



NATIONAL LABOR RELATIONS BOARD

FY 2023

JUSTIFICATION OF PERFORMANCE
BUDGET FOR THE COMMITTEE
ON APPROPRIATIONS

March 28, 2022



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FY 2023 Congressional Budget Justification

I. Foreword

The National Labor Relations Board (NLRB, Board, or Agency) is a mid-sized independent Agency that promotes and protects workers' rights.

The NLRB investigates, prosecutes, and adjudicates alleged labor law violations involving private sector employees, labor organizations, and employers throughout the United States and investigates and resolves questions concerning representation among employees to determine whether the employees wish to be represented by a labor organization. The NLRB fiscal year (FY) 2023 Budget Request provides \$319.4 million, a 16.5 percent increase over the annualized rate in the FY 2022 Continuing Resolution (CR), which continued the level funding of \$274.224 million in place for the Agency since 2014. The President's mark would allow the Agency to more effectively enforce the National Labor Relations Act (NLRA) by building up field capacity and a more robust outreach program to better support the Nation's underserved communities and vulnerable populations. In addition, the funds would better allow the Agency to improve its overall efficiency, effectiveness, and accountability. These efforts include process improvements for casehandling, mission, and business operations. The Agency also continues to upgrade and invest in compliance mandates to our Information Technology infrastructure and to our Human Capital Strategy program.

II. 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.

III. Agency Role and Functions

The NLRB is an independent federal agency created by Congress in 1935 to administer and enforce the NLRA, the primary federal statute governing labor relations in the private sector. The purpose of the NLRA is to promote collective bargaining among employers, labor organizations, and employees and to protect employees' rights to freely express their wishes regarding collective-bargaining representation and to take other concerted action for their mutual aid and protection. The statute incorporates these policy goals by expressly providing employees the rights to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for their mutual aid or protection. It also establishes that employees have the right to refrain from all of those activities. The NLRB in turn protects these rights through the administration, interpretation, and enforcement of the Act, both in prosecuting unfair labor practices and in conducting representation elections to determine employees' desires regarding collective-bargaining

representation. Significantly, there is no private right of action under the NLRA; thus, the Agency is the only recourse for any employer, employee, or labor organization to seek redress of a violation of the NLRA or to obtain a certification whether a labor organization is the representative of a group of employees. Consequently, the Agency is essential to the enforcement of the NLRA. Its processing of these cases also assists in easing the burden on the court systems across the United States and promotes industrial stability nationwide.

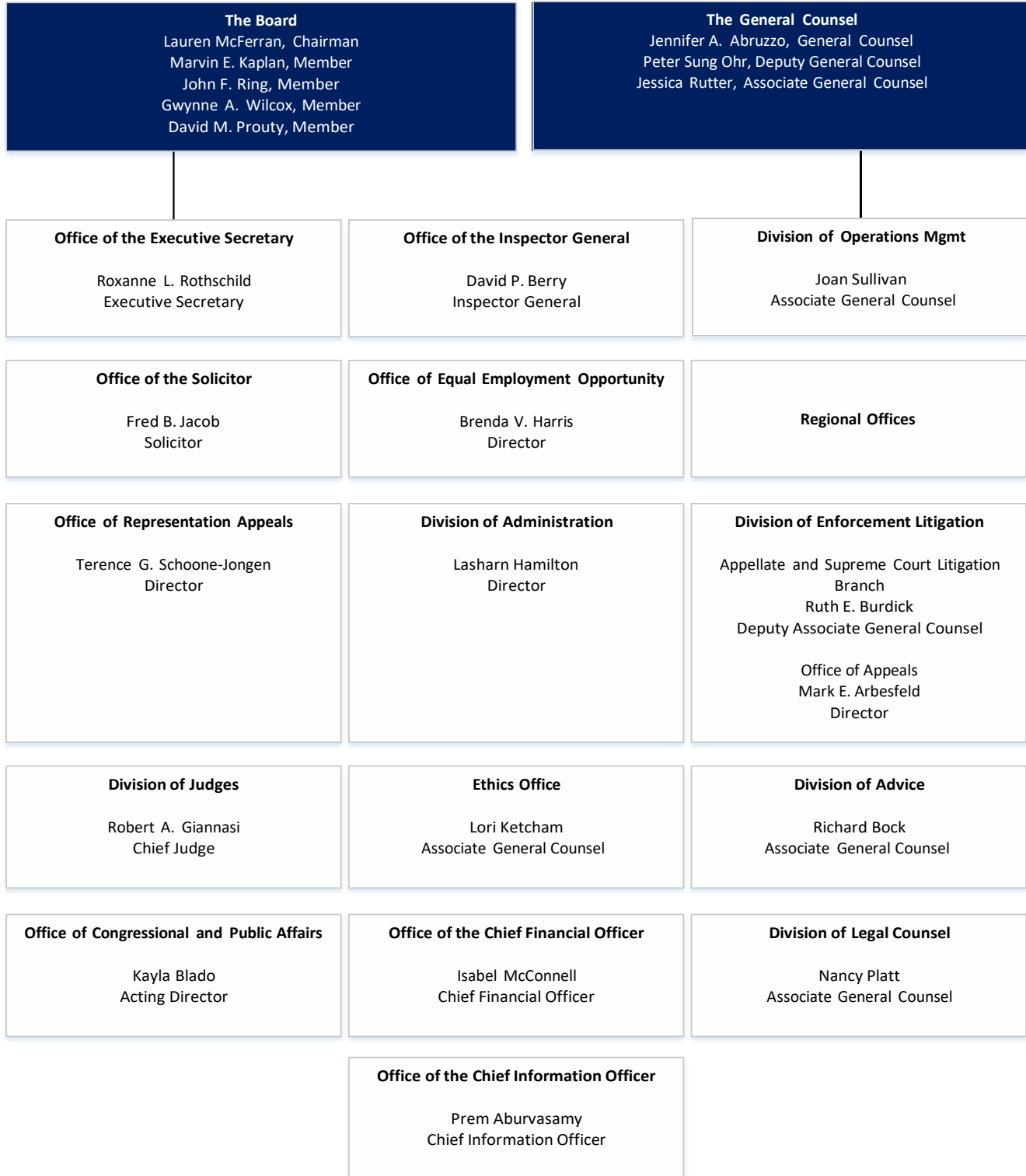
The NLRB's authority is divided by law and by delegation. The Board has five members, when at full strength, and primarily acts as a quasi-judicial body in deciding cases based on formal records in administrative proceedings. One Board member is designated as the Chairman. Independent from the Board, the General Counsel is responsible for investigating and prosecuting unfair labor practice charges, for processing representation petitions on behalf of the Board, and for overseeing the NLRB's Regional Offices, in addition to managing many of the day-to-day administrative, financial, personnel, human capital, and operational responsibilities of the Agency by delegation. These positions are appointed by the President and confirmed by the Senate.

The Board and the General Counsel are located in the Agency's Headquarters in Washington, D.C. The Agency also has a nationwide network of Administrative Law Judges who are administratively assigned to one of three offices located in Washington, D.C., New York, and San Francisco. There are 26 Regional Offices located in major cities across the United States, and a total of 48 offices located nationwide.

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

In connection with its second primary function, investigating and resolving questions concerning representation, the Agency enforces the right of employees to choose whether to be represented by a labor organization. Representation cases are currently initiated by the filing of a petition – by employees, labor organizations, or employers. The Agency evaluates the petition and, if appropriate, conducts an election to determine if employees wish to have, or continue to have, a labor organization as their collective-bargaining representative. Thereafter, the Agency addresses challenges and/or objections to the election, if filed, and ultimately issues a certification that the participating labor organization either does or does not serve as the exclusive collective-bargaining representative of the employees in the bargaining unit.

Organizational Structure



IV. Appropriation Language

Appropriation Language	Explanation of Changes
<p style="text-align: center;">NATIONAL LABOR RELATIONS BOARD SALARIES AND EXPENSES</p> <p>For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the National Labor Relations Act, 1935, and the Labor-Management Relations Act, 1947, and other laws, [\$274,224,000] \$319,424,000: Provided, <i>that of this amount, \$45,200,000 shall remain available until September 30, 2024:</i> <i>Provided further, [t]</i>That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935, and as amended by the Labor-Management Relations Act, 1947, and as defined in section 3(f) of the Act of June 25, 1938, and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.</p> <p style="text-align: center;">[ADMINISTRATIVE PROVISION</p> <p>None of the funds provided by this Act or previous Acts making appropriations for the National Labor Relations Board may be used to issue any new administrative directive or regulation that would provide employees any means of voting through any electronic means in an election to determine a representative for the purposes of collective bargaining.]</p> <p><i>Note. A full-year 2022 appropriation for this account was not enacted at the time the budget was prepared; therefore, the budget assumes this account is operating under the Continuing Appropriations Act, 2022 (Division A of P.L. 117-43, as amended). The amounts included for 2022 reflect the annualized level provided by the continuing resolution.</i></p>	<p>The FY 2023 Budget Request includes a proposal to remove the Administrative Provision.</p>

V. Legislative Proposal

The NLRB is not making any legislative proposals.

VI. Use of Evidence and Evaluation

The NLRB continues to improve program performance by using data and analytics to evaluate and develop methods and processes that promote innovation and improve program delivery. The Agency will strive to build up programs in areas of policy, budget, operation, regulation, management, and decision-making.

Overview of the FY 2023 Budget Request

The NLRB’s FY 2023 Budget Request is \$319.4 million. The FY 2023 Budget Request will fund the Agency’s statutory mission of resolving labor disputes through investigation, settlement, litigation, adjudication, education, and compliance. This mission relies primarily on skilled and experienced professionals and administrative employees. The annual staff compensation (salaries and benefits) accounts for approximately 77 percent of the requested funding (\$246.4 million);

9 percent (\$27.9 million), is required for rent, security, and other facility and property expenses for the NLRB offices in Headquarters and across the country; and the remaining 14 percent (\$45.1 million), is allocated to costs and activities that include, but are not limited to: information technology, cybersecurity, outreach and inter-agency activities, court reporting, case-related travel, witness fees, interpreters, legal research systems, case management systems, training, compliance with government-wide statutory and regulatory mandates, and mission support offices.

NLRB’s total number of personnel decreased from 1,733 in FY 2010 to 1,210 in FY 2021, or by 30 percent (see figure 1). The FY 2023 Budget Request of \$319.4 million will better enable the Agency to address such workforce deficiencies and thus further the Agency’s efforts to serve the American people in fully effectuating its mission. The Budget Request will also help to allow the Agency to support its FY 2022 – FY 2026 Strategic Plan, advance the critical priorities of the Administration, and address the concerns of Congress by strengthening democracy in the workplace across the Nation. Work stoppages and labor strife can have a significant negative impact on the U.S.

