



UNITED STATES GOVERNMENT
National Labor Relations Board
Office of Inspector General

Memorandum

June 13, 2008

To: Richard A. Siegel
Associate General Counsel

From: David P. Berry *D-P Berry*
Acting Inspector General

Subject: Inspection Report No. OIG-INS-53-08-04: Bilingual Awards

We initiated this inspection in January 2008 to determine whether bilingual award recipients met the requirements for using two languages as part of his or her job.

We found that in Fiscal Year (FY) 2007, the bilingual award recipients used at least two languages as part of his or her job and that the total amount of awards made each year and the individual employee's share were in accordance with the collective bargaining agreements. We also found that the bilingual awards program was not administered consistently among the Regional Offices.

SCOPE

We reviewed the current collective bargaining agreements between the General Counsel and the National Labor Relations Board Union covering field office personnel. We also reviewed annual guidance provided by the Division of Operations-Management (Operations-Management) regarding bilingual awards. We interviewed staff in Operations-Management and four Regional Directors to identify and gain an understanding of the nomination and awards process and the documentation maintained.

We compared the awards paid in FY 2007 to a list of bilingual employees that was updated in August 2007 and other information obtained from Regional Offices to determine whether the award recipients used two languages as part of his or her job. We also verified that award recipients were eligible to receive an award because they were not management officials and were not otherwise compensated for their bilingual skills. We compared FY 2006 and FY 2007 approved nominations lists to information in the Agency's payroll system to determine whether awards were processed correctly. We also determined whether the total amount of awards made each year and the individual employee's share were in accordance with the collective bargaining agreements.

We conducted this review from January through June 2008. This review was done in accordance with the Quality Standards for Inspections issued by the President's Council on Integrity and Efficiency.

BACKGROUND

The collective bargaining agreements for field office personnel provide for bilingual awards. The awards are designated Level 1, Level 2, or Level 3, depending on the employee's level of bilingual contribution to Agency work. The amount of Level 2 awards shall be twice the amount of Level 1 awards, and the amount of Level 3 awards shall be three times the amount of Level 1 awards. The award pool is proportionately divided among all recipients. The agreements state that during each year of the agreement, \$20,000 will be provided for bilingual awards. If the Level 3 award in any year is less than \$500, the awards pool will be increased by \$5,000 the following year. By FY 2007, the award pool had increased to \$40,000. In both FY 2006 and 2007, 111 bilingual awards were made to field office personnel.

