

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



**FISCAL YEAR 2020**

# **Fiscal Year (FY) 2020 Congressional Budget Justification**

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# **FY 2020 Congressional Budget Justification**

## **I. FOREWORD**

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

The NLRB's FY 2020 Budget request supports efforts to improve the efficiency, effectiveness, and accountability of the Agency. These efforts include process improvements for casehandling, mission and business operations, and identifying functions that can be consolidated and/or eliminated. The Agency continues to upgrade and invest in compliance mandates on our Information Technology infrastructure and identify training and skills to support our Human Capital Strategy program.

## **II. MISSION STATEMENT**

The National Labor Relations Board's mission is to protect workplace democracy by promoting and enforcing the rights and obligations of employees, unions, and employers under the National Labor Relations Act ("NLRA" or "Act"), to promote interstate commerce and strengthen the Nation's economy. The protection of employee freedom of choice concerning individual or collective bargaining of terms and conditions of employment in the workplace helps prevent interruptions in the free flow of commerce and advances Congress' goal of minimizing industrial strife through collective action.

## **III. AGENCY ROLE AND FUNCTIONS**

The NLRB is an independent federal agency created by Congress in 1935 to administer and enforce the NLRA, the primary federal statute governing labor relations in the private sector. The purpose of the Nation's primary labor relations law is to serve the public interest by reducing interruptions in commerce caused by industrial strife. It seeks to do this by providing orderly processes for ensuring workplace stability among employees, employers, and unions in their relations with one another. The Act contains an employees' bill of rights, which establishes freedom of association for the purposes of participating in collective bargaining or refraining from participation in collective action. Under the Act, the NLRB has two primary functions: (1) to prevent and remedy statutorily defined unfair labor practices (ULPs) by employers and labor organizations, and (2) to conduct secret-ballot elections among employees to determine whether or not they wish to be represented by a labor organization.

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

The NLRB authority is divided by law and by delegation. The Board has five members and primarily acts as a quasi-judicial body in deciding cases 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 the investigation and prosecution of unfair labor practice charges, for the processing of representation petitions, and for the oversight of the NLRB's Regional Offices, in addition to handling the day-to-day administrative, financial, personnel, human capital, and operational responsibilities of the Agency. These positions are appointed by the President and confirmed by the Senate.

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

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

In connection with its second primary function, the Agency enforces the right of employees to choose whether to be represented by a labor organization. Representation cases are initiated by the filing of a petition – by employees, labor organizations, or employers. The Agency evaluates the petition and, if appropriate, conducts an election to determine if employees wish to have or continue a labor organization as their collective bargaining representative. Thereafter, the Agency addresses challenges and/or objections to the election, if filed, and ultimately issues a certification of representation or of election results.

## IV. APPROPRIATIONS LANGUAGE

FY 2020

### NATIONAL LABOR RELATIONS BOARD

#### SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, and other laws, [\$274,224,000] \$241,550,000: Provided, that no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935, and as amended by the Labor-Management Relations Act, 1947, and as defined in section 3(f) of the Act of June 25, 1938, and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

#### ADMINISTRATIVE PROVISION

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

*(Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2019.)*

## **V. OVERVIEW OF THE FISCAL YEAR 2020 BUDGET REQUEST**

The NLRB's FY 2020 Budget request is \$241.6 million. The request will fund the Agency's statutory mission of resolving labor disputes through investigation, settlement, litigation, adjudication, education, and compliance. This mission relies primarily on skilled and experienced professionals and administrative employees. The annual staff compensation (salaries and benefits) uses approximately 80 percent of the requested funding (\$193.2 million); 11 percent (\$26.8 million) is required for rent, security, and other facility and property expenses for the NLRB offices in Headquarters and across the country; and the remaining nine (9) percent (\$21.6 million) is allocated to costs and activities that include, but are not limited to: information technology, 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.

The FY 2020 Budget request will adequately fund the NLRB in its efforts to protect the employee rights and other interests guaranteed by the Act. As reflected in its Strategic Plan, the NLRB expects that the recent, modest year-over-year declines in its case intake will continue in the near term, although the NLRB also expects that it will experience reduced FTEs through normal attrition. Accordingly, the NLRB has retained its focus on workforce planning and performance and has anticipated the reduction in staffing reflected below in Section VII of this Congressional Budget Justification. The NLRB has positioned itself to realize increased productivity through substantial investments in both NxGen and training infrastructure, coupled with review and adjustment of case processing procedures at both the Headquarters and Regional Office levels. This includes, among other techniques, adjusting processes to more efficiently and timely issue Board and Administrative Law Judges (ALJs) decisions; consolidating certain regional office case writing, compliance, and translation functions on a district or national level; and sharing management personnel among regions and equalizing caseload by transfer among offices. All of this is occurring against a backdrop of the NLRB's constant 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 and public website.

The Field casehandling professionals and Headquarters offices have provided process improvement ideas to better service the public and the mission. As these improvements are implemented in FY 2019, the Agency will have more effective ways to engage the public through electronic media and enhanced technology platforms will assist staff in research, intake information, tracking, and management reviews.

The FY 2020 Budget request will fund efforts in the use of technology to 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 the leases become due according to the General Services Agency (GSA) guidelines.

## VI. FUNDING LEVEL

<b>National Labor Relations Board</b>			
(Dollars in Thousands)			
Detail	FY 2018 Actual	FY 2019 Enacted	FY 2020 Performance Budget
Annual Appropriation	\$ 274,224	\$ 274,224	\$ 241,550
Agency FTEs	1,319	1,320	1,280

## VII. PROGRAM ACTIVITIES

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

### **FY 2020**

### **2019/2020 Difference +/-<sup>1</sup>**

#### **Casehandling**

**(\$172.3 million, 908 FTEs)**

**-\$23.3 million / -29 FTEs**

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 this process include: Regional Offices, Appeals, Advice, Operations-Management, E-Litigation, Appellate and Supreme Court Litigation, Injunction Litigation, and Contempt, Compliance, and Special Litigation.

Resource reduction in casehandling will be realized by normal attrition combined with workforce planning that minimizes impact and enables the Headquarters and Regional Offices to be staffed

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<sup>1</sup> FY 2020 difference is to the FY 2019 enacted level.

at near present levels with skillsets appropriate to ensure continued timely attention and processing of every case.

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

Once an initial investigation is completed, Regional Directors, who are charged with overseeing effective and efficient investigations in field offices, determine whether a charge has merit. Historically, Regional Directors nationwide have found approximately one-third (1/3) of the charges filed to be meritorious. In the event of a dismissal, the charging party is entitled to appeal that decision to the Office of Appeals located at Headquarters, which will determine whether the investigation was sufficient and thorough, and the legal conclusion sound. If so, the dismissed case is closed, and the affected claimants have no right of further appeal. If a dismissed case is found to have probable merit following review by the Office of Appeals, a complaint will be issued if the case is not settled. Historically, when a decision is made to issue a complaint, the Regional Offices settle over 90 percent of meritorious cases. These final resolutions (i.e., dismissals, withdrawals or settlements) occur at an extremely early stage, typically within three months after the case has been initiated with the filing of a charge.

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

As of September 30, 2018, the Injunction Litigation Branch received 146 cases, and the General Counsel sought and the Board authorized pursuit of injunctive relief in 46 cases.

In cases that are found to be meritorious, 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 through September 30, 2018, 403 meritorious unfair labor practice cases were settled. The Agency issued 1,088 complaints through September 30, 2018, and those not settled



are litigated before an Administrative Law Judge, who issues a decision and recommended order that can be appealed to the Board.

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

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

As for representation cases, the Regional Offices process petitions on behalf of the General Counsel and conducts elections on behalf of the Board. As a result, the General Counsel and the Board have historically worked together in developing procedures for the conduct of representation proceedings. The Board ultimately may determine contested matters, such as the appropriateness of the bargaining unit, and rule on any challenges or objections to the conduct of an election.

### **Administrative Law Judges (ALJs)**

**(\$5.1 million, 39 FTEs)**

**-\$0.7 million / -1 FTEs**

Meritorious charges are litigated before the Agency's ALJs, who travel around the country to conduct hearings and render decisions and recommended orders. Those decisions and recommended orders are then sent to the Board for review and issuance of a final Board decision and order. Through September 30, 2018, the Division of Judges closed 146 hearings, issued 150 decisions, and achieved 35 settlements.

## **Board Adjudication**

**(\$13.0 million, 64 FTEs)**

**- \$1.9 million / -2 FTEs**

Board adjudication encompasses the activities of the Board and the Office of the Executive Secretary and the Solicitor. In a ULP case, a judge's decision becomes a Board order if no exceptions are filed. Historically, around 30 percent of ALJ decisions become Board orders or are complied with voluntarily. The remaining cases, with exceptions filed, require a Board decision. As of September 30, 2018, the Board issued 321 decisions in contested cases -- 236 ULP cases and 85 representation cases. In representation cases, Regional Directors initially decide the issues by Board delegation. The Board itself may decide representation issues on referral from Regional Directors or by granting a request for review of a Regional Director's decision. The Board may also rule on objections and challenges in election cases.

The Executive Secretary is the chief administrative and judicial management officer of the Board. The functions and responsibilities of the Office of the Executive Secretary are like those of a Clerk of the Court to receive and docket all formal documents filed and issues and serve to all parties the Board decisions, orders, rulings, and other case documents. It is the exclusive point of contact for communications by the parties to cases pending before the Board and, particularly 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 issuances, it primarily utilizes the Board's electronic case management system to ensure that documents filed and those issued are included in the case record, and to monitor case progress and overall Board case production.

The Solicitor serves as the chief legal adviser and consultant to the Board on all questions of law arising in connection with the Board's general operations and on major questions of law and policy arising in connection with enforcing, defending and achieving compliance with Board orders in the Courts of Appeals and the U.S. Supreme Court. The Office of the Solicitor processes, reviews, researches, provides written recommendations to the Board, and drafts appropriate orders with respect to various unfair labor practice case matters that require expedited consideration, including motions for summary and default judgment, special appeals, formal settlement agreements, and petitions to revoke investigative subpoenas. The Office of the Solicitor serves as the Board's legal representative and spokesperson in liaison contacts with the General Counsel's office and other offices within the Board's organization. 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**

**(\$50.1 million, 264 FTE)**

**-\$6.7 million / -8 FTE**

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

## **Inspector General**

**(\$1.1 Million, 5 FTE)**

**\$0.0 Thousand / 0 FTE**

The amount of \$1,342,246 was submitted by the Inspector General (IG) for the FY 2020 Budget request for the Office of Inspector General (OIG) and included a request for four (4) additional positions to bring the office to a staff of nine (9). The IG request amount includes payroll salaries and benefits, \$5,250 for training of OIG personnel, \$185,000 for the Agency's Financial Statement Audit contract, and \$4,015 for support of the Council of the Inspectors General on Integrity and Efficiency (CIGIE).

At the request of the Inspector General, this statement is being included in the Congressional Justification: "The amount of the Inspector General's budget request is \$221,664 (16.5 percent) less than would have been requested for the level of personnel that the Inspector General determined is necessary to provide adequate oversight of the NLRB's mission functions. Since the Budget request for FY 2018, the Office of Inspector General, has requested funding for nine full time FTEs. That level of staffing was justified by the Inspector General explaining that the requirements placed upon the Office of Inspector General have increased significantly, including the annual information security review; the DATA Act audits; annual travel and purchase card reviews; and the annual audit of the financial statements. While the Office of Inspector General has met those mandatory reporting requirements, it has been at the expense of providing oversight of the NLRB's mission functions."

## VIII. ATTACHMENTS

### Attachment 1 - Amounts Available for Obligation

<b>Amounts Available for Obligation</b>			
(Dollars in Thousands)			
	FY2018 Actual	FY 2019 Enacted	FY 2020 Performance Budget
Annual Appropriation	\$ 274,224	\$ 274,224	\$ 241,550

## Attachment 2 - Obligations by Object Class

<b>Obligations by Object Class</b>			
(Dollars in Millions)			
Object Class Categories:	FY 2018 Actual	FY 2019 Enacted	FY 2020 Performance Budget
Personnel Compensation	\$160.0	\$165.0	\$151.5
Personnel Benefits	\$50.0	\$52.0	\$40.0
<b><i>Sub Total Personnel Compensation</i></b>	<b>\$210.0</b>	<b>\$217.0</b>	<b>\$191.5</b>
Travel and Transportation of Persons	\$1.0	\$1.0	\$1.0
Rental Payments to GSA	\$22.0	\$21.0	\$20.0
Printing and Publications	\$1.4	\$0.2	\$0.2
Communication, Utilities, and Miscellaneous Charges	\$5.8	\$7.0	\$4.9
Other Services from non-Federal Sources	\$25.0	\$22.0	\$20.0
Supplies and Materials	\$2.0	\$2.0	\$2.0
Equipment and Furniture	\$4.0	\$4.0	\$2.0
Judgments and EEO Settlements	\$0.0	\$0.0	\$0.0
<b><i>Sub-total Direct Budget Authority</i></b>	<b>\$61.2</b>	<b>\$57.2</b>	<b>\$50.1</b>
<b>TOTAL</b>	<b>\$271.2</b>	<b>\$274.2</b>	<b>\$241.6</b>

## Attachment 3 - Major Workload and Output Data

	<b>FY 2018 ACTUAL</b>	<b>FY 2019 ESTIMATE</b>	<b>FY 2020 ESTIMATE</b>
<b>1. Regional Offices</b>			
Unfair Labor Practice (ULP) Cases	18,871	18,900 <sup>2</sup>	18,900
Representation Cases	2,090	2,100	2,100
<b>2. Administrative Law Judges</b>			
Hearings Closed	146	150	150
Decisions Issued	150	150	150
<b>3. Board Adjudication</b>			
Contested Board ULP Decisions Issued	236	240	240
Regional Director Decisions	181	185	185
<b>4.–Board Decisions Requiring Court Enforcement</b>	52	55	55

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<sup>2</sup> Most recent data analysis shows intake trending lower by 7 to 10 percent.

## IX. APPENDICES

### Appendix 1 NLRB OIG Findings

Audit Number	Audit Title	Report Date	Rec #	Recommendation	Status
OIG-F-19-15-01	Audit of the NLRB Fiscal Year 2014 Financial Statements	12/12/2014	1	Establish, document, and implement policies for performing open obligation reviews on a quarterly basis, including documented quality control procedures and approvals over the reviews.	85% Complete: Revised UDO process document includes enhanced monitoring and approval processes. Distributed to CORs and stakeholders.
OIG-F-19-15-01	Audit of the NLRB Fiscal Year 2014 Financial Statements	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.	100% Complete: Created and delivered an SOP on 3/31/15. This finding will be held open until the financial statement auditors close their finding.
OIG-F-19-15-01	Audit of the NLRB Fiscal Year 2014 Financial Statements	12/12/2014	4	Train responsible program office and Finance personnel on how to monitor obligations and report accruals on an ongoing basis to enhance	95% Complete: While we do annual training and have incorporated quarterly training in to our UDO status meetings, this finding

Audit Number	Audit Title	Report Date	Rec #	Recommendation	Status
				compliance with the applicable requirements.	will be held open until the financial statement auditors close their finding.
OIG-F-19-15-01	Audit of the NLRB Fiscal Year 2014 Financial Statements	12/12/2014	5	Perform reconciliation for each GSA agreement to ensure that the obligations are valid, and documentation exists to clearly support that the goods or services ordered were provided by GSA on a timely basis. Coordination should be performed between Finance, Facilities and Property Branch, and GSA on an ongoing basis.	100% Complete: Finance Director has access to eRETA and Rent on the Web, and we review the GSA agreements on a quarterly basis during our accrual meeting. All GSA agreements are valid
OIG-F-19-15-01	Audit of the NLRB Fiscal Year 2014 Financial Statements	12/12/2014	15	Finalize the Financial Manual documenting the procedures needed to ensure NLRB complies with applicable accounting, financial management and reporting standards and regulations. The manual should include specific procedures required to process JVs, including: (1) Verifying the accuracy of data on the JVs, (2) Ascertaining that the JVs and supporting documentation are properly authorized, and (3) Determination that the transactions are legal.	80% Complete: A financial manual is being created and has been circulated for review and comment. SOPs that have already been created during the first iteration of developing the financial manual have been incorporated.
OIG-F-19-15-01	Audit of the NLRB Fiscal Year 2014 Financial Statements	12/12/2014	16	Review, implement, and monitor control activities related to the training and appointment of cardholders.	80% Complete: This audit recommendation will be resolved when recommendation 17 is completed.



Audit Number	Audit Title	Report Date	Rec #	Recommendation	Status
OIG-F-19-15-01	Audit of the NLRB Fiscal Year 2014 Financial Statements	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 whether all applicable documentation, including completion of initial and refresher trainings, is maintained.	25% Complete: With the implementation of SmartPay3 scheduled for the end of CY18 all travel card holders will be required to receive new travel cards and retake training. During this time, we will set a new baseline for travel card holders, training, and put together a plan to include what's already been mentioned here to properly start reviewing travel card holder training and credit limits in a timely manner.
OIG-AMR-73-15-01	Personnel Security	2/2/2015	1	Reorganize the Security Branch with a set of internal control activities that ensure the Security Branch fulfills the personnel security function in compliance with Government wide regulations and policies; a method to monitor the Security Branch's compliance with and the effectiveness of the internal control activities; and appropriately staff and fund the Security Branch to fulfill its mission.	The Security Branch is in compliance with government-wide regulations and policies through a series of internal controls: 1. Implemented the e-Delivery system and the PSCMS for electronic receipt of completed background investigations from OPM to NLRB. 2.PERSEC: currently working on adding new features to the PSCMS for pre-screening and exiting documents. 3. PSCMS: Security Branch can now

Audit Number	Audit Title	Report Date	Rec #	Recommendation	Status
					upload the NLRB Form 4197, input the separation date and add comments to complete the close-out of the file.
OIG-AMR-75-15-02	Travel Cards	6/16/2015	3	We recommend that the Finance Branch develop and implement procedures to identify infrequent travelers and reduce the credit limits for those travel cardholders.	35% Complete: The strategy for identifying and reduce travel card holder credit limits will align with the action plan for recommendation 17 (OIG-F-19-15-01). Recommendation 17 includes a plan to also reduce infrequent traveler credit limits.
OIG-AMR-75-15-02	Travel Cards	6/15/2015	9	We recommend that the Finance Branch develop and implement procedures to monitor the training completion by travel cardholders to ensure that travel cardholders meet the training requirements.	80% Complete: This audit recommendation will be resolved when recommendation 17 is completed (OIG-F-19-15-01).
OIG-AMR-78-16-01	Freedom of Information Act	5/12/2016	4	Update the FTS System of Records Notice to reflect how the FOIA information is used and stored.	As of August 10, 2018, we have emailed our final draft of the SORN notice to the Executive Secretary at the NLRB, so she can take next steps for finalizing and publishing it in the Federal Register.
OIG-AMR-77-16-02	Training and Conferences	9/27/2016	1	We recommend that Office of Employee Development (OED) and the Office of the Chief	100% Complete: Individual Training Requests policy has

Audit Number	Audit Title	Report Date	Rec #	Recommendation	Status
				Financial Officer (OCFO) develop and implement policies and procedures for the timely recording of training obligations.	been finalized and approved.
OIG-AMR-77-16-02	Training and Conferences	9/27/2016	4	We recommend that: OED obtain a decision from the Board and General Counsel on whether the Agency will have an academic degree program; If a program is approved, OED develop and implement the program prior to approving only colleges courses for the degree; and If a program is not approved, OED not approve training consisting of academic courses, unless it meets an identified need.	100% Complete: The Individual Training Requests policy addresses attendance at academic courses.
OIG-AMR-77-16-02	Training and Conferences	9/27/2016	5	We recommend that OED require continuing service agreements for all employees taking training.	100% Complete: Policies and procedures for Continuing Service Agreements (CSAs) are included in the Individual Training Requests policy. OED is currently developing the CSA form.
OIG-AMR-77-16-02	Training and Conferences	9/27/2016	6	We recommend that OED implement and maintain the Agency's Management Development Program.	90% Complete" Updated MDP guidance is in final review. Project has been assigned to an OED specialist.

<b>Audit Number</b>	<b>Audit Title</b>	<b>Report Date</b>	<b>Rec #</b>	<b>Recommendation</b>	<b>Status</b>
OIG-AMR-77-16-02	Training and Conferences	9/27/2016	7	We recommend that the Division of Administration develop and implement a Management Succession Plan.	75% complete: OED has been working with the Field Succession Planning Committee headed by Operations Management to develop a succession plan and related tools for field offices. The plan and tools will be applied to field offices. Currently on hold.
OIG-AMR-77-16-02	Training and Conferences	9/27/2016	8	We recommend that the Division of Administration develop and implement a program for Senior Executive Development Plans.	90% Complete: Senior Executive Development Plans are included under the updated MDP guidance.
OIG-AMR-77-16-02	Training and Conferences	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.	75% Complete: Local Travel Policy needs to be reviewed and approved by the Unions and the new Deputy General Counsel.
OIG-F-21-17-01	Audit of NLRB Fiscal Year 2016 Financial Statements	11/3/2016	1	Perform an assessment of its organizational structure to ensure that the Office of the Chief Financial Officer is adequately staffed with individuals that possess adequate experience compiling Federal financial statements and recording Federal accounting transactions, to enhance the NLRB's ability to comply with	During the hiring freeze and budget restrictions, Finance has lost 3 employees and we've only been able to fill behind one. Leadership has approved to fill behind one. We are waiting for the approval to fill behind the third employee.