FY 2023 Expenses by Category

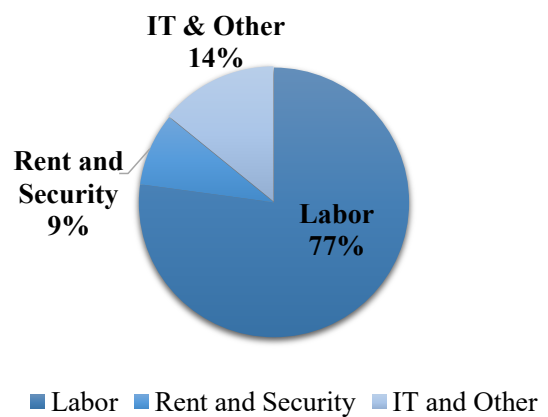
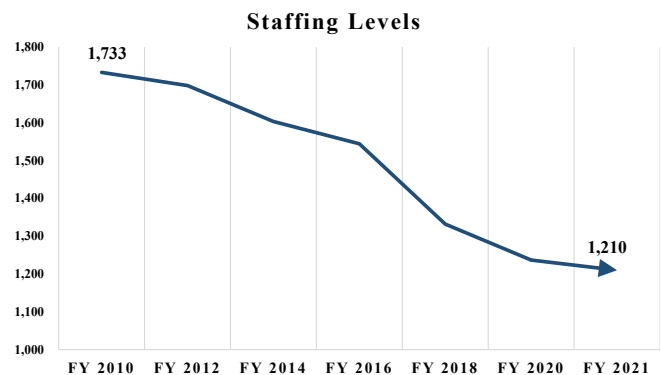


Figure 1



economy. With this in mind, the Agency has taken great care in formulating its budget request to prioritize protection, enforcement, education, and compliance with the Act. Historically, the NLRB’s responsibility for investigating and resolving allegations of unfair labor practices has represented about 90 percent of the NLRB’s workload requirements. The NLRB’s FY2023 funding request will help support the Agency’s ability to pursue these priorities and meet its performance goals, all to the benefit of industrial stability and the public we serve. Absent this funding, the Agency will remain unable to better achieve these important goals and those of the Administration.

VII. Base Adjustments and Program Changes¹

Base Adjustment \$8,692,000 / + 6 FTE

Pay Inflation +\$7.7 million

Funds are requested to account for a 4.6 percent pay raise effective January 2023. This percentage was based on the inflation factor that was provided by the Office of Management and Budget.

Boardside Base Adjustment +\$1.0 million / 6 FTE

Funds are requested for the anticipated increase workload for the Boardside.

Program Increases \$36,508,000 / + 85 FTE

Strengthen Inter-Agency Collaboration and Coordination in Support of the Executive Order on Worker Organizing and Empowerment + 1,800,000 / +8 FTE

The NLRB is requesting an additional \$1.8 million and 8 FTE to expand the capacity needed to achieve the important goals of strengthening inter-agency collaboration and coordination in support of the Executive Order on Worker Organizing and Empowerment.

On February 7, 2022, the White House Task Force on Worker Organizing and Empowerment released a [Report](#) that includes nearly 70 recommendations to promote worker organizing

and collective bargaining. The Task Force is depending on the NLRB to play a key role in this effort. Consistent with the NLRB’s existing outreach initiatives, the Report strongly encourages the NLRB to

Position Description or Non-Labor Requirement	GS Grade	FTE	\$000
White House Task Force on Worker Organizing and Empowerment		8	\$1,560
Field Office Employee	GS 11/6	1	125
Field Office Employees	GS 14	7	1,435
Other Direct Cost		0	\$240
Corporate Cost			240
Total		8	\$1,800

¹ The NLRB anticipates reallocating funds, as appropriate, to address the critical hiring needs identified in our FY22 CBJ in light of the fact that the Agency’s final appropriation for FY22 did not include an increase in funds.

further develop and prioritize outreach at the national and regional levels by engaging in interagency coordination with other labor protection agencies. The Report further emphasizes the importance of establishing and maintaining relationships with workers, advocates and employers, especially in underserved communities to ensure more workers know their rights and are protected from retaliation.

The NLRB fully embraces the recommendations of the Task Force and has already committed to strengthening and enhancing the NLRB's responsibilities and obligations to strengthen worker protection. The NLRB has already started updating current and entering new Memoranda of Understanding with other worker protection agencies. The NLRB has made concerted efforts to promote education and outreach for workers, businesses, and advocates by equitably and inclusively engaging all stakeholders, especially marginalized workers. In fact, on February 10, 2022, the General Counsel of the NLRB issued [GC Memo 22-03](#) committing to effectuate the Task Force's recommendations, thus necessitating the funding request.

Expand Crucial Outreach Activities in Underserved Communities and Advance Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce + 13,066,000 / + 55 FTE

The NLRB is requesting additional resources of \$13.1 million to advance equity through the Federal Government by ensuring that underserved communities are aware of the NLRA and their rights to choose representation and engage in collective bargaining. The Agency will seek to accomplish this through more robust in-person outreach and modernization efforts of the Agency’s public-facing websites. In addition, these resources will support the Agency’s initiatives, inspired in part by Executive Order 14035, to develop the capacity to collect and evaluate relevant data, statistics, and other demographic information that can be used to advance equity within the federal workforce. Building greater diversity in the Agency’s workforce is inherently valuable, but we also know that a diverse and inclusive environment produces better outcomes. In such an environment, employees feel a greater sense of belonging and connection to their workplace, and in turn produce higher quality and more relevant work product. In sum, the additional resources the Agency seeks will better support enhanced diversity and inclusion practices, aid our recruitment and retention of talented employees, and raise our overall performance.

Position Description or Non-Labor Requirement	GS Grade	FTE	\$000
Expand Crucial Outreach Activities in Underserved Communities			
		41	\$9,094
Field Office Employees	GS 7	1	74
Field Office Employees	GS 13	13	2,256
Field Office Employees	GS 14	26	5,329
Video Content Producer	GS 14	1	205
Corporate Cost			1,230
Build Capacity for the NLRB to Conduct Comprehensive Barrier Analysis of it Policies and Practices			
		12	\$1,710
EEO Emphasis Program Manager	GS 13	1	174
EEO Management Data Analyst	GS 14	1	205
HR Specialist - Manager Diversity and Inclusion	GS 15	1	241
NLRB Paid Internships Program	GS 7/3	9	693
DEIA Initiative - Video Content Contractor			37
Corporate Cost			360
Leverage Technology to Increase Stability and Improve Functionality of the Agency's Public-Facing Websites			
		2	\$2,262
Website Administrative Systems Associate	GS 14	1	205
Website Administrative Systems Associate	GS 13	1	174
Senior Software Developer Contractual Services			1,000
ServiceDesk Support Contractual Services			122
Contractual Services -Website Accessible Enhancements			561
Website Feedback Software Licenses and Contractual Services (First Year)			100
Increased Azure Infrastructure for redundancy and failover Contractual Services			40
Corporate Cost			60
Total		55	\$13,066

Expand Crucial Outreach Activities in Underserved Communities + \$9,094,000 / + 41 FTE

This investment will allow the NLRB to better enhance public awareness and understanding of the NLRA by refocusing and reinvigorating robust in-person outreach programs aimed at community centers, worker groups, chambers of commerce and small businesses. These programs will be conducted primarily by local personnel in field offices and are planned to be augmented by accessible, production-quality video content in multiple languages available on the Agency’s website and social media platforms. The investment will also support the development and deployment of annual training of all 700+ field employees who conduct outreach sessions and perform Information Officer duties, all of which is integral to achieving the Agency’s goal of ensuring the public, and members of the

underserved communities, in particular, are fully informed of their rights under the NLRA. Further, by conducting similar type of trainings to other labor enforcement agencies as part of the NLRB's interagency outreach program, the NLRB will greatly expand its connection with the public, including underserved communities. The Agency will ramp up planning, preparation, travel to, and execution of outreach to underserved communities, with an approximate investment of the equivalent of 40 full-time employees in the form of field office employees accomplishing these mission-critical duties. Finally, the NLRB plans to hire a video content producer/editor, who will develop, produce, edit, and publish production-quality video content in multiple languages explaining the rights and obligations conferred and imposed by the Act, as well as how these rights can be exercised and enforced, and how the national labor policy promotes the resolution of labor disputes through collective bargaining leading to industrial stability.

Expected Benefits:

- Greater awareness of the Act and collective bargaining, as well as greater access to the NLRB's processes for the public, including members of underserved communities, will ensure that employees are aware of their rights and employers and labor organizations of their respective obligations, and no one is deprived of the opportunity to use the NLRB's services because of a deficit of information or other barriers.
- Support of the Agency's efforts on diversity and inclusion through more robust outreach and education of the public, including underserved communities, will better enable increased language accessibility, training of our staff, and expansion of our partnerships with other organizations to help with education and information sharing. This will provide critical support to the underserved communities and eliminate racial inequities with various groups, low-grade workers, and immigrants.

Build Capacity for Agency to Conduct Comprehensive Barrier Analysis of the NLRB's Policies and Practices, (Executive Order 14035) +\$1,710,000 / +12 FTE

This investment will allow the NLRB to conduct thorough, comprehensive, and ongoing barrier analysis as required to become a model Equal Employment Opportunity (EEO) Employer. It will strengthen the Agency's ability to develop and implement successful government initiatives designed to increase diversity, equity, inclusion, and accessibility (DEIA) among our workforce. This investment will allow the NLRB to support the Administration's priorities to advance racial equity for underserved Americans through the federal government and the NLRB's Office of Employment and Equal Opportunity (OEEO)'s effort to enhance its collaborative work by providing an overarching analysis of Agency practices and policies from the vantage point of equality of opportunity. Notably, OEEO has identified the White House's Historically Black Colleges and Universities (HBCU) Initiative and already partnered with the Agency's Office of Human Resources to engage in this opportunity, providing additional outreach to develop a diverse applicant pool representative of the communities the Agency serves. Increased funding levels for staffing resources in these offices not only supports the needs and mission of the Agency, but advances our efforts to build and maintain a representative workforce.

