determination of merit, but prior to the Region issuing complaint, the Region secured a settlement that fully resolved the unfair labor practice allegations, which included threats to employees, violent acts on the picket line, discharging a lead union adherent, and failing to provide the Union with information. Among other remedies obtained in the settlement, the Employer agreed to a make whole remedy for the discharged employee in the amount of $38,000, and to provide the discharged employee with a neutral employment reference. The Employer also agreed to post a Notice to Employees and an Explanation of Rights at its numerous facilities located throughout the state.

The Region Secures Settlement that Requires Employer to Rescind Unlawful Severance Agreement Language

Lucid Group, Inc.

32–CA-323645

After the filing of the charge by individual employees and prior to a determination of merit, the Region secure a settlement pursuant to *McLaren Macomb.* The Charging Parties alleged that the Employer's severance agreement contained unlawful provisions that would prevent or discourage employees from exercising their right to engage in protected concerted activity under the Act.

The Region obtained a settlement that required the Employer to revise its severance agreement, to remove an overbroad confidentiality provision, to not seek enforcement of the provision in the severance agreements entered into by the charging parties, and to post and email a Notice of Employee Rights for all current employees and those who were employed by the Employer and who were part of the reduction in force. The case is closed after the Region obtained full compliance with the settlement.

The Region Wins in Administrative Hearing and the Administrative Law Judge Imposed Sanctions for the Employer's Refusal to Comply with Multiple Subpoenas Duces Tecum

Starbucks Corporation

08–CA-290673, 08–CA-298645, 08–CA-298846 and 08–CA-324900

After an investigation and determination of merit, the Region issued a complaint alleging that the Employer violated the Act by issuing the employee a final written warning and discharging him. The Region further alleged that the Employer more stringently enforced work rules which led to the final written warning and discharge, and made unlawful statements, threatened employees with the loss of benefits if they voted to be represented by a union, engaged in surveillance of employees' union activities, selectively and disparately enforced a solicitation and distribution policy, solicited employees' complaints and grievances and impliedly promised to remedy those grievances, granting benefits, and required employees to attend captive audience meetings at two of its stores.

Following an administrative hearing, the Judge found that the Employer had violated most of the allegations including the unlawful issuance of a disciplinary action and termination of employment of the employee in retaliation for his union activity. The Judge also sanctioned the Employer for refusing to comply with the subpoenas issued to its custodians of records, refusing to produce documents withheld as privileged for an in-camera review, and its counsel for instructing its witnesses not to answer questions regarding their search for records. The imposed sanctions included the Judge taking adverse inference that documents withheld from production, and the testimony of its custodians of records would have established additional evidence of animus towards the employee and other employees' union organizing activities. The Judge also inferred that the documents and testimony would have undermine the Employer's *Wright Line* defense and established further evidence of disparate treatment with respect to the conduct listed the final written warning and the termination notice. This case is pending before the Board.

The Region Secures Reinstatement, Backpay and a Letter of Apology for Employee

Starbucks Corporation

15–CA-296254 and 15–CA-298665

After an investigation and determination of merit, the Region issued a complaint alleging that the Employer violated the Act by discharging an employee for engaging in union and protected concerted activities, including a protected strike; and for making statements and engaging in conduct that had a reasonable tendency to interfere with, restrain, or coerce employees' union and/or protected concerted activities.

Following a hearing, an ALJ found that the Employer had violated the Act by unlawfully discharging the employee. The Judge further concluded that the Employer violated Section 8(a)(1) by threatening to modify employees' terms and conditions of employment and threatening employees with disciplinary action in response to their union and/or protected concerted activities. Finally, the Judge concluded that the Employer violated the Act by maintaining a work rule that prohibited employees at one of the Employer's stores from posting Union information on the communications board and that employees found posting on the communications board, especially union fliers, would be reprimanded or disciplined.

The Judge also ordered, among other remedial relief, that the employee be reinstated and made whole and compensated, consisted with *Thryv*, for any direct or foreseeable pecuniary harms incurred as a result of the unlawful discharge. The Judge also ordered the Employer to write a letter of apology to the employee. This case is pending before the Board.

The Region Successfully Obtained an Order Finding that the Employer Violated the Act by Unlawfully Interrogating Employees and Disparately Enforcing Employee Rules

Starbucks Corporation

19–CA-297282 and 19–CA-304679

After an investigation and determination of merit, the Region issued a complaint alleging that the Employer engaged in numerous violations of sections 8(a)(1) the Act by, among other things, unlawfully interrogating employees, soliciting grievances with an implied promise to remedy, threatening employees with loss of benefits, and disparately enforcing its no-solicitation rule and distribution policy.

Following a hearing, an ALJ found that the Employer had violated the Act by unlawfully interrogated its employees about their thoughts on unionization; solicited Grievances during the organizing campaign with an explicit or implicit promise to remedy them; unlawfully threatened employees with the loss of benefits by informing them that if they unionize, employees will lose specific monetary benefits and the Employer also will limit the ability of managers to provide assistance on the work floor; and the Employer unlawfully selectively and disparately enforced its solicitation and distribution policy by prohibiting employees from posting union literature while permitting other non-work-related literature. The Judge ordered "as broad a cease-and-desist order as possible" and ordered the Employer to take certain affirmative action designed to effectuate the policies of the Act. The remedial relief included a cease desist order prohibiting the Employer from interrogations, making threats and promulgating and enforcing workplace rule prohibiting employees from posting or distributing union materials storewide and by removing union materials and selectively and disparately enforcing its solicitation and distribution policy. The Judge ordered the posting and the electronic distribution of the notice to employees and to and hold mandatory meetings to read the notice. This case is pending before the Board.

The Region Prevails in an Administrative Hearing Involving Numerous Violations of the Act that Included Unlawful Surveillance of Union Activities, Implied Threats, Interrogation of Employees and Disparate Enforcement of Work Rules

Starbucks Corporation

20-CA-298631, 20-CA-298634, and 20-CA-309341

After an investigation and determination of merit, the Region issued complaint alleging that the Employer violated the Act by creating an impression among employees that their union activities were under surveillance, instructing employees to go to a store manager directly with issues to discourage union activity, impliedly threatening employees with unspecified reprisals because of their union activity, interrogating employees about their union activity, disparately enforcing rules because of union activity, telling an employee they could not talk about the union at work, soliciting employee grievances and impliedly promising to remedy them, disciplining employees because they engaged in union activity and because they participated in the Board's processes, and denying a lead union organizer the opportunities for enhanced pay and responsibilities including by the opportunity to work as a barista trainer, interfering with union activity and by illegally firing an employee for engaging in union activity. The Region won before the ALJ who agreed that the record evidence established the violations as alleged in the complaint. Among other remedies, the Judge required the Employer to make an employee whole for any loss of earnings, cease and desist its unlawful conduct, and, in light of its widespread violations around the country, to read the Board Notice to employees at the facilities involved. This case is pending before the Board.

The Region Wins ALJ Decision Providing for a Rerun of the Election

Starbucks Corporation

31-CA-299464 and 31-CA-305504

After an investigation and determination of merit, the Region issued a complaint alleging that the Employer violated the Act by making various unlawful statements to employees and by discharging an employee for engaging in protected activity. Following a hearing, the ALJ found that the Employer committed unfair labor practices by impliedly threatening employees with discharge because they supported the Union, stating that it would be futile to select the Union as the employees' bargaining representative, and by telling employees that they would lose benefits because they were seeking union representation. The Judge also found that the Employer unlawfully discharged an employee for engaging in union activity. Consequently, among other relief, the Judge ordered full reinstatement and make-whole remedies to the unlawfully discharged employee. The Judge also determined that the Employer's conduct required the setting aside of the initial representation election and included in his order that a second election be run. The case is pending with the Board.

PERFORMANCE HIGHLIGHTS

The Board and the General Counsel share a common goal of ensuring that the NLRA is fully and fairly enforced. Although they have separate statutory functions, representatives from the Board and the General Counsel worked together in developing the current comprehensive Strategic Plan (FYs 2022–2026) and the PAR. The NLRB's current Strategic Plan states the Agency's strategic goals, objectives, initiatives, performance measures, and management strategies. There are three mission-related goals, and two support goals. The support goals are management-strategy based and will be discussed at length in the Performance Section of this report.

The NLRB's performance measurement system has been highly regarded for decades and modeled by other agencies to track case processing times. The NLRB has long used performance measures to pursue a dual approach to excellence in customer service, striving to deliver results that are both timely and of high quality. The Agency does not rely on outside sources for the data used in its performance management system. Each NLRB office is responsible for collecting and verifying performance measurement data. All of the NLRB's mission-related offices work fully in the NxGen system, which provides for real-time review of all case file materials and consistent data reporting.

Data regarding mission-related goals are compiled using the Agency's NxGen Case Management system. This enterprise-wide electronic case management system is used by all divisions throughout Headquarters and the Regions and has data integrity reports which help isolate and correct data errors. The Division of Operations-Management oversees the Regional Offices which compile 75.0 percent of the case-related statistics. Each quarter, Regions are required to run various data integrity reports in NxGen and report their findings to the Division of Operations-Management for review. For more information on the program evaluation please see page 94.

The NLRB's mission-related goals (goal one, two, and five) represent the core functions of the Agency in its enforcement and education of the NLRA. Goal one focuses on the timely processing of ULP cases taking into consideration quality of processing and appropriate remedies. Goal two focuses on providing timely resolution of questions related to employee representation and opportunities to participate in union elections. Goal five focuses on engaging and communicating the mission of the Agency to the public. The NLRB's goals three and four are support goals. Goal three focuses on providing our talented employees with resources and career development. Goal four focuses on efficiently and effectively managing financial activities and delivering state of the art technology to effectuate the mission of the Agency. The goals are outcome-based and aligned with the mission of the Agency.

Goal 1, Objective 1 – Performance Measures

Measure 1: The Field Office operations reach determinations on all unfair labor practice charges within 90.0 percent of the Agency's timeliness goal.

Year	Annual Goal	Actual Performance
FY 2022	100.1 days	84.8 days
FY 2023	100.1 days	266 days
FY 2024	100.1 days	168 days
FY 2025	100.1 days	N/A
FY 2026	100.1 days	N/A

For FY 2024, Field Offices did not meet the goal of reaching determinations on all unfair labor practice charges within 90.0 percent of the Agency's timeliness goal, as set forth in Memorandum GC 22-05, Goals for Initial Unfair labor Practice Investigations. This year the Field Offices took an average of 168 days to reach a determination, which is an improvement over FY 2023 but exceeds the goal of 100.1 days.

For the third consecutive year, the Agency experienced a significant increase in case intake over the same period in FY 2023 (nearly 7.0 percent) and continued understaffing due to no increase in the Agency's budget. This fiscal year the Agency implemented a backlog project to assist the Field Offices in the processing of cases.

Measure 2: Issue 90.0 percent of pending unfair labor practice cases that, by the end of the fiscal year, will have been pending before the Board for more than 18 months.

Year	Annual Goal	Actual Performance
FY 2022	90.0%	81.0%
FY 2023	90.0%	76.0%
FY 2024	90.0%	47.0%
FY 2025	90.0%	N/A
FY 2026	90.0%	N/A

Board case intake numbers continued at a high-level during FY 2024, with the Board receiving 393 new ULP and representation cases during the fiscal year, which is over 22.0 percent higher than FY 2023. In addition, the Board received 128 other matters for its consideration during FY 2024. As a result, FY 2024 has been an exceptionally busy year for the Board which continued to operate at static staffing levels. Despite these challenges, the Board completed work on 59.0 percent of the new matters that came before it during FY 2024. As of the end of FY 2024, 47.0 percent of pending ULP cases had been closed that, by the end of the fiscal year, would have been pending before the Board for more than 18 months. Overall, between both C and R cases, the Board completed work on over 70.0 percent of all of its oldest cases during FY 2024.

Measure 3: Ensure that the median age of all cases pending before the Board at the end of each fiscal year is 180 days or less.

Year	Annual Goal	Actual Performance
FY 2022	180 days or less	108 days
FY 2023	180 days or less	106 days
FY 2024	180 days or less	154 days
FY 2025	180 days or less	N/A
FY 2026	180 days or less	N/A

At the end of FY 2024, the median age of all cases pending before the Board was 154 days, which is well below the goal of 180 days or less.

Goal 1, Objective 2 – Performance Measure

Measure 1: Conduct annual quality reviews of all Field Offices' unfair labor practice case files with overall ratings.

Year	Annual Goal	Actual Performance
FY 2022	100.0%	100.0%
FY 2023	100.0%	100.0%
FY 2024	100.0%	100.0%
FY 2025	100.0%	N/A
FY 2026	100.0%	N/A

The Agency conducted quality review of the Field Offices where it reviewed representative samples of the case work and provided real-time oral and written feedback and guidance. The quality review encompassed not only a review of the substantive work but also of Agency systems and processes related thereto. The overall ratings will be issued in FY 2025.

Goal 1, Objective 3 – Performance Measures

Measure 1: Ensure that at least 85.0 percent of Board Orders are closed or advanced to the next stage in fewer than 300 days.

Year	Annual Goal	Actual Performance
FY 2022	85.0%	89.2%
FY 2023	85.0%	88.2%
FY 2024	85.0%	77.3%
FY 2025	85.0%	N/A
FY 2026	85.0%	N/A

In FY 2024, the Agency closed cases or advanced cases to the next stage in fewer than 300 days in 17 of 22 cases or 77.3 percent of qualifying cases, missing the 85.0 percent strategic goal target.

The Agency is falling short of its target in FY 2024 not only due to a third year of increased case intake and limited compliance resources but also Field Offices are completing work on older cases and closing those cases.

Measure 2: Ensure that at least 85.0 percent of Federal Circuit Court Orders are closed or advanced to the next stage in fewer than 300 days.

Year	Annual Goal	Actual Performance
FY 2022	85.0%	82.9%
FY 2023	85.0%	67.5%
FY 2024	85.0%	76.3%
FY 2025	85.0%	N/A
FY 2026	85.0%	N/A

In FY 2024, the Agency closed cases or advanced cases to the next stage in fewer than 300 days in 29 of 38 cases or 76.3 percent of qualifying cases, missing the 85.0 percent strategic goal target.

The Agency is falling short of its target in FY 2024 not only due to a third year of increased case intake and limited compliance resources but also Field Offices are completing work on older cases and closing those cases.

Goal 2, Objective 1 – Performance Measures

Measure 1: Reach 85.0 percent pre-election agreement rate in representation elections not involving issues regarding the way the elections are conducted.

Year	Annual Goal	Actual Performance
FY 2022	85.0%	95.0%
FY 2023	85.0%	96.0%
FY 2024	85.0%	93.5%
FY 2025	85.0%	N/A
FY 2026	85.0%	N/A

In FY 2024, the Regions met this measurement, with a pre-election agreement rate of 93.5 percent for cases not involving issues regarding the manner in which elections are conducted.

Measure 2: Issue 90.0 percent of pending representation cases that, by the end of the fiscal year, will have been pending before the Board for more than 12 months.

Year	Annual Goal	Actual Performance
FY 2022	90.0%	89.0%
FY 2023	90.0%	96.0%
FY 2024	90.0%	94.0%
FY 2025	90.0%	N/A
FY 2026	90.0%	N/A

The Board maintained its focus on the timely issuance of decisions in representation cases in FY 2024. As a result, the Board achieved excellent results in meeting the 90.0 percent goal for this measure, and by the end of FY 2024 it had issued decisions in 94.0 percent of its oldest pending representation cases, exceeding the 90.0 percent goal by 4.0 percent.

Measure 3: Ensure that the median age of all cases pending before the Board at the end of each fiscal year is 180 days or less.

Year	Annual Goal	Actual Performance
FY 2022	180 days or less	108 days
FY 2023	180 days or less	106 days
FY 2024	180 days or less	154 days
FY 2025	180 days or less	N/A
FY 2026	180 days or less	N/A

At the end of FY 2024, the median age of all cases pending before the Board was 154 days, which is well below the goal of 180 days or less.

Goal 2, Objective 2 – Performance Measure

Measure 1: Promote awareness of the option to file election petitions electronically, in English or Spanish, through the Agency's website.

In FY 2024, the Agency routinely posted on social media in both English and in Spanish and publicized the availability of an interpreter when a member of the public contacts the Agency. On an ongoing basis, the Agency updates its website in Spanish and other languages.

Goal 5, Objective 1 – Performance Measures

Measure 1: Increase the number of users who access the NLRB's English and non-English language digital resources, including our public website and social media platforms.

Time Period FY 2024	Users – English	Pageviews – English	Views per User– English	Users – Spanish	Pageviews – Spanish	Views Per User – Spanish
Q1 2024	779,215	2,787,375	3.6	7,683	15,751	2.1
Q2 2024	679,309	2,266,810	3.4	6,420	12,925	2.0
Q3 2024	687,108	2,296,482	3.4	8,723	16,235	1.9
Q4 2024	589,433	2,167,385	3.7	7,874	16,204	2.1
Total	2,735,065	9,518,052	3.5	30.7	61,115	2.0

Account	X (formerly known as Twitter) followers	Bluesky followers	Facebook followers	Threads followers	Instagram followers	Total follower count
NLRB	22,200	414	25,000	724	2,133	50,471
NLRBGC	11,300	912	6,200	236	962	19,610
NLRBes	194	N/A	N/A	N/A	N/A	194
NLRBGCes	293	N/A	N/A	N/A	N/A	293
Total followers by platform	33,987	1,326	31,200	960	3,095	70,568

In FY 2024, the NLRB Board and the NLRB General Counsel had 70,568 followers across all platforms in English and Spanish. The Board had 50,665 followers on all accounts in English and Spanish, and the General Counsel had 19,903 followers across all accounts in English and Spanish in FY 2024.

Measure 2: Increase the number of participants, including foreign language speakers, in the NLRB's outreach to students.

Throughout FY 2024, the Student Ambassador Program continued to reach high school students, many of them immigrant students. The ongoing program continued to partner with high schools and expanded its 3-week summer program to reach more individual high school students. The Student Ambassadors' public facing projects then expanded outreach beyond the students who directly participated in the program to areas outside of the five boroughs of New York, reaching youth in immigrant and rural communities in the Northeast and Mid-Atlantic. The students involved in the program have reached out to over 7,000 high school students.

FINANCIAL AND SYSTEMS HIGHLIGHTS

Operational/Performance Highlights

The Office of the Chief Financial Officer (OCFO) is comprised of four branches: Budget, Acquisitions Management, Finance, and Internal Control/Risk/Performance (IRP). The OCFO reports to both the Chairman and the General Counsel. This structure integrates and enhances Agency financial management. Specifically, the OCFO focuses on efficiency and effectiveness in financial operations, reliability of financial reporting, transparency of financial data, and compliance with applicable laws and regulations.

The OCFO continuously seeks to improve discipline, structure, and internal control in the financial management lifecycle and throughout the financial management process.

In late FY 2024, the OCFO collaborated with the U.S. General Service Administration (GSA) and internal NLRB offices to implement the TMF investment. The TMF is a program authorized by the Modernizing Government Technology Act (Section 1078 of the National Defense Authorization Act for Fiscal Year 2018) that provides financing to government agencies in support of their IT initiatives. All OCFO branches were actively involved and collaborated on the successful implementation of the TMF efforts.

The OCFO also closed all outstanding audit recommendations from previous years and ended the year with no audit recommendations. This was the result of the outstanding work of the OCFO staff.

Below are some highlights from FY 2024 OCFO activities:

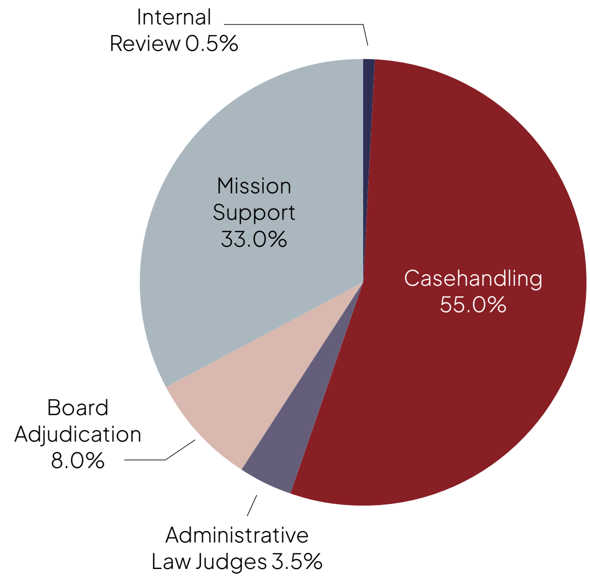
Budget Branch

The Budget Branch successfully executed the Agency's multi-million-dollar annual appropriation by ensuring all labor and mission critical non-labor requirements were fully funded during the fiscal year. The FY 2024 Budget provided $299.2 million for the NLRB to fund the Agency's statutory mission of resolving labor disputes through investigation, settlement, litigation, adjudication, education, and compliance. The NLRB has five program activities that define the major mission functions for budgetary reporting. In FY 2024, the Agency obligated $298.6 million (99.8 percent) of its enacted appropriation to support these program activities leaving approximately 0.2 percent of the budget to support upward obligations that may arise in FY 2025.

The FY 2024 obligated budget of $298.6 million provided:

- $164.0 million to support Casehandling
- $98.5 million for Mission Support
- $23.9 million for Board Adjudication

- $10.7 million for Administrative Law Judges
- $1.5 million for Internal Review



Of the total obligations, the NLRB FY 2024 annual staff compensation (salaries and benefits) accounted for approximately 79.0 percent or $236.5 million. The Agency obligated 8.0 percent or $23.4 million to fund GSA rent for the NLRB offices in Headquarters and Regional Offices across the country. Spending on information technology amounted to $19.5 million or 7.0 percent while the remaining 6.0 percent or $19.2 million accounted for non-labor obligations associated with facilities, security, court reporting, case-related travel, witness fees, interpreters and translation services, training, compliance with Government-wide statutory and regulatory mandates.

The Budget Branch continued to coordinate its outreach efforts with the program offices to address enterprise-wide unfunded requirements. During FY 2024, the Budget Branch reassessed the Agency's funding requirements and invested over $4.0 million in several high priority programs, including space alterations, modernization, records management, and IT infrastructure.

In addition to managing the Agency's annual appropriation, the Budget Branch was responsible for the budget execution of the TMF no-year funds. At the end of FY 2024, the NLRB entered into an agreement with the GSA to replace the NLRB's 17-year-old electronic case management system. Of the total investment of $23.2 million, the NLRB received its first transfer of $7.2 million from the GSA in September and obligated $3.4 million by the close of FY 2024. The fund balance of $3.8 million will carry over into FY 2025 to resource the remaining phase one requirements of the case management modernization project.

Finance Branch

In FY 2024, the Finance Branch provided excellent customer service to our internal and external customers. The Finance Branch successfully submitted input to the monthly Government-wide Treasury Account Symbol Adjusted Trial Balance System (GTAS) and the Central Accounting Reporting System (CARS) to the U.S. Department of the Treasury (Treasury), Bureau of the Fiscal Service (BFS), in a timely manner.

In late FY 2024, the Finance Branch collaborated on the NLRB's implementation of the TMF case management system modernization project. The TMF is a funding vehicle that is used to enhance cybersecurity and IT initiatives across the Federal Government.

The Finance Branch established the lines of accounting and the posting logic to properly track the funds transferred into the NLRB from the GSA and to facilitate repayments to the GSA. The Finance Branch collaborated with internal stakeholders to establish tracking mechanism to promote transparency, improve decision making, and facilitate the Agency's reporting requirements to outside oversight bodies.

In FY 2024 the Finance Branch resolved approximately $105,739 thousand in Fund Balance with Treasury (FBWT) discrepancies with Treasury; and processed 111 backpay schedules totaling approximately $6.7 million in payments.

Acquisition Management Branch

In FY 2024, the Acquisition Management Branch (AMB) provided exceptional customer service to internal and external customers. The AMB leads the development of cost-effective acquisition approaches for the prevention of waste, fraud, and abuse with the objective of meeting the mission of the NLRB. The AMB successfully executed all non-labor funds allocated in the FY 2024 Operating Plan by September 30, 2024. The AMB exceeded the Agency's Small Business goal of 23.0 percent by awarding 75.0 percent of the NLRB's contracts to small businesses.

Charge Card Program

On October 17, 2014, the President signed Executive Order (EO) 13681 directing the federal government to establish and maintain safeguards and internal controls for the charge card program. The NLRB evaluated the charge card program as directed by the guidance provided in OMB Memorandum M-12–12, *Promoting Efficient Spending to Support Agency Operations* and OMB Circular No. A-123 Appendix B, *A Risk Management Framework for Government Charge Card Program*. The effectiveness of the Agency's purchase card program was assessed through enhanced monitoring procedures to detect fraud, waste, and abuse. The NLRB is currently using CitiBank online tools and Visa Intellilink to do enhanced monitoring for fraud, waste, and abuse. The Agency conducted 100.0 percent reviews of purchase transactions to deter fraud, waste, and abuse as well as identify areas for enhanced training.

Internal Control, Risk, And Performance Branch

The Internal Control, Risk, And Performance (IRP) Branch reviews and evaluates existing policies, processes, and procedures to ensure compliance with applicable laws and regulations. The assessments and evaluations conducted by the IRP Branch involve collaborative efforts with management and staff of various divisions and program offices within the NLRB. The results of these assessments support short and long-term strategic decisions. In addition, the IRP Branch ensures that mechanisms, rules, and procedures are in place to:

- Safeguard operations and the integrity of financial and accounting information,
- Promote accountability, and
- Prevent fraud, waste, and abuse.

The IRP Branch provides recommendations and guidance for improvements to existing policies, processes, and procedures. It ensures that adequate documentation is in place to support the Chairman and the General Counsel's annual Statement of Assurance (SOA), which is published in the annual PAR.

As part of the IRP's annual assessment to comply with the requirements per the OMB Circular No. A-123, *Management's Responsibility for Enterprise Risk Management and Internal Control*, the IRP Branch developed test plans and assessed the design and operating effectiveness of internal controls for all OCFO operations. The IRP Branch also evaluated and assessed the NLRB's Entity Level Controls. The results of these assessments were summarized in a Gap Analysis report that supports the NLRB's annual SOA.

During FY 2024, the OCFO continued to play a key role in helping the Agency identify, assess, and manage its risks. The IRP Branch conducted agency-wide Enterprise Risk Management (ERM) interviews with

Risk Owners and Risk Champions to assess the NLRB's current ERM maturity level. These interviews were followed by collaborative sessions with Risk Owners and the Risk Management Council (RMC) to review and refine proposed enterprise risks, further shaping the Agency's Risk Profile. The ERM training was also revamped in FY 2024 to make it more effective for NLRB stakeholders. The newly developed ERM training modules are scheduled for release in FY 2025. All the Agency's ERM efforts support the Agency's commitment to maturing the ERM program and framework.

The IRP Branch worked closely with the NLRB program areas to collect, compile, and summarize the Agency's quarterly performance indicators which are reported annually in the PAR. The IRP Branch also reviewed and assessed quarterly performance data from various program areas to ensure that they align with the Goals and Objectives established in the Agency's FY 2022–2026 Strategic Plan. Additionally, the IRP Branch facilitated the review and completion of the Agency's PAR.

Systems

The NLRB obtains the majority of its financial systems and services from the Department of the Interior's Interior Business Center (IBC). The IBC provides shared services and offers administrative and financial services to the NLRB. The services provided include system support for procurement and contracts, payroll management, finance, accounting, and travel. The NLRB is responsible for overseeing the work produced by the IBC and ensuring that financial systems and internal controls are in place to fulfill legislated and regulatory financial management requirements. The IBC provides shared services using the following systems:

- Oracle Federal Financials (OFF) – The integrated system of record for all financial transactions.
- Oracle Analytics Server (OAS) – The Interior Business Center's reporting tool. IBC's OAS reporting solution is a group of over 95 top level reports, 70 financial/purchasing reports (analysis), 22 payroll reports (analysis), four credit cards and Do Not Pay reports (analysis) across Oracle modules that the NLRB can customize to meet its own agency-specific needs.
- Federal Payroll and Personnel System (FPPS) – The personnel system of record that interfaces with the Oracle system.
- E2Solutions – The eTravel system provided by Carlson Wagonlit (CWTSato), which is the NLRB's Travel Management Service. E2Solutions also interfaces with the Oracle system.
- Invoice Payment Platform (IPP) –Treasury's web-based system that provides a single, integrated, secure system to simplify the management of vendor invoices. It is offered at no charge to federal agencies and their vendors.
- Government invoicing (G-Invoicing) – Treasury's platform for managing intragovernmental transactions (buy/sell) between federal agencies and their trading partners.

Analysis of Financial Statements

The NLRB prepares annual financial statements in accordance with U.S. Generally Accepted Accounting Principles (GAAP) for federal government entities and subjects the statements to an independent audit to ensure their integrity and reliability in assessing performance. The NLRB's financial statements summarize the financial activity and financial position of the Agency. The financial statements, footnotes, and the balance of the required supplementary information appear in the Financial Section of the PAR.

Balance Sheet

The NLRB's assets were $66.5 million as of September 30, 2024. The Fund Balance with Treasury (FBWT) is the NLRB's largest asset at $55.3 million (83.2 percent). It represents undisbursed balances from appropriated funds for the past five years and balances held by the NLRB on behalf the Government. It is an asset of a reporting entity and a liability of the General Fund of the U.S. Government. The FBWT is available to make expenditures and pay liabilities. The NLRB's FBWT includes general funds, deposit funds, clearing accounts, and miscellaneous receipt accounts.

The NLRB's Property, Plant, and Equipment (PP&E) represents the NLRB's second largest asset at $10.6 million (16.0 percent). The PP&E increased $5.1 million (92.3 percent) from the prior year due to capitalized assets for construction in progress and the leasehold improvements for office space alterations.

The NLRB's liabilities were $31.6 million as of September 30, 2024. The liabilities consisted of amounts owed to vendors, federal government trading partners, and Agency employees.

The Unfunded Annual Leave of $15.4 million accounted for (48.7 percent) of the NLRB's liabilities. The NLRB employees' leave remained relatively consistent from the prior year. In FY 2024, the NLRB received a transfer of funds from the GSA for the TMF for the investment in case management system moderations. The NLRB will repay a portion of the transferred funds back to the GSA in future years. As a result, Other Liabilities for the TMF increased $3.6 million (100.0 percent) due to the repayment to the GSA. The Accrued Funded Payroll and Leave of $4.0 million increased by $862 thousand (27.8 percent) due to the accrual factor calculation applied in FY 2024 and the timing of payroll processed at the end of the fiscal year.

Accounts Payable for intragovernmental activities of $3.2 million increased by $2.1 million (196.5 percent) due to increases of $1.8 million with the GSA for the construction of the Regional Office space and the Department of Defense (DOD) security investigations of $207 thousand. The quarterly accounts payable accruals, the timing of purchase invoices, and payments related to NLRB's operational activities also contributed to the increase.

Statement of Net Cost

The NLRB's appropriation is used to support mission critical activities and to resolve cases associated with ULP and representation cases filed by employees, employers, and unions. In FY 2024, the net cost of operations was $320.0 million; 87.0 percent of the costs was used to resolve charges for ULPs and 13.0 percent was used for representation cases. The NLRB absorbed increases in cost associated with pay inflation, investment to support critical IT, and office space alterations.

Statement of Changes in Net Position

The NLRB's net position is affected by changes in two components: Unexpended Appropriations and Cumulative Results of Operations. Unexpended Appropriations include the portion of the entity's appropriations represented by undelivered orders and unobligated balances. Unexpended Appropriations decreased $8.4 million (17.7 percent) due to an increase in expenditures to fund mission support activities including payroll and benefits, professional services, and space alterations. Cumulative Results of Operations reflect the net results of operations since inception. Cumulative Results Operations increased $5.9 million (58.6 percent) due to net increases in cost associated with the NLRB's mission.

Statement of Budgetary Resources

The Statement of Budgetary Resources shows the budgetary resources available and the status at the end of the period. This statement also represents the relationship between budget authority and budget outlays and reconciles obligations to total outlays. For FY 2024, the NLRB's total budgetary resources were $310.9 million which included appropriations of $299.2 million and unobligated balance from prior years of $11.7 million. In FY 2024, new obligations were $304.7 million and total outlays were $301.5 million. In FY 2024, the apportioned unexpired balance at the end of the fiscal year was $4.4 million which includes the unobligated balance of $3.8 million for the no year TMF Fund and $600 thousand for the annual appropriated fund.

Limitations of Principal Financial Statements

The principal financial statements are prepared to report the financial position, financial condition, and results of operations, pursuant to the requirements of 31 U.S.C. § 3515(b). The statements are prepared from records of federal entities in accordance with federal GAAP and the formats prescribed by OMB. Reports used to monitor and control budgetary resources are prepared from the same records. Users of the statements are advised that the statements are for a component of the U.S. Government.

COMPLIANCE WITH LAWS AND MANAGEMENT ASSURANCES

Antideficiency Act

The Antideficiency Act (ADA) prohibits an officer or employee of the U.S. Government from:

- Making or authorizing an expenditure from, or creating or authorizing an obligation under, any appropriation or fund in excess of the amount available in the appropriation or fund unless authorized by law;
- Involving the government in any obligation to pay money before funds have been appropriated for that purpose unless otherwise allowed by law;
- Accepting voluntary services for the U.S., or employing personal services not authorized by law, except in cases of emergency involving the safety of human life or the protection of property; and
- Making obligations or expenditures in excess of an apportionment or reapportionment, or in excess of the amount permitted by Agency regulations.

There were no known ADA violations in FY 2024 at the NLRB.

Debt Collection Improvement Act

The Debt Collection Improvement Act of 1996 (DCIA) was passed as part of the Omnibus Consolidated Rescissions and Appropriations Act of 1996. It tasked the U.S. Department of Treasury with governmentwide debt collection responsibilities which focused to maximize the collection of non-tax delinquent debt owed to the government by requiring agencies to notify the Department of Treasury of debts delinquent more than 120 days for purposes of administrative offset.

The NLRB is in compliance with the DCIA.

Digital Accountability And Transparency Act

The Digital Accountability and Transparency Act of 2014 (DATA Act) expands the Federal Funding Accountability and Transparency Act of 2006 (FFATA) to increase accountability and transparency in federal spending, making federal expenditure information more accessible to the public. The goal of the DATA Act is to make federal spending more accessible, searchable, and reliable so taxpayers can understand the impact of federal funding for federal programs/entities.

As required by the OMB Memorandum M-15-12, *Increasing Transparency of Federal Spending by Making Federal Spending Data Accessible, Searchable, and Reliable*, the NLRB established its own DATA Act Policy and Standard Operating Procedures to increase the transparency of federal spending as required by the

DATA Act and FFATA Act. The NLRB's DATA Act Policy was updated in updated in FY 2024 to include new guidance provided in the below OMB Memoranda:

- OMB Memorandum M-20–21, *Implementation Guidance for Supplemental Funding Provided in Response to the Coronavirus Disease 2019 (COVID-19)*;
- OMB Memorandum M-21–20, *Promoting Public Trust in the Federal Government through Effective Implementation of the American Rescue Plan Act and Stewardship of the Taxpayer Resources*; and
- OMB Memorandum M-22–12, *Advancing Effective Stewardship of Taxpayer Resources and Outcomes in the Implementation of the Infrastructure Investment and Jobs Act*.

Additionally, the policy was updated to reflect changes in the roles and responsibilities section.

AMB inputs contracts directly into the Federal Procurement Data System – Next Generation (FPDS-NG). AMB has drafted and implemented the Independent Verification and Validation Policy to identify inaccurate data within the Federal Procurement Data System – Next Generation (FPDS-NG) to improve data accuracy and integrity.

The NLRB's service provider, IBC, has identified the required reportable data elements that will be provided for us to report from existing systems.

The NLRB is in compliance with the DATA Act.

Federal Information Security Management Act

The Federal Information Security Management Act of 2002 (FISMA), as amended by the Federal Information Security Modernization Act of 2014, requires federal agencies to ensure adequate security protections for federal information systems and information. Under this act, federal agencies must submit annual FISMA reports to OMB.

In FY 2024, the NLRB maintained its compliance with the OMB Memorandum M-24–04, *FY 2024 Guidance on Federal Information Security and Privacy Management Requirements*. The Agency consistently managed risk across all security domains in the CIO FISMA metrics. Furthermore, the NLRB enhanced the effectiveness of CIO metrics in the following areas:

- Endpoint Detection and Response (M-22–01)
- Ground Truth Testing and Vulnerability disclosure programs (M-20–32)
- Visibility and Vulnerability detection (M-23–01)
- Adoption of Multifactor Authentication and encryption (EO 14028)

The NLRB complies with FISMA reporting requirements through the submission of quarterly and annual reports, and the annual Senior Agency Official for Privacy report to OMB as required.

Government Charge Card Abuse Prevention Act

On October 17, 2014, the President signed Executive Order (EO) 13681 directing the federal government to establish and maintain safeguards and internal controls for the charge card program. The NLRB evaluated the charge card program as directed by the guidance provided in OMB Memorandum M-12–12, *Promoting Efficient Spending to Support Agency Operations* and OMB Circular No. A-123 Appendix B, *A Risk Management Framework for Government Charge Card Program*. The effectiveness of the Agency's purchase card program was assessed through enhanced monitoring procedures to detect fraud, waste, and abuse. The NLRB performs annual reviews to evaluate existing policies and procedures to ensure compliance with applicable laws and regulations including the Federal Acquisition Regulation. In addition, the NLRB performs reviews using CitiBank's online tools and Visa Intellilink to do enhanced monitoring for fraud, waste, and abuse.

Payment Integrity Information Act

The PIIA requires Federal agencies to report information to Congress regarding improper payments. It aims to improve efforts to identify and reduce government-wide improper payments by codifying, updating, and improving previous improper payment laws. The PIIA mandates executive branch agencies to review programs and activities with outlays exceeding a certain threshold for susceptibility to significant improper payments. A detailed report of the NLRB's improper payments activities is presented in the Other Information section on page 140.

Fraud Reduction Report

In FY 2024, the NLRB carried out both quantitative and qualitative risk assessments, including a comprehensive fraud risk assessment of potential fraud risks at the Agency. This assessment highlighted potential fraud risks in key sub-process areas: Travel Cards, Back Pay, Time and Attendance, and Contracts. As part of the FY 2024 internal controls testing, the OCFO evaluated these areas, and the results confirmed that internal controls related to Travel Cards, Back Pay, Time and Attendance, and Contracts were found to be operating effectively as designed.

