



FY 2000 ANNUAL PROGRAM PERFORMANCE REPORT

AND
FY 2002 ANNUAL PERFORMANCE PLAN

GOVERNMENT PERFORMANCE and RESULTS ACT of 1993

April 2001

**FY 2000 ANNUAL PROGRAM PERFORMANCE REPORT
AND
FY 2002 ANNUAL PERFORMANCE PLAN**

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INTRODUCTION

The National Labor Relations Board's (NLRB) FY 2000 Annual Program Performance Report and the FY 2002 Annual Performance Plan are presented in this document. The FY 2002 Annual Performance Plan represents the second year of a six-year plan that weaves two primary strategic initiatives, speed and quality, through all goals, objectives and strategies. A more comprehensive understanding of the Agency and its plans for the next five years may be obtained by reading the FY 2000 - FY 2006 Strategic Plan. Performance goals and measures were revised during the preparation of the FY 2001 Annual Performance Plan and are reflected in the FY 2002 Plan. The FY 2000 Annual Performance Report contains NLRB's unmodified original performance goals. A conversion table illustrating changes between the FY 2000 Annual Performance Report and FY 2001 and FY 2002 Performance Plan may be found in Appendix A.

MISSION STATEMENT

The National Labor Relations Board is an independent 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. The Act embodies a bill of rights that 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 (ULP) on the part of employers and unions to promote commerce and strengthen the Nation's economy. Under the Act, the NLRB has two primary functions: (1) to prevent and remedy statutorily defined unfair labor practices by employers and unions; and (2) to conduct secret-ballot elections among employees to determine whether the employees wish to be represented by a union. 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.

STRATEGIC GOALS
(Contained in NLRB's FY 2000 – 2006 Strategic Plan)

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

OBJECTIVES:

- A. Encourage voluntary election agreements by conducting an effective stipulation program.
- B. Conduct elections promptly.
- C. Issue all representation decisions in a timely manner.
- D. Afford due process under the law to all 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, such as:
 - Hold weekly meetings of panels of Board Members to decide representation case matters.
 - Maximize the use of expedited representation case processing strategies.
 - Hold weekly meetings of Deputy Chief Counsels and their staffs to discuss the status of pending cases and to identify the proper procedures for the prompt issuance of each representation case.

- Establish specific representation case production goals as evaluation criteria for all Board staff managers and supervisors.
6. Ensure that due process is accorded in representation cases by careful review of Requests for Review, Special Appeals and Hearing Officer Reports, and where appropriate, the records in the cases.
 7. Analyze and prioritize the critical skill needs and address these skills needs using a cost effective instructional delivery system that ensures timely access to the needed training in a work environment that encourages employees to effectively utilize their diverse talents in achieving Agency goals.
 8. Provide an information technology environment that is mainstream with other federal agencies and the public, and that will provide NLRB employees with technology tools and access to research and professional information comparable to that available to their private sector counterparts.

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

OBJECTIVES:

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

STRATEGIES:

1. Take proactive steps to disseminate information and provide easily accessible facts and information to the public about the Board's jurisdiction in unfair labor practice matters and the rights and

obligations of employers, employees, unions, and the Board under the Act.

2. Evaluate the quality of unfair labor practice casework regularly to provide the best possible service to the public.
3. Utilize impact analysis to provide an analytical framework for classifying unfair labor practice cases in terms of their impact on the public so as to differentiate among them in deciding both the resources and urgency to be assigned to each case.
4. Share best practices in the processing of unfair labor practice cases to assist regions in resolving unfair labor practice issues promptly and fairly.
5. Emphasize the early identification of remedy and compliance issues and potential compliance problems in merit cases; conduct all phases of litigation, including settlement, so as to maximize the likelihood of obtaining a prompt and effective remedy.
6. Utilize injunctive proceedings to provide interim relief where there is a threat of remedial failure.
7. Emphasize and encourage settlements as a means of promptly resolving unfair labor practice disputes at all stages of the casehandling process.
8. Identify and utilize alternative decision-making procedures to expedite Board decisions in unfair labor practice cases, such as:
 - Hold weekly meetings of panels of Board Members to decide unfair labor practice case matters.
 - Maximize the use of expedited unfair labor practice case processing strategies.
 - Hold weekly meetings of Deputy Chief Counsels and their staffs to discuss the status of pending cases and to identify the proper procedures for the prompt issuance of each unfair labor practice case.
 - Establish specific unfair labor practice case production goals as evaluation criteria for all Board staff managers and supervisors.
9. Analyze and prioritize the critical skill needs and address these

skill needs using a cost effective instructional delivery system that ensures timely access to the needed training in a work environment that encourages employees to effectively utilize their diverse talents in achieving Agency goals.

10. Provide an information technology environment that is mainstream with other Federal agencies and the public, and that will provide NLRB employees with technology tools and access to research and professional information comparable to that available to their private sector counterparts.

FY 2000 ANNUAL PROGRAM PERFORMANCE REPORT

Executive Summary/Highlights for Fiscal Year 2000

Performance results for FY 2000 are reported separately on the charts following this summary. Our performance measurements under the Government Performance and Results Act (GPRA) focus on timeliness for all aspects of our two principal activities, the conduct of representation elections and the prevention and remedying of unfair labor practices. A brief explanation, which assesses actual FY 2000 performance for each measurement, is contained in the last column of the charts.

The NLRB's FY 2000 budget was \$205.717 million with a ceiling of 1,947 FTE. This funding level allowed the Agency to implement a program of significant backlog reduction. During FY 2000, intake for unfair labor practice cases increased slightly, from 27,450 in FY 1999 to 27,608 in FY 2000. In FY 2000, intake for representation cases was 1% below the FY 1999 level. The Agency was able to reduce ULP field case backlog by approximately 1,300 cases or 5 times the backlog reduction in FY 1999.

Generally, FY 2000 results were very favorable. In the area of ULP casehandling, we were able to exceed our goal of maintaining a high percentage of settlements in field offices prior to formal litigation. The number of median days from issuance of a complaint to the close of a hearing was also reduced by close to 50 days. The time needed for the Division of Judges to issue decisions was also decreased significantly. In the representation area, the Board significantly reduced the median age of pending cases by 75% from the FY 1999 level. The Agency was also successful in achieving voluntary election agreements in a higher percentage of cases.

In the areas of training, the Office of Employee Development was established in FY 2000 to oversee the training requirements of the Agency. During FY 2000, we were able to provide training to Board supervisors, new attorneys, field managers and others through outside vendors, tuition reimbursement, and detail/exchange programs. The Agency will continue to provide relevant training to the entire workforce to ensure the achievement of our performance goals.

Our achievements in the information technology area were notable. The Case Tracking System (CATS) became operational in all NLRB locations. The ability to access both NLRB and external legal materials electronically was expanded and improved. The Agency will continue to devote resources to address information technology issues in order to assist us in meeting all our performance goals.

Factors Influencing Results: The two factors that had the greatest impact on reaching our performance goals are as follows: 1) the FY 2000 funding level was more appropriate to our needs and 2) a fuller complement of Board Members for the entire fiscal year issuing decisions.

Appointment of Board Members: Having a full Board for eleven months provided a full cadre of experienced Board Members to issue decisions for most of the fiscal year. In August 2000, the term of one member expired and this position has not been replaced.

Legislative Changes: There were no significant legislative changes affecting our operation in FY 2000.

AGENCY GOALS, OBJECTIVES AND PERFORMANCE MEASURES

GOAL #1: Resolve questions concerning representation impartially, promptly, and conclusively.

OBJECTIVES FOR GOAL #1

The National Labor Relations 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.

The performance results for Goal #1 follow:

Performance Goals	FY 1998 Actual	FY 1999 Actual	FY 2000 Projected	FY 2000 Actual	Goal Assessment
Goal 1-1 Hold elections within 42 days of filing of petition.	57.7%	62.5%	60%	64%	Exceeded goal.
Goal 1-2 Hold elections within 56 days of filing of petition.	89.5%	90.3%	90%	86%	Goal not achieved: Resources diverted to training a cadre of much needed new employees.
Goal 1-3 Hold no elections more than 85 days after filing, unless circumstances are beyond control of regions.	7 elections	7 elections	0 elections	12 elections	Goal not achieved. See explanation under performance goal 2.
Goal 1-4 Issue report resolving post election issues, no hearing, in 35 median days.	26 median days	23 median days	25 median days	24.5 median days	Exceeded goal.
Goal 1-5 Issue report resolving post election issues, hearing held, in 95 median days.	77 median days	78 median days	73 median days	81 median days	Goal not achieved. See explanation under performance goal 2.

Performance Goals	FY 1998 Actual	FY 1999 Actual	FY 2000 Projected	FY 2000 Actual	Goal Assessment
Goal 1-6 Issue no post-election report more than 120 days after the election except for reasons beyond the control of regions.	--	--	See note in Goal Assesment Column.	Goal eliminated in FY 00 Performance Plan. --	Performance goal eliminated in FY 2000 Performance Plan due to goals 7 & 8 set forth below regarding 100/50 day guidelines in post-election area.
Goal 1-7 Issue no report more than 50 days from objections or challenges, no hearing held, except for reasons beyond control of regions.	--	Assess baseline data.	--	12 reports	Goal achieved. Baseline assessed.
Goal 1-8 Issue no report more than 100 days from objections or challenges, hearing held, except for reasons beyond control of regions.	--	Assess baseline data.	--	19 reports	Goal achieved. Baseline assessed.
Goal 1-9 Achieve voluntary election agreements at least 80% of the time.	86.3%	87.7%	85%	89%	Exceeded goal.
Goal 1-10 Issue Ruling on Requests for Review of Regional Directors Decisions within a median of 21 days of receipt of request.	18 median days	13 median days	18 median days	18 median days	Goal achieved.

Performance Goals	FY 1998 Actual	FY 1999 Actual	FY 2000 Projected	FY 2000 Actual	Goal Assessment
Goal 1-11 Establish/ Improve performance goals and measures related to Representation proceedings.	N/A	Reassess or est. new goals for the conduct of an election, the resolution of post election issues & the issuance of a certification.	Implement perf. goals est. in FY 99 for the conduct of an election, the resolution of post election issues & the issuance of a certification.	Achieved first 2 parts of goal. No goal established with regard to certification.	Did not achieve goal for the issuance of certification. Certification goal not used in FY 2001 for means of assessing Representation proceedings.
Goal 1-12 Revise Representation Casehandling Manual and make it accessible to the public.	Made accessible to public on the Agency web site. Compendium of case processing was also completed.	Gen. Counsel began to revise Manual and make accessible to public through Internet and other means.	Manual completed and made accessible to public.	Manual completed and made accessible to public.	Goal achieved.
Goal 1-13 Evaluate quality of Representation casework.	General Counsel reviewed individual cases and Appellate Court decisions involving challenges to the certification process. Compendium of best practices was prepared.	Represent. case processing assessed through a quality review of a randomly selected sample of regional office case files, review of selected Regional Directors' decisions and Board decisions reviewing decisions of Directors.	The Board and General Counsel will evaluate the quality of work through various means.	The Board and General Counsel evaluated the quality of work through various means.	Goal achieved.

Performance Goals	FY 1998 Actual	FY 1999 Actual	FY 2000 Projected	FY 2000 Actual	Goal Assessment
Goal 1-14 Reduce median age of pending Representation cases by 5%.	Due to budgetary constraints, the age of Rep. cases pending at the Board was not reduced	As a result of concentration on the oldest and most difficult cases, the age of Rep. cases pending at the Board was not reduced.	The Board will reduce median age of pending Rep. cases by 5% from FY 99 level. The current median age is 260 days.	The Board reduced median age of pending Rep. cases by 76% from FY 99 level. The current median age is 63 days.	Exceeded goal.
Goal 1-15 Issue all Representation cases pending more than 20 months.	The number of R cases pending over 2 years increased from 22 to 32, an increase of 45%.	The number of R cases pending over 2 years was reduced from 88 to 7 cases, meeting 92% of the goal.	The Board will issue all R cases pending at the Board more than 20 months.	The Board issued all R cases pending at the Board more than 20 months.	Goal achieved.
Goal 1-16 Operations - Management to visit Regional Offices to assess effectiveness of casehandling systems; discuss performance measurements, best practices and implementation of General Counsel policies.	N/A	N/A	Visit 40 field offices.	Visited 41 field offices.	Exceeded goal.
Goal 1-17 Operations - Management to perform on-site quality review of casehandling files in Regional Offices.	N/A	N/A	Perform on site quality review at all 33 regional offices.	Performed on site quality review at all 32 regional offices.	Goal achieved: A review of specific files in the Regional Offices was conducted in half of the visits. In the remaining regions, files were shipped to Headquarters for review.

GOAL #2: Investigate, prosecute, and remedy unlawful acts, called unfair labor practices, by either employers or unions or both.

OBJECTIVES FOR GOAL#2

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#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.

The performance results for Goal#2 follow:

Performance Goals	FY 1998 Actual	FY 1999 Actual	FY 2000 Projected	FY 2000 Actual	Goal Assessment
Goal 2-1 Evaluate quality of Unfair Labor Practice (ULP) casehandling.	General Counsel reviewed selected cases, litigation and remand rates. Field and Appeals' data reports used in appraisal process.	The quality of ULP case processing was assessed through a quality review of a randomly selected sample of Regional Office case files; review of selected Admin. Law Judge decisions and Board decisions reviewing decisions of ALJs; quality review also involved in Divisions of Advice and Enforcement Litigation's processing cases arising in the Regional Offices.	Continue to evaluate the quality of ULP casework in accordance with our customer standards.	The quality of ULP casework was assessed in accordance with our customer standards.	Goal achieved.
Goal 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 automated program was installed in five additional field offices. Three of these offices are using the program.	Extend automated voice assistance program to all remaining field offices.	The automated program was not installed in any additional field offices. All 12 that have the system are utilizing it.	Goal reevaluated. This program arose at a time of diminished resources. We will continue to encourage use of the system and 12 regions are utilizing it. Regions that are serving their customers without a telephone messaging system may continue to do so.

Performance Goals	FY 1998 Actual	FY 1999 Actual	FY 2000 Projected	FY 2000 Actual	Goal Assessment
Goal 2-3 Impact Analysis: reduce tolerable percentage of unexcused overage cases					Goal not achieved. In addition to a 10% increase in the number of most complex Cat. III cases (5,720 in FY00 compared to 5,162 in FY99), some resources were diverted to training a cadre of much needed new employees, most of whom were not qualified to process Cat. III cases.
A. Category III (7 weeks)	14.9%	9.7%	10%	11.5%	
B. Category II (11 weeks)	23.6%	17%	15%	14.9%	Exceeded goal.
C. Category I (15 weeks)	24.5%	15.2%	20%	12.2%	Exceeded goal.
Goal 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 settled 98.2% of ULP cases in which further proceedings were deemed warranted.	Field Offices will settle 90% of the ULP cases in which further proceedings are deemed warranted.	95%	Exceeded goal.
Goal 2-5 Trial Calendar: Reduce number of median days from issuance of complaint to close of hearing.	179 median days	168 median days	180 median days	132 median days	Exceeded goal.
Goal 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.	Issued sustained appeal cases within 120 days from receipt of the appeal in 41% of the closed cases.	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 54.5% of the closed cases.	Goal not achieved. During the last quarter of FY 00, additional staff attorneys were hired who will help expedite time targets.

* See definition section.

**FY 2000 performance indicator was stated incorrectly in FY 2000 Performance Plan and should have been "60% within 120 days."

Performance Goals	FY 1998 Actual	FY 1999 Actual	FY 2000 Projected	FY 2000 Actual	Goal Assessment
Goal 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	25 days	20 days	Goal achieved.
Goal 2-8 Provide appropriate memo to the Board, in Advice cases seeking sec 10(j) injunctions within 10 days of receipt from Regional Offices.	36%w/in 10 days	40% w/in 10 days	40% w/in 10 days	44% over 10 days	Goal not achieved due to the following: 1) Injunction Litigation Branch experienced a 34% increase in the total number of requests from Regional Offices over FY 99 and a 26% increase in the number of authorized cases making it difficult to absorb without delays in case processing; and 2) a reorganization at Headquarters in FY 00 gave the Division of Advice additional responsibility for managing complex and multi-regional ULP cases in the field therefore taxing the Division's resources and limiting its ability to devote manpower to the increased injunction caseload. By the end of FY 00, the Division had completed the reorganization. This measure has been replaced in the FY00-06 Strategic Plan with a more precise measure of the timely processing of requests for 10(j) injunctions.

Performance Goals	FY 1998 Actual	FY 1999 Actual	FY 2000 Projected	FY 2000 Actual	Goal Assessment
Goal 2-9 Issue Division of Judges decisions within time targets, regardless of length of transcript.	56 median days from filing of brief.	48 median days from filing of brief.	62 median days from filing of brief.	56 median days from filing of brief.	Goal achieved.
Goal 2-10 Reduce the age of ULP cases pending at the Board.	Budgetary constraints prevented goal being achieved.	As a result of concentration on oldest and most difficult cases, the age of ULP cases was not reduced.	Board will reduce age of pending cases by 5% from FY 99 level.	ULP pending cases reduced by 5% from FY 99 level.	Goal achieved.
Goal 2-11 Reduce the number of ULP cases pending at the Board for the longest time.	Due to budgetary constraints, the number of ULP cases pending more than 3 years was not reduced.	The number of ULP cases (absent disposition) pending over 3 years was reduced from 87 to 13 cases, meeting 85% of the goal.	Board will issue all ULP cases pending more than 30 months.	The number of ULP cases (absent disposition) pending over 30 months was reduced from 98 to 33 cases, meeting 66% of the goal.	Goal not achieved due to the complexity of the cases resulting in extending processing time, the absence of a majority vote in a number of cases following the departure of a Board Member near the end of the fiscal year, and the need for a number of cases to await the issuance of lead cases.

Performance Goals	FY 1998 Actual	FY 1999 Actual	FY 2000 Projected	FY 2000 Actual	Goal Assessment
Goal 2-12 File Priority Enforcement petitions within 100 days.	86%	83%	90%	40%	Goal not achieved. As explained in our FY99 Annual Perf. Rpt., we anticipated that FY00 performance would be impacted by a backlog of enforcement cases that developed due to an increase in Board decisions toward the latter part of FY99 when Enforcement staff was lost due to attrition. Of the priority cases filed outside the 100 day performance deadline in FY00, all 6 were cases that had been received, but not filed in FY99. All priority cases received in FY00 were filed within 100 days.
Goal 2-13 File all other Enforcement petitions within 150 days.	76%	87%	80%	61%	Goal not achieved. See explanation in measurement 12. Of the 22 non-priority cases that were filed in over 150 days in FY00, all but 2 of them were referred in FY99.
Goal 2-14 Reduce percentage of Compliance cases exceeding target processing time to 10% overage.					Goal not achieved due to complexity of cases resulting in extended processing time.
A. Category III (13 weeks)	10.5%	9.8%	5%	10.4%	
B. Category II (17 weeks)	19%	14.3%	13%	12.9%	Goal achieved.
C. Category I (21 weeks)	12.6%	9.1%	15%	8%	Goal achieved.

Performance Goals	FY 1998 Actual	FY 1999 Actual	FY 2000 Projected	FY 2000 Actual	Goal Assessment
Goal 2-15 Improve quality of ULP case processing.	Surveyed all Field Offices to identify best Field practices. Best Practices Committee began analyzing survey responses.	The review and update of the ULP Manual by the General Counsel was ongoing at the end of fiscal year. Completion of revisions by FY 00.	The General Counsel will provide training to majority of field employees in ULP procedures.	Training provided. ULP manual is being updated.	Goal achieved.
Goal 2-16 Revise Compliance Manual.	N/A	N/A	Revise the Manual.	Revised and distributed a two volume updated version of the Compliance Training Manual to all regional offices.	Goal achieved.
Goal 2-17 Issue and disseminate further "best practices" for ULP casehandling.	N/A	N/A	Issue a compliance "best practices" report.	Compliance "best practices" survey prepared.	Goal partially achieved. Compliance "best practices" report will be completed by end of FY 01.

GOAL #3: Develop and maintain a well trained, highly effective, productive, customer-service oriented workforce. (NOTE: Goal eliminated in FY 2002 Performance Plan).

OBJECTIVES FOR GOAL#3

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 as 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.

This goal has been eliminated in the FY 2002 Performance Plan, but is still an essential part of the Agency's ability to meet its two principal activities of conducting representation elections and the prevention and remedying of unfair labor practices.

The performance results for Goal#3 follow:

Performance Goals	FY 1998 Actual	FY 1999 Actual	FY 2000 Projected	FY 2000 Actual	Goal Assess.
<p>Goal 3-1 Provide General Counsel (GC) 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 rep. cases was distributed. One training conference was held for field supervisors. IT training was provided in a selected number of offices.</p>	<p>Agency researched other agencies' training programs for inclusion at no cost to NLRB. These programs were made available to employees via electronic bulletin board; approx. 50 employees took courses at Justice Dept.'s Nat'l Advocacy Ctr. , the Small Agency Council, & the Securities & Exchange Commission. Representation case training and videotape was made available to all employees; designated employees received annual ethics training produce by Agency; and focus groups on training were set in motion to discuss training needs.</p>	<p>The GC will provide training for supervisors in the Divisions of Advice, Enforcement Litigation, and Administration.</p>	<p>The GC provided training for supervisors in the Divisions of Advice, Enforcement Litigation, and Administration.</p>	<p>Goal achieved.</p>

Performance Goals	FY 1998 Actual	FY 1999 Actual	FY 2000 Projected	FY 2000 Actual	Goal Assess.
Goal 3-2 Provide GC staff training on career development and continuing legal education (training is contractual with employee organization).	Due to budgetary constraints, this training did not take place in FY 98.	Tuition reimburse. program provided 603 employees with training by outside vendors on subjects related to the performance of Agency employee responsibilities and career development. Additionally, employees received specialized computer training.	GC will set aside funds to provide training to all employees by outside vendors on subjects related to the performance of Agency employee respons. and career development.	Tuition reimbursement program provided 1,100 employees with training by outside vendors on subjects related to the performance of Agency employee responsibilities and career development. Conference presented on legal writing, workforce updates and other topics to all headquarters attorneys.	Goal achieved.
Goal 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 98.	A total of 28 field employees were detailed to Headquarters offices.	GC will provide up to 24-field professional and 13 field support employees with voluntary details to Headquarters.	GC provided 18 professional and 10 support employees with voluntary details to Headquarters.	Goal achieved.
Goal 3-4 Provide Headquarters with details to Field Offices (Exchange Detail Program).	Due to budgetary constraints, this training did not take place in FY 98.	A total of 3 Headquarters professional employees were detailed to other Headquarters offices at no cost.	The Agency will provide up to 17 Headquarters professional employees with details to Field Offices.	The Agency provided 9 Headquarters professional employees with details to Field Offices.	Goal achieved.

Performance Goals	FY 1998 Actual	FY 1999 Actual	FY 2000 Projected	FY 2000 Actual	Goal Assessment
Goal 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 98.	A total of 3 Headquarters professional employees were detailed to other Headquarters offices.	The Agency will provide up to 11 Headquarters professional employees with details to other Headquarters offices.	The Agency provided 3 Headquarters professional employees with details to other Headquarters offices.	Goal achieved.
Goal 3-6 Hold training seminars (Strategic Planning).	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.	Management training was conducted for 33 Regional Directors and 12 other Field managers.	GC will train its Field and Headquarters supervisors on subjects including effective and efficient casehandling, personnel issues, and leadership and responsibilities under GPRA.	GC trained its Field and Headquarters supervisors on subjects including effective and efficient casehandling, personnel issues, and leadership and responsibilities under GPRA.	Goal achieved.
Goal 3-7 Hold training seminars for trial attorneys, field examiners and regional management.	Due to budgetary constraints, this training was not done in FY 98.	Trial training was conducted for new attorneys.	GC will provide litigation training to field attorneys, representation case training to field examiners, and managerial training.	GC provided litigation training to field attorneys, representation case training to field examiners, and managerial training.	Goal achieved.

Performance Goals	FY 1998 Actual	FY 1999 Actual	FY 2000 Projected	FY 2000 Actual	Goal Assessment
<p>Goal 3-8 Hold training seminars for new employees, and on compliance and Freedom of Information Act.</p>	<p>Due to budgetary constraints, this training was not done in FY 98.</p>	<p>Due to budgetary constraints, this training was not done in FY 99.</p>	<p>GC will provide new employee training to field and headquarters employees, compliance training to compliance experts in the field, 10(j) injunctions and Freedom of Information Act training to Field and Headquarters employees.</p>	<p>GC held conferences in San Diego, CA and Clearwater, FL to provide new employee training to Field and Headquarters employees.</p>	<p>Goal not fully achieved due to budgetary constraints. FOIA training scheduled for FY01.</p>
<p>Goal 3-9 Provide training for Judges.</p>	<p>Due to budgetary constraints, this training was not done in FY 98.</p>	<p>Due to budgetary constraints, this training was not done in FY 99.</p>	<p>The Board will provide training to 65 Administrative Law Judges.</p>	<p>The Board provided training to 65 Administrative Law Judges.</p>	<p>Goal achieved.</p>

Performance Goals	FY 1998 Actual	FY 1999 Actual	FY 2000 Projected	FY 2000 Actual	Goal Assessment
Goal 3-10 Provide Board staff training for supervisors.	Due to budgetary constraints, this training was not done in FY 98.	All Board supervisors convened in February '99 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.	The Board will provide training to its managers and supervisors on such issues as effective leadership, team management, efficiency and timeliness in case processing.	The Board provided training to its managers and supervisors on such issues as effective leadership, team management, efficiency and timeliness in case processing	Goal achieved.
Goal 3-11 Provide training to agency executives.	N/A	N/A	Agency will sponsor Federal Executive Institute (FEI) training for 13 employees and OPM 2-week Executive Training for 36 employees.	Agency sponsored 40 employees for OPM 2-week Executive Training.	Goal not fully achieved. No employees sponsored for FEI training. NLRB's new Office of Employee Development is developing and sponsoring an extensive FEI program for FY 01.

GOAL #4: Fully integrate information resource management into the working environment to increase the Agency's ability to provide information to the public and meet Agency core mission functions and goals. (NOTE: Goal eliminated in FY 2002 Performance Plan).

OBJECTIVES FOR GOAL#4

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

Through information technology efforts, the Agency 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 (WAN) 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.

This goal has been eliminated in the FY 2002 Performance Plan, but is still an essential part of the Agency's ability to meet its two principal activities of conducting representation elections and the prevention and remedying of unfair labor practices.

The performance results for Goal#4 follow:

Performance Goals	FY 1998 Actual	FY 1999 Actual	FY 2000 Projected	FY 2000 Actual	Goal Assessment
Goal 4-1 Establish information infrastructure.	Infrastructure was established in 10 additional locations (established in 8 locations in FY 97).	Infrastructure was established in another 27 locations bringing total to 45.	Infrastructure will be established in the 18 remaining locations.	Infrastructure was established in the 18 remaining locations bringing total to 54.	Goal achieved.
Goal 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 has access to the Internet.	The ability to access both NLRB and external legal research material electronically will be expanded and improved.	The ability to access both NLRB and external legal material electronically was expanded and improved.	Goal achieved.
Goal 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 completed and deployed in another 44 locations bringing total to 54.	Performance measure completed in FY 99.	N/A	Goal achieved in FY 99.
Goal 4-4 Develop and deploy Case Tracking System (CATS).	This system became operational in 2 locations.	This system became operational in another 24 locations bringing total to 26.	This system will be deployed in the remaining 26 locations bringing total to 54.	This system was deployed in the remaining 26 locations bringing total to 54.	Goal achieved.

Performance Goals	FY 1998 Actual	FY 1999 Actual	FY 2000 Projected	FY 2000 Actual	Goal Assessment
Goal 4-5 Maintain shorter preparation time for Agency's Annual Report.	The Annual Rpt. for FY 97 preparation time was reduced to 6 months.	The FY 98 Annual Rpt. was prepared in 6 months.	The FY 99 Annual Rpt. will be prepared in 6 months.	The FY 99 Annual Rpt. was not prepared in 6 months.	Goal not achieved. The Agency was in the midst of a transition from its old case tracking systems to the new one. The Annual Rpt. was delayed because of data reconciliation between the two systems and the need to merge data from multiple sources.
Goal 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 applications are now accessible via the Internet.	Legal Research and numerous other applications will be accessible via the Internet.	Legal Research and numerous other additional applications are accessible via the Internet.	Goal achieved.
Goal 4-7 Achieve Year 2000 compliance.	N/A	NLRB application systems became Year 2000 compliant based on the Agency's contingency plans.	NLRB hardware and commercial software will be Year 2000 compliant.	NLRB hardware and commercial software are Year 2000 compliant.	Goal achieved.

FY 2002 ANNUAL PERFORMANCE PLAN

Resources Required To Meet Performance Goals In FY 2002

This section reflects the linking of the Annual Performance Plan to the FY 2002 budget request. The President's budget request to Congress for the NLRB for FY 2002 is \$221.438 million. This funding level will allow the Agency to pursue the goals presented in this performance plan with 2,002 FTE and allow the Agency to continue to pursue its two primary programs and mission-critical strategic goals of handling representation and unfair labor practice cases impartially and promptly.

Personnel: We project that 2,002 FTE's will be required to reach the FY 2002 performance measures related to customer service issues such as timeliness of all case processing and reducing any backlog of cases. We are always concerned with attracting and maintaining a highly skilled and professional workforce. If we are to avoid compromising our ability to maintain an acceptable level of pending cases, it is vital that minimum staffing levels be maintained. Of the \$221.438 million required for the entire Agency, approximately \$172 million will be necessary for personnel related costs to achieve the various performance goals set forth in this plan.

Training: The FY 2002 budget request provides funding for a variety of essential training programs to ensure no degradation of skills occur in the Agency's workforce. Long term and annual goals cannot be met without regular training of all employees. We will continue to analyze and prioritize the critical skill needs and direct funding to the areas of highest priority. Of the \$221.438 million required for the entire Agency, approximately \$2.83 million will be allocated to ensure the performance goals in this plan are achieved.

Technology: Additionally, the FY 2002 budget request provides the Agency with the ability to complete information technology capital projects and to maintain government-wide standards for information technology hardware and software. The Agency has worked very hard to complete its infrastructure modernization program that will eliminate duplicative maintenance problems, decrease operational costs and reduce technical incompatibility. Of the \$221.438 million required for the entire Agency, approximately \$11.5 million will be used to address information technology issues to better enable us to meet our performance goals.

Internal Review: The Agency's internal review function, conducted by our Inspector General's Office, is anticipated to cost \$819,000.

There are five program activities related to the two strategic goals of resolving questions of representation and unfair labor practices. The following table identifies the relationship between these program activities and the performance goals previously discussed:

PROGRAM ACTIVITY	STRATEGIC- PERFORMANCE GOAL	FY 2002 FUNDING REQUEST
1. Field investigation	1-1; 1-2; 1-3; 1-6 2-1; 2-2; 2-3; 2-5; 2-6	\$174,914,000
2. Administrative law judge hearing	2-4; 2-7	\$14,947,000
3. Board adjudication	1-4; 1-5; 1-7 2-9; 2-10; 2-11	\$20,461,000
4. Securing compliance with Board orders	2-6; 2-8	\$10,297,000
5. Internal review	Office of the Inspector General	\$819,000
		TOTAL: \$221,438,000

Performance Goals and Management Initiatives for the FY 2002 Budget:

The Agency is in the process of developing specific performance plans for the following reform initiatives:

- Making greater use of performance-based contracts,
- Expanding the application of on-line procurement, and
- Expanding A-76 competitions and more accurate FAIR Act inventories.

We will be outlining how the Agency intends to meet these goals and how our FY 2002 budget will be impacted.