This investment will allow the NLRB to hire a management/data analyst and one special emphasis program manager responsible for advancing DEIA within the Agency. These positions will manage the critical area to build the Agency's enhanced DEIA and affirmative employment programs as outlined under the Equal Employment Opportunity Commission Management Directive 715 and address under-resourced aspects. The Management/Data Analyst will assist in the ongoing evaluation of the Agency's model EEO program, policies, and practices to identify barriers to the hiring, development, and advancement of a more diverse workforce within the Agency. They will also act as technical advisors for initiatives that will enhance the employment and advancement of specific demographic groups and design workforce studies on the Agency's recruitment, hiring, and retention practices.

The EEO Specialist/Special Emphasis Program Manager assists in developing the Agency's DEIA strategic planning. This position provides technical assistance and analyzes EEO program data. Funding this position will enable the Agency to build an infrastructure to develop and maintain a diverse workforce and help the Agency to eliminate practices and policies that are barriers to equitable access to opportunity.

The additional funds will also allow the Agency to hire a Diversity and Inclusion Officer or Ombudsman to promote Agency-wide inclusivity efforts. The Agency is responsible for maintaining a continuing affirmative program to promote the full realization of equal employment opportunity and identify and eliminate discriminatory policies and practices. Several audit reports have found that the Agency is deficient in carrying out its responsibility to evaluate its EEO practices and policies effectively. The Agency will continue to be lacking in this area without adequate resources. Funding this new position will support the Agency's effort to enhance training, strategic planning, and hiring efforts to support DEIA at the Agency.

The NLRB will invest \$1 million to strengthen its internship program by providing funds to expand its paid internship program. Funding this program will remove a current barrier to hiring a diverse workforce. Championed by the DEIA White House workgroup, a key component to building a diverse pipeline into Federal government is reducing the Federal government's reliance on unpaid internships, which can create barriers for low-income students and first-generation professionals as well as other individuals from underserved communities. Agencies are thus encouraged to take steps to reduce their reliance on unpaid internships, fellowships, and apprenticeships to ensure that more Americans can take advantage of these opportunities. This is particularly important for the NLRB because workforce data for the Agency projects that we face the possibility of unprecedented turnover in the near term due to the retirement eligibility of employees, many of whom occupy supervisory and senior management positions. Thus, it is critical for the Agency to seize the opportunity to infuse diversity into workforce recruitment and hiring efforts to ensure that a diverse succession pipeline is built.

Expected Benefits:

- Promote a robust training program to support advancing equity by providing critical information and resources to Agency staff.
- Strengthen operational support in strategic planning and human resources to support a more diverse and inclusive workforce.
- Support the Agency’s human resources professionals’ participation in the White House’s Historically Black Colleges and Universities (HBCU) Initiative in order to further the Agency’s recruitment and retention of underrepresented employees.
- Fund a paid internship program.

Leverage Technology to Increase Stability and Improve Functionality of the NLRB’s Public-Facing Websites +\$2,262,000 + 2 FTE

As the Agency seeks to improve its digital services to the public, continued modernization of the public website is a priority. In support of the FY 2022-2026 Strategic Plan, the purpose of this initiative is to improve public awareness of the Agency’s mission and activities by increasing the functionality of and accessibility to information on the Agency’s public website. The funding will allow the NLRB to hire an information specialist dedicated to the growth, operation, and maintenance of the website with the goal of improving the digital services to the public. Additionally, the funding will allow the NLRB to hire an information technology security specialist to focus on the growing number of cyberattacks that the Agency’s public website receives.

The NLRB will hire information technology contractors to support the projects listed below. The skillsets needed for this type of work require knowledge of Drupal (an open-source web content management system, User Experience (UX) / User Interface (UI) development, and Red Hat Linux (an open-source operating system). Agency support for language translation is also necessary depending on which languages will be utilized on the website, as well as developing a process for accepting online filings in other languages. The funds will:

- Translate the entire NLRB public website into Spanish
- Translate Spanish versions of E-Filing, Online Charge & Petition, MyAccount Portal, and MyNLRB
- Offer documents in additional languages to support underserved communities
- Gather requirements to modify our site to utilize similar functions/features to Public Access to Court Electronic Records (PACER) (<https://pacer.uscourts.gov/>)
- Provide Service Desk support for intake and response to public website support tickets
- Provide resources in acquiring a website feedback product. Cost estimate includes first year licensing and services.
- Increase infrastructure for website redundancy and failover to an alternate site.
- Address Federal Security Management Act (FISMA) security compliance, (refer to Expected Benefits for details).

Expected Benefits:

Ensure the Agency’s ability to expeditiously and fully implement the projects discussed to better serve marginalized and underrepresented communities.

Enable the Agency to fully implement required security and management controls to ensure FISMA compliance and to prevent inappropriate disclosure of sensitive information and/or tampering of the Agency public website.

Empowering, Rebuilding, and Protecting the Federal Workforce + \$4,338,000 / 12 FTE

The NLRB is requesting additional resources of \$4.3 million to empower, rebuild, and protect the Agency’s most valuable resource, its federal workforce. The future of the NLRB depends on maintaining a workplace environment that prioritizes employees’ security, health, and safety. To achieve these objectives, the NLRB plans to have a robust Occupational Safety and Health Program and engage with external federal and non-federal training partners to strengthen our efforts to provide additional support to employees in these areas. Further, the NLRB will use the additional resources to provide quality oversight of our full range of personnel, information, and physical security programs.

***Evaluating Post-Reentry Work Environment & Planning for the Future of Work*
*+ \$1,178,000/ + 3 FTE***

This investment will address the critical need for continued and increased health and safety measures in the workplace, particularly in a post-pandemic world. The work environment will be the primary focus with increased and continued cleaning of space, adjustments to individual work areas and public areas, personal protective equipment (PPE) distributions, and improvements in safety measures. At the same time, the NLRB will continue to evaluate its physical space needs, both in terms of amount and configuration, and based on evolving circumstances may reduce square footage and enhance telework and remote work opportunities. These transition and transformation activities will assist the NLRB in ensuring continuity of operations, the safety and security of agency employees, efficient use of physical space, and unmatched public service. The funds will provide additional staff recruitment to include three positions within the Facilities and Property Branch along with requisite funds for technology improvements. The Inventory Management Specialist, Space Management Specialist, and Program analyst positions will be critical to provide the support services for field employees including but not limited to space allocation requirements, furniture installation oversight, and inventory property management tracking.

Position Description or Non-Labor Requirement	GS Grade	FTE	\$000
Evaluating Post-Entry Work Environment and Planning for the Future of Work		3	\$1,178
Inventory Management Specialist	GS 13	1	174
Space Management Specialist	GS 13	1	174
Program Analyst	GS 7	1	82
New and Upgrades Post-Entry Environment Technology			748
Strengthen Federal Hiring through Talent Teams, Effective Assessment, and Internship Improvements		7	\$1,838
Senior Human Resource Specialist	GS 14	1	205
Chief Talent Officer	GS 15	1	245
Supervisory Employee Development Specialist	GS-14	1	205
Talent Management Specialist	GS 13/1	2	306
Human Capital Planning Specialist	GS-12	1	146
Program Analyst	GS 12	1	146
New and Learning Management System (LMS) Technology			585
Modernizing the Personnel Vetting System		2	\$962
Systems Administrator	GS 13	1	174
Security Specialist	GS 13/4	1	168
New and Upgrades Modernizing the Personnel Vetting System			620
Other Direct Cost			\$360
Corporate Cost			360
Total		12	\$4,338

Expected Benefits:

- Enhance work environment for both employees and customers.
- Provide a secure and safe space to continue the work of the NLRA.
- Enhance workplace morale and retention as employees will feel and be safe in their workspaces.
- Strengthen workplace innovations by modernizing post-reentry environment technology designed to drive efficiency and increase collaboration.
- Enable the Agency to devote as many budgetary resources as possible to better achieve its core mission.

Strengthen Federal Hiring through Talent Teams, Effective Assessment, and Internship Improvements + \$1,838,000 / + 7 FTE

This investment will address the critical need for continued and expanded education, training, and leadership development for Agency employees. The NLRB will use these resources to hire seven FTE (\$1,253,000) and acquire a new learning management system for (\$585,000). The funding will allow the NLRB to expand training opportunities for all employees focusing on targeted skills needed in the Agency's day-to-day operations. Training will address the law's principles, methods, and practices; case study methodologies; public speaking; leadership; and applicable subjects based on job series. The Agency's Office of Employment Development program will conduct trainings onsite and using online technologies (Zoom or Teams). The program will include a state-of-the-art learning management system. With this system, the program will have the capability to develop course curriculum, automate trainee enrollment, provide a curriculum repository for its programs, and use it in the implementation of training. This investment will ensure judges, attorneys, managers, and employees are and remain educated on mandatory courses, case law, law decisions, precedents, and other legal and statutory matters. The NLRB will expand virtual capabilities and platforms to address the current work environments. This expansion will allow for large virtual events to include conferences, expositions, webinars, and other training events. A major focus will be implicit bias and diversity in the workplace training to continue and foster a diverse and inclusive work environment.

Additionally, the Agency's Office of Employee Development will hire one position (supervisory employee development specialist) that will be critical in supporting these initiatives. The Supervisory Employee Development Specialist will be housed in the Division of Administration's Office of Employee Development and will provide the support needed to oversee the Agency's development needs to include contract oversight, annual conferences, and other supportive services for field employees.

The Agency will also hire two positions (Human Capital Planning Specialists and a Program Analyst) for the Human Capital Planning Office to address skill gaps, retention, increase employee engagement and satisfaction, and succession planning. The Human Capital Planning Specialist and Program Analyst positions will be housed in the Division of Administration's Human Capital Planning Office. These

positions will be critical for supporting the Agency's human capital initiatives and developing employee engagement action plans to elevate the Agency's standing with the Employee Viewpoint Survey and ranking among the Best Places to work. The Agency will also recruit a Senior Human Resources Specialist that will be housed in the Division of Administration's front office. This position will be used to support the program initiatives for the diversity, equity, and inclusion programs and improving the Agency's efficiency.

The Division of Administration will create a talent management team comprised of a Chief Talent Officer and two Talent Management Specialists. They will be responsible for the Agency's talent acquisition strategy, while focusing on the talent pools of executives, managers, and team leaders. Their duties will also include developing policies, organizing training programs, establishing data dashboards and monitoring benchmarks to assess recruitment strategies, assessing the Agency's hiring needs and updating the recruitment strategy accordingly, and working with team leaders to evaluate personnel and create improvement plans as needed. The Chief Talent Management Officer and Talent Management Specialist positions will be housed in the Division of Administration's front office. These positions will be critical to supporting the Agency's Chief Diversity Officer by providing expert guidance based on data analyses pertaining to the Agency's talent recruitment, talent retention, and talent management goals. These positions will also create a robust internship program designed to recruit future Agency employees through use of a year-round recruiting program. They will also develop comprehensive strategies to drive and integrate diversity, equity, and inclusion practices throughout the NLRB, and to help build a diverse and inclusive workforce representative of individual and organizational cultures.

