 Annual Audit Plan

Fiscal Year 2024
ANNUAL AUDIT PLAN

As set forth in the Inspector General Act of 1978, as amended, the Inspector General is responsible for providing policy direction and conducting, supervising, and coordinating audits relating to the programs and operations of the National Labor Relations Board (NLRB). The Office of Inspector General (OIG) maintains a planning system for assessing the nature, scope, trends, vulnerabilities, special problems, and inherent risks of Agency programs and operations.

The OIG solicited management's input regarding potential audit areas. We also considered factors that included:

-- Statutory and regulatory requirements;
-- Financial impact;
-- Audit experience and frequency; and
-- Sensitivity, newness, or changed conditions.

During our planning process, the OIG sought input from staff members on the Congressional oversight committees as well as the NLRB’s senior officials and managers. We discussed their interest in the proposed topics and considered any responses in selecting the audits and inspections for inclusion in the annual audit plan.

The audit universe identifies each organization, program, function, and/or activity subject to audit. The audit universe was developed using the Fiscal Year 2024 Justification of Performance Budget for the Committee on Appropriations. The results of the Agency's review in accordance with the Federal Managers' Financial Integrity Act were used as an indicator of risk.
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AUDIT TITLE: Field Office Performance-based Staffing

TYPE/SUBJECT: Performance/Casehandling

OFFICE: Division of Operations-Management

DESCRIPTION:

The National Labor Relations Board (NLRB or Agency) was established in 1935 to administer the National Labor Relations Act (NLRA). The NLRB has two primary functions: (1) to investigate and resolve (through settlement, prosecution, or dismissal) allegations of statutorily defined unfair labor practices by employers and unions; and (2) to investigate and resolve questions concerning representation among employees to determine whether they wish to be represented by a union.

All NLRB proceedings originate with the filing of charges or petitions by employees, labor unions, employers, or other private parties at the Agency’s field offices. Currently, the field offices consist of 26 Regional Offices, 9 Sub-Regional Offices, and 13 Resident Offices. Approximately 70 percent of the Agency’s staff is employed in the field offices. The Division of Operations-Management performs an analysis of how the Regional Offices are relatively staffed based on case intake, which is considered in hiring decisions.

The Agency’s annual appropriation remained unchanged since Fiscal Year (FY) 2014. During that time, the percentage of the appropriation used for personnel costs ranged between 75 percent and 79 percent. While the percentage of personnel cost remained relatively consistent, during that time period the full-time equivalents (FTE) decreased from 1,610 to 1,207 (25 percent). Additionally, the percentage of decrease in the field office FTE was 34 percent. The Agency’s case intake decreased from 23,101 in FY 2014 to 16,719 in FY 2021 (27.6 percent).

OBJECTIVES:

To determine whether field office FTEs are assigned or allocated in accordance with Governmentwide guidance to ensure that the Agency meets its goals and objectives; evaluate the effect of the level funding appropriation on the field office staffing and the processing of field office case work, and to evaluate the internal controls over the Agency’s calculation of field office staffing.

TIMING:

Start date – October 2022
Estimated completion date – January 2024
AUDIT TITLE: Mail Ballot Elections

TYPE/SUBJECT: Performance/Casehandling

OFFICE: Division of Operations-Management

DESCRIPTION:

Representation petitions are filed by employees, unions and employers seeking to have the NLRB conduct an election to determine if employees wish to be represented for purposes of collective bargaining with their employer. The Board, exercising authority granted by the NLRA, delegated to the Regional Directors its authority to determine the unit appropriate for the purpose of collective bargaining, to determine whether a question concerning representation exists, and to direct elections and certify results. The Regional Director’s decision sets forth findings of a fact, conclusions of law, and a direction of election or order dismissing the petition.

Elections involve conducting the ballot process manually, by mail, or both. The Regional Director has discretion in deciding which type of election to conduct and should consider the following situations when deciding the propriety of using mail ballots: (a) where eligible voters are “scattered” because of their job duties over a wide geographic area; (b) where eligible voters are “scattered” in the sense that their work schedules vary significantly, so that they are not present at a common location at common times; and (c) where there is a strike, a lockout or picketing in progress. The GC Memo 21-01, Guidance on Propriety of Mail Ballot Elections, pursuant to Aspirus Keweenaw, 370 NLRB No. 45 (2020), provided additional guidance related to using COVID-19 pandemic-related factors, in addition to the factors mentioned above, that would justify a Regional Director’s decision to direct a mail-ballot election instead of a manual election.

The total number of elections has increased since the start of the COVID-19 pandemic. The NLRB election statistics report that in FY 2019, 956 elections were conducted. In FY 2020, 990 elections were conducted, a three percent increase from the previous fiscal year. In FY 2021, 1,365 elections were conducted, a 37 percent increase from the previous fiscal year.

Originally, the audit included objectives related to the centralization of representation case decision writing. During the course of the audit fieldwork, the Inspector General determined those objectives would not be completed.

OBJECTIVES:

Evaluate the Regional Offices’ compliance with the Agency’s mail ballot election procedures; determine if any external factors are impeding the Agency’s mail ballot elections; and evaluate the internal controls related to mail ballot elections.

TIMING:

Start date – October 2022
Estimated completion date – January 2024
AUDIT TITLE: Enterprise Risk Management

TYPE/SUBJECT: Performance/Mission Support

OFFICE: Office of the Chief Financial Officer

DESCRIPTION:

On July 15, 2016, Office of Management and Budget (OMB) issued its revised Circular No. A 123, Management's Responsibility for Enterprise Risk Management and Internal Control (OMB Circular No. A 123), which established various Enterprise Risk Management processes in the Federal Government. As defined by the Circular, Enterprise Risk Management is “an effective Agency-wide approach to addressing the full spectrum of the organization’s external and internal risks by understanding the combined impact of risks as an interrelated portfolio, rather than addressing risks only within silos.”

OMB Circular No. A-123 requires agencies to implement an Enterprise Risk Management capability coordinated with the strategic planning and strategic review process established by the Government Performance and Results Modernization Act of 2010 (Pub. L. No. 111-352), and the internal control processes required by the Federal Managers' Financial Integrity Act of 1982 (Pub. L. No. 97-255), and the Government Accountability Office’s Standards for Internal Control in the Federal Government (the “Green Book”). Moreover, OMB Circular No. A-123 states that agency managers and Inspectors General should establish “a new set of parameters encouraging the free flow of information about agency risk points and corrective measure adoption,” resulting in the earlier identification of risk, allowing the opportunity to develop a collaborative response, and leading to a more resilient government.

OBJECTIVE:

The objective of this audit is to evaluate the Agency’s implementation of Enterprise Risk Management.

TIMING:

Start date – January 2024
Estimated completion date – July 2024
The NLRB was established in 1935 to administer the NLRA. The NLRB has two primary functions: (1) to investigate and resolve (through settlement, prosecution, or dismissal) allegations of statutorily defined unfair labor practices by employers and unions; and (2) to investigate and resolve questions concerning representation among employees to determine whether they wish to be represented by a union.

At the NLRB Headquarters, there are a number of divisions that provide support services for the Agency as well as divisions that perform case handling functions. In our audit of field office staffing, we observed certain trends that were not present with regard to Headquarters staffing.

OBJECTIVES:

To determine whether Headquarters Divisions’ FTEs are assigned or allocated in accordance with Governmentwide guidance to ensure that the Agency meets its goals and objectives; evaluate the FY 2023 workload of the Divisions with regard to FTE levels, and to evaluate the internal controls over Headquarters Divisions’ staffing.

TIMING:

Start Date – February 2024
Estimated completion date – August 2024
AUDIT TITLE: FISMA

TYPE/SUBJECT: Performance/Mission Support

OFFICE: Office of the Chief Information Officer

DESCRIPTION:

The Federal Information Security Modernization Act of 2014 (FISMA) requires agencies to develop, document, and implement an agencywide security program for the information and the information systems that support the operations and assets of the agency, including those provided by another agency, a contractor, or another source. FISMA also requires that each Inspector General perform an annual independent evaluation to determine the effectiveness of the information security program and practices of its respective agency, including testing the effectiveness of information security policies, procedures, and practices for select systems.

To support annual independent evaluation requirements, the Department of Homeland Security publishes annual FISMA reporting metrics for Inspectors General to answer. This guidance directs Inspectors General to evaluate the effectiveness of agency information security programs across a variety of attributes grouped into nine security domains: risk management, supply chain risk management, configuration management, identity and access management, data protection and privacy, security training, information security continuous monitoring, incident response, and contingency planning. Each domain is rated on a maturity level spectrum ranging from “Ad hoc” for not having formalized policies, procedures, and strategies, to “Optimized” for fully institutionalizing sound policies, procedures, and strategies across the agency.

OBJECTIVE:

The objective of this audit is to evaluate the effectiveness of the NLRB’s information security program and practices.

TIMING:

Start date – April 2024
Estimated completion date – September 2024
AUDIT TITLE: NLRB Fiscal Year 2024 Financial Statements

TYPE/SUBJECT: Financial/Mission Support

OFFICES: Office of the Chief Financial Officer
Finance Branch
Office of the Chief Information Officer
Division of Operations-Management

DESCRIPTION:

The NLRB must prepare and submit audited financial statements to OMB and the Congress annually. The statements and audit report are to be incorporated into a Performance and Accountability Report (PAR) prepared by the Agency in accordance with OMB Circular No. A-136, Financial Reporting Requirements. The PAR must be submitted by November 15th following the close of the fiscal year.

The Inspector General will select an Independent Public Accountant to audit the NLRB FY 2024 financial statements. The audit will be conducted using the Government Accountability Office (GAO)/ Council of the Inspectors General on Integrity and Efficiency's Financial Audit Manual and the GAO's Federal Information System Controls Audit Manual. The report will be prepared in accordance with generally accepted government auditing standards and OMB Bulletin No. 22-01, Audit Requirements for Federal Financial Statements.

OBJECTIVES:

The objectives of this audit are to: (1) render an opinion as to whether the financial statements are fairly presented in conformity with generally accepted accounting principles; (2) report on material weaknesses and reportable conditions identified in obtaining an understanding of the Agency’s internal controls; and (3) report on the Agency’s compliance with laws and regulations, noncompliance with which could have a direct and material effect on the determination of financial statement amounts, and certain other laws and regulations.

TIMING:

Start date – April 2024
Estimated completion date - December 2024
Insider threats involve employees using their authorized access, intentionally or unintentionally, to cause harm to an agency. These threats can include unauthorized disclosure of information, workplace violence, or the loss or degradation of an agency’s resources or capabilities.

Generally, the NLRB has only unclassified information. Although not classified, the loss of information by the NLRB through an employee’s intentional or unintentional loss of control of the information can cause great harm to the NLRB and the individuals who have provided the information to the NLRB for use in its case processing function.

Executive Order (EO) 13556, Controlled Unclassified Information, establishes an open and uniform program for managing non-classified information that requires safeguarding or dissemination controls pursuant to and consistent with law, regulations, or Government-wide policies. The National Archives and Records Administration created a regulatory regime to implement the requirements of EO 13556, to safeguard non-classified information. Also, each year NLRB employees receive training regarding insider threats.

The objective of this audit is to assess whether NLRB has controls in place to prevent, deter, detect, and mitigate actions by trusted insiders and to determine the effectiveness of the NLRB’s insider threat training.

Start Date – June 2024
Estimated completion date – December 2024
TOPICS REMOVED FROM THE PREVIOUS AUDIT PLAN

<table>
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AUDIT UNIVERSE REVIEWS
FY 2000 – FY 2017

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- Internet Web-Site User Privacy (OIG-INS-10-00-07)
- Data Accuracy in the FY 1999 NLRB Annual Report (OIG-INS-16-01-03)
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