

**Government Performance and Results Act of 1993**

***STRATEGIC PLAN***  
***FISCAL YEARS 2000 - 2006***



*SEPTEMBER 2000*

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## I. INTRODUCTION

The Agency's presidential appointees and top managers held a two-day strategic planning retreat in January 2000 to re-examine the intent of the Government Performance and Results Act. This conference fostered a greater appreciation for the evolutionary process related to the preparation of both the Strategic Plan and the Annual Performance Plans. It has given the Agency a better understanding of the changes needed for this strategic plan covering fiscal years 2000-2006.

Our current strategic goals are mission-oriented and have been reduced from four (as presented in the FY 1997-2002 Strategic Plan) to two. The two goals relate to the processing of representation and unfair labor practice cases. Two former strategic goals that were not specifically mission focused, pertaining to training and information technology, are no longer general goals, but have been incorporated into Goals 1 and 2 of the current Plan as integral strategies to help improve the Agency's performance in these areas.

We have set agency-wide goals and strategic initiatives rather than the "Board goals" and "General Counsel goals" in our previous plan. In doing so, however, both the Board and the General Counsel have carefully observed their statutory separation of powers. The performance measures are generally more ambitious and we have set interim targets in order to reach the long-term six-year goals. The objectives are now linked to measurable performance goals and indicators.

The strategic goals, objectives, and strategies for the Office of the Inspector General (OIG) have been incorporated into the Agency's plan in Chapter X. Performance results will be reported in the OIG semiannual reports.

From the strategic planning retreat came a vision of where this Agency would like to be in FY 2006. In six years, the employees of this Agency expect to be looking back at a period of extraordinary achievement related directly to customer service – specifically speed and quality. Aggressive performance goals have been established in each of these areas to ensure that not only has the backlog of cases been reduced dramatically, but the quality of casehandling has improved simultaneously. Specific initiatives relating to handling cases in a timely fashion may be found in Chapter IV of this document. Plans for refining and expanding the Agency's quality review processes may be found in Chapter IX.

## II. MISSION STATEMENT

The National Labor Relations Board (NLRB) is an independent administrative federal agency created by Congress in 1935 to administer and enforce the

National Labor Relations Act (NLRA), which is the primary federal statute governing labor relations in the private sector.<sup>1</sup> The Act embodies a bill of rights, which establishes freedom of association for the purposes of participating in the practice and procedure of collective bargaining. It defines and protects the rights of employees, unions and employers, and seeks to eliminate certain unfair labor practices on the part of employers and unions so as to promote commerce and strengthen the Nation's economy. Under the Act, the NLRB has two primary functions: (1) to conduct secret-ballot elections among employees to determine whether the employees wish to be represented by a union; and (2) to prevent and remedy statutorily defined unfair labor practices by employers and unions<sup>2</sup>. The mission of the Agency is to carry out these statutory responsibilities as efficiently as possible, in a manner that gives full effect to the rights afforded to employees and employers under the Act.

### III. AGENCY STRUCTURE AND FUNCTIONS

The National Labor Relations Board's two principal functions, as reflected in our mission statement and general strategic goals, are to conduct secret-ballot elections among employees to determine whether the employees wish to be represented by a union, and to prevent and remedy unfair labor practices by employers and unions. In an unusual structure among Executive Branch agencies, the NLRB's authority does not reside in one central position. Rather, our authority is divided by law and by delegation between the five-member "Board" and the General Counsel, all of whom are appointed by the President, subject to confirmation by the Senate. This statutorily mandated division of authority results in the Board and the General Counsel having different and separate roles in many of our legal proceedings.

#### Representation Proceedings

Representation cases are initiated by the filing of a petition -- by an employee, a group of employees, an individual or a labor organization acting on their behalf, or an employer -- requesting an election to determine whether a union represents a majority of the employees in an appropriate bargaining unit and therefore should be certified as such. The role of the Agency in such cases is to investigate the petition and, if necessary, to conduct a hearing to determine such questions as whether the employees constitute an appropriate bargaining unit under the Act and, if so, which employees are to be included in the unit and therefore eligible to vote; to conduct the election if an election

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<sup>1</sup> Major amendments to the Act were enacted in 1947 (the Taft-Hartley Amendments) and in 1959 (the Landrum-Griffin Amendments).

<sup>2</sup> See the Attachments for further information on cases handled by the Agency.

is determined to be warranted; to hear and decide any post-election objections to the conduct of the election; and, if the election is determined to have been fairly conducted, to certify its results.

