

Government Performance and Results Act of 1993

***ANNUAL PROGRAM
PERFORMANCE REPORT
FISCAL YEAR 1999***



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Government Performance and Results Act of 1993

<p>NATIONAL LABOR RELATIONS BOARD PROGRAM PERFORMANCE REPORT FY 1999</p>

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.¹ 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. 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.

REVIEW OF SUCCESS IN ACHIEVING PERFORMANCE GOALS

Executive Summary/Highlights

In FY 1999 the Agency was successful in meeting or exceeding the majority of established performance measures. The goals focused on timeliness for all aspects of our two principal activities, to conduct representation elections and to

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

prevent and remedy unfair labor practices. Using time targets to improve performance, as we have for many years in these areas, is the most effective means of ensuring efficiency within our organization, as well as a high level of responsiveness to the public. We were able to achieve most of the measures in the training and information technology areas as well. In cases where a measure was missed or exceeded by a significant amount, an explanation is provided following the tables for each goal. In the representation area, we increased the percentage of elections held within specified time targets, while we decreased the time needed to issue Rulings for Review of Regional Directors' Decisions, and to issue reports resolving post-elections issues when no hearing was involved. We were successful in achieving voluntary election agreements in a higher percentage of cases, and issued almost all of the "oldest" representation cases pending before the Board.

In the area of unfair labor practices, we continued to increase the percentage of cases meeting time-processing goals in the field, and decreased the time needed to issue Judges decisions. Our settlement rate for cases warranting further proceedings increased to an even higher percentage than the prior year, and we issued most of the "oldest" unfair labor practice cases pending before the Board.

In the training area, although working with limited funding, we were able to provide training to Board supervisors, new attorneys, field managers and others through outside Agency staff, vendors, tuition reimbursement, detail/exchange programs, and no-cost training at other agencies. We also reviewed the overall Agency training program and planned a reorganization to bring more attention to this area.

Our achievement in the information technology area was high as well. We met or exceeded our goals to establish an information infrastructure, deploy a telecommunications architecture, and make the automated case tracking system operational in field offices in order to improve their capabilities. We also made Internet access available in every office, and expanded our own website for use by Agency employees and the public.

Factors influencing results

The environment we operated in during FY 1999 included a level of funding more appropriate to our needs than we had had since FY 1993, a fuller complement of Board Members than we had seen in most recent years, and a decline in case intake.

Budget information

The NLRB's FY 1999 budget was \$184,451,000 before a fourth quarter rescission of \$221,000, making \$184,230,000 available for the fiscal year. This amount funded 1823 FTE, a drop from 1880 FTE in FY 1998. Due to the level budget in FY 1998, the actual number of NLRB employees decreased to a very

low level by the end of the fiscal year. The increase in the FY 1999 budget enabled the Agency to hire 120 new employees to begin staffing up to employment levels more consistent with the successful achievement of our goals. The Agency's budget also provided for limited agency-specific training and for some relocation of employees to understaffed regions in order to meet casehandling demands.

Appointment of Board Members

Aside from a brief vacancy in the Chairman's position until early December 1998, all Board Member positions were filled throughout the fiscal year. Four of the five positions were filled with confirmed appointees, while Chairman Truesdale served under a recess appointment. (His nomination was submitted to the Senate in February 1999, remained pending in Committee for the remainder of the fiscal year and was confirmed in November 1999). Having a full Board for ten months enabled the Agency to have a full cadre of experienced Board Members issuing decisions for most of this fiscal year.

Intake, Backlogs

Over 173,000 inquiries from the public were received through the Information Officer Program. From these contacts and through other means, the Agency received 27,938 unfair labor practice charges (ULP) and 5,454 representation petitions. The ULP charges were 8.2% fewer than those filed in FY 1998 and the number of representation petitions declined by 12.3%. The decline in case intake was the principal reason the Agency was able to reduce field case backlogs by about 4.9% from FY 1998 levels. Pending cases were reduced in virtually every stage of the casehandling pipeline.