Prompt Payment Act

The Prompt Payment Act was enacted in 1982 to require the federal government to pay their bills on a timely basis; to pay interest penalties for late payments and to take discounts. Invoices are to be paid within 30 days after receipt and acceptance of goods and/or services - or - after receipt of a proper invoice whichever is later. The Agency made late payments resulting in interest penalties of $71 in FY 2024.

Federal Financial Management Improvement Act

The purpose of the Federal Financial Management Improvement Act of 1996 (FFMIA) is to advance federal financial management by ensuring that federal financial management systems provide accurate, reliable, and timely financial management information to the government's managers.

The NLRB is in compliance with FFMIA.

Federal Managers' Financial Integrity Act

The Federal Managers' Financial Integrity Act of 1982 requires federal agencies to develop and implement appropriate and cost-effective internal controls for results-oriented management. Federal agencies are also required to assess the adequacy of those internal controls, identify areas needing improvement, take corresponding corrective action, and provide an annual SOA regarding internal controls and financial systems. The annual SOA and management control over financial application controls and financial reporting submitted by the NLRB's service provider follows this section.

The NLRB management is responsible for establishing and maintaining an environment throughout the Agency that is positive and supportive of internal controls and conscientious management. The NLRB is committed to management excellence and recognizes the importance of strong financial systems and an internal control system that promotes integrity, accountability, and reliability.

Internal control systems are expected to provide reasonable assurance that the following objectives are being achieved:

- Effectiveness and efficiency of operations
- Reliability of reporting
- Compliance with applicable laws and regulations

In assessing whether these objectives are being achieved, the NLRB used the following standards in accordance with OMB Circular No. A-123, *Management's Responsibility for Enterprise Risk Management and Internal Control*, dated July 15, 2016.

Control Environment	Creating and maintaining an organizational structure that promotes a high level of integrity and personal and professional standards and sets a positive and supportive attitude toward internal controls through conscientious management.
Risk Assessment	Identification and analysis of risks that could impede the achievement of Agency goals and objectives.
Control Activities	Policies, procedures, techniques, and mechanisms to ensure proper stewardship and accountability for government resources and for achieving effective and efficient program results.
Information and Communications	Ensures that the control environment, risks, control activities, and performance results are communicated throughout the Agency.
Monitoring	Assessing the quality of performance over time to ensure that internal control processes are appropriate and effective.

The NLRB's approach to assessing its internal controls included the identification and assessment of risks by designated Agency executives and managers on an Agency-wide basis. In completing this annual review, the designated executives and managers, in conjunction with subordinate staff as needed, used personal judgment as well as other sources of information to make their assessments. These sources included: knowledge gained from day-to-day operations; the OIG audits and investigations; program evaluations; reviews of financial systems; annual performance plans; and previous management reviews. The designated executives and managers were responsible for conducting reviews of program operations, assisting program offices in identifying risks and conducting internal control reviews, issuing reports of findings, and making recommendations to improve internal controls and risk management.

Based on the internal controls program, reviews, and consideration of other information, senior management's assessment of the NLRB's internal controls is that controls are adequate to provide reasonable assurance in support of effective and efficient operations, reliable financial reporting, and compliance with applicable laws and regulations.

The Statement of Assurance provided on page 73 is required by the FMFIA and OMB Circular No. A-123, *Management's Responsibility for Internal Control*.

FMFIA Section 2, Management Control

Section 2 of the FMFIA requires federal agencies to report, based on annual assessments, any material weaknesses that have been identified in connection with their internal and administrative controls. The reviews that took place in FY 2024 provide reasonable assurance that NLRB systems and internal controls comply with the requirements of FMFIA.

FMFIA Section 4, Financial Management Systems

Section 4 of the FMFIA requires that agencies' financial management systems controls be evaluated annually. The NLRB evaluated its financial management systems for the year ending September 30, 2024, in accordance with the FMFIA and OMB Circular No. A-123–Appendix D, *Management of Financial Management Systems-Risk and Compliance*. The NLRB's financial systems, taken as a whole, conform to the principles and standards developed by the Comptroller General, OMB, and the Treasury. The Agency also reviewed the Statement on Standards for Attestation Engagements No. 18 (SSAE-18) for financial systems operated by IBC to ensure that any internal control deficiencies identified by their independent auditors did not affect the NLRB's internal controls.

UNITED STATES GOVERNMENT

NATIONAL LABOR RELATIONS BOARD

WASHINGTON, DC

October 17, 2024

ANNUAL STATEMENT OF ASSURANCE

Management is responsible for establishing and maintaining effective internal controls and financial management systems that meet the objectives of the Federal Managers' Financial Integrity Act of 1982 (FMFIA). The National Labor Relations Board (NLRB) evaluated the effectiveness of internal controls over reporting, the efficiency of operations, and compliance with applicable laws and regulations. This evaluation was performed in accordance with Office of Management and Budget (OMB) Circular No. A-123, Management's Responsibility for Enterprise Risk Management and Internal Control. Based on the results of the evaluation, the NLRB can provide reasonable assurance over the effectiveness and efficiency of its internal controls over its operations. Additionally, the NLRB has complied with the applicable laws and regulations as of September 30, 2024. Based on the internal controls testing, the NLRB can provide reasonable assurance that, the related control objectives were met for the specified period and no material weaknesses and/or significant deficiencies were identified in the design or operating effectiveness of the internal controls.

In accordance with the requirements of OMB Circular No. A-123, Appendix A, Management of Reporting and Data Integrity Risk, the NLRB evaluated the effectiveness of internal control over financial reporting. This evaluation includes internal controls related to the preparation of the annual financial statements, and safeguarding of assets. The result of this evaluation provides reasonable assurance that the NLRB's internal control over financial reporting was operating effectively as of September 30, 2024.

The NLRB has submitted all monthly Fiscal Year 2024 Digital Accountability and Transparency Act (DATA Act) submissions to the U.S. Department of the Treasury as required by the Act.

Lauren McFerran
Lauren McFerran
Chairman

Jennifer A Abruzzo
Jennifer A. Abruzzo
General Counsel

PERFORMANCE SECTION

Protecting Democracy in the Workplace Since 1935

PROGRAM PERFORMANCE

Performance Goals and Objectives

This section of the PAR details the NLRB's efforts to meet its strategic and performance goals. The three mission-related goals of the NLRB's current Strategic Plan represent the core functions of the Agency in enforcing the NLRA as efficiently as possible and in a manner that gives full effect to the rights afforded to employees under the Act. The two support goals further enable the Agency to accomplish its mission. Please see Appendix D for the list of performance measures for the support goals, as well as the management strategies for all the Agency goals.

The Board and the General Counsel share a common goal of ensuring that the NLRA is fully and fairly enforced. Although they have separate statutory functions, representatives of the Board and the General Counsel worked together in developing one comprehensive Strategic Plan and PAR.

MEASURING PERFORMANCE

One of the NLRB's human capital goals is to create a results-oriented performance culture that clearly links employee performance and pay to the attainment of the NLRB's strategic goals. The Agency has three mission-related goals that emphasize individual segments of case processing to promote timely, efficient, and well-managed casehandling and two support goals that give a broader picture of how the Agency achieves its mission.

As to Agency success in bringing effective resolution to labor disputes in a timely manner, it should be noted that it is difficult for an agency, such as the NLRB, to measure "outcomes" in the sense intended by the authors of the Government Performance and Results Act of 1993 (GPRA) and the Government Performance and Results Modernization Act of 2010 (GPRAMA). In the representation case area, for instance, the Agency does not control or seek to influence the results of elections but strives instead to ensure the rights of employees to freely and democratically determine, through a secret ballot election, whether they wish to be represented by a labor organization. If the Agency concludes that all the necessary requirements for conducting an election have been met, it will either direct an election or approve the parties' agreement to have an election. The performance measure that the Agency has established for conducting elections is objective and is not dependent on the results of the election. The true outcome of properly conducted elections is employees freely exercising their statutory rights as set out in the NLRA.

The aim of the Agency is to fully effectuate employees' rights under the NLRA, which also works to prevent industrial strife and unrest that burdens the free flow of commerce. An indicator of success in the achievement of this aim is labor peace. While it is difficult to quantify by the number of ULPs, the Agency can quantify commitment to resolve all disputes that are brought before us, and to provide a remedy and ensure that labor peace is maintained or restored. Noting that the Agency cannot *sua sponte*[3] investigate the actions of an employer or labor union without a charge being filed, the NLRB established two performance measures. The timeliness and quality of case processing, from the filing of an ULP charge to the closing of a case, are the focus of those performance measures.

The tables and narratives in this section show the proposed annual targets for performance measures and management strategies for the five-year period covered by the current Strategic Plan (FYs 2022–2026). The actual historical results achieved for the performance measures and management strategies for FYs 2019 – 2023 can be found in Appendix C.

[3] A Latin phrase describing an act of authority taken without formal prompting from another party.

GOAL 1 (MISSION):

ENSURE EFFECTIVE ENFORCEMENT OF THE NATIONAL LABOR RELATIONS ACT THROUGH TIMELY AND QUALITY CONSIDERATION AND RESOLUTION OF UNFAIR LABOR PRACTICES WITH APPROPRIATE REMEDIES

Objectives:

1. Achieve timely consideration and appropriate resolution of unfair labor practice charges at every stage of processing.
2. Demonstrate high quality performance in the prosecution and adjudication of meritorious unfair labor practice charges.
3. Promptly pursue remedies for statutory violations.

GOAL 1, OBJECTIVE 1 – PERFORMANCE MEASURES

GOAL NO. 1, OBJECTIVE 1, MEASURE 1

Measure 1: The Field Office operations reach determinations on all unfair labor practice charges within 90.0 percent of the Agency's timeliness goal.

YEAR	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
TARGET	100.1 days	100.1 days	100.1 days	100.1 days	100.1 days
ACTUAL	84.8 days	266 days	168 days	N/A	N/A

For FY 2024, Field Offices did not meet the goal of reaching determinations on all unfair labor practice charges within 90.0 percent of the Agency's timeliness goal, as set forth in Memorandum GC 22-05, Goals for Initial Unfair labor Practice Investigations. This year the Field Offices took an average of 168 days to reach a determination, which is an improvement over FY 2023 but exceeds the goal of 100.1 days.

For the third consecutive year, the Agency experienced a significant increase in case intake over the same period in FY 2023 (nearly 7.0 percent) and continued understaffing due to no increase in the Agency's budget. This fiscal year the Agency implemented a backlog project to assist the Field Offices in the processing of cases.

GOAL NO. 1, OBJECTIVE 1, MEASURE 2

Measure 2: Issue 90.0 percent of pending unfair labor practice cases that, by the end of the fiscal year, will have been pending before the Board for more than 18 months.

YEAR	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
TARGET	90.0%	90.0%	90.0%	90.0%	90.0%
ACTUAL	81.0%	76.0%	47.0%	N/A	N/A

Board case intake numbers continued at a high-level during FY 2024, with the Board receiving 393 new ULP and representation cases during the fiscal year, which is over 22.0 percent higher than FY 2023. In addition, the Board received 128 other matters for its consideration during FY 2024. As a result, FY 2024 has been an exceptionally busy year for the Board which continued to operate at static staffing levels. Despite these challenges, the Board completed work on 59.0 percent of the new matters that came before it during FY 2024. As of the end of FY 2024, 47.0 percent of pending ULP cases had been closed that, by the end of the fiscal year, would have been pending before the Board for more than 18 months. Overall, between both C and R cases, the Board completed work on over 70.0 percent of all of its oldest cases during FY 2024.

GOAL NO. 1, OBJECTIVE 1, MEASURE 3

Measure 3: Ensure that the median age of all cases pending before the Board at the end of each fiscal year is 180 days or less.

YEAR	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
TARGET	180 days or less	180 days or less	180 days or less	180 days or less	180 days or less
ACTUAL	108 days	106 days	154 days	N/A	N/A

At the end of FY 2024, the median age of all cases pending before the Board was 154 days, which is well below the goal of 180 days or less.

GOAL 1, OBJECTIVE 2 – PERFORMANCE MEASURES

GOAL NO. 1, OBJECTIVE 2, MEASURE 1

Measure 1: Conduct annual quality reviews of all Field Offices' unfair labor practice case files with overall ratings.

YEAR	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
TARGET	100.0%	100.0%	100.0%	100.0%	100.0%
ACTUAL	100.0%	100.0%	100.0%	N/A	N/A

The Agency conducted quality review of the Field Offices where it reviewed representative samples of the case work and provided real-time oral and written feedback and guidance. The quality review encompassed not only a review of the substantive work but also of Agency systems and processes related thereto. The overall ratings will be issued in FY 2025.

GOAL 1, OBJECTIVE 3 – PERFORMANCE MEASURES

GOAL NO. 1, OBJECTIVE 3, MEASURE 1

Measure 1: Ensure that at least 85.0 percent of Board Orders are closed or advanced to the next stage in fewer than 300 days.

YEAR	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
TARGET	85.0%	85.0%	85.0%	85.0%	85.0%
ACTUAL	89.2%	88.2%	77.3%	N/A	N/A

In FY 2024, the Agency closed cases or advanced cases to the next stage in fewer than 300 days in 17 of 22 cases or 77.3 percent of qualifying cases, missing the 85.0 percent strategic goal target.

The Agency is falling short of its target in FY 2024 not only due to a third year of increased case intake and limited compliance resources but also Field Offices are completing work on older cases and closing those cases.

GOAL NO. 1, OBJECTIVE 3, MEASURE 2

Measure 2: Ensure that at least 85.0 percent of Federal Circuit Court Orders are closed or advanced to the next stage in fewer than 300 days.

YEAR	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
TARGET	85.0%	85.0%	85.0%	85.0%	85.0%
ACTUAL	82.9%	67.5%	76.3%	N/A	N/A

In FY 2024, the Agency closed cases or advanced cases to the next stage in fewer than 300 days in 29 of 38 cases or 76.3 percent of qualifying cases, missing the 85.0 percent strategic goal target.

The Agency is falling short of its target in FY 2024 not only due to a third year of increased case intake and limited compliance resources but also Field Offices are completing work on older cases and closing those cases.

GOAL 2 (MISSION):

PROTECT EMPLOYEE FREE CHOICE WITH TIMELY AND EFFECTIVE MECHANISMS TO RESOLVE QUESTIONS CONCERNING REPRESENTATION

Objectives:

1. Achieve timely resolution of all questions concerning representation of employees.
2. Increase employees' opportunities to freely participate in election proceedings by making appropriate and effective use of technology.

GOAL 2, OBJECTIVE 1 – PERFORMANCE MEASURES

GOAL NO. 2, OBJECTIVE 1, MEASURE 1

Measure 1: Reach 85.0 percent pre-election agreement rate in representation elections not involving issues regarding the way the elections are conducted.

YEAR	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
TARGET	85.0%	85.0%	85.0%	85.0%	85.0%
ACTUAL	95.0%	96.0%	93.5%	N/A	N/A

In FY 2024, the Regions met this measurement, with a pre-election agreement rate of 93.5 percent for cases not involving issues regarding the manner in which elections are conducted.

GOAL NO. 2, OBJECTIVE 1, MEASURE 2

Measure 2: Issue 90.0 percent of pending representation cases that, by the end of the fiscal year, will have been pending before the Board for more than 12 months.

YEAR	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
TARGET	90.0%	90.0%	90.0%	90.0%	90.0%
ACTUAL	89.0%	96.0%	94.0%	N/A	N/A

The Board maintained its focus on the timely issuance of decisions in representation cases in FY 2024. As a result, the Board achieved excellent results in meeting the 90.0 percent goal for this measure, and by the end of FY 2024 it had issued decisions in 94.0 percent of its oldest pending representation cases, exceeding the 90.0 percent goal by 4.0 percent.

GOAL NO. 2, OBJECTIVE 1, MEASURE 3

Measure 3: Ensure that the median age of all cases pending before the Board at the end of each fiscal year is 180 days or less.

YEAR	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
TARGET	180 days or less	180 days or less	180 days or less	180 days or less	180 days or less
ACTUAL	108 days	106 days	154 days	N/A	N/A

At the end of FY 2024, the median age of all cases pending before the Board was 154 days, which is well below the goal of 180 days or less.

GOAL 2, OBJECTIVE 2 – PERFORMANCE MEASURES

GOAL NO. 2, OBJECTIVE 2, MEASURE 1

Measure 1: Promote awareness of the option to file election petitions electronically, in English or Spanish, through the Agency's website.

In FY 2024, the Agency routinely posted on social media in both English and in Spanish and publicized the availability of an interpreter when a member of the public contacts the Agency. On an ongoing basis, the Agency updates its website in Spanish and other languages.

GOAL 3 (SUPPORT):
ACHIEVE ORGANIZATION EXCELLENCE AND SERVE AS A MODEL EMPLOYER

Objectives:

1. Improve employee morale and labor relations
2. Increase opportunities for career enhancement through employee development
3. Recruit and retain a talented and diverse workforce

GOAL 3, OBJECTIVE 1 – PERFORMANCE MEASURE

GOAL NO. 3, OBJECTIVE 1, MEASURE 1

Measure 1: Maintain a target employee engagement index score of 67.0 percent on the Federal Employee Viewpoint Survey (FEVS), and in subsequent years establish new initiatives with the goal of increasing employee engagement.

YEAR	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
TARGET	67.0%	67.0%	67.0%	67.0%	67.0%
ACTUAL	75.0%	78.0%	72.0%	N/A	N/A

Ongoing work as the Human Capital Planning Office continues to meet with managers and supervisors to address FEVS results and work toward improving employee morale and employee engagement. Effective leadership communication continues to be a key strategy in driving continued improvements in satisfaction and commitment. Work continues at leveraging best practices to strengthen a culture of higher employee engagement, which included expanding Exit Surveys to separating bargaining unit members. The NLRB achieved a 72.0 percent Employee Engagement Index score on the 2024 FEVS.

GOAL 3, OBJECTIVE 2 – PERFORMANCE MEASURE

GOAL NO. 3, OBJECTIVE 2, MEASURE 1

Measure 1: Satisfaction percentage rating (65.0 percent or above) of the "Talent Management Index" using the annual FEVS results.

YEAR	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
TARGET	65.0%	65.0%	65.0%	65.0%	65.0%
ACTUAL	72.0%	75.0%	71.0%	N/A	N/A

Recruitment, retention, and developmental activities have been ongoing throughout the year with various initiatives designed to attract, motivate, and retain a diverse talent pool. The Agency continued to leverage its recruitment, retention, and developmental opportunities by using the Presidential

Management Council, Interagency Rotation Program (PMC/IRP), and the Strategic Recruitment Program to partner with employees in Headquarters and the Field Offices on recruitment outreach initiatives and other development opportunities.

The NLRB achieved a 71.0 percent Talent Management Index score using the 2024 FEVS results.

GOAL 3, OBJECTIVE 3 – PERFORMANCE MEASURES

GOAL NO. 3, OBJECTIVE 3, MEASURE 1

Measure 1: Satisfaction percentage rating (65.0 percent or above) for the "Job Satisfaction Index" using the annual FEVS results.

YEAR	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
TARGET	65.0%	65.0%	65.0%	65.0%	65.0%
ACTUAL	72.0%	70.0%	63.0%	N/A	N/A

The NLRB achieved a 63.0 percent Job Satisfaction Index score using the 2024 FEVS results.

GOAL NO. 3, OBJECTIVE 3, MEASURE 2

Measure 2: Satisfaction percentage rating (65.0 percent or above) for the "Support for Diversity Index" using the annual FEVS results.

YEAR	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
TARGET	65.0%	65.0%	65.0%	65.0%	65.0%
ACTUAL	67.0%	79.0%	75.0%	N/A	N/A

Agency has two Employee Resource Groups (ERG). The NLRB Pride ERG (launched in FY 2023) was organized for the purpose of providing solidarity among the Agency's LGBTQIA+ employees, allies, and friends. It also seeks to promote greater inclusion of LGBTQIA+ employees at the Agency while raising awareness of issues that impact the LGBTQIA+ community. The NLRB Asian Americans, Native Hawaiians, and Pacific Islanders (AANHPI) ERG was organized to provide an inclusive and safe forum for NLRB AANHPI employees and allies to discuss issues that are specific and important to the AANHPI communities, and to increase the Agency's understanding of these specific and myriad issues facing different AANHPI communities. The Chief Diversity Officer (CDO) continues to market and promote the ERG program, the benefits to ERG members, and the benefits to the Agency.

The CDO continues to support the agency's employees with disabilities through its newly established Disability Program. The program is designed to be a "one-stop" shop for disability information with a dedicated Disability Program SharePoint site, and trained Disability Program Managers to lead and meet the program's goals. The Agency also formally adopted strategic recruitment goals for individuals with disabilities and individuals with targeted disabilities and embedded into its recruitment policy. The NLRB held its first Disability Mentoring Day Program targeted to individuals with disabilities attending colleges and universities. The event was themed "Breaking Barriers: Building a Diverse Workplace" with focus was on equal access to information and services. It featured opening remarks from the Agency's leadership, breakout sessions led by the Office of Equal Employment Opportunity (OEEO), the Office of Human Resources (OHR), and a guest speaker. The event was well attended.

To support the Agency's veterans, the CDO established the NLRB's first Veterans Program and Veterans Program Coordinator (VPC). In FY 2024, the VPC highlighted the Agency's veterans through video media in observance of Veterans Day, which received favorable feedback. The VPC also created a dedicated SharePoint site under the DEIA page and ensures that veteran information is included in the agency's quarterly DEIA newsletter.

To continue our progress with DEIA, we held a series of Unconscious Bias trainings to define various types of unconscious biases; identify where these biases come from and how they are engrained in our decision making; successfully confront unconscious biases individually; Identify the effects of unconscious biases in the workplace; exhibit how to implement an unconscious bias-based training in the workplace; and, identify the steps for handling an unconscious bias-based complaint at work.

Lastly, we Launched a DEIA self-assessment tool to assist us with meeting the agency's DEIA Strategic Plan goals. The Agency's Chief Diversity Officer has enlisted the support of Go Culture who will serve as our strategic partner. Go Culture is a human resources solutions organization that helps measure, train, and certify the entire workforce in DEIA aptitudes (attitudes, thoughts, behaviors). This intuitive program engages employees in self-awareness and needs-based learning in order to meet employee-specific talent-development needs. The Go Culture assessment process collects data about our individual actions, attitudes, skills, and beliefs on various topics related to 15 DEIA factors. The 15 factors include equity through trust; inclusivity; risk & fear in change; fostering flexibility; open-mindedness; sensing supportive systems; neurodiversity & adaptability; allyship through relating; emotional intelligence; family's influence; unconscious bias; navigating uncertainty; belonging; resilience & grit; and talking through diversity. Once completed, the Go Culture tool provides customized scores, and training strategies tailored to an individual's needs.

The NLRB achieved a 75.0 percent DEIA Index score on the 2024 FEVS results.

GOAL 4 (SUPPORT):

MANAGE AGENCY RESOURCES EFFICIENTLY AND IN A MANNER THAT INSTILLS PUBLIC TRUST

Objectives:

1. Make effective use of Agency's resources by proactively planning how best to deploy those resources, and continually monitor and reevaluate the execution of such plans to ensure we have strong processes and internal controls in place to identify and prevent any misuse or inefficiencies in the allocation of Agency resources.
2. Conduct all internal and external Agency business in an ethical and timely manner.
3. Develop a culture of Enterprise Risk Management (ERM) and Internal Controls to support the Agency's decision-making process.

GOAL 4, OBJECTIVE 1 – PERFORMANCE MEASURES

GOAL NO. 4, OBJECTIVE 1, MEASURE 1

Measure 1: Achieving a clean audit opinion by ensuring that OCFO's operations are guided by appropriate processes and internal controls.

OCFO – Acquisition Management Branch

- Submitted the NLRB monthly DATA Act information timely to OMB by its respective FY 2024 reporting dates.
- Updated the AMB Policy. The AMB Policy shall be used as a reference to support acquisition professionals in their daily operations and management responsibilities.
- Issued the NLRB Intra-Governmental Payment and Collection (IPAC) Guidance. The IPAC Guidance supplements the Contracting Officer's Representative (COR) Handbook. The Guidance provides direction to CORs and Points of Contacts regarding the IPAC process.

The NLRB continues to support minority business enterprises for contract awards.

Small Business Goal Status*						
Socio-economic Category	SBA Government Wide Small Business Goals	NLRB Statistics Q1 FY 2024	NLRB Statistics Q2 FY 2024	NLRB Statistics Q3 FY 2024	NLRB Statistics Q4 FY 2024	NLRB Statistics Overall FY 2024
Small Disadvantaged	13.0%	69.6%	8.3%	26.8%	74.2%	62.7%
8(a)*	0.0%	37.8%	0.9%	20.6%	49.8%	42.3%
Service Disabled Veteran Owned**	3.0%	-0.1%	0.0%	0.0%	2.2%	1.6%
Women Owned	5.0%	16.9%	25.4%	22.6%	1.5%	6.9%
HUBZone	3.0%	0.0%	-0.7%	0.0%	1.5%	1.1%
Small Business	23.0%	79.1%	71.9%	74.6%	75.8%	75.6%

*8(a) is not designated as separate categories by the SBA when establishing Goals. The NLRB defines our small business goals by separating this category.

**In FY 2024, the NLRB was below in two out of the five government wide goals due to de-obligations and spending being put in areas that were either for an existing contract or the requirement exceeded small business capabilities.

OCFO – Budget Branch

- Developed and managed the Agency's four FY 2024 Continuing Resolutions.
- Formulated the Agency's FY 2024 Operating Plan and received Board approval.
- Submitted the FY 2025 Congressional Justification on time.
- Developed Status of Funds Reports and provided budget briefings to the Agency Leadership.
- Maintained an Agency Unfunded Requirements List.
- Uploaded all four FY 2024 Quarterly Apportionments in Oracle Federal Financials in a timely manner.

- Conducted mid-year budget reviews with program offices.
- Completed the FY 2024 budget execution for the year-end closing process by September 30, 2024.
- Submitted the FY 2026 Budget Request to OMB on time.

OCFO – Finance Branch

- Submitted timely FY 2024 Central Accounting Reporting System (CARS)/Statement of Transactions (SOTs) reporting to BFS monthly by its respective reporting window close (3rd workday of the month).
- Met the FY 2024 Treasury deadlines. Submitted timely Governmentwide Treasury Account Symbol Adjusted Trial Balance System (GTAS) reports to Treasury's Bureau of the Fiscal Service (BFS), on a monthly basis, by its respective FY 2024 reporting window closing dates: December 19, January 19, February 20, March 19, April 17, May 17, June 20, July 18, August 19, September 19, and October 18, 2024.
- Met the FY 2024 Treasury deadlines. Submitted timely quarterly Intragovernmental Material Difference Report (MDR) to Bureau of the Fiscal Service (BFS) by the FY 2024 reporting window closing dates: January 31, April 29, and July 30, 2024.The fourth quarter reporting data is on target for submission by December 2, 2024.
- Met the FY 2024 Treasury deadlines. Submitted timely Treasury Report on Receivables (TROR) to BFS on a quarterly basis by the FY 2024 reporting window closing dates: January 31, April 30, and July 31, 2024. The fourth quarter reporting data is on target for submission by November 12, 2024.
- Provided timely quarterly updates on the recommendations per the corrective action plan. Closed prior year financial audit notices of findings and recommendations (NFRs).

OCFO – Internal Control, Risk, and Performance Branch

- Executed quantitative and qualitative risk assessments including a fraud risk assessment for OCFO operations.
- Reviewed and updated FY 2024 OCFO Process Narratives to ensure key financial internal control documentation was current and accurate.
- Completed the OMB Circular No. A-123 required assessment of Internal Controls and Entity level Controls (ELCs) and documented the results in a GAP Analysis Report.
- Facilitated the Federal Managers' Financial Integrity Act (FMFIA) self-assessment survey with NLRB managers and provided the results to the Internal Control Committee (ICC).
- Revised the Agency's ERM Policy to incorporate industry best practices.
- Continued to conduct ERM initiatives to develop the Agency's risk profile.
- Maintained and reviewed the Agency's Internal Control Policy.

GOAL NO. 4, OBJECTIVE 1, MEASURE 2

Measure 2: Continue to support telework by employees and contractors, as well as virtual access to Agency processes by members of the public, to create opportunities to reduce costs associated with maintaining the Agency's footprint in its Headquarters and Field offices, in accordance with General Service Administration (GSA) directives.

Telework is offered to the majority of employees and continues to be a cost saving measure with the agency's reduction of its workplace footprint. The Facilities and Property Branch (FPB) conducted an annual space assessment of all NLRB locations to identify the best space utilization for offices. From the assessment, a cost estimate was generated to reduce or eliminate space. Projects will be executed based on funding availability. There are currently numerous projects in the works. These projects include the Headquarters, R-2 New York, R-3 Buffalo, R-6 Pittsburgh, R-10 Atlanta, RO-10 Birmingham, RO-10 Nashville, SR-24 San Juan, SR-17 Overland Park, SR-30 Milwaukee, SR-37 Honolulu, R-22 Newark, R-25 Indianapolis, SR-33 Peoria, R-28 Phoenix, and R-31 West Los Angeles.

GOAL 4, OBJECTIVE 2 – PERFORMANCE MEASURES

GOAL NO. 4, OBJECTIVE 2, MEASURE 1

Measure 1: Make progress towards an employee satisfaction percentage rating (65.0 percent or above) for the Agency's ethical culture using the annual FEVS results.

YEAR	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
TARGET	65.0%	65.0%	65.0%	65.0%	65.0%
ACTUAL	71.0%	75.0%	68.0%	N/A	N/A

The Ethics Office supports Agency leadership in maintaining a vigorous and robust ethical culture by fully and timely complying with all relevant federal laws, regulations, applicable executive orders, management directives, and policies related to ethics in the workplace including by meeting all regulatory requirements under the Ethics in Government Act (EIGA) and 5 C.F.R.§ 2638.104. During FY 2024, the Agency provided Initial Ethics Training to collected, reviewed, and certified financial disclosure reports (both public and confidential), ensured that all financial disclosure filers completed Annual Ethics Briefings as required, submitted all required reports to OGE (i.e., data calls, 1353 Semi-Annual Reports for Travel Payments from Non-Federal Sources, Annual Agency Ethics Program Questionnaire, Program Review Requests), coordinated with our partners in the OHR to communicate with new hires and newly appointed supervisors about their ethical obligations, and provided post-employment guidance to employees separating from government service. The Agency also provided PAS Officials and Political Appointees with important information about the Biden Ethics Pledge (Executive Order 13989) limitations, particularly focusing on recusals and gifts. To further support this category of employee, the Agency reviewed all speaking engagement invitations to ensure that the meeting or conference complied with the applicable ethics regulations, including the Ethics Pledge paragraph 2.

In addition, the Ethics Office supported the NLRB's commitment to a strong ethical culture by:

- Providing periodic reminders about the Hatch Act and when it applies to an employee's partisan political activities.
- Notifying employees when OGE issues a new regulation or provides updated guidance concerning existing regulations.
- Developing briefing materials and training programs that educate new Officers in Charge (OIC) and Regional Directors about the role of the Ethics Office in supporting the work of the Agency.
- Coordinating with partners in OCIO to develop technical solutions for identifying potential recusals and tracking the submission and disposition of ethics inquiries.

- Developing and distributing government and legal ethics resources on a variety of topics for all levels of employees to support the mission work of the Agency.
- Providing comprehensive ethics guidance to individual employees when requested.
- Evaluating initiatives proposed by various offices to ensure that the initiatives were executed in an ethical manner.
- Providing one-on-one Ethics Briefings when needed, including to officials new to government service and attorneys coming to the Agency from private practice.
- Managing the collection of data to promptly respond to the State Department's survey of gifts in excess of $480 given to or received from Foreign Individuals during CY 2023.
- Proactively identifying and providing risk mitigation guidance to address potential ethical vulnerabilities in existing ethics protocols and guidelines.
- Partnering with OCIO to develop additional online forms and checklists which help the office efficiently collect information and process ethics inquiries.
- Evaluating Presidential nominee reports for potential conflicts and assisting these nominees in updating their reports to ensure that all required information is accurately recorded.

Lastly, the Ethics Office is tasked with managing the Agency's Financial Disclosure Program in accordance with EIGA and the Stop Trading on Congressional Knowledge (STOCK) Act. This involves providing one-on-one assistance to confidential and public financial disclosure filers; identifying individuals required to file New Entrant and Termination reports as they transition into and out of a filing position; reviewing all reports for compliance and sufficiency within 60 days of receipt and providing individual guidance concerning potential conflicts based on the review of these reports.

The NLRB achieved a 68.0 percent Ethical Culture Index score using the 2024 FEVS results.

GOAL NO. 4, OBJECTIVE 2, MEASURE 2

Measure 2: Continue to respond to FOIA inquiries in a timely manner.

FOIA PAR Performance Measures:	FY 2024 Accomplishments:
Respond to at least 65.0 percent of initial FOIA requests within 20 working days.	Cumulatively during FY 2024, the Agency processed 2,579 FOIA requests, of which 2,165 were processed in 20 days or fewer for a timeliness compliance rate of 84.0 percent.
By the end of the fiscal year, close the ten oldest cases (as reported in the prior FOIA Annual Report) that are not subject to litigation and/or do not require consultation and response from outside Agencies and/or the White House.	Cumulatively during FY 2024, the Agency closed 66.6 percent (4 of 6) of the oldest cases as reported in the FY 2023 FOIA Annual Report that are not subject to litigation and/or do not require consultation from outside entities. (Note: This calculation reflects the exclusion of 4 of the oldest cases reported in the FY 2023 FOIA Annual Report because they remain open due to ongoing litigation and are thus excluded from this metric.)
Respond to at least 80.0 percent of statutory appeals within 20 working days.	Cumulatively during FY 2024, the Agency processed 12 FOIA appeals,11 of which were processed in 20 days or fewer for a timeliness compliance rate of 91.7 percent.
Post on the Agency's website the Division of Advice memoranda and case closing emails by the 30th of the month following the month in which the case closed.	Cumulatively during FY 2024, Division of Advice memoranda and case closing emails were processed and, if appropriate, timely posted on the Agency website each month in full compliance with the performance measure.
Maintain a year-to-year backlog of less than 10.0 percent of all FOIA requests received.	At the end of FY 2024, the Agency carried a backlog of 26 requests of a total of 2,829 received, for a backlog of 0.9 percent.

GOAL 4, OBJECTIVE 3 – PERFORMANCE MEASURES

GOAL NO. 4, OBJECTIVE 3, MEASURE 1

Measure 1: Reach an ERM maturity level-3 by FY 2026.

- Updated the Agency's ERM Policy to incorporate industry best practices, establishing clear risk tolerances for each risk category.
- Continued to collaborate with OCIO in making updates to the Enterprise Risk Management System (ERMS) to facilitate the NLRB's ERM activities (tracking, assessing, and prioritizing the Agency's most significant risks).
- Facilitated the Agency's quarterly Risk Management Council (RMC) meetings and the ERM Working Group sessions with ERM stakeholders from various divisions to enhance collaboration and effectiveness in risk management.
- Provided multiple ERM trainings for risk owners and risk champions to aid the Agency in its ERM efforts.
- Improved the NLRB's ERM training content by collaborating with OED to record 5 on-demand training modules for risk champions and all NLRB employees to be released in FY 2025.

- Contracted the ERM development to an industry-leading contractor to support the NLRB ERM effort. Contract actions were completed by 8/15/2024.
- Updated a roadmap for reaching ERM Maturity level-3 by FY 2026.
- Completed the NLRB Maturity Assessment with job-aid.
- Employed ERM resources which included a new IRP Director to support efforts to mature the ERM program and implementation process.
- Continued to develop the Agency's risk profile by engaging in ERM discussions with risk champions and risk owners. Reviewed 34 risks submitted by risk champions, forwarding 21 risks to the RMC, of which 18 were accepted as Enterprise Risks.

GOAL 5 (MISSION):
IMPROVE PUBLIC AWARENESS OF AGENCY MISSION AND ACTIVITIES

Objectives:

1. Improve agency outreach and public engagement, especially among members of underserved communities.

GOAL 5, OBJECTIVE 1 – PERFORMANCE MEASURES

GOAL NO. 5, OBJECTIVE 1, MEASURE 1

Measure 1: Increase the number of users who access the NLRB's English and non-English language digital resources, including our public website and social media platforms.

Time Period FY 2024	Users – English	Pageviews – English	Views per User– English	Users – Spanish	Pageviews – Spanish	Views Per User – Spanish
Q1 2024	779,215	2,787,375	3.6	7,683	15,751	2.1
Q2 2024	679,309	2,266,810	3.4	6,420	12,925	2.0
Q3 2024	687,108	2,296,482	3.4	8,723	16,235	1.9
Q4 2024	589,433	2,167,385	3.7	7,874	16,204	2.1
Total	2,735,065	9,518,052	3.5	30.7	61,115	2.0

Account	X (formerly known as Twitter) followers	Bluesky	Facebook followers	Threads	Instagram followers	Total follower count
NLRB	22,200	414	25,000	724	2,133	50,471
NLRBGC	11,300	912	6,200	236	962	19,610
NLRBes	194	N/A	N/A	N/A	N/A	194
NLRBGCes	293	N/A	N/A	N/A	N/A	293
Total followers by platform	33,987	1,326	31,200	960	3,095	70,568

In FY 2024, the NLRB Board and the NLRB General Counsel had 70,568 followers across all platforms in English and Spanish. The Board had 50,665 followers on all accounts in English and Spanish, and the General Counsel had 19,903 followers across all accounts in English and Spanish in FY 2024.

GOAL NO. 5, OBJECTIVE 1, MEASURE 2

Measure 2: Increase the number of participants, including foreign language speakers, in the NLRB's outreach to students.

Throughout FY 2024, the Student Ambassador Program continued to reach high school students, many of them immigrant students. The ongoing program continued to partner with high schools and expanded its 3-week summer program to reach more individual high school students. The Student Ambassadors' public facing projects then expanded outreach beyond the students who directly participated in the program to areas outside of the five boroughs of New York, reaching youth in immigrant and rural communities in the Northeast and Mid-Atlantic. The students involved in the program have reached out to over 7,000 high school students.

