

**JUSTIFICATION
OF
PERFORMANCE BUDGET
FOR
COMMITTEE ON APPROPRIATIONS**



FISCAL YEAR 2017

Fiscal Year (FY) 2017 OMB Budget Submission – Outline

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FY 2017 OMB Budget Submission

I. FOREWORD

Based upon current projections, it appears that ultimate case intake for FY 2016 will be slightly higher than that of the previous fiscal year. However, additional resources for casehandling, administrative and operational support professionals are needed to efficiently and effectively process comprehensive and complex cases, which are brought to the Agency by the general public based upon external factors outside of our control. Among these factors are ongoing nationwide efforts to improve the wages and working conditions of workers in the retail and fast food industries; the increased prevalence and evolving tools and usage by employees of technology and social media in and outside of the workplace to discuss terms and conditions of employment with one another, and the related handbook provisions and workplace rules generated therefrom; expanded use of mandatory arbitration clauses in employment matters; immigration-related matters; bankruptcies; jurisdiction over enterprises; increased understanding of statutory application in non-union workplaces; and difficult questions concerning single, joint, and successor employer relationships, and supervisory status, as well as defining employees covered under the National Labor Relations Act (e.g., graduate students, drivers, and undocumented workers). The Agency anticipates these trends will continue in FY 2017.

II. MISSION STATEMENT

The National Labor Relations Board's mission is to protect workplace democracy and the rights of employees, unions, and employers under the National Labor Relations Act ("NLRA" or "Act"), in order to promote interstate commerce and strengthen the Nation's economy. The purpose of the NLRA is the protection of concerted activities in the workplace, which averts unrest and restores equality of bargaining power between employers and employees, thus advancing Congress' goal of minimizing industrial strife through collective action.

III. AGENCY ROLE AND FUNCTIONS

The NLRB is an independent federal Agency created by Congress in 1935 to administer and enforce the NLRA, the primary federal statute governing labor relations in the private sector. The purpose of the law is to serve the public interest by reducing interruptions in commerce caused by conflict between employers and employees. Over 5.7 million private sector employers fall within the Agency's jurisdiction. The Act contains an employees' bill of rights, which establishes freedom of association for the purposes of participating in collective bargaining. Under the Act, the NLRB has two primary functions: (1) to prevent and remedy statutorily defined unfair labor practices (ULPs) by employers and labor organizations and (2) to conduct

secret-ballot elections among employees to determine whether they wish to be represented by a labor organization.

The five members of the National Labor Relations Board (“the Board”), as well as the General Counsel, are appointed by the President and subject to confirmation by the Senate. The Board and the General Counsel are located in the Agency’s headquarters in Washington, D.C., and the Agency also has a network of Regional (“Field”) offices, each under the direction of a Regional Director, and three satellite offices for Administrative Law Judges.

To fulfill the Agency’s first primary function, the General Counsel has responsibility for: investigating charges of unfair labor practices filed by employees, labor organizations or employers; approving withdrawals or dismissing non-meritorious cases; and facilitating settlements or issuing complaints in meritorious cases. Typically, Regional Directors, who are delegated the responsibility to investigate the cases, find about one-third of charges filed to be meritorious.

In connection with its second primary function, the Agency enforces the right of employees to choose whether or not to be represented by a labor organization. Representation cases are initiated by the filing of a petition -- by employees, labor organizations, or employers. The Agency evaluates the petition and, if appropriate, conducts an election to determine if employees wish to have a labor organization as their collective bargaining representative. Thereafter, the Agency addresses challenges and/or objections to the election, if filed, and ultimately issues a certification of representation or of election results.

IV. APPROPRIATIONS LANGUAGE

FY 2017

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, and other laws, [\$274,224,000]

\$274,695,000: Provided, that no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935, and as amended by the Labor-Management Relations Act, 1947, and as defined in section 3(f) of the Act of June 25, 1938, and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

(Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2016.)