### **Unfair Labor Practice Proceedings**

In contrast to representation proceedings, unfair labor practices are remedied under the Act through adjudicatory procedures in which the Board and the General Counsel have independent functions. The General Counsel has the sole responsibility for investigating charges of unfair labor practice, deciding whether to issue complaints with respect to such charges, and prosecuting these complaints before the Board. The Board, in turn, acts as a quasi-judicial body, independent of the General Counsel, in deciding unfair labor practice cases. These cases come to the Board on appeal from administrative law judge decisions, which are issued following hearings when a complaint is not settled.

### **Administrative Functions**

Section 3(d) of the Act assigns to the General Counsel general supervision over all attorneys employed by the Agency, with the exception of the administrative law judges, who are under the general supervision of the Board, and the attorneys who serve as counsel to the Board Members. The Board has also delegated to the General Counsel general supervision over the administrative functions of the Agency (such as purchasing, personnel, budgeting, finance, information technology, and the leasing of office space) and over the officers and employees in the regional offices. Those supervised by the General Counsel, either through statutory assignment or delegation of authority from the Board, represent approximately 90% of the Agency's workforce.

### **Current Case Processing Environment**

Under the statutory scheme set out in the Act, the Agency does not initiate cases on its own. All charges and petitions are filed voluntarily by individuals, employers or unions. The Agency receives approximately 170,000 inquiries from the public per year. Through the Information Officer program, the Agency attempts to screen out matters that are best resolved in other forums or which do not fall within its jurisdiction. About 95% (or 162,000 inquiries) of these public inquiries are screened out in this fashion.

Approximately 25,000 other cases are filed without Information Officer assistance each year. The total number of cases filed thus approximates

33,000 cases per year, of which approximately 28,000 are unfair labor practices and 5,000 are representation petitions.

In unfair labor practice cases, the merit factor (the percentage of cases in which the General Counsel as independent prosecutor concludes that there is sufficient evidence to warrant issuance of a complaint) has consistently been in the mid-30 percentile. Thus, over 65% of the unfair labor practice charges are dismissed or withdrawn after investigation because it is concluded that they are not worthy of prosecution. A dismissal is the final resolution of the case and is, in and of itself, the resolution of a labor dispute by a government agency. Only 5 - 10% of the meritorious charges are litigated; the vast majority are resolved through the Agency's settlement program.

In the area of representation cases, the Agency has maintained for many years a voluntary election agreement rate of over 85%. That is, over 85% of the cases proceed to election without a pre-election hearing because the Agency is able to negotiate a voluntary agreement between the parties for the conduct of the election. In addition, in over 90% of cases the election itself resolves the representation question. Objections or challenges to the election are filed in only 7% - 10% of the cases and in only 13% of this last group of cases does the Agency find that objectionable conduct warrants holding a rerun election.

#### **IV. STRATEGIC INITIATIVES**

The Agency's core function is to process cases, and most of our case processing procedures have been laid out in the Act or in our rules and regulations for many years. Working within these limitations, we have developed several strategic initiatives to reduce case processing time and focus attention on quality.

Impact Analysis - This prioritization system provides an analytical framework for classifying cases pending before the General Counsel so as to differentiate among them in determining the resources and urgency to be assigned to each case. It requires that all incoming cases at the field level be assessed in terms of their impact on the public and their significance to the achievement of the Agency's mission. "Category III" cases are of the highest priority, with the shortest processing time target. These may be cases where the alleged unlawful activity is having a demonstrable impact on the general public through disruptions of business activities. Similarly, charges that could significantly affect many employees, or most of the employees in a small complement, are also prioritized as "Category III." As indicated, these Category III cases are to be handled most promptly and have all necessary resources assigned to that processing. Depending on their relative impact,

other cases are placed in "Category II" or "Category I," with longer processing times.

R Case Triage - In a strategy similar to Impact Analysis, representation appeals cases pending before the Board are categorized, prior to assignment, according to the complexity of the issues and fact patterns. The most complex "Category III" cases still receive the traditional, lengthy written analysis due to the legal issues involved. However, in "Category I and II" cases, involving more routine factual patterns and settled Board precedent, the written legal analysis is substantially reduced from the pre-triage approach, increasing the overall speed of representation appeal processing.

Information Dissemination - Our information dissemination effort has two components, the Information Officer Program and the Public Information Program. In the Information Officer Program, trained professional employees respond to inquiries from the public, providing guidance, facts and clarification about the Board's jurisdiction and many other NLRA-related matters, such as when and how to file a representation petition. This program has also been effective in screening out charges that obviously do not belong in the Board's case handling system, before they are filed. Information Officers refer inquiring parties to an appropriate state or Federal agency if there is no Board jurisdiction. There were 170,000 inquiries to Information Officers in FY 1999.