Legislative Changes

There were no significant legislative changes affecting our operation in FY 1999.

Evaluation of FY 2000 Annual Performance Plan

Based on the data that has been reviewed from FY 1999 and a review of the current environment including the Agency's final FY 2000 budget, the FY 2000 performance plan is still valid. The Board worked diligently in FY 1999 to reduce the number of unfair labor practice cases that had been pending for more than 3 years and representation cases in excess of 2 years ("oldest cases"). The Board will still strive to reduce the number of unfair labor practice cases pending more than 30 months and representation cases more than 20 months, while the General Counsel will pursue all performance measures contained in the FY 2000 Annual Performance Plan.

AGENCY GOALS, OBJECTIVES AND PERFORMANCE MEASURES

GOAL NO. 1:	Resolve questions concerning representation impartially, promptly, and conclusively.
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OBJECTIVES

The Act 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 control the results of that election; rather, it merely seeks to ensure that the process used to resolve such questions allows employees to express their choice in an uncoerced atmosphere. Representation cases will be processed impartially, promptly and conclusively in order to avoid unnecessary disruptions in the workplace and minimize the potential for unlawful or objectionable conduct. Uniform, predictable and consistent procedures and time goals will be established and followed in order to better serve our customers. Training needs and performance will be continuously assessed to ensure high quality service to the public and avoid unnecessary delays.

Notable achievements

One of several notable achievements was the reduction of median times for the Board to issue Rulings on Request for Review of Regional Directors' Decisions in representation cases. The FY 1999 performance measure was 18 days median; the Board achieved 13 days median. We also exceeded the measure for holding elections within 42 days. The measure was 50%; we achieved this goal in 62.5% of the cases. Another achievement was in the area of issuing post-election reports without a hearing. We exceeded the 35 median day target there and achieved a median of 23 days. We well exceeded the 80% goal for achieving voluntary election agreements, by an additional 7.7%. We also reduced from 88 to 7 the number of representation cases pending before the Board longer than two years.

FY 1999 PROGRAM PERFORMANCE REPORT

Performance Measure	FY 1998 Actual	FY 1999 Estimated	FY 1999 Actual
1-1. Hold elections within 42 days of filing of petition	57.7%	50%	62.5%
1-2. Hold elections within 56 days of filing of petition	89.5%	87.5%	90.3%
1-3. Hold no elections more than 85 days after filing, unless circumstances are beyond control of regions	7	0	7
1-4. Issue report resolving post election issues, no hearing, in 35 median days	26 median days	26 median days	23 median days
1-5. Issue report resolving post election issues, hearing held, in 95 median days	77 median days	77 median days	78 median days
1-6. Issue no post-election report more than 120 days after the election except for reasons beyond the control of regions.	0	0	3
1-7. Issue no report more than 50 days from objections or challenges, no hearing held, except for reasons beyond control of regions	Performance Measure not in existence in FY '98; 18 reports issued in more than 50 days	0 reports issued in more than 50 days; assess baseline data	This measure is appropriate and will be retained without change. One report issued in more than 50 days.

Performance Measure	FY 1998	FY 1999	FY 1999
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FY 1999 PROGRAM PERFORMANCE REPORT

Measure	Actual	Estimated	Actual
1-8. Issue no report more than 100 days from objections or challenges, hearing held, except for reasons beyond control of regions.	Performance measure not in existence in FY 98; 24 reports issued in more than 100 days	0 reports issued in more than 50 days; assess baseline data	This measure will be retained without change. Although there were 59 reports issued in more than 100 days, with additional staff and training we should improve in FY 2000. The goal should serve to induce better performance in this area.
1-9. Achieve voluntary election agreements at least 80% of the time	86.3%	80%	87.7%
1-10. Issue Ruling on Requests for Review of Regional Directors Decisions within 21 days of receipt of request	18 days median	18 days median	13 days median
1-11. Establish / improve performance goals and measures related to Representation proceedings.	N/A	Reassess or establish performance goals for the conduct of an election, the resolution of post election issues and the issuance of a certification in light of baseline data.	Continued to collect and evaluate baseline data.

Performance Measure	FY 1998 Actual	FY 1999 Estimated	FY 1999 Actual
1-12. Revise Representation Casehandling Manual and make it accessible to the public.	Representation Casehandling Manual was made accessible to employees and the public on the Agency web site. A compendium of case processing best practices was also completed.	General Counsel will revise the Representation Casehandling Manual and make it accessible to employees and the public through several means, including the Internet.	General Counsel revised the Representation Casehandling Manual and made it accessible to all users through several means, including the Internet.
1-13. Evaluate quality of Representation case work.	General Counsel reviewed individual cases and appellate court decisions involving challenges to the certification process. A compendium of best practices was prepared.	General Counsel will evaluate the quality of work through various means. For example: the quality review as well as the review of the representation case decisions appealed to the Board and review of Board decisions themselves.	Goal achieved. The quality of representation case processing was assessed through a quality review of a randomly selected sample of Regional Office case files, review of selected Regional Director decisions and Board decisions reviewing decisions of the Directors.
1-14. Reduce median age of pending Representation cases by 5% from the previous year	Due to budgetary constraints, the age of representation cases pending at the Board was not reduced.	The Board will reduce median age of pending representation cases by 5%. The current median age is 260 days.	As a result of concentration on the oldest and most difficult cases, the age of representation cases pending at the Board was not reduced.
1-15. Issue all Representation cases pending more than 2 years	The number of representation cases pending over 2 years increased from 22 to 32, an increase of 45%.	The Board will issue all representation cases pending at the Board more than 2 years.	The number of representation cases pending over 2 years was reduced from 88 to 7 cases, meeting 92% of the goal.

Explanations for Performance Measures in Goal No. 1

1-1. Actual results exceeded the estimate due to determined efforts by field staff to reduce the lapse time from petition to election. Staff training, heightened managerial oversight and increased awareness among labor organizations and the bar of Agency time goals contributed to our success.

1-9. The goal was exceeded because Regional Directors improved their timeliness in issuing decisions and directing elections. Parties have learned they cannot delay the conduct of an election by refusing to enter into a stipulated election agreement and forcing the conduct of a re-election hearing.

1-10. The significant accomplishment here may be attributed in part to the Board's aggressive use of the strategies set forth in the Agency's Strategic Plan, particularly the triage approach to processing representation cases and expanded use of the "Superpanel" system for processing less complex cases. Most importantly, the Agency was able to devote financial resources in its FY 1999 budget to reassign several employees temporarily from various Regional office locations to the Office of Representation Appeals to assist in processing these cases.

In addition to the above, we note that while the overall median of 13 days, as well as the 11.5 day median for cases in which an election is directed, are significant achievements, the median for all non-election cases was substantially longer -- 29.5 days. Most disappointing, rulings were not issued for 100 days or more in over 25% of the non-election cases. In our view, this is not an acceptable figure, and demonstrates that additional resources and attention must be devoted to non-election cases whose processing times were longer than the median. The allocation of additional resources to these oldest cases will result in some improvement in the overall median statistic.

1-15. The performance goal was set at an approximate target level and the deviation from that level is slight. There was no effect on overall program or activity performance. The Board is making every effort to issue decisions in these remaining cases on an expedited basis.

Problems/Changes Needed

Changes needed are the devotion of additional resources and attention to issuing rulings on request for review in the oldest non-election cases.

**GOAL
NO. 2:** **Investigate, prosecute and
remedy unlawful acts, called
unfair labor practices, by
either employers or unions or
both.**

OBJECTIVES

Certain conduct by employers and labor organizations leading to workplace disruption has been determined by Congress to burden interstate commerce and has been declared unfair labor practices under Section 8 of the National Labor Relations Act. Goal No. 2 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; making employees whole, with interest; bargaining in good faith; and ordering a respondent to cease and desist from the unlawful conduct. Special priority will be given to resolving disputes with the greatest impact on the public and the core objectives of the National Labor Relations Act.

Notable achievements

The Judges Division issued decisions in a median of 48 days from the filing of briefs. This achievement exceeds the FY 2000 measure. The goals for reducing the percentage of overage cases in all three Impact Analysis categories were exceeded: over 90% of the highest priority cases were handled within 49 days. Additionally, 74 of the 87 unfair labor practice cases pending before the Board longer than three years were issued.

Performance Measure	FY 1998 Actual	FY 1999 Estimated	FY 1999 Actual
2-1. Evaluate quality of Unfair Labor Practice casehandling	General Counsel reviewed selected cases, litigation and remand rates. Field and Appeals' data reports used in appraisal process.	Continue to evaluate the quality of unfair labor practice casework in accordance with our customer standards.	Goal achieved. The quality of unfair labor practice case processing was assessed through a quality review of a randomly selected sample of Regional Office case files; review of selected administrative law judge

			decisions and Board decisions reviewing decisions of administrative law judges; quality review also involved in Divisions of Advice and Enforcement Litigation's processing of cases arising in the Regional offices.
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FY 1999 PROGRAM PERFORMANCE REPORT

Performance Measure	FY 1998 Actual	FY 1999 Estimated	FY 1999 Actual
2-2. Evaluate Information Officer Program	Examined year-end statistics as well as impact of the experimental automated voice assistance program implemented in seven field offices.	The General Counsel will extend automated voice assistance program to ten additional field offices.	The program was installed in five additional field offices. Three of these offices are using the program.
2-3. Impact Analysis: reduce tolerable percentage of unexcused overage cases Category III (49 days)	14.9% overage	13 % overage	9.7% overage
Category II (77 days)	23.6% overage	20% overage	17% overage
Category I (105 days)	24.5% overage	30% overage	15.2% overage
2-4. Maintain high percentage of settlements in field offices prior to formal litigation.	Discounting post-complaint Caterpillar settlements, the rate was 95.3%.	Field offices will settle 90% of the unfair labor practice cases in which further proceedings are deemed warranted.	Field offices settled 98.2% of the unfair labor practice cases in which further proceedings were deemed warranted. The factors noted for the success of measure 2-3, Impact Analysis, also had an impact on the success of the settlement program.
2-5. Trial Calendar: reduce number of median days from issuance of complaint to close of hearing	179	200	168
2-6. Issue appeals cases sustained from dismissal of charge within time targets	Issued sustained appeal cases within 120 days from receipt of the appeal in 56% of the closed cases.	Will issue sustained appeal cases within 120 days from receipt of the appeal in 60% of the closed cases.	Issued sustained appeal cases within 120 days from receipt of the appeal in 41% of the closed cases.
Performance Measure	FY 1998 Actual	FY 1999 Estimated	FY 1999 Actual

FY 1999 PROGRAM PERFORMANCE REPORT

2-7. Close Advice cases in a median of 25 days of receipt from Regional Offices (in cases not seeking injunctions)	22 days	25 days	21 days
2-8. Close Advice cases seeking sec. 10(j) injunctions, within 25 days of receipt from Regional Offices	82%	82%	87%
2-9. Provide appropriate memo to the Board, in Advice cases seeking sec. 10(j) injunctions, within 10 days of receipt from Regional Offices	36%	40%	51%
2-10. Issue Division of Judges decisions within established time targets, regardless of length of transcript	Judges decisions were issued in a median of 56 days from the filing of briefs.	Issue Judges decisions within a median of 90 days from the filing of briefs.	Judges decisions were issued within a median of 48 days from the filing of briefs.
2-11. Reduce the age of Unfair Labor Practice cases pending at the Board	Due to budgetary constraints, the age of pending unfair labor practice cases was not reduced.	The Board will reduce the age of pending cases by 5%, using FY 98 data as a base.	As a result of concentration on the oldest and most difficult cases, the age of unfair labor practice cases was not reduced.

Performance Measure	FY 1998 Actual	FY 1999 Estimated	FY 1999 Actual
2-12. Reduce the number of Unfair Labor Practice cases pending at the Board for the longest time.	Due to budgetary constraints, the number of pending unfair labor practice cases more than 3 years was not reduced.	The Board will issue all unfair labor practice cases pending more than 3 years.	The number of unfair labor practice cases pending over 3 years was reduced from 87 to 13 cases, meeting 85% of the goal.
2-13. File priority Enforcement petitions within 100 days from referral.	86%	83%	83%
2-14. File all other Enforcement petitions within 150 days from referral.	76%	76%	87%
2-15. Reduce percentage of Compliance cases exceeding target processing time to 10% overage.			
Category III (91 days)	10.5%	10 %	9.8%
Category II (119 days)	19%	13%	14.3%
Category I (147 days)	12.6%	15%	9.1%
2-16. Improve quality of Unfair Labor Practice Case processing	Surveyed all field offices to identify best field practices in processing of unfair labor practices. Best Practices Committee began analyzing survey responses.	The General Counsel will review, update and disseminate (including on the Internet) the Unfair Labor Practice Manual. Employees will have access through the Internet as well as desk copies for field staff.	The review and update of the Unfair Labor Practice Manual by the General Counsel was ongoing at the end of the fiscal year. Completion of revisions is anticipated by the end of FY 2000.

Explanations for Performance Measures in Goal No. 2

2-2. Our goal was not met, in part due to varying telephone services offered in different parts of the country. In some cases, the automatic attendant feature was not available. In others, a cost was involved in tracking information calls when the automatic attendant did not include this function. Some telephone systems would not accommodate either the automatic attendant or the tracking information functions. In addition, some Regional Directors were reluctant to send inquiring parties to an automated attendant instead of an employee. As a result, only three of the five new offices are actually using the system.

2-3. For all three Impact Analysis categories, performance exceeded the goal as a result of heightened management controls of case processing and excellent employee performance. Lower than expected case intake also contributed to better results.

2-6. While failure to meet set goals in the appeals performance measure for the year as a whole is significant, a review of the records indicates substantial progress toward reaching the goal as the year progressed and the Office of Appeals increased staffing levels. Thus, while the median day processing time for the year for sustained cases was 156 days, the number steadily decreased to 61 for the last quarter.

Reduced staffing levels in Appeals created by the Agency's budget considerations resulted in significant overall case assignment backlogs there. Another factor in the delay of processing cases was the implementation of the Agency's case Impact Analysis program. This program dictates that those cases with the greatest impact on the public, but not necessarily cases in which appeals are sustained, be processed first. Thus many cases that ultimately result in being sustained fall behind in the Office's assignment backlog, while cases with greater public impact are processed that may not be found to have merit.

However, in view of the marked demonstration in improvement as the year progressed, no adjustment is necessary at this time to the estimated target for FY 2000.

2-10. The FY 1999 median of 48 days for issuing judges decisions was the lowest since we have started keeping that figure. The main reasons for this unique accomplishment--apart from the diligent work of our judges--are that backlogs were unusually low at the beginning of the fiscal year and fewer hearings were closed during the year. Each of these circumstances gave judges more time to work on their pending cases.

In FY 2000 we expect a return to the more modest, but still impressive, medians of previous years. Several factors may affect our productivity. We anticipate more hearings in the next fiscal year. We also anticipate fewer relatively simple cases and a greater number of longer and more complex cases, which take a longer time to write. We anticipate fewer bench decisions from our judges as

well. In the past the issuance of bench decisions has operated to reduce our overall median.

2-12. The performance goal was set at an approximate target level and the deviation from that level is slight. There was no effect on overall program or activity performance. The Board is making every effort to issue decisions in these remaining cases on an expedited basis.

2-13 / 2-14. Although we met our goal for filing priority enforcement petitions and exceeded it for filing non-priority petitions, we anticipate that these figures are unlikely to be so high next year. At the beginning of FY 1999, we had relatively low intake-to-staff ratios. The increase in Board decisions toward the latter part of the year came at a time when we had lost Enforcement staff due to attrition. The result was that we began accumulating a backlog. That burgeoning backlog is not reflected in the FY 1999 results because the time measures run from the referral date to the date of filing - we have to wait until we file to determine how long the process took. At this point, many of the backlogged cases simply have not been filed and do not show up in this year's measurements as exceeding the time target, but will in FY 2000.

2-15. Performance exceeded the compliance goal as a result of heightened management controls of case processing and excellent employee performance. Lower than expected case intake also contributed to better results.

Problems/Changes Needed

The backlog problem we had in FY 1999 in the Office of Appeals should improve in FY 2000, with adequate funding and staffing levels for that office. (See explanation for 2-6).

Although the goals for filing enforcement petitions were met or exceeded for FY 1999, a backlog of referrals for enforcement that began accumulating in that year will affect the FY 2000 results for this measure. (See explanation for 2-13/ 2-14).

**GOAL
NO. 3:**

**Develop and maintain a well
trained, highly effective,
productive, customer-service
oriented workforce.**

OBJECTIVES

A well-trained professional and support staff is essential to the effective and efficient achievement of the Agency's mission. Appropriate training of personnel ensures that our customers will receive the highest level of service, and enhances our ability to achieve the other goals set forth by the Agency. Accordingly, the Agency is committed to providing Agency employees with the work environment, support, training, guidance and resources necessary to carry out the Agency's mission.

Notable achievements

In FY 1999, a number of training events occurred, including the completion of a Trial Training Seminar for attorneys in the West Coast regions. Although not a measure in FY 1999, the Agency was able to provide training to various groups of executives: four managers at OPM's Management Development Centers; three Board Members and the General Counsel at the Agency Commissioners Seminar; and 10 administrative law judges at the Federal Administrative Law Judges Conference. In addition, 40 executives, managers and supervisors were provided with in-house consultant training tailored to meet their managerial needs, and new supervisors received in-house training from the Personnel Branch.

A thorough review of Agency Training Programs was completed in FY 1999. As a result, a major reorganization and restructuring has been planned for implementation in FY 2000.

Performance Measure	FY 1998 Actual	FY 1999 Estimated	FY 1999 Actual
<p>3-1. Provide General Counsel staff training on specific Agency initiatives, such as Representation case processing.</p>	<p>Held limited training on protective orders and discovery in 10(j) proceedings. Videotape on Rules of Evidence in representation cases was distributed. One training conference was held for field supervisors. IT training was provided in a selected number of offices.</p>	<p>There is no specific commitment due to Agency priorities. The General Counsel will maximize use of in-house training that requires no travel and no outside experts and will explore the availability of all no-cost training.</p>	<p>The Agency researched other agencies' training programs for inclusion at no cost to the NLRB. These programs were made available to employees via electronic bulletin board; approximately 50 employees took courses at the Justice Department's National Advocacy Center, the Small Agency Council, and the Securities and Exchange Commission. Representation case training videotape was made available to all employees; designated employees received annual ethics training produced by the Agency; and focus groups on training were set in motion to discuss training needs.</p>
<p>3-2. Provide General Counsel staff training on career development and continuing legal education (training is contractual with employee organization).</p>	<p>Due to budgetary constraints, this training did not take place in FY 1998.</p>	<p>The General Counsel will set aside funds to provide training to all employees by outside vendors on subjects related to the performance of Agency employee responsibilities and career development. [Agency Tuition Reimbursement Program] Estimated cost: \$197,000</p>	<p>In fiscal year 1999 the Agency exceeded its estimated \$197,000 cost of tuition reimbursement by approximately 10%. The tuition reimbursement program provided 603 employees with training by outside vendors on subjects related to the performance of Agency employee responsibilities and career development. Additionally, approximately \$150,000 was spent on providing Agency employees with specialized computer training.</p>

Performance Measure	FY 1998 Actual	FY 1999 Estimated	FY 1999 Actual
3-3. Provide field employees with details to headquarters offices (Exchange Detail Program).	Due to budgetary constraints, this training did not take place in FY 1998.	The General Counsel will provide up to 24-field professional and 13 field support employees with voluntary details to headquarters. Estimated cost: \$115,000	A total of 28 field employees were detailed to headquarters offices, at a cost of \$65,400.
3-4 Provide headquarters employees with details to field offices (Exchange Detail Program).	Due to budgetary constraints, this training was not done in FY 1998.	The Agency will provide up to 17 headquarters professional employees with details to field offices. Estimated cost: \$125,000	A total of 6 professional employees were detailed to the field at a cost of \$63,000.
3-5. Provide details for employees within headquarters offices (Exchange Detail Program).	Due to budgetary constraints resulting in the suspension of all contractual benefits no details were provided in FY 1998.	The Agency will provide up to 11 headquarters professional employees with details to other headquarters offices. Estimated cost: 0	A total of 3 headquarters professional employees were detailed to other headquarters offices, at no cost.
3-6. Hold Training Seminars (Strategic Plan)	Due to budgetary constraints, this training was limited to a single training conference for field supervisors on effective and efficient casehandling, personnel issues, and leadership.	Because of Agency priorities, no specific commitment is made for FY 1999.	Management training was conducted for 33 regional directors and 12 other field managers.

Performance Measure	FY 1998 Actual	FY 1999 Estimated	FY 1999 Actual
3-7. Hold training seminars for trial attorneys, field examiners and regional management	Due to budgetary constraints, this training was not done in FY 1998.	Because of Agency priorities, no specific commitment is made for FY 1999.	Trial training was conducted for new attorneys.
3-8. Hold training seminars for new employees, and on compliance and Freedom of Information Act.	Due to budgetary constraints, this training was not done in FY 1998.	Because of Agency priorities, no specific commitment is made for FY 1999.	This training was not conducted because of insufficient funds.
3-9. Provide training for Judges	Due to budgetary constraints, this training was not done in FY 1998.	Because of Agency priorities, no specific commitment is made for FY 1999.	No training was conducted.
3-10. Provide Board staff training for supervisors	Due to budgetary constraints, this training was not done in FY 1998.	Because of Agency priorities, no specific commitment is made for FY 1999.	All Board supervisors convened in February for a 1-day training session moderated by a representative from the Federal Mediation and Conciliation Service for team building and to discuss process issues. The group reconvened in June for more team building and to review progress on process issues. Plans were made for Board supervisor training in October and November of 1999.

Problems/Changes Needed

Since additional resources will be available in FY 2000 and the Agency will have developed a comprehensive training plan, we should be able to provide sufficient training to our employees. With increased emphasis on training, as illustrated by the reorganization that will create the Office of Employee Development reporting directly to the General Counsel, more attention will be focused on making changes in this area in FY 2000.

**GOAL
NO. 4:**

Fully integrate information resource management into the working environment to increase the Agency's ability to provide information to the public and to meet Agency core mission functions and goals.

OBJECTIVES

To support the Agency's core mission functions and goals, the Agency will provide automated case management data research tools and other technological aids to enhance our employees' ability to work more efficiently, assess and manage our workload and increase our responsiveness to the public.

Outcomes

The strategies developed by the Agency in the area of information technology will result in positive internal and external outcomes. Internally, the strategies will ensure accurate, comprehensive and timely legal research through on-line access to historical information that can be easily searched. The ready accessibility of such research will improve the quality of research and expedite the case handling process. The accessibility of information on a nationwide basis will improve the Agency's ability to achieve compliance with Board decisions. With a consistently updated and maintained national database, the Agency will be able to provide reliable and responsive information in a timely manner to the Agency's various stakeholders, many of whom need this information in order to study broader issues.

Externally, telecommunications initiatives through the Internet and a Wide Area Network will have the advantage of making information available to the public as well as Agency managers and employees on an ongoing basis. Public access to this information will increase awareness and understanding of the Agency's

mission. It will also make readily accessible specific procedures to follow in order to bring relevant labor related matters to the attention of the Agency. Another benefit of public access is reducing the response time for information requests made pursuant to the Freedom of Information Act or, in many cases, eliminating the need for such requests.

Notable achievements

We estimated that we would be able to establish the Agency’s information infrastructure, required to support our planned and future use of information technology, in 18 additional field locations in FY 99. Due to the dedication of our staff, we actually established it in 27 additional locations. We exceeded the goal by 9 locations, bringing the total to 45. The remaining 9 locations will be completed in early FY 2000.

Performance Measure	FY 1998 Actual	FY 1999 Estimated	FY 1999 Actual
4-1. Establish information infrastructure	Infrastructure was established in 10 additional locations (established in 8 locations in FY 97).	Infrastructure will be established in another 18 locations. (Total 36)	Infrastructure was established in another 27 locations. (Total 45)
4-2. Improve electronic access to legal research materials	The ability to access both NLRB and external legal research material electronically was made available to all NLRB locations.	Every NLRB office will have access to the Internet.	Every NLRB office has access to the Internet.
4-3. Design and deploy telecommunications architecture (WAN)	Entered into an Interagency Agreement to share a national wide area network (WAN) with GSA. Design completed and deployed in 10 locations.	Design will be deployed in another 44 locations. (Total 54)	Design completed and deployed in all 54 locations.
4-4. Develop and deploy Case Activity Tracking System (CATS)	This system became operational in 2 locations.	This system will be operational in another 26 locations. (Total 28)	This system became operational in another 24 locations. (Total 26)

FY 1999 PROGRAM PERFORMANCE REPORT

4-5. Maintain shorter preparation time for Agency's Annual Report	The FY 1997 Annual Report preparation time was reduced to six months.	The FY 1998 Annual Report will be prepared within six months.	The FY 1998 Annual Report was prepared in six months.
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Performance Measure	FY 1998 Actual	FY 1999 Estimated	FY 1999 Actual
4-6. Improve agency and public access to NLRB activities, decisions and documents through an Internet web site.	A public web site was created that provides public access to frequently requested materials without a FOIA request or significant search time.	Legal Research and numerous other applications will be accessible via the Internet.	Legal Research applications are now accessible via the Internet.
4-7. Achieve Year 2000 Compliance	N/A	NLRB application systems will be Year 2000 compliant, based on the Agency's contingency plans.	NLRB application systems are Year 2000 compliant based on the Agency's contingency plans.

Problems/Changes Needed

We are undergoing a conversion from one case-tracking data system (CHIPS) to another (CATS), a large development project. During FY 1999, regional offices were to continue inputting their data into CHIPS as well as CATS, pending final conversion to CATS. Some offices did not input their case-tracking data into CHIPS, and relied solely on CATS. Although this did not have a negative effect on the FY 1999 performance measure to compile the FY 1998 Annual Report within six months, it is likely to affect our ability to meet this goal in preparing the FY 1999 Annual Report during FY 2000.

VERIFICATION AND VALIDATION OF DATA

The means for verifying and validating our data was not addressed in the FY 1999 Performance Plan. Our more recent descriptions have been limited to the two case tracking systems, CHIPS and CATS, but these systems do not gather data on all of the performance measures, and generate only some of the statistics we use. Additionally, certain data that should have been gathered in FY 1999 by both case tracking systems was not, due to the premature reliance on CATS explained in Goal no. 4 above.

At this point we have a better understanding of what is required and find that opportunities for improving the verification and validation of our data are many and far-reaching throughout the organization. The NLRB Inspector General has also provided input following a review of this Program Performance Report. While many of our data verification means are adequate, we are taking steps to

correct certain areas that need attention. In the future, responsibility for the actual accumulation, reporting, verification and validation of data will be clearly assigned. Supporting documentation for this data will be maintained and accessible. All performance measures will be quantifiable and, whenever possible, universes, time frames for the various stages in case processing, and other measures will be consistently defined throughout the Agency.