V. OVERVIEW OF THE FISCAL YEAR 2017 BUDGET REQUEST

The NLRB budget request for FY 2017 of \$274.7 million is expected to fund the Agency’s statutory mission for the resolution of labor disputes through investigation, settlement, litigation, adjudication, education, and compliance. This mission relies primarily on skilled and experienced professional employees, most of which are attorneys; accordingly, approximately 81 percent of the requested funding (\$221.9 million) will pay for annual staff compensation (salaries and benefits); 9.7 percent (\$26.8 million) is required for rent, security, and other facility and property expenses for fifty NLRB offices around the country; and the remaining 9.3 percent (\$26.0 million) is allocated among all other operating costs and activities. These other costs and activities include, but are not limited to: information technology development, acquisition, and maintenance; unified communications systems involving telephony, data, and video; court reporting; case-related travel; witness fees; interpreters; maintenance of legal research collections; training; and compliance with government-wide statutory and regulatory mandates.

VI. FUNDING LEVEL

National Labor Relations Board				
(Dollars in Thousands)				
Detail	FY 2015 Actual	FY 2016 Enacted	FY 2017 Performance Budget	Difference +/- FY 2016
Annual Appropriation	\$274,224	\$274,224	\$274,695	+\$471
Agency FTEs	1,587	1,600	1,596	-4

VII. PROGRAM ACTIVITIES AND CHANGES

Beginning with the FY 2017, the NLRB has realigned the major Activity Programs in the Agency to better define the mission functions, associate resources to those programs, and ensure compliance with the Data Act reporting. This request still has a total of five (5) program areas with three remaining the same (Administrative Law Judge Hearings, Board Adjudication, and Inspector General), one renamed (Field Investigations), one deleted (Securing Compliance), and a new program area (Mission Support). The changes will be further explained in each section.

FY 2017

2016/2017 Difference +/-

Casehandling (formerly Field Investigations)

(\$193.6 million, 1,213 FTE)

-\$34.5 million / -93 FTE

The casehandling program activity includes all Agency employees who are directly involved with processing unfair labor practices. The offices involved in this process are the Regional Offices, Appeals, Advice, Enforcement Litigation, E-Litigation, Appellate and Supreme Court Litigation, Injunction Litigation, and Contempt, Compliance, and Special Litigation. The difference in funding and full time equivalents (FTEs) is due to restructuring the program activities to establish the new Mission Support program activities and personnel reductions due to reduced funding.

Casehandling starts with Regional Office personnel performing intake procedures of unfair labor practices filed by employees, labor organizations, or employers. These charges are received in our 26 Regional Offices and 23 satellite offices across the United States staffed by examiners and attorneys. The total of charges filed as of September 30, 2015 is 20,199. The projected number of charges for both FY 2016 and FY 2017 is 20,475. Each case is investigated by taking the original charge and contacting witnesses and requesting documents from all parties involved.

Historically, approximately two-thirds of all charges filed are found not to have merit and are dismissed, if not voluntarily withdrawn.

In the event of a dismissal, the charging party is entitled to appeal that decision to the Office of Appeals located at Headquarters, which will determine whether the investigation was complete and the legal conclusion sound. If so, the case is closed; if not, a complaint will be issued if the case is not settled. With regard to cases involving new or novel issues or theories, or those involving national significance, the Regional Offices seek legal advice from staff in the Division of Advice located at Headquarters. Further, if there are serious violations requiring immediate relief because obtaining a remedy in due course would be too late to effectuate the purposes of the Act, the Regional Offices will petition a U.S. District Court in certain cases under Section 10(l) of the Act and will seek guidance from the Injunction Litigation Branch of the Division of Advice in cases under Section 10(j) of the Act. If the General Counsel believes that injunctive relief under Section 10(j) of the Act is warranted, s/he will seek authorization from the Board to institute court proceedings.

As of September 30, 2015, the Injunction Litigation Branch received 128 cases, and the General Counsel sought and the Board authorized pursuit of injunctive relief in 36 cases. The Regional Offices filed 10(j) petitions in 26 cases with a success rate of 96%. In order to pursue matters in

the courts, Regional staff must be familiar with the current local court rules all around the country.