The Public Information Program provides public education programs and disseminates general NLRA information that may help to prevent potential violations of the NLRA. Our Internet web site features much information that is useful to the public, such as general Agency information, procedural guidance and the full text of recent decisions. Another web site service is the "Help Desk" button, which provides a wide array of referral information electronically. There were about 68,000 instances of Help Desk access in FY 1999. In recent years, the Agency has also made a number of efforts to provide bilingual publications and Internet information. All of our information dissemination programs provide much-needed assistance to the public, and increase the Agency's efficiency by conserving its resources for those cases covered by the Act.

Alternative Decision-Making Procedures - We have instituted several procedures at the Board level in Washington that are specifically aimed at reducing case processing times while still preserving high quality decisions:

"Superpanels" In this procedure, every Wednesday morning, a panel of three Board Members hears oral presentations of cases involving issues that lend themselves to quick resolution, eliminating written analysis by each Board Member's staff and intermediate levels of review. Issues

can be resolved very quickly, sometimes only a few days after an appeal or exceptions are filed. The procedure is most often used to avoid delays in conducting elections and deciding the merits of objections, and sometimes used to decide other types of representation and unfair labor practice cases.

“Speed-team” Subpanels Here, the assigned originating Board Member identifies cases involving straightforward issues which, with the agreement and early involvement of the other two panel members, can be drafted by Board Members’ staff and circulated promptly, without the need for detailed, time-consuming memoranda.

“Super Speed-team” Subpanels This is an expedited procedure used in cases involving very straightforward issues which are highly likely to result in a unanimous vote to short-form adopt the underlying decision of the judge, regional director or hearing officer. Unlike Speed Team processing, under the Super Speed Team procedure no flag is prepared, the draft Board decision is not formally circulated, and the decision usually issues or enters the issuance process the same day the subpanel agenda is scheduled. A “Super Speed Team” case is presented on an expedited basis to each participating Board member by a staff representative, usually with a draft decision submitted to the Board Member for approval. Frequently, the draft is approved by all participating Board Members during the staff presentations of the case, eliminating the need for a formal subpanel agenda meeting.

Settlement judges The Board recently adopted a rule modification that allows the Chief Administrative Law Judge to appoint a “settlement judge” in appropriate cases, to work informally with the parties in an effort to reach a settlement. This process avoids costs to the parties and the public, and the delay required by a formal hearing and possible appeals. If a settlement is not reached informally, the case proceeds to a hearing before an administrative law judge other than the settlement judge.

Reduction of the Board’s backlog - There was an extensive discussion of the undesirable case backlog at our strategic planning retreat. All of the Board Members have renewed their commitment to reducing the backlog of pending cases at the Board to acceptable levels. Buoyed by adequate resources, we have set aggressive interim annual targets as well as long term goals in this area. For representation cases, there will be no cases pending longer than six months by FY 2006. For unfair labor practice cases, there will be no cases pending longer than 12 months by FY 2006 and we will reduce the number of these pending cases from 650 to 250.

## V. MEASURING OUR PERFORMANCE

Performance measures are not a new concept for the Agency. Our system of organization and measurement has been highly regarded for decades and followed by other federal agencies. We have long used performance measures to pursue a dual approach to excellence in customer service. One component is timeliness, which we have consistently emphasized, believing that “justice delayed is justice denied.” We have set time targets for each stage of casehandling. This system has been a most effective means of ensuring a high level of responsiveness to the public as well as efficiency within our organization.

We have also aimed to maintain the highest standards of fairness, quality and effectiveness, in order to give customers a response they can trust. We have had systems in place for many years to evaluate the quality of casehandling work. For example, the Division of Operations-Management, which reviews the quality of cases processed by regional offices, has an effective quality control program from which management can take steps to ensure that casehandling standards are being followed. This task of combining timeliness with fairness and quality is one of the main challenges faced by the Agency, as reflected in our general goals.

## VI. GOALS AND OBJECTIVES

**GOAL #1:** Resolve all questions concerning representation impartially and promptly.

**OBJECTIVES:**

- A. Encourage voluntary election agreements by conducting an effective stipulation program.
- B. Conduct elections promptly.
- C. Issue all representation decisions in a timely manner.
- D. Afford due process under the law to all the parties involved in questions concerning union representation

**STRATEGIES:**

1. Give priority in timing and resource allocation to the processing of representation cases that implicate the core objectives of the Act and are expected to have the greatest impact on the public.
2. Evaluate the quality of representation casework regularly to provide the best possible service to the public.
3. Give sound and well-supported guidance to the parties, and to the public at large, on all representation issues.
4. Share best practices in representation case processing to assist regions in resolving representation case issues promptly and fairly.
5. Identify and utilize alternative decision-making procedures to expedite Board decisions in representation cases, such as:
  - Hold weekly meetings of panels of Board Members to decide representation case matters.
  - Maximize the use of expedited representation case processing strategies.
  - Hold weekly meetings of Deputy Chief Counsels and their staffs to discuss the status of all pending cases and to identify the proper procedures for the prompt issuance of each representation case.
  - Establish specific representation case production goals as evaluation criteria for all Board staff managers and supervisors.
6. Assure that due process is accorded in representation cases by careful review of Requests for Review, Special Appeals and Hearing Officer Reports, and where appropriate, the records in the cases.
7. Analyze and prioritize the critical skills needs and address these skills needs using a cost effective instructional delivery system that ensures timely access to the needed training in a work environment that encourages employees to effectively utilize their diverse talents in achieving Agency goals.
8. Provide an information technology environment that is mainstream with other federal agencies and the public, and that will provide NLRB

employees with technology tools and access to research and professional information comparable to that available to their private sector counterparts.