Lastly, these talent management positions will serve as the Agency's lead for ensuring diversity, equity, and inclusion in the Agency's hiring practices, workforce planning, and employee engagement efforts. These positions will also work closely with the Chief Diversity Officer and the Agency's leadership to advance diversity, equity, and inclusion as the Agency's core values.

Expected Benefits:

- Improve personnel performance at both the individual and agency levels.
- Positively impact the NLRB's facilitation and instruction capabilities.
- Develop curriculum in various formats, conduct curriculum maintenance to better serve the NLRB employees.
- To increase visibility on college campuses, increase productivity, increase employee retention, close the skills gaps, foster leadership skills in current employees, improve employee engagement, and improve the overall work environment.
- To create high-performance teams that would enhance the Agency's ability to attract and sustain talent.
- To design systems to cultivate diversity and inclusion in hiring, foster relationships to build a talent pipeline, and identify short- and long-term staffing needs through data analyses.

Modernizing the Personnel Background Vetting System + \$962,000 / + 2 FTE

This investment will address the critical need for continued and increased background investigations for security and suitability determinations on existing and future employees. The NLRB's plans for FY 2023 include work on the personnel vetting transformation activities under the Trusted Workforce 2.0 initiative of the Security, Suitability, and Credentialing Performance Accountability Council (PAC). These transformation activities will assist the NLRB in ensuring continuity of operations, reducing vetting, and onboarding timeframes, and improving information technology resources and services. The funds will allow for the recruitment of one additional staff (Security Specialists) for the Agency's Security Branch workforce and requisite monies for technology improvements. The Systems Administrator and Security Specialist positions will be housed in the Division of Administration's Security Branch and will be critical to providing oversight and online maintenance of security life safety systems, and with providing security support services as the Agency continues to expand its workforce.

Expected Benefits:

- Reduce security background investigation cases, and processing time as it relates to adjudication and onboarding new government employees and/or contractors.
- Decrease time-to-hire timeframes, completion of backlogged cases, and an increase security posture for the NLRB.

Other Direct Cost + \$360,000 / + 0 FTE: To ensure funding is available to handle downstream impact from this investment, this cost will support hiring, training, human capital, technology, facilities, and security requirements for the program office.

Enhancing Federal Information Technology (IT) and Cybersecurity + \$14,189,000 / +5 FTE

The NLRB is requesting additional resources of \$14.2 million to enhance information technology (IT) and cybersecurity requirements. The expanding capabilities of IT create a dynamic where the IT organization no longer solely supports the mission but is part of the mission that shapes the enterprise strategy. As the IT organization’s role changes, it increasingly focuses on service orchestration via Platform as a Service (PaaS) or Infrastructure as a Service (IaaS) technologies, in addition to service delivery. These shifts come with new governance responsibilities as well as new customer and user expectations. Other Expanding IT capabilities such as Process

Position Description or Non-Labor Requirement	GS Grade	FTE	\$000
Prioritize IT Modernization			
		5	\$8,987
Information Technology Modernization Branch Employees	GS 15	1	\$241
Information Technology Modernization Branch Employees	GS 14	2	\$410
Information Technology Modernization Branch Employees	GS 13	2	\$347
Contractual Services			7,989
Cybersecurity Infrastructure Modernization			\$4,052
Contractual Services			3,700
Software and Licenses for Case Management System			352
Cybersecurity Insider Threat Program Mitigation			0
Contractual Services			1,000
Other Direct Cost			0
Corporate Cost			150
Total		5	\$14,189

Automation (PA), Cloud, Decentralized Solutions, Digital Reality will transform the way the enterprise delivers services, operates business processes, and governs today and into the future. Technology-driven innovation affects all parts of the enterprise, from day-to-day operations to the skillsets required for the workforce. As the workplace and federal service delivery continue to become more digital, the amount of data generated grows exponentially. This data represents a significant opportunity to generate new insights, improve decision making, and enhance collaboration across the enterprise.

The COVID-19 pandemic coupled with the expansion of advanced technologies have accelerated the need for digital services across the Agency and the Federal Government. Federal employees and the American public now expect a more digital experience, for both convenience and safety. Most federal employees are now teleworking more frequently than ever before. To meet shifting mission needs, the Agency has invested in new technologies and processes for teleworking, collaborating virtually, delivering digital services, and improving security. The digitization of core operations and service delivery makes cybersecurity paramount. The NLRB has experienced more tenacious and sophisticated cyber-attacks with the increase in frequent digital interactions. The NLRB will meet expanding security and digital needs with the enhancement of core IT capabilities to comply with federal mandates like the Federal Information Security Modernization Act (FISMA) of 2014 and the 21st Century Integrated Digital Experience Act (IDEA).

Prioritize IT Modernization + \$8,987,000 + 5 FTE

The NLRB will establish the Information Technology Modernization Branch (ITMB) that provides information technology leadership, Agency-wide products and support. The ITMB plans to hire five FTE to monitor the case management modernization system and to monitor and manage cybersecurity requirements to satisfy FISMA and Cyber Executive Order requirements. Additional funding will be used to procure tool and software licenses to monitor and track the development of the new case

management system to avoid cost and schedule overrun and managing/mitigating risks. ITMB will provide guidance and support in Chief Information Officer (CIO) directives for capital planning, IT security, information management, and enterprise architecture. The ITMB will provide resources for department-wide investments, including the resources for IT security enhancement modernization efforts, accelerated adoption of zero-trust architecture infrastructure and networks, and the modernization of legacy IT systems and applications. ITMB will:

- Create an integrated platform that links hardware, applications and data providing strategic capabilities to achieve NLRB-wide operational efficiencies to more effectively serve the public.
- Modernize Legacy Agency Applications – Drive the modernization of legacy agency mission critical applications by delivering technology leadership and modern solutions, resulting in an improved end-user experience, optimized functionality, and increased security.
- Secure & Enhance the IT Infrastructure – Integrate and standardize NLRB’s IT infrastructure to provide a robust cybersecurity posture while increasing the reliability and functionality of NLRB’s information systems and infrastructure that support mission critical services.
- Transform the Customer Experience – As NLRB’s IT service provider, ITMB will deliver critical IT services and solutions to enable the agency to provide superior support to the public.

The Agency Next Generation Case Management System (NxGen) development efforts began in FY 2006. In FY 2015 the Agency successfully completed the consolidation of the 11 separate legacy case tracking systems into an integrated enterprise case management system. In FY 2018 the NxGen system was moved from physical on-premises servers to the cloud without any technological changes. The cloud migration resulted in increased operations and maintenance cost for managing numerous software not compatible with modern cloud technologies and evolving cybersecurity challenges.

NLRB's ability to leverage its technology as a strategic asset and to take a leadership role in the changing labor relations management landscape are key success factors in the Agency's vision for a facts-based, data-driven, and customer-focused organization. NLRB has an opportunity to harness its vast technological assets strategically to improve internal decision-making and efficient use of resources, maximize the impact of citizen-facing programs, and provide the public and private industry with easy access to data that can solve public problems and drive innovation. By making information readily accessible and visualizing that information in meaningful ways, the NLRB can make more informed, insightful, and fact-based decisions that will improve program outcomes.

The current NxGen case management system is a legacy system and requires modernization utilizing newer cloud technology solutions to provide a more user friendly, efficient, and effective service to agency constituents/stakeholders and effectuate the mission of the agency in enforcing the National Labor Relations Act. Additionally, modernizing the NxGen system will, in turn, improve the integrity and reliability of the data stored in the system.

The NLRB OCIO plans to solicit a Request for Proposal (RFP) to deliver a “Proof of Concept” in FY 2023 that will be adopted as the future NxGen2.0 modernized system.

IT Modernization

Contractor Support/Cost Description	Estimate
Program Manager	\$473,000
Senior Architect	\$516,000
Security Specialist	\$516,000
Senior Business Analyst (5)	\$1,548,000
System Developers (10)	\$3,096,000
Quality Assurance Manager	\$309,600
Test and Integration Specialist (4)	\$1,032,200
Technical Writer (2)	\$498,800
Total	\$7,989,600

Cybersecurity Infrastructure Modernization +\$4,052,000

Cyber-attacks against federal agencies have increased significantly in the past couple of years and have resulted in multiple breaches at other federal agencies that have had wide-ranging implications and demanded a new federal response. Cyber defense requires greater speed and agility to outpace our adversaries and the durability and resiliency to recover immediately. These breaches demonstrated that “business as usual” approaches are no longer acceptable for defending the nation from cyber threats.

The Department of Homeland Security (DHS) Cybersecurity and Infrastructure Security Agency (CISA) provides support to agencies for evolving and operationalizing cybersecurity programs and capabilities. As the cyber risk advisor for .gov, CISA seeks to provide enhanced support for agencies adopting cloud services to improve situational awareness and incident response in cloud environments. CISA is also responsible for aiding federal agencies, critical infrastructure, and industry partners as they defend against, respond to, and recover from major cyber incidents.

Because of the changing threat environment, Office of Management and Budget (OMB) and CISA have provided the following new guidance for all federal non-DOD agencies:

- The Executive Order 14028 on *Improving the Nation’s Cybersecurity* (May 12, 2021) marks a renewed commitment and prioritization of federal cybersecurity modernization and strategy. Among other policy mandates, the Executive Order (EO) embraces zero trust as the desired model for security and tasks CISA with modernizing its current cybersecurity programs, services, and capabilities to be fully functional with cloud-computing environments with zero trust architecture (ZTA). It also requires all federal agencies to enhance our supply chain security, increase the reporting requirements for cyber incidents, deploy Endpoint Detection and Response (EDR).
- Completing the Transition to Internet Protocol Version 6 (IPv6) (November 19, 2020) communicates the requirements for completing the operational deployment of IPv6 across all

Federal information systems and services, and helps agencies overcome barriers that impede them from migrating to IPv6-only network environments. The strategic intent is for the Federal government to deliver its information services, operate its networks, and access the services of others using only IPv6

These two initiatives significantly change how information technology (IT) infrastructure is installed and operated by federal agencies and will require “*The Federal Government must improve its efforts to identify, deter, protect against, detect, and respond to these actions and actors*”.