As to the approximately one-third of cases found to be meritorious, the Agency strives to achieve voluntary settlements in order to avoid costly and time-consuming litigation and obtain quick resolution of workplace conflicts between employees and employers. The Agency's settlement program is very successful, in FY 2015, 92.4% of meritorious unfair labor practice cases were settled without resort to litigation. The Agency issued 1,272 complaints as of September 30, 2015, and those not settled are litigated before an Administrative Law Judge, who issues a decision and recommended order that can be appealed to the Board. In FY 2015, the Agency's litigation success rate before ALJs and the Board was 88% and it recovered over \$95 million in backpay, fines, dues and fees and obtained offers of reinstatement for over 2,100 employees. If the Board finds a violation of the Act and the respondent does not voluntarily comply, the General Counsel will seek to enforce compliance with the Board order through the courts. The General Counsel will also defend the Board's order in court, should the respondent seek review. In FY 2015, the Courts ruled on 35 cases, 80% of which were enforced or affirmed in whole or in part. The General Counsel may also initiate contempt or injunctive proceedings after a Board order issues. Further, in some cases, while the case is in litigation, the respondent's financial status can change, which requires Agency personnel to be trained in bankruptcy laws and the Federal Debt Collection Procedures Act of 1990.

As to representation cases, the Regional Offices process petitions on behalf of the General Counsel and conduct elections on behalf of the Board. As a result, the General Counsel and the Board have historically worked together in developing procedures for the conduct of representation proceedings. The Board ultimately may determine contested matters, such as the appropriateness of the bargaining unit, and rule on any challenges or objections to the conduct of an election. There were 2,822 representation cases and 1,804 elections conducted as of September 30, 2015. In FY 2015, 96.7% of all initial elections were conducted within 56 days of filing.

The merit, settlement, litigation, and appeal rates for cases handled by the Agency tend to be constant over time. Further, while the number of cases can be accurately counted, those raw numbers do not reflect the reality of case handling since the cases vary greatly in the amount of time and effort Agency staff must devote to prevent and remedy unfair labor practices and resolve questions concerning representation. The NLRB also tracks the total time taken to resolve a case through the investigation, prosecution, and compliance stages. This process also includes capturing the timeliness and quality of case processing. The Agency prides itself on meeting its quality and timeliness goals, notwithstanding the substantial time and resources many cases require.

When the Board or the Administrative Law Judges issue decisions, some of these cases proceed to the Division of Enforcement, which attempts to obtain compliance with the Board order, and some proceed to the Contempt, Compliance and Special Litigation Branch for contempt or other post-enforcement proceedings.

Since Board orders are not self-enforcing, if the respondent does not voluntarily comply with the Board's order involving unfair labor practices, the Board, through the Division of Enforcement, seeks enforcement of a Board's decision and order or defends a challenged Board decision and order through the Courts of Appeals, and sometimes the Supreme Court.

In FY 2017, the NLRB will hire 20 FTEs, including a mix of technology experts and language specialists. The technology experts will support regional operations with: the centralization of docketing charges and petitions; troubleshooting electronic case file user and systems issues; and redacting personally identifiable information (PII) from formal documents after issuance and prior to uploading to the public website. In addition to freeing up Board agents to focus on investigatory and litigation functions, the technology experts will support the Agency's goal of increasing public access to case information by increasing document uploads to case dockets on the website and improving search capabilities. Additionally, the technology experts will assist with automation of all of the Agency's administrative processes, which will enable Board agents to focus on substantive functions benefitting the public, as opposed to spending time on ministerial tasks.

In the same vein, in order to provide prompt and effective public service, the language specialists will provide support to the entire Agency through the centralization of information officer duties; the translation of documents for viewing on the public website; and by translating testimony and documents throughout all case processing stages. These FTEs will be vastly more familiar with the mission of the Agency than contractors, will be proficient in a myriad of languages, and will be available to the Agency during business hours in all Regions. This will allow the Agency to promptly and effectively address casehandling matters requiring immediate attention, freeing other Board agents to focus on more substantive investigatory and litigation services, as opposed to performing basic information officer duties. The language specialists will help the Agency to better inform the public of our services through translated information on its website.

Administrative Law Judges (ALJs) (no change for this Program Activity)

(\$6.6 million, 47 FTE)

-\$6.4 million / -51 FTE

The meritorious charges are litigated before the Agency's Administrative Law Judges (ALJs), who travel around the country to conduct hearings and render decisions and recommended orders. Those decisions and recommended orders are then sent to the Board for review and issuance of a final Board decision and order.