FACTORS AFFECTING AGENCY PERFORMANCE

Various factors can affect Agency performance as a whole, in addition to each goal, objective, and performance measure contained in the NLRB's strategic and annual performance plans. These factors include case intake, budgetary constraints, settlements, Board Member vacancies, the potential effect of case precedent and statutory changes, nationwide work-related activities by external entities, technological advances, and economic fluctuations, and other externalities.

Case Intake

The Agency's FY 2024 case intake totals 24,587 and includes 21,300 ULP cases and 3,287 representation cases. The NLRB Board agents effectively and efficiently process all cases that are brought to the Agency by the general public. Comprehensive and complex matters that come before the Agency are often attributable to external factors, such as: lasting economic and workplace changes resulting from the COVID-19 pandemic; ongoing nationwide efforts to improve the wages and working conditions of workers in the retail, technology and fast food industries; the increased prevalence and evolving tools and usage by employees of technology and social media in and outside of the workplace to discuss terms and conditions of employment with one another, and the related handbook provisions and workplace rules generated therefrom; bankruptcies; the ubiquitous use of artificial intelligence and restrictive covenants affecting workers ability to improve their workplaces; challenging questions regarding jurisdiction over certain enterprises; increased understanding of statutory application in non-union workplaces; and difficult questions concerning single, joint, and successor employer relationships, and supervisory status, as well as defining employees covered under the NLRA.

Budgetary Constraints

The Agency's annual appropriation directly impacts the Agency's ability to enforce the Act effectively and efficiently. After being flat funded for almost a decade, in FY 2023 Congress gave the NLRB a $25.0 million increase, which ended a hiring freeze, prevented furloughs, and allowed the NLRB to backfill some critical staff vacancies. However, in the Consolidated Appropriations Act, 2024 (P.L.118–47, Congress flat-funded the NLRB at $299.2 million at a time when more resources remain desperately needed. While the Agency remains committed to its mission to serve the public in enforcing the Act such resource constraints and having to absorb and implement unfunded legislative mandates have severely limited the Agency's ability to invest in critical priorities. The Agency recognizes and appreciates the support even during what appears to be an extremely trying federal budgetary environment. Nevertheless, enhanced annual discretionary appropriations remain critical. The Agency urgently needs additional resources to support increasing labor costs associated with our current workforce, but even more importantly to rebuild staffing levels after years of decline, especially in our Field Offices where the vast majority of the work is done. Similarly, resources are needed to continue the Agency's modernization efforts of its IT systems, both to support timely case processing and to continue expanding public access to the Agency's resources, especially among underserved populations. The NLRB is one of the most cost-effective investments in the federal government. For an example, in FY 2024, the NLRB recovered more than $56.5 million on behalf of the American workforce. However, additional budgetary support is essential to our ability to fully effectuate the Act.

Settlements

The initial processing and disposition of new case filings in the Regional Offices drives the intake for other stages of the casehandling pipeline. Over the past few years, more than 90.0 percent of those cases in which merit is found are settled. While the Agency has experienced outstanding success in achieving the voluntary resolution of ULP and representation cases, the settlement rate is, of course, not entirely subject to the Agency's control. When the process becomes formal and litigation takes over, the Agency's costs increase.

Board Member Terms

The staggering of Board Members terms and the filling of a vacant seat by an individual who will not be a Board Member for a full term has the potential to impair Board productivity, as extended vacancies that occur under this system can delay the issuance of cases because the Board's overall capacity is reduced and successive Board Members often have to get up to speed on the same case matters.

Potential Effect of Statutory Changes

Delays in confirming the President's nomination of the General Counsel impair the NLRB's ability to fully effectuate important policies and initiatives to enforce the Act.

RELIABILITY OF PERFORMANCE DATA

Program Evaluation

The NLRB uses various governance mechanisms to evaluate whether programs are achieving their GPRA goals and other performance targets. Both the Board and General Counsel regularly track the status of all of their respective cases to determine performance against yearly targets that support the Agency's strategic goals and measures.

On the Board-side of the Agency, a group of senior management officials, including, among others, the Deputy Chief Counsels of each of the Board Members, the Director of the Office of Representation Appeals, and the Executive Secretary, periodically review the status of cases, prioritize cases, and develop lists of cases that the Board Members jointly focus on 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 case management system that captures all case events and milestones in a database from which case production reports are generated. The Board Members also regularly meet and communicate with each other to discuss case priorities and the overall processing of cases.

In FY 2024, the Division of Judges closed 153 hearings, issued 139 decisions and achieved 310 settlements. The NLRB also tracks how the various circuit courts have treated the Board's cases on appeal. In FY 2024, the U.S. Courts of Appeals ruled on Board decisions in 51 enforcement and review cases. Of those cases, 80.4 percent were enforced or affirmed in whole or in part.

The General Counsel's Office has long had an evaluation program in place to assess the performance of its Headquarters and Regional operations. The Division of Operations-Management regularly reviews case decisions to determine the quality of litigation. Other NLRB offices, such as the Office of Appeals, Division of Advice, and Division of Legal Counsel, provide valuable insight and constructive feedback on the performance and contributions of Field Offices. Top Agency management also meets regularly with relevant committees of the ABA to obtain feedback on their members' experiences practicing before the NLRB.

With respect to the Regional Offices, the Quality Review Program of the General Counsel's Division of Operations-Management reviews ULP, representation, and compliance case files throughout the year 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 assess, among other things, the quality and completeness of the investigative file, the implementation of the General Counsel's initiatives and priorities, and compliance with Agency decisions. Due to the budgetary constraints as a result of the Agency being flat level funded for nine straight years, personnel from the Division of Operations-Management have not conducted site visits of the Field Offices; however, through the use of technology, interactions have taken place throughout FY 2024, such as conducting "town hall" meetings with the different offices. In addition, to assess the quality of litigation, Operations-Management reviews all ALJ and Board decisions that constitute a significant prosecutorial loss in evaluating the Field Offices' performance. The Regional Offices' performance with regard to quality, timeliness, and effectiveness in implementing the General Counsel's priorities is also incorporated into the Regional Directors' annual performance appraisals.

The Office of the General Counsel is regularly informed of Regional Office activities, including the settlement and litigation success rates of ULP cases. In FY 2024, Regional Offices found merit in 39.5 percent of ULP cases filed of which over 96.3 percent settled. The Regional Office won 93.1 percent of ULP and Compliance matters in whole or in part. A total of over $56.5 million was recovered in backpay, fines, dues and fees and 1,217 employees were offered reinstatement. In FY 2024, the Regions obtained pre-election agreements in 93.5 percent of representation cases.

In addition to the evaluation of Regional Office activities, the Office of the General Counsel monitors the litigation success rate before district courts with regard to injunction litigation. In FY 2024, the ILB received 160 cases from Regional Offices to consider whether to seek discretionary injunctive relief under Section 10(j) of the Act. The General Counsel, through the ILB, submitted 11 cases to the Board for authorization. The Board authorized ILB to seek injunctive relief under Section 10(j) of the Act in 10 of the cases submitted. The Regions filed 10(j) petitions for injunction in nine cases. One petition was withdrawn; two were settled; two were granted full relief after litigation; and five were pending in the courts at the end of FY 2024. The "success rate," i.e., the percentage of authorized Section 10(j) cases in which the Agency achieved either a satisfactory settlement or substantial victory in litigation was 100.0 percent. The Office of the General Counsel continues to focus its attention on "nip-in-the-bud cases," where a nascent organizing campaign is being unlawfully squelched, and on first contract bargaining and successor cases, where the relationship between the employer and the union is most fragile.

As previously mentioned, while there are a few outcome-based performance measures associated with the two support goals, the majority of them are management-strategy driven. The Agency collects quarterly performance metrics and strategies on the two Agency support goals, as well as utilizing NxGen reports for the mission-related goals. The metrics and strategies are tracked and monitored throughout the fiscal year. The compiled data is then presented in this document.

The data reported by OCIO comes from NxGen. The FOIA Branch maintains their case data in FOIAonline, which is a FOIA tracking and processing web tool. FOIAonline also generates annual, quarterly, and other workload reports to effectively monitor all aspects of FOIA case handling.[4] The FOIA Office logs the request and collects several pieces of data about the request, including the date that the request was made and the date that response was provided. The spreadsheet calculates the number of days between the two dates in order to track response times. The Ethics Office uses an electronic spreadsheet to track when an employee reaches out to the Office with an ethics inquiry.

[4]As of the end of FY 2023, FOIAonline was decommissioned by the Environmental Protection Agency, the agency that created and maintained FOIAonline for agency partners, including the NLRB. Beginning on October 1, 2023, the FOIA Branch has been processing requests and maintaining the same case data through SecureRelease, a FOIA tracking and processing system run by Deloitte.

FINANCIAL SECTION

Protecting Democracy in the Workplace Since 1935

MESSAGE FROM THE CHIEF FINANCIAL OFFICER

November 6, 2024

I am pleased to present the NLRB's consolidated financial statements for the FY 2024 PAR. For the twenty first consecutive year an independent auditor has rendered an unmodified or "clean" audit opinion on the NLRB's financial statements.

The OCFO is responsible for improving efficiency and effectiveness in financial operations. The OCFO ensures reliability of financial reporting, transparency of financial data, and compliance with applicable laws and regulations. In FY 2024, the OCFO continued to support our customers through a hybrid workforce environment. In FY 2024, NLRB's year-end closing was executed smoothly leaving only approximately $599,521 in unobligated funds, which is 0.2 percent of the total annual appropriated funds of $299.2 million. In fourth quarter of FY 2024, the OCFO also collaborated with the General Service Administration (GSA) and the OCIO on the implementation of the TMF. The NLRB received $7.2 million from GSA to modernize the NLRB's Case Management System leaving unobligated $3.8 million in no-year funds. These outstanding results were a concerted effort by the program areas and the OCFO Branches (Budget, Finance, Acquisitions Management, and the Internal Control/Risk/Performance). To all of them, thank you for a job well done.

During FY 2024, the OCFO continued to focus on process improvement and internal control and conducted internal control reviews in accordance with OMB Circular No. A-123. The results of these reviews were summarized in a Gap Analysis report that supports the NLRB's annual Statement of Assurance (SOA). For FY 2024, the internal control reviews reported no gaps in the NLRB's internal control.

During FY 2024, the OCFO closed out all audit recommendations from previous years' audits. I would like to acknowledge and thank the OCFO staff for their dedication to the NLRB's mission and their diligent efforts in working to resolve open audit items, maintaining an unmodified opinion on our financial statements, and working through the OMB Circular No. A-123 reviews. Their demonstrated knowledge of the NLRB programs and processes and their constant effort to provide excellent customer service were outstanding.

Isabel Luengo McConnell

Chief Financial Officer

INDEPENDENT AUDITOR'S REPORT

UNITED STATES GOVERNMENT
National Labor Relations Board Office of Inspector General

Memorandum

November 14, 2024

To: Lauren McFerran
Chairman

Jennifer A. Abruzzo
General Counsel

From: Ruth Blevins Ruth Blevins
Inspector General

Subject: *Audit of the National Labor Relations Board Fiscal Years 2024 and 2023 Financial Statements* (OIG-F-29-25-01)

This attached report presents the results of an audit of the National Labor Relations Board's (NLRB) Financial Statements for fiscal years 2024 and 2023. The *Accountability of Tax Dollars Act of 2002* requires the NLRB to prepare and submit to Congress and the Director of the Office of Management and Budget annual audited financial statements.

We contracted with Castro & Company, an independent public accounting firm, to conduct the audit. The contract required that the audit be performed in accordance with U.S. generally accepted government auditing standards, Office of Management and Budget audit guidance, and the GAO/CIGIE *Financial Audit Manual*. Castro & Company expressed an unmodified opinion that concluded the NLRB's financial statements present fairly, in all material respects, NLRB's financial position as of September 2024 and 2023, in accordance with applicable financial reporting standards.

In connection with the contract, we reviewed Castro & Company's report and related documentation and inquired of its representatives. Our review disclosed no instances where Castro & Company did not comply, in all material respects, with generally accepted government auditing standards; however, our review cannot be construed as an audit and is not intended to enable us to express, and we do not express, opinions on the NLRB's financial statements or internal control or conclusions on compliance with laws and regulations. Castro & Company is solely responsible for the attached auditor's report dated November 14, 2024, and the conclusions expressed in the report.

Thank you for the courtesies and cooperation extended to Castro & Company and our staff during the audit. If you have any questions, please do not hesitate to contact me or Kevin Thomas, Assistant Inspector General for Audits, at 202-273-1960.

cc: Board
Chief Financial Officer

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Independent Auditor's Report on the Financial Statements

Inspector General
National Labor Relations Board

Opinion
In accordance with the Accountability of Tax Dollars Act of 2002, we have audited the National Labor Relations Board (NLRB) financial statements. NLRB's financial statements comprise the balance sheets as of September 30, 2024, and 2023, the related statements of net cost, changes in net position, and budgetary resources for the fiscal years then ended, and the related notes to the financial statements. In our opinion, NLRB's financial statements present fairly, in all material respects, NLRB's financial position as of September 30, 2024 and 2023, and its net cost of operations, changes in net position, and budgetary resources for the fiscal years then ended in accordance with U.S. generally accepted accounting principles.

Basis for Opinion
We conducted our audit in accordance with U.S. generally accepted government auditing standards. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the NLRB and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Responsibilities of Management for the Financial Statements
NLRB Management is responsible for the (1) preparation and fair presentation of the financial statements in accordance with U.S. generally accepted accounting principles; (2) preparing, measuring, and presenting the Required Supplementary Information (RSI) in accordance with U.S. generally accepted accounting principles; (3) preparing and presenting other information included in NLRB's Performance and Accountability Report (PAR), and ensuring the consistency of that information with the audited financial statements and RSI; and (4) designing, implementing, and maintaining effective internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility for the Audit of the Financial Statements
Our objectives are to (1) obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and (2) issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit of the financial statements conducted in accordance with U.S. generally accepted government auditing standards will always detect a material misstatement or a material weakness when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements, including omissions, are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

Independent Auditor's Report
Page 2

In performing an audit of financial statements in accordance with U.S. generally accepted government auditing standards, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to our audit of the financial statements in order to design audit procedures that are appropriate in the circumstances but not for the purpose of expressing an opinion on the effectiveness of NLRB's internal control over financial reporting. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Perform other procedures we consider necessary in the circumstances.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control–related matters that we identified during the financial statement audit.

Required Supplementary Information
U.S. generally accepted accounting principles issued by the Federal Accounting Standards Advisory Board (FASAB) require that the RSI be presented to supplement the financial statements. Such information is the responsibility of management and, although not part of the financial statements, is required by FASAB, which considers it to be an essential part of financial reporting for placing the financial statements in appropriate operational, economic, or historical context. We have applied certain limited procedures to the RSI in accordance with U.S. generally accepted government auditing standards, which consisted of (1) inquiries of management about the methods of preparing the RSI and (2) comparing the RSI for consistency with management's responses to the auditor's inquiries, the financial statements, and other knowledge we obtained during the audit of the financial statements, in order to report omissions or material departures from FASAB guidelines, if any, identified by these limited procedures. We did not audit and we do not express an opinion or provide any assurance on the RSI because the limited procedures we applied do not provide sufficient evidence to express an opinion or provide any assurance.

Other Information
NLRB's other information contains a wide range of information, some of which is not directly related to the financial statements. This information is presented for purposes of additional analysis and is not required as part of the financial statements or RSI. Management is responsible for the other information included in the NLRB's PAR. The other information comprises the Messages from the Chairman, General Counsel, and Chief Financial Officer, list of Board Members, Other Accompanying Information, and Appendices. Other information does not include the financial statements and our auditor's report thereon. Our opinion on the financial statements does not cover the other information, and we do not express an opinion or any form of assurance thereon.

Independent Auditor's Report
Page 3

In connection with our audit of the financial statements, our responsibility is to read the other information and consider whether a material inconsistency exists between the other information and the financial statements, or the other information otherwise appears to be materially misstated. If, based on the work performed, we conclude that an uncorrected material misstatement of the other information exists, we are required to describe it in our report.

Other Reporting Required by Government Auditing Standards

In accordance with U.S. generally accepted government auditing standards and OMB Bulletin No. 24-02, we have also issued our reports dated November 14, 2024, on our consideration of NLRB's internal control over financial reporting and the results of our tests of its compliance with certain provisions of laws, regulations, and contracts that are required to be reported under U.S. generally accepted government auditing standards. The purpose of those reports is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing and not to provide an opinion on the internal control over financial reporting or on compliance. Those reports are an integral part of an audit performed in accordance with U.S. generally accepted government auditing standards and OMB Bulletin No. 24-02 in considering the NLRB's internal control and compliance and should be read in conjunction with this report in considering the results of our audit.

This report is intended solely for the information and use of management and the NLRB Office of Inspector General, OMB, U.S. Government Accountability Office, and Congress, and is not intended to be and should not be used by anyone other than these specified parties.

Castro & Company, LLC
Alexandria, VA
November 14, 2024

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Independent Auditor’s Report on Internal Control over Financial Reporting Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*

Inspector General
National Labor Relations Board

We have audited the financial statements of the National Labor Relations Board (NLRB), which comprise the balance sheets as of September 30, 2024 and 2023, and the related statements of net cost, changes in net position, and budgetary resources for the years then ended, and the related notes to the financial statements, and have issued our report thereon dated November 14, 2024. We conducted our audit in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and Office of Management and Budget (OMB) Bulletin No. 24-02, *Audit Requirements for Federal Financial Statements*.

In connection with our audit of NLRB’s financial statements, we considered NLRB’s internal control over financial reporting, consistent with our auditor’s responsibilities discussed below.

Results of Our Consideration of Internal Control Over Financial Reporting
Our consideration of internal control was for the limited purpose described below and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies or to express an opinion on the effectiveness of NLRB’s internal control over financial reporting. Given these limitations, during our Fiscal Year 2024 audit, we did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses. However, material weakness or significant deficiencies may exist that have not been identified.

Basis for Results of Our Consideration of Internal Control over Financial Reporting
We performed our procedures related to NLRB’s internal control over financial reporting in accordance with U.S. generally accepted government auditing standards and Office of Management and Budget audit guidance.

Responsibilities of Management for Internal Control over Financial Reporting
NLRB management is responsible for designing, implementing, and maintaining effective internal control over financial reporting relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor’s Responsibilities for Internal Control over Financial Reporting
In planning and performing our audit of NLRB’s financial statements as of and for the fiscal year ended September 30, 2024, in accordance with U.S. generally accepted government auditing standards, we considered NLRB's internal control relevant to the financial statement audit in order to design audit procedures that are appropriate under the circumstances, but not for the purpose of expressing an opinion on the effectiveness of NLRB's internal control over financial reporting.

Independent Auditor's Report on Internal Control
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Accordingly, we do not express an opinion on NLRB's internal control over financial reporting. We are required to report all deficiencies that are considered to be significant deficiencies or material weaknesses. We did not consider all internal controls relevant to operating objectives, such as those controls relevant to preparing performance information and ensuring efficient operations.

Definition and Inherent Limitations of Internal Control over Financial Reporting

An entity's internal control over financial reporting is a process effected by those charged with governance, management, and other personnel. The objectives of internal control over financial reporting are to provide reasonable assurance that (1) transactions are properly recorded, processed, and summarized to permit the preparation of financial statements in accordance with U.S. generally accepted accounting principles, and assets are safeguarded against loss from unauthorized acquisition, use, or disposition, and (2) transactions are executed in accordance with provisions of applicable laws, including those governing the use of budget authority, regulations, and contracts, noncompliance with which could have a material effect on the financial statements.

Because of its inherent limitations, internal control over financial reporting may not prevent, or detect and correct, misstatements due to fraud or error.

Intended Purpose of Report on Internal Control over Financial Reporting

The purpose of this report is solely to describe the scope of our consideration of NLRB's internal control over financial reporting and the results of our procedures, and not to provide an opinion on the effectiveness of NLRB's internal control over financial reporting. This report is an integral part of an audit performed in accordance with U.S. generally accepted government auditing standards in considering internal control over financial reporting. Accordingly, this report on internal control over financial reporting is not suitable for any other purpose.

This report is intended solely for the information and use of the management and NLRB Office of Inspector General, OMB, the Government Accountability Office, and Congress, and is not intended to be and should not be used by anyone other than these specified parties.

Castro & Company, LLC
Alexandria, VA
November 14, 2024

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Independent Auditor's Report on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*

Inspector General
National Labor Relations Board

We have audited the financial statements of the National Labor Relations Board (NLRB), which comprise the balance sheets as of September 30, 2024 and 2023, and the related statements of net cost, changes in net position, and budgetary resources for the years then ended, and the related notes to the financial statements, and have issued our report thereon dated November 14, 2024. We conducted our audit in accordance with the auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and Office of Management and Budget (OMB) Bulletin No. 24-02, *Audit Requirements for Federal Financial Statements*.

In connection with our audit of NLRB's financial statements, we tested compliance with selected provisions of applicable laws, regulations, and contracts consistent with our auditor's responsibilities discussed below.

Results of Our Tests for Compliance with Laws, Regulations, and Contracts
Our tests for compliance with selected provisions of applicable laws, regulations, and contracts disclosed no instances of noncompliance for Fiscal Year 2024 that would be reportable under U.S. generally accepted government auditing standards. However, the objective of our tests was not to provide an opinion on compliance with laws, regulations, and contracts applicable to NLRB. Accordingly, we do not express such an opinion.

Basis for Results of Our Tests for Compliance with Laws, Regulations, and Contracts
We performed our tests of compliance in accordance with U.S. generally accepted government auditing standards.

Responsibilities of Management for Compliance with Laws, Regulations, and Contracts
NLRB management is responsible for complying with laws, regulations, and contracts applicable to the NLRB.

Auditor's Responsibilities for Tests of Compliance with Laws, Regulations, and Contracts
Our responsibility is to test compliance with selected provisions of laws, regulations, and contracts applicable to NLRB that have a direct effect on the determination of material amounts and disclosures in NLRB's financial statements, and to perform certain other limited procedures. Accordingly, we did not test compliance with all laws, regulations, and contracts applicable to NLRB. We caution that noncompliance may occur and not be detected by these tests.

Intended Purpose of Report on Compliance with Laws, Regulations, and Contracts
The purpose of this report is solely to describe the scope of our testing of compliance with selected provisions of applicable laws, regulations, and contracts, and the results of that testing, and not to provide an opinion on compliance. This report is an integral part of an audit performed in accordance

Independent Auditor's Report on Compliance with Laws and Regulations
Page 2

with U.S. generally accepted government auditing standards in considering compliance. Accordingly, this report on compliance with laws, regulations, and contracts is not suitable for any other purpose.

This report is intended solely for the information and use of management and the NLRB Office of Inspector General, OMB, Government Accountability Office, and Congress, and is not intended to be and should not be used by anyone other than these specified parties.

Castro & Company, LLC

Alexandria, VA
November 14, 2024

NLRB RESPONSE TO AUDIT REPORT

United States Government

NATIONAL LABOR RELATIONS BOARD
1015 Half Street, SE
WASHINGTON DC 20570
www.nlrb.gov

To:	Ruth Blevins, Inspector General
From:	Isabel Luengo McConnell, Chief Financial Officer
Date:	November 14, 2024
Subject:	Response to the Audit of the National Labor Relations Board Fiscal Year (FY) 2024 Financial Statements

During the FY 2024 Financial Statements audit, the National Labor Relations Board (NLRB) received an unmodified audit opinion on its financial statements. This opinion indicates that the auditors determined that the NLRB's financial statements present fairly, in all material respects, the financial position of the NLRB as of September 30, 2024.

The Office of the Chief Financial Officer's (OCFO) focus has been to address audit findings that were identified in previous audits. The remediation of these previous audit findings and the strengthening of internal controls processes have resulted in an unmodified audit opinion with no significant deficiencies or material weaknesses.

The OCFO will continue to support and guide NLRB's programs and initiatives to ensure that the Agency delivers on its mission effectively and efficiently and provides the best value to the American people.

Isabel Luengo McConnell

PRINCIPAL FINANCIAL STATEMENTS

Auditor's Reports and Principal Financial Statements

PRINCIPAL STATEMENTS

National Labor Relations Board

BALANCE SHEETS - As of September 30, 2024 and 2023

(In Dollars)

	2024	2023
Assets		
Intragovernmental Assets		
Fund Balance with Treasury (Note 3)	$ 55,306,343	$ 56,556,319
Advances and Prepayments	18,833	15,625
Total Intragovernmental Assets	55,325,176	56,571,944
Other than Intragovernmental Assets		
Accounts Receivable, Net (Note 4)	529,256	542,613
Property, Plant, and Equipment, Net (Note 5)	10,612,915	5,518,244
Advances and Prepayments	29,450	55,757
Total Other than Intragovernmental Assets	11,171,621	6,116,614
Total Assets (Note 2)	$ 66,496,797	$ 62,688,558
Liabilities		
Intragovernmental Liabilities		
Accounts Payable	$ 3,230,238	$ 1,089,503
Liability to the General Fund	423,204	426,204
Benefit Program Contributions Payable	1,272,699	992,660
FECA Unfunded Liability (Note 6)	(3,493)	(12,551)
Other Liabilities - Technology Modernization Fund (Note 7)	3,613,150	0
Total Intragovernmental Liabilities	8,535,798	2,495,816
Other than Intragovernmental Liabilities		
Accounts Payable	3,937,526	3,828,283
Accrued Funded Payroll and Leave and Payroll Taxes Payable	3,964,826	3,102,544
Federal Employee Salary, Leave and Benefits Payable	187,265	145,263
Unfunded Annual Leave (Note 6)	15,395,694	15,425,238
FECA Actuarial Liability (Note 6)	(392,975)	326,124
Total Other than Intragovernmental Liabilities	23,092,336	22,827,452
Total Liabilities	$ 31,628,134	$ 25,323,268
Commitments and Contingencies (Note 15)		
Net Position		
Unexpended Appropriations		
Funds from Other than Dedicated Collections	$ 39,052,991	$ 47,470,734
Total Unexpended Appropriations (Consolidated)	39,052,991	47,470,734
Cumulative Results of Operations		
Funds from Other than Dedicated Collections	(4,184,328)	(10,105,444)
Total Cumulative Results of Operations (Consolidated)	(4,184,328)	(10,105,444)
Total Net Position	$ 34,868,663	$ 37,365,290
Total Liabilities and Net Position	$ 66,496,797	$ 62,688,558

The accompanying notes are an integral part of these financial statements.

National Labor Relations Board

STATEMENTS OF NET COST

For the Fiscal Years Ended September 30, 2024 and 2023
(In Dollars)

	2024	2023
Program Costs (Note 8)		
Resolve Unfair Labor Practices		
Net Program Cost	$ 277,088,114	$ 268,401,143
Resolve Representation Cases		
Net Program Cost	42,875,066	35,014,122
Net Program Costs	$ 319,963,180	$ 303,415,265
Less: Earned Revenue	0	0
Net Cost of Operations	$ 319,963,180	$ 303,415,265

The accompanying notes are an integral part of these financial statements.

National Labor Relations Board

STATEMENTS OF CHANGES IN NET POSITION

For the Fiscal Years Ended September 30, 2024 and 2023

(In Dollars)

	2024	2023
Unexpended Appropriations		
Beginning Balance, as Adjusted	$ 47,470,734	$ 37,790,199
Appropriations Received	299,224,000	299,224,000
Appropriations Transferred In/Out	3,613,150	0
Other Adjustments	(6,171,403)	(3,700,819)
Appropriations Used	(305,083,490)	(285,842,646)
Net Change in Unexpended Appropriations	(8,417,743)	9,680,535
Total Unexpended Appropriations	$ 39,052,991	$ 47,470,734
Cumulative Results of Operations		
Beginning Balance, as Adjusted	$ (10,105,444)	$ (10,234,233)
Appropriations Used	305,083,490	285,842,646
Imputed Financing	20,800,806	17,701,408
Net Cost of Operations	(319,963,180)	(303,415,265)
Net Change in Cumulative Results of Operations	5,921,116	128,789
Total Cumulative Results of Operations	$ (4,184,328)	$ (10,105,444)
Net Position	$ 34,868,663	$ 37,365,290

The accompanying notes are an integral part of the financial statements.

National Labor Relations Board

STATEMENTS OF BUDGETARY RESOURCES

For the Fiscal Years Ended September 30, 2024 and 2023

(In Dollars)

	2024	2023
Budgetary Resources		
Unobligated Balance from Prior Year Budget Authority, Net (Discretionary and Mandatory)	$ 11,693,286	$ 7,943,691
Appropriations (Discretionary and Mandatory)	299,224,000	299,224,000
Total Budgetary Resources (Note 11)	$ 310,917,286	$ 307,167,691
Status of Budgetary Resources		
New Obligations and Upward Adjustments (Total)	$ 304,672,225	$ 299,428,799
Unobligated Balance, End of Year		
Apportioned, Unexpired Accounts	4,412,055	356,300
Unexpired Unobligated Balance, End of Year	4,412,055	356,300
Expired Unobligated Balance, End of Year	1,833,006	7,382,592
Unobligated Balance, End of Year (Total)	6,245,061	7,738,892
Total Budgetary Resources	$ 310,917,286	$ 307,167,691
Outlays, Net		
Outlays, Net (Total) (Discretionary and Mandatory)	$ 301,528,874	$ 285,730,141
Agency Outlays, Net (Discretionary and Mandatory)	$ 301,528,874	$ 285,730,141

The accompanying notes are an integral part of these financial statements.

NOTES TO PRINCIPAL STATEMENTS

Note 1. Reporting Entity and Summary of Significant Accounting Policies

A. Reporting Entity

The NLRB is an independent federal agency established in 1935 to administer the NLRA. The NLRA is the principal labor relations law of the United States, and its provisions generally apply to private sector enterprises engaged in, or to activities affecting, interstate commerce. The NLRB's jurisdiction includes the U.S. Postal Service; but other government entities, railroads, and airlines are not within the NLRB's jurisdiction. The NLRB seeks to serve the public interest by reducing interruptions in commerce caused by industrial strife. The NLRB does this by providing orderly processes for protecting and implementing the respective rights of employees, employers, and unions in their relations with one another. The NLRB has two principal functions: (1) to determine and implement, through secret ballot elections, free democratic choice by employees as to whether they wish to be represented by a union in dealing with their employers and, if so, by which union; and (2) to prevent and remedy unlawful acts by either an employer, a union, or both. The NLRB's authority is divided both by law and delegation. The five-member Board primarily acts as a quasi-judicial body in deciding cases on formal records. The General Counsel investigates and prosecutes ULP charges before ALJs, whose decisions may be appealed to the Board; and, on behalf of the Board, conducts secret ballot elections to determine whether employees wish to be represented by a union.

The NLRB is a component of the U.S Government. For this reason, some of the assets and liabilities reported by the NLRB may be eliminated for Government-wide reporting because they are offset by assets and liabilities of another U.S. Government entity. These financial statements should be read with the realization that they are for a component of the U.S. Government.

B. Accounting Policies

The accompanying financial statements have been prepared to report the financial position, net cost, changes in net position, and budgetary resources of the NLRB as required by the Accountability of Tax Dollars Act of 2002. These financial statements have been prepared from the books and records of the NLRB in accordance with the U.S. General Accepted Accounting Principles (GAAP) and the accounting standards issued by the Federal Accounting Standards Advisory Board (FASAB) in the format prescribed by the OMB Circular A-136, Financial Reporting Requirements. The U.S. GAAP for federal entities are the standards prescribed by the FASAB, which is the official standard-setting body for the federal government.

The NLRB is required to be in substantial compliance with all applicable accounting principles and standards established, issued, and implemented by the FASAB, which is recognized by the American Institute of Certified Public Accountants (AICPA) as the entity to establish the U.S. GAAP for the federal government. The FFMIA requires the Agency to comply substantially with (1) federal financial management systems requirements, (2) applicable federal accounting standards, and (3) the United States Standard General

Ledger (USSGL) at the transaction level. The NLRB uses the Department of Interior's financial management system, and that system is FFMIA compliant. Thus, the NLRB's financial management system complied with the requirements of FFMIA and produced records in accordance with the USSGL at the transaction level.

The NLRB's financial statements reflect both accrual and budgetary basis of accounting. Under the accrual method of accounting, revenues are recognized when earned and expenses are recognized as incurred, without regard to receipt or payment of cash. Budgetary accounting is essential for compliance with legal constraints and controls over the use of federal funds. Budgetary accounting principles are designed to recognize the obligation of funds according to legal requirements.

The Balance Sheet (BS) presents the Agency's assets and liabilities, and the difference between the two is the Agency's net position. The Agency's assets include both entity assets; those which are available for use by the Agency and non-entity assets; which are managed by the Agency but not available for use in its operations. The Agency's liabilities include both those covered by budgetary resources (funded) and those not covered by budgetary resources (unfunded). A note disclosure is required to provide information about the Agency's fiduciary activities. Fiduciary cash and other assets are not assets of the federal government.

The Statement of Net Cost (SNC) shows the net cost of operations, as well as presents the gross costs of programs, reported by the programs and for the Agency.

The information presented on the SNC is based on the programs below:

ULP Cases are initiated by individuals or organizations through the filing of a charge with the NLRB. Unless a settlement is reached, the NLRB Regional Office will issue and prosecute a complaint against the party being charged if it believes that the charge has merit. A complaint that is not settled or withdrawn is tried before an ALJ, who issues a decision, which may be appealed by any party to the Board. The Board acts in such matters as a quasi-judicial body, deciding cases based on the formal trial record according to the law and the body of case law that has been developed by the Board and the federal courts.

Representation Cases are initiated by the filing of a petition by an employee, a group of employees, an individual or labor organization acting on their behalf, or in some cases by an employer. The petitioner requests an election to determine whether a union represents, or in some cases continues to represent, a majority of the employees in an appropriate bargaining unit and therefore should be certified as the employees' bargaining representative. The role of the Agency is to investigate the petition and, if necessary, conduct a hearing to determine whether the employees constitute an appropriate bargaining unit under the NLRA. All cases are assigned unique tracking numbers, with the letter "C" designating ULP cases, and the letter "R" designating Representation cases. The percentage of new cases filed for each type of case drives the program breakout for financial reporting purposes. See the chart below with the calculations for FY 2024 and FY 2023, through September 30th.

	2024 Percentage	2023 Percentage
C Cases (Unfair Labor Practices) Filed	87%	88%
R Cases (Representation Cases) Filed	13%	12%
	100%	100%

The Statement of Changes in Net Position (SCNP) reports the change in net position during the reporting period, which results from changes to Unexpended Appropriations and Cumulative Results of Operations (CRO). The SCNP includes beginning balances, budgetary and other financing sources, and net cost of operations, to arrive at ending balances.

The Statement of Budgetary Resources (SBR) provides information about how budgetary resources were made available during the period and their status at the end of the period. Recognition and measurement of budgetary information reported on this statement is based on budget terminology, definitions, and guidance in OMB Circular A-11, *Preparation, Submission, and Execution of the Budget*.

C. Budgetary Basis of Accounting

The NLRB's programs and activities are funded through annual appropriations. Congress annually adopts a budget appropriation that provides the NLRB with the authority to use funds from the U.S. Treasury to meet operating expense requirements. The NLRB has single year budgetary authority and all unobligated amounts at year-end expire. At the end of the fifth year following the year of execution, all amounts not expended are canceled and returned to the U.S. Treasury. Additionally, all revenue received from other sources must be returned to the U.S. Treasury.

Budgetary accounting measures appropriation and consumption of budget/spending authority and facilitates compliance with legal constraints and controls over the use of federal funds. Under budgetary reporting principles, budgetary resources are consumed at the time an obligation is incurred. Only those liabilities for which valid obligations have been established are considered to consume budgetary resources.

D. Fund Balance with the Treasury

FBWT is an asset of the NLRB and a liability of the General Fund. The amounts represent commitments by the Government to provide resources for particular programs, but they do not represent assets to the Government as a whole. When the NLRB seeks to use FBWT to liquidate budgetary obligations, the U.S. Treasury will finance the disbursements in the same way it finances all other disbursements, using some combination of receipts, other inflows, and borrowing from the public (if there is a deficit).

The NLRB does not maintain cash in commercial bank accounts. U.S. Treasury processes cash receipts and disbursements. Funds with the U.S. Treasury consist of appropriated and deposited funds that are available to pay current liabilities and finance authorized purchase commitments. In addition, funds held with the U.S. Treasury also include escrow funds that are not appropriated but are fiduciary in nature. The fiduciary funds are not assets of the federal government; therefore, they are not recognized on the Balance Sheet.

E. Revenue and Other Financing Sources

As a component of the Government-wide reporting entity, the NLRB is subject to the federal budget process, which involves appropriations that are provided annually and appropriations that are provided on a permanent basis. The financial transactions that are supported by budgetary resources, which include appropriations, are generally the same transactions reflected in the NLRB and the Government-wide financial reports.

The NLRB's budgetary resources reflect past congressional action and enable the NLRB to incur budgetary obligations, but they do not reflect assets to the Government as a whole. Budgetary obligations are legal obligations for goods, services, or amounts to be paid based on statutory provisions (e.g., Social Security benefits). After budgetary obligations are incurred, the U.S. Treasury will make disbursements to liquidate the budgetary obligations and finance those disbursements in the same way it finances all disbursements, using some combination of receipts, other inflows, and borrowing from the public.

F. Classified Activities

Accounting standards require all reporting entities to disclose that accounting standards allow certain presentations and disclosures to be modified, if needed, to prevent the disclosure of classified information.

G. Accounts Receivable, Net

Accounts Receivable typically consist of payroll related debts due to the NLRB from Agency employees and debts due to the NLRB from third party (non-federal sources) for invitational travel. Accounts Receivable is stated net of allowance for doubtful accounts. The allowance is estimated based on an aging of account balances, past collection experience, and an analysis of outstanding accounts at year-end.

H. Property, Plant and Equipment, Net

Property, plant and equipment consist primarily of telephone systems, bulk purchases, computer hardware and software, and leasehold improvements.

