NATIONAL LABOR RELATIONS BOARD

Fiscal Year (FY) 2027

Agency Performance Plan

March 25, 2026

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MESSAGE FROM THE BOARD AND THE GENERAL COUNSEL

It is a great privilege to serve as the leadership of the National Labor Relations Board (NLRB or Agency). We continue to be impressed by the dedication and professionalism of the people who work at the Agency.

The NLRB is a small but critically important Agency to our nation and economy. Established in 1935, the NLRB administers and enforces the National Labor Relations Act (NLRA or Act), which is the primary Federal statute governing labor relations in the private sector. With the principal purpose of promoting labor-management stability in order to avoid economic disruptions, the NLRA serves a critical role today in labor-management relations across the country.

What we do at the NLRB affects the way employees work to support their families as well as how people run their businesses. Protection of workers' rights is at the heart of the Act we enforce, and we look forward to enhancing the value of the NLRB. Our Agency should operate as effectively and efficiently as possible. Among other things, we are committed to finding ways to improve our case handling processes to resolve labor-management relations disputes and decide cases more expeditiously.

It is our privilege to present the Agency's Performance Plan for Fiscal Year (FY) 2027. Among our key priorities for FY 2027 are:

- Improving case processing timelines to reduce backlogs and ensure timely resolution of matters pending before the Agency.
- Leveraging technology to improve operational efficiency and case management.
- Maintaining an effective internal control system and a clean audit opinion.

NATIONAL LABOR RELATIONS BOARD OVERVIEW

NLRB MISSION

Protecting workplace democracy and the rights of employees, unions, and employers under the National Labor Relations Act, in order to promote commerce and strengthen the Nation's economy.

NLRB VISION

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

THE NATIONAL LABOR RELATIONS ACT

Passed in 1935, the National Labor Relations Act (NLRA) makes clear that it is the policy of the United States to encourage collective bargaining by protecting workers' full freedom of association. The NLRA protects workplace democracy by providing employees at private-sector workplaces with the fundamental right to seek better working conditions and to designate a representative without fear of retaliation, and the right to refrain from any or all such activities.

UNDER THE NLRA, EMPLOYEES HAVE THE RIGHT TO:

- Form, join, or assist a union.
- Choose representatives to bargain with employers on their behalf.
- Act together with other employees for their benefit and protection.
- Choose not to engage in any of these protected activities.

THE NATIONAL LABOR RELATIONS BOARD

The National Labor Relations Board (NLRB) is an independent federal agency created in 1935 and vested with the power to safeguard employees' rights to organize, engage with one another to seek better working conditions, choose whether or not to have a collective bargaining representative negotiate on their behalf with their employer, or refrain from doing so. The NLRB also acts to prevent and remedy unfair labor practices committed by private sector employers and unions, as well as conducting secret-ballot elections regarding union representation. The NLRB is a bifurcated agency governed on one side by a five-person Board and on the other side by a General Counsel. Board Members and the General Counsel are appointed by the President with the consent of the Senate. The responsibilities and functions of the Agency under the 1935 National Labor Relations Act, as amended, are carried out by the National Labor Relations Board and its General Counsel, who, in addition to independent authority under the statute, exercises other authority by delegation from the Board.

THE BOARD

The Board has five Members and primarily acts as a quasi-judicial body in deciding cases on the basis of formal records in administrative proceedings. Board Members are appointed by the President to 5-year terms, with Senate consent, the term of one Member expiring each year.

GENERAL COUNSEL

The General Counsel, appointed by the President to a 4-year term, is independent from the Board and is responsible for the investigation and prosecution of unfair labor practice cases and for the general supervision of the NLRB field offices in the processing of cases.

PROGRAM PERFORMANCE

This Agency Performance Plan details the NLRB's efforts to meet its strategic and performance goals. The two mission-related goals of the NLRB's current Strategic Plan represent the core functions of the Agency in enforcing the NLRA as efficiently as possible and in a manner that gives full effect to the rights afforded to all parties under the Act. The two goals related to mission support enable the Agency to accomplish its statutory mandate.

The Board and the General Counsel share a common goal of ensuring that the NLRA is fully and fairly enforced. Although they have separate statutory functions, representatives of the Board and the General Counsel worked together in developing the Agency Performance Plan.

MEASURING PERFORMANCE

One of the NLRB's human capital goals is to create a results-oriented performance culture that clearly links employee performance and pay to the attainment of the NLRB's strategic goals. The Agency has two mission-related goals that emphasize individual segments of case processing to promote timely, efficient, and well-managed casehandling and two support goals that give a broader picture of how the Agency achieves its mission.

FACTORS AFFECTING AGENCY PERFORMANCE

Various factors can affect Agency performance as a whole. These factors include case intake, budgetary constraints, settlements, Board Member vacancies, technological advances, and economic fluctuations, among other externalities.

CASE INTAKE

The Agency estimates the FY 2027 case intake will total 21,000, which includes 19,000 unfair labor practice cases and 2,000 representation cases. The NLRB Board agents effectively and efficiently process all cases that are brought to the Agency by the general public. Comprehensive and complex matters that come before the Agency are often attributable to external factors, such as: lasting economic, and workplace changes due to the pandemic, ongoing nationwide efforts to improve the wages and working conditions of workers in the retail, technology, and fast food industries; the increased prevalence and evolving tools and usage by employees of technology and social media in and outside of the workplace to discuss terms and conditions of employment with one another, and the related handbook provisions and workplace rules generated therefrom; bankruptcies; challenging questions regarding jurisdiction over certain enterprises; increased understanding of statutory application in non-union workplaces; and difficult questions concerning single, joint, and successor employer relationships, and supervisory status, as well as defining employees covered under the Act.

PERFORMANCE GOALS, OBJECTIVES, AND MEASURES

GOAL 1 – UNFAIR LABOR PRACTICES

GOAL 1 (MISSION): ENSURE EFFECTIVE ENFORCEMENT OF THE NATIONAL LABOR RELATIONS ACT THROUGH TIMELY AND QUALITY CONSIDERATION AND RESOLUTION OF UNFAIR LABOR PRACTICE CHARGES WITH APPROPRIATE REMEDIES
Objectives: 1. Achieve timely consideration and appropriate resolution of unfair labor practice charges at every stage of processing. 2. Demonstrate high quality performance in the prosecution and adjudication of meritorious unfair labor practice charges. 3. Promptly pursue remedies for statutory violations.

PERFORMANCE MEASURES FOR GOAL 1, OBJECTIVE 1

Objective 1: Achieve timely consideration and appropriate resolution of unfair labor practice charges at every stage of processing.

GOAL 1, OBJECTIVE 1, MEASURE 1

Measure 1: By the end of FY 2030 the Agency will close 85 percent of all unfair labor practice cases within 365 days of filing.

YEAR	FY 2026	FY 2027
TARGET	65.0%	70.0%
ACTUAL		

The NLRB will perform the following management strategies to meet the performance measures.

Management Strategies:

- Maintain and enhance procedures for balancing workload across the Agency.
- Ensure staff is properly trained on casehandling to ensure effective and efficient processing of cases.

- Leverage the Agency’s electronic case management system to track the progress of unfair labor practice cases pending before the Agency to ensure that cases are being handled expeditiously during all phases of case processing.

GOAL 1, OBJECTIVE 1, MEASURE 2

Measure 2: By the end of FY 2030 the Agency will close 55 percent of meritorious unfair labor practice cases within 365 days of filing.

YEAR	FY 2026	FY 2027
TARGET	51.0%	52.0%
ACTUAL		

Management Strategies:

- See strategies listed under Goal 1, Objective 1, Measure 1, which also apply to this measure.

GOAL 1, OBJECTIVE 1, MEASURE 3

Measure 3: Issue decisions in 90 percent of pending unfair labor practice cases that, by the end of the fiscal year, will have been pending before the Board for more than 18 months.

YEAR	FY 2026	FY 2027
TARGET	90.0%	90.0%
ACTUAL		

Management Strategies:

- See strategies listed under Goal 1, Objective 1, Measure 1, which also apply to this measure.

GOAL 1, OBJECTIVE 1, MEASURE 4

Measure 4: Ensure that the median age of all cases pending before the Board at the end of each fiscal year is 180 days or less.

YEAR	FY 2026	FY 2027
TARGET	180 days or less	180 days or less
ACTUAL		

Management Strategies:

See strategies listed under Goal 1, Objective 1, Measure 1, which also apply to this measure.

PERFORMANCE MEASURES FOR GOAL 1, OBJECTIVE 2

Objective 2: Demonstrate high quality performance in the prosecution and adjudication of meritorious unfair labor practice charges.

GOAL 1, OBJECTIVE 2, MEASURE 1

Measure 1: ***Conduct ongoing quality reviews and provide annual ratings assessing the quality of work performed in the casehandling of unfair labor practice and representation case files for all Field Offices.***

YEAR	FY 2026	FY 2027
TARGET	100.0%	100.0%
ACTUAL		

The NLRB will perform the following management strategies to meet the performance measures.

Management Strategies:

- Provide regular and timely feedback to the Regions of the quality of their unfair labor practice investigation and prosecution and the processing of representation cases.