Board Adjudication (no change for this Program Activity)

(\$16.4 million, 117 FTE)

-\$10.6 million / -32 FTE

The Board Adjudication encompasses the activities of the Board and the Office of the Executive Secretary and the Solicitor. In an unfair labor practice case, a judge's decision becomes a Board order if no exceptions are filed. About 30 percent of ALJ decisions become Board orders or are complied with voluntarily. The remaining cases, with exceptions filed, require a Board decision. In representation cases, Regional Directors initially decide the issues by Board delegation. The Board itself may decide representation issues on referral from Regional Directors or by granting a request for review of a Regional Director's decision. The Board may also rule on objections and challenges in election cases. The Executive Secretary is the chief administrative and judicial management officer of the Board. The functions and responsibilities of the Office of the Executive Secretary are similar to those of a Clerk of the Court to receive and docket all formal documents filed and issues and serve to all parties the Board decisions, orders, rulings and other case documents. It is the exclusive point of contact for communications by the parties to cases pending before the Board and, particularly with regard to questions or guidance sought on Board procedure and case status inquiries, is the principal point of contact for employers, unions, employees, Congressional offices, other Federal agencies, and the public. In its role of facilitating case issuances, it primarily utilizes the Board's electronic case management system to ensure that documents filed and those issued are included in the case record, and monitors the progress of cases through the casehandling process, including overall Board case production. The Solicitor serves as the chief legal adviser and consultant to the Board on all questions of law arising in connection with the Board's general operations and on major questions of law and policy arising in connection with enforcing and defending Board orders in the Courts of Appeals and the U.S. Supreme Court and in regard to achieving compliance with Board Orders. The Office of the Solicitor processes, reviews, researches, provides written recommendations to the Board, and drafts appropriate orders with respect to various unfair labor practice case matters that require expedited consideration, including motions for summary and default judgment, special appeals, formal settlement agreements, and petitions to revoke investigative subpoenas. The Office of the Solicitor also serves as the Board's legal representative and spokesperson in liaison contacts with the General Counsel's office and other offices of the Board's organization, such as the Division of Legal Counsel. As part of this function, the Office reviews, researches

relevant case law, precedent, and Board policy, and provides written recommendations for action to the Board with respect to requests from the General Counsel to institute various types of litigation requiring authorization by the Board, such as seeking injunctions, intervention and contempt, and petitioning for certiorari.

Mission Support (New Program Activity and previously spread across other Programs)

(\$56.9 million, 213 FTE)

+\$54.5 million / +213 FTE

Mission Support includes administrative, personnel, and financial management functions conducted mainly in the central Headquarters office. Previously these FTEs and funding were spread across other program activities. The various supportive offices/branches/divisions develop standard operating procedures and protocols consistent with regulatory and legal guidance, and promulgate necessary operating directives. Specifically, these organizational units assess and assist casehandling operations of Regional Offices and Headquarters through guidance and support activities related to: administration; human resource management, including human capital, personnel, ethics, training, recruitment, onboarding, off-boarding, equal employment opportunity principles, and labor and employee relations; financial management; facilities; property; security; technology infrastructure; public affairs; Freedom of Information Act responses; and travel.

The NLRB is initiating the centralization of several functions across the Agency that includes: enhancements to the external website which will increase public data access and enhance user searches; continued efforts to reduce the printing and mailing of large volume correspondence to constituents by using electronic means; streamlining and automating administrative processes for human resource related programs, such as the Reasonable Accommodation Program and Time and Attendance; enhancement of a career development program to support succession planning and workforce management, which will operate in tandem with a data-gathering tool to capture individual training needs and identify trends for workforce development, and a learning management system that addresses employee training.

The benefits of centralization include:

- more transparency and responsiveness to the public;
- ability to increase the amount of information on the public website;
- enhance user searches and report generating capabilities;
- decrease the number of FOIA requests because information will be online;
- enable Board agents to focus on investigatory and litigation matters;
- streamline time-consuming ministerial administrative matters; and
- compliance with the Paperwork Reduction Act and the Presidential transparency mandate.

The NLRB continues to be ahead of the curve in utilizing shared system service providers for timekeeping, civilian personnel actions, budget, acquisitions, and finance through the Oracle suite of business systems offered by the Department of Interior's Interior Business Center.