Personal Property. Personal property costing $15,000 or more per unit is capitalized at cost and depreciated using the straight-line method over the useful life. Bulk purchases of large quantities of property that would otherwise fall under the individual capitalization threshold are capitalized if the total purchase is $100,000 or more. Other property items are expensed when purchased. Expenditures for repairs and maintenance are charged to operating expenses as incurred. The useful life for this category is three to twelve years. There are no restrictions on the use or convertibility of property, plant, and equipment.

Real Property. Real property consists of leasehold improvements on General Service Administration (GSA) leased space which cost $100,000 or more. Leasehold improvements are recorded as construction in progress until the Agency has beneficial occupancy of the space, and then the costs are moved to the Leasehold Improvements account for amortization over the remaining life of the lease.

Internal Use Software. Internal Use Software (IUS) includes purchased Commercial Off-The-Shelf software (COTS), contractor-developed software, and software that was internally developed by Agency employees. IUS is capitalized at cost if the development cost is $100,000 or more. For COTS software, the capitalized costs include the amount paid to the vendor for the software; for contractor-developed software it includes the amount paid to a contractor to design, program, install, and implement the software. Capitalized costs for internally developed software include the full cost (direct and indirect) incurred during the software development stage. The standard useful life for IUS has been established as three years, to accurately match expenses with the period in which the benefits are received from the software. The NLRB uses the straight-line method of amortization.

Internal Use Software in Development. Internal use software in development is software that is being developed, but not yet put into production. At the time the software is moved into production, the costs will be moved into the IUS account and amortized accordingly.

I. Non-entity Assets

Assets held by the NLRB that are not available to the NLRB for obligation are considered non-entity assets. Non-entity assets, restricted by nature, consist of miscellaneous receipt accounts. The miscellaneous receipts represent court fines and fees collected for the Freedom of Information Act (FOIA) requests that must be transferred to the U.S. Treasury at the end of each fiscal year.

J. Liabilities

Liabilities represent amounts that are likely to be paid by the NLRB as the result of transactions or events that have already occurred; however, no liabilities are paid by the NLRB without an appropriation. Liabilities must be recognized when they are incurred regardless of whether they are covered by available budgetary resources, including liabilities related to canceled appropriations. Liabilities of the NLRB arising from other than contracts can be abrogated by the government, acting in its sovereign capacity. Intragovernmental liabilities arise from transactions with other federal entities.

Accounts Payable

Accounts payable represent amounts due to federal and non-federal entities for goods and services received by the NLRB that have not been paid at the end of the accounting period. Intragovernmental accounts payable represent payable transactions with other federal entities. Non-federal accounts payable represent transactions with non-federal entities.

Accrued Payroll

Accrued payroll consists of salaries, wages, and other compensation earned by employees but not disbursed as of September 30, 2024, and 2023. The liability is estimated for reporting purposes based on historical pay information.

K. Liabilities Not Covered by Budgetary Resources

Liabilities not covered by budgetary resources result from the receipts of goods or services in the current or prior periods, or the occurrence of eligible events in the current or prior periods for which appropriations, revenues, or other financing sources of funds necessary to pay the liabilities have not been made available through Congressional appropriations or current earnings of the reporting entity. These liabilities will require budgetary resources in the future. Liabilities not covered by budgetary resources include, unfunded leave, Federal Employees' Compensation Act (FECA) and unemployment compensation.

Unfunded Leave

A liability for annual and other vested compensatory leave is accrued as earned and reduced when taken. The value of employees' unused annual leave at the end of each fiscal quarter is accrued as a liability. At the end of each fiscal quarter, the balance in the accrued annual leave account is adjusted to reflect the current pay rate and leave balances. To the extent the current or prior year appropriations are not available to fund annual leave earned but not taken, funding will be obtained from future financing sources. Sick leave and other types of non-vested leave are expensed when used, and in accordance with federal requirements, no accruals are recorded for unused sick leave.

Unfunded Federal Employees' Compensation Act

The FECA was established by Public Law 103–3 which provides income and medical cost protection to covered federal civilian employees injured on the job, to employees who have incurred work-related occupational diseases, and to beneficiaries of employees whose deaths are attributable to job-related injuries or occupational diseases. The FECA program is administered by the DOL, which pays valid claims and subsequently seeks reimbursement from the NLRB for these paid claims.

The FECA liability consists of two components. The first component is based on actual claims paid by the DOL but not yet reimbursed by the NLRB. The NLRB reimburses the DOL for the actual claim amount as funds are appropriated for this purpose. There is generally a two to three-year period between payment by the DOL and reimbursement by the NLRB. As a result, the NLRB recognizes a liability for the actual claims paid by the DOL and to be reimbursed by the NLRB.

The second component is the estimated liability for future benefit payments as a result of past events. This liability includes death, disability, medical, and miscellaneous costs. The NLRB determines this component annually, as of September 30th, using a method that considers historical benefit payment patterns.

Due to the small number of claimants, the NLRB uses the methodology of reviewing the ages of claimants on a case-by-case basis to evaluate the estimated FECA liability. The determination was made to use the life expectancy of claimants.

Unfunded Unemployment

The NLRB's unemployment programs provide unemployment benefits to eligible workers who become unemployed through no fault of their own and meet certain other eligibility requirements. The Unemployment Compensation for Federal Employees program provides benefits for eligible, unemployed, former civilian Federal employees. The NLRB's liability for unemployment includes costs incurred but unbilled as of the quarter end, as calculated by DOL, and not funded by current appropriations.

L. Commitments and Contingencies

Commitments reflect binding agreements that may result in the future expenditure of financial resources that are not recognized on the Balance Sheet.

A loss contingency is an existing condition, situation, or set of circumstances involving uncertainty as to possible loss to an entity. The uncertainty should ultimately be resolved when a future event occurs or fails to occur. A contingent liability should be recorded when a past event or exchange transaction has occurred, a future outflow or other sacrifice of resources is probable, and the future outflow or sacrifice of resources is measurable.

The NLRB recognizes material contingent liabilities in the form of claims, legal action, administrative proceedings, and suits that have been brought to the attention of legal counsel, some of which will be paid by the U.S. Treasury Judgment Fund. It is the opinion of management and legal counsel that the ultimate resolution of these proceedings, actions, and claims, will not materially affect the financial position or results of operations.

M. Life Insurance and Retirement Plans

Federal Employees' Group Life Insurance (FEGLI) Program

The NLRB employees are entitled to participate in the FEGLI program. Participating employees can obtain basic life term life insurance, with the employee paying two-thirds of the cost and the NLRB paying one-third. Additional coverage is optional, and to be paid fully by the employee. The basic life coverage may be continued into retirement if certain requirements are met. The OPM administers this program and is responsible for the reporting of liabilities. For each fiscal year, OPM calculates the U.S. Government's service cost for the post-retirement portion of the basic life coverage. Because the NLRB's contributions to the basic life coverage are fully allocated by OPM to the pre-retirement portion of coverage, the NLRB has recognized the entire service cost of the post-retirement portion of basic life coverage as an imputed cost and imputed financing source.

Retirement Programs

The NLRB employees participate in either the Civil Service Retirement System (CSRS), a defined benefit plan, or the Federal Employees' Retirement System (FERS), a defined benefit and contribution plan.

Congress created the FERS in 1986, and it became effective on January 1, 1987, pursuant to Public Law 99–335. Since that time, new Federal civilian employees who have retirement coverage are covered by FERS. Employees hired prior to January 1, 1984, could elect to either join FERS and Social Security or remain in CSRS. Employees covered by CSRS are not subject to Social Security taxes, nor are they entitled to accrue Social Security benefits for wages subject to CSRS. The NLRB contributes a matching contribution equal to 7.0 percent of pay for CSRS employees.

FERS is a retirement plan that provides benefits from three different sources: a Basic Benefit Plan, Social Security, and the Thrift Savings Plan (TSP). Two of the three parts of FERS (Social Security and the TSP) can go with the employee to their next job if they leave the federal government before retirement. The Basic Benefit and Social Security parts of FERS require an employee to pay their share each pay period. The NLRB withholds the cost of the Basic Benefit and Social Security from the employee's pay as payroll deductions. After an employee retires, the federal government pays the annuitant monthly annuity payments for the rest of their life.

The TSP is a long-term retirement savings and investment plan that is administered by the Federal Retirement Thrift Investment Board. The TSP is an account that the NLRB automatically sets up for the employee. Each pay period the NLRB deposits into the employee account an amount equal to 1.0 percent of the basic pay earned for the pay period. FERS or CSRS employees who began or rejoined federal service after October 1, 2020, the NLRB will automatically enroll the employee in the TSP, and 5.0 percent of the basic salary is deducted from the employee's paycheck every pay period and deposited into the TSP account. FERS or CSRS employees who began or rejoined federal service between August 1, 2010, and September 30, 2020, were automatically enrolled at 3.0 percent of FERS employees hired before August 1, 2010, and are not contributing their own money, still have a TSP account with accruing Agency/Service automatic (1.0 percent) contributions. An employee can also make their own contributions to their TSP account and the NLRB will make a matching contribution. Traditional (pre-tax) contributions allow employees to delay paying taxes on their contributions and their earnings until they withdraw them. For Roth (after-tax) contributions, employees pay taxes on their contributions as they make them.

The maximum amount of base pay that an employee participating in FERS may contribute to the plan is $23,000 per the 2024 IRS annual limit. Employees belonging to CSRS may also contribute up to $23,000 of their salary in CY 2024 and receive no matching contribution from the NLRB. The maximum for catch-up contributions for CY 2024 is $7,500. For CY 2024, the regular and catch-up contributions may not exceed $30,500. The sum of the employees and the NLRB's contributions are transferred to the Federal Retirement Thrift Investment Board. For FERS employees, the Agency also contributes to the employer's share of Medicare.

The OPM is responsible for reporting assets, accumulated plan benefits, and unfunded liabilities, if any, applicable to CSRS and FERS employees, government-wide, including the NLRB employees. The NLRB has recognized an imputed cost and imputed financing source for the difference between the estimated service cost and the contributions made by the NLRB and covered CSRS employees.

The NLRB does not report FERS and CSRS assets, accumulated plan benefits, or unfunded liabilities applicable to its employees on its financial statements. Reporting such amounts is the responsibility of the administrative agency, the OPM. The portion of the current and estimated future outlays for CSRS not paid by the NLRB is, in accordance with SFFAS 4, Managerial Cost Accounting Concepts and Standards for the federal government, included in the NLRB's financial statements as an imputed financing source.

Liabilities for future pension payments and other future payments for retired employees who participate in the Federal Employees Health Benefits (FEHB) and the FEGLI programs are reported by OPM rather than the NLRB.

SFFAS 4, Managerial Cost Accounting Concepts and Standards for the federal government, requires employing agencies to recognize the cost of pensions and other retirement benefits during their employees' active years of service. OPM actuaries determine pension cost factors by calculating the value of pension benefits expected to be paid in the future and provide these factors to the Agency for current period expense reporting. Information is also provided by OPM regarding the full cost of health and life insurance benefits.

As of September 30, 2024, the NLRB, utilizing OPM provided cost factors, recognized $9,202,588 of pension expenses, $11,570,125 of post-retirement health benefits expenses, and $28,093 of post-retirement life insurance expenses, beyond amounts actually paid. The NLRB recognized offsetting revenue of $20,800,806 as an imputed financing source to the extent that these intragovernmental expenses will be paid by OPM. In comparison, in FY 2023, the NLRB recognized $5,923,539 of pension expenses, $11,751,160 of post-retirement health benefits expenses, and $26,709 of post-retirement life insurance expenses, beyond amounts actually paid. The NLRB recognized offsetting revenue of $17,701,408 as an imputed financing source from OPM.

N. Leases

Effective FY 2024, the Statement of Federal Financial Accounting Standards (SFFAS 54): Leases, revised the financial reporting standards for federal lease accounting. The NLRB's leases consist of intragovernmental and short-term leases in which NLRB is the lessee. The NLRB recognizes these lease payments as an expense based on the payment provisions of the contract or agreement and standards regarding the recognition of accounts payable and other related amounts. The NLRB leases consist of real and personal property leases including agreements with the GSA and commercial vendors. The NLRB leases all buildings through the GSA, who is the lessor, and pays GSA a standard level user charge rate for the annual leases, which approximates the commercial rental rates for similar properties. The NLRB is not legally a party to any building lease agreements, and it does not record GSA-owned properties as assets. The real property leases are for the NLRB's Headquarters and Regional Offices and the personal property leases are for fleet vehicles and copiers. For additional information on leases refer to Note 9.

O. Net Position

Net position is composed of unexpended appropriations and cumulative results of operations.

Unexpended Appropriations include the portion of the NLRB's appropriations represented by undelivered orders and unobligated balances. Unexpended appropriations on the Balance Sheet must equal unexpended appropriations on the Statement of Changes in Net Position (SCNP). The NLRB does not have unexpended appropriations attributable to funds from dedicated collections.

Cumulative Results of Operations represent the net results of operations since inception plus the cumulative amount of prior-period adjustments. The cumulative results of operations on the Balance Sheet should equal the cumulative results of operations on the SCNP. The NLRB does not have cumulative results of operations attributable to funds from dedicated collections.

P. Use of Management Estimates

The preparation of financial statements in conformity with U.S. GAAP requires management to make estimates and assumptions, and exercise judgement that affects the reported amount of assets, liabilities, net position, and disclosure of contingent assets and liabilities as of the date of the financial statements, as well as reported amounts of financing sources, expenses, and obligations incurred during the reporting period. The assumptions made and estimates used by the NLRB to prepare the financial statements are based upon the facts that exist when the financial statements are prepared and on various other assumptions that are believed to be reasonable under the circumstances. Changes in estimates are reflected in the period in which they become known. Actual results may differ from those estimates. The notes to the financial statements include information to assist the reader in understanding the effect of changes in assumptions on the related information.

Q. Tax Status

The NLRB, as an independent Board of the Executive Branch, is a federal agency, and is not subject to federal, state, or local income taxes, and accordingly, no provision for income tax is recorded.

R. Subsequent Events

Subsequent events and transactions occurring after fiscal year-end through the date of the auditor's opinion have been evaluated for potential recognition of disclosure in the financial statements. The date of the auditor's opinion also represents the date that the financial statements were available to be issued.

Note 2. Non-entity Assets

Non-entity Assets are assets held by an entity that are not available to the entity. Non-entity Assets represent miscellaneous receipts collected and related accounts receivable (net of allowance for doubtful accounts). Miscellaneous Receipts represent court fines and fees collected for FOIA requests that must be transferred to the U.S. Treasury at the end of each fiscal year.

Entity Assets are assets that the reporting entity has the authority to use in its operations. Management may have the authority to decide how funds are used, or it may be legally obligated to use the funds a certain way.

The composition of non-entity assets as of September 30, 2024 and 2023, is as follows:

(In Dollars)	2024	2023
Intragovernmental Assets		
Fund Balance with Treasury	$ 0	$ 0
Total Intragovernmental Assets	0	0
Total Non-entity Assets	0	0
Total Entity Assets	66,496,797	62,688,558
Total Assets	$ 66,496,797	$ 62,688,558

Additionally, the NLRB received a remainder interest in Florida real estate valued at approximately $46,000 as part of a ULP case settlement. This asset is not included in the table above.

Note 3. Fund Balance with Treasury

The U.S. Treasury performs cash management activities for all federal agencies. The NLRB's FBWT represents the right of the NLRB to draw down funds from the U.S. Treasury for authorized expenses and liability payments. The status of FBWT as of September 30, 2024 and 2023 consists of the following:

(In Dollars)	2024	2023
Status of Fund Balance with Treasury		
Unobligated Balance		
Available	$ 4,412,055	$ 356,300
Unavailable	1,833,006	7,382,592
Obligated Balance not yet Disbursed	49,061,282	48,817,427
Non-Budgetary FBWT	0	0
Total Fund Balance with Treasury	$ 55,306,343	$ 56,556,319

The status of FBWT may be classified as unobligated available, unobligated unavailable, or obligated. Unobligated funds, depending on budget authority, are generally available for new obligations in the current year of operations. Unavailable unobligated balances are not available to fund new obligations because they are expired. The obligated but not yet disbursed balance represents amounts designated for payment of goods and services ordered but not yet received or goods and services received but for which payment has not yet been made.

Obligated and unobligated balances reported for the status of FBWT do not agree with obligated and unobligated balances reported on the Statement of Budgetary Resources because the FBWT includes items for which budgetary resources are not recorded, such as deposit funds and miscellaneous receipts (non-entity).

In FY 2024, the NLRB received $7.2 million in transfers from the GSA TMF. The TMF was established to improve information technology and to enhance cybersecurity across the Federal Government.

Note 4. Accounts Receivable, Net

As of September 30, 2024 and 2023, the NLRB reported accounts receivable, net totaling $529,256 and $542,613, respectively.

(In Dollars)	2024	2023
Intragovernmental		
Accounts Receivable	$ 0	$ 0
Other than Intragovernmental		
Accounts Receivable	541,039	555,547
Total Accounts Receivable	541,039	555,547
Allowance for Doubtful Accounts	(11,783)	(12,934)
Total Accounts Receivable, Net	$ 529,256	$ 542,613

Note 5. Property, Plant, and Equipment, Net

Property, plant, and equipment consist of property that is used in operations and consumed over time. The table below summarizes the cost and accumulated depreciation for general property, plant, and equipment as of September, 2024 and 2023.

2024			
(In Dollars)	Asset Cost	Accumulated Depreciation / Amortization	Net Asset Value
Construction In Progress	$ 5,488,627	$ 0	$ 5,488,627
Equipment	3,746,722	3,667,578	79,144
Leasehold Improvements	11,344,069	6,298,925	5,045,144
Internal Use Software	45,060,728	45,060,728	0
Total Property, Plant and Equipment	$ 65,640,146	$ 55,027,231	$ 10,612,915

2023			
(In Dollars)	Asset Cost	Accumulated Depreciation / Amortization	Net Asset Value
Construction In Progress	$ 2,086,069	$ 0	$ 2,086,069
Equipment	3,776,101	3,574,032	202,069
Leasehold Improvements	8,603,214	5,373,108	3,230,106
Internal Use Software	45,060,728	45,060,728	0
Total Property, Plant and Equipment	$ 59,526,112	$ 54,007,868	$ 5,518,244

Note 6. Liabilities Not Covered by Budgetary Resources

Liabilities are classified as liabilities covered by budgetary resources, liabilities not covered by budgetary resources, and liabilities not requiring budgetary resources. Liabilities not covered by budgetary resources are liabilities that will require budgetary resources in the future and require future congressional action whereas liabilities covered by budgetary resources reflect prior congressional action. Regardless of when the congressional action occurs, when the liabilities are liquidated, the U.S. Treasury will finance the liquidation in the same way that it finances all other disbursements, using some combination of receipts, other inflows, and borrowing from the public. The NLRB's liabilities not covered by budgetary resources represent amounts owed in excess of available congressionally appropriated funds or other amounts. The FECA Unfunded Liability abnormal balance resulted from a credit by the DOL based on a correction for a chargeback of compensation expenses incurred that were not attributed to the NLRB during the reporting period.

The NLRB used a consistent methodology of calculating the FECA Actuarial Liability for the past six years which factors in the claimants' sex, age, and life expectancy. In FY 2024, the FECA Actuarial Liability abnormal balance resulted from a compensation payment to a claimant that was never cashed in the prior year and later canceled by the U.S. Treasury. The DOL credited the NLRB's chargeback which was reported on the Chargeback Billing List Detail. The NLRB used the compensation payment data reported by DOL to calculate the estimated liability for future benefit payments which resulted in a credit to the NLRB.

The composition of liabilities not covered by budgetary resources as of September 30, 2024 and 2023, is as follows:

(In Dollars)	2024	2023
Intragovernmental liabilities		
FECA Unfunded Liability	$ (3,493)	$ (12,551)
Other Liabilities - Technology Modernization Fund	3,613,150	0
Total Intragovernmental liabilities	3,609,657	(12,551)
FECA Actuarial Liability	(392,975)	326,124
Unfunded Annual Leave	15,395,694	15,425,238
Total Liabilities Not Covered by Budgetary Resources	18,612,376	15,738,811
Total Liabilities Covered by Budgetary Resources	13,015,758	9,584,457
Total Liabilities	$ 31,628,134	$ 25,323,268

Note 7. Other Liabilities

Technology Modernization Fund

The TMF was established to improve information technology and to enhance cybersecurity across the Federal Government. The GSA transferred funds from the TMF to the NLRB's no year fund. As legislation requires, the NLRB recorded a portion of the transferred funds as a liability which will later be repaid to the GSA's TMF over a five-year period. In FY 2024, the NLRB recorded $3.6 million as other liabilities.

Note 8. Intragovernmental Costs and Exchange Revenue

For the intragovernmental costs, the buyer and seller are both federal entities. The earned revenue is the reimbursable costs from other federal entities. The NLRB has the authority to provide administrative law judges' services to other federal entities. There is no exchange revenue with the public.

(In Dollars)	2024	2023
Resolve Unfair Labor Practices Cases		
Intragovernmental Costs	$ 97,509,420	$ 91,149,449
Costs with the Public	179,578,694	177,251,694
Total Net Cost – Resolve Unfair Labor Practices Cases	277,088,114	268,401,143
Resolve Representation Cases		
Intragovernmental Costs	15,088,063	11,890,851
Costs with the Public	27,787,003	23,123,271
Total Net Cost – Resolve Representation Cases	42,875,066	35,014,122
Less: Earned Revenue	-	-
Net Cost of Operations	$ 319,963,180	$ 303,415,265

Note 9. Leases

GSA Real Property. The NLRB's facilities are rented from the GSA, which charges rent that is intended to approximate commercial rental rates. The terms of the NLRB's occupancy agreements with GSA will vary according to whether the underlying assets are owned by GSA or rented by GSA from the private sector. The NLRB has occupancy agreements with GSA, which set forth terms and conditions for the space the Agency will occupy for an extended period. Included within the occupancy agreements are 120 to 180-day notification requirements for the Agency to release space. For purposes of disclosing future operating lease payments in the table below, federally owned leases are included in years FY 2025 through FY 2029.

Rental expenses for leases for the period ended September 30, 2024, were $23,471,157 for Agency leased space and $2,658,011 for Agency building security. For FY 2023, the lease costs were $23,274,053 and the Agency building security was $2,644,817.

Future Space Lease Payments	
Fiscal Year	**GSA Real Property Cost (In Dollars)**
2025	$ 21,745,546
2026	22,832,823
2027	23,974,464
2028	25,173,188
2029	26,431,847
After 5 Years	27,753,439
Total	$ 147,911,307

GSA Fleet. The future fleet payments reflect the expense for 11 vehicles used for official NLRB business throughout the United States. Expenses for the fleet vehicles for the period ending September 30, 2024 was $48,846; for FY 2023 the cost was $40,401.

Future Fleet Lease Payments	
Fiscal Year	**GSA Fleet Cost (In Dollars)**
2025	$ 45,000
2026	47,250
2027	49,612
2028	52,093
2029	54,698
After 5 Years	57,433
Total	$ 306,086

Commercial Copiers. The commercial copier rental expense reflects lease contracts for copy machines located at the NLRB Headquarters and Field Offices. For FY 2024, the commercial copier yearly contract is $143,108; for FY 2023 the cost was $154,288.

Future Copier Lease Payments	
Fiscal Year	Copier Lease Cost (In Dollars)
2025	$ 144,288
2026	144,288
2027	144,288
2028	144,288
2029	144,288
After 5 Years	0
Total	$ 721,440

Digital Mailing System. The digital mailing system expense reflects lease contracts for mailing systems and postage meters located at the NLRB Headquarters and Field Offices. For FY 2024, the digital mailing system cost was $117,779; for FY 2023 the cost was $89,782.

Future Digital Mailing Lease Payments	
Fiscal Year	Digital Mailing Lease (In Dollars)
2025	$ 108,723
2026	114,160
2027	119,868
2028	125,860
2029	132,154
After 5 Years	138,762
Total	$ 739,527

Security Screening Machines. The security screening machines expense reflects lease contracts for x-ray machines located at the NLRB Headquarters and Field Offices. For FY 2024, the security screening machines cost was $12,801; for FY 2023 the cost was $6,861.

Future Security Screening Machine Payments		
Fiscal Year	Security Screening Machine Lease Cost (In Dollars)	
2025	$	10,978
2026		0
2027		0
2028		0
2029		0
After 5 Years		0
Total	$	10,978

Note 10. Inter-Entity Costs

Goods and services are received from other federal entities at no cost or at a cost less than the full cost to the providing federal entity. Consistent with accounting standards, certain costs of the providing entity that are not fully reimbursed are recognized as imputed cost in the Statement of Net Cost and are offset by imputed revenue in the Statement of Changes in Net Position. Such imputed costs and revenues relate to employee benefits. However, unreimbursed costs of goods and services other than those identified are not included in the financial statements.

The OPM pays pension and other future retirement benefits on behalf of federal agencies for federal employees. The OPM provides rates for recording the estimated cost of pension and other future retirement benefits paid by the OPM on behalf of federal agencies. The costs of these benefits are reflected as imputed financing in the consolidated financial statements. Expenses of the NLRB paid or to be paid by other federal agencies on September 30, 2024 and 2023 consisted of:

(In Dollars)	2024		2023	
Office of Personnel Management				
Pension Expenses	$	9,202,588	$	5,923,539
Federal Employees Health Benefits		11,570,125		11,751,160
Federal Employees Group Life Insurance Program		28,093		26,709
Total Imputed Financing Costs	$	20,800,806	$	17,701,408

Note 11. Statement of Budgetary Resources

The purpose of the Federal budgetary accounting is to control, monitor, and report on funds made available to Federal agencies by law and help ensure compliance with the law. The Statement of Budgetary Resources provides information about how budgetary resources were made available as well as their status at the end of the period. It is the only financial statement exclusively derived from the entity's budgetary general ledger in accordance with budgetary accounting rules that are incorporated into GAAP for the federal government.

The following budget terms are commonly used from OMB Circular A-11, *Preparation, Submission and Execution of the Budget* (Section 20.3):

https://www.whitehouse.gov/wp-content/uploads/2018/06/a11_web_toc.pdf

- *Appropriation* - a provision of law (not necessarily in an appropriations act) authorizing the expenditure of funds for a given purpose. Usually, but not always, an appropriation provides budget authority.
- *Budgetary resources* - amounts available to incur obligations in a given year. Budgetary resources consist of new budget authority and unobligated balances of budget authority provided in previous years.
- *Offsetting collections* - payments to the Government that, by law, are credited directly to expenditure accounts and deducted from gross budget authority and outlays of the expenditure account, rather than added to receipts. Usually, offsetting collections are authorized to be spent for the purposes of the account without further action by Congress. They usually result from business-like transactions with the public, including payments from the public in exchange for goods and services, reimbursements for damages, and gifts or donations of money to the Government and from intragovernmental transactions with other Government accounts. The authority to spend offsetting collections is a form of budget authority.
- *Offsetting receipts* - payments to the Government that are credited to offsetting receipt accounts and deducted from gross budget authority and outlays, rather than added to receipts. Usually, they are deducted at the level of the agency and subfunction, but in some cases they are deducted at the level of the Government as a whole. They are not authorized to be credited to expenditure accounts. The legislation that authorizes the offsetting receipts may earmark them for a specific purpose and either appropriate them for expenditure for that purpose or require them to be appropriated in annual appropriations acts before they can be spent. Like offsetting collections, they usually result from business-like transactions with the public, including payments from the public in exchange for goods and services, reimbursements for damages, and gifts or donations of money to the Government, and from intragovernmental transactions with other Government accounts.
- *Obligation* - a binding agreement that will result in outlays, immediately or in the future. Budgetary resources must be available before obligations can be incurred legally.
- *Outlay* - a payment to liquidate an obligation (other than the repayment of debt principal or other disbursements that are "means of financing" transactions). Outlays generally are equal to cash disbursements but also are recorded for cash-equivalent transactions, such as the issuance of debentures to pay insurance claims, and in a few cases are recorded on an accrual basis such as interest on public issues of the public debt. Outlays are the measure of Government spending.

For further information about the budget terms and concepts, see the "Budget Concepts" chapter of the Analytical Perspectives volume of the President's Budget. *https://www.whitehouse.gov/omb/budget/analytical-perspectives/*

The NLRB's total budgetary resources was $310,917,286 as of September 30, 2024 and $307,167,691 as of September 30, 2023; it includes new budget authority, unobligated balances at the beginning of the year, spending authority from offsetting collections, recoveries of prior year obligations and permanently not available. The NLRB received $299,224,000 in appropriations as of September 30, 2024, and $299,224,000 as of September 30, 2023. The NLRB's unobligated balance on September 30, 2024 was $6,245,061 and on September 30, 2023 was $7,738,892.

Note 12. Undelivered Orders at the End of the Period

Undelivered orders are purchase orders issued by the NLRB during the FY 2024 and the five expiring fiscal years, which have not had delivery of the required product or service as of September 30, 2024 and 2023. It is anticipated that these undelivered orders will be provided in future periods and will require resources obligated during the respective fiscal years.

Undelivered Orders as of September 30, 2024 and 2023		
(In Dollars)	**2024**	**2023**
Intragovernmental		
Paid	-	-
Unpaid	18,971,158	16,440,315
Total Intragovernmental	18,971,158	16,440,315
Public		
Paid	48,284	71,382
Unpaid	17,497,570	23,218,860
Total Public	17,545,854	23,290,242
Total Undelivered Orders	$ 36,517,012	$ 39,730,557

Note 13. Fiduciary Activities

The fiduciary cash and other assets are not assets of the federal government, are not recognized on the Balance Sheet, and are assets of a non-federal party for which the federal government is responsible.

The NLRB Escrow Accounts are fiduciary deposit funds presented in accordance with SFFAS 31, Accounting for Fiduciary Activities, and OMB Circular A-136, *Financial Reporting Requirements*. The Escrow Accounts, Temporary Restraining Order Cases (420X6152) and Backpay Cases (402X6154) are authorized by Title 31 United States Code, Section 3513 and Title 29 United States Code, Section 151–169. The Escrow Account, Temporary Restraining Order Cases (420X6152) was established to separate cases related to protective restraining orders.

The NLRB investigates and adjudicates disputes between private sector employees, employers, and unions. Part of the NLRB's mission is to determine if the employer (or sometimes the union), herein referred to as respondent, engaged in unfair labor practices, which resulted in a loss of employment or wages for the affected employees (discriminatees). In some cases, the respondent is ordered to pay monetary amounts to the discriminatees. These payments can be paid by respondents directly to the discriminatees or they can pay the NLRB, which disburses the funds to the discriminatees. The NLRB is authorized to collect funds on behalf of discriminatees.

The fiduciary funds collected by the NLRB are held in escrow and represent funds that were collected as part of the standard Board remedy whenever a violation of the NLRA has resulted in a loss of employment or earnings. The NLRB collects the funds, and then distributes them to employees, unions, pension funds, or other discriminatees in the settlement. The NLRB has the option to invest funds in federal government securities if the funds will remain in escrow for a lengthy period. NLRB's fiduciary funds are not invested.

The NLRB executed an MOU with the U.S. Treasury that established agreed upon policies and procedures for investing monies in, and redeeming investments held by, the fiduciary fund account in the U.S. Treasury. The NLRB manages these funds in a fiduciary capacity and does not have ownership rights against its contributions and investments; the assets and activities summarized in the schedule below are not presented in the financial statements. The NLRB's fiduciary activities are disclosed in this note.

Schedule of Fiduciary Activity For the years ended September 30, 2024 and 2023						
(In Dollars)	2024			2023		
Fiduciary Funds	**Fund 420X6152**	**Fund 420X6154**	**Total Fiduciary Funds**	**Fund 420X6152**	**Fund 420X6154**	**Total Fiduciary Funds**
Fiduciary net assets, beginning of year	$ 0	$ 10,620,348	$ 10,620,348	$ 0	$ 10,781,512	$ 10,781,512
Fiduciary Revenues	0	217,850	217,850	0	631,357	631,357
Disbursements to and on behalf of beneficiaries	0	(6,214,474)	(6,214,474)	0	(792,521)	(792,521)
Increase/ (Decrease) in fiduciary net assets	0	(5,996,624)	(5,996,624)	0	(161,164)	(161,164)
Fiduciary net assets, end of year	$ 0	$ 4,623,724	$ 4,623,724	$ 0	$ 10,620,348	$ 10,620,348

Fiduciary Net Assets as of September 30, 2024 and 2023						
(In Dollars)	2024			2023		
Fiduciary Funds	**Fund 420X6152**	**Fund 420X6154**	**Total Fiduciary Funds**	**Fund 420X6152**	**Fund 420X6154**	**Total Fiduciary Funds**
Fiduciary Assets						
Fund Balance with Treasury	$ 0	$ 4,623,724	$ 4,623,724	$ 0	$ 10,620,348	$ 10,620,348
Less: Liabilities		(18,924)	(18,924)		(20,915)	(20,915)
Total Fiduciary net assets	$ 0	$ 4,604,800	$ 4,604,800	$ 0	$ 10,599,433	$ 10,599,433

Note 14. Reconciliation of Net Cost to Net Outlays

SFFAS 53, *Budget and Accrual Reconciliation (BAR)*, amended SFFAS 7, *Accounting for Revenue and Other Financing Sources and Concepts for Reconciling Budgetary and Financial Accounting* and 24, *Selected Standards for the Consolidated Financial Report of the United States Government*, and rescinded SFFAS 22, *Change in Certain Requirements for Reconciling Obligations and Net Cost of Operations*. SFFAS 53 provided for the BAR to replace the statement of financing. The BAR explains the relationship between the NLRB's net outlays on a budgetary basis and the net cost of operations during the reporting period. The reconciliation starts with the net cost of operations as reported on the Statement of Net Cost and will be adjusted by components of net cost that are not part of net outlays. Common components include depreciation and gains and losses on disposition of assets and changes in assets and liabilities (e.g., accounts receivable, accounts payable and salaries and benefits) not affecting budget outlays. Net cost of operations is also adjusted by budget outlays that are not part of net operating cost. Components of budget outlays that are not part of net operating cost include the acquisition of capital assets, inventory, and other assets. Other reconciling differences, when applicable, include timing differences.

Reconciliation of Net Cost to Net Outlays As of September 30, 2024			
(In Dollars)	**Intragovernmental**	**With the public**	**Total 2024**
Net Cost of Operations	**$ 112,597,483**	**$ 207,365,697**	**$ 319,963,180**
Components of Net Cost That Are Not Part of Net Outlays			
Gains/Losses on all Other Investments		46,448	46,448
Increase/(Decrease) in Assets not affecting Budgetary Outlays			
Accounts receivable, net		529,256	529,256
Other Assets	18,833	29,450	48,283
(Increase)/Decrease in Liabilities not affecting Budgetary Outlays			
Accounts payable	(2,140,735)	(54,293)	(2,195,028)
Federal Employee Salary, Leave and Benefits Payable		(16,668,393)	(16,668,393)
Other liabilities	(196,322)		(196,322)
Total Components of Net Operating Cost not part of the Budgetary Outlays	**(2,318,224)**	**(16,117,532)**	**(18,435,756)**
Components of Net Outlays That Are Not Part of Net Cost			
Acquisition of capital assets			
Total Other Reconciling Items			
Other Temporary Timing Differences		1,450	1,450
Total Net Outlays	**$ 110,279,259**	**$ 191,249,615**	**$ 301,528,874**
Budgetary Agency Outlays, net			**$ 301,528,874**

Reconciliation of Net Cost to Net Outlays As of September 30, 2023			
(In Dollars)	**Intragovernmental**	**With the public**	**Total 2023**
Net Cost	**$ 103,040,300**	**$ 200,374,965**	**$ 303,415,265**
Components of Net Cost That Are Not Part of Net Outlays			
Other		3,760	3,760
Increase/(decrease) in assets			
Accounts receivable		542,613	542,613
Other assets	15,625	55,757	71,382
(Increase)/decrease in liabilities			
Accounts payable	825,444	(780,092)	45,352
Salaries and benefits	(992,660)	(145,263)	(1,137,923)
Other liabilities	(440,366)	(16,770,335)	(17,210,701)
Total Components of Net Cost That Are Not Part of Net Outlays	**(591,957)**	**(17,093,560)**	**(17,685,517)**
Components of Net Outlays That Are Not Part of Net Cost			
Acquisition of capital assets			
Total Components of Net Outlays That Are Not Part of Net Cost			
Other Temporary Timing Differences		393	393
Net Outlays	**$ 102,448,343**	**$ 183,281,798**	**$ 285,730,141**
Related Amounts on the Statement of Budgetary Resources			
Outlays, net			285,730,141
Distributed offsetting receipts			0
Agency Outlays, Net			**$ 285,730,141**

Note 15. Commitments and Contingencies

In addition to future commitments discussed in Note 9 (Leases), the NLRB is committed under obligations at year-end for goods and services which have been received and not yet paid or for goods and services which have been ordered but not yet received. These are unpaid delivered orders and unpaid undelivered orders.

The NLRB was not party to any legal actions that were likely to result in a material liability. Accordingly, no provision for loss is included in the financial statements.

OTHER INFORMATION

Protecting Democracy in the Workplace Since 1935

INSPECTOR GENERAL'S TOP PERFORMANCE AND MANAGEMENT CHALLENGES

UNITED STATES GOVERNMENT
National Labor Relations Board
Office of Inspector General

Memorandum

October 31, 2024

To: Board and General Counsel

From: Ruth Blevins Ruth Blevins
Inspector General

Subject: Top Management and Performance Challenges

As part of the Performance and Accountability Report, the Office of Inspector General (OIG) is mandated by section 3516 of title 31 to outline what the Inspector General identifies as the most significant management and performance challenges facing the National Labor Relations Board (NLRB or Agency). Additionally, the OIG must provide a brief assessment of the Agency's progress in addressing these challenges. This memorandum serves to meet that requirement. The information included in this report is derived from our reviews, investigations, and general observations of the NLRB's operations. For Fiscal Year (FY) 2024 we have three top management and performance challenges:

- Operational Management
- Human Capital Management and Maintaining the Agency's Institutional Knowledge
- Information Technology Security

We also have a previous top management and performance challenge that we intend to remove from future reporting:

- Financial Management

For the purposes of this report, an issue may be classified as a management or performance challenge even if it is not a deficiency or beyond the Agency's control. The challenges outlined here do not necessarily indicate OIG findings or imply mismanagement or failures on the part of NLRB leadership. We view a challenge as a task or endeavor complicated by existing circumstances. In last year's memorandum, we identified five key management and performance challenges.

