

XI. GOALS OF THE STRATEGIC PLAN AND THEIR RELATIONSHIP TO THE PERFORMANCE BUDGET

Please note that the Agency's current Strategic Plan and accompanying performance measures, as described below, cover the years FY 2000 – FY 2006. They are being reviewed, and some goals/measures will be revised for FY 2007 – FY 2012. The revisions will, where appropriate, set more ambitious targets.

In terms of overall performance, the NLRB has met about 70 percent of its targets in each of the past three fiscal years. The Agency has been able to sustain this high level of performance through the judicious, efficient, and effective use of our appropriations.

Goals and Strategies

GOAL NO. 1: Resolve questions concerning representation promptly

OBJECTIVES:

The NLRA recognizes and expressly protects the right of employees to freely and democratically determine, through a secret ballot election, whether they want to be represented for purposes of collective bargaining by a labor organization. In enforcing the Act, the Agency does not have a stake in the results of that election. It merely seeks to ensure that the process used to resolve such questions allows employees to express their choice in an open, un-coerced atmosphere. The NLRB strives to give sound and well-supported guidance to all parties and to the public at large with respect to representation issues. Predictable, consistent procedures and goals have been established to better serve our customers and avoid unnecessary delays. The Agency will process representation cases promptly in order to avoid unnecessary disruptions to commerce and minimize the potential for unlawful or objectionable conduct.

The objectives are to:

- 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 parties involved in questions concerning union representation.

STRATEGIES:

1. Give priority in timing and resource allocation to the processing of 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, e.g. super-panels.
6. Ensure that due process is accorded in representation cases by careful review of Requests for Review, Special Appeal and Hearing Officer Reports, and where appropriate, the records in the cases.
7. Analyze and prioritize the critical workforce skill needs of the Agency and address these needs through training and effective recruitment in order to achieve Agency goals.
8. Provide an information technology environment 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 practices by employers or unions promptly

OBJECTIVES:

Certain conduct by employers and labor organizations leading to workplace conflict has been determined by Congress to burden interstate commerce and has been declared an unfair labor practice under Section 8 of the National Labor Relations Act. This goal communicates the Agency's resolve to investigate charges of unfair labor practice conduct fairly and expeditiously. Where violations are found, the Agency will provide such remedial relief as would effectuate the policies of the Act, including, but not limited to, ordering reinstatement of employees; ensuring that employees are made whole, with interest; directing bargaining in good faith; and ordering a

respondent to cease and desist from the unlawful conduct. The Agency will give special priority to resolving disputes with the greatest impact on the public and the core objectives of the Act. These objectives are to:

- 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 case-handling process.
8. Identify and utilize alternative decision-making procedures to expedite Board

decisions in unfair labor practice cases.

9. Analyze and prioritize the critical workforce skill needs of the Agency and address these needs through training and effective recruitment in order to achieve Agency goals.
10. Provide an information technology environment 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 Budget to GPRA Goals

The charts below show the relationship between the budget, GPRA goals and the related performance measures for each goal. Agency overhead costs, including administrative support costs, were distributed by the percentage of attributed direct costs to that goal and measure. The discussion below the charts reviews the Strategic Plan's goals, objectives, and strategies, and discusses their relationship to the performance goals and indicators contained in the Annual Performance Plan. In addition, each current performance measure in the Annual Performance Plan, including background information and performance targets, will be discussed.

Under Goal 1, most of the measures are related to Field activities pertaining to the timely holding of representation elections. Elections result from a union wishing to represent certain employees of an employer or employees wishing to decertify the recognized or certified union. Included in the consolidated measure of "disposing or holding elections" shown below are withdrawals, dismissals, settlements, hearings, and elections. Aggrieved parties may request a review of Regional decisions by the Board in Washington, DC. Board adjudication related to the review of representation cases, is the second measure under Goal 1 below.

Goal 2 relates primarily to the measures in the GPRA plan used in determining the timely resolution of ULP cases. On a yearly basis, there are five times the number of ULP cases as representation cases, usually involving more complicated issues for Regions to address.

Goal 1—Resolve all questions concerning representation promptly.

Dispose of or hold elections—includes GPRA performance measures for resolving elections, such as "issue certifications in representation cases within 60 median days of filing of petition, hold elections within 42 median days of filing of petition, and achieve voluntary election agreements for 85 percent of the petitions filed."

Board Adjudication—includes the Board measures on reviewing Regional Director decisions in holding elections and issuing decisions on contested certification cases.

	FY 2006 Actual		FY 2007 CR Level		FY 2008 President's Request	
	FTE	\$ (mill)	FTE	\$ (mill)	FTE	\$ (mill)
1. Dispose of or hold elections	263	\$36.7	258	\$36.7	253	\$37.7
2. Board adjudication	39	5.5	39	5.5	38	5.6
Subtotal	302	\$42.2	297	\$42.2	291	\$43.3

Goal 2—Investigate, prosecute and remedy cases of unfair labor practices by employers or unions promptly.

Investigate, settle or otherwise resolve ULP cases—includes the GPRA measures resolving ULP cases, such as “achieve informal resolution of ULP cases within a median time of 70 days, and settle 95 percent of meritorious ULP charges consistent with established standards.”

Conduct hearings and issue ALJ decisions—includes performance measure “issue ALJ decisions within 62 median days from receipt of briefs or submissions.”

Board adjudication of appealed ALJ decisions—includes the GPRA Board measure that aims to “decide 90% of ULP decisions pending for over 16 months.”

	FY 2006 Actual		FY 2007 CR Level		FY 2008 President's Request	
	FTE	\$ (mill)	FTE	\$ (mill)	FTE	\$ (mill)
1. Investigate, settle or otherwise resolve ULP cases	1,269	\$177.1	1,244	\$177.0	1,223	\$181.6
2. Conduct hearings and issue ALJ decisions	89	12.4	87	12.4	86	12.8
3. Board adjudication of appealed ALJ decisions	130	18.1	127	18.1	125	18.5
Subtotal	1,488	\$207.6	1,458	\$207.5	1,434	\$212.9
Total, Goals 1 & 2:	1,790	\$249.8	1,755	\$249.7	1,725	256.2