NLRB existing infrastructure services were moved to the cloud “as is” and now require modernization to meet new Federal security requirements. The effort will require a major redesign of our existing infrastructure. This will require a significant resource investment to complete.

Cybersecurity Infrastructure Modernization

Contractor Support/Cost Description	Estimate
Program Manager	\$300,000
IPv6 Subject Matter Expert (1)	\$350,000
Senior Security Engineers (2) – contractor	\$600,000
Senior System Administrators (2) – contractor	\$600,000
Subject Matter Expert - Information Security Specialist (2) – contractor	\$700,000
Mid-level Information Security Specialist (2) – contractor	\$500,000
Senior Records Management Officer	\$300,000
Mid-level Records Management Officer	\$250,000
New security tools and services	\$100,000
Total	\$3,700,000

Cybersecurity Insider Threat Program Mitigation +\$1,000,000

Digital transformation and modernization of agency information has enabled new efficiencies and created an exponential increase in data that is stored and processed electronically. As the Agency’s data becomes increasingly digital, many of the physical security and privacy risks associated with the data become electronic as well. Cyber threats from entities outside of an organization are often well-known because of press attention and industry threat intelligence sharing; however, cyber threats from individuals inside an organization are less well-known despite being common. A study by Deloitte found that 59 percent of employees who leave an organization take sensitive data with them and 25 percent of employees have used email to exfiltrate sensitive data from an organization.

Managing and minimizing risk starts with understanding the types of risks found in the agency. Some risks are driven by external events and factors that are outside of direct control. Other risks are driven by internal events and user activities that can be minimized and avoided. Some examples are risks from

illegal, inappropriate, unauthorized, or unethical behavior and actions by users within the agency. These behaviors include a broad range of internal risks from users:

- Leaks of sensitive data and data spillage
- Confidentiality violations
- Intellectual property theft
- Regulatory compliance violations

This initiative will provide a cost effective, yet improved, enterprise security insider threat control solution to help protect against cyber-attacks and data ex-filtration. The approach will enable the Agency to effectively address insider threats, while allowing collaboration and sharing of threat information at a lower cost of ownership. The funding will allow the Agency to maximize existing investments in cloud services to strengthen adaptive security controls and enable automated remediation defenses through the following program initiatives:

- Security information and event management (SEIM) implementation – establishing monitoring and reporting metrics and remediation playbooks to respond to threats in real time.
- Data Loss Prevention – implementing assistive artificial intelligence services to identify and label content, providing a means to categorize, monitor and control access to agency data.
- Insider Threat Services – establishing governance and program service indicators to quickly identify, triage, and act on risky user activity.

Cybersecurity Insider Threat Program Mitigation

Contractor Support/Cost Description	Estimate
Senior Consultant (3)	\$ 850,000
Annual Software Licensing	150,000
Total	\$1,000,000

Expected Benefits:

- Allow the NLRB to modernize its mission critical applications, infrastructure, and security capabilities to ensure Federal Information Security Management Act (FISMA) compliance. Without adequate resources to modernize applications and develop and implement the new federal mandates that include: IPv6, Zero Trust Architecture, Data Loss Prevention / Insider Threat, Supply Chain Management and Data Loss Protection programs to prevent inappropriate disclosure of sensitive information and/or tampering of agency IT resources, the OCIO will be unable to provide the appropriate security needed to safeguard IT resources or further enhance Agency mission outreach goals as effectuated through the NxGen Case Management system.
- Support the Agency’s IT Infrastructure from increasing cyberattacks and directly impact the FY 2022-2026 Strategic Plan and Goals:

- Goal 4 (Support): Manage Agency Resources Efficiently and in a Manner that Instills Public Trust.
- Goal 5 (Mission): Improve Public Awareness of Agency Mission and its Activities.

Other Direct Cost + \$150,000: To ensure funding is available to handle downstream impact from this investment in order to support hiring, training, human capital, technology, facilities, and security requirements for the program offices.

Leveraging Acquisition as a Catalyst + 3,115,000 / +5 FTE

The NLRB is requesting additional resources of \$3.1 million to modernize its acquisition processes and address its acquisition workforce needs. For several years, the NLRB has seen a dramatic increase in statutory and operational requirements from key stakeholders, including the OMB, the Office of Federal Procurement Policy (OFPP), and the General Services Administration (GSA).

The senior procurement analyst supervisory position will develop guidance and provide oversight to the Government Purchase Card (GPC) program. The position will also establish guidance necessary to promote the participation of small disadvantage businesses in the NLRB’s contracting program. This position will ensure that the latest procurement guidance is updated according to the requirements issued by OMB, OFPP, and GSA, to ensure that the NLRB and the Regional Offices have timely information and guidance when executing procurement actions.

The small business specialist will support the Agency Headquarters and Regional Offices by establishing processes and collaborating with the Small Business Administration to reduce the barriers to entry for new and diverse business and grow the contracting sources for goods and services which is currently a major contracting objective as outlined in the President’s Management Agenda.

The data analytics specialist will support the Agency by developing data analytics tools to address the requirements of the Digital Accountability and Transparency Act (DATA) Act and USAspending.gov.

The quality assurance specialist will perform reviews of contract requirements for completeness and assist the Program Offices and contracting staff to address any deficiencies in the quality of the documentation for contract awards. This will reduce the risk of future litigation and/or contractor’s

Position Description or Non-Labor Requirement	GS Grade	FTE	\$000
Leveraging Federal Acquisition as a Catalyst		5	\$963
Senior Procurement Analyst - Supervisory	GS 14	1	205
Data Analytics Specialist	GS 14	1	205
Contracts and Appropriation Law Counsel	GS 14	1	205
Small Business Specialist	GS 13	1	174
Quality Assurance Specialist	GS 13	1	174
Information Technology		0	\$2,002
Modernize Acquisition System			2,002
Other Direct Cost		0	\$150
Corporate Cost			150
Total		5	\$3,115

protest in the future. This position will also support the senior procurement analyst in establishing guidelines for data quality on contract documentation.

The contracts and appropriation law counsel will provide the legal review required for all contract actions before award. Currently, the NLRB Office of the Special Counsel provides contract review support. However, this support places additional constraints to the legal staff whose focus and training should be directed towards labor law cases versus contract law issues. This position will ensure that legal reviews are completed in a timely manner. In addition, the contract and appropriation counsel will provide expertise on appropriation law. Currently, the Agency does not have this expertise and relies heavily on budget staff to assess and address appropriation law questions raised by the NLRB Program Offices. The contracts and appropriation law counsel will provide legal research and advise of the legal implications of appropriation law questions raised by NLRB Headquarters and Regional Offices.

Additionally, the NLRB has identified the need to replace its antiquated acquisitions technology system as a top priority. The Oracle Contract Lifecycle Management (CLM), a purchasing module within the Oracle Federal Financials (OFF), does not allow for critical data analytics, acquisition tools or allow effective collaboration with internal customers and industry which the follow-on system will be required to do. Currently, manual processes are being relied upon. Such ineffective methods make it extremely difficult and time-consuming to pull, consolidate, and analyze data, and to make daily decisions. The NLRB's performance is already significantly limited by its aging systems. If those systems are not replaced, the gap between what the NLRB should do and what the NLRB can do will continue to increase in ways that would impair modernization and limit acquisition effectiveness. This budget request will address these technology issues and workload requirements in the following manner.

New Contract Writing Information Technology (IT) System – \$2 million: The NLRB will purchase a new contract writing system that will be cloud-based, interface with the Oracle Federal Financials, utilize business intelligence to produce data analytics vital to decision making, and provide an interface with the vendor community to allow for improved business management. The system will effectively manage the vendor population while delivering innovative capabilities to partner with industry. This capability will support some of the requirements for evidence-based decision-making for acquisition strategies. It will allow the NLRB to engage directly with the vendor community to improve the quality and relevance of vendor offers; thus, connecting with a more diverse business base to address inequities in our acquisition system. Currently, the OFF-Purchasing Module does not allow for collaboration between the NLRB Program Offices and the Acquisition Management Branch (AMB) during the requirements definition stage in the pre-award process. This investment will allow the NLRB Program Offices and the Agency's contracting officer to engage early in the requirements definition stage. This early engagement prevents pre-selecting vendors or introducing bias into the selection process.

Expected Benefits:

- Improve data quality and accuracy and increase efficiencies in all phases of the acquisition life cycle. This will result in a reduced number of audit findings in the Financial Statements Audit as well as the Data Act Audit.
- Provide key indicators for spending analytics for the various socio-economic business categories.
- Automate processes providing key insight and data in various parts of the acquisition process. It can track valuable metrics to identify barriers to entry in the federal marketplace pertaining to the NLRB.
- Reduce processing time. The processing time for writing a new contract will be significantly faster as automated logic, business intelligence, and other technologies are designed to reduce risk and processing timeframes.
- Provide stakeholders in NLRB Headquarters as well as the Regional Offices the ability to partner early on with the contracting officer in the pre-award process and collaborate more effectively in the requirements definition stage.

Staffing Requirements \$963,000 / 5 FTE: This funding request will allow the NLRB to dedicate resources to hire critical procurement positions, including a senior procurement analyst, small business specialist, data analytics specialist, quality assurance specialist, and contract and appropriation law analyst. These new hires will allow the NLRB to manage acquisition policy and programmatic requirements more effectively. It will enable the Agency to address all federal mandates and open Inspector General audit findings.

Expected Benefits:

- The senior procurement analyst will lead the re-engineering process for acquisition activities and serve as a program manager for the NLRB Program Offices. Currently, approximately 56 percent of NLRB Purchase Card Holders (PCH) are in the Regional Offices. This position will assist with the oversight of the GPC program by reducing the inherent risks resulting from unauthorized transactions. This position will be responsible for training the Agency's purchase cardholders and purchase card approving officials.
- The small business specialist will serve as the competition advocate, analyze small business data, increase industry involvement, manage the small business program, and conduct outreach to bring a diverse pool of vendor talent to meet the NLRB's requirements.
- The data analytics position will focus on financial data accuracy as it pertains to DATA Act processing and develop data governance policy and programmatic requirements as mandated by law.
- The quality assurance position will conduct periodic contract file reviews to expose gaps in the acquisition process, create innovative procedures, and improve data accuracy. The NLRB is currently resource constrained to four contract reviews per month which is insufficient to address the internal control of the process.
- The contract and appropriation law counsel will provide dedicated legal contract and appropriation support and will be better positioned to address appropriation law issues for the

Agency. The time required to conduct legal reviews is expected to decrease significantly from the current minimum of five days.