Operational Management

The NLRB continues to face significant challenges due to a decrease in field staff. Various sources indicate a steady decline in the number of field agents, leading to ongoing understaffing in field offices and a backlog of cases. To help alleviate some of the backlog, headquarters staff started assisting with casework, which includes investigating unfair labor practice charges, writing representation case decisions, monitoring deferrals and informal settlements, and supporting litigation efforts.

Additionally, regional offices redistributed some workload among themselves through an inter-regional assistance process.

While these measures address immediate case processing needs, they do not resolve the long-term staffing shortages. Furthermore, we do not anticipate a reduction in case intake that would be sufficient to address the staffing issues in field offices. In FY 2024, the Agency continued hiring to fill critical vacancies in field offices, but staffing levels remain below requirements and the case backlog continues.

Moreover, our Performance Based Staffing audit[1] revealed that the Agency's method for allocating full-time employees to regional offices does not align with Circular A-11. The current allocation process also lacks essential internal controls, putting the Agency at risk of misallocating full-time employees in a way that could hinder its ability to meet its goals and objectives.

The Agency is also dealing with an outdated, 17-year-old case processing system known as NxGen. During our audits of Casehandling Efficiency[2] and the Division of Judges[3], we encountered significant reliability issues with case processing data. Conversations with NxGen users, both in management and non-management roles, highlighted the challenges of navigating the system and its data. Problems with the system include case processing delays, reduced data reliability, cybersecurity risk, and adaptability issues with evolving technological standards. In September 2024, the Agency entered into a flexible funding agreement with the General Services Administration for $23 million from the Technology Modernization Fund. The funding will allow it to begin development of a modern, cloud-based case management system. While the Agency works on modernizing its case management system, it will continue to experience challenges using the legacy system and may need additional funds to complete the project.

The Agency's capacity to tackle these overarching challenges is closely linked to its funding levels. For many years, NLRB’s budget remained at the FY 2014 level. In FY 2023, funding was increased but still fell short of the budget request. FY 2024 funding has remained at the same level as FY 2023, making it a significant challenge to address ongoing staffing issues and the operational costs of information technology.

Human Capital Management and Maintaining the Agency’s Institutional Knowledge

Maintaining a stable and productive workforce is essential for the NLRB to maintain its institutional knowledge and effectively carry out its statutory mission. As noted in previous Management Challenge reports, our audits over time have revealed a loss of institutional knowledge in management practices as new personnel assume key roles. In some cases, while historical practices may not be documented, the context behind their development is often lost due to staff turnover.

In FY 2024, the Division of Administration continued to implement a succession and management program aimed at supporting the Agency's efforts to recruit, develop, and promote aspiring leaders into key positions throughout the organization.

Information Technology Security

The FY 2016 Federal Information Security Modernization Act (FISMA) review marked a shift from simply evaluating the Agency's actions to assessing the maturity of its information technology security processes. Over the past several years, the Office of the Chief Information Officer (OCIO) has made

[1] *Performance Based Staffing*, OIG-AMR-102-24-02, March 22, 2024.
[2] *Casehandling Efficiency*, OIG-AMR-97-22-04, June 27, 2022.
[3] *Division of Judges Audit*, OIG-AMR-98-22-06, September 29, 2022.

significant strides in enhancing the Agency's information technology security processes and maturity level. In FY 2024, the OCIO achieved the "optimized" level and received an "effective" rating during the FY 24 FISMA audit[4]. However, due to the rapid advancements in technology and the evolving nature of threats, we anticipate that the OCIO will continue to face challenges in securing the NLRB network. To address these challenges, the OCIO will require adequate funding to maintain and upgrade NLRB systems, as well as to ensure a sufficient staffing level of skilled personnel to effectively manage these processes.

Financial Management

In July 2012, the Board established the Office of the Chief Financial Officer (OCFO) in response to a recommendation from the FY 2010 financial statement audit. The OCFO encompasses budget, procurement, and finance functions. Subsequent audits of the financial statements revealed ongoing issues, including significant deficiencies and material weaknesses in financial management. Additionally, our Fiscal Year 2019 Budget Execution audit[5] identified several internal control concerns related to the OCFO's budgeting processes that resulted in a funding lapse.

Since FY 2020, OCFO has worked diligently to address concerns and has closed all related to Financial Management. Also in FY 2020, the Agency eliminated the funding lapse and obtained an unqualified audit opinion with no significant deficiencies or material weaknesses. Because of the significant progress made throughout the past several years, we no longer consider financial management a major management challenge for the agency.

[4] *NLRB FISMA Audit for Fiscal Year 2024*, OIG-AMR-106-24-04, August 16, 2024.
[5] *Fiscal Year 2019 Budget Execution*, OIG-AMR-91-20-04, September 16, 2020.

SUMMARY OF AUDIT AND MANAGEMENT ASSURANCES

Summary of Financial Statement Audit

Audit Opinion: Unmodified					
Restatement: No					
Material Weaknesses	Beginning Balance	New	Resolved	Consolidated	Ending Balance
	0	0	0	0	0

Summary of Management Assurances

Effectiveness of Internal Control Over Operations (FMFIA §2)

Statement of Assurance: Unmodified						
Material Weaknesses	Beginning Balance	New	Resolved	Consolidated	Reassessed	Ending Balance
	0	0	0	0	0	0

Compliance with Financial Systems Requirements (FMFIA §4)

Statement of Assurance: Unmodified						
Material Weaknesses	Beginning Balance	New	Resolved	Consolidated	Reassessed	Ending Balance
	0	0	0	0	0	0

PAYMENT INTEGRITY INFORMATION ACT REPORTING

The PIIA amends Government-wide improper payment reporting requirements by repealing and replacing the IPIA, IPERA, IPERIA, and the FRDAA.

The NLRB is required by the PIIA to assess the disbursement process and estimate the approximate amount of improper payments every three years. The NLRB's latest IPIA assessment and review performed by an independent consultant in FY 2022 concluded that the NLRB program and activities were at a low risk for improper payments.

For FY 2024, the NLRB processed $301,528,874 in disbursements which included payroll and benefits of $235,107,439 and travel of $1,216,528. In addition, the NLRB paid $65,204,907 to vendors which accounted for 22.0 percent of the total disbursements.

The NLRB's independent review evaluated the procedures in the Agency's payment and disbursement processes. It also tested and assessed the design and effectiveness of internal controls. Given these controls, the PIIA assessment found no improper payment in the testing and found that the estimated improper payments to be within the thresholds defined by PIIA. Thus, improper payments for the NLRB's programs did not exceed $10.0 million and 1.5 percent of the program total expenditures or $100.0 million of the total program expenditures. The Agency estimates the improper payments rate to be at most 1.5 percent and the improper payment amount to be no more than $4,522,933. Therefore, the NLRB has effective procedures and controls in place for its payment and disbursement processes. The NLRB has reasonable assurance that controls over financial and non-financial operations are sufficient.

No additional reporting requirements are necessary.

Improper Payments Elimination and Recovery Chart

Program Name	Published Payment Integrity information with the annual financial statement	Posted the annual financial statement and accompanying materials on the agency website	Conducted improper payment (IP) risk assessments for each program with annual outlays greater than $10,000,000 at least once in the last three years	Adequately concluded whether the program is likely to make IPs and unknown payments (UP) above or below the statutory threshold	Published IP and UP estimates for programs susceptible to significant IPs and UPs in the accompanying materials to the annual financial statement	Published corrective action plans for each program for which an estimate above the statutory threshold was published in the accompanying materials to the annual financial statement	Published an IP and UP reduction target for each program for which an estimate above the statutory threshold was published in the accompanying materials to the annual financial statement	Demonstrated improvements to payment integrity or reached a tolerable IP and UP rate	Developed a plan to meet the IP and UP reduction target	Reported an IP and UP estimate of less than 10.0 percent for each program for which an estimate was published in the accompanying materials to the annual financial statement
Payroll	Yes	Yes	Yes	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Commercial Contracts		Yes	Yes	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Information regarding the Annual Data Call submission can be found at *https://www.paymentaccuracy.gov*.

Do Not Pay Initiative

The mission of the Treasury's Do Not Pay (DNP) team is to "protect the integrity of the government's payment process by assisting agencies in mitigating and eliminating improper payments in a cost-effective manner while safeguarding the privacy of individuals." The NLRB echoes that sentiment and has made eliminating improper payments one of the Agency's financial management priorities. The DNP portal is a multifaceted system that embraces resources from several agency subsystems i.e., Social Security Administration's Death Master File (DMF), GSA's System for Award Management (SAM) Exclusion Records as well as the Treasury Offset Program. DNP uses this network of systems in order to disseminate to agencies who should or should not receive public funds in order to reduce or prevent the likelihood of improper payments.

In FY 2024, the DNP portal vetted 8,200 payments for authenticity and validity. The number of payments made amounted to $34,924,165.68 in disbursements that passed through DNP's network of red flag indicating systems. DNP did not identify any payments which matched a vendor name on the Excluded Parties List (EPL).

October 2023 – September 2024						
	Number (#) of payments reviewed for improper payments	Dollars ($) of payments reviewed for improper payments	Number (#) of payments stopped	Dollars ($) of payments stopped	Number (#) of improper payments reviewed and not stopped	Dollars ($) of improper payments reviewed and not stopped
Reviews with DMF Public	8,200	$34,924,165.68	0	$0	0	$0
Reviews with SAM Exclusions Public	8,200	$34,924,165.68	0	$0	0	$0

- Payment Integration is provided to all agencies that use Treasury to disburse funds. Death data sources are offered as the default data sources to which all payments are matched.
- Payments reviewed for improper payments includes the total number of payments disbursed by the Agency through the Payment Automation Manager (PAM). Payment files are submitted by the Agency in the PAM Standard Payment Request (SPR) format. The Agency's PAM SPR file is transmitted to the Portal for matching against the AIS Death Data, the DMF, the DOD Death Data, and the DOS Death Data minus any payments that were excluded from matching due to (1) a missing or unmatchable taxpayer identification number (DMF only) or (2) a missing name.
- Payments stopped is currently not applicable since the DNP matching and adjudication process is based on the post payment results.
- Improper payments reviewed and not stopped includes the total number of matches identified by the DNP Initiative that were adjudicated as proper by the Agency.

REAL PROPERTY

The GSA, the nation's largest public real estate organization, provides workspace for more than 1.2 million federal workers through its Public Buildings Service. Approximately half of federal employees are housed in buildings owned by the federal government and half are located in separate leased properties, including buildings, land, antenna sites, etc. across the country. GSA charges rent to over 100 federal agencies, which is deposited into the federal buildings fund and used to operate the government's buildings and pay rent to private companies for leased space.

The GSA serves as the real estate agent for the NLRB by providing office space in federal and leased space. GSA is the organization that makes the appropriate and final determination for NLRB office locations. Federal building occupancy is the preferred choice. GSA determines which space is the most cost effective for the government. GSA lease actions start +/- 18 months prior to lease expiration. The lease is signed between the lessor and GSA. The Agency signs an occupancy agreement (OA) with GSA.

This link takes you to the GSA's website: *https://www.gsa.gov/tools-overview/buildings-and-real-estate-tools/inventory-of-gsa-owned-and-leased-properties*. The chart below provides information on NLRB locations.

https://catalog.data.gov/dataset/inventory-of-owned-and-leased-properties-iolp							
NLRB Location	**Address**	**Current Building Type**	**GSA Location Code**	**GSA OA Number**	**Current Rentable Square Footage**	**OA Term Start Date**	**OA Term Expiration Date**
Headquarters	1015 Half Street, SE Washington, DC 20570–0001	Leased	DC0719	ADC07116	152,872	6/30/2015	6/29/2025
R-1 Boston	Thomas P. O'Neill Federal Building 10 Causeway Street, Suite 1001 Boston, MA 02222–1072	Federal	MA0153	AMA00119	8,813	9/1/2022	3/14/2032
SR-34 Hartford	A. A. Ribicoff Federal Bldg & Courthouse 450 Main St, 4th Floor Hartford, CT 06103–3503	Federal	CT0054	ACT01875	14,602	9/27/2020	5/31/2030
R-2 New York	Jacob K. Javits Federal Building 26 Federal Plaza, Room 3614 New York, NY 10278–0104	Federal	NY0282	ANY02166 & ANY02687	3,853	9/12/2022	1/31/2030
R-3 Buffalo	Niagara Center Building 130 S. Elmwood Avenue, Suite 630 Buffalo, NY 14202–2387	Leased	NY7340	ANY07196	10,296	9/20/2015	9/19/2025

https://catalog.data.gov/dataset/inventory-of-owned-and-leased-properties-iolp							
NLRB Location	**Address**	**Current Building Type**	**GSA Location Code**	**GSA OA Number**	**Current Rentable Square Footage**	**OA Term Start Date**	**OA Term Expiration Date**
RO-3 Albany	Leo W. O'Brien Federal Building 11A Clinton Ave, Room 342 Albany, NY 12207-2366	Federal	NY0300	ANY02196	3,993	3/1/2019	2/28/2029
R-4 Philadelphia	100 Penn Square East, Suite 403 Philadelphia, PA 19107-3323	Leased	PA0549	APA04935	12,525	10/16/2018	10/15/2028
R-5 Baltimore	101 W. Lombard St. Baltimore, MD 21201	Federal	MD1440	AMD06274	9,771	5/13/2024	5/12/2034
RO-5 Washington, DC	1015 Half Street, SE, Suite 6020 Washington, DC 20570-0001	Leased	DC0719	ADC07116	Incl. w/ Headquarters	6/30/2015	6/29/2025
R-6 Pittsburgh	William S. Moorhead Federal Building 1000 Liberty Avenue, Room 904 Pittsburgh, PA 15222-4	Federal	PA0233	APA01602	18,365	12/15/2018	12/14/2028
R-7 Detroit	P. V. McNamara Federal Building 477 Michigan Avenue, Room 05-200 Detroit, MI 48226-2569	Federal	MI0131MC	AMI05260	12,173	2/1/2019	1/31/2028
RO-7 Grand Rapids	Gerald Ford Federal Bldg 110 Michigan St NW, Rm 299 Grand Rapids, MI 49503-23	Federal	MI0137	AMI04500	6,465	9/27/2020	8/31/2029
R-8 Cleveland	Anthony J. Celebrezze Federal Building 1240 East 9th Street, Room 1695 Cleveland, OH 44199-2086	Federal	OH0192	AOH00148	19,286	1/1/2017	10/31/2027
R-9 Cincinnati	John Weld Peck Federal Building 550 Main Street, Room 3003 Cincinnati, OH 45202-3	Federal	OH0189CN	AOH05409	22,971	2/1/2018	1/31/2028
R-10 Atlanta	Peachtree Summit Federal Building 401 W. Peachtree St. NW Suite 472 Atlanta, GA 30308-3525	Federal	GA0087	AGA04525	2,691	3/1/2021	2/28/2031
SR-11 Winston-Salem	One West 4th Street Suite 710 Winston-Salem, NC 27101	Leased	NC2711	ANC03510	5,949	11/7/2022	12/18/2036

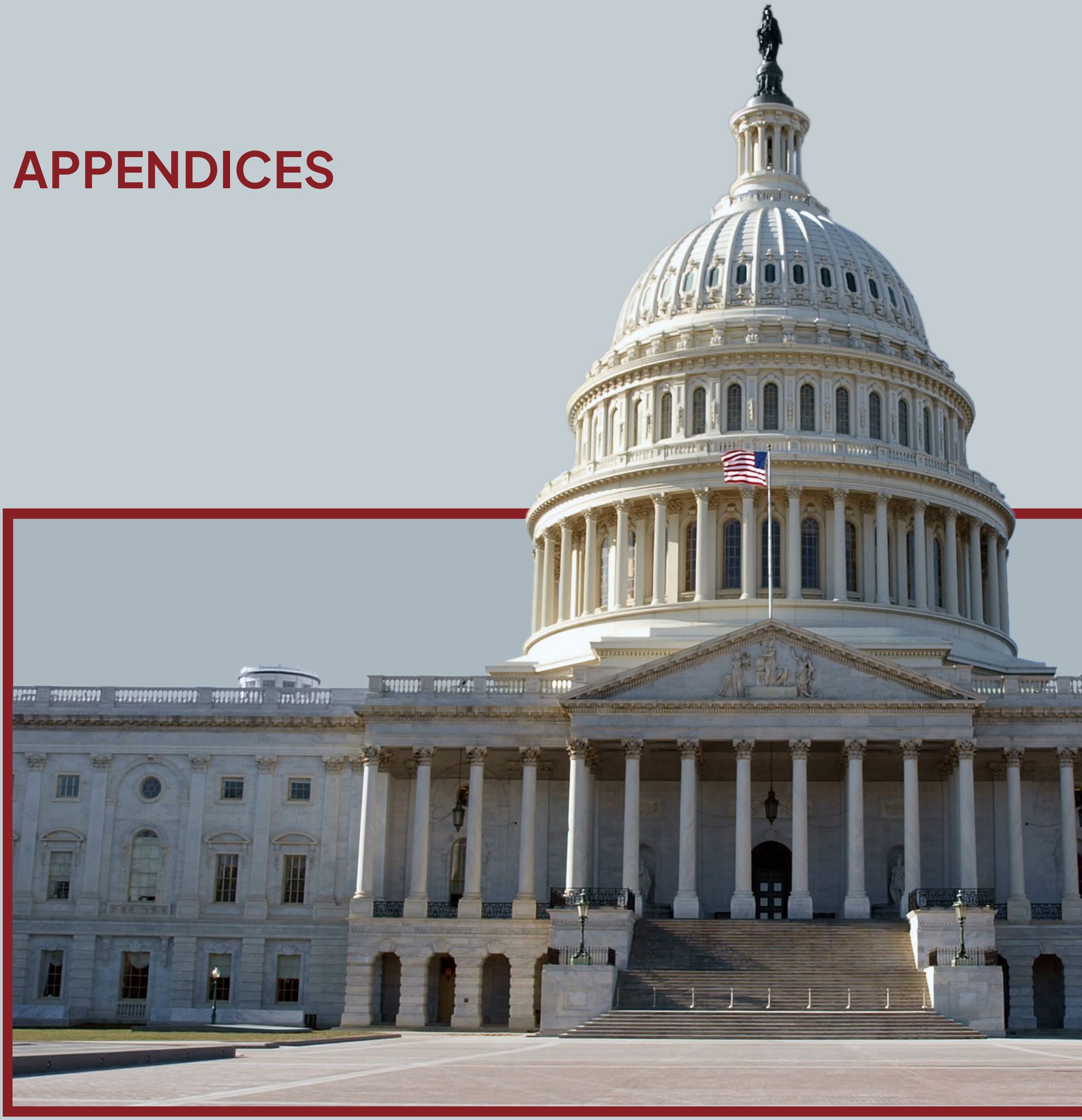
https://catalog.data.gov/dataset/inventory-of-owned-and-leased-properties-iolp							
NLRB Location	**Address**	**Current Building Type**	**GSA Location Code**	**GSA OA Number**	**Current Rentable Square Footage**	**OA Term Start Date**	**OA Term Expiration Date**
RO-10 Birmingham	Ridge Park Place, Suite 3400 1130 South 22nd Street Birmingham, AL 35205-2871	Leased	AL2154	AAL02336	3,853	8/14/2012	8/13/2027
RO-26 Nashville	810 Broadway, Suite 302 Nashville, TN 37203-3859	Leased	TN2038	ATN02958	3,605	4/15/2013	4/14/2025
R-12 Tampa	South Trust Plaza Suite 530 201 East Kennedy Blvd Tampa, FL 33602-5824	Leased	FL2155	AFL06267	7,443	5/15/2023	3/31/2038
RO-12 Miami	Claude Pepper Federal Building Federal Building, Room 1320 51 SW 1st Avenue Miami, FL 33130-1608	Federal	FL0061	AFL00498	5,769	6/1/2013	3/31/2032
SR-24 San Juan	La Torre de Plaza Suite 1002 525 F. D. Roosevelt Avenue San Juan, PR 00918-1002	Federal	PR3928	APR02840	9,343	7/1/2014	6/30/2027
R-13 Chicago	Dirksen Federal Building and Courthouse 219 South Dearborn Street, Suite 808 Chicago, IL 60604	Federal	IL0205	AIL06640	23,860	1/1/2016	12/31/2031
R-14 St. Louis	Robert A. Young Federal Building 1222 Spruce Street, Room 8.302 St. Louis, MO 63103-2829	Federal	MO0106	AMO00055	13,487	6/1/2017	5/31/2032
SR-17 Overland Park	8600 Farley Street, Suite 100 Overland Park, KS 66212	Leased	KS1492	AKS01959	11,057	1/13/2014	1/12/2026
RO-14 Tulsa	Tulsa Federal Building 224 South Boulder Avenue, Room 322 Tulsa, OK 74103-3027	Federal	OK0063	AOK00169	2,233	9/27/2020	8/20/2030
R-15 New Orleans	F. Edward Hebert Federal Building 600 South Maestri Place, 7th Floor New Orleans, LA 70130-3413	Federal	LA0034	ALA01186	18,296	2/6/2019	1/31/2029
SR-26 Memphis	The Brinkley Plaza Bldg. 80 Monroe Avenue, Suite 350 Memphis, TN 38103-2481	Leased	TN2220	ATN03204	2,962	7/01/2023	5/19/2032

https://catalog.data.gov/dataset/inventory-of-owned-and-leased-properties-iolp							
NLRB Location	**Address**	**Current Building Type**	**GSA Location Code**	**GSA OA Number**	**Current Rentable Square Footage**	**OA Term Start Date**	**OA Term Expiration Date**
RO-15 Little Rock	Metropolitan National Bank Building 425 West Capitol Ave., Suite 1615 Little Rock, AR 72201-3401	Federal	AR0063	AAR02922	2,501	12/1/2021	11/30/2031
R-16 Fort Worth	Fritz G. Lanham Federal Building 819 Taylor Street, Room 8A24 Ft. Worth, TX 76102-6178	Federal	TX0224	ATX00305	12,112	11/1/2012	9/30/2026
RO-16 Houston	Mickey Leland Federal Building 1919 Smith Street, Suite 1545 Houston, TX 77002	Federal	TX0298	ATX02117	5,352	10/1/2014	9/30/2029
RO-16 San Antonio	Garcia Federal Building 615 East Houston Street, Suite 559 San Antonio, TX 78205-1	Federal	TX0164	ATX07520	2,517	9/27/2020	9/30/2027
R-18 Minneapolis	212 3rd Avenue South Minneapolis, MN 55401-2221	Federal	MN0036	AMN03832	14,152	9/27/2020	4/30/2030
SR-30 Milwaukee	310 West Wisconsin Avenue, Suite #700 Milwaukee, WI 53203-2211	Leased	WI1542RP	AWI02887	10,226	9/1/2013	3/7/2026
R-19 Seattle	Jackson Federal Building 915 2nd Avenue, Room 2948 Seattle, WA 98174-1078	Federal	WA0101	AWA00901	16,307	11/1/2017	10/31/2027
SR-36 Portland	Edith Green -Wendell Wyatt Federal Building 1220 SW 3rd Avenue Portland, OR 97204-2825	Federal	OR0043	APR04200	5,478	10/1/2013	9/30/2028
R-20 San Francisco	Phillip Burton Federal Building 450 Golden Gate Avenue 3rd Fl Suite 3112 San Francisco, CA 94102	Federal	CA0154	ACA12090	10,510	9/1/2022	8/31/2032
SR-37 Honolulu	Prince Kuhio Federal Building 300 Ala Moana Boulevard, Room 7-245 Honolulu, HI 96850-4980	Federal	HI0011	AHI00093	3,661	10/1/2017	9/30/2027
R-21 Los Angeles	U.S. Courthouse 312 N Spring Street, 10th floor Los Angeles, CA 90017-5449	Leased	CA0041	ACA11399	17,945	10/1/2018	9/30/2028
RO-21 San Diego	555 West Beech Street, Suite 418 San Diego, CA 92101-2939	Leased	CA5938	ACA08118	1,965	1/1/2018	12/31/2023

https://catalog.data.gov/dataset/inventory-of-owned-and-leased-properties-iolp							
NLRB Location	**Address**	**Current Building Type**	**GSA Location Code**	**GSA OA Number**	**Current Rentable Square Footage**	**OA Term Start Date**	**OA Term Expiration Date**
R-22 Newark	Federal Building 20 Washington Place, 5th Floor Newark, NJ 07102-3	Federal	NJ0056	ANJ00031	17,633	8/1/2017	7/31/2027
R-25 Indianapolis	Minton-Capehart Federal Building 575 N. Pennsylvania Street, Room 238 Indianapolis, IN 46204-1577	Federal	IN0133	AIN00258	12,930	3/1/2018	10/31/2028
SR-33 Peoria	101 SW Adams Street, 4th Floor Peoria, IL 61602	Leased	IL2637	AIL06665	5,599	6/1/2015	5/31/2025
R-27 Denver	Byron G. Rogers Federal Building 1961 Stout Street, 13th Floor Denver, CO 80202-5433	Federal	CO0039	ACO05930	12,743	11/8/2013	11/15/2028
R-28 Phoenix	2600 North Central Avenue, Suite 1400 Phoenix, AZ 85004-3099	Leased	AZ7319	AAZ04330	13,253	12/1/2011	11/30/2024
RO-28 Albuquerque	The Federal Building and U.S. Courthouse 421 Gold Avenue SW, Suite 310 P.O. Box 567 Albuquerque, NM 87103-2181	Federal	NM0502	ANM01766	5,028	7/1/2017	6/12/2027
RO-28 Las Vegas	Foley Federal Building and Courthouse 300 S Las Vegas Blvd, Suite 2-901 Las Vegas, NV 89101	Federal	NV0013	ANV02878	7,952	2/1/2015	1/31/2030
R-29 Brooklyn	One Metrotech Center, 351 Jay Street, Suite 2000, Brooklyn, NY 11201-3948	Leased	NY7695	ANY10178	15,294	6/27/2024	6/26/2039
R-31 West Los Angeles	11150 West Olympic Blvd, Suite 700 Los Angeles, CA 90064-1824	Leased	CA7365	ACA10028	18,774	2/19/2013	2/18/2026
R-32 Oakland	Oakland Federal Building 1301 Clay Street, Room 300-N Oakland, CA 94612-5211	Federal	CA0281	ACA00440	8,494	11/9/2018	10/31/2028
DOJ-Washington, DC	1015 Half Street, SE - Suite 6034 Washington, DC 20570-0001	Leased	DC0719	ADC07116	Incl. w/ Headquarters	6/30/2015	6/29/2025

https://catalog.data.gov/dataset/inventory-of-owned-and-leased-properties-iolp							
NLRB Location	**Address**	**Current Building Type**	**GSA Location Code**	**GSA OA Number**	**Current Rentable Square Footage**	**OA Term Start Date**	**OA Term Expiration Date**
DOJ-New York	Jacob K. Javits 26 Federal Plaza, Suite 41-120 New York, New York 10036-5503	Federal	NY0282	ANY09511	4,047	9/11/2017	9/10/2027
DOJ-San Francisco	Ronald Dellums Oakland Federal Building 1301 Clay Street, Suite 1550S Oakland, CA 94612	Federal	CA0281	ACA12244	2,022	11/1/2022	10/31/2032

APPENDICES



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APPENDIX A

Acronyms

AANHPI	Asian Americans, Native Hawaiians, and Pacific Islanders
ABA	American Bar Association
ADA	Antideficiency Act
ADR	Alternative Dispute Resolution
ALJ	Administrative Law Judge
AMB	Acquisitions Management Branch
BMS	Backpay Management System
CCSLB	Contempt, Compliance and Special Litigation Branch
CDO	Chief Diversity Officer
CDM	Continuous Diagnostic Monitoring
CFO	Chief Financial Officer
COR	Contracting Officer Representative
CWTSato	(Carlson Wagonlit) NLRB's travel Management Service
CY	Calendar Year
Data Act	Digital Accountability and Transparency Act of 2014
DCIA	Debt Collection Improvement Act of 1996
DEIA	Diversity, Equity, Inclusion, and Accessibility
DHS	Department of Homeland Security
DMF	Death Master File
DNP	"Do Not Pay" List
DOJ	Department of Justice
DOL	Department of Labor
EEO	Equal Employment Opportunity
EEOC	Equal Employment Opportunity Commission
E-File	Electronic Filing
ERG	Employee Resource Group

FAR	Federal Acquisition Regulation
FASAB	Federal Accounting Standards Advisory Board
FEVS	Federal Employee Viewpoint Survey
FFATA	Federal Funding Accountability and Transparency Act
FFMIA	Federal Financial Management Improvement Act of 1996
FISMA	Federal Information Security Management Act
FMFIA	Federal Managers' Financial Integrity Act
FOIA	Freedom of Information Act
FPB	Facilities and Property Branch
FPDS-NG	Federal Procurement Data System – Next Generation
FRDAA	Fraud Reduction and Data Analytics Act of 2015
FY	Fiscal Year
GAAP	Generally Accepted Accounting Principles
GPO	Government Publishing Office
GPRA	Government Performance and Results Act
GPRAMA	Government Performance and Results Modernization Act
GSA	General Services Administration
HCPO	Human Capital Planning Officer
IBC	Interior Business Center
ILAB	Bureau of International Labor Affairs
ILB	Injunction Litigation Branch
IPERA	Improper Payments Elimination and Recovery Act of 2010
IPERIA	Improper Payments Elimination and Recovery Improvement Act of 2012
IPIA	Improper Payments Information Act of 2002
IRP	Internal Control, Risk, and Performance
IT	Information Technology
ITSM	Information Technology Services Management
IUS	Internal Use Software
LOA	Letters of Agreement
MD&A	Management's Discussion and Analysis
MOU	Memorandum of Understanding
NLRA	National Labor Relations Act
NLRB	National Labor Relations Board
NxGen	Next Generation Case Management System

OA	Occupancy Agreement
OBIA	Oracle Business Intelligence Application
OBIEE	Oracle Business Intelligence Enterprise Edition
OCFO	Office of the Chief Financial Officer
OCIO	Office of the Chief Information Officer
OCPA	Office of Congressional and Public Affairs
OED	Office of Employee Development
OEEO	Office of Equal Employment Opportunity
OFCCP	Office of Federal Contract Compliance Programs
OGC	Office of the General Counsel
OGE	Office of Government Ethics
OHR	Office of Human Resources
OIG	Office of Inspector General
OMB	Office of Management and Budget
OSC	Office of Special Counsel
OSHA	Occupational Safety and Health Administration
PACER	Payments, Claims and Enhanced Reconciliation
PAM	Payment Automation Manager
PAR	Performance and Accountability Report
PAS	Presidential Appointees with Senate Confirmation
PIAA	Payment Integrity Information Act of 2019
PP&E	Property, Plant, and Equipment
RA	Reasonable Accommodation
SAM	System for Award Management
SBA	Small Business Administration
SES	Senior Executive Service
SPR	Standard Payment Request
TMF	Technology Modernization Fund
ULP	Unfair Labor Practice
USPS	United States Postal Service
VPC	Veterans Program Coordinator
WHD	Wage and Hour Division

APPENDIX B

Glossary

Adjudicate: Formal judgment or decision about a disputed matter.

Adversarial: Of a trial or legal procedure in which the parties in a dispute have the responsibility for finding and presenting evidence.

Amicus Curiae: Friend of the court.

Arbitrator: An independent person of body officially appointed to settle a dispute.

Backpay: Payment for work done in the past that was withheld at the time, or for work that could have been done had the worker not been prevented from doing so.

Case: The general term used in referring to a charge or petition filed with the Board. Each case is numbered and carries a letter designation indicating the type of case.

Certiorari: A writ or order by which a higher court reviews a decision of a lower court.

Charge: A document filed by an employee, an employer, a union, or an individual alleging that a ULP has been committed by a union or employer.

Collective Bargaining: Negotiation between organized workers and their employer or employers to determine wages, hours, rules, and working conditions.

Complaint: A document that initiates "formal" proceedings in a ULP case. It is issued by the Regional Director when he or she concludes on the basis of a completed investigation that any of the allegations contained in the charge have merit and the parties have not achieved settlement. The complaint sets forth all allegations and information necessary to bring a case to hearing before an ALJ pursuant to due process of law. The complaint contains a notice of hearing, specifying the time and place of the hearing.

Compliance: The carrying out of remedial action as agreed upon by the parties in writing; as recommended by the administrative law judge in the decision; as ordered by the Board in its decision and order; or as decreed by the court.

Consent Election: A Regional Director will hold a prehearing conference to attempt to resolve bargaining unit issues and questions of voter eligibility without having to resort to a full hearing. This type of election eliminates the need for a formal hearing if all parties voluntarily reach an agreement.

Decisions: Decisions by the Board and NLRB Administrative Law Judges.

Deferral: Under certain circumstances, it may be appropriate for a Regional Director to hold up making a determination on the merits of a charge pending the outcome of proceedings on related matters. Such matters may be pending in the parties' contractual grievance procedure or before the Agency or other federal, state, or local agencies or courts.

Dismissed Cases: Cases may be dismissed at any stage. For example, following an investigation, the Regional Director may dismiss a case when he or she concludes that there has been no violation of the law, that there is insufficient evidence to support further action, or for other legitimate reasons. Before the charge is dismissed, the charging party is given the opportunity to withdraw the charge by the Regional Director. A dismissal may be appealed to the Office of the General Counsel.

Directed Election: An election which the Regional Director directs after evidence is presented at a hearing regarding the existence of questions concerning representation and the appropriateness of the bargaining unit sought by the petitioning party.

Expungement: When a first-time offender of a prior criminal conviction seeks that the records of that earlier process be sealed, making the records unavailable through the state or federal repositories.

Formal Action: Formal actions may be documents issued or proceedings conducted when the voluntary agreement of all parties regarding the disposition of all issues in a case cannot be obtained, and where dismissal of the charge or petition is not warranted. "Formal actions" are those in which the Board exercises its decision-making authority in order to dispose of a case or issues raised in a case. "Formal action" also describes a Board decision and consent order issued pursuant to a stipulation, even though a stipulation constitutes a voluntary agreement.

***Gissel* Bargaining Order:** *Gissel* bargaining orders are orders to bargain with a union that may no longer have majority support because of serious employer ULPs that have poisoned the possibility of a fair election.

Impact Analysis: Provides an analytical framework for classifying cases so as to differentiate among them in deciding both the resources and urgency to be assigned each case. All cases are assessed in terms of their impact on the public and their significance to the achievement of the Agency's mission. The cases of highest priority, those that impact the greatest number of people, are placed in Category III. Depending on their relative priority, other cases are placed in Category II or I.

Injunctive Relief: A temporary remedy sought in case of egregious violations of the Act pending final action by the Board in which Counsel for the General Counsel asks a district court judge to issue an order requiring the charged party to cease and desist from engaging in violations of the Act and may also seek certain affirmative actions in order to return to status quo.

Injunctive Proceedings: The adjudicatory process by which Counsel for the General Counsel seeks injunctive relief, as described directly above, from a district court judge.

Interstate Commerce: In the U.S., any commercial transaction or traffic that crosses state boundaries or that involves more than one state. Government regulation of interstate commerce is founded on the commerce clause of the Constitution (Article I, section 8), which authorizes Congress "To regulate Commerce with foreign Nations, and among the several States, and with Indian Tribes."

Investigative Subpoena: Use of a subpoena during a case investigation to ascertain facts on which to base an initial administrative decision regarding the merits of charge allegations in jurisdictional issues.

Litigation: Litigation by Board attorneys in federal court, including petitions for temporary injunctions, defending Board decisions in court, and pursuing enforcement, contempt and compliance actions.

"Make-Whole" Remedy: A remedy that provides a victim of an unfair labor practice with full restoration of his or her status prior to the unfair labor practice, which includes backpay, consequential damages, and other remedial relief.

Meritorious Unfair Labor Practice Charge: Charge allegations evidencing statutory violations.

"Mixed-Guard" Union: A union that has both security guards and non-guards as members.

"Nip-in-the Bud" Cases: Cases arising from allegations of unfair labor practices committed during union organizing campaigns.

Overage Case: A case is reported "overage" when it is still pending disposition after its time target was exceeded.

P&P Committee: Practice and Procedure Under the NLRA Committee.

Petition: A petition is the official NLRB form filed by a labor organization, employee, or employer. Petitions are filed primarily for the purpose of having the Board conduct an election among certain employees of an employer to determine whether they wish to be represented by a particular labor organization for the purposes of collective bargaining with the employer concerning wages, hours, and other terms and conditions of employment.

The NLRB currently has the following types of petitions:

- Form NLRB-502 (RC) - RC Petition – Certification of Representative
- Form NLRB-502 (RD) - RD Petition – Decertification (Removal of Representative)
- Form NLRB-502 (RM) - RM Petition – Certification of Representative (To be filed by Employer/Petitioner)
- Form NLRB-502 (UD) - UD Petition – Deauthorization of Union Shop Authority (Removal of Obligation to Pay Dues)

Petitioner: The party who presents a petition to the court or a person or entity who files a representation case petition with the Agency.

Prosecutorial: Acts related to the process of litigating against a charged party when meritorious charge allegations are found.

Protected Concerted Activity: The NLRA protects employees' rights to engage in protected concerted activities with or without a union, which are activities to improve working conditions, such as wages and benefits.

Remedies: Remedies obtained to resolve unfair labor practices, including backpay and offers of reinstatement.

Reinstatement: To put a victim of an unfair labor practice back to his or her job.

Representation Cases: Initiated by the filing of a petition—by an employee, a group of employees, a labor organization acting on their behalf, or in some cases by an employer.

Secret-ballot Elections: A voting method in which voter's choices in an election or referendum are anonymous, forestalling attempts to influence the voter by intimidation and potential vote buying.

Settlements: A resolution between disputing parties about a legal case, reached either before or after litigation begins.

Sua Sponte: A Latin phrase describing an act of authority taken without formal prompting from another party.

Social Media: Various online technology tools that enable people to communicate easily via the Internet to share information and resources. These tools can encompass text, audio, video, images, podcasts, and other multimedia communications.

Status Quo: A Latin phrase meaning the existing state of affairs, particularly with regards to social or political issues.

Statutory: Required, permitted, or enacted by statute.