Audit Number	Audit Title	Report Date	Rec #	Recommendation	Status
				accounting and financial reporting standards. Once the assessment is completed, corrective action should be taken to address any deficiencies identified in current staffing levels or competencies.	
OIG-F-21-17-01	Audit of NLRB Fiscal Year 2016 Financial Statements	11/3/2016	2	Develop and provide ongoing training and cross-training to NLRB staff on Federal accounting and reporting requirements to enhance NLRB's ability to compile financial statements and the Performance and Accountability Report in accordance with applicable standards.	<p>Proof of training for footnotes, variance analysis, and tie points were provided with the March update. SOPs have been developed for all three as well. In each of the staff's performance plans they are required to keep abreast of current financial guidance as it related to treasury and OMB.</p> <p>GAO 2010 checklist was completed in Q4 FY 18. GAO 2020 checklist was completed in Q4 FY18.</p>
OIG-F-21-17-01	Audit of NLRB Fiscal Year 2016 Financial Statements	11/3/2016	3	Develop a process for in-depth and detailed management quality control reviews of the financial statements and notes, journal vouchers, and accounting transactions to ensure they are properly and timely reported and recorded.	A final SOP was written but employee left agency and all that can be located is a draft with areas that still need to be written.
OIG-F-21-17-01	Audit of NLRB Fiscal Year 2016 Financial Statements	11/3/2016	5	Ensure that all assets are properly recorded in the subsidiary ledger and related accounting	30% Complete: Known assets have been added in to Oracle by Finance

Audit Number	Audit Title	Report Date	Rec #	Recommendation	Status
				records and depreciated in a manner that properly reflects asset, contra-asset, and expense balances.	and SOP is being worked on by OCFO, OCIO and facilities.
OIG-F-21-17-01	Audit of NLRB Fiscal Year 2016 Financial Statements	11/3/2016	6	Develop and implement a process to enter and track all property equipment in the Oracle Fixed Asset Module.	35% complete: Known personal property has been entered in Oracle. IUS entries were halted, as no new development was performed post-Q2 FY17; need to enter prior IUS balances into Oracle and reversing JV entries.
OIG-F-21-17-01	Audit of NLRB Fiscal Year 2016 Financial Statements	11/3/2016	7	Develop and implement standardized policies and procedures to ensure accountability, monitoring, and oversight of the PP&E disposals and lost capitalized equipment, including notification to the Office of Inspector General for lost equipment.	30% complete: SOP is being worked on by OCFO, OCIO and facilities.
OIG-F-21-17-01	Audit of NLRB Fiscal Year 2016 Financial Statements	11/3/2016	8	Define authorities and responsible parties for managing all capitalized assets to maintain physical control in securing and safeguarding NLRB assets.	30% complete: SOP is being worked on by OCFO, OCIO and facilities.
OIG-AMR-83-18-01	Data Act Implementation	10/30/2017	1	Develop and implement internal controls to ensure that: a. Parent IDS are uniform in the data reported to FPDS and the Oracle financial system;	70% Complete: AMB will develop policy and procedures to conduct independent, verification and validation (IV&V) of FPDS NG contract

Audit Number	Audit Title	Report Date	Rec #	Recommendation	Status
				b. Procurement awards are reported to FPDS as required by Section 4.606 of the FAR; and C. File C contains all the financial data for the procurement awards that are reported in File D1 prior to submitting the files to the DATA Act broker.	award reports. Policy and procedures to be effective by the end of 2nd Quarter FY 19.  The performance plans are 100% complete.
OIG-AMR-83-18-01	Data Act Implementation	10/30/2017	2	Coordinate with other users of the Oracle financial system to determine if they had similar findings and, if they did, address the issue with IBC.	100% Complete: AMB has engaged the National Transportation Safety Board (NTSB) to jointly modernize procurement process. AMB will work with NTSB to resolve similar findings in a more efficient manner starting 1st Quarter of FY 19.  IBC helped to resolve warnings in 3Q
OIG-AMR-83-18-01	Data Act Implementation	10/30/2017	3	We recommend that the Chief Financial Officer develop and implement internal controls to identify and correct data errors in the Oracle financial system and in FPDS-NG. action.	See response to Recommendation 1. The IV&V process identifies and corrects data across both systems to ensure data is accurately reported.
OIG-F-22-18-01	Audit of NLRB Fiscal Year 2017 Financial Statements	11/6/2017	1	Establish, approve, and disseminate IT policies and procedures to all employees as required by NIST SP 800-53, Security and Privacy Controls for Federal Information Systems and Organizations, Revision	OCIO has completed all 18 policy controls. OCIO continues to update procedures. OCIO is actively involved in responding to the IT Financial, annual FISMA audits and

Audit Number	Audit Title	Report Date	Rec #	Recommendation	Status
				4. Final policies and procedures should have a clear audit trail showing signatures of individuals responsible for final approval and be dated accordingly.	finalizing the configurations for DHS CDM
OIG-F-22-18-01	Audit of NLRB Fiscal Year 2017 Financial Statements	11/6/2017	2	Obtain an independent assessor to perform tests of effectiveness on all NLRB's SSP in accordance with NIST Special Publication 800-53A, Assessing Security and Privacy Controls in Federal Information Systems and Organizations, Revision 4.	OCIO has entered into an Inter-Agency Agreement (IAA) with the Department of Interior (DOI) Information Systems Security Line of Business (ISSLoB) to perform Security Authorization and Assessment (SA&A) services for the agency's General Support System (GSS). The IAA was executed on April 27, 2018.
OIG-F-22-18-01	Audit of NLRB Fiscal Year 2017 Financial Statements	11/6/2017	3	Review the knowledge, skill, and abilities of the OCIO security personnel and make a determination of whether individuals in those positions are skilled to perform IT security functions.	OCIO and HR has completed the position coding of IT staff to comply with the Cyber Workforce Act. All OCIO position description has been updated based on the coding.
OIG-F-22-18-01	Audit of NLRB Fiscal Year 2017 Financial Statements	11/6/2017	4	Develop a personnel policy that defines the NLRB's responsibility for maintaining a complete list of contractors that is periodically reviewed to ensure completeness and accuracy.	OCIO has developed the Policy (AC-1) and a procedure for maintaining the list of Agency contractors that have access to agency network. OCIO onboarding procedures were



Audit Number	Audit Title	Report Date	Rec #	Recommendation	Status
					<p>modified to identify and affix the [CONTRACTOR] label to contractor staff within Active Directory. The contractor staffs are grouped within Contractor designated organization units within Active Directory. ServiceNow records are updated to reflect Contractor status for reporting. A copy of the Contractors Network Access Report is attached. A copy of the updated Onboarding SOP is also attached. OCIO validates the contractor list provided by Security Branch on a monthly basis.</p>
OIG-AMR-80-18-02	Purchase Cards	8/16/18	1	Revise the Management Plan to address the noted deficiencies.	Quarterly updates in process
OIG-AMR-80-18-02	Purchase Cards	8/16/18	2	Establish procedures to ensure that the master files meet all of the legal and regulatory requirements.	Quarterly updates in process
OIG-AMR-80-18-02	Purchase Cards	8/16/18	3	Coordinate with OED to ensure that the Agency's purchase card training meets all of OMB's requirements.	Quarterly updates in process
OIG-AMR-80-18-02	Purchase Cards	8/16/18	4	Develop and implement controls to ensure that all participants in the	Quarterly updates in process

<b>Audit Number</b>	<b>Audit Title</b>	<b>Report Date</b>	<b>Rec #</b>	<b>Recommendation</b>	<b>Status</b>
				purchase card program meet the training requirements.	
OIG-AMR-80-18-02	Purchase Cards	8/16/18	5	Develop and implement processes and procedures to ensure that reconciled statements are accurate and complete.	Quarterly updates in process
OIG-AMR-80-18-02	Purchase Cards	8/16/18	6	Develop and implement processes and procedures regarding the content of pre-approvals.	Quarterly updates in process
OIG-AMR-80-18-02	Purchase Cards	8/16/18	7	Develop and implement processes and procedures to ensure that purchase cards are cancelled when cardholders separate from the Agency.	Quarterly updates in process
OIG-AMR-80-18-02	Purchase Cards	8/16/18	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.	Quarterly updates in process
OIG-F-23-19-01	Audit of NLRB Fiscal Year 2018 Financial Statements	11/13/2018	1	Perform detailed management quality control reviews over the processing of JVs, year-to-year account balance variances, and accrual estimates to ensure discrepancies are minimized and errors are timely corrected.	Management will continue to perform detailed management quality control reviews on a continuous basis over the processing of JVs, year-to-year account balance variances, and accrual estimates to ensure discrepancies are minimized and

Audit Number	Audit Title	Report Date	Rec #	Recommendation	Status
					errors are timely corrected.
OIG-F-23-19-01	Audit of NLRB Fiscal Year 2018 Financial Statements	11/13/2018	2	Refine and strengthen policies, procedures, and processes over JVs and PP&E to ensure transactions are adequately supported and recorded accurately.	In FY 2019, Management will work closely with Facilities and OCIO divisions on reported data and follow up on submitted property information.
OIG-F-23-19-01	Audit of NLRB Fiscal Year 2018 Financial Statements	11/13/2018	3	Ensure that reconciliations of the BMS balance to OFF and Treasury balances are completed, documented, and reviewed by management at a minimum on a quarterly basis.	Management will develop plan to review and reconcile the balances between the Backpay Management System (BMS), Oracle Federal Financials (OFF) and Treasury's Central Accounting System (CARS). Identify adjustments and prepare data to reconcile differences.
OIG-F-23-19-01	Audit of NLRB Fiscal Year 2018 Financial Statements	11/13/2018	4	Ensure reconciliations contain evidence of all appropriate reviews and approvals.	Management will review reconciliations and approve the reconciled data.
OIG-F-23-19-01	Audit of NLRB Fiscal Year 2018 Financial Statements	11/13/2018	5	Ensure that there are account managers assigned (and documented) to all personnel so that users' access rights are approved by an authorized person in the agency.	Quarterly updates in process
OIG-F-23-19-01	Audit of NLRB Fiscal Year 2018 Financial Statements	11/13/2018	6	Document all users' access rights and their respective segregation of duties to ensure that as users are approved, they are not being assigned privileges in	Quarterly updates in process

<b>Audit Number</b>	<b>Audit Title</b>	<b>Report Date</b>	<b>Rec #</b>	<b>Recommendation</b>	<b>Status</b>
				excess of what their job duties require.	
OIG-F-23-19-01	Audit of NLRB Fiscal Year 2018 Financial Statements	11/13/2018	7	Document and maintain user access request forms, showing approvals and roles assigned.	Quarterly updates in process
OIG-F-23-19-01	Audit of NLRB Fiscal Year 2018 Financial Statements	11/13/2018	8	Ensure that the audit logs are moved to another storage medium so that the audit logs are always available if needed for investigative purposes.	Quarterly updates in process
OIG-F-23-19-01	Audit of NLRB Fiscal Year 2018 Financial Statements	11/13/2018	9	Review, analyze, and report potential suspicious activities in the audit logs (by authorized personnel) on a monthly basis.	Quarterly updates in process
OIG-F-23-19-01	Audit of NLRB Fiscal Year 2018 Financial Statements	11/13/2018	10	Track and maintain a record of all information system security incidents.	Quarterly updates in process
OIG-F-23-19-01	Audit of NLRB Fiscal Year 2018 Financial Statements	11/13/2018	11	Develop and implement policies and procedures to review the SOC1 reports annually.	Quarterly updates in process
OIG-F-23-19-01	Audit of NLRB Fiscal Year 2018 Financial Statements	11/13/2018	12	Identify controls that are not covered by the SOC1 report for OFF and FPPS and ensure they are assessed at least annually.	Quarterly updates in process
OIG-F-23-19-01	Audit of NLRB Fiscal Year 2018 Financial Statements	11/13/2018	13	Establish controls to monitor or track the status of vulnerabilities identified.	Quarterly updates in process
OIG-F-23-19-01	Audit of NLRB Fiscal Year 2018 Financial Statements	11/13/2018	14	Establish or modify the policy for how timely deficiencies (high, medium, low) need to be remediated. Best practices across other agencies remediate high vulnerabilities within	Quarterly updates in process

<b>Audit Number</b>	<b>Audit Title</b>	<b>Report Date</b>	<b>Rec #</b>	<b>Recommendation</b>	<b>Status</b>
				one business day and medium vulnerabilities within 3-5 business days; therefore, NLRB should follow best practices.	
OIG-F-23-19-01 (ML)	Audit of NLRB Fiscal Year 2018 Financial Statements – Management Letter	1/8/2019	1	Revise the Rules of Behavior to include social media, networking sites, posting on commercial websites and sharing of data.	Quarterly updates in process
OIG-F-23-19-01 (ML)	Audit of NLRB Fiscal Year 2018 Financial Statements – Management Letter	1/8/2019	2	Ensure all employees and contractors sign the latest revised Rules of Behavior as evidence of their acceptance.	Quarterly updates in process
OIG-F-23-19-01 (ML)	Audit of NLRB Fiscal Year 2018 Financial Statements – Management Letter	1/8/2019	3	Update and include recognizing and reporting potential indicators of insider threats in the security awareness training.	Quarterly updates in process
OIG-F-23-19-01 (ML)	Audit of NLRB Fiscal Year 2018 Financial Statements – Management Letter	1/8/2019	4	Create and document a baseline configuration for at least the last two baselines. Additionally, ensure that those baselines are periodically reviewed for completeness and accuracy.	Quarterly updates in process
OIG-F-23-19-01 (ML)	Audit of NLRB Fiscal Year 2018 Financial Statements – Management Letter	1/8/2019	5	Develop a detailed Configuration Management Plan to include items such as the types of changes, approval process, testing procedures/process, and proper migration of the change to the production environment, etc.	Quarterly updates in process
OIG-F-23-19-01 (ML)	Audit of NLRB Fiscal Year 2018 Financial	1/8/2019	6	Ensure that the latest list representing the information system	Quarterly updates in process

Audit Number	Audit Title	Report Date	Rec #	Recommendation	Status
	Statements – Management Letter			component inventory includes elements such as hardware inventory specifications (manufacturer, device type, model, serial number, and physical location), software license information, software version numbers, component owners, etc.	
OIG-F-23-19-01 (ML)	Audit of NLRB Fiscal Year 2018 Financial Statements – Management Letter	1/8/2019	7	Ensure that backups are tested and documented at least annually.	Quarterly updates in process
OIG-F-23-19-01 (ML)	Audit of NLRB Fiscal Year 2018 Financial Statements – Management Letter	1/8/2019	8	Schedule future maintenance and perform them according to the schedule.	Quarterly updates in process

## Appendix 2 NLRB FY2019-FY2022 Strategic Plan



**PROTECTING WORKPLACE  
DEMOCRACY**

***STRATEGIC PLAN***

**FY 2019— FY 2022**

GOVERNMENT PERFORMANCE and RESULTS ACT (GPRAMA) of 2010

## **I. MESSAGE FROM THE CHAIRMAN AND GENERAL COUNSEL**

On behalf of the National Labor Relations Board, we are pleased to present the NLRB's Strategic Plan for Fiscal Years 2019-2022. This strategic plan includes the NLRB's strategic goals, objectives, initiatives, strategies and associated performance measures for managing operations and assessing the NLRB's achievements.

The NLRB is an independent federal agency established in 1935 to promote workplace democracy and, in the words of President Franklin Delano Roosevelt, "to foster the development of the employee contract on a sound and equitable basis ." For more than 80 years, the NLRB has been at the forefront of the effort to promote and protect the rights and obligations of employees, unions, and employers under the National Labor Relations Act. This Strategic Plan will permit the NLRB to continue to adopt best practices for long-range planning.

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

Dated November 27, 2018

John Ring  
Chairman

Peter Robb  
General Counsel



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

<b>FISCAL YEAR 2018 INFORMATION **</b>	
Established:	1935
Number of Employees:	Approximately 1,327
<b>Overall Case Intake:</b>	
Unfair Labor Practice Cases:	18,870
Representation Cases:	2,090
Public Inquiries:	51,613
Toll Free Phone Inquiries:	25,171
** As of 9/30/2018	
<b>NLRB MISSION</b>	
<p>Protecting workplace democracy by promoting and enforcing the rights and obligations of employees, unions and employers under the National Labor Relations Act, in order to promote commerce and strengthen the Nation's economy.</p>	
<b>NLRB VISION</b>	
<p>Achieving our mission through efficient stewardship of resources and creation of a highly motivated, productive, talented and diverse workforce.</p>	
<b>STRATEGIC GOALS</b>	
<ol style="list-style-type: none"> <li>1. Promptly resolve labor disputes affecting commerce by fairly and efficiently investigating, settling, processing and adjudicating unfair labor practices under the National Labor Relations Act.</li> <li>2. Promptly and fairly resolve all questions concerning representation of employees.</li> <li>3. Achieve organizational excellence and productivity in the public interest.</li> <li>4. Manage agency resources in a manner that instills public trust.</li> </ol>	

### **III. ORGANIZATIONAL DISCUSSION/OVERVIEW**

The National Labor Relations Board (NLRB) is an independent federal agency created in 1935 to administer and enforce the National Labor Relations Act (NLRA). The NLRA is the primary federal statute governing the labor relations of employees and employers in the private sector. The NLRA protects the right of employees to choose for themselves without interference by employers or unions whether or not to form, join, assist or bargain through a labor organization to join together to improve, or bargain concerning their working conditions, or to refrain from such activity. The NLRB seeks to promote commerce and strengthen the Nation's economy by eliminating certain unfair labor practices on the part of employers and unions.

The NLRB has two primary functions:

- To investigate and resolve (through settlement, prosecution or dismissal) allegations of statutorily defined unfair labor practices by employers and unions; and
- To investigate and resolve questions concerning representation by conducting secret-ballot elections among employees in an appropriate unit to determine whether or not the employees wish to be represented by a union.

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

Top Agency leadership consists of the five Board Members and the General Counsel, each of whom is appointed by the President with the advice and consent of the Senate. The President designates one of the five Board Members as Chairman. Day-to-day management of the Agency is divided between the Chairman, the full Board, and the General Counsel. Board members serve staggered five-year terms and the General Counsel serves a term of four years from commission. The NLRA assigns separate and independent responsibilities to the Board and the General Counsel. The General Counsel's role is administrative and prosecutorial.

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

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

The Board and the General Counsel maintain a headquarters in Washington, D.C., and the Agency also maintains a network of Field offices and three satellite offices of administrative law judges. Approximately 70 percent of the Agency's staff is employed in the field, where all unfair labor practice charges and representation petitions are initiated. Currently, the Field offices include 26 Regional Offices, 9 Sub-Regional Offices, and 13 Resident Offices.

## IV. STRATEGIC FIVE-YEAR GOALS

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

### **GOAL # 1 (MISSION): PROMPTLY AND FAIRLY RESOLVE THROUGH INVESTIGATION, SETTLEMENT OR PROSECUTION, UNFAIR LABOR PRACTICES UNDER THE NATIONAL LABOR RELATIONS ACT**

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

*Initiative 1:* Achieve a collective 20% increase in timeliness of case processing under established performance measures for the resolution of all meritorious unfair labor practice charges.

**Measure 1:** Realize a 5% annual decrease in the average time required to resolve meritorious unfair labor practice charges through adjusted withdrawal, adjusted dismissal, settlement or issuance of complaint.

**Measure 2:** Realize a 5% annual decrease in the average time between issuance of complaint and settlement by administrative law judge or issuance of administrative law judge decision.

**Measure 3:** Realize a 5% annual decrease in the average time between issuance of an administrative law judge decision and a Board order.

**Measure 4:** Realize a 5% annual decrease in the average time between issuance of a Board order and the closing of the case.

*Initiative 2:* Achieve enhanced performance for the resolution of all unfair labor practice charges.

**Measure 1:** Realize a 5% annual decrease in the average time required to resolve unfair labor practice charges through withdrawal, dismissal, settlement or issuance of complaint.

**Measure 2:** Realize a 5% annual decrease in the average time between issuance of complaint and settlement by administrative law judge or issuance of administrative law judge decision.

**Measure 3:** Realize a 5% annual decrease in the average time between issuance of an administrative law judge decision and a Board order.

**Measure 4:** Realize a 5% annual decrease in the average time between issuance of a Board order and the closing of the case.

***Initiative 3: Ensure that all matters before the Agency are handled in a fair and consistent manner.***

**Measure 1:** Ensure that Regional case processing procedures evolve with the Agency's strategic goals and technological advancements.

**Management Strategies:**

- Continually review staff suggestions for improvement and modify case processing procedures to ensure more timely and efficient resolution of cases.

**Measure 2:** Conduct annual quality reviews of Regional unfair labor practice case files and institute modifications to case processing as appropriate.

**Management Strategies:**

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

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

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

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

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

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

**Measure 1:** Ensure that Regional case processing procedures evolve with the Agency's strategic goals and technological advancements.

### **Management Strategies:**

Continually review staff suggestions for improvement and modify case processing procedures to ensure more timely and efficient resolution of cases.

**Measure 2:** Conduct annual quality reviews of Regional representation case files and institute modifications to case processing as appropriate.

### **Management Strategies:**

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

## **GOAL # 3 (SUPPORT): ACHIEVE ORGANIZATIONAL EXCELLENCE AND PRODUCTIVITY IN THE PUBLIC INTEREST**

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

**Initiative 1:** Invest in and value all employees through professional development, workplace flexibilities, fair treatment, and recognition of performance in the public interest.

### **Management Strategies:**

- Maintain a current human capital plan that includes human capital goals, objectives, and strategies and a workforce plan that is consistent with the Human Capital Assessment and Accountability Framework (HCAAF) of the Office of Personnel Management (OPM).
- Ensure that the Agency's performance management system is results-oriented and aligned with the Agency's goals and objectives as to quality and productivity.
- Demonstrate significant improvement in OPM's assessment of the Agency's performance management system.
- Ensure that managers collaborate with the Agency's employees and unions to implement Agency policies and collective bargaining agreements that balance performance, productivity and workplace flexibilities.
- Reduce the number of pending background investigations.
- Enhance employee development and learning opportunities through Skillport, West Legal Ed, Training Tuesdays, and other on-line and blended media.
- Develop Individual Development Plans for training and succession planning.
- Identify, through updating the workforce plan, core competencies for managers and actions

necessary to close skill gaps as required by OPM.

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

**Management Strategies:**

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

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

**Initiative 1:** Improve employee satisfaction and employee engagement.

**Management Strategies:**

- Strive to achieve improved internal communications.
- Identify and implement strategies to increase the number of employees who respond to the Federal Employee Viewpoint Survey.
- Develop a collaborative program to encourage employee creativity and innovation, including the Agency’s suggestion program.
- Enhance internal and external recognition programs to acknowledge employee contributions (for example: Honorary Awards).

**Initiative 2:** Ensure that employees understand the Agency’s mission and how they contribute to its accomplishments.

**Management Strategies:**

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

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

## Management Strategies:

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

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

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

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

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

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

## Management Strategies:

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

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

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

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

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

### **Management Strategies:**

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

**Initiative 3:** Effective management of fiscal resources.

**Measure 1:** Develop and/or support the development of the Agency's budget.

**Measure 2:** Produce financial reports as required by OMB, Treasury, and Congress.

**Measure 3:** Conduct quarterly Program Management reviews on requirements development and execution to ensure programs stay on time and on budget.

**Measure 4:** Monitor unliquidated obligations quarterly for current year execution and re-allocate to other unfunded mission requirements.

**Measure 5:** Increase the use of strategic sourcing, purchase card program, and in sourcing to minimize waste and abuse. Continue to support minority business enterprises for contract awards.

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

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



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

*Initiative 1:* Enhance Agency's Outreach Program.

### **Management Strategies:**

- Employ further non-traditional outreach to the following populations:
  - Unrepresented employees
  - Unions, Small Business Owners
- Engage with organizations, such as those listed below, to better educate workers and employers:
  - Joint outreach with sister agencies
  - Memorandums of Understanding (MOU) with other agencies related to co-extensive investigations

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

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

**Measure 1:** Involve Agency leadership in promoting visibility and commitment to the NLRB Ethics Program.

**Measure 2:** Increase employee awareness of ethics responsibilities by maintaining an education program that reaches all NLRB employees at all levels and uses internet technology to expand access to program materials.

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

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

**Measure 5:** Use technology to improve financial disclosure reporting and review process.

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

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

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

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

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

**Measure 1:** Respond to at least 60% of initial FOIA requests within 20 working days.

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

**Measure 3:** Respond to at least 95% of statutory appeals within 20 working days.

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

## **V. EXTERNAL FACTORS AFFECTING ACHIEVEMENT OF STRATEGIC PLAN**

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

### **BUDGET**

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

### **CASE INTAKE**

While the Agency projects caseload based on known factors and recent history, it cannot control the number of cases filed. Public perceptions about unionization and the role of the Agency, employment trends, stakeholder strategies, globalization of the economy, industrial economic trends, corporate reorganizations and the level of labor-management cooperation efforts can all have an impact on case intake and the complexity of the work. Difficult issues can arise when companies relocate or close, dissipate or hide assets, file for bankruptcy, reorganize or operate through a different corporate entity. Based on historical data, it is projected that overall case intake will reduce by between 500 and 1,000 cases in FY2019.

### **SETTLEMENTS**

While the Agency has experienced outstanding success in achieving voluntary resolutions of representation and ULP cases, it will make early settlement of cases more of a priority. It is estimated that a one percent drop in the settlement rate will cost the Agency more than \$2 million as the process becomes formal and litigation takes over. Accordingly, factors affecting the Agency's ability to settle cases may directly affect its budgetary and performance goals and will be closely monitored.

## **VI. PROGRAM EVALUATION**

It is difficult for an Agency such as the NLRB to measure “outcomes” in the sense intended by the authors of the Government Performance and Results Act. In the representation case area, the Agency does not control or seek to influence the results of elections but strives instead to ensure the rights of employees to freely and democratically determine, through a secret ballot election, whether or not they wish to be represented by a labor organization. In the unfair labor practice area, the aim of the Agency is to timely address and resolve charges that represent industrial strife and unrest that burdens the free flow of commerce. An indicator of success in the achievement of these aims is timeliness and quality of case processing, from the filing of a representation case petition or unfair labor practice charge to the closing of the case.

The NLRB uses various techniques and mechanisms to evaluate whether programs are achieving their GPRA goals and other performance targets. The Board monitors the status of all of its cases to determine performance against yearly targets that support the Agency’s overarching measures and strategic goals. A committee composed of senior management officials, including the deputy chief counsels of each of the Board Members, meets at the beginning of each month to review the status of cases, to prioritize cases, and to develop lists of cases that the Board Members will jointly focus on each week in order to facilitate the issuance of decisions in those cases. These representatives also report back to the Board Members on performance data and staff workload, among other issues. The Board has an electronic casehandling management system that captures all case events in a database from which case production reports are generated. The Board Members also regularly meet and communicate with each other to discuss cases.

Further, the General Counsel has an evaluation program to assess the performance of its Regional operations. The Quality Review Program of the Division of Operations-Management reviews unfair labor practice, representation, and compliance case files annually to ensure that they are processed in accordance with substantive and procedural requirements and that the General Counsel’s policies are implemented appropriately. Those reviews have assessed, among other things, the quality and completeness of the investigative file, the implementation of the General Counsel’s priorities, and compliance with Agency decisions. Additionally, complaints and Administrative Law Judges’ and Board decisions that constitute significant losses are reviewed to ensure quality casehandling, and the litigation success rate before the Board and before district courts with regard to injunction litigation is monitored. Further, Regional site visits are conducted during which Regional casehandling and administrative procedures are evaluated, and Regional Offices’ performance in implementing the General Counsel’s priorities is incorporated into the Regional Directors’ annual performance appraisals. Finally, the Division of Operations-Management periodically issues case processing suggestions based on feedback and recommendations from the field and headquarters staff of the Agency.

In addition to the Division of Operations-Management’s regular review of case decisions to determine the quality of litigation, other branches and offices, such as the Office of Appeals, Division of Advice, Contempt, Compliance and Special Litigation Branch, and Office of Representation Appeals, provide valuable insight and constructive feedback on the performance and contributions of field offices. Top Agency management also meets regularly with practice and procedure committees of the American Bar Association and with organizations representing

various labor employers or other third-party interests, to obtain feedback on their members' experiences when practicing before the NLRB.

## **VII. OFFICE OF INSPECTOR GENERAL STRATEGIC PLAN**

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

### **OBJECTIVES**

1. Conduct timely audits and inspections of the issues, programs and operations of most importance to the Agency.
2. Achieve positive change by presenting findings, identifying causes of identified and/or 2 problems, and making recommendations that are useful to the Agency.

### **STRATEGIES**

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

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

### **OBJECTIVES**

1. Evaluate all referrals to the OIG in an objective, timely, and lawful manner.
2. Conduct investigations in a thorough, efficient, timely, and lawful manner.
3. Monitor referrals under investigation by other offices where appropriate action is taken.

### **STRATEGIES**

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

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

**OBJECTIVES**

1. Keep the Chairman, General Counsel, Board, and Congress informed of program or operational vulnerabilities and significant issues.
2. Operate in a manner that demonstrates values such as fairness, courtesy, professionalism, empathy, openness, access, and a willingness to listen.

**STRATEGIES**

- Issue semiannual reports by April 30 and October 31 each year.
- Participate in CIGIE projects to improve financial and program operations.

## **APPENDIX**

The appendix provides additional information regarding Agency performance measures, outlines of the types of cases arising under the Labor Management Relations Act, the basic procedures in the processing of cases within the Agency and overviews of each strategic goal.

## Appendix

### PERFORMANCE MEASURES

In support of our mission-related goals, objectives, and initiatives, the Agency has a long, successful history of performance measurement focusing on timeliness and effectiveness in our case handling process timeliness, because we firmly believe that "justice delayed is justice denied," and effectiveness, because we strive to give customers a response that provides a thorough and reasoned solution to the issue(s) presented.

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

**GOAL 1, Objective 1, Initiative 1:** Achieve a cumulative 20% increase in timeliness of case processing under established performance measures for the resolution of all meritorious unfair labor practice charges over the next 5 years.

**Measure 1:** Realize a 5% annual decrease in the average time to resolve meritorious unfair labor practice charges by adjusted withdrawal, adjusted dismissal, deferral or settlement or issuance of complaint.

<b>Baseline:</b>	FY 2018	106 days
<b>Long-term target:</b>	FY 2022	85 days
<b>Annual targets:</b>	FY 2019	101 days
	FY 2020	95 days
	FY 2021	90 days
	FY 2022	85 days

**Measure 2:** Realize a 5% annual decrease in the average time between issuance of complaint and settlement by administrative law judge or issuance of administrative law judge decision.

<b>Baseline:</b>	FY 2018	242 days
<b>Long-term target:</b>	FY 2022	194 days
<b>Annual targets:</b>	FY 2019	230 days
	FY 2020	218 days
	FY 2021	206 days
	FY 2022	194 days

**Measure 3:** Realize a 5% annual decrease in the average time between issuance of an administrative law judge decision and a Board order.

<b>Baseline:</b>	FY 2018	585 days
<b>Long-term target:</b>	FY 2022	468 days
<b>Annual targets:</b>	FY 2019	556 days
	FY 2020	527 days
	FY 2021	497 days
	FY 2022	468 days

**Measure 4:** Realize a 5% annual decrease in the average time between issuance of a Board order and the closing of the case.

<b>Baseline:</b>	FY 2018	648 days
<b>Long-term target:</b>	FY 2022	518 days
<b>Annual targets:</b>	FY 2019	616 days
	FY 2020	583 days
	FY 2021	556 days
	FY 2022	518 days

**GOAL 1, Objective 1, Initiative 2:** Achieve enhanced performance for the resolution of all unfair labor practice charges.

**Measure 1:** Realize a 5% annual decrease in the average time to resolve unfair labor practice charges by withdrawal, dismissal, deferral, settlement, or issuance of complaint.

<b>Baseline:</b>	FY 2018	90 days
<b>Long-term target:</b>	FY 2022	72 days
<b>Annual targets:</b>	FY 2019	86 days
	FY 2020	81 days
	FY 2021	77 days
	FY 2022	72 days



**Measure 2:** Realize a 5% annual decrease in the average time between issuance of complaint and settlement by administrative law judge or issuance of administrative law judge decision.

<b>Baseline:</b>	FY 2018	242 days
<b>Long-term target:</b>	FY 2022	194 days
<b>Annual targets:</b>	FY 2019	230 days
	FY 2020	218 days
	FY 2021	206 days
	FY 2022	194 days

**Measure 3:** Realize a 5% annual decrease in the average time between issuance of an administrative law judge decision and a Board order.

<b>Baseline:</b>	FY 2018	585
<b>Long-term target:</b>	FY 2022	468
<b>Annual targets:</b>	FY 2019	556
	FY 2020	527
	FY 2021	497
	FY 2022	468

**Measure 4:** Realize a 5% annual decrease in the average time between issuance of a Board order and the closing of the case.

<b>Baseline:</b>	FY 2018	648 days
<b>Long-term target:</b>	FY 2022	518 days
<b>Annual targets:</b>	FY 2019	616 days
	FY 2020	583 days
	FY 2021	551 days
	FY 2022	518 days

**Goal 1, Initiative 3:** This initiative consists of management strategies that are not measured by performance; they will be measured by actions and reflected in the Agency Performance Management System. See management strategies on page 5 for Goal 1, Initiative 3.

**Definitions:**

*Resolve* -- The ULP case has been finally processed. The issues raised by the charging party's charge have been answered and where appropriate, remedied. There is no further Agency action to be taken.

**GOAL 2, Objective 1, Initiative 1:** Achieve established performance measures for the timely resolution of all questions concerning representation of employees.

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

<b>Baseline:</b>		85.9%
<b>Long-term target:</b>	FY 2022	85.9%
<b>Annual targets:</b>	FY 2019	85.8%
	FY 2020	85.8%
	FY 2021	85.9%
	FY 2022	85.9%

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

**Definitions:**

*Resolve* -- When a case has been finally processed with no further rights of appeal or administrative action required. The question as to whether or not the labor organization will represent the employees has been finally resolved. Representation cases are resolved in a number of ways:

- Cases may be dismissed before an election is scheduled or conducted. Dismissals at an early stage in the processing may be based on a variety of reasons, for example, the employer not meeting our jurisdictional standards, the petitioner's failure to provide an adequate showing of interest to support the petition and/or the petition being filed in an untimely manner.
- Cases may also be withdrawn by the petitioner for a variety of reasons including lack of support among the bargaining unit and/or failure to provide an adequate showing of interest.
- The majority of cases are resolved upon either a certification of representative (the union prevails in the election) or a certification of results (the union loses the election).

- In a small percentage of cases there are post-election challenges or objections to the election. These cases are not considered resolved until the challenges and/or objections have been investigated either administratively or by a hearing and a report that has been adopted by the Board.

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

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

**GOAL 4, Objective 1, Initiative 1:**

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

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

**Goal 4, Objective 1, Initiative 2:**

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

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

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

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

**Measure 1:** Produce annual budget with the input of Program areas.

**Measure 2:** Produce financial reports as required by OMB, Treasury, and Congress. (Y, N)

**Measure 3:** Conducted quarterly Program Management reviews on requirements development and execution to ensure programs stay on time and on budget. (Y, N)

**Measure 4:** Monitor unliquidated obligations quarterly for current year execution and re-allocate to other unfunded mission requirements. (Y, N)

**Measure 5:** Increase the use of strategic sourcing, purchase card program, and in sourcing to minimize waste and abuse. Continue to support minority business enterprises for contract awards. (Y, N)

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

**Goal 4, Objective 3, Initiative 1:**

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

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

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

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

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

**Goal 4, Objective 3, Initiative 2:**

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

**Goal 4, Objective 3, Initiative 3:**

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

**Goal 4, Objective 3, Initiative 4:**

**Measure 1:** Respond to at least 65% of initial FOIA requests within 20 working days (Y, N)

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

**Measure 3:** Respond to at least 95% statutory appeals within 20 working days (Y, N)

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