**GOAL #2:** Investigate, prosecute and remedy cases of unfair labor practice by employers or unions, or both impartially and promptly.

**OBJECTIVES:**

- A. Conduct thorough unfair labor practice investigations and issue all unfair labor practice decisions in a timely manner.
- B. Give special priority to disputes with the greatest impact on the public and the core objectives of the Act.
- C. Conduct effective settlement programs.
- D. Provide prompt and appropriate remedial relief when violations are found.
- E. Afford due process under the law to all parties involved in unfair labor practice disputes.

**STRATEGIES:**

- 1. Take proactive steps to disseminate information and provide easily accessible facts and information to the public about the Board's jurisdiction in unfair labor practice matters and the rights and obligations of employers, employees, unions, and the Board under the Act.
- 2. Evaluate the quality of unfair labor practice casework regularly to provide the best possible service to the public.
- 3. Utilize impact analysis to provide an analytical framework for classifying unfair labor practice cases in terms of their impact on the public so as to differentiate among them in deciding both the resources and urgency to be assigned to each case.
- 4. Share best practices in the processing of unfair labor practice cases to assist regions in resolving unfair labor practice issues promptly and fairly.
- 5. Emphasize the early identification of remedy and compliance issues and potential compliance problems in merit cases; conduct all phases of

- litigation, including settlement, so as to maximize the likelihood of obtaining a prompt and effective remedy.
6. Utilize injunctive proceedings to provide interim relief where there is a threat of remedial failure.
  7. Emphasize and encourage settlements as a means of promptly resolving unfair labor practice disputes at all stages of the casehandling process.
  8. Identify and utilize alternative decision-making procedures to expedite Board decisions in unfair labor practice cases, such as:
    - Hold weekly meetings of panels of Board Members to decide unfair labor practice case matters.
    - Maximize the use of expedited unfair labor practice case processing strategies.
    - Hold weekly meetings of Deputy Chief Counsels and their staffs to discuss the status of all pending cases and to identify the proper procedures for the prompt issuance of each unfair labor practice case.
    - Establish specific unfair labor practice case production goals as evaluation criteria for all Board staff managers and supervisors.
  9. Analyze and prioritize the critical skills needs and address these skills needs using a cost effective instructional delivery system that ensures timely access to the needed training in a work environment that encourages employees to effectively utilize their diverse talents in achieving Agency goals.
  10. Provide an information technology environment that is mainstream with other federal agencies and the public, and that will provide NLRB employees with technology tools and access to research and professional information comparable to that available to their private sector counterparts.

### **Relationship of Performance Goals to General Goals**

The two goals in our strategic plan represent the core functions of the Agency in enforcing the National Labor Relations Act. These strategic or general goals translate the Agency's mission into major policy directions and are focused on the unique characteristics of the organization. Our functions center around casehandling and will likely remain constant for the foreseeable future. Our

annual performance plans will include specific, measurable performance goals so that we can assess our progress in providing the quickest and best solutions for questions/inquiries brought to the Agency by workers, unions, and employers. Some of the targets will address a discrete step in the casehandling "pipeline," often improving timeliness, while others will concern the overall process, usually working toward improving quality. As we constantly strive to provide our customers with the best possible service, many of the performance measures will present interim annual targets as well as longer-range targets.

## **VII. MEANS AND STRATEGIES**

The highest priority issues in this Agency relate to the quality and timeliness of casehandling. Special strategic initiatives have been implemented to address both of these issues and a more complete discussion of this may be found in Chapter IV, "Strategic Initiatives." The success of these initiatives and our other performance goals depends greatly on the Agency receiving funding at relatively consistent levels over the next six years. This will allow the Agency to maintain staffing levels, provide its employees with the work environment, training and technology necessary to ensure the quality of work product and give the Agency the opportunity to attract new employees as long-time employees retire. Clearly, significant decreases in funding levels over the next six years will affect our ability to accomplish these strategic initiatives.

The goals and objectives for the strategic plan for FY2000– FY2006 were developed at a strategic planning retreat attended by all six presidential appointees and all senior management staff. Assignments of responsibility for the various objectives and reporting thereon were assigned at this retreat. Subsequent to reaching consensus on the issues, drafts of the proposed strategic plan were circulated for comment among all attendees and the next level of management staff. The Agency's labor organizations were provided the opportunity to review and comment on the draft strategic plan prior to its submission to OMB and some of their comments were incorporated.

To communicate our goals and objectives throughout the Agency and to the public, our strategic plan is posted on the NLRB web site as well as internal electronic bulletin boards.

The NLRB is not experiencing any mission-critical management problems at this point in time.

## **VIII. EXTERNAL FACTORS**

The goals set forth in this strategic plan represent the best efforts of the Agency to plan for the future, using all resources to the maximum and effectuating our goals in as economical manner as possible. The Agency's ability to accomplish the goals is also dependent, in part, upon the continued stability of the economy and the current level of union activity remaining constant.

### **Budget**

Our goals assume full funding in FY2001 as submitted by the President to Congress. As a labor-intensive agency, over 92% of our budget is dedicated to fixed costs, including 77% for salaries. If less than full funding is authorized, it will limit this Agency's ability to produce the results set forth in this plan.

### **Case Intake**

Several factors could inhibit the Agency's ability to accomplish the goals set out in this plan. As noted, the Agency does not in any way control the number of cases filed. Public perceptions about unionization and the role of the Agency, employment trends, stakeholder strategies, the globalization of the economy, industrial economic trends, corporate reorganizations and the level of labor management cooperation efforts can all have an impact on our case intake and the complexity of our work. Difficult issues affecting our ability to achieve full compliance can arise when companies relocate or close, dissipate or hide assets, file for bankruptcy, reorganize or operate through a different corporate entity. An unexpectedly large increase in our intake or in the complexity of issues would likely result in significant delays in processing cases.

### **Settlements**

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

### **Presidential Appointees**

The timely naming of Presidential appointees and their confirmation by the Senate is another factor outside the control of the Agency. This situation, which

can lead to Board Member vacancies for months at a time, impacts the Board's ability to issue decisions. The adverse impact of operating with less than a full Board was fully described in the Congressional hearings conducted by the Government Reform and Oversight Committee where various members of the Committee communicated their understanding of this problem and their frustration with it. While this is not an immediate problem, it is one that is not far off, inasmuch as one Board member's term will expire and another's recess appointment will expire upon the adjournment of the Senate later this year.

### **Legislative Changes**

Any regulatory or statutory changes either in the Act or in the management of the federal government could affect the Agency's ability to meet the goals of this plan.

## **IX. PROGRAM EVALUATION**

The General Counsel established a field labor-management committee in 1994 to evaluate case processing of unfair labor practices. As a result of a yearlong study, the committee developed a case prioritization system which provided those cases having the most substantial impact on the public would receive priority. The committee developed a framework of time targets and alternative investigative techniques for the processing of all cases. As a result of the committee's work, the General Counsel implemented in 1995 the Impact Analysis system for prioritizing; managing and measuring work based on the extent of its impact on the public and our mission. In part, the system was implemented to respond to budgetary constraints which affected the Agency's ability to process all cases in a timely manner. The Impact Analysis field committee has continued to monitor the implementation of the program and is currently considering the impact of an improved budget on the time targets and allowable overage figures for the processing of cases. It is anticipated that the committee will present a report for the General Counsel's consideration in the near future which will recommend adjustments in the program in light of the Agency's renewed ability to hire staff in the field. Adjustments have already been made in the use of alternative investigative techniques, considering our ability to fund the travel necessary for on-site investigations again.

A committee of field managers and employees developed a report of best practices for the processing of unfair labor practice cases to improve the efficiency and quality of the work. The General Counsel issued this report in August 1999. The General Counsel also issued a supplemental report to the

best practices report on the use of alternative investigative techniques in November 1999. Acting on the recommendations of a

separate committee of field managers, the General Counsel disseminated to the field a report on best practices for the handling of major unfair labor practice litigation in November 1999. To address the General Counsel's continued efforts to emphasize and refine the compliance program, a reinvention committee composed of field and headquarters employees issued a report in November 1999 recommending the expanded use of remedial initiatives. The General Counsel issued this report encouraging the use of these remedial tools. The Agency will monitor the field operations to ensure that the ideas and practices encompassed in these memoranda will be utilized whenever appropriate.

In FY 2000 a committee of experts in the area of compliance will develop a best practices report. The General Counsel has also established a subcommittee of the reinvention committee to evaluate existing performance measures and develop baseline data to assess the effect of revisions to the existing measures. The General Counsel has expanded the scope of the Contempt and Compliance Litigation Branch's mission to provide additional technical assistance to regional offices. In conjunction with its work with field offices, this branch provides feedback to the Division of Operations-Management on the quality of work performed, as well as support for the implementation of new initiatives. The Division of Operations-Management in conjunction with the Division of Advice has monitored the effective use of injunctive relief in the field.

The Agency plans to continue to evaluate its programs as it has done for many years. The Division of Operations-Management has in place a Quality Review program for regional offices pursuant to which a sampling of unfair labor practices and representation case files are reviewed on an annual basis to ensure that they are processed in accordance with substantive and procedural requirements and that the General Counsel's policies are appropriately implemented. Those reviews have assessed, among other things, the implementation of the General Counsel's priorities in the areas of representation cases, Impact Analysis, compliance and 10(j). The results of that review are set forth in a written report and are incorporated into each regional director's performance appraisal on an annual basis. The Division of Operations has recently modified the quality review process to add more cases to the review process and to ensure that the review provides the full panoply of cases handled by the regions. Additionally, personnel from the Division of Operations-Management conduct site visits during which they evaluate regional procedures in these areas.

In evaluating the quality of our litigation, the Office of the General Counsel monitors the litigation success rate before the Board and before district courts with regard to injunction litigation. Our success rate before the Board has been in the mid to high 80 percentile. If a field office has a success rate significantly below those standards, the Division of Operations-Management will examine the reasons for the deviation in order to determine whether or not it reflects a decrease in quality. Similarly, the Agency keeps abreast of its success rate before circuit courts of appeals and when the success rate changes significantly, the Agency will analyze the reasons for such changes, in order to ensure quality in its litigation. Other branches and offices, such as the Office of Appeals, Division of Advice, Contempt Litigation and Compliance Branch and Office of Representation Appeals, provide valuable insight and constructive feedback on the performance and contributions of field offices. Finally, the Division of Operations-Management obtains information to assess existing and potentially new programs at management conferences and through periodic and ongoing consultations with field and headquarters employees at all levels.

The Board established a Streamlining Committee to review the effectiveness and efficiency of its procedures, processes and personnel on a regular basis. Members include representatives from the Executive Secretary's Office, Office of the Solicitor, Deputy Chiefs, and representatives from the NLRB Professional Association. The Committee issued a report in February 1999 making over 40 recommendations concerning the streamlining of Board processes. The Board adopted most of these recommendations in April 1999. More than half of the recommendations have been implemented; the Committee is currently developing a timetable to implement the remaining recommendations.

In addition to the above, the Agency may use other internal and external resources, such as consultants, surveys, academic studies, stakeholder contacts and audits, to develop, implement and evaluate programs. We also expect our Inspector General to periodically review Agency programs, including the preparation of strategic planning documents.

## X. OFFICE OF INSPECTOR GENERAL STRATEGIC PLAN

**GOAL #1:** Promote economy, efficiency, and effectiveness in the administration of the Agency's programs and operations.

### OBJECTIVES

- A. Conduct audits and inspections of the issues, programs and operations of most importance to the Agency.
- B. Achieve positive change by presenting findings, identifying causes of reported problems, and making recommendations that are useful to the Agency.
- C. Acquire a staff of independent, competent personnel consistent with professional standards.

### STRATEGIES

- 1. Solicit input from Agency employees to prepare an annual audit work plan.
- 2. Identify ways to improve and strengthen management controls in Agency programs and operations.
- 3. Establish a tracking system that provides data necessary for reporting on audit recommendations.
- 4. Improve quality control of audit and inspection products.
- 5. Establish a recruitment and training program for staff.

**GOAL #2:** Prevent or detect fraud and abuse in the Agency's programs and operations.

### OBJECTIVES

- A. Evaluate all referrals to the OIG in an objective, timely, and lawful manner.
- B. Conduct investigations in a thorough, efficient, timely, and lawful manner.

C. Monitor referrals under investigation by other offices to ensure appropriate action is taken.

### **STRATEGIES**

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

**GOAL #3:** Establish a collaborative relationship with the Congress, the Board and Agency employees to improve Agency operations.

### **OBJECTIVES**

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

### **STRATEGIES**

1. Issue semiannual reports by April 30 and October 31 each year.

2. Participate in ECIE and PCIE projects to improve financial and program operations.
3. Participate in Agency projects or provide technical advice and recommendations as requested.
4. Review and comment on proposed laws and regulations and draft Agency directives.

## **ATTACHMENTS**

These attachments provide, in concise form, outlines of the types of cases arising under the Labor Management Relations Act and the basic procedures in the processing of cases within the Agency.