Stipulated Election: The parties agree on an appropriate unit and the method, date, time, and place of a secret ballot election that will be conducted by an NLRB agent.

Taft-Hartley Act: The Labor Management Relations Act, better known as the Taft-Hartley Act (enacted June 23, 1947) is a U.S. federal law that restricts the activities and power of labor unions. The Taft-Hartley Act amended the NLRA, informally the Wagner Act, which Congress passed in 1935.

Temporary Injunction: A court order prohibiting an action by a party to a lawsuit until there has been a trial or other court action, the purpose of which is to maintain the status quo and preserve the subject matter of the litigation until the trial is over.

Unfair Labor Practice: An unfair labor practice is unlawful conduct by either a labor organization or an employer that violates the Act.

Union: An organized association of workers formed to protect and further their rights and interests.

Withdrawals: Case resolution resulting from a charging party or petitioner deciding to withdraw the filing of an ULP charge or representation case petition.

APPENDIX C

HISTORICAL PERFORMANCE MEASURES (FYs 2022–2026)

FY 2023 HISTORICAL PERFORMANCE MEASURES

FY 2023 GOAL 1 (MISSION): ENSURE EFFECTIVE ENFORCEMENT OF THE NATIONAL LABOR RELATIONS ACT THROUGH TIMELY AND QUALITY CONSIDERATION AND RESOLUTION OF UNFAIR LABOR PRACTICES WITH APPROPRIATE REMEDIES

FY 2023 GOAL NO. 1, OBJECTIVE 1, MEASURE 1

Measure 1: The Field Office operations reach determinations on all unfair labor practice charges within 90 percent of the Agency's timeliness goal.

YEAR	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
TARGET	100.1 days	100.1 days	100.1 days	100.1 days	100.1 days
ACTUAL	84.8 days	266 days	N/A	N/A	N/A

Based upon an average, Field Offices did not meet the goal of reaching case determination in 90 percent of unfair labor practice cases within 91 days pursuant to Memorandum GC 22-05, *Goals for Initial Unfair Labor Practice Investigations*.

The Agency experienced a significant increase in case intake (10.4 percent) and continued understaffing despite a modest increase in the Agency's budget. The Agency has implemented a program whereby Headquarters staff are assisting the Field Offices with case handling.

FY 2023 GOAL NO. 1, OBJECTIVE 1, MEASURE 2

Measure 2: Issue 90 percent of pending unfair labor practice cases that, by the end of the fiscal year, will have been pending before the Board for more than 18 months.

YEAR	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
TARGET	90%	90%	90%	90%	90%
ACTUAL	81%	76%	N/A	N/A	N/A

As of the end of FY 2023, 76 percent of pending unfair labor practice cases had been closed that, by the end of the fiscal year, would have been pending before the Board for more than 18 months.

In FY 2023, the Board saw a significant increase in case intake, receiving a total of 321 cases, up from 308 cases in FY 2022. As a result, FY 2023 was an exceptionally busy year for the Board which continued to operate at static staffing levels. Despite these challenges, the Board processed more cases than last fiscal year and successfully prioritized the issuance of more than a dozen significant precedent-setting decisions during FY 2023. The Board also issued a Final Rule that improved the conduct of representation elections. The high number of incoming total cases, however, contributed to the Board not meeting the 90 percent goal for this measure related to unfair labor practice cases, missing the goal by 14 percent. The Board is committed to prioritizing the remaining FY 2023 "oldest cases" in FY 2024.

FY 2023 GOAL NO. 1, OBJECTIVE 1, MEASURE 3

Measure 3: Ensure that the median age of all cases pending before the Board at the end of each fiscal year is 180 days or less.

YEAR	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
TARGET	180 days or less	180 days or less	180 days or less	180 days or less	180 days or less
ACTUAL	108 days	106 days	N/A	N/A	N/A

As of the end of FY 2023, the median age of all cases pending before the Board was 106 days, which is well below the goal of 180 days or less.

The Board's continuing successful efforts to prioritize the completion of work on its oldest pending cases, while striving to maintain its pace in issuing decisions overall, resulted in the Board achieving this measure by over 40 percent.

FY 2023 GOAL NO. 1, OBJECTIVE 2, MEASURE 1

Measure 1: Conduct annual quality reviews of all Field Offices' unfair labor practice case files with overall ratings.

YEAR	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
TARGET	100%	100%	100%	100%	100%
ACTUAL	100%	100%	N/A	N/A	N/A

The Division of Operations-Management has completed its review of all Field Offices' unfair labor practice case files. This is the second year of the Agency's revised quality review process in which Operations reviewed representative case work that represents the breadth of the Field's case-related performance and provided timely oral and written feedback and guidance. The quality review encompassed not only a review of the substantive work but also of Agency systems and processes related thereto. Overall ratings are provided to the Field Offices early in the next fiscal year. The work of the Field Offices is being performed at the highest level in most of the casehandling work reviewed and at a high level for the remaining casehandling reviewed.

FY 2023 GOAL NO. 1, OBJECTIVE 3, MEASURE 1

Measure 1: Ensure that at least 85 percent of Board Orders are closed or advanced to the next stage in fewer than 300 days.

YEAR	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
TARGET	85%	85%	85%	85%	85%
ACTUAL	89.2%	88.2%	N/A	N/A	N/A

Closed or advanced cases to the next stage in fewer than 300 days in 45 of 51 cases, or 88.2 percent exceeding the 85 percent of the strategic goal target.

FY 2023 GOAL NO. 1, OBJECTIVE 3, MEASURE 2

Measure 2: Ensure that at least 85 percent of Federal Circuit Court Orders are closed or advanced to the next stage in fewer than 300 days.

YEAR	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
TARGET	85%	85%	85%	85%	85%
ACTUAL	82.9%	67.5%	N/A	N/A	N/A

Closed cases or advanced cases to the next stage in fewer than 300 days in 27 cases closed during FY 2023, but it took longer than 300 days to close or advance to the next stage in 13 cases (67.5 percent) short of the 85 percent goal.

FY 2023 GOAL 2 (MISSION): PROTECT EMPLOYEE FREE CHOICE WITH TIMELY AND EFFECTIVE MECHANISMS TO RESOLVE QUESTIONS CONCERNING REPRESENTATION

FY 2023 GOAL NO. 2, OBJECTIVE 1, MEASURE 1

Measure 1: Reach 85 percent pre-election agreement rate in representation elections not involving issues regarding the way the elections are conducted.

YEAR	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
TARGET	85%	85%	85%	85%	85%
ACTUAL	95%	96%	N/A	N/A	N/A

The Regions met this measurement, with a pre-election agreement rate of 96 percent for cases not involving issues regarding the way elections are conducted.

FY 2023 GOAL NO. 2, OBJECTIVE 1, MEASURE 2

Measure 2: Issue 90 percent of pending representation cases that, by the end of the fiscal year, will have been pending before the Board for more than 12 months.

YEAR	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
TARGET	90%	90%	90%	90%	90%
ACTUAL	89%	96%	N/A	N/A	N/A

The Board's focus on the timely issuance of decisions in representation cases in FY 2023 is demonstrated by its excellent results in this measure. The Board issued decisions in 96 percent of the pending representation cases that, by the end of the fiscal year, would have been pending before the Board for more than 12 months. This achievement is all the more notable given that the Board experienced a 10 percent increase in the number of representation cases presented before the Board for decision in FY 2023.

FY 2023 GOAL NO. 2, OBJECTIVE 1, MEASURE 3

Measure 3: Ensure that the median age of all cases pending before the Board at the end of each fiscal year is 180 days or less.

YEAR	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
TARGET	180 days or less	180 days or less	180 days or less	180 days or less	180 days or less
ACTUAL	108 days	106 days	N/A	N/A	N/A

The Board's continuing successful efforts to prioritize the completion of work on its oldest pending cases, while maintaining its pace in issuing decisions overall, resulted in the Board achieving this measure by over 40 percent.

FY 2023 GOAL NO. 2, OBJECTIVE 2, MEASURE 1

Measure 1: Promote awareness of the option to file election petitions electronically, in English or Spanish, through the Agency's website.

In FY 2023, the Agency routinely posted on social media in both English and in Spanish and publicized the availability of an interpreter when a member of the public contacts the Agency. During Labor Rights Week, Agency representatives explained in English and Spanish how to file charges and petitions with the Agency at outreach events across the country.

FY 2023 GOAL 3 (SUPPORT): ACHIEVE ORGANIZATION EXCELLENCE AND SERVE AS A MODEL EMPLOYER

FY 2023 GOAL NO. 3, OBJECTIVE 1, MEASURE 1

Measure 1: Maintain a target employee engagement index score of 67 percent on the Federal Employee Viewpoint Survey (FEVS), and in subsequent years establish new initiatives with the goal of increasing employee engagement.

YEAR	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
TARGET	67%	67%	67%	67%	67%
ACTUAL	75%	78%	N/A	N/A	N/A

The Human Capital Planning Office continues to meet with managers and supervisors to address FEVS results and work toward improving employee morale and employee engagement. Effective leadership communication continues to be a key strategy in driving continued improvements in satisfaction and commitment. Work continues at leveraging best practices to strengthen a culture of higher employee engagement. In this regard, the NLRB achieved a 78 percent Employee Engagement Index Score on the 2023 FEVS results.

FY 2023 GOAL NO. 3, OBJECTIVE 2, MEASURE 1

Measure 1: Satisfaction percentage rating (65 percent or above) of the "Talent Management Index" using the annual FEVS results.

YEAR	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
TARGET	65%	65%	65%	65%	65%
ACTUAL	72%	75%	N/A	N/A	N/A

The NLRB achieved a 75 percent Talent Management Index score on the 2023 FEVS results. Recruitment, retention, and developmental activities have been ongoing throughout the year with various initiatives designed to attract, motivate and retain talent. The Agency continued to leverage its recruitment, retention, and developmental opportunities by using the Presidential Management Council, Interagency Rotation Program (PMC/IRP), and the Strategic Recruitment Program to partner with employees in Headquarters and the Field Offices on recruitment outreach initiatives and other development opportunities.

FY 2023 GOAL NO. 3, OBJECTIVE 3, MEASURE 1

Measure 1: Satisfaction percentage rating (65 percent or above) for the "Job Satisfaction Index" using the annual FEVS results.

YEAR	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
TARGET	65%	65%	65%	65%	65%
ACTUAL	72%	70%	N/A	N/A	N/A

The NLRB achieved a 70 percent Job Satisfaction Index score on the 2023 FEVS results.

FY 2023 GOAL NO. 3, OBJECTIVE 3, MEASURE 2

Measure 2: Satisfaction percentage rating (65 percent or above) for the "Support for Diversity Index" using the annual FEVS results.

YEAR	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
TARGET	65%	65%	65%	65%	65%
ACTUAL	67%	79%	N/A	N/A	N/A

The NLRB achieved a 79 percent DEIA Index score on the 2023 FEVS results[5].

The Chief Diversity Officer continues to meet with managers and supervisors on building a diverse and inclusive workforce. The Strategic Plan for Diversity, Equity, Inclusion, and Accountability (DEIA) was implemented, which tied together existing practices with new initiatives that promoted an inclusive workplace culture. The Chief Diversity Officer continued to champion DEIA programs and educate the workforce on topics such as unconscious bias, anti-racism, anti-harassment, cultural competency and awareness, civility, workplace sensitivity, change management, reasonable accommodation and accessibility, and workforce fairness and equity for people of different abilities, cultures, races, ethnicities, genders, beliefs, and experiences.

[5] For the 2022 FEVS, the Office of Personnel Management introduced a new DEIA Index, which was developed to support Executive Order 14035 and serves as the new standard for measuring diversity, equity, inclusion, and accessibility in current and future FEVS. The 79% DEIA Index Score for 2023 should not be compared to the 67% index score for 2022 because of the methodological changes between the indices. For comparison purposes, the NLRB achieved a 74% DEIA Index Score in 2022 and it would be appropriate to compare that score to the 79% DEIA Index Score of 2023.

FY 2023 GOAL 4 (SUPPORT): MANAGE AGENCY RESOURCES EFFICIENTLY AND IN A MANNER THAT INSTILLS PUBLIC TRUST

FY 2023 GOAL NO. 4, OBJECTIVE 1, MEASURE 1

Measure 1: Achieving a clean audit opinion by ensuring that OCFO's operations are guided by appropriate processes and internal controls.

OCFO – Acquisition Management Branch

NLRB has submitted timely the DATA Act information to OMB monthly by respective FY 2023 reporting dates. Issued the NLRB's DATA Act Policy which fulfills the requirement for a Data Quality Plan (DQP) in accordance with OMB M-18-16, Appendix A to OMB Circular No. A-123, Management of Reporting and Data Integrity Risk. The purpose of the DQP is to document the NLRB's approach to achieve reasonable assurance that its internal controls support the reliability and validity of the Agency's account-level and award-level data reported for display on *https://www.usaspending.gov*.

NLRB continues to support minority business enterprises for contract awards.

Small Business Goal Status*						
Socio-economic Category	SBA Government Wide Small Business Goals	NLRB Statistics Q1 FY 2023	NLRB Statistics Q2 FY 2023	NLRB Statistics Q3 FY 2023	NLRB Statistics Q4 FY 2023	NLRB Statistics Overall FY 2023
Small Disadvantaged Disadvantaged*	12%	55.28%	45.43%	73.51%	64.20%	64.08%
8(a)*	0%	10.77%	34.10%	37.04%	40.54%	40.95%
Service Disabled Veteran Owned**	3%	0%	0%	0.16%	2.57%	2.59%
Women Owned	5%	39.66%	21.10%	18.84%	11.52%	10.75%
HUBZone	3%	2.36%	36.59%	19.17%	7.12%	7.19%
Small Business	23%	154.15%	93.30%	85.66%	71.42%	71.47%

*8(a) is not designated as separate categories by the SBA when establishing Goals. The NLRB defines our small business goals by separating this category.

**In FY 2023, the NLRB was below in one out of the five government wide goals for small disadvantaged businesses because of de-obligations and spending being put in areas that were either for an existing contract or the requirement exceeded small business capabilities.

OCFO – Budget Branch

- Developed and managed the Agency's FY 2023 Continuing Resolutions.
- Formulated the NLRB FY 2023 Operating Plan and obtained Board approval.
- Submitted the FY 2024 Congressional Justification on time.
- Developed Status of Funds Reports and provided budget briefings to the Agency Leadership.
- Maintained an Agency Unfunded Requirements List.
- Uploaded NLRB FY 2023 Quarterly Apportionments in Oracle Federal Financials in a timely manner.
- Conducted mid-year reviews with program offices.
- Completed the FY 2023 year-end closing process.
- Submitted the FY 2025 Budget Request to OMB.

OCFO – Finance Branch

- Submitted timely FY 2023 CARS/Statement of Transactions (SOTs) reporting to Treasury's Bureau of the Fiscal Service (BFS) monthly by its respective reporting window close (3rd workday of the month).
- Met all FY 2023 Treasury deadlines. Submitted timely GTAS reports to BFS, on a monthly basis, by its respective FY 2023 reporting window closing dates: December 19, January 20, February 17, March 17, April 19, May 17, June 20 July 20 and October 19, 2023.
- Met all FY 2023 Treasury deadlines. Submitted timely quarterly Intragovernmental Material Difference Report (MDR) to BFS by the FY 2023 reporting window closing dates: February 1, May 1 and August 1. The 4th Quarter reporting data is on target for submission by November 29, 2023.
- Met all FY 2023 Treasury deadlines. Submitted timely Treasury Report on Receivables (TROR) to BFS on a quarterly basis by the FY 2023 reporting window closing dates: January 31, April 28, and July 31, 2023. The 4th Quarter reporting data is on target for submission by November 14, 2023.
- Provided timely quarterly updates on the recommendations per the corrective action plan. Closed prior year financial audit notices of findings and recommendations.

Internal Control, Risk, and Performance Branch

- Executed quantitative and qualitative risk assessments for OCFO operations.
- Completed OMB Circular No. A-123 required assessment of Internal Control and Entity Level Controls (ELCs).
- Updated the Agency's ERM Policy based on the revised 2022 ERM Playbook.
- Launched the Enterprise Risk Management System (ERMS) to help facilitate the NLRB's ERM activities (tracking, assessing, and prioritizing the Agency's most significant risks).
- Conducted the Agency's Risk Management Council (RMC) meetings, along with ERM Working Group meeting with OCFO staff.
- OCFO proposed enterprise risks were approved by the RMC and added to the Agency's Risk Profile.
- OCFO has procured services from ERM contractor to aide in the Agency's ERM efforts.
- ERM discussions have been planned with Risk Owners and Risk Champions starting in the 1st Quarter of FY 2024.

FY 2023 GOAL NO. 4, OBJECTIVE 1, MEASURE 2

Measure 2: Continue to support telework by employees and contractors, as well as virtual access to Agency processes by members of the public, to create opportunities to reduce costs associated with maintaining the Agency's footprint in its Headquarters and Field Offices, in accordance with General Service Administration (GSA) directives.

The Facilities and Property Branch (FPB) conducted an annual space assessment of all Agency locations to identify the best space utilization for offices. From the assessment, a cost estimate was generated to reduce or eliminate space. Projects will be executed based on funding availability. There are currently numerous projects in the works.

FY 2023 GOAL NO. 4, OBJECTIVE 2, MEASURE 1

Measure 1: Make progress towards an employee satisfaction percentage rating (65 percent or above) for the Agency's ethical culture using the annual FEVS results.

YEAR	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
TARGET	65%	65%	65%	65%	65%
ACTUAL	71%	75%	N/A	N/A	N/A

The Ethics Office supports Agency leadership in maintaining a vigorous and robust ethical culture by fully and timely complying with all relevant federal laws, regulations, applicable executive orders, management directives, and policies related to ethics in the workplace by meeting all regulatory requirements under the Ethics in Government Act (EIGA) and 5 C.F.R.§ 2638.104. During FY 2023, the Agency provided Initial Ethics Training (IET) to newly hired employees within 90 days of their appointment, ensured that all financial disclosure filers completed Annual Ethics Briefings as required, submitted all required reports to OGE (i.e., data calls, 1353 Semi-Annual Reports for Travel Reimbursement, Annual Questionnaire, Program Review Requests), coordinated with our partners in the Office of Human Resources (OHR) to communicate with new hires and newly appointed supervisors about their ethical obligations, and provided post-employment guidance to anyone separating from government service. The Agency also provided Political Appointees and Schedule C employees with important information about the Biden Ethics Pledge (Executive Order 13989) in the context of both recusals and gifts. To further support this category of employee, the Agency reviewed all speaking engagement invitations to ensure that the meeting or conference did not implicate Paragraph 2 of the Pledge and that the sponsor or any other entity was not offering a prohibited gift.

In addition, the Ethics Office supported the NLRB's commitment to a strong ethical culture by:

- Providing periodic reminders about the Hatch Act and when it applies to an employee's partisan political activities;
- Notifying employees when OGE issues a new regulation or provides updated guidance concerning existing regulations;
- Developing briefing materials and training programs that educate new Administrative Law Judges and Regional Directors about the role of the Ethics Office in supporting the work of the Agency;
- Supporting the AMB initiative to develop a strong cadre of Contracting Officer Representatives (CORs) by providing checklists and tips to avoid potential conflicts during the acquisitions process;

- Developing and distributing government and legal ethics resources on a variety of topics for all levels of employees to support the mission work of the Agency;
- Providing comprehensive ethics guidance to individual employees;
- Evaluating initiatives proposed by various offices to ensure that the initiatives were executed in an ethical manner; and
- Providing one-on-one Ethics Briefings when needed, including to officials new to government service and attorneys coming to the Agency from private practice.

Lastly, the Ethics Office is tasked with managing the Agency's Financial Disclosure Program in accordance with EIGA and the Stop Trading on Congressional Knowledge (STOCK) Act. This involves providing one-on-one assistance to confidential and public financial disclosure filers; ensuring that staff who hold "Acting" positions for more than 60 days in a calendar year file New Entrant and Termination reports as they transition in and out of a filing position; reviewing all reports for compliance and sufficiency within 60 days of receipt and providing individual guidance concerning potential conflicts based on the review of these reports.

FY 2023 GOAL NO. 4, OBJECTIVE 2, MEASURE 2

Measure 2: Continue to respond to Freedom of Information Act (FOIA) inquiries in a timely manner.

FOIA PAR Performance Measures:	FY 2023 Accomplishments:
Respond to at least 65 percent of initial FOIA requests within 20 working days.	During FY 2023, the Agency received 2,205 FOIA requests, of which 1,962 were processed in twenty days or fewer for a timeliness compliance rate of 89 percent.
By the end of the fiscal year, close the ten oldest cases (as reported in the prior FOIA Annual Report) that are not subject to litigation and/or do not require consultation and response from outside Agencies and/or the White House.	During FY 2023, the Agency closed 83.3 percent (5 of 6) of the oldest cases as reported in the FY 2022 FOIA Annual Report that are not subject to litigation and/or do not require consultation from outside entities. (Note: This calculation reflects the exclusion of 4 of the oldest cases reported in the FY 2022 FOIA Annual Report because they remain open due to ongoing litigation and are thus excluded from this metric.)
Respond to at least 80 percent of statutory appeals within 20 working days.	During FY 2023, the Agency processed nine FOIA appeals, all of which were processed in twenty days or fewer for a timeliness compliance rate of 100 percent.
Post on the Agency website the Division of Advice memoranda and case closing emails by the 30th of the month following the month in which the case closed.	During FY 2023, Division of Advice memoranda and case closing emails were processed and timely posted on the Agency website each month in full compliance with the performance measure.
Maintain a year-to-year backlog of less than 10 percent of all FOIA requests received.	During FY 2023, the Agency received 2,205 FOIA requests, of which six remained backlogged at the end of the fiscal year, for a backlog rate of approximately one quarter of one percent (0.27 percent).

FY 2023 GOAL NO. 4, OBJECTIVE 3, MEASURE 1

Measure 1: Reach an ERM maturity level-3 by FY 2026.

During FY 2023, the Agency worked in the following ERM activities in order to reach maturity level three in the next three years:

- Established the Enterprise Risk Management System (ERMS).
- Updated ERM Policy based on the revised 2022 ERM Playbook.
- Procured an ERM contractor to aide the Agency in the implementation of ERM efforts.

FY 2023 GOAL 5 (MISSION): IMPROVE PUBLIC AWARENESS OF AGENCY MISSION AND ACTIVITIES

FY 2023 GOAL NO. 5, OBJECTIVE 1, MEASURE 1

Measure 1: Increase the number of users who access the NLRB's English and non-English language digital resources, including our public website and social media platforms.

Time Period FY 2023	Users – English	Pageviews – English	Unique Pages – English	Views per User– English	Users – Spanish	Pageviews – Spanish	Unique Pages – Spanish	Views Per User – Spanish
Q1 2023	878,543	2,417,832	2,005,379	N/A	14,580	19,639	17,336	N/A
Q2 2023	1,094,805	3,272,118	2,626,463	N/A	10,296	20,954	17,555	N/A
Q3 2023	1,100,176	3,055,217	2,526,961	N/A	10,901	21,984	18,060	N/A
Q4 2023	839,791	3,041,013	N/A	3.6	7,417	13,139	N/A	1.91
Total	3,913,315	11,786,180	7,158,803*	3.6**	43,194	75,715	51,951***	1.91**

*For Q1–Q3; Q4 is not available due to Google Analytics change in the way it captures metrics. **For Q4, a new metric was added in Q4 which tracks the Unique page views per user. ***For Q1–Q3, Q4 metric is not available.

Account	X (formerly known as Twitter) followers	Facebook followers	Instagram followers	Total follower count
NLRB	21,800	24,000	1,427	47,227
NLRBGC	10,600	5,800	743	17,143
NLRBes	184	N/A	N/A	184
NLRBGCes	291	N/A	N/A	291
Total followers by platform	32,875	29,800	2,170	64,845

In FY 2023, the NLRB had 64,845 followers across all platforms in English and Spanish - a 7% increase in followers over the FY 2022 number of 60,494 followers. The Board had 47,411 followers on all accounts in English and Spanish, and the General Counsel had 17,434 followers across all accounts in English and Spanish in FY 2023.

FY 2023 GOAL NO. 5, OBJECTIVE 1, MEASURE 2

Measure 2: Increase the number of participants, including foreign language speakers, in the NLRB's outreach to students.

The Student Ambassador program has increased its capacity during this fiscal year. For the first time, Student Ambassadors were able to visit NLRB Headquarters and learn about how each department functions. Four foreign language-speaking students from Ellis Preparatory Academy in the Bronx visited Headquarters over two days and learned about the processing of charges and petitions, and met with the General Counsel and the Board to discuss their roles.

The Agency established a new relationship with Covington Classical High School in Cincinnati, Ohio and looks forward to working with them in the future. The NLRB has also engaged in an individual student ambassador program for students enrolled in various schools in the New York City Region, i.e., a program that is not tied to one particular school, but rather is open to students at a number of schools. These schools include Stuyvesant High School, Hunter College High School, Millennium High School Brooklyn, and Basis Independent Brooklyn High School.

FY 2022 HISTORICAL PERFORMANCE MEASURES

FY 2022 GOAL 1 (MISSION): ENSURE EFFECTIVE ENFORCEMENT OF THE NATIONAL LABOR RELATIONS ACT THROUGH TIMELY AND QUALITY CONSIDERATION AND RESOLUTION OF UNFAIR LABOR PRACTICES WITH APPROPRIATE REMEDIES

FY 2022 GOAL NO. 1, OBJECTIVE 1, MEASURE 1

Measure 1: The Field Office operations reach determinations on all unfair labor practice charges within 90 percent of the Agency's timeliness goal.

YEAR	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
TARGET	100.1 days	100.1 days	100.1 days	100.1 days	100.1 days
ACTUAL	84.8 days	N/A	N/A	N/A	N/A

Based upon an average, Field Offices met the goal by reaching case determination in 90 percent of unfair labor practice cases within 91 days pursuant to Memorandum GC 22-05, Goals for Initial Unfair labor Practice Investigations.

The measure was met this fiscal year even with the 22 percent increase in case intake and significant understaffing due to budgetary flat-funding. The new timeliness goals were implemented late in the fiscal year, and the Agency is in current development of a reporting system to accurately record and track all relevant case handling and progress for future reports.

FY 2022 GOAL NO. 1, OBJECTIVE 1, MEASURE 2

Measure 2: Issue 90 percent of pending unfair labor practice cases that, by the end of the fiscal year, will have been pending before the Board for more than 18 months.

YEAR	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
TARGET	90%	90%	90%	90%	90%
ACTUAL	81%	N/A	N/A	N/A	N/A

FY 2022 was an exceptionally busy year for the Board as overall case intake rose significantly while its staffing resources remained the same. Nevertheless, the Board actually increased the efficiency of its processing of both unfair labor practice and representation cases, as the median overall case processing time from case assignment to decision issuance was reduced by 14.3 percent from FY 2021, from 91 days for FY 2021 to 78 days for FY 2022. In addition, as noted below, the Board successfully prioritized the issuance of its oldest cases. The increasing number of total cases, however, contributed to the Board not quite meeting the 90 percent goal for this measure related to unfair labor practice cases, missing the goal by a relatively small margin (9 percent).

FY 2022 GOAL NO. 1, OBJECTIVE 1, MEASURE 3

Measure 3: Ensure that the median age of all cases pending before the Board at the end of each fiscal year is 180 days or less.

YEAR	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
TARGET	180 days or less	180 days or less	180 days or less	180 days or less	180 days or less
ACTUAL	108 days	N/A	N/A	N/A	N/A

The Board's continuing successful efforts to prioritize the completion of work on its oldest pending cases resulted in the Board exceeding its median age target for cases pending before the Board at the end of FY 2022 by 40 percent.

FY 2022 GOAL NO. 1, OBJECTIVE 2, MEASURE 1

Measure 1: Conduct annual quality reviews of all Field Offices' unfair labor practice case files with overall ratings.

YEAR	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
TARGET	100%	100%	100%	100%	100%
ACTUAL	100%	N/A	N/A	N/A	N/A

The Division of Operations-Management has completed its review of all Field Offices' unfair labor practice case files. After substantially changing the quality review process and announcing the program to the Field Offices, Operations reviewed examples representative of the breadth of the Field's case-related performance, furnishing timely feedback and guidance. The quality review encompassed not only a review of the substantive work but also of Agency systems and processes related thereto. Overall ratings have been provided to the Field Offices. The work of the Field Offices is being performed at the highest level in approximately 75 percent of the casehandling work reviewed and at a high level for the remaining casehandling reviewed.

FY 2022 GOAL NO. 1, OBJECTIVE 3, MEASURE 1

Measure 1: Ensure that at least 85 percent of Board Orders are closed or advanced to the next stage in fewer than 300 days.

YEAR	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
TARGET	85%	85%	85%	85%	85%
ACTUAL	89.2%	N/A	N/A	N/A	N/A

Closed or advanced cases to the next stage in fewer than 300 days in 124 of 139 cases, or 89.2 percent exceeding the 85 percent of the strategic goal target.

FY 2022 GOAL NO. 1, OBJECTIVE 3, MEASURE 2

Measure 2: Ensure that at least 85 percent of Federal Circuit Court Orders are closed or advanced to the next stage in fewer than 300 days.

YEAR	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
TARGET	85%	85%	85%	85%	85%
ACTUAL	82.9%	N/A	N/A	N/A	N/A

The Board's continuing successful efforts to prioritize the completion of work on its oldest pending cases Closed cases or advanced cases to the next stage in fewer than 300 days in 59 cases closed during FY 2022, but took longer than 300 days to close or advance to the next stage in 12 cases (82.9 percent) short of the 85 percent goal.

FY 2022 GOAL 2 (MISSION): PROTECT EMPLOYEE FREE CHOICE WITH TIMELY AND EFFECTIVE MECHANISMS TO RESOLVE QUESTIONS CONCERNING REPRESENTATION

FY 2022 GOAL NO. 2, OBJECTIVE 1, MEASURE 1

Measure 1: Reach 85 percent pre-election agreement rate in representation elections not involving issues regarding the way the elections are conducted.

YEAR	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
TARGET	85%	85%	85%	85%	85%
ACTUAL	95%	N/A	N/A	N/A	N/A

The Regions met this measurement, with a pre-election agreement rate of 95 percent for cases not involving issues regarding the way elections are conducted.

FY 2022 GOAL NO. 2, OBJECTIVE 1, MEASURE 2

Measure 2: Issue 90 percent of pending representation cases that, by the end of the fiscal year, will have been pending before the Board for more than 12 months.

YEAR	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
TARGET	90%	90%	90%	90%	90%
ACTUAL	89%	N/A	N/A	N/A	N/A

The Board's focus on the timely issuance of decisions in representation cases in FY 2022 resulted in the Board missing the 90 percent goal for this measurement by a very small margin (1 percent). Importantly, the Board significantly increased the efficiency of its processing of representation cases, as the median processing time for requests for review from assignment to decision issuance was reduced by 42 percent from 74 days for FY 2021 to 43 days for FY 2022.

FY 2022 GOAL NO. 2, OBJECTIVE 1, MEASURE 3

Measure 3: Ensure that the median age of all cases pending before the Board at the end of each fiscal year is 180 days or less.

YEAR	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
TARGET	180 days or less	180 days or less	180 days or less	180 days or less	180 days or less
ACTUAL	108 days	N/A	N/A	N/A	N/A

The Board's continuing successful efforts to prioritize the completion of work on its oldest pending cases resulted in the Board exceeding its median age target for cases pending before the Board at the end of FY 2022 by 40 percent.

FY 2022 GOAL NO. 2, OBJECTIVE 2, MEASURE 1

Measure 1: Promote awareness of the option to file election petitions electronically, in English or Spanish, through the Agency's website.

On January 26, 2022, the Agency publicized and maintained the option to file election petitions electronically in both English and Spanish on its website, through press releases, and on social media. The Agency created brochures in Spanish to explain the NLRB's process with a link to the Spanish e-filing system.

FY 2022 GOAL 3 (SUPPORT): ACHIEVE ORGANIZATION EXCELLENCE AND SERVE AS A MODEL EMPLOYER

FY 2022 GOAL NO. 3, OBJECTIVE 1, MEASURE 1

Measure 1: Maintain a target employee engagement index score of 67 percent on the Federal Employee Viewpoint Survey (FEVS), and in subsequent years establish new initiatives with the goal of increasing employee engagement.

YEAR	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
TARGET	67%	67%	67%	67%	67
ACTUAL	75%	N/A	N/A	N/A	N/A

The Human Capital Planning Office continues to meet with managers and supervisors to address FEVS results and work toward improving employee morale and employee engagement. Work continues at leveraging best practices to strengthen a culture of higher employee engagement. In this regard, the NLRB achieved a 75 percent Employee Engagement Index Score on the 2022 FEVS.

FY 2022 GOAL NO. 3, OBJECTIVE 2, MEASURE 1

Measure 1: Satisfaction percentage rating (65 percent or above) of the "Talent Management Index" using the annual FEVS results.

YEAR	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
TARGET	65%	65%	65%	65%	65%
ACTUAL	72%	N/A	N/A	N/A	N/A

The NLRB achieved a 72 percent Talent Management Index score on the FY 2022 FEVS. Recruitment, retention, and developmental activities have been ongoing throughout the year with various initiatives. The Agency currently leverages its recruitment, retention, and developmental opportunities by using the Presidential Management Council, Interagency Rotation Program (PMC/IRP) program, and by having past participants discuss their experience with how the program assisted with their career growth. Also, the Strategic Recruitment Program continues to partner with employees in Headquarters and the Field Offices on recruitment outreach initiatives. These initiatives provide opportunities for employees to attend career fairs and speak on recruitment panels at universities and colleges.

FY 2022 GOAL NO. 3, OBJECTIVE 3, MEASURE 1

Measure 1: Satisfaction percentage rating (65 percent or above) for the "Job Satisfaction Index" using the annual FEVS results.

YEAR	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
TARGET	65%	65%	65%	65%	65%
ACTUAL	72%	N/A	N/A	N/A	N/

The NLRB achieved a 72 percent Job Satisfaction Index score on the FY 2022 FEVS

FY 2022 GOAL NO. 3, OBJECTIVE 3, MEASURE 2

Measure 2: Satisfaction percentage rating (65 percent or above) for the "Support for Diversity Index" using the annual FEVS results.

YEAR	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
TARGET	65%	65%	65%	65%	65%
ACTUAL	67%	N/A	N/A	N/A	N/A

The NLRB achieved a 67 percent Support for Diversity Index score on the FY 2022 FEVS. The NLRB's development of a Strategic Plan for DEIA ties together existing practices with new initiatives which support and are expected to improve the current Diversity Index score.

The Agency appointed a Chief Diversity Officer who will lead several priorities and goals under the NLRB's DEIA Strategic Plan. A primary goal is to support initiatives focused on creating an inclusive workplace culture. To implement this goal, the NLRB is planning a robust DEIA training program to educate employees and enhance our tools. Training and education on topics such as unconscious bias, anti-racism, cultural competency and awareness, civility, workplace sensitivity, change management, and reasonable accommodation and accessibility are invaluable when collaborating with people of different abilities, cultures, races, ethnicities, genders, beliefs, and experiences.

FY 2022 GOAL 4 (SUPPORT): MANAGE AGENCY RESOURCES EFFICIENTLY AND IN A MANNER THAT INSTILLS PUBLIC TRUST

FY 2022 GOAL NO. 4, OBJECTIVE 1, MEASURE 1

Measure 1: Achieving a clean audit opinion by ensuring that OCFO's operations are guided by appropriate processes and internal controls.

OCFO – Acquisition Management Branch

- NLRB has submitted timely the DATA Act information to OMB monthly by respective FY 2022 reporting dates.
- Issued the NLRB's Contracting Officer Representative (COR) Handbook. The COR Handbook is a comprehensive resource for CORs' managers and first-time, as well as experienced, CORs. The COR Handbook covers the procurement process beginning at the inception of a requirement through the closeout of the contract.
- Issued the NLRB's Purchase Card Management Plan. As required by OMB Circular No. A-123, Appendix B Revised – A Risk Management Framework for Government Charge Card Programs, this plan outlines the policies and procedures within the NLRB that are critical to the management of the charge card program, to ensure that a system of internal controls is followed and to mitigate the potential for fraud, misuse, abuse, and delinquency. NLRB continues to support minority business enterprises for contract awards.

Small Business Goal Status*						
Socio-economic Category	SBA Government Wide Small Business Goals	NLRB Statistics Q1 FY 2022	NLRB Statistics Q2 FY 2022	NLRB Statistics Q3 FY 2022	NLRB Statistics Q4 FY 2022	NLRB Statistics Overall FY 2022
Small Disadvantaged*	5%	11.1%	53.4%	72.7%	46.6%	51.3%
8(a)**	0%	11.1%	53.4%	69.5%	40.8%	46.6%
Veteran Owned**	0%	1%	0%	3.7%	2.3%	2.4%
Service Disabled	3%	0%	0%	0.4%	2.3%	1.7%
Women Owned	5%	5.3%	18.5%	8.8%	3%	5.4%
HUBZone	3%	-0.8%	45.8%	64.4%	24%	33%
Small Business	23%	48.6%	67.5%	83.3%	50.4%	58.3%

*In FY 2022, the NLRB was below in one out of the five government wide goals for small disadvantaged businesses because of de-obligations and spending being put in areas that were either for an existing contract or the requirement exceeded small business capabilities.

**8(a) and Veteran Owned are not designated as separate categories by the SBA when establishing Goals. The NLRB defines our small business goals by separating these two categories.

OCFO – Budget Branch

- Developed and managed the Agency's FY 2022 Continuing Resolutions.
- Formulated the NLRB FY 2022 Operating Plan and obtained Board approval.
- Submitted the FY 2023 Congressional Justification on time.
- Developed Status of Funds Reports and provided budget briefings to the Agency Leadership.
- Maintained an Agency Unfunded Requirements List.
- Uploaded NLRB FY 2022 Quarterly Apportionments in Oracle Federal Financials in a timely manner.
- Conducted mid-year reviews with program offices.

- Completed the FY 2022 year-end closing process.
- Submitted the FY 2024 Budget Request to OMB.