- Ensure staff has access to and is provided with relevant training on casehandling to ensure effective and efficient processing of cases.

- Proactively pursue voluntary settlement of unfair labor practice cases. Including through the Board's Alternative Dispute Resolution program that is available to parties following the issuance of a decision by an administrative law judge.

PERFORMANCE MEASURES FOR GOAL 1, OBJECTIVE 3

Objective 3: Promptly pursue remedies for statutory violations.

GOAL 1, OBJECTIVE 3, MEASURE 1

Measure 1: Ensure that at least 85 percent of the Board Orders are closed or advanced to the next stage in fewer than 300 days.

YEAR	FY 2026	FY 2027
TARGET	85.0%	85.0%
ACTUAL		

The NLRB will perform the following management strategies to meet the performance measures.

Management Strategies:

- Share best practices in unfair labor practice processing to assist Field offices in resolving unfair labor practice case issues promptly and fairly.

- Ensure staff has access to and is provided with relevant training on casehandling to ensure effective and efficient processing of cases.

GOAL 1, OBJECTIVE 3, MEASURE 2

Measure 2: Ensure that at least 85 percent of Federal Circuit Court Orders are closed or advanced to the next stage in fewer than 300 days.

YEAR	FY 2026	FY 2027
TARGET	85.0%	85.0%
ACTUAL		

Management Strategies:

See strategies listed under Goal 1, Objective 3, Measure 1, which also apply to this measure.

GOAL 2 – REPRESENTATION CASES

GOAL 2 (MISSION): PROVIDE TIMELY AND EFFECTIVE MECHANISMS TO RESOLVE QUESTIONS CONCERNING REPRESENTATION
Objectives: 1. Achieve timely resolution of all questions concerning the representation of employees.

PERFORMANCE MEASURES FOR GOAL 2, OBJECTIVE 1

Objective 1: Achieve timely resolution of all questions concerning the representation of employees.

GOAL 2, OBJECTIVE 1, MEASURE 1

Measure 1: Reach 85 percent pre-election agreement rate in representations cases.

YEAR	FY 2026	FY 2027
TARGET	85.0%	85.0%
ACTUAL		

The NLRB will perform the following management strategies to meet the performance measures.

Management Strategies:

- Leverage the Agency's electronic case management system to track the progress of unfair labor practice cases pending before the NLRB to ensure that cases are being handled expeditiously during all phases of case processing.

- Maintain processes to ensure that representation cases are handled in a timely manner by Field staff.

- Identify and utilize effective case-handling procedures to ensure careful and timely processing of Requests for Review, Special Appeals, and Hearing Officer Reports.

- Ensure that Field staff are trained on the Agency's representation case processing standards and that staff adheres to these processes in resolving representation case issues promptly and fairly.

- Develop robust, interactive reports using Artificial Intelligence that will provide important insights into the operation of Agency Field Offices. The reports will ensure that performance standards are upheld and that Field Office procedures are fair, efficient, and effective.

GOAL 2, OBJECTIVE 1, MEASURE 2

Measure 2: Issue decisions in 90 percent of pending representation cases that, by the end of the fiscal year, will have been pending before the Board for more than 12 months.

YEAR	FY 2026	FY 2027
TARGET	90.0%	90.0%
ACTUAL		

Management Strategies:

See strategies listed under Goal 2, Objective 1, Measure 1, which also apply to this measure.

GOAL 2, OBJECTIVE 1, MEASURE 3

Measure 3: Ensure that the median age of all cases pending before the Board at the end of each fiscal year is 180 days or less.

YEAR	FY 2026	FY 2027
TARGET	180 days or less	180 days or less
ACTUAL		

Management Strategies:

See strategies listed under Goal 2, Objective 1, Measure 1, which also apply to this measure.

GOAL 2, OBJECTIVE 1, MEASURE 4

Measure 4: By the end of Fiscal Year 2030, the Agency will close 95 percent of all representation cases within 365 days of filing.

YEAR	FY 2026	FY 2027
TARGET	91.0%	92.0%
ACTUAL		

Management Strategies:

See strategies listed under Goal 2, Objective 1, Measure 1, which also apply to this measure.

GOAL 3 – HUMAN CAPITAL

GOAL 3 (SUPPORT): ACHIEVE ORGANIZATION EXCELLENCE AND SERVE AS A MODEL EMPLOYER
Objectives: 1. Increase opportunities for career enhancement. 2. Continue to recruit and retain a talented workforce.

PERFORMANCE MEASURES FOR GOAL 3, OBJECTIVE 1

Objective 1: Increase opportunities for career enhancement.