Other Direct Cost \$150,000 / 0 FTE: This funding will be available to address downstream impact from this investment in order to support hiring, training, human capital, technology, facilities, and security requirements for the program office.

The NLRB FY 2022 – FY 2026 Strategic Plan articulates the NLRB mission and vision and will guide the Agency’s strategic decision-making. The draft plan includes five strategic goals:

NLRB MISSION

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.

NLRB VISION

Achieving our mission by broadening public awareness and understanding of the NLRA, effectively allocating resources, and ensuring productivity, diversity, equity, inclusivity, and accessibility among the Agency’s highly talented current and future workforce.

STRATEGIC GOALS

1. Ensure effective enforcement of the National Labor Relations Act through timely and quality consideration and resolution of unfair labor practices with appropriate remedies.
2. Protect employee free choice with timely and effective mechanisms to resolve questions concerning representation.
3. Achieve organizational excellence and serve as a model employer.
4. Manage Agency resources efficiently and in a manner that instills public trust.
5. Improve public awareness of the Agency mission and its activities.

The complete NLRB FY 2022 – FY 2026 Strategic Plan, including objectives, initiatives and management strategies, can be viewed/downloaded at: <https://www.nlr.gov/reports-guidance/reports/government-performance-and-results>

The FY 2023 Congressional Budget Justification request will better fund the NLRB in its efforts to protect employee rights and other interests guaranteed by the Act. Accordingly, the NLRB has retained its focus on workforce planning and performance and has planned on increasing its capacity to fully effectuate its mission as reflected in the staffing levels described in Section VII of this FY 2023 Congressional Budget Justification request. The NLRB has positioned itself to realize improved productivity through substantial investments in technology, including NxGen, and training, coupled with continuing review and adjustment of case processing procedures at both the Headquarters and Regional

Office levels. The NLRB is also committed to ensuring that all offices throughout the Agency are adequately staffed with highly capable, well-trained, mission-focused employees. Thus, the NLRB is engaged in a continual process of self-evaluation and planning to ensure not only that its personnel are provided with the skills, equipment, and structure needed to fulfill the NLRB’s mission, but that the NLRB’s stakeholders and members of the public will receive appropriate support from and access to the NLRB’s offices, personnel, educational information, and public digital resources.

Our professionals in the Agency’s Regional Offices and those in Headquarters’ offices have provided process improvement ideas to better service the public and the Agency’s mission. As these improvements continue to be implemented and executed in FY 2023, the Agency will have more effective ways to engage the public through in-person and virtual outreach through electronic media, as well as have enhanced technology platforms that will assist staff in research, intake information, tracking, and management reviews.

The FY 2023 Budget Request will fund efforts to use technology to better service the public, which will assist with decreasing associated costs such as copiers, paper, toner, mailings, and travel. The Agency is also continuing to either relocate or reduce square footage for offices as leases expire, according to the General Services Agency (GSA) guidelines. The reduction in office space is an ongoing effort by the Agency to align its needs within GSA guidelines and takes into account the increasing efficiency with which the Agency’s electronic systems enable personnel to perform their work, as well as the Agency’s expectation that in a post-pandemic world, employees will continue to telework at higher rates than they did before the pandemic.

VIII. Funding Level

National Labor Relations Board			
(Dollars in Thousands)			
Detail	FY 2021 Enacted	FY 2022 Annualized CR	FY 2023 Request
Appropriation	\$ 274,224	\$274,224	\$319,424
FTE ²	1,207	1,215	1,305

² The FY 2021 Enacted column reflects actual FTE realized. Savings realized from the FTEs were used to support one-time non-labor requirements.

IX. Program Activities

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

Program Activity	FY 2021 Enacted		FY 2022 CR Annualized		FY 2023 Request ³		\$Change from FY 2022 Annualized CR		%Change from FY 2022 Annualized CR	
	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE
Casehandling	\$154.5	887	\$160.0	901	\$176.9	950	\$16.9	49	10.6%	5.4%
Administrative Law Judges	\$8.1	39	\$8.1	37	\$8.8	37	\$0.7	0	8.6%	0.0%
Board Adjudication	\$20.0	99	\$21.1	97	\$23.1	103	\$2.0	6	9.5%	6.2%
Mission Support ⁴	\$90.3	176	\$83.6	173	\$109.0	209	\$25.4	36	30.4%	20.8%
Inspector General	\$1.3	6	\$1.4	6	\$1.6	6	\$0.2	0	14.3%	0.0%
Total Resources	\$274.2	1,207	\$274.2	1,214	\$319.4	1,305	\$45.2	91	16.5%	7.5%

Casehandling

+\$176.9 million / +950 FTE

Net Change +\$16.9 / 49 FTE

The Casehandling program activity is the processing of unfair labor practice and representation cases. The Agency employees who work in the offices/branches/divisions involved in these processes include: The Office of the General Counsel, Regional Offices, Appeals, Advice (including Injunction Litigation),

³ With respect to Casehandling, the Agency has experienced approximately a 14 percent reduction in case intake due to the COVID-19 pandemic. The FY 2023 budget was prepared based on the assumption that the much of the COVID-19 pandemic will be resolved, and the Agency will resume normal operations. In FY 2022, the Agency has already been experiencing significant increase in intake of cases from FY 2021.

⁴ The FY 2021 totals for Mission Support and Internal Review in this table are different from those appearing in the FY 2023 President's Budget Appendix. The FY 2021 totals here are correct. The FY 2021 totals in those two categories appearing in the Appendix are in error.

Operations-Management, E-Litigation, Appellate and Supreme Court Litigation, and Contempt, Compliance, and Special Litigation.

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

Once an initial investigation is completed, Regional Directors, who are charged with overseeing effective and efficient investigations in field offices, determine preliminarily whether a charge has merit. Historically, Regional Directors nationwide have found approximately 35 to 37 percent of filed charges to be meritorious at this level. In the event of a dismissal, the Charging Party is entitled to appeal that decision to the General Counsel through the Office of Appeals located at Headquarters, where a determination will be made whether the investigation was sufficient and thorough, and the legal conclusion sound. If the Office of Appeals determines that the appeal lacks merit, the Charging Party may seek reconsideration from the General Counsel through the Office of Appeals, but there is no further appeal right. If the General Counsel finds the appeal has merit, the case will be remanded to the Region for the issuance of a complaint, absent settlement. Otherwise, the dismissed case is closed, and the affected claimants have no right of further appeal. Historically, the Regional Offices settle over 90 percent of meritorious charges filed. These resolutions (i.e., dismissals, withdrawals, or settlements) occur at an extremely early stage, typically within three months after the case has been filed.

Regional Offices seek legal advice from the General Counsel through the Division of Advice located at Headquarters. Cases presenting complex or novel issues, or otherwise dealing with topics the General Counsel has determined require a centralized approach, are submitted by the Regions to the Regional Advice Branch in the Division of Advice, which furnishes guidance and direction. The Regional Advice Branch also prepares and files briefs and statements of position on behalf of the General Counsel as requested by the Board in certain cases, as well as guideline memoranda to aid Regional Offices in dealing with developments in certain areas of the law.

If there are alleged violations of the NLRA requiring immediate relief because obtaining a remedy in due course would be too late to effectuate the purposes of the Act, the General Counsel may seek authorization from the Board through the Injunction Litigation Branch of the Division of Advice under Section 10(j) of the Act to seek temporary injunctive relief from a U.S. District Court. In other cases, involving certain alleged violations by labor organizations, the Regional Offices will, on behalf of the Board, petition a U.S. District Court for injunctive relief under Section 10(l) of the Act. If a respondent does not comply with the court order, the Injunction Litigation Branch will consider whether contempt proceedings are appropriate. In FY 2021, the Injunction Litigation Branch recommended to the General

Counsel pursuing injunctive relief in 14 10(j) cases (7 10(j) cases remained under consideration in the Branch at the end of FY 2021).

The Agency strives to achieve voluntary prompt resolutions between employees, employers, and labor organizations in the workplace, which also avoids costly and time-consuming litigation. The Agency's settlement program has been very successful, and as of September 30, 2021, a total of 5,020 unfair labor practice cases were settled. In FY 2021, the Agency issued 678 complaints, and those not settled are litigated before an Administrative Law Judge, who issues a decision and recommended order subject to review by the Board.

When the Board issues a Decision and Order, presently the Centralized Compliance Unit in the Division of Operations-Management attempts to obtain voluntary compliance with the Board Order. Because Board Orders are not self-enforcing, if the respondent does not voluntarily comply with a Board Order, the case is referred to the Appellate and Supreme Court Litigation Branch to seek enforcement of the Order through the Courts of Appeals, and occasionally the Supreme Court. The Appellate and Supreme Court Litigation Branch also defends challenges to Board Orders filed by the parties in the Courts of Appeals, and occasionally the Supreme Court. All Supreme Court litigation is handled together with the Solicitor General of the United States in the Department of Justice. After a Board Order is enforced by a Court of Appeals, the General Counsel may initiate contempt proceedings in the event the respondent still refuses to comply. These cases proceed to the Contempt, Compliance, and Special Litigation Branch for contempt or other post-enforcement proceedings. Further, in some cases, while the case is in litigation, the respondent's financial status may change, requiring Agency personnel to be proficient in bankruptcy laws. Compliance with Board Orders and court judgments is presently overseen by the Centralized Compliance Unit in the Division of Operations-Management. Currently, the Compliance Unit works with the Regional offices to ensure cases are handled consistently across the country and in accordance with outstanding policies and procedures.

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

As for representation cases, the Regional Offices process petitions and conduct elections on behalf of the Board. As a result, the General Counsel, who supervises the Regions, develops procedures for the conduct of representation proceedings in accordance with Board precedent and regulations. The Board ultimately determines contested matters, such as the appropriateness of the bargaining unit, and rules on any challenges to ballots or objections to the conduct of an election.

Administrative Law Judges (ALJs)

+ \$8.8 million / +37 FTE

Net Change \$0.7 million / 0 FTE

Meritorious charges are litigated before the Agency's ALJs, who travel around the country to conduct hearings and render decisions and recommended orders. Those decisions and recommended orders are then sent to the Board for review and issuance of a final Board decision and order. In FY 2021, the Division of Judges closed 135 hearings, issued 112 decisions, and achieved 444 settlements. Based on the most recent disposition and inventory projections, the NLRB will set a target of 160 closed hearings and 140 decisions for FY 2023.

Board Adjudication

+ \$23.1 million / +103 FTE

Net Change \$2.0 million / +6 FTE

Board adjudication encompasses the activities of the Board, Board Member staff offices, the Office of the Executive Secretary, the Office of the Solicitor, and the Office of Representation Appeals. In an unfair labor practice case, the Board adopts a judge's decision if no exceptions are filed. Historically, around 35 percent of ALJ decisions are not excepted to by the parties and are complied with voluntarily. The remaining cases, where exceptions are filed, require review and issuance of a Board decision. This review and writing process depends on each Board Member's office being sufficiently staffed with a full complement of attorneys. In representation cases, the Board has delegated its responsibility for the administration of representation matters to the Regional Offices. Matters related to the Regional Offices' handling of representation cases, including decisions issued by Regional Directors in such cases, are reviewable by the Board.

The Board-side attorneys are primarily responsible for assisting the Members in reviewing both unfair labor practice and representation cases and play an integral role in the drafting of decisions. In addition, Board-side staff are called upon to handle the Board's rulemaking activities, including drafting notices of proposed rulemaking, reviewing comments, and drafting final rules. In short, the staff attorneys are integral to all of this work, and it could not get done without them. In FY 2021 the Board issued 243 decisions in contested cases -- 136 decisions in ULP cases and 107 decisions in representation cases. For FY 2022 and FY 2023, it is estimated that the Board will far exceed those numbers and issue 300 or more decisions in contested cases each fiscal year. That number could be even higher as the Board begins to see the downstream effects of a potential increase in case intake in the Agency's field offices. It is also anticipated that the Board may initiate one or more rulemakings in each fiscal year, which will add significantly to the Board-side attorneys' overall duties. To ensure adequate capacity to handle both additional adjudications and rulemakings, we anticipate needing to add at least one attorney to each of the five Board staffs, as well as one position in the Office of the Executive Secretary, which is described in the following paragraph.

The Executive Secretary is the chief administrative and judicial management officer of the Board. The functions and responsibilities of the Office of the Executive Secretary (“ES Office”) are similar to those of a Clerk of the Court to receive and docket all formal documents filed with the Board, and issue and serve on all parties the Board’s decisions, orders, rulings, and other case documents. The ES Office is the exclusive point of contact for communications by the parties to cases pending before the Board and, particularly regarding questions or guidance sought on Board procedure and case status inquiries, is the principal point of contact for employers, unions, employees, other Federal agencies, and the public. In its role of facilitating case management, the ES Office relies upon the Board’s electronic case management system to ensure that documents filed and those issued are included in the case record, and to monitor case progress and overall Board case production.

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

Mission Support

+\$109.0 million / +209 FTE

Net Change +\$25.4 million / 36 FTE

Mission Support encompasses activities from the following offices: The Division of Administration, the Office of the Chief Financial Officer, the Office of the Chief Information Officer, the Office of Ethics, the Office of Congressional and Public Affairs, the Office of Equal Employment Opportunity, and the Office of Special Counsel and Labor Relations. Mission Support resources fund multiple functions that have a direct tie to Agency-wide activities. For example, while compensation for field attorneys is funded in the casehandling account, the facilities (and the resulting rent and physical security) and the computer and research systems that they use to conduct their work are funded in Mission Support. Without commensurate funding in Mission Support, casehandling and other critical personnel would not be able to execute their mission critical work of administering and enforcing the NLRA.

Mission Support includes administrative, personnel, and financial management functions conducted mainly in the central Headquarters office. The various supportive offices, branches, and divisions develop standard operating procedures and protocols consistent with regulatory and legal guidance and

promulgate necessary operating directives. Specifically, these organizational units assess and assist all business operations for the Regional Offices and Headquarters through guidance and support activities related to: administration, human resource management, personnel, government and legal ethics, training, recruitment, on/off-boarding, equal employment opportunity principles, labor and employee relations, budget, acquisition, accounting, financial management, facilities, property, security, technology infrastructure, congressional and public affairs, and privacy. The additional resources for these functions are vital to meeting the Agency's diverse hiring goals and promoting broader and more productive engagement with employees and internal labor organizations. In addition, the Agency will continue to support access to Health Units nationwide to help ensure a healthy and safe workforce. These will in turn benefit the Agency with respect to employee productivity and retention.

Inspector General

+\$1.6 million / 6 FTE

Net Change \$0.2 million / 0 FTE

The amount of \$1.6 million was submitted by the Inspector General (IG) for the FY 2023 Budget Request for the Office of Inspector General (OIG). The IG's requested amount includes payroll salaries and benefits, \$5,250 for training of OIG personnel, \$242,277 for the Agency's Financial Statement Audit contract, and \$4,909 for support of the Council of the Inspectors General on Integrity and Efficiency (CIGIE).

X. Information Technology Investment Strategy

The NLRB Office of the Chief Information Officer (OCIO) is expanding its capabilities to create a dynamic Information Technology (IT) organization that not only supports the mission but shapes the enterprise strategy solution to deliver value and advance the Agency's mission. The current IT initiatives support the Agency's broader efforts to improve productivity and provide greater transparency.

The Agency's NxGen Case Management System, which replaced 11 stove-piped systems, has undergone considerable changes since 2009 when it was introduced. This was the Agency's first effort to migrate its technical infrastructure to a hybrid cloud environment. The transformation resulted in reduced paperwork, increased telework and remote access to information, and expedited the issuance of NLRB decisions.

In FY 2019, FY 2020, and FY 2021, enhancements to the NxGen system were performed to modernize the system to adapt to newer cloud technologies. These enhancements maximized system availability to support the development of a scalable data warehouse with multiple data marts for real-time case management analytics.

Since the NxGen system was originally built for 'on-premises' IT infrastructure, the core software and tools used by the system are outdated and have reached end-of-life support. The system does not satisfy current, end-to-end cybersecurity requirements and incurs a high operations and maintenance cost.

Due to these cybersecurity and operational costs concerns, the OCIO plans to solicit an RFP to deliver a "Proof of Concept" in FY 2023 that will be adopted in the future as the NxGen 2.0 modernized case management system. The implementation of the NxGen 2.0 will support the Agency's efforts to take a leadership role in the changing labor relations management landscape by:

- Leveraging technology as a strategic asset for a facts-based, data-driven, and customer-focused organization.
- Providing opportunities to harness its vast data assets strategically to improve internal decision-making and efficiently use resources, maximizing the impact of public-facing programs, and providing the public and private industry with easy access to data that can solve public problems and drive innovation.
- Improving the productivity of Agency case management through the standardization of business processes in a consistent, reliable, scalable state using new service-oriented technologies.
- Optimizing business processes and providing employees with ready access to the tools, data, and documents that they require to perform their jobs from anywhere, at any time, enhancing their performance in-office and during telework.
- Transforming the way NLRB serves the public and providing additional website language support to underserved communities; thus, making Agency information and case processes more transparent.
- Providing more information to constituents in a timely manner and reducing manual Freedom of Information Act (FOIA) request processes.
- Reducing the paperwork burden on constituents, including individuals, labor unions, businesses, government entities, and other organizations through digitizing of forms and case intake.

- Implementing a technology platform to empower both internal users and the public and providing near real-time data analysis, predictive analytics, and interactive visualizations on structured and unstructured data.
- Integrating artificial intelligence services to identify and label content providing a means to categorize, monitor, and control access to agency data for Data Loss Prevention cybersecurity needs.
- Establishing governance and program service indicators to identify, triage, and act on risky user system activity.
- Enhancing cyber defenses to assist the Agency in monitoring cyber threats to respond in real time. And satisfy FISMA Cybersecurity requirements. Provide the Agency with cyber defense tools that will allow identification of key metrics and remediation.

IT Investment Portfolio	FY 2021	FY 2022	FY 2023
IT Systems by Mission Area	\$12,166	\$14,177	\$25,937
DME Agency Funding	\$3,989	\$5,250	\$15,450
OM Agency Funding	\$8,177	\$8,927	\$10,487
IT Infrastructure, IT Security, Office Automation, and Telecommunication	\$7,712	\$7,290	\$10,850
DME Agency Funding	\$800	\$100	\$2,050
OM Agency Funding	\$6,912	\$7,190	\$8,800
Enterprise Architecture & Planning	\$2,000	\$3,300	\$3,700
DME Agency Funding	\$350	\$1,550	\$1,700
OM Agency Funding	\$1,650	\$1,750	\$2,000
Subtotal DME	\$5,139	\$6,900	\$19,200
Subtotal O&M	\$16,739	\$17,867	\$21,287
Total DME & O&M Investments	\$21,878	\$24,767	\$40,487
Cloud Computing	\$1,154	\$1,520	\$1,580
Total IT Investments	\$23,032	\$26,287	\$42,067
FTE	42	42	49

XI. Attachments

Attachment 1 - Amounts Available for Obligation

Amounts Available for Obligation (Dollars in Thousands)			
	FY2021 Enacted	FY 2022 CR Annualized	FY 2023 Request
Annual Appropriation	\$ 274,224	\$274,224	\$319,424

Attachment 2 - Budget Authority by Object Class

Budget Authority by Object Class			
(Dollars in Millions)			
Object Class Categories:	FY 2021 Enacted	FY 2022 CR Annualized	FY 2023 Request
Personnel Compensation	\$158.0	\$162.8	\$180.2
Personnel Benefits	\$54.4	\$59.7	\$65.0
<i>Sub Total Personnel Compensation</i>	\$212.4	\$222.5	\$245.2
Travel and Transportation of Persons	\$0.3	\$0.4	\$0.8
Rental Payments to GSA	\$23.6	\$24.3	\$24.3
Printing and Publications	\$0.1	\$0.3	\$0.3
Communication, Utilities, and Miscellaneous Charges	\$2.5	\$2.7	\$2.7
Other Services	\$34.4	\$23.6	\$41.4
Supplies and Materials	\$0.2	\$0.2	\$0.2
Equipment and Furniture	\$0.7	\$0.2	\$4.5
<i>Sub-total Direct Budget Authority</i>	\$61.8	\$51.7	\$74.2
Total	\$274.2	\$274.2	\$319.4

Attachment 3 - Major Workload and Output Data

Major Activities	FY 2021 Actual	FY 2022 Estimate	FY 2023 Estimate
1. Regional Offices			
Unfair Labor Practices (ULP) Cases	14,950	16,102	17,344
Representation Cases	1,650	2,134	2,760
Regional Director Decisions ⁵	310	405	524
2. Administrative Law Judges			
Hearings Closed	135	140	160
Decisions Issued	112	120	140
3. Board Adjudication			
Contested Board Decisions Issued	243	300	300
4. Board Decisions Requirement			
Court Enforcement	35	41	62

⁵ The NLRB revised the number of Regional Director Decisions in March 2022. The numbers in the chart above more accurately reflect the estimates for FY 2022 and FY 2023.