OCFO – Finance Branch

- Submitted timely Governmentwide Treasury Account Symbol Adjusted Trial Balance System (GTAS) report to Treasury's Bureau of the Fiscal Service (BFS) on a monthly and/or quarterly basis by its respective FY 2022 reporting dates: December 16, January 18, February 17, March 17, April 18, May 13, June 13, July 18, August 15, and September 15. FY 2022 year-end reporting was completed on October 18, 2022, meeting Treasury's deadline.
- Submitted timely quarterly FY 2022 Intragovernmental Material Difference Report (MDR) to BFS by the reporting windows which were closed on the following dates: January 25th (due January 31st), April 25th (due April 29th, 2022), July 25, 2022 (due July 29, 2022).
- Submitted timely Treasury Report on Receivables (TROR) to BFS on a quarterly basis by the reporting windows. January 27, 2022, April 29, 2022. August 2, 2022, and September's report is on target for submission by November 11, 2022.
- Submitted timely Central Accounting Reporting System (CARS)/Statement of Transactions (SOTs) reporting to BFS monthly by its respective reporting window close (3rd workday of the month).
- Provided timely quarterly updates on the corrective action plan activities to the Office of the Inspector General. The Agency close various audit findings and recommendations issued in previous financial statements audits and Backpay accounting audits.

Internal Control, Risk, and Performance Branch

- Executed quantitative and qualitative risk assessments including a fraud risk assessment for OCFO operations.
- Conducted OMB Circular No. A-123 Planning and Documentation Updates.
- Developed Test Plans and performed tests of the Operating Effectiveness of Internal Controls.
- Coordinated the evaluation and assessment of Entity Level Controls (ELCs).
- Documented the result from the test of Operating Effectiveness of internal controls and ELC and Fraud Risk assessments in a Gap Analysis Report.
- Finalized the Agency's Internal Control Policy.

FY 2022 GOAL NO. 4, OBJECTIVE 1, MEASURE 2

Measure 2: Continue to support telework by employees and contractors, as well as virtual access to Agency processes by members of the public, to create opportunities to reduce costs associated with maintaining the Agency's footprint in its Headquarters and Field Offices, in accordance with General Service Administration (GSA) directives.

The Agency has implemented a strong telework program that provides flexible telework arrangements for Agency employees. The Agency negotiated a reentry-related telework program with one of its unions and a permanent telework program with its other union in reaching a successor collective-bargaining agreement. The Agency conducted an annual space assessment of all NLRB offices. This study identified how much square footage should be provided to each office based on staffing levels and the Agency's space standards. A cost estimate was generated to reduce or eliminate the space. The Agency executed lease improvement and space reduction projects when funds became available.

FY 2022 GOAL NO. 4, OBJECTIVE 2, MEASURE 1

Measure 1: Make progress towards an employee satisfaction percentage rating (65 percent or above) for the Agency's ethical culture using the annual FEVS results.

YEAR	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
TARGET	65%	65%	65%	65%	65%
ACTUAL	71%	N/A	N/A	N/A	N/A

The Ethics Office supports Agency leadership in maintaining a vigorous and robust ethical culture by fully and timely complying with all relevant federal laws, regulations, applicable executive orders, management directives, and policies related to ethics in the workplace by meeting all regulatory requirements under the Ethics in Government Act (EIGA) and 5 C.F.R.§ 2638.104. Evidence of our success in this area can be illustrated by the Office of Government Ethics (OGE) Inspection Report which was issued on June 14, 2022. OGE did not identify any deficiencies in the NLRB's Ethics Program.

During FY 2022, the Agency provided new hire training for all newly hired employees within 90 days of their appointment, ensured that all financial disclosure filers completed Annual Ethics Briefings as required, submitted all required reports to OGE (i.e., data calls, 1353 Semi-Annual Reports for Travel Reimbursement, Annual Questionnaire, Program Review Requests), coordinated with our partners in the Office of Human Resources (OHR) to communicate with new hires and newly appointed supervisors about their ethical obligations, and provided post-employment guidance to anyone separating from government service. The Agency also provided Political Appointees and Schedule C employees with important information about the Biden Ethics Pledge (Executive Order 13989) in the context of both recusals and gifts. To further support this category of employee, the Agency reviewed all speaking engagement invitations to ensure that the meeting or conference did not implicate Paragraph 2 of the Pledge and that the sponsor or any other entity was not offering a prohibited gift.

In addition, the Ethics Office supported the NLRB's commitment to a strong ethical culture by creating an Ethics Pre-employment Guide to inform prospective employees about limitations imposed by ethics rules and regulations so that they would be able to make an informed decision before accepting an offer of employment. The guide also informed these individuals that after accepting employment, they may reach out to the Ethics Office with questions about the rules or their application to a particular situation. The Ethics Office also developed and distributed government and legal ethics resources on a variety of topics to support the mission work of the Agency; provided comprehensive ethics guidance to individual employees by request; and evaluated initiatives proposed by various offices to ensure that the initiatives were executed in an ethical manner. The Ethics Office also provided one-on-one Ethics Briefings when needed, including to officials new to government service and attorneys coming to the Agency from private practice.

Lastly, the Ethics Office is tasked with managing the Agency's Financial Disclosure Program in accordance with EIGA and the Stop Trading on Congressional Knowledge (STOCK) Act. This involves providing one-on-one assistance to confidential and public financial disclosure filers; ensuring that staff who hold "Acting" positions for more than 60 days in a calendar year file New Entrant and Termination reports as they transition in and out of a filing position; reviewing all reports for compliance and sufficiency within 60 days of receipt and providing guidance concerning potential conflicts based on the review of these reports.

FY 2022 GOAL NO. 4, OBJECTIVE 2, MEASURE 2

Measure 2: Continue to respond to FOIA inquiries in a timely manner.

FOIA PAR Performance Measures:	FY 2022 Accomplishments:
Respond to at least 65 percent of initial FOIA requests within 20 working days.	During FY 2022, the Agency received 1,963 FOIA requests, of which 1,678 were processed in twenty days or fewer for a timeliness compliance rate of 85.5 percent.
By the end of the fiscal year, close the ten oldest cases (as reported in the prior FOIA Annual Report) that are not subject to litigation and/or do not require consultation and response from outside Agencies and/or the White House.	During FY 2022, the Agency closed 85.7 percent (six of seven) of the oldest cases as reported in the FY 2021 FOIA Annual Reports that are not subject to litigation and/or do not require consultation and response from outside entities. (Note: This calculation reflects the exclusion of three of the oldest cases reported in the FY 2021 FOIA Annual Report because they remain open due to ongoing litigation and are thus excluded from this measure.)
Respond to at least 80 percent of statutory appeals within 20 working days.	During FY 2022, the Agency processed 18 FOIA appeals, 16 of which were processed in twenty days or fewer for a timeliness compliance rate of 89 percent.
Post on the Agency website the Division of Advice memoranda and case closing emails by the 30th of the month following the month in which the case closed.	During FY 2022, Division of Advice memoranda and case closing emails were processed and timely posted on the Agency website each month in full compliance with the performance measure.
Maintain a year-to-year backlog of less than 10 percent of all FOIA requests received.	During FY 2022, the Agency received 1,963 FOIA requests, of which 18 remained backlogged at the close of the fiscal year, for backlog rate of less than 1 percent (0.9 percent).

FY 2022 GOAL NO. 4, OBJECTIVE 3, MEASURE 1

Measure 1: Reach an ERM maturity level-3 by FY 2026.

- Developed the ERM Policy, Agency Risk Appetite Statement, and Risk Management Council (RMC) Charter.
- Assessed Agency ERM maturity based on the developed ERM Maturity Model.
- Developed ERM Implementation Roadmap based on the results of the Agency's ERM maturity.
- Ensured all Agency Risk Champions received the required ERM Training.
- Initiated the documentation of the Agency's risk registers while exploring automation solutions to standardize this process.
- Worked collaboratively with OCIO in developing an Automated ERM System that will be used in tracking, assessing, and prioritizing the Agency's most significant risks.

FY 2022 GOAL 5 (MISSION): IMPROVE PUBLIC AWARENESS OF AGENCY MISSION AND ACTIVITIES

FY 2022 GOAL NO. 5, OBJECTIVE 1, MEASURE 1

Measure 1: Increase the number of users who access the NLRB's English and non-English language digital resources, including our public website and social media platforms.

Time Period FY 2022	Users – English	Pageviews – English	Unique Pages – English	Users – Spanish	Pageviews – Spanish	Unique Pages- Spanish
Q1 2022	511,069	1,790,730	1,463,724	3,373	10,906	9,517
Q2 2022	657,310	2,138,269	1,791,996	5,153	11,213	9,752
Q3 2022	912,530	2,611,622	2,260,126	7,318	13,543	11,969
Q4 2022	869,980	2,496,420	2,128,430	13,022	16,901	14,903
Total	2,950,889	9,037,041	7,644,276	28,866	52,563	46,141

Account	X (formerly known as Twitter) followers	Facebook followers	Instagram followers	Total follower count
NLRB	20,700	23,000	726	44,426
NLRBGC	9,652	5,500	469	15,621
NLRBes	169	N/A	N/A	169
NLRBGCes	278	N/A	N/A	278
Total followers by platform	30,799	28,500	1,195	60,494

FY 2022 GOAL NO. 5, OBJECTIVE 1, MEASURE 2

Measure 2: Increase the number of participants, including foreign language speakers, in the NLRB's outreach to students.

The Student Ambassador program has increased its capacity during this fiscal year. The program reached 24 high school students from diverse communities. These students then indirectly reached their classmates at their high school events. Eight of the high school students came from a New York City Magnet High School. The program included four high school students who are foreign language speakers. These students then, as part of their projects, interviewed family members and told them about the Act. The students were from the Dominican Republic, Nicaragua, Togo, and the Ivory Coast. The program also conducted 62 outreach events for post-secondary and graduate students at 38 public and private colleges and universities located throughout the U.S.

HISTORICAL PERFORMANCE MEASURES (FYs 2019–2021)

FYs 2019–2021 HISTORICAL PERFORMANCE MEASURES FOR GOALS 1 AND 2

Goal 1: Promptly and fairly resolve through investigation, settlement or prosecution, unfair labor practices under the NLRA.

This goal is new as of FY 2019 and there is not five years of historical data available to present.

Measure 1: Realize a 5 percent annual decrease in the average time required to resolve meritorious unfair labor practice charges through adjusted withdrawal, adjusted dismissal, settlement or issuance of complaint.

Year	Target	Actual
FY 2019	101 days	74 days
FY 2020	95 days	70.5 days
FY 2021	90 days	66 days

Measure 2: Realize a 5 percent annual decrease in the average time between issuance of complaint and settlement by ALJ or issuance of ALJ decision.

Year	Target	Actual
FY 2019	230 days	264 days
FY 2020	218 days	283 days
FY 2021	206 days	286 days

Measure 3: Realize a 5 percent annual decrease in the average time between issuance of ALJ decision and Board order.

Year	Target	Actual
FY 2019	556 days	513 days
FY 2020	527 days	544 days
FY 2021	497 days	305 days

Measure 4: Realize a 5 percent annual decrease in the average time between issuance of a Board order and the closing of a meritorious ULP case.

Year	Target	Actual
FY 2019	616 days	541 days
FY 2020	583 days	578.5 days
FY 2021	551 days	869 days

Goal 2: Promptly and fairly resolve all questions concerning representation of employees.

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

Year	Target	Actual
FY 2019	85.8%	90.7%
FY 2020	85.8%	84.2%
FY 2021	85.9%	82.3%

FY 2019 HISTORICAL PERFORMANCE MEASURES FOR GOALS 3 AND 4

FY 2019 STRATEGIC GOAL 3 (SUPPORT): ACHIEVE ORGANIZATIONAL EXCELLENCE

Management Strategies:

Employee Development

- The Agency continued to move forward with the transition to USA Performance.
  - » The transition of all employees to the automated performance management system was concluded effective June 1, 2019.
  - » The performance management team responded to questions and assisted all employees during their transition.
  - » OHR continues to transition appraisals for all Agency employees to Electronic Official Personnel Folder (eOPF) from the USA Performance system.
- Office of Employee Development (OED) offered monthly webinars for administrative professionals, periodic retirement seminars, and other training topics in addition to the robust catalog of online training content covering general skills, technical topics, and legal education.
- OED launched an online Individual Development Plan (IDP) form and conducted training on the IDP process and form for employees and supervisors.
- HCPO developed a draft Human Capital Operating Plan pursuant to the newly revised regulations at 5 CFR.
- 250. The draft outlines human capital goals, objectives, and strategies and is currently being reviewed by management.
- The Agency continued to comply with OPM's hiring reform efforts by using the 80-day hiring model.

- The Office of Equal Employment Opportunity (OEEO) participated as resource personnel on the General Counsel's Joint Labor-Management EEO Advisory committee, enabling employee participation as agents of diversity and inclusion, through their collective-bargaining representative.
- During FY 2019, the security Branch reduced the number of backlogged reinvestigations from 462 to 336.

Workforce Management

- The Agency continued to provide information and pertinent training regarding disability in the workforce, workplace laws and regulations, as well as information on Agency recruitment. OHR embarked on a new partnership with the Senior Community Employment Service Program (SCSEP) affiliates, for the Agency's Headquarters office and initiated new partnership with Melwood, an organization that employs individuals with differing abilities.
- OHR continued to validate that employees have performance plans through its new USA Performance reporting system.
- OHR management team continued to revise its New Employee Orientation (NEO) to ensure a unified and stellar presentation to new employees. Some of the changes in FY 2019 include:
  - » Personalized orientation specifically to the orientee
  - » Information about the Employee Assistance Program and eOPF
  - » Included policy documents such as Equal Employment Opportunity (EEO) policy statement, Policy statement on the Prevention of Unlawful Harassment, including Sexual Harassment and the Alternative Dispute Resolution (ADR).
- OEEO submitted the Agency's annual Management Directive (MD 715) Report to the equal Employment Opportunity Commission (EEOC) during the 4th Quarter of FY 2019.
  - » OEEO held two quarterly meetings with a cross section of organizational units, including OHR, the Office of Employee Development (OED), the Division of Operations-Management (Ops) and the OCIO, to build a fully integrated model EEO program under MD 715 goals.
- OEEO collaborated with OHR to develop revisions to the Agency's Reasonable Accommodation Procedures, in order to comply with guidance from the EEOC.

Motivation

- HCPO conducted 17 FEVS organizational assessments with senior executives on the FY 2018 FEVS results which became available in FY 2019 for review and analysis. The assessments focused on identifying Agency trends/barriers behind low survey scores; reviewing and prioritizing targeted areas of change; identifying outcomes that enable the organization to transition to higher FEVS scores; identifying best practices for managing staff to higher levels of engagement; and action planning efforts for challenge areas.
- The HCPO completed a comprehensive analysis of the FY 2018 FEVS results and provided each division/office with a comprehensive organizational assessment briefing of the FEVS results.
  - » Included in the comprehensive analysis were discussions of strategies with leadership to promote higher employee participation.
  - » The strategies involved the HCPO building successive weekly communications with managers and supervisors during the survey administration period that encourage all employees to participate;

developing a communication plan that provides division/office heads with a weekly report on their organization's participation levels; leveraging an FEVS Management Toolkit for management to promote the FEVS; and distributing an FEVS promotional flyers in NLRB's work space that promotes the survey administration period.

» Additionally, the HCPO fostered greater transparency with the Agency's FEVS action planning efforts surrounding FEVS results and encouraged an open two-way communication between leadership and employees on the FEVS results.

» Leadership committed to make a more concerted effort to both transmitting and receiving feedback information, which would inherently translate into a higher employee participation rate in the FEVS. The NLRB's FY 2018 FEVS participation rate exceeded the FY 2018 Government-wide FEVS participation rate by 21 percentage points.

FY 2019 STRATEGIC GOAL 4 (SUPPORT): MANAGE AGENCY RESOURCES IN A MANNER THAT INSTILLS PUBLIC TRUST

Information and Technology

The Agency uses an electronic filing program (E-File) to allow constituents to electronically file documents with the Agency. In FY 2019:

Number of Documents Received	79,381
Number of E-Filings Received	49,852
Total Number of parties E-Serviced Decisions	41,689
Number of E-Deliveries of Case Documents	5,695
Number of Board and ALJ Decisions E-Served	656

Providing accessible information to the public is an important part of the NLRB's mission:

Total Number of Case Documents Available for Public Access	1,489,477
Number of NLRB Document Types Available for Public Access	560

Please see *https://www.nlrb.gov/open/public-documents* for a list of the document types available to the public and *https://www.nlrb.gov/reports* for updated metrics for FY 2019 Charges and Complaints, Petitions and Elections, Decisions, Litigation, Remedies, Recent Filings and Tally of Ballots.

- To streamline Agency processing, the Administrative Systems Team focused on Business Process Automation using SharePoint as the platform. The Administrative System's team is in the process of automating over 200 of the Agency's processes/forms using SharePoint, InfoPath, web services, and Microsoft Azure components. The business analysts continue to collect requirements and document the process flows, while the developers work to complete the automation of the process. Following are the processes that were either completed or are ongoing in FY 2019:

  » Case Records Unit Weekly Statistics

  » Facilities Request enhancements

  » Form 13 – Purchase Request

  » Form 4197 – Employee Exiting

- » Bicycle Benefits Program Reimbursement Certification
- » HR Employee Suggestion Form
- » HR Workforce Relations Activity Tracker
- » HR Performance Management Activity Tracker
- » Individual Development Plan
- » Records Disposition
- » Request a Photographer
- » Request for Retirement Annuity Estimate
- » Temporary Records Loan
- » Transcripts and Exhibits
- » Transportation Reimbursement Form

- The Administrative System's Team also completed the following:
  - » Deployed 95 Polycom Trio8500 conference phones in the Agency to enhance the unified communications platform.
  - » Deployed an enhancement to the Personnel Security Case Management System (PSCMS) to automate the background initiation process. NLRB sponsors enter the candidate's information which is routed to the candidate to complete the form which is then routed to the Security Branch for processing. This remediated a security risk for securely routing sensitive information.
  - » Developed and implemented the Translation Information Management System which allows Agency employees the ability to request interpreting and translation services to a group of Language Specialists within the Agency. The system manages the workflow processes associated with the request and the allocation of resources to manage the requests.
  - » Developed Google Analytics Dashboard for public website metrics which allows Agency employees the ability to view metrics related to most popular pages, number of visitors per month, most popular browsers and devices. Date ranges can be set to show trends. Added additional separate dashboards for the eFiling, eService, and Charge and Petition applications.
  - » Implemented enhancements to the Agency Events and Announcements system to assist with communication to all Agency employees.
  - » Completed the design and development of a Performance Awards Matrix system that allows for the collection of performance data from managers and supervisors to easily calculate awards for employees.

Financial Management

- For FY 2019 the Budget office engaged in quarterly reviews with Program Managers (PMs) throughout the Agency providing accountability to ensure the execution of funds was completed efficiently and effectively throughout the year. The quarterly reviews also provided the opportunity to take remedial action to address any budget issue identified in the FY 2019 Spend Plan Reviews with Leadership.

- » The Budget Office developed a Spend Plan Analysis tool to track expenses and report on projections, allowing routine briefings to Agency Leadership on budget status, projections, and estimated funding surplus levels.

- The OCFO addressed three audit recommendations from previous audits during FY 2019:
  - » Audit of FY 2014 Financial Statements (OIG-F-19-15-01) – Recommended a reconciliation for each GSA agreement to ensure that the obligations were valid, and the documentation existed to clearly support that the goods or services were ordered.
  - » Audit of the FY 2016 Financial Statements (OIG-F-21-17-01) – Recommended an assessment of the OCFO organizational structure to ensure that the OCFO was adequately staffed to comply with accounting and financial reporting standards.
  - » Audit of the Data Act: (OIG-AMR-83-18-01) – Recommended that the OCFO coordinate with other users of the Oracle financial system to determine if they had similar Data Act findings.
- The OCFO coordinated a multiple organization coalition that included OMB, IRS, Treasury to address questions on backpay and travel.
- The OCFO submitted all quarterly and annual reporting requirements to Congress, OMB, and Treasury.
- In response to the OMB Directive M-19-13, strategic sourcing/category management initiatives, the Agency collects data on those initiatives and reports out annually on progress towards increasing the utilization of the initiatives.
- Small Business Goal Status.

Category	Gov-Wide Goal	2019	2018	2017	2016	2015
Small Business	23%	68.78%	65%	41.70%	36.51%	39.75%
Women Owned Small Business	5%	9.83%	5%	7.47%	11.19%	12.46%
Small Disadvantaged Business	5%	58.48%	52%	28.33%	8.02%	10.71%
Service-Disabled Veteran Owned Small Business	3%	0.75%	1.62%	2.42%	0.31%	0.97%
HUBZone	3%	38.57%	23.33%	3.43%	2.13%	2.27%

Office Space Management

- In accordance with General Services Administration (GSA) guidelines, 15 Field Offices have been identified to undergo a space reduction as part of the five-year project plan to reduce the NLRB footprint.
- Agency Outreach
- The Agency furthered its outreach to unrepresented employees, unions, and small business owners in the following ways:
- Distributed newsletters describing recent case developments electronically using govdelivery in the Regional Offices.

- Produced an informational pamphlet entitled “Protecting Employee Rights,” which contained an expanded discussion of an employee’s right to engage in concerted activity and other rights under the NLRA, which is available on the NLRB website and in hard copy, in English and Spanish.
- Maintained webpages for each individual Regional Office that contain news articles relevant to that region. To ensure that these pages remain fresh, news articles are tagged by the Agency’s Office of Public Affairs and automatically loaded on the Region’s webpage.
- Maintained an internal SharePoint database through which the Agency outreach coordinators post and share outreach materials and participate in a discussion board sharing ideas and leads for outreach.
- Maintained an interactive smart phone app which provides information about employer and employee rights under the NLRA and contact information.
- Conducted regional outreach that provided information about the Act and the Agency’s processes to unions and small business owners. This included outreach to law firms representing employers, employees, and unions, and organizations representing trade groups (such as LERA and SHRM), professional societies, and groups sponsored by various embassies and consulates, including Mexico, El Salvador, Guatemala, and the Philippines. The Agency also appeared on radio programs to discuss various aspects of the Act.
- Various offices also participated in Labor Rights Week, sponsored by various Central American consulates. To better educate workers and employers the NLRB:
- Continued to partner with The Department of Homeland Security (DHS), The Department of Labor (DOL), (Wage and Hour Division (WHD), Occupational Safety and Health Administration (OSHA), and Office of Federal Contract Compliance Programs (OFCCP), OSC, DOJ, EEOC in an Interagency Working Group for the Consistent Enforcement of Federal Labor, Employment, and Immigration Laws.
- Partnered with DOL, EEOC, and DOJ to develop and implement *employer.gov*, a companion site to *worker.gov*, to provide information about the Agency relevant to employers.

Ethics

The Ethics Staff continued to communicate with Agency Leadership about the status of ethics projects and to discuss notable ethics issues.

In coordination with the Agency’s General Counsel and Chairman, the Ethics Staff:

- Prepared the FY 2019 Annual Ethics Briefing for all Public and Confidential Financial Disclosure filers as required by the Office of Government Ethics. Presented an in-person briefing during the Agency’s Leadership Conference held in D.C. on September 18, 2019. The training covered conflicting financial interests, impartiality, misuse of position, gifts, the NLRB’s Supplemental Regulations, and the importance of protecting confidential Agency information.
- Analyzed data obtained through the FY 2019 Ethics Survey and provided several recommendations to leadership to continue to develop a robust ethical culture at the NLRB.
- Reissued CFC guidance memo and Job Aid to all Agency employees. These documents covered the relevant rules and regulations, including those applicable to CFC events, and discussed the importance of preventing coercive activity when a supervisor serves as a campaign coordinator and/or keyworker for the CFC.

- Reissued Speaking Engagement memo to all Agency employees. This document provided general guidance about speaking engagements and emphasized the difference between speaking in an official versus a personal capacity. In addition, the memo encouraged the use of the NLRB Waiver Addendum which affirms that by consenting to the recording of a presentation, an NLRB employee is not permitting the sponsor to use their official title or likeness to advertise or endorse the recording, or endorse any other products or services offered by the organization.
- Developed a short five-question survey designed to evaluate the effectiveness of the NLRB's ethics program. The collected information will help engage Agency Leadership in discussions about how to continue to build a strong and robust ethical culture at the NLRB.

The Ethics Staff continued to seek out opportunities to educate all Agency employees about their ethical obligations. During FY 2019, the Ethics Staff:

- Distributed reminder email which highlighted the limitations the Hatch Act places on federal employee partisan political activity. The message also summarized additional Office of Special Counsel (OSC) guidance issued in July which addressed federal employee conversations about current events, policy issues, and matters of public interest that, depending on the circumstances, could violate the Hatch Act.
- Revised and reissued the Outside Employment memo to all Agency employees which provided a reminder that outside employment includes the provision of unpaid services such as charitable work and speaking and writing engagements. This memo also served as a reminder that the NLRB's Supplemental Regulations require all employees to obtain written approval before engaging in outside employment.
- Distributed short one-page email blasts designed to remind all employees about key ethics regulations to include: misuse of position, financial conflicts, the Hatch Act limitations, impartiality in performing official duties, gifts, and the importance of protecting confidential Agency information.

Measure:	Goal	2019	2018	2017	2016	2015
Percentage of inquiries resolved within five business days	85%	88.9%	89%	92%	83%	87.7%
Percentage of submitted financial disclosure reports reviewed within 60-days	100%	100%	100%	100%	100%	100%

During FY 2019, the Ethics Office received 839 inquiries. 743 (88.9 percent) were resolved within five business days.

- All financial disclosure reports filed in FY 2019 were reviewed within 60 days.
- In mid-January ethics staff began to receive Public (OGE 278e) and Confidential (OGE 450) Financial Disclosure reports for CY 2017. In all cases, the review of each report was completed within 60 days of receipt and filers were notified of any real or potential conflicts.

During FY 2019, the Agency completed its review of:

- 140 Monthly Transaction Reports (OGE 278T)
- 83 Annual Public Financial Disclosure Reports (OGE 278e)
- 29 Annual Confidential Financial Disclosure Reports (OGE 450)
- 12 Termination Reports (OGE 278)

- 5 New Entrant Public Financial Disclosure Reports (OGE 278e)

During FY 2019 the Ethics staff continued to use technology to help filers complete filing requirements under the Ethics in Government Act (EIGA).

Ethics staff supported filers through:

- One-on-one assistance with online filing systems.
- Job Aids and checklists to help filers accurately report their financial holdings.
- Monthly reminders which emphasize the importance of reviewing brokerage statements for transactions which are reportable under the STOCK Act.

Internal and External Audit Responses

- Responses to internal and external auditors have been prepared and all deadlines were successfully met in FY 2019.

FOIA

From October 1, 2018, to September 30, 2019, the Agency:

- Received 1,351 FOIA requests in FY 2019 and responded to 1,419 (FY 2019 + prior year backlog/pending) of those requests within 1–20 days. Thus, 69.65 percent of the FOIA requests were processed within the 20–day statutory time period.
- Sought an extension of time to process three requests beyond the 20–day period for FOIA requests received. Thus, .22 percent of the FOIA requests were extended an additional ten days on the due date.
- The Agency received 11 FOIA appeals and responded to 12 (FY 2019 + prior year backlog/pending) FOIA appeals. The average amount of days to process these appeals was 17.33 working days. The lowest number of working days to process these appeals was three. The highest number of working days to process these appeals was 22. Eleven appeals were processed within 20 days. Thus, 91.66 percent of the FOIA appeals were processed within the 20–day statutory time period.
- Did not see an extension of time for the FOIA appeals received in FY 2019.

Reports

Each year, the FOIA Branch prepares an Annual Report, which contains statistics on the number of FOIA requests and appeals received, processed, and pending during the fiscal year, and the outcome of each request. The NLRB FOIA Annual Reports and the NLRB FOIA Quarterly Reports are available on the:

1. NLRB website at *https://www.nlrb.gov/reports*,
2. DOJ website at *https://www.justice.gov/oip/reports-1* , and
3. FOIA.gov website *https://www.foia.gov/*

The FOIA requires each agency Chief FOIA Officer to report to the Attorney General on their performance in implementing the law and the efforts to improve FOIA operations. The NLRB Chief FOIA Officer Reports are publicly available on the:

1. NLRB website at: *https://www.nlrb.gov/reports*, and
2. DOJ website at *https://www.justice.gov/oip/reports-1*

FY 2020 HISTORICAL PERFORMANCE MEASURES FOR GOALS 3 AND 4

FY 2020 STRATEGIC GOAL 3 (SUPPORT): ACHIEVE ORGANIZATIONAL EXCELLENCE AND PRODUCTIVITY IN THE PUBLIC INTEREST

Employee Development

- During FY 2020, OHR transitioned all Agency employees to USA Performance, the automated performance management system.
  - » The Agency's Performance Management Program continued to provide training and coaching with robust tools and resources to make certain the essential points of the Agency's Performance Management System met the key activities for the four (4) appraisal cycles.
- The Office of Employee Development (OED) continues to offer a wide array of online and blended media training offerings to enhance employee development at the Agency. During FY 2020, there were 9,860 individual courses completed in Skillport, 786 course enrollments through West LegalEdcenter, and monthly training on the Agency's internal case management system (NxGen) through the Training Tuesday program.
  - » Additionally, OED offered monthly live training sessions via webinar on general skills and leadership topics. In FY 2020, OED expanded its online training offerings to include an online simulation for Trial Training and conducted a virtual teambuilding event for the Board-side staff and a virtual conference for Regional Directors.
- OED continued to offer Individual Development Plan (IDP) tools via an online form available to all employees.
  - » The IDP tool includes self-assessments, goal planning worksheets, and an IDP form that employees can use to plan for and track their development activities.
- OED aligned the Agency's Leadership Development Program (LDP) with the supervisory and managerial training frameworks provided by OPM and with the Senior Executive Service (SES) Executive Core Qualifications. The LDP provides development resources for aspiring supervisors, new and current managers and supervisors, aspiring executives, and existing executives.
  - » The LDP guide and offerings are made available on the Agency's intranet site. OED has also completed a Training Needs Assessment to identify Agency-wide development needs in critical job fields and has developed a competency model framework to chart career progression and inform gap analysis.
- OHR continues to hire in accordance with federal guidelines and follows procedures to attract a diverse workforce that includes Veterans.
- In 4th Quarter of FY 2020, OEEO launched annual mandatory training for Agency managers and supervisors to meet training requirements from the Office of Special Counsel. In addition, the OEEO director briefed newly appointed Regional Directors and Deputy General Counsels on the Agency's Equal Employment Opportunity (EEO) program and on federal sector EEO regulations regarding whistleblower protections, prohibited personnel practices and prohibitions against retaliation.

Workforce Management

- OED began working with HCPO to develop an agency-wide succession plan during the 4th Quarter of FY 2020.
- OHR partnered with the OEEO on a self-identifying process for employees to anonymously identify their race, national origin, and disability through Employee Express.
- OHR continued to validate that employees have performance plans through its new USA Performance reporting system.
  - » The process is used for all NLRB employees to include all bargaining unit, non-bargaining unit, and Professional Association employees. All employees were issued a performance plan at the beginning of the reporting period.
  - » Performance appraisals were issued in June for NLRB Union staff members and July for non- union employees.
- OHR seamlessly transitioned the New Employee Orientation (NEO) to a 100 percent virtual and interactive presentation using Skype technology, due to COVID-19.
  - » This included coordinating with the Office of the Chief Information Officer (OCIO) for new employees to obtain computer and log-in information and with the Security Branch to receive government credentials.
  - » Additionally, the OHR added the NLRB's Office of Equal Employment Opportunity (OEEO) to the NEO.
- OEEO continued to provide resources and serve as a consultant for Agency managers to field questions on ways to handle sensitive EEO issues.
  - » OEEO identified appropriate resources for diversity and inclusion training, and presented it to the OEEO staff, all Agency EEO counselors and Special Emphasis Program Coordinators at Headquarters and in all Field Offices.
  - » OEEO collaborated with the OED to develop and present training Agency-wide training on unconscious bias.
- During FY 2020, the Security Branch reduced the number of backlogged reinvestigations to 284 from 331.

Motivation

- HCPO completed enhancements to its SharePoint website. The enhancements promote information sharing on a variety of employee engagement topics and include an interactive ideation portal and a toolkit to facilitate communication with the HCPO. It is expected that not only will communications improve between the HCPO and the workforce, but communication and engagement will also improve between employees and managers as a result of these new tools, which should help strengthen overall agency performance and employee engagement.
- The HCPO developed a Your Voice Matters! ideation portal on its SharePoint site where employees can access and contribute to driving greater employee engagement by submitting new ideas/suggestions and also by suggesting solutions to existing organizational problems/barriers.
  - » The HCPO will review the site daily and help adjudicate submitted ideas/suggestions into action. Additionally, after an idea/suggestion is implemented, a listing of implemented actions will be posted

to the site so that employees can be made aware of how they helped managers and supervisors boost employee engagement and address real-time organizational challenges.

- Additionally, the HCPO completed and made accessible a collection of FEVS accomplishments so that employees could know about what actions leadership have implemented in response to their feedback to the FEVS. These measures enhance transparency, which should motivate employees to participate in the FEVS at a much higher rate.
- The HCPO issued a memorandum to all employees signed by the Chairman and General Counsel on the value of the FEVS and soliciting employee participation in the 2020 FEVS. The HCPO also published FAQs to the FEVS on its SharePoint site, which addressed commonly asked questions regarding the 2020 FEVS.

FY 2020 STRATEGIC GOAL 4 (SUPPORT): MANAGE AGENCY RESOURCES IN A MANNER THAT INSTILLS PUBLIC TRUST

Information and Technology

The Agency uses an electronic filing program (E-file) to allow constituents to electronically file documents with the Agency. In FY 2020:

Number of E-Filings Received	14,320
Number of Documents Received	24,869
Number of Board and ALJ Decisions E-Served	483
Total Number of parties E-Serviced Decisions	30,694
Number of E-Deliveries of Case Documents	58,520

Providing accessible information to the public is an important part of the NLRB's mission:

Number of NLRB Document Types Available for Public Access	560
Total Number of Case Documents Available for Public Access	1,619,011

Please see *https://www.nlrb.gov/open/public-documents* for a list of the document types available to the public and *https://www.nlrb.gov/reports* for updates metrics for FY 2020 Charges & Complaints, Petitions & Elections, Decisions, Litigation, Remedies, Recent Filings and Tally of Ballots.

In FY 2020 the following new enhancements were developed for the Agency's public website:

- MyNLRB – Allows stakeholders to personalize their website experience with targeted regional news and case information and access to their saved searches.
- Advanced Data Search – Provides stakeholders the ability to create, save and download ad hoc searches for case and election data.
- Spanish Translations – Provides Spanish translations of approximately 40–50 pages of the public website with the ability for users to switch back and forth between Spanish and English.
- Interactive Map – Provides Unfair Labor Practice (C) and Representation (R) case data via an interactive map interface.

To streamline Agency processing, the Administrative Systems Team focused on Business Process Automation using SharePoint as the platform. The Administrative System's team is in the process of automating over 200 of the Agency's processes/forms using SharePoint, InfoPath, and/or PowerApps/Automate, web services, and Microsoft Azure components. The business analysts continue to collect requirements and document the process flows, while the developers work to complete the automation of the process. Following are the processes that were either completed, updated with enhancements or are ongoing in FY 2020:

- Case Records Unit Weekly Statistics
- Form 4197 – Employee Exiting
- Professional Liability Insurance Form
- Facilities Request Form
- Retirement Estimate Annuity Form
- Employee Suggestion Form
- Memento of Recognition
- Shred Service Verification Form
- Travel Card Request
- Travel Training Form
- Transportation Reimbursement
- Payroll Ticketing System
- Ethics Skip Counsel
- Ethics Legally Protected Information
- Ethics Inquiry

The Administrative System's Team also completed the following:

- Completed the development of an EEO Case Tracking System to automate their case processing end-to-end and provide a better mechanism for monthly and yearly reporting.
- Completed the development of a case tracking system for the Reasonable Accommodation process.
  - » The Reasonable Accommodation process provides a means in which to request and track accommodations for NLRB employees and applicants for employment to ensure that qualified individuals with disabilities enjoy equal access with respect to the: (a) application process; (b) to enable an individual with a disability to perform essential job functions; and (c) to provide equal access to the benefits and privileges of employment; unless to do so would cause undue hardship to the NLRB; and to handle requests as quickly as possible, and in as confidential manner.
- Continued development to automate a case tracking system for the Special Counsel Labor Relations Branch which will track grievances, integrate with the EEO case tracking system and other general inquiries from management.
- Completed the development and deployment of the automation of the GC memorandum process. GC memos are authored in Microsoft Word and upon final approval, a workflow process converts the document to pdf and transfers it to both the Agency Intranet and Agency public website.

- Completed the development and deployment of a reporting dashboard for the Acquisitions Management Branch using Microsoft PowerBI for the entire purchase card dataset. Data is ingested from multiple sources (CitiBank, Oracle Federal Financials and Excel).
- Due to COVID-19, OCIO implemented a process within SharePoint for creating secure sites for the Administrative Law Judges and their bailiffs to manage their Hearings and Cases with external parties. Documents and evidentiary information are made available to parties on a case to ensure Hearings can occur remotely.

Financial Management

- Provided a response to address Questions for the Records received from the Chair and Ranking Members of the Subcommittee on Department of Labor, Health and Human Services, and Education and Related Agencies.
- Developed monthly Status of Funds Reports and conducted Quarterly Reviews where the NLRB examined overall spending and the budgetary impacts due to the COVID-19.
- Routinely monitored and performed reviews of unliquidated obligations to properly report obligation balances and commitments.
- During FY 2020, the OCFO addressed and closed out thirteen audit recommendations from previous year's audits.
- The OCFO submitted all quarterly and annual reporting requirements to Congress, OMB, and Treasury.
- In response to the OMB Directive M-19-13, strategic sourcing/category management initiatives, the Agency collects data on those initiatives and reports out annually on progress towards increasing the utilization of the initiatives.