GOAL 3, OBJECTIVE 1, MEASURE 1

Measure 1: Strive to achieve a satisfaction percentage rating (65 percent or above) of the "Talent Management Index" using the annual FEVS results.

YEAR	FY 2026	FY 2027
TARGET	65.0%	65.0%
ACTUAL		

The NLRB will perform the following management strategies to meet the performance measures.

Management Strategies:

- Promote a positive image of the organization through constructive outreach, leadership engagement, and employee testimonials to improve organizational culture.

• Highlight the Agency’s commitment to organizational excellence through the use of recruitment technology, innovation, and career development.

• Improve the use of data to facilitate data-driven decision-making on human capital goals and strategies.

• Enhance employee development and learning opportunities by offering self-paced and instructor-led training online and in-person.

• Offer leadership development programs for aspiring leaders, new supervisors and managers, new executives, and tenured supervisors/managers.

• Promote individual development plans (IDPs) for employees.

PERFORMANCE MEASURES FOR GOAL 3, OBJECTIVE 2

Objective 2: Continue to recruit and retain a talented workforce.

GOAL 3, OBJECTIVE 2, MEASURE 1

Measure 1: Strive to reach a satisfaction percentage rating (65 percent or above) for the “Job Satisfaction Index” using the annual FEVS results.

YEAR	FY 2026	FY 2027
TARGET	65.0%	65.0%
ACTUAL		

The NLRB will perform the following management strategies to meet the performance measures.

Management Strategies:

• Enhance the Agency’s internship program to attract and train talented students who will provide a stable source of future applicants.

• Provide employees with resources to leverage their position descriptions to map out a clear path for advancement within the organization.

• Offer internal “ask the expert” networking opportunities to facilitate organizational knowledge sharing.

• Create and grow participation in formal and informal mentorship programs to ensure long-term success in the Agency.

• Regularly seek opportunities to give employees appropriately challenging work assignments to develop their skills, strengthen their engagement, and enhance their opportunities for advancement.

GOAL 4 – RESOURCE MANAGEMENT

GOAL 4 (SUPPORT): MANAGE AGENCY RESOURCES EFFICIENTLY AND IN A MANNER THAT INSTILLS PUBLIC TRUST
Objectives: 1. Make effective use of the Agency's resources by proactively planning how best to deploy those resources and continually monitoring and reevaluating the execution of such plans to ensure that the NLRB has strong processes and internal controls in place to identify and prevent any misuse or inefficiencies in the allocation of Agency resources. 2. Develop appropriate Enterprise Risk Management (ERM) and Internal Controls to support the Agency's decision-making process. 3. Serve and honor the public trust by demonstrating ethical leadership and providing employees with ethics support and resources to resolve conflicts of interest.

PERFORMANCE MEASURES FOR GOAL 4, OBJECTIVE 1

Objective 1: Make effective use of the Agency's resources by proactively planning how best to deploy those resources and continually monitoring and reevaluating the execution of such plans to ensure that the NLRB has strong processes and internal controls in place to identify and prevent any misuse or inefficiencies in the allocation of Agency resources.

GOAL 4, OBJECTIVE 1, MEASURE 1

Measure 1: Achieve a clean audit opinion by ensuring that Agency operations are guided by appropriate processes and internal controls.

The NLRB will perform the following management strategies to meet the performance measures.

Management Strategies:

• Manage fiscal resources effectively by administering the Agency's budget through the development and implementation of an annual Operating Plan that aligns the budget resources to the Agency's priorities and the Strategic Plan.

• Meet contracting goals by strengthening acquisition planning and creating innovative business strategies to achieve cost-effective contracting solutions.

• Develop and maintain current process narratives and Standard Operating Procedures for all major financial processes.

• Ensure adequate training is provided on financial management, internal controls, and accounting standards.

• Drive performance reports with artificial intelligence and automation in case management to contribute to efficient resource management by reducing manual efforts and optimizing processes.

• Create an internal artificial intelligence system that will generate legal templates and resource documents commonly used by Agency personnel. This system aims to enhance productivity and reduce expenses associated with third-party software licensing.

PERFORMANCE MEASURES FOR GOAL 4, OBJECTIVE 2

Objective 2: Develop appropriate Enterprise Risk Management (ERM) and Internal Controls to support the Agency's decision-making process.

GOAL 4, OBJECTIVE 2, MEASURE 1

Measure 1: Reach an ERM maturity level 4 by FY 2030.

The NLRB will perform the following management strategies to meet the performance measures.

Management Strategies:

• Establish and develop an ERM program to include policies and procedures that will strengthen leadership decision-making.

• Integrate Internal Control activities into Agency operations.

• Conduct risk assessments to identify vulnerabilities in financial reporting, compliance, and operations.

• Ensure adequate ERM training is provided to all Agency employees.

PERFORMANCE MEASURES FOR GOAL 4, OBJECTIVE 3

Objective 3*:* Serve and honor the public trust by demonstrating ethical leadership and providing employees with ethics support and resources to resolve conflicts of interest.

GOAL 4, OBJECTIVE 3, MEASURE 1

Measure 1: Meet or exceed 85% compliance for ethics training, financial disclosure, and advice.

The NLRB will perform the following management strategies to meet the performance measures.

Management Strategies:

• Support agency senior leaders and employees through comprehensive ethics training, financial disclosure, and advice.

• Develop and deliver innovative and relevant training and regular ethics outreach and communication on selected topics.

• Leverage technology to achieve efficiencies in intake, tracking, and delivery of ethics advice as well as innovate in delivering ethics training using new and existing technology.

• Continually improve the ethics program through updates to internal procedures on key areas of ethics.

Major Management Challenges

The Agency identified three top management and performance challenges: Operational Management, Human Capital Management, and Information Technology Security.

• **Operational Management** - In FY 2026, the Agency faces a significantly reduced workforce with a lower funded budget and a growing backlog that challenges the Agency to find more efficient ways to accomplish its mission.

• **Human Capital Management** - In FY 2026, the Agency will continue to experience the effects of reduced staffing caused by retirements and resignations in FY 2025, which have resulted in the loss of critical institutional knowledge. This has already led to delays in processing case files and setbacks in implementing new compliance initiatives, as highlighted by the Office of the Inspector General in the FY 2025 Performance Accountability Report. For example, the lack of experienced personnel in the management team has slowed down decision-making and case processing resulting in case backlog. It is imperative that the Agency secures adequate funding to develop a robust leadership succession plan, close leadership gaps, and restore institutional knowledge, as these actions are essential to prevent further operational setbacks and inefficiencies.

• **Information Technology Security** - While the OCIO received an “effective” rating on the FY 2025 FISMA audit, auditors have identified several areas for improvement (e.g. enterprise data management, privileged account reviews, and logging maturity), highlighting the need for continued investment in system modernization and cybersecurity staffing.

The NLRB remains committed to addressing these challenges and strengthening its capabilities to support mission delivery and safeguard systems and data.

Accuracy and Reliability of Performance Data

The NLRB uses various governance mechanisms to evaluate whether programs are achieving their GPRA goals and other performance targets. Both the Board and General Counsel regularly track the status of all of their respective cases to determine performance against yearly targets that support the Agency’s strategic goals and measures.

On the Board-side of the Agency, a group of senior management officials, including, among others, the Deputy Chief Counsels of each of the Board Members, the Director of the Office of Representation Appeals, and the Executive Secretary, periodically review the status of cases, prioritize cases, and develop lists of cases that the Board Members jointly focus on 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 case management system that captures all case events and milestones in a database from which case production reports are generated. The Board Members also regularly meet and communicate with each other to discuss case priorities and the overall processing of cases.

The Office of the General Counsel has long had an evaluation program in place to assess the performance of its Headquarters and Regional operations. The Division of Operations-Management regularly reviews case decisions to determine the quality of litigation. Other NLRB offices, such as the Office of Appeals, Division of Advice, and Division of Legal Counsel, provide valuable insight and constructive feedback on the performance and contributions of the Field Offices. The Agency's top management also meets regularly with relevant committees of the ABA to obtain feedback on their members' experiences practicing before the NLRB.

With respect to the Regional Offices, the Quality Review Program of the General Counsel's Division of Operations-Management reviews ULP, representation, and compliance case files throughout the year 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 assess, among other things, the quality and completeness of the investigative file, the implementation of the General Counsel's initiatives and priorities, and compliance with the Agency's decisions.

The Agency collects quarterly performance metrics and strategies on the Agency support goals, as well as utilizing NxGen reports for the mission-related goals. The metrics and strategies are tracked and monitored throughout the fiscal year.

The data reported by OCIO comes from NxGen. The Freedom of Information Act (FOIA) branch maintains their case data in FOIAonline, which is a FOIA tracking and processing web tool. FOIAonline also generates annual, quarterly, and other workload reports to effectively monitor all aspects of FOIA casehandling. The FOIA branch logs the request and collects several pieces of data about the request, including the date that the request was made and the date that response was provided. The spreadsheet calculates the number of days between the two dates in order to track response times. The Ethics Office uses an electronic spreadsheet to track when an employee reaches out to the Office with an ethics inquiry.