Attachment 4 – Status of Open Audit Recommendations

Audit No.	Audit Title	Report Date	Agreement Date	Rec #	Recommendation	Status
FY 2015						
OIG-F-19-15-01	Audit of the NLRB Fiscal Year 2014 Financial Statements	12/12/2014	12/12/2014	2	Establish, document, and implement policies to ensure accruals are recorded when goods and/or services are received throughout the fiscal year, at least on a quarterly basis, rather than at only year- end. Accruals recorded should be clearly documented with detailed methodologies to support the amounts recorded. The accrual methodologies should be reviewed and approved by appropriate program office personnel, with quality control review procedures and approvals performed and documented by Finance personnel.	NLRB has improved the process. In both FY 2020 and FY 2021 audits (2 years consistently), there were no material findings related to accounts payable accruals process. Recommend closing action in FY 2022 due to improvements in the process for the past two consecutive years.
OIG-F-19-15-01	Audit of the NLRB Fiscal Year 2014 Financial Statements	12/12/2014	12/12/2014	17	Establish and implement procedures for periodic review of all active cardholders to determine whether each cardholder has a need for the purchase/travel card, and	In Progress. New completion date to reassessed.

Audit No.	Audit Title	Report Date	Agreement Date	Rec #	Recommendation	Status
					whether all applicable documentation, including completion of initial and refresher trainings, is maintained.	
Total FY 2015	2					
FY 2016						
OIG-AMR-77-16-02	Training and Conferences	9/27/2016	9/27/2016	5	We recommend that OED require continuing service agreements for all employees taking training.	Agreement has been previously submitted by DOA to OIG. OED is continuing to work with the Office of Special Counsel regarding the Continuing Service Agreement (CSA) for union members. The CSA language has been included in the management proposal for the new collective bargaining agreements for the LRBU and the NLRBPA. Implementation of CSAs is on hold during the bargaining process.
OIG-AMR-77-16-02	Training and Conferences	9/27/2016	9/27/2016	7	We recommend that the Division of Administration develop and implement a Management Succession Plan.	Draft currently underway.

Audit No.	Audit Title	Report Date	Agreement Date	Rec #	Recommendation	Status
OIG-AMR-77-16-02	Training and Conferences	9/27/2016	9/27/2016	11	We recommend that the OCFO develop and implement policies and procedures for the travel of employees in a local commuting area.	95% Complete: The Travel Policy is under NLRB Union Review.
Total FY 2016	3					
FY 2018						
OIG-AMR-80-18-02	Purchase Cards	8/16/2018	8/16/2018	1	Revise the Management Plan to address the noted deficiencies.	60% Completed: Management Plan to be completed by the end of Q2FY22.
OIG-AMR-80-18-02	Purchase Cards	8/16/2018	8/16/2018	2	Establish procedures to ensure that the master files meet all of the legal and regulatory requirements.	65% Completed: Policy is being reworked with SmartPay 3 updates. The new program requirements satisfy all of the IG findings. To be released by the end of Q2FY22.
OIG-AMR-80-18-02	Purchase Cards	8/16/2018	8/16/2018	3	Coordinate with OED to ensure that the Agency's purchase card training meets all of OMB's requirements.	65% Completed: Policy is being reworked with SmartPay 3 updates. The new program requirements satisfy all of the IG findings. To be released by the end of Q2FY22.
OIG-AMR-80-18-02	Purchase Cards	8/16/2018	8/16/2018	4	Develop and implement controls to ensure that all participants in the	65% Completed: Policy is being reworked with

Audit No.	Audit Title	Report Date	Agreement Date	Rec #	Recommendation	Status
					purchase card program meet the training requirements.	SmartPay 3 updates. The new program requirements satisfy all of the IG findings. To be released by the end of Q2FY22.
OIG-AMR-80-18-02	Purchase Cards	8/16/2018	8/16/2018	5	Develop and implement processes and procedures to ensure that reconciled statements are accurate and complete.	65% Completed: Policy is being reworked with SmartPay 3 updates. The new program requirements satisfy all of the IG findings. To be released by the end of Q2FY22.
OIG-AMR-80-18-02	Purchase Cards	8/16/2018	8/16/2018	6	Develop and implement processes and procedures regarding the content of pre- approvals.	65% Completed: Policy is being reworked with SmartPay 3 updates. The new program requirements satisfy all of the IG findings. To be released by the end of Q2FY22.
OIG-AMR-80-18-02	Purchase Cards	8/16/2018	8/16/2018	7	Develop and implement processes and procedures to ensure that purchase cards are cancelled when cardholders separate from the Agency.	65% Completed: Policy is being reworked with SmartPay 3 updates. The new program requirements satisfy all of the IG findings. To

Audit No.	Audit Title	Report Date	Agreement Date	Rec #	Recommendation	Status
						be released by the end of Q2FY22.
OIG-AMR-80-18-02	Purchase Cards	8/16/2018	8/16/2018	8	Develop procedures to ensure that purchase cardholders and approving officials follow existing Agency policies and procedures regarding the type of supporting documentation that is acceptable for statement reconciliations.	65% Completed: Policy is being reworked with SmartPay 3 updates. The new program requirements satisfy all of the IG findings. To be released by the end of Q2FY22.
Total FY 2018	8					
FY 2020						
OIG-AMR-88-20-03	Backpay Accounting	12/10/2019	12/10/2019	2	We recommend that the OCFO review all the backpay cases with funds in the deposit account and disburse any funds that are being held as either being unclaimed or a fine should be remitted to the U.S. Treasury as appropriate.	On schedule. Our plan includes reaching out to Operations Management/CCU to get further information on these items to determine how to get the funds to Treasury. The due date for this action is 3/31/2022.
OIG-AMR-88-20-03	Backpay Accounting	12/10/2019	12/10/2019	3	We recommend that the Finance Branch reconcile the backpay cases with recurring journal voucher entries and take appropriate action to	On schedule. Our contractors are currently researching these issues regarding FBWT. We look to resolve one of the items by 3/31/2022.

Audit No.	Audit Title	Report Date	Agreement Date	Rec #	Recommendation	Status
					correct the accounting errors.	
OIG-AMR-88-20-03	Backpay Accounting	12/10/2019	12/10/2019	5	We recommend that the Finance Branch reconstruct the three backpay files with appropriate documentation of the receipt and disbursements of backpay funds and then reconcile the cases.	On 12/13/2021, we spoke to Finance and explained that our recommendation included reconciliation of backpay cases. During our call, they agreed that reconciliation was not performed, and they will work on obtaining data to perform reconciliation of backpay cases.
OIG-AMR-88-20-03	Backpay Accounting	12/10/2019	12/10/2019	6	We recommend that the Finance Branch officials consult with the Internal Revenue Service and then develop and implement internal controls to address the tax payments and refunds.	1. SOP provided to the IG office 9/10/21. 2. FY22 we will work on the proof.
OIG-AMR-91-21-04	FY 2019 Budget Execution	9/16/2020	9/16/2020	2	Establish and implement an IPT internal control process for capital projects that meets the criteria established by OMB Circular A-11.	In progress. The Program and Budget Advisory Committee (PBAC) Charter was provided. Senior Management is reviewing the charter.
FY 2020	5					

Audit No.	Audit Title	Report Date	Agreement Date	Rec #	Recommendation	Status
FY 2021						
OIG-AMR-95-21-03	DATA Act	8/30/2021	8/30/2021	1	<p>Develop and implement internal controls to ensure that:</p> <ul style="list-style-type: none"> a. Procurement data in the financial system is recorded in an accurate and timely manner; b. Procurement actions are reported into FPDS-NG within the time requirement set out in the FAR; and c. There is a documented process of procurement data quality control that enables the SAO to reasonably provide assurances of validity, reliability, and completeness of the DATA Act submission. The process should include adequate segregation of duties and address the errors in the crosswarning report. 	In Progress. New completion date to reassessed.
OIG-AMR-95-21-03	DATA Act	8/30/2021	8/30/2021	1	Resolve the discrepancies in the Program Activity Codes between the financial system, OMB's MAX Collect Repository,	In Progress. New completion date to reassessed.

Audit No.	Audit Title	Report Date	Agreement Date	Rec #	Recommendation	Status
					and the President's Budget Program and Financing Schedule.	
Total FY 2021	2					
FY 2022						
OIG-AMR-94-22-02	NxGen Data Accuracy	11/16/2021	11/16/2021	1	Develop and implement a quality review process at the local Regional Office level that includes review of the data at key points during the case life cycle	Operations-Management will develop a model review process that includes review of the data entry at key points of the case life cycle. To accommodate local Regional Office staffing, Operations will ask Regions to adapt the model process to fit their respective situations and submit their adapted plan to Operations.
OIG-AMR-94-22-02	NxGen Data Accuracy	11/16/2021	11/16/2021	2	Develop and implement internal controls related to the timely entry of NxGen data	Operations-Management will develop and adapt a model for timely data entry to accommodate local capabilities, and provide mandatory training sessions for all Regional Managers and administrative personnel on timely Data Entry.

Audit No.	Audit Title	Report Date	Agreement Date	Rec #	Recommendation	Status
OIG-AMR-94-22-02	NxGen Data Accuracy	11/16/2021	11/16/2021	3	Develop and implement a standard methodology for documenting data in the NxGen case file	Operations-Management will develop standards for documenting data, and work with Regions on the implementation of these standards. In addition, Operations-Management will review data fields and make recommendations on whether the fields are necessary or useful.
OIG-AMR-94-22-02	NxGen Data Accuracy	11/16/2021	11/16/2021	4	Develop and implement a training program that focuses on NxGen data quality controls and processes. This program should include new employee NxGen orientation, periodic refresher training, and supervisory data quality review.	Operations-Management will develop and implement mandatory training for employees at all levels.
OIG-AMR-94-22-02	NxGen Data Accuracy	11/16/2021	11/16/2021	5	Either develop an appropriate explanation of the current methodology to calculate the merit statistic in the PAR or calculate the merit determination rate using the NxGen merit data element.	Operations-Management develop a more precise explanation for the merit factor statistic. In addition, we Operations-Management will develop and implement training for Regions

Audit No.	Audit Title	Report Date	Agreement Date	Rec #	Recommendation	Status
						with respect to data entry of Merit Determination in Non-Board settlements.
Total FY 2022	5					
Total Recommendations	25					