Small Business Goal Status*						
Category	Gov-Wide Goal	2020	2019	2018	2017	2016
Small Business	23%	58.79%	68.78%	65%	41.70%	36.51%
Women Owned Small Business	5%	1.298%	9.83%	5%	7.47%	11.19%
Small Disadvantaged Business	5%	52.18%	58.48%	52%	28.33%	8.02%
Service-Disabled Veteran Owned Small Business	3%	0.963%	0.75%	1.62%	2.42%	0.31%
HUBZone	3%	41.56%	38.57%	23.33%	3.43%	2.13%

*In FY 2020 the NLRB was below three out of the five government wide goals because of de-obligations and spend being put in areas that were either for an existing contract or the requirement exceeded small business capabilities.

Office Space Management

- In accordance with General Services Administration (GSA) guidelines, 18 Field Offices have been identified to undergo a space reduction as part of the five-year project plan to reduce the NLRB footprint.

Agency Outreach

The Agency furthered its outreach to unrepresented employees, unions, and small business owners in the following ways:

- Met with local consulates of various countries to educate consular officials about the NLRB's protections and processes and delegation from the Korean Federation of Trade.
- Led discussions for high school and middle school classes concerning the development of the NLRA, workers' statutory rights, and Board processes.
- Maintained webpages for each individual Regional Office that contain news articles relevant to that region. To ensure that these pages remain fresh, news articles are tagged by the Agency's Office of Public Affairs and automatically loaded on the Region's webpage.
- Maintained an internal SharePoint database through which the Agency outreach coordinators post and share outreach materials and participate in a discussion board sharing ideas and leads for outreach.
- Maintained an interactive smart phone app which provides information about employer and employee rights under the NLRA and contact information.
- The Regional Offices conducted outreach that focuses on protected concerted activity vs. union activity. This includes outreach to law firms, labor organizations, trade groups, law school and graduate school groups, and professional societies.

To better educate workers and employers the NLRB:

- Presented to Staten Island District Attorney's Economic Crimes Bureau - Exchange information about what each respective agency does – the NY agency is a task force to prosecute wage crimes, which oftentimes overlaps with cases, e.g., protected concerted activity wage complaints.
- Maintained Memorandum of Understanding (MOUs) with Immigrant and Employee Rights Section of the Civil Rights Division of the Department of Justice; Occupational Safety and Health Administration; USPS; Wage and Hour Division, U.S. Department of Labor; Mine Safety and Health Administration, U.S. Department of Labor; Illinois Labor Relations Commission.

Ethics

The Ethics Staff continued to communicate with Agency leadership about the status of ethics projects and to discuss notable ethics issues.

In coordination with the Agency's General Counsel and Chairman, the Ethics Staff:

- Distributed the 2019 Annual Ethics Briefing through the Agency's Learning Management System, which included a recorded message from the Chairman and the General Counsel, to all Agency supervisors and managers. By making this briefing available to supervisors and managers, the Ethics Staff ensures that all management employees are in a position to identify potential ethics issues and avoid situations that distract from the mission of the Agency. All supervisors and managers (non-filers) completed this training requirement by Q1 FY 2020.
- Continued to assist the Board and General Counsel in evaluating ethics recusal obligations and to involve management in the recusal process.

- Renewed annual MOU with the Office of Human Resources to ensure that all newly hired employees and all newly promoted supervisors receive required ethics notifications in compliance with the Executive Branch Ethics Program Amendments, 81 Federal Register 76,271.
- Assisted General Counsel's Office with update to casehandling policy to include the development of a conflicts of interest worksheet to assist Board Agents with identifying potential conflicts of interest before beginning an investigation.
- Developed a protocol for the review and approval of internal NLRB solicitations that benefit coworkers and their families who are victims of the COVID-19 pandemic.

The Ethics Staff continued to seek out opportunities to educate all Agency employees about their ethical obligations.

During FY 2020, the Ethics Staff:

- Provided technical requirements to OCIO staff in order to redesign the Ethics SharePoint page to enhance search capabilities and to develop various webforms designed to help the Ethics Office gain efficiencies in case processing.
- Distributed agency-wide a variety of information which highlighted the limitations the Hatch Act places on federal employee partisan political activity. These messages included: a link to a brief online overview of the Hatch Act; Office of Special Counsel's (OSC) guidance covering how to determine whether an organization is a partisan political group and whether certain activities that an organization engages in would be considered political activity under the Hatch Act; an OSC announcement explaining that face masks which display a partisan political slogan or image may not be worn in the workplace and while on duty; a brief reminder covering how to avoid Hatch Act violations while using Agency email; and an OSC press release explaining the role of the Hatch Act.
- Revised and reissued a memo to all Agency employees concerning participation in protests and demonstrations.
- Provided general ethics reminder to all employees via email to emphasize that ethics staff is available to answer any government or legal ethics question during the COVID-19 pandemic. The importance of maintaining confidentiality while teleworking with others in the employee's household was also emphasized.

Measure:	Goal	2020	2019	2018	2017	2016
Percentage of inquiries resolved within 5 business days	85%	92%	88.9%	92%	95%	83%
Percentage of submitted financial disclosure reports reviewed within 60-days	100%	100%	100%	100%	100%	100%

- During FY 2020, the Ethics Office received 633 inquiries. 587 (92 percent) were resolved within five business days.
- All financial disclosure reports filed in FY 2020 were reviewed within 60 days.

- In mid-January ethics staff began to receive Public (OGE 278e) and Confidential (OGE 450) Financial Disclosure reports for CY 2019. In all cases, the review of each report was completed within 60 days of receipt and filers were notified of any real or potential conflicts.

During FY 2020, the Agency completed its review of:

- 30 Annual Confidential Financial Disclosure Reports (OGE 450)
- 2 New Entrant Confidential Financial Disclosure Report (OGE 450)
- 82 Annual Public Financial Disclosure Reports (OGE 278e)
- 11 New Entrant Public Financial Disclosure Reports (OGE 278e)
- 117 Monthly Transaction Reports (OGE 278T)
- 4 Termination Reports (OGE 278)

During FY 2020 the Ethics staff continued to use technology to help filers complete filing requirements under the Ethics in Government Act (EIGA).

Ethics staff supported filers through:

- One-on-one assistance with online filing systems.
- Job Aids and checklists to help filers accurately report their financial holdings.
- Monthly reminders which emphasize the importance of reviewing brokerage statements for transactions which are reportable under the Stop Trading on Congressional Knowledge (STOCK) Act.

Internal and External Audit Responses:

- Responses to internal and external auditors have been prepared and all deadlines were successfully met in FY 2020.

Freedom of Information Act

From October 1, 2019, to September 30, 2020, the Agency:

- Received 1,327 FOIA requests in FY 2020 and responded to 1,393 (FY 2020 + prior year backlog/pending). 1,137 of those requests were responded to within 1–20 days. Thus, 82 percent of the FOIA requests were processed within the 20–day statutory time period.
- Sought three extensions of time to process a request beyond the 20–day period for FOIA requests received. Thus, the Agency statutory extensions for less than one percent (0.23 percent) of its cases received.
- The Agency received 17 FOIA appeals and responded to 18 (FY 2020 + prior year backlog/pending) FOIA appeals. The average amount of days to process these appeals was 13 working days. The lowest number of working days to process these appeals was 2. The highest number of working days to
- process these appeals was 20. Thus, 100 percent of the FOIA appeals were processed within the 20–day statutory time period.
- Did not seek an extension of time for the FOIA appeals received in FY 2020.

FY 2021 HISTORICAL PERFORMANCE MEASURES FOR GOALS 3 AND 4

FY 2021 STRATEGIC GOAL 3 (SUPPORT): ACHIEVE ORGANIZATIONAL EXCELLENCE AND PRODUCTIVITY IN THE PUBLIC INTEREST

Employee Development

- The Office of Employee Development (OED) continues to work with the Human Capital Planning Office (HCPO) to develop an agency-wide succession plan and OED continues to offer an online Individual Development Plan (IDP) tool. In FY 2021, OED conducted IDP workshops for employees and supervisors to educate individuals on the benefits of IDPs and the process for developing a meaningful IDP.
- OED leverages internal communication mechanisms to promote employee development. For example, OED provides monthly articles on employee development topics for inclusion in the agency's internal newsletter that is provided to all employees.
- Additionally, OED has facilitated multiple online events using webinar technology for audiences of up to 300 attendees.

Workforce Management

- The Office of Human Resources (OHR) continues to validate that employees have performance plans through the new USA Performance reporting system.
  - » The process is used for all NLRB employees to include bargaining unit, non-bargaining unit, and Professional Association employees. The Performance Management Team provides pertinent information and offers scheduled individualized team and group performance management training throughout the year.
- The FOIA Branch was added to the new employee orientation.
- OHR verified that new hire's federal and state taxes are entered into FPPS correctly.
- All employees have received their performance plan for 2020–2021 and midyear feedback. Expectations are reinforced daily, and employees' performances were highlighted during the TMG audit.
- The Security Branch enrolled Agency personnel in the Rap Back Program which provides electronic reporting on post appointment arrests of Agency employees, contractors, students, and volunteers.
- Security Branch reduced the number of backlogged reinvestigations to 168, which was 285 at the beginning of FY 2021.
  - » Since FY 2012 the NLRB implemented the reinvestigation requirement every five years in accordance with 5 Code of Federal Regulations (CFR) 731, the branch has decreased the backlogged investigations from 1,050 to 168.
- The Office of the Equal Employment Opportunity (OEEO) prepared and posted No FEAR data on the Agency's public website. OEEO submitted Agency EEO Compliance report to EEOC on May 10, 2021.
- OEEO continued collaborative efforts to collect Agency workforce data from Human Resources, the Office of Employee Development, the Division of Operations-Management in preparation for the Agency's annual Management Directive (MD) 715 report for FY 2020, which enabled the timely submission of the report to the EEOC on June 15, 2021.
- OEEO prepared and submitted the State of the Agency briefing report for the FY 2019 MD715 report in

FY 2021. This report summarizes Agency accomplishments and challenges in attaining model EEO status and outlines strategies to reach goals.

- OEEO supported Agency's efforts to accomplish the goals of Executive Order (EO) 13985 on Advancing Racial Equity and Support for Underserved Communities through the Federal Government through its participation on the Agency Equity workgroup and by providing resource material for the group.
  - In support of EO 13985, OEEO participated in the Agency's Equity Workgroup to assist in the development of the Agency's 200-day Equity Report.

Motivation

- HCPO kicked off a multi-year collaboration with the Division of Legal Counsel to improve employee engagement. This effort should result in higher responses to the Federal Employee Viewpoint Survey (FEVS) in subsequent years for this organization.
- HCPO continued to make available to employees, via the HCPO's SharePoint site, access to its virtual suggestion box where employees can submit suggestions and submit creative and innovative ideas on how to strengthen employee engagement and offer ideas on workplace improvements.
- OHR's Performance Management Team has completed the automated revitalized Suggestion Award Program.
  - The program will encourage employees to submit constructive new ideas that will directly contribute to the economy, efficiency, or directly improve operations and or services within the Agency. Release date for this program is tentatively scheduled for the Fall of 2021.
- OHR's Performance Management Team ensures that nominations are collected for the Administrative Professional Award and Honorary Awards Programs using an automated nomination process via SharePoint. This process proves to be very instrumental in making the nomination process easy, efficient, and convenient to all parties. Award ceremonies were held in April and June 2021 respectively.
  - The Special Act and On-the-Spot-Award Program was funded to offer monetary recognition to deserving employees for their performance efforts during the fiscal year.

FY 2021 STRATEGIC GOAL 4 (SUPPORT): MANAGE AGENCY RESOURCES IN A MANNER THAT INSTILLS PUBLIC TRUST

Information and Technology

The Agency uses an electronic filing program (E-file) to allow constituents to electronically file documents with the Agency. In FY 2021:

Number of E-Filings Received	50,069
Number of Cases Filed Through E-File Charges and Petitions (OCP)	10,777
Number of Documents Received	139,726
Number of Board and ALJ Decisions E-Served	278
Total Number of parties E-Serviced Decisions	22,873
Number of E-Deliveries of Case Documents	69,588

Providing accessible information to the public is an important part of the NLRB's mission:

Number of NLRB Document Types Available for Public Access	563
Total Number of Case Documents Available for Public Access	1,742,081

Please see *https://www.nlrb.gov/open/public-documents* for a list of the document types available to the public and *https://www.nlrb.gov/reports* for updates metrics for FY 2020 Charges & Complaints, Petitions & Elections, Decisions, Litigation, Remedies, Recent Filings and Tally of Ballots.

During FY 2021, the following enhancements were completed for the Agency public website which increased or made case data more transparent to constituents:

- Interactive Map – Uses an interactive map to show C and R case data for each region.
- Advanced Data Search – Creates and downloads customized reports for case and election data.
- MyNLRB – Allows users to authenticate using Login.gov and personalize their experience for tracking individual cases, saved searches and aggregated regional content.
- Spanish site – Provides approximately 50 pages of documents translated into Spanish to reach a larger part of the constituency.
- Career Portal – Places a new focus on attracting top talent to the NLRB.

The OCIO continues to work with the FOIA Branch to design and develop a process for relating NLRB cases on the Agency public website with FOIA requests.

To streamline Agency processing, the Administrative Systems Team is focused on Business Process Automation using SharePoint as the platform. The Administrative System's team is in the process of automating over 200 of the Agency's processes/forms using SharePoint, InfoPath and/or PowerApps/Automate, web services and Microsoft Azure components. The business analysts continue to collect requirements and document the process flows, while the developers are working to complete the automation of the process. Following are the processes that were either completed, updated with enhancements or are ongoing in FY 2021:

- Automated Funds Request
- Bicycle Benefits Reimbursement
- Courier Authorization
- COVID-19 Employee Paid Leave
- COVID-19 Vaccination Certification Form
- Driver's License Verification
- Employee Suggestion Form
- Ethics Inquiry Form
- Ethics Skip Counsel
- Ethics Legally Protected Information
- Facilities Request Form
- Memento of Recognition
- Payroll Ticketing System

- Performance Award Matrix
- Professional Liability Insurance
- Purchase Card Transaction Request
- Records Management Weekly Statistics
- Retirement Estimate
- Superior Qualifications
- Temporary Property Removal
- Travel Training Form
- Transportation Reimbursement

The Administrative Systems Team also completed the following:

- Completed the design and development of a Reasonable Accommodation (RA) Case Management system which tracks the entire workflow of an RA case and integrates with the Form 13 purchase request. System is in final testing and is planned to be deployed in FY 2022.
- Completed the implementation of Microsoft Teams and subsequent retirement of Skype for Business. Microsoft Teams provides both communication and collaboration in the form of telephony, video, chat, screen sharing, and integration with other Microsoft platforms (SharePoint, Planner, Power platform, Office suite, etc.). Finalized the governance model and worked with many Agency offices for the creation of Teams and channels to increase collaboration.
- Due to COVID-19, OCIO implemented a process within SharePoint for creating secure sites for the Administrative Law Judges and their bailiffs to manage their hearings and cases with external parties. Documents and evidentiary information are made available to parties on a case to ensure hearings can occur remotely.
- In response to the FOIA Branch's inability to send large documents to FOIA requesters, the Administrative System's team designed and developed a secure large file transfer system. FOIA Branch employees have an internal-only interface to upload the files with an expiration date which are only accessible to the email address associated with the file(s). The FOIA requester receives an email with a link to download the file and are unable to forward the email to another party.
- Completed 75 percent of a three terabyte shared drive migration with each office as a cost savings measure to retire the legacy file share servers, migrate all of the files, data and permissions to the related Team's sites which increases collaboration using Teams and SharePoint.
- Designed and developed a Budget and Spending Dashboard using SharePoint and PowerBI which enables the OCFO and senior management the ability track funds actuals and spending from the Agency's Operating Plan.

Financial Management

- Provided a response to address the Congressional Questions for the Records received from the Chair and Ranking Members of the Subcommittee on Department of Labor, Health and Human Services, and Education and Related Agencies.
- Developed and uploaded the FY 2022 Budget Blueprint data into the OMB MAX Information System.

- The OCFO submitted all quarterly and annual reporting requirements to Congress, OMB, and Treasury.
- Developed the NLRB FY 2023 Budget Request to OMB.
- Developed Status of Funds Reports and briefed Leadership on the Agency's status of the Agency's Funds and available unallocated resources.
- During FY 2021 the OCFO addressed and closed out 18 audit recommendations from previous year's audits.
- Developed a series of budget scenarios for the FY 2022 OMB Passback and developed the Agency Passback Appeal strategy and draft Passback response to OMB.

Small Business Goal Status*						
Category	Gov-Wide Goal	2021	2020	2019	2018	2017
Small Business	23%	68.57%	58.79%	68.78%	65%	41.70%
Women Owned Small Business	5%	4.32%	1.298%	9.83%	5%	7.47%
Small Disadvantaged Business	5%	57.80%	52.18%	58.48%	52%	28.33%
Service-Disabled Veteran Owned Small Business	3%	0.83%	0.963%	0.75%	1.62%	2.42%
HUBZone	3%	48.21%	41.56%	38.57%	23.33%	3.43%

*In FY 2021, the NLRB was below two out of the five government wide goals because of de-obligations and spending being put in areas that were either for an existing contract or the requirement exceeded small business capabilities. Due to the COVID-19 pandemic, requirements were diverted to existing contracts to promptly support the Agency's immediate needs.

Office Space Management

In accordance with GSA guidelines, 22 Field Offices have been identified to undergo a space reduction as part of the five-year project plan to reduce the NLRB footprint.

Agency Outreach

The Agency furthered its outreach to unrepresented employees, unions, and small business owners in the following ways:

- On September 2, 2021, General Counsel and Mexican Ambassador to the U.S. signed a Letter of Arrangement (LOA) strengthening ties between the NLRB, the Mexican Embassy, and its consulates around the country.
- Additionally, the LOA expands upon the collaboration that has existed for many years between local NLRB offices around the country and the network of Mexican consulates across the U.S., by enhancing efforts to provide Mexican workers, their employers, and Mexican business owners in the U.S. with information, guidance, and access to education regarding their rights and responsibilities under the Act.
- The Regional Offices signed separate LOAs with local consulates, including Philadelphia, Los Angeles, Miami, Texas, and Boston.

- Additionally, Regional Offices participated in Labor Rights Week activities with various Mexican consulates and other federal agencies, including participating in a phone bank, participating in various tabling events with consulate partners, and participating in a radio show to discuss labor rights for immigrants.

The Agency produced and engaged in various outreach activities and efforts, such as:

- Produced a short video discussing Section 7 rights as applied to immigrant workers to be played in Mexican and other embassy waiting rooms.
- Established a student ambassador program to reach out to high school age individuals, which was created by the New York Regions.
- Launched a new Spanish language version of its website, NLRB.gov/es, where members of the public can access resources on their workplace rights and how to file a complaint, learn about the agency's history and current duties, and request a speaker from the NLRB.
- Launched two Spanish language Twitter accounts—@NLRBes for Board-side news and decisions and @NLRBGCes for news and information from the General Counsel's office.
- Launched a Facebook account for the General Counsel's office and Instagram accounts for the Board-side and General Counsel-side.
- Created a video for social media of the Deputy General Counsel discussing freedom of association.
- Developed a "know your rights" content for social media that explains workers' rights under the NLRA was created.
- Created a flyer and PowerPoint presentations to inform the public about the Agency.
- Conducted outreach to Latino organizations, members of Congress, and media through the Agency's Office of Congressional and Public Affairs.
- Began issuing Spanish-language press releases.
- Participated in clinic for workers with disabilities.
- Conducted outreach to the Asian American Bar Association of New York to host clinic.
- Participated in equal pay forum with the National Council of 100 Women.
- Participated in White House Initiative on Asian American Pacific Islander listening session.
- Participated in Cafecito con los Consulares in San Francisco.

To better educate workers and employers the NLRB:

- Presented to California Labor Trafficking Task Force Subcommittee.
- Presented to Make the Road NJ (focusing on Latino and other minority workers).
- Met with representatives of the Mexican Embassy to provide training, discuss renewal of MOU, and establish joint outreach opportunities.
- Presented updates of the NLRB to Healthcare Labor Relations Advisory Committee (association of legal counsels representing employers in labor relations).
- Presented to management-side labor law firm on developments under the NLRA.

- Met with the U.S. Department of Labor (DOL), Bureau of International Labor Affairs to establish joint outreach opportunities.
- Collaborated with New York Interagency Community on Asian Americans and Pacific Islanders Month events.
- Participated in the Alameda County Labor Trafficking Task Force.
- Delivered Joint Presentation with DOL Wage and Hour concerning essential workers in Detroit.

Ethics

The Ethics Staff continued to communicate with Agency Leadership about the status of ethics projects and to discuss notable ethics issues.

In coordination with the Agency's GC and Chairman, the Ethics Staff:

- Continued to assist the Board and General Counsel in evaluating ethics recusal obligations.
- Reissued Combined Federal Campaign (CFC) guidance memo and Job Aid to all Agency employees at the start of the FY 2021 CFC campaign. These documents covered the relevant rules and regulations, including those applicable to CFC events, and discussed the importance of preventing coercive activity when a supervisor serves as a campaign coordinator and/or keyworker for the CFC.
- Participated in transition related tasks to include: preparing various staff for meetings with the Biden Transition Team; working with newly appointed leaders to maintain the NLRB's ethical culture; and meeting with potential nominees and White House ethics officials to discuss the Ethics Office's role in ensuring the integrity of the NLRB's programs and processes.
- Met with GC and Chairman front offices and the Office of Congressional Public Affairs (OCPA) to present research of federal agency social media policies, summaries of First Amendment cases, and issues to consider when developing a comprehensive social media policy for the Agency.

The Ethics Staff continued to seek out opportunities to educate all Agency employees about their ethical obligations.

During FY 2021, the Ethics Staff:

- Distributed the CY 2020 Annual Ethics Briefing through the Agency's Learning Management System to all financial disclosure filers as well as managers and supervisors. This program included a message from the Agency's Designated Agency Ethics Official (DAEO) which emphasized the importance of making compliance with ethics regulations a *personal responsibility* of everyone but noted that it is particularly important for the Agency's managers and supervisors.
- Renewed annual MOU with the Office of Human Resources to ensure that all newly hired employees and all newly promoted supervisors receive required ethics notifications in compliance with the Executive Branch Ethics Program Amendments, 81 Federal Register 76,271.
- Participated in Operation's Regional Directors (RD) Roundtable where the Ethics Office updated Regional Management on trending legal and government ethics issues. The Ethics Office also presented new resources that were developed to assist the field in identifying potential legal ethics concerns.
- Launched new Ethics intranet site which provides a user-friendly organization; new search tools; three new online forms to help the Ethics Office collect relevant facts so that ethics inquiries can be handled more efficiently; and several newly developed legal ethics training resources.

- Provided customized ethics briefing to the newly appointed Political Appointees with Senate Conformation (PAS) and Schedule C appointed employees.
- Provided new hire orientation to all new NLRB employees within 90 days of appointment to the Agency.
- Distributed various training resources and reminders covering key ethics laws and regulations; the Hatch Act; and the importance of maintaining the NLRB's Screening Wall. Many of these resources and
- reminders were distributed Agency-wide while others were directed to specific categories of employees to support their particular mission work.
- Distributed a memo which provided guidance for employees interacting with NLRB social media accounts via personal social media accounts.
- Presented content at several Agency meetings and conferences. Ethics Staff emphasized that all employees have a personal responsibility to comply with the Rules of Professional Conduct, the Standards of Conduct and the Criminal Conflict of Interest Statutes.
- Assisted various offices in developing policies to ensure compliance with the NLRB's internal screening wall that separates the prosecutorial and adjudicatory sides of the Agency and protects confidential information from disclosure to the other side.
- Distributed post-employment guidance to all employees scheduled to retire or resign from government service and answered specific post-employment inquiries from former employees of all levels.
- During FY 2021, the Ethics Office received 651 inquiries. 622 (95 percent) were resolved within 5 business days.

Measure:	Goal	2021	2020	2019	2018	2017
Percentage of inquiries resolved within 5 business days	85%	95%	92%	88.9%	92%	95%
Percentage of submitted financial disclosure reports reviewed within 60-days	100%	100%	100%	100%	100%	100%

The Ethics staff continued to use technology to help filers complete filing requirements under the Ethics in Government Act (EIGA).

During FY 2021, Ethics staff supported filers through:

- One-on-one assistance with online filing systems.
- Job Aids and checklists to help filers accurately report their financial holdings.
- Monthly reminders which emphasize the importance of reviewing brokerage statements for transactions which are reportable under the Stop Trading on Congressional Knowledge (STOCK) Act.

In mid-January, Ethics staff began to receive Public (OGE 278e) and Confidential (OGE 450) Financial Disclosure reports for CY 2020. Completed the review of 99 percent of all reports within 60 days of receipt and the Ethics Office notified the filer of any real or potential conflicts.

During FY 2021, the Agency completed its review of:

- 31 Annual Confidential Financial Disclosure Reports (OGE 450)
- 2 New Entrant Confidential Financial Disclosure Report (OGE 450)

- 82 Annual Public Financial Disclosure Reports (OGE 278e)
- 6 New Entrant Public Financial Disclosure Report (OGE 278e)
- 170 Monthly Transaction Reports (OGE 278T)
- 13 Termination Reports (OGE 278)

Internal and External Audit Responses

Responses to internal and external auditors have been prepared and all deadlines were successfully met in FY 2021.

Freedom of Information Act

From October 1, 2020 to September 30, 2021, the Agency:

- The Agency received 1,436 FOIA requests and responded to 1,410 FOIA requests. The Agency responded to 1,264 FOIA requests in 1–20 days. Thus, 90 percent of the FOIA requests were processed within the 20– day statutory time.
- The Agency sought five extensions of time to process a request beyond the 20–day period for the FOIA requests received from October 1, 2020, to September 30, 2021. Thus, the Agency sought statutory extensions for less than 1 percent of requests.
- The Agency received 11 FOIA appeals and responded to five FOIA appeals from October 1, 2020 to September 30, 2021. The number of average days to process these appeals was 19.4 working days. The lowest number of working days to process these appeals was 18. The highest number of working days to process these appeals was 20. Thus, 100 percent of the FOIA appeals were processed within the 20–day statutory time.
- The Agency did not seek an extension of time for the FOIA appeals received from October 1, 2021, to September 30, 2021.

APPENDIX D

STRATEGIC GOALS

GOAL 1 (MISSION): ENSURE EFFECTIVE ENFORCEMENT OF THE NATIONAL LABOR RELATIONS ACT THROUGH TIMELY AND QUALITY CONSIDERATION AND RESOLUTION OF UNFAIR LABOR PRACTICES WITH APPROPRIATE REMEDIES

Objective 1: Achieve timely consideration and appropriate resolution of unfair labor practice charges at every stage of processing.

Measure 1: The Field office operations reach determinations on all unfair labor practice charges within 90 percent of the Agency's timeliness goal.

Measure 2: Issue 90 percent of pending unfair labor practice cases that, by the end of the fiscal year, will have been pending before the Board for more than 18 months.

Measure 3: Ensure that the median age of all cases pending before the Board at the end of each fiscal year is 180 days or less.

Management Strategies:

- 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.
- Using the Board's electronic case management system, continually monitor the status of unfair labor practice cases pending before the Board to ensure that priority cases are on track to issue by the end of the fiscal year.

GOAL 1 (MISSION): ENSURE EFFECTIVE ENFORCEMENT OF THE NATIONAL LABOR RELATIONS ACT THROUGH TIMELY AND QUALITY CONSIDERATION AND RESOLUTION OF UNFAIR LABOR PRACTICES WITH APPROPRIATE REMEDIES

Objective 2: Demonstrate high quality performance in the prosecution and adjudication of meritorious unfair labor practice charges.

Measure 1: Conduct annual quality reviews of all Field offices' unfair labor practice case files with overall ratings.

Management Strategies:

- Provide regular and timely feedback to the Regions of the quality of their unfair labor practice investigation and prosecution.
- Maintain and enhance alternative decision-making procedures to expedite Board and ALJ decisions in unfair labor practice cases; on the Board side, for example, maximize opportunities to circulate cases with pre-prepared draft opinions in order to fast-track the issuance of final decisions.
- Proactively pursue voluntary settlement of unfair labor practice cases, including through the Board's Alternative Dispute Resolution program that is available to parties following the issuance of a decision by an administrative law judge.
- Utilize intra-agency working groups and committees to continually evaluate quality of investigations, litigation, and compliance.
- Evaluate all losses of adjudicated unfair labor practices deemed significant to institute modifications to the Agency's litigation program, as appropriate.

Objective 3: Promptly pursue remedies for statutory violations.

Measure 1: Ensure that at least 85 percent of Board Orders are closed or advanced to the next stage in fewer than 300 days.

Measure 2: Ensure that at least 85 percent of Federal Circuit Court Orders are closed or advanced to the next stage in fewer than 300 days.

Management Strategy:

- Share best practices in unfair labor practice processing to assist Field offices in resolving unfair labor practice case issues promptly and fairly.

Definitions:

Advanced to the Next Stage – The following actions consists of advancements: a) the filing of a petition for court enforcement or review, b) referral to contempt, or c) issuance of a Compliance Specification.

Modifications to Case Processing – Through training and performance management, modify practices or approaches that are not consistent with the Agency's quality standards – such modifications will also include identifying new best practices that improve the quality of the Agency's case processing, and disseminating these, through updates to case processing guidance and related training.

Significant Losses of Adjudicated Unfair Labor Practices – Significant losses of adjudicated unfair labor practices are Administrative Law Judge or Board decisions resulting in either dismissal of the entire complaint, or dismissal of allegations that substantially affect the make-whole remedy, such as reinstatement or other terms and conditions of employment.

GOAL 2 (MISSION): PROTECT EMPLOYEE FREE CHOICE WITH TIMELY AND EFFECTIVE MECHANISMS TO RESOLVE QUESTIONS CONCERNING REPRESENTATION

Objective 1: Achieve timely resolution of all questions concerning representation of employees.

Measure 1: Reach 85 percent pre-election agreement rate in representation elections not involving issues regarding the way the elections are conducted.

Measure 2: Issue 90 percent of pending representation cases that, by the end of the fiscal year, will have been pending before the Board for more than 12 months.

Measure 3: Ensure that the median age of all cases pending before the Board at the end of each fiscal year is 180 days or less.

Management Strategies:

- Using the Board's electronic case management system, continually monitor the status of representation cases pending before the Board to ensure that priority cases are on track to issue by the end of the fiscal year.
- Maintain and enhance streamlined alternative decision-making procedures, such as circulating cases to the Board with draft opinions, rather than following the process of soliciting votes on case issues prior to a draft decision being prepared 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.
- Stay abreast of other federal and state agencies' approaches to representation case processing and share best practices in representation case processing internally to assist Field offices in resolving representation case issues promptly and fairly.

Objective 2: Increase employees' opportunities to freely participate in election proceedings by making appropriate and effective use of technology.

Measure 1: Promote awareness of the option to file election petitions electronically, in English or Spanish, through the Agency's website.

Management Strategies:

- Enhance the effectiveness of existing technologies, and investigate the potential benefits offered by new technologies, to maximize employees' opportunities to participate in election proceedings.
- Increase greater access to the Agency's electronic filing system for non-English filers.

GOAL 3 (SUPPORT): ACHIEVE ORGANIZATION EXCELLENCE AND SERVE AS A MODEL EMPLOYER

Objective 1: Improve employee morale and labor relations

Measure 1: Maintain target employee engagement index score of 67 percent on the Federal Employee Viewpoint Survey (FEVS), and in subsequent years establish new initiatives with the goal of increasing employee engagement.

Management Strategies:

- Examine the feasibility of creating employee resource groups (ERGs) to promote better employee engagement by following appropriate OPM and EEOC guidance and utilizing best practices of similar agencies.
- Ensure that managers engage with the Agency's employees and their representatives to help implement and effectuate Agency policies and collective bargaining agreements that balance performance, productivity, and workplace flexibilities.

Objective 2: Increase opportunities for career enhancement through employee development

Measure 1: Satisfaction percentage rating (65 percent or above) of the "Talent Management Index" using the annual FEVS results.

Management Strategies:

- Explore the use of employee affinity groups at headquarters and in Field offices for recruitment, retention, and developmental activities.
- Maintain a current strategic plan that includes human capital goals, objectives, and strategies and a workforce plan that is consistent with the Human Capital Framework (HCF) of the Office of Personnel Management (OPM).
- Enhance employee development and learning opportunities through Skillport, West Legal Ed, and other on-line and blended media.
- Identify core competencies for managers and actions necessary to close skill gaps.
- Promote individual development plans (IDPs) for employees by proactively encouraging participation.

Objective 3: Recruit and retain a talented and diverse workforce

Measure 1: Satisfaction percentage rating (65 percent or above) for the "Job Satisfaction Index" using the annual FEVS results.

Management Strategies:

- Clearly and consistently communicate to employees how their work supports the Agency's ability to achieve its mission.
- Regularly seek opportunities to give employees appropriately challenging work assignments to develop their skills, grow their engagement, and enhance their opportunities for advancement.
- Create and grow participation in formal and informal mentorship programs for new hires and new supervisors, specifically to include those who identify as a member of an underrepresented group, to maximize their prospects for long-term success in the Agency.

Measure 2: Satisfaction percentage rating (65 percent or above) for the "Support for Diversity Index" using the annual FEVS results.

Management Strategies:

- Involve all Agency 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 and consistently provide opportunities to participate in such programs in all organizational units.
- Encourage participation in special emphasis observances.
- Fully and timely comply with all relevant federal laws, regulations, applicable executive orders, management directives and policies related to promoting diversity, equity, inclusion, and accessibility in the workplace.
- Demonstrate leadership accountability, commitment, and involvement regarding diversity, equity, inclusion, and accessibility.
- Provide on-going diversity, equity, inclusion, and accessibility training for senior leadership.
- Evaluate all levels of management on their proactivity in maintaining an inclusive work environment.
- Continue to attract qualified and diverse applicants from different demographics, including veterans and persons with disabilities, by following the Office of Personnel Management (OPM) and Equal Employment Opportunity Commission (EEOC) guidance and utilizing best practices of similar agencies.

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

Objective 1: Make effective use of Agency's resources by proactively planning how best to deploy those resources, and continually monitor and reevaluate the execution of such plans to ensure we have strong processes and internal controls in place to identify and prevent any misuse or inefficiencies in the allocation of Agency resources.

Measure 1: Achieving a clean audit opinion by ensuring that OCFO's operations are guided by appropriate processes and internal controls.

Management Strategies:

- Effective management of fiscal resources by administering the NLRB's budget through the development and implementation of an annual Operating Plan that aligns the budget resources to the Agency's priorities and the Strategic Plan.
- Meeting contracting goals through strengthened acquisition planning and creating innovative business strategies that achieve cost-effective contracting solutions.

Measure 2: Continue to support telework by employees and contractors, as well as virtual access to Agency processes by members of the public, to create opportunities to reduce costs associated with maintaining the Agency's footprint in its Headquarters and Field offices, in accordance with General Service Administration (GSA) directives.

Management Strategies:

- 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 comprised of users/customers and developers.
- Modernize the Agency's systems using technological advances, automation tools, and artificial and business intelligence protocols to continuously improve the productivity of the Agency while maintaining aspects of the current systems based on organizational priorities.
- Achieve more effective and efficient program operations in the NLRB administrative functions by automating and improving processes and information sharing within the Agency.

Objective 2: Conduct all internal and external Agency business in an ethical and timely manner.

Measure 1: Make progress towards an employee satisfaction percentage rating (65 percent or above) for the Agency's ethical culture using the annual FEVS results.

Measure 2: Continue to respond to FOIA inquiries in a timely manner.

Management Strategies:

- Fully and timely comply with all relevant federal laws, regulations, applicable executive orders, management directives and policies related to ethics in the workplace.
- Use technology to maintain an ethics education program that reaches all NLRB employees at all levels.
- Ensure substantial compliance with employee ethics training and financial disclosure requirements.

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

Objective 3: Develop a culture of Enterprise Risk Management (ERM) and Internal Controls to support the Agency's decision-making process.

Measure 1: Reach an ERM maturity level-3 by FY 2026.

Management Strategies:

- Establish and develop an ERM program to include policies and procedures that will strengthen leadership decision making.
- Integrate Internal Control activities into Agency operations.

Definition:

Substantial Compliance – Compliance with the substantial or essential regulatory requirements that satisfies their purpose or objective even though there may be individual deficiencies beyond the organization's control.

GOAL 5 (MISSION): IMPROVE PUBLIC AWARENESS OF AGENCY MISSION AND ACTIVITIES

Objective 1: Improve agency outreach and public engagement, especially among members of underserved communities.

Measure 1: Increase the number of users who access the NLRB's English and non-English language digital resources, including our public website and social media platforms.

Measure 2: Increase the number of participants, including foreign language speakers, in the NLRB's outreach to students.

Management Strategies:

- Expand Agency outreach programs to better reach underserved communities.
- Begin gathering and analyzing meaningful demographic data about individuals and organizations—on a voluntary and anonymous basis—that use or are considering using Agency services.
- Expand digital resources for non-English speakers.
- Augment the Agency's outreach effort by creating a dedicated Outreach Committee chaired by a senior official from the Division of Operations-Management with partners from Field offices, the Office of Congressional and Public Affairs, and other Headquarters Mission Support Divisions, with responsibility to develop and implement national and field outreach initiatives that expand access to underserved and underrepresented communities.
- Continue the NLRB Equity Assessment Team's exploration of additional ways to achieve the key goal of Executive Order 13985 to advance equity for all in understanding and accessing the Agency's services.
- Employ increased non-traditional outreach to the following underserved populations:
  - Historically Marginalized Populations
  - Immigrant Populations
  - Youth Population
- Improve accessibility and functionality of Agency website and social media. Institute an automated satisfaction survey for website users and evaluate responses for further action.
- Engage with organizations to better educate workers and employers, through activities, such as:
  - Letters of Agreement (LOA) with embassies
  - Joint outreach with sister agencies
  - Memorandums of Understanding (MOU) with other agencies related to coextensive investigations
- Focus on Protected Concerted Activity, Collective Bargaining, and Union Activity:
  - Expand public usage of the NLRB's social media network, including the NLRB's Smartphone app and other technology
  - Provide additional information on the NLRB's public website
  - Continually evaluate opportunities for the Agency to make greater use of existing and new social media platforms
  - Develop more internal informational materials housed in a centralized location for use by board agents at recruitment and outreach events

NATIONAL LABOR RELATIONS BOARD