- A. Explanation of Types of Cases
- B. Procedures in Cases Involving Charges of Unfair Labor Practice
- C. Outline of Representation Procedures under Section 9c

## **ATTACHMENT A**

### ***EXPLANATION OF TYPES OF CASES***

# TYPES OF NLRB CASES

## 1. CHARGES OF UNFAIR LABOR PRACTICES (C CASES)

Charges Against Employer	Charges Against Labor Organization					Charge Against Labor Organization and Employer
Section of the Act <b>CA</b>	Section of the Act <b>CB</b>	Section of the Act <b>CC</b>	Section of the Act <b>CD</b>	Section of the Act <b>CG</b>	Section of the Act <b>CP</b>	Section of the Act <b>CE</b>
<p>8(a)(1) To interfere with, restrain, or coerce employees in exercise of their rights under Section 7 (to join or assist a labor organization or to refrain).</p> <p>8(a)(2) To dominate or interfere with the formation or administration of a labor organization or contribute financial or other support to it.</p> <p>8(a)(3) By discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization.</p> <p>8(a)(4) To discharge or otherwise discriminate against employees because they have given testimony under the Act.</p> <p>8(a)(5) To refuse to bargain collectively with representatives of its employees.</p>	<p>8(b)(1)(A) To restrain or coerce employees in exercise of their rights under Section 7 (to join or assist a labor organization or to refrain).</p> <p>8(b)(1)(B) To restrain or coerce an employer in the selection of its representatives for collective bargaining or adjustment of grievances.</p> <p>8(b)(2) To cause or attempt to cause an employer to discriminate against an employee.</p> <p>8(b)(3) To refuse to bargain collectively with employer.</p> <p>8(b)(5) To require of employees the payment of excessive or discriminatory fees for membership.</p> <p>8(b)(6) To cause or attempt to cause an employer to pay or agree to pay money or other things of value for services which are not performed or not to be performed.</p>	<p>8(b)(4)(i) To engage in, or induce or encourage any individual employed by any person engaged in commerce or in an industry affecting commerce, to engage in a strike, work stoppage, or boycott, or (ii) to threaten, coerce, or restrain any person engaged in commerce or in an industry affecting commerce, where in either case an object is:</p> <p>(A) To force or require any employer or self-employed person to join any labor organization or to enter into any agreement prohibited by Section 8 (e).</p> <p>(B) To force or require any person to cease using, selling, handling, transporting, or otherwise dealing in the products of any other producer, processor, or manufacturer, or to cease doing business with any other person, or force or require any other employer to recognize or bargain with a labor organization as the representative of its employees unless such labor organization has been so certified.</p>	<p>(C) To force or require any employer to recognize or bargain with a particular labor organization as the representative of its employees if another labor organization has been certified as the representative.</p> <p>(D) To force or require any employer to assign particular work to employees in a particular labor organization or in a particular trade, craft, or class rather than to employees in another trade, craft, or class, unless such employer is failing to conform to an appropriate Board order or certification.</p>	<p>8(g) To strike, picket, or otherwise concertedly refuse to work at any health care institution without notifying the institution and the Federal Mediation and Conciliation Service in writing 10 days prior to such action.</p>	<p>8(b)(7) To picket, cause, or threaten the picketing of any employer where an object is to force or require an employer to recognize or bargain with a labor organization as the representative of its employees, or to force or require the employees of an employer to select such labor organization as their collective-bargaining representative, unless such labor organization is currently certified as the representative of such employees:</p> <p>(A) where the employer has lawfully recognized any other labor organization and a question concerning representation may not appropriately be raised under Section 9(c).</p> <p>(B) where within the preceding 12 months a valid election under Section 9(c) has been conducted, or</p> <p>(C) where picketing has been conducted without a petition under Section 9(c) being filed within a reasonable period of time not to exceed 30 days from the commencement of the picketing; except where the picketing is for the purpose of truthfully advising the public (including consumers) that an employer does not employ members of, or have a contract with, a labor organization, and it does not have an effect of interference with deliveries or services.</p>	<p>8(e) To enter into any contract or agreement (any labor organization and any employer) whereby such employer ceases or refrains or agrees to cease or refrain from handling or dealing in any product of any other employer, or to cease doing business with any other person.</p>

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

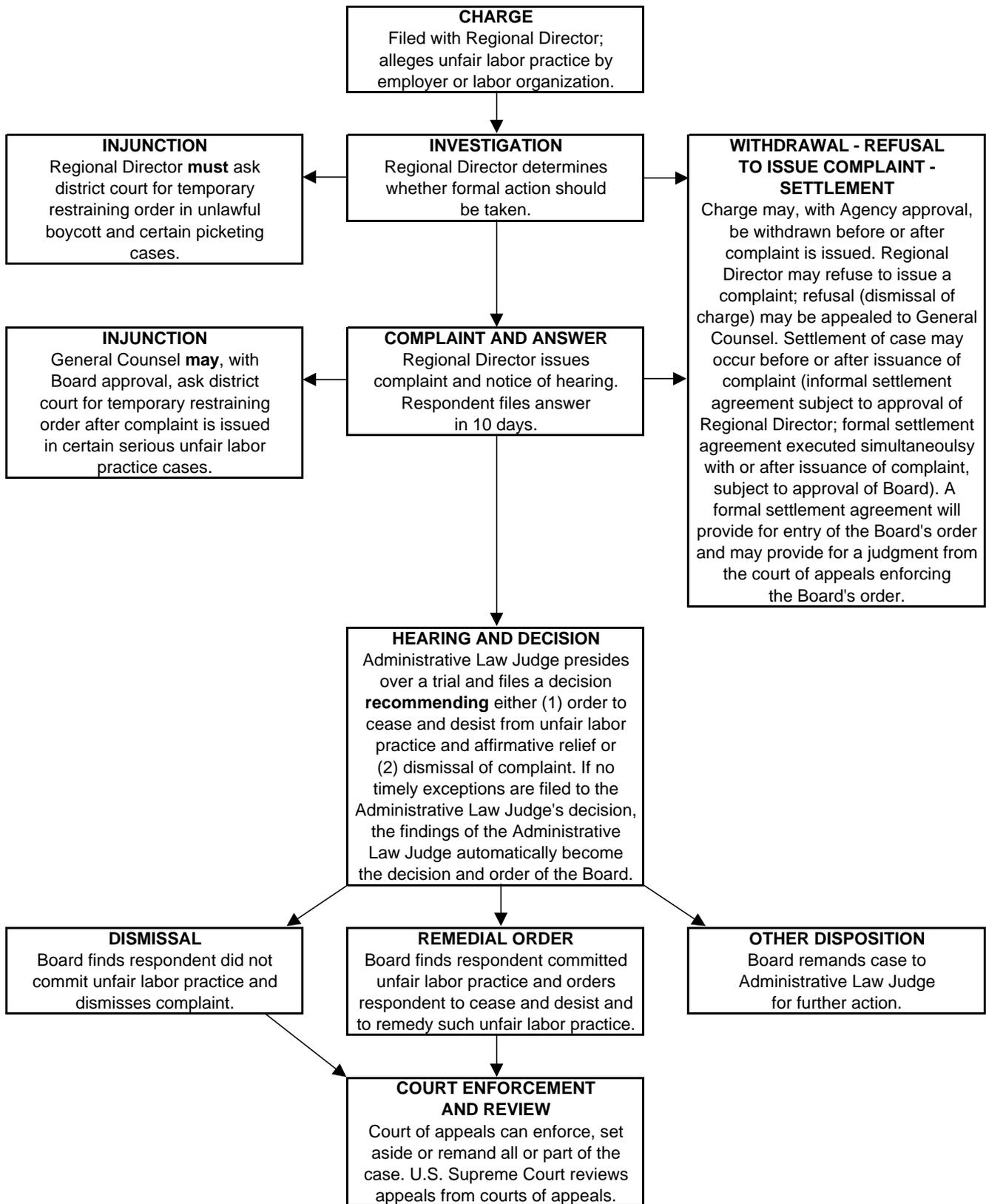
By or in Behalf of Employees		By an Employer	By or in Behalf of Employees		By a Labor Organization or an Employer	
Section of the Act <b>RC</b>	Section of the Act <b>RD</b>	Section of the Act <b>RM</b>	Section of the Act <b>UD</b>	Board Rules <b>UC</b>	Board Rules <b>AC</b>	
<p>9(c)(1)(A)(i) Alleging that a substantial number of employees wish to be represented for collective bargaining and their employer declines to recognize their representative. *</p>	<p>9(c)(1)(A)(ii) Alleging that a substantial number of employees assert that the certified or currently recognized bargaining representative is no longer their representative. *</p>	<p>9(c)(1)(B) Alleging that one or more claims for recognition as exclusive bargaining representative have been received by the employer. *</p>	<p>9(e)(1) Alleging that employees (30 percent or more of an appropriate unit) wish to rescind an existing union-security agreement.</p>	<p>Subpart C Seeking clarification of an existing bargaining unit.</p>	<p>Subpart C Seeking amendment of an outstanding certification of bargaining representative.</p>	

\* If an 8(b)(1) charge has been filed involving the same employer, these statements in RC, RD, and RM petitions are not required.

## **ATTACHMENT B**

### ***PROCEDURES IN CASES INVOLVING CHARGES OF UNFAIR LABOR PRACTICE***

NATIONAL LABOR RELATIONS BOARD EXHIBIT B  
 BASIC PROCEDURES IN CASES INVOLVING CHARGES OF UNFAIR LABOR PRACTICES



## **ATTACHMENT C**

### ***OUTLINE OF REPRESENTATION PROCEDURES UNDER SECTION 9c***

OUTLINE OF REPRESENTATION PROCEDURES UNDER SECTION 9(c)