FY 2002 ANNUAL PERFORMANCE PLAN

PERFORMANCE GOALS	<i>FY1999 Actual</i>	INDICATORS <i>FY2000 Actual</i>	<i>FY 2001 Projected</i>	<i>FY 2002 Projected</i>
<p>Goal 1-1 Hold 92% of elections w/in 56 days of filing of petition.</p>	90.3% w/in 56 days	86% w/in 56 days	92% w/in 56 days	92% w/in 56 days
<p>Goal 1-2 Issue 85% of all post-election reports w/in 100 days from the date of the election, or in the case of objections, from the date they are filed.</p>	NEW FOR FY2001	NEW FOR FY2001	85% w/in 100 days	85% w/in 100 days
<p>Goal 1-3 Maintain voluntary election agreements not less than 85% of the time.</p>	87.7%	89%	86%	86%
<p>Goal 1-4 Improve issuance of Ruling on Requests for review of R.D.¹ decisions to 14 day median in FY01 and maintain through FY06.</p>	13 day median	12 day median	14 day median	14 day median

¹ Regional Director

PERFORMANCE GOALS	FY1999 Actual	INDICATORS S FY2000 Actual	FY 2001 Projected	FY 2002 Projected
<p>Goal 1-5 Issue 100% of all Representation cases that have been pending at the Board for more than 18 months in FY01 and for more than 6 months by FY06.</p>	92% of cases over 2 years dispatched	100% over 20 mos.	100% over 18 mos.	100% over 12 mos.
<p>Goal 1-6 Utilize the quality review process² for representation casehandling in all 33 regional offices.</p>	33 regions	33 regions	32 regions	32 regions
<p>Goal 1-7 Issue all test of certification³ decisions in a 80-day median from filing of charge.</p>	91 day median	97 day median	80 day median	80 day median

² See definition section. During FY 2000, the Peoria Regional Office was consolidated with and put under the authority of the St. Louis Regional Office, reducing the number of regional offices to 32 starting in FY2001.

³ A case that presents the issue of whether an employer has unlawfully refused to bargain with a newly certified union following a representation case.

PERFORMANCE GOALS	INDICATORS			
	<i>FY1999 Actual</i>	<i>FY2000 Actual</i>	<i>FY 2001 Projected</i>	<i>FY 2002 Projected</i>
<p>Goal 2-1 Utilize the quality review process for Unfair Labor Practice casehandling in all 33 regional offices. (32 regional offices beginning in 2001)</p>	33 regions	33 regions	32 regions	32 regions
<p>Goal 2-2 Using Impact Analysis⁴, reduce % of unexcused overage⁵ Cases from these targets: Category III = 49 days Category II = 77 days Category I = 105 days</p>	Cat. III: 9.7% Cat. II: 17% Cat. I: 15.2%	Cat. III: 11.5% Cat. II: 14.9% Cat. I: 12.2%	Cat. III: FY01: 10% FY06: 5% Cat. II: FY01: 15% FY06: 5% Cat. I: FY01: 15% FY06: 10%	Cat. III: FY01: 10% FY06: 5% Cat. II: FY01: 15% FY06: 5% Cat. I: FY01: 15% FY06: 10%
<p>Goal 2-3 Maintain 95% settlement rate in all unfair labor practice cases in field offices prior to formal litigation.</p>	98.2%	95%	95%	95%

⁴ See definition section.

⁵ See definition section.

PERFORMANCE GOALS	INDICATORS			
	<i>FY1999 Actual</i>	<i>FY2000 Actual</i>	<i>FY 2001 Projected</i>	<i>FY 2002 Projected</i>
<p>Goal 2-4 Trial Calendar – reduce number of median days from complaint to close of hearing to 170 median days in FY01 and to 120 median days in FY06.</p>	168 day median from complaint to close of hearing	132 day median from complaint to close of hearing	170 day median from complaint to close of hearing	170 day median from complaint to close of hearing
<p>Goal 2-5 Improve issuance of Appeal cases sustained from dismissal of charge from 60% w/in 120 days to 60% w/in 60 days by FY2006.</p>	41% w/in 120 days	54.5% w/in 120 days	60% w/in 120 days	60% w/in 120 days
<p>Goal 2-6 Close 95% of Advice cases seeking Sect 10(j) injunction relief where there has been Board authorization within 25 days of receipt from Regional Offices, excluding deferral time by FY2006.</p>	67.2% closed w/in 25 days 79.3% closed w/in 30 days	61.1% closed w/in 25 days 83.3% closed w/in 30 days	60% closed w/in 25 days 84% closed w/in 30 days	60% closed w/in 25 days 86% closed w/in 30 days

PERFORMANCE GOALS	INDICATORS			
	<i>FY1999 Actual</i>	<i>FY2000 Actual</i>	<i>FY 2001 Projected</i>	<i>FY 2002 Projected</i>
Goal 2-7 Issue Division of Judges decision within 62 median days.	48 day median	56 day median	62 day median	62 day median
Goal 2-8 File applications for enforcement w/in 30 days of referral 50% of the time by FY06	NEW FOR FY01	NEW FOR FY01	50% w/in 50 days	50% w/in 45 days
Goal 2-9 Reduce the number of Unfair Labor Practice cases pending at the Board from 650 cases to 250 cases by FY06.	NEW FOR FY01	518	450	400
Goal 2-10 Reduce maximum length of time Unfair Labor Practice cases are pending at the Board from 30 mos. in FY00 to 12 mos. by FY06.	85% reduction to 36 mos.	78% reduction to 30 mos.	100% reduction to 24 mos.	100% reduction to 20 mos.

PERFORMANCE GOALS	<i>FY1999 Actual</i>	INDICATORS <i>FY2000 Actual</i>	<i>FY 2001 Projected</i>	<i>FY 2002 Projected</i>
<p>Goal 2-11 Allow no overage compliance cases to exceed processing time targets: Category III: FY01: 91 days: 9% FY06: 70 days: 5% Category II: FY01: 119 days: 12% FY06: 91 days: 12% Category I: FY01: 147 days: 10% FY 06: 119 days: 10%</p>	<p>Cat. III: 9.8% Cat. II: 14.3% Cat. I: 9.1%</p> <p>(All categories based on 91 days)</p>	<p>Cat. III: 10.4% Cat. II: 12.9% Cat. I: 8.0%</p> <p>(All categories based on 91 days)</p>	<p>Cat. III: 9% Cat. II: 12% Cat. I: 10%</p> <p>(All categories based on 91 days)</p>	<p>Cat. III: 9% Cat. II: 12% Cat. I: 10%</p> <p>(All categories based on 91 days)</p>

VERIFICATION AND VALIDATION OF DATA

Background: Approximately forty years ago the National Labor Relations Board developed a performance measurement system to track case processing times. This system of organization and measurement has been highly regarded for decades and modeled by other federal agencies. Most data collected indicate how much time is spent in each step of the case processing “pipeline.” The Agency does not rely on any outside sources for the data it uses in its performance measurement system.

By the end of FY 2001, the Agency expects to be running its Case Activity Tracking System (CATS) at full capacity. Installed in phases over the past five years, the CATS system is a critical part of the Agency’s effort to modernize its casehandling information processing system and case tracking systems. The CATS system’s first goal is to provide case activity and status information on approximately 33,000 new cases per year and provide a history of closed cases nationally and accessible by all NLRB offices. Its second goal is to provide support for the functional and work requirements of the NLRB’s attorneys, investigators, managers, and support staff by providing a means of access to internal and external collections of documents.

Verification: Each office is responsible for collecting performance measurement data and verifying it. The data come primarily from administrative records or sample surveys. Data about each case are collected and reported in all offices at least monthly and in most cases, weekly. Verification of the accuracy of the data collected occurs regularly in all Regional Offices as most resource allocation decisions are made on the basis of these data. Systemic verification occurs quarterly during various phases of the budget and GPRA reporting cycles. Baseline data is reviewed annually during the preparation of the Annual Performance Plan. During this time, data received from the CATS system is compared to data in hand kept logs.

Additionally, the Inspector General plans to selectively verify and validate performance measurement data each year. When pertinent to the conduct of ongoing audit activities, the Inspector General will also review performance measures to consider their appropriateness. The assessments may lead to changes in performance measures, improvements to, or additions of, data collection systems or both.

Validation: The most comprehensive validation of performance measures and indicators occurs at a Strategic Planning Retreat at which the Agency’s presidential appointees and senior managers review the existing performance measures and indicators and decide whether to retain or modify them. Agency staff will continue to study measures to ensure that they are valid casehandling

measurements. We continue to strive to identify and refine qualitative performance measures.

Opportunities for Improvement: The quality of data generated by the collection and reporting systems will vary until CATS is fully implemented. Projections on case intake are typically calculated using a simple trend line analysis. The accuracy of measurement depends on common definitions as to when a case is received and concluded. The CATS system will use a unified measurement thus obviating any confusion as to how time is measured throughout the Agency.

APPENDIX A

Crosswalk of Changes
FY 2000 Performance Measures
with
FY 2001 & FY 2002
Performance Measures

As previously stated, the FY 2000 performance goals were revised for FY 2001 and FY 2002 to more accurately measure the Agency's two principal activities of conducting representation elections and the prevention and remedying of unfair labor practices. The table below is intended to facilitate a simple comparison of the original goals and measurements with the revised ones:

FY2000 PERFORMANCE MEASUREMENTS	MEASUREMENTS FOUND IN FY2001 & 2 PERFORMANCE PLAN
GOAL 1: Resolve questions concerning representation impartially, promptly and conclusively.	GOAL 1: Resolve questions concerning representation impartially and promptly.
1-1 Hold elections within 42 days of filing of petition	Combined with 1-2 and 1-3 to make FY2001 & 2 performance goal 1-1.
1-2 Hold elections within 56 days of filing of petition	Combined with 1-1 and 1-3 to make FY2001 & 2 performance goal 1-1.
1-3 Hold no elections more than 85 days after filing, unless circumstances are beyond control of regions	Combined with 1-2 and 1-3 to make FY2001 & 2 performance goal 1-1.
1-4 Issue report resolving post election issues, no hearing, in 35 median days	Combined with 1-5, 1-6, 1-7 and 1-8 to make FY2001 & 2 performance goal 1-2.
1-5 Issue report resolving post election issues, hearing held, in 95 median days	Combined with 1-4, 1-6, 1-7 and 1-8 to make FY2001 & 2 performance goal 1-2.
1-6 Issue no post-election report more than 120 days after the election except for reasons beyond the control of regions.	Combined with 1-4, 1-5, 1-7 and 1-8 to make FY2001 & 2 performance goal 1-2.
1-7 Issue no report more than 50 days from objections or challenges, no hearing held, except for reasons beyond control of regions	Combined with 1-4, 1-5, 1-6 and 1-8 to make FY2001 & 2 performance goal 1-2.
1-8 Issue no report more than 100 days from objections or challenges, hearing held, except for reasons beyond control of regions.	Combined with 1-4, 1-5, 1-6 and 1-7 to make FY2001 & 2 performance goal 1-2.
1-9 Achieve voluntary election agreements at least 80% of the time.	Revised to be more aggressive; FY2001 & 2 performance goal 1-3.

FY2000 PERFORMANCE MEASUREMENTS	MEASUREMENTS FOUND IN FY2001 & 2 PERFORMANCE PLAN
1-10 Issue Ruling on Requests for Review of Regional Directors Decisions within 21 days of receipt of request.	Revised to be more aggressive; FY2001 & 2 performance goal 1-4.
1-11 Establish/improve performance goals and measures related to Representation proceedings.	Deleted because it was a one-time project and was completed.
1-12 Revise Representation Casehandling Manual and make it accessible to the public.	Deleted because it was a one-time project and was completed.
1-13 Evaluate quality of Representation casework.	Combined with 1-17 and 1-18 and revised to define universe; FY2001 & 2 performance goal 1-6.
1-14 Reduce median age of pending Representation cases by 5%.	Combined with 1-15 and revised to be more aggressive; FY2001 & 2 performance goal 1-5.
1-15 Issue all Representation cases pending more than 20 months.	Combined with 1-14 and revised to be more aggressive; FY2001 & 2 performance goal 1-5.
1-16 Revise Hearing Officers' Guide and make it available to the public.	Deleted because it was a one-time project.
1-17 Operations - Management to visit Regional Offices to assess effectiveness of casehandling systems; discuss performance measurement, best practices and implementation of General Counsel policies.	Combined with 1-13 and 1-18 and revised to define universe; FY2001 & 2 performance goal 1-6.
1-18 Operations - Management to perform on-site quality review of casehandling files in Regional Offices.	Combined with 1-13 and 1-17; revised to define universe; FY2001 & 2 performance goal 1-6.

FY2000 PERFORMANCE MEASUREMENTS	MEASUREMENTS FOUND IN FY2001 & 2 PERFORMANCE PLAN
GOAL 2: Investigate, prosecute and remedy unfair labor practice cases, by either employers or unions or both.	Investigate, prosecute and remedy unfair labor practice cases by either employers or unions or both impartially and promptly.
2-1 Evaluate quality of Unfair Labor Practice casehandling.	Revised to define universe; FY2001 & 2 performance goal 2-1.
2-2 Evaluate Information Officer Program	Deleted because it was a one-time project and was completed.
2-3 Impact Analysis: reduce tolerable percentage of unexcused overage cases Category III: Category II: Category I (7 weeks) (11 weeks) (15 weeks)	Revised to be more aggressive, strategic and annual targets established; FY2001 & 2 performance goal 2-2.
2-4 Maintain high percentage of settlements in field offices prior to formal litigation.	Revised to include quantifiable goal and performance indicator; FY2001 & 2 performance goal 2-3.
2-5 Trial Calendar – reduce number of median days from issuance of complaint to close of hearing.	Revised to be more aggressive, strategic and annual targets established; FY2001 & 2 performance goal 2-4.
2-6 Issue appeal cases sustained from dismissal of charge within time targets.	Revised to be more aggressive, strategic and annual targets established; FY2001 & 2 performance goal 2-5.
2-7 Close Advice cases in a median of 25 days of receipt from Regional Offices (in cases not seeking injunctions).	Combined with 2-7 and 2-8 and revised; FY2001 & 2 performance goal 2-6.
2-8 Close Advice cases seeking sec. 10(j) injunctions, within 25 days of receipt from Regional Offices.	Combined with 2-7 and 2-8 and revised; FY2001 & 2 performance goal 2-6.
2-9 Provide appropriate memo to the Board, in Advice cases seeking sec. 10(j) injunctions, within 10 days of receipt from Regional Offices.	Combined with 2-7 and 2-8 and revised; FY2001 & 2 performance goal 2-6.
2-10 Issue Division of Judges decisions within time targets, regardless of length of transcript.	Revised to include performance target; FY2001 & 2 performance goal 2-7.
2-11 Reduce the age of Unfair Labor Practice cases pending at the Board.	Revised to be more aggressive and to include annual and strategic targets; FY2001 & 2 performance goal 2-10.

FY2000 PERFORMANCE MEASUREMENTS	MEASUREMENTS FOUND IN FY2001 & 2 PERFORMANCE PLAN
2-12 Reduce the number of Unfair Labor Practice cases pending at the Board for the longest time.	Revised to be more aggressive and to include annual and strategic targets; FY2001 & 2 performance goal 2-9.
2-13 File priority Enforcement petitions within 100 days.	Combined with 2-14 and revised; FY2001 & 2 performance goal 2-8.
2-14 File all other Enforcement petitions within 150 days.	Combined with 2-13 and revised; FY2001 & 2 performance goal 2-8.
2-15 Reduce percentage of Compliance cases exceeding target processing time to 10% overage. Category III (13 weeks) Category II (17 weeks) Category I (21weeks)	Revised to be more aggressive and to include annual and strategic targets; FY2001 & 2 performance goal 2-11.
2-16 Improve quality of Unfair Labor Practice Case processing.	Revised to define universe; FY2001 & 2 performance goal 2-1.
2-17 Revise Compliance Manual.	Deleted because it was a one-time project and was completed.
2-18 Issue and disseminate further "best practices" for Unfair Labor Practice casehandling.	Deleted because it was a one-time project and was completed.

<p align="center">GOAL NO. 3:</p> <p>Develop and maintain a well trained, highly effective, productive, customer-service oriented workforce.</p>	<p>Incorporated into FY2001 & 2 as strategies for completing goals #1 and #2. See goal #1-strategy #7 and goal #2-strategy #9.</p>
<p align="center">GOAL NO. 4:</p> <p>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.</p>	<p>Incorporated into FY2001 & 2 as strategies for completing goals #1 and #2. See goal #1-strategy #8 and goal #2-strategy #10.</p>

APPENDIX B

DEFINITIONS

DEFINITIONS

Case: The general term used in referring to a charge or petition filed with the Board. Each case is numbered and carries a letter designation indicating the type of case.

Charge: A document filed by an employee, an employer, a union, or an individual alleging that an unfair labor practice has been committed by a union or employer.

Complaint: A document which initiates “formal” proceedings in an unfair labor practice case. It is issued by the Regional Director when he or she concludes on the basis of a completed investigation that any of the allegations contained in the charge have merit and the parties have not achieved settlement. The complaint sets forth all allegations and information necessary to bring a case to hearing before an administrative law judge pursuant to due process of law. The complaint contains a notice of hearing, specifying the time and place of the hearing.

Compliance: The carrying out of remedial action as agreed upon by the parties in writing; as recommended by the administrative law judge in the decision; as ordered by the Board in its decision and order; or as decreed by the court.

Dismissed Cases: Cases may be dismissed at any stage. For example, following an investigation, the Regional Director may dismiss a case when he or she concludes that there has been no violation of the law, that there is insufficient evidence to support further action, or for other legitimate reasons. Before the charge is dismissed, the charging party is given the opportunity to withdraw the charge by the Regional Director. A dismissal may be appealed to the Office of the General Counsel.

Formal Action: Formal actions may be documents issued or proceedings conducted when the voluntary agreement of all parties regarding the disposition of all issues in a case cannot be obtained, and where dismissal of the charge or petition is not warranted. Formal actions are those in which the Board exercises its decision-making authority in order to dispose of a case or issues raised in a case. “Formal action” also describes a Board decision and consent order issued pursuant to a stipulation, even though a stipulation constitutes a voluntary agreement.

Impact Analysis: Provides an analytical framework for classifying cases so as to differentiate among them in deciding both the resources and urgency to be assigned each case. All cases are assessed in terms of their impact on the public and their significance to the achievement of the Agency’s mission. The

cases of highest priority, those that impact the greatest number of people, are placed in Category III. Depending on their relative priority, other cases are placed in Category II or I.

Overage Case: To facilitate/simplify Impact Analysis, case processing time goals – from the date a charge is filed through the Regional determination – are set for each of the three categories of cases, based on priority. A case is reported “overage” when it is still pending disposition on the last day of the month in which its time target was exceeded.

Petition: A petition is the official NLRB form filed by a labor organization, employee or employer. Petitions are filed primarily for the purpose of having the Board conduct an election among certain employees of an employer to determine whether they wish to be represented by a particular labor organization for the purposes of collective bargaining with the employer concerning wages, hours, and other terms and conditions of employment.

Quality: Complete assignments in accordance with substantive and procedural requirements.

Quality Review Process: Quality of unfair labor practices and representation case processing assessed through review of a randomly selected sample of Regional Office case files; review all administrative law judge and Board decisions; quality review also involved in Divisions of Advice, Office of Representation Appeals, and Enforcement Litigation's processing of cases arising in the Regional offices.

Test of Certification: A “test of certification” presents the issue of whether an employer has unlawfully refused to bargain with a newly-certified union. Because the Act does not permit direct judicial review of representation case decisions, the only way to challenge a certification is a refusal to bargain followed by a Board finding. However, because all relevant legal issues were or should have been litigated in the R (Representation) case, the related unfair labor practice case is a no-issue proceeding that can be resolved without a hearing or extensive consideration by the Board.

APPENDIX C

This attachment provides, in concise form, outlines of the types of cases arising under the National Labor Relations Act (NLRA) and the basic procedures in the processing of cases within the Agency.

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