RESULTS

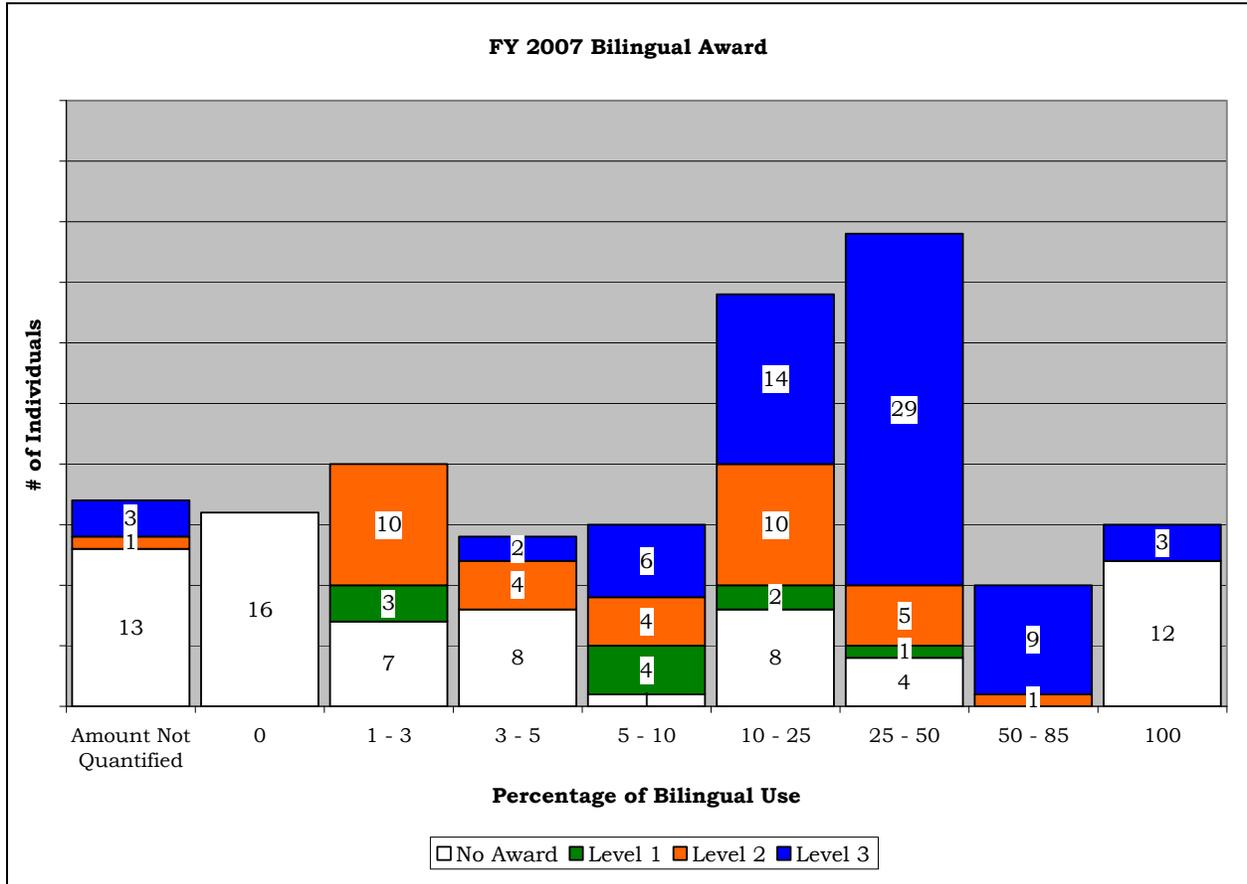
Regular Use

The collective bargaining agreements state that to be eligible for a bilingual award, an employee needs to use his or her bilingual skills "on a regular basis rather than occasionally." "Regular" and "occasionally" are not defined by the agreements. The guidance issued by Operations-Management does not address what criteria should be used to determine whether bilingual skills are used "on a regular basis" as opposed to "occasionally."

Operations-Management prepares a list of bilingual field employees based upon a survey of Regional Offices. The list includes information regarding the employee's name, grade, and position; language; whether the bilingual skills are oral and/or written; and the percentage of time the employee spends using the skills. The data for the percentage of time the employee spends using bilingual skills is largely based upon an estimate that is provided by managers in each Region. This information was updated in August 2007.

Using the list prepared by Operations-Management and information provided by Regional Directors, we found that in FY 2007, the bilingual award recipients used at least two languages as part of his or her job and that the total amount of awards made each year and the individual employee's share were in accordance with the collective bargaining agreements. We also found that Regional Offices were not consistent in determining which employees regularly used his or her bilingual skill. For example, one Regional Office nominated six employees who were described as using his or her bilingual skills three percent or less of the time for Level 2 awards while other Regions did not nominate 34 employees who used bilingual skills five percent or more of the time. Three of the six employees who used the bilingual skills three percent or less of the time also used two additional languages. Among the group of employees not receiving nominations for bilingual awards were 11 employees that the list showed used their bilingual skills 20 percent or more of the time and 12 employees who used their bilingual skills 100 percent of the time. Operations-Management stated that employees who received an award with a small percentage of use may have used bilingual skills in a large or important case.

The following chart provides a comparison of the number of bilingual awards and the percentage of use of the bilingual skills.



Number of Awards

The Agency agreed that it would not pre-determine the number of employees per Regional Office who may be nominated and/or selected for bilingual awards. The guidance provided by Operations-Management to the Regional Directors is consistent with that agreement in that it does not provide any limits on the number of employees that may be nominated.

We found that the number of nominations for bilingual awards varied among the Regions. Sixteen Regional Directors forwarded nominations for 75 percent or more of the Region’s eligible employees. By contrast, six Regional Directors forwarded nominations for 25 percent or fewer of employees who were eligible for an award. Overall, 68 percent of the Agency’s eligible employees received a bilingual award.

When we discussed the nomination process with Regional Directors, we found that they had varying means of determining how many employees to nominate. One Regional Director stated that she nominates three employees because there are three levels of awards. Originally, she thought that they were limited to three awards, and after becoming aware that other offices nominate more than three employees she continued her practice of nominating three employees.

Another Regional Director stated that he selects only one employee for each award level because the amount of money provided is so small that he does not want to further dilute it.

Incorrect Award Payments in FY 2006

The Regional Directors submit his or her approved award nominations to Operations-Management. Based on the number of nominations submitted, Operations-Management calculates the amount of the award for each recipient and prepares a list of employees who are to receive an award and the dollar amount of the award. This list is then used to process a Standard Form 52, Request for Personnel Action (SF 52) in the payroll system for each employee who receives an award. In FY 2006, the SF 52s were initiated by the Human Resources Branch and in FY 2007, they were initiated by Operations-Management.

A comparison of bilingual awards nominations to reports from the Agency's payroll system identified several payment errors related to the FY 2006 bilingual awards. They are listed below.

- One employee was nominated for a Level II award of \$264, but was paid a Level III award of \$394.
- One employee apparently received an award intended for another employee. The employee who received a Level II award was not nominated for an award and another employee who was nominated for a Level II award did not receive it. The two employees have the same last name and first initial.
- One employee who was nominated for a Level III award of \$394 received a Level II award of \$264.
- Three other employees who were nominated for bilingual awards did not receive the awards. Two of the awards were at Level II and one award was at Level III. The total amount of the awards was \$922.

SUGGESTIONS

We suggest that the Associate General Counsel, Division of Operations-Management:

1. Provide a summary of the prior year's bilingual awards nomination when issuing the annual guidance to the Regional Directors. Providing this information will assist the Regional Directors in determining what is regular use of bilingual skills and over time should help establish some consistency of the bilingual awards process across the Regions.
2. Consider ways to correct the payments to award nominees who did not receive an award in the proper amount.