The NLRB continues to experience high retirement losses and has enhanced its strategic plan in order to improve success in hiring and retaining well-qualified employees from diverse backgrounds, including: minorities, veterans, and disabled individuals. The FY 2017 funding will support these efforts, which includes recruiting and hiring from a diverse pool of applicants, cross training, succession planning, and overlap that fosters the transfer and preservation of institutional knowledge of highly experienced subject matter experts. As we have indicated in previous budget submissions, the development and training of labor attorneys involves shadowing experienced ones in the various stages of the investigation process, observing trials, participating in mock trials and moot courts, providing extensive legal writing training, and ensuring familiarity with the impact of Board decisions and Court decisions.

As a result of the FY 2015 Financial Statement Audit and Agency Inspector General audits, the Agency received findings that identified opportunities for improvement in business operation/processes and internal controls. In response, the NLRB has identified key processes for improvement and has made significant progress to strengthen internal controls.

In FY2017, the Agency continues to expand its efforts to inform the public about their rights and responsibilities under the National Labor Relations Act. Through expanding online access to relevant case documents, such as charges, petitions and tally of ballots, the public will have more real-time information about NLRB proceedings than at any other point in Agency history. The Agency continues to leverage both Facebook and Twitter to engage the public about the NLRB's work nationally as well as locally through geo-targeted posts about regional office work.

Inspector General

(\$1.2 million, 6 FTE)

+\$200 Thousand / 0 FTE

The amount of \$1,154,923 was submitted by the Inspector General for the Office of Inspector General (OIG) and was included in this request without change. The amount includes payroll salaries and benefits, \$9,000 for training of OIG personnel, \$170,000 for the Agency's Financial Statement Audit contract, and \$3,454 for support of the Council of the Inspectors General on Integrity and Efficiency (CIGIE). The Inspector General certified to the Chairman that the budget estimate and request would satisfy the training requirements for the Inspector General's office for FY 2017, and any resources necessary to support the CIGIE.

VIII. MANAGEMENT INITIATIVES

Next Generation Case Management (NxGen) Program

In FY 2015, the Agency successfully completed the consolidation of 11 separate legacy case tracking systems into an integrated enterprise case management solution. This effort began in FY 2006 (see Figure 1) with four goals that have since been accomplished:

- Improve the productivity of the Agency's case management by standardizing business processes in a single unified electronic case management system.
- Optimize business processes by providing employees ready access to the tools, data and documents they require from anywhere, at any time.
- Transform the way the NLRB serves the public, including making its case processes transparent and providing more information to its constituents electronically, online and on demand.
- Streamline processes to reduce the paperwork burden on constituents, including individuals, labor unions, businesses, government entities and other organizations.

NxGen Program Significant Milestones

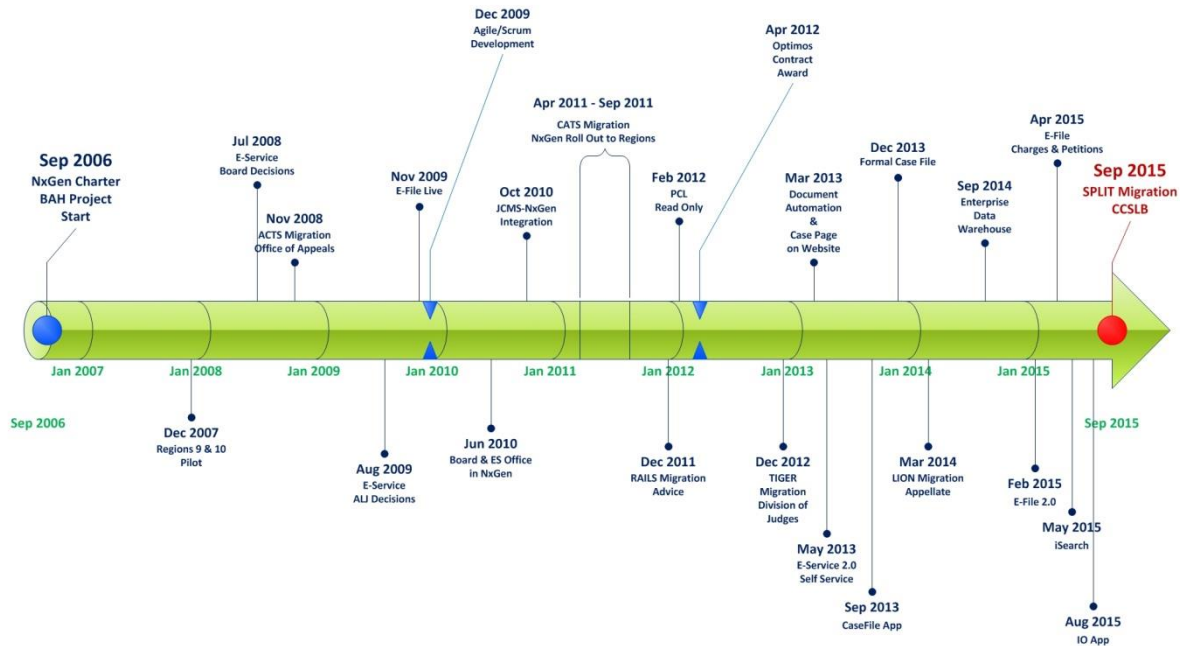


Figure 1: NxGen Program Lifespan

In FY 2016, the Agency will deliver an adaptable and scalable data warehouse with multiple “data marts” for real-time case management analytics. This big data platform will empower both internal users and the public by providing near real-time data analysis, predictive analytics, and interactive visualizations on structured and unstructured data. Internally, the data marts will improve the timeliness of reports, with updates made in the system being reflected in the reports within five minutes. It also will support ad hoc reporting by staff. Externally, the Agency’s public data marts will provide constituents and researchers with ready access to all FOIA-able data from the NxGen system within 24 hours of entry.

The Agency’s FY 2017 funding request will be used to: move beyond Agile development to DevOps, enabling the Agency to better support the continued operation and improvement of this critical system; exchange the program’s relatively expensive-to-maintain document management services for open source and / or cloud-based document management; and complete the migration of the NxGen production environment to the cloud, joining the development and test environments.

The Agency will continue to execute its plan to improve the user experience for this program using Oracle’s OpenUI, HTML5, and Apache SOLR, including expanding browser choice and mobile device access to the NxGen system. This effort includes plans to deliver the system’s functionality via a set of independent apps that each provides separate services for different functions. While the separate apps are linked into and remain a part of the enterprise system, they enable efficient performance of the functions that employees need the most to get their particular jobs done.

Likewise, the Agency’s unified communications efforts will afford a significant expansion of NxGen functionality, including integrated audio, video, and real-time collaboration across the enterprise and with constituents. This will result in reduced paperwork, facilitate telework and remote access to information, and expedite the issuance of decisions.

Administrative Systems Modernization

The Agency has limited discretionary resources for information technology investments. Over the course of the last decade, the majority of these investments were directed towards modernizing and consolidating its mission systems. Going forward, the Agency seeks a greater balance of funding with its administrative systems priorities. Automating and standardizing administrative process with internal and shared services will reduce non-mission-related overhead and free employees to perform higher value activities.

The requested FY 2017 funding will begin to support the continued build-out of the Office 365 SharePoint service catalog, which includes the automation and streamlining of Agency administrative processes through web-based forms workflow for routing and approval, secure

data storage, and dynamic reporting. With the completion of the Headquarters relocation and replacement of the Agency's network in early FY 2016, there will be a need for alternative technologies to reduce paperwork and support mobility, telework, and alternate work schedules. The Agency previously invested in shared services for financial, travel and personnel management. The addition of WebTA to the shared services portfolio will enable the Agency's timekeepers, who typically are office managers, to begin providing higher value services.

The requested FY 2017 funding will partially enable modernization of legacy administrative management systems. The compliance-focused efforts planned for FY 2017 include: employee and labor relations, reasonable accommodation, and workers' compensation HR systems; Special Counsel and Equal Employment Opportunity case management systems; and a FOIA tracking system.

Last, FY 2017 funding will continue to support the deployment and implementation of cloud technologies for collaboration through document management, social networking, and streaming media services. These services empower Agency employees with the tools they need to support the mission regardless of geographic location.

Unified Communications and Mobility

In FY 2015, the Agency consolidated its existing data, voice, video and wireless networks into a future state telephony, video, and network architecture at its new Headquarters. In FY 2016, the Agency will begin the deployment to all Regional Offices, enhancing communications functionality and taking advantage of consolidated networks and mobile services to lower costs and increase services. This modern unified communications platform and network will empower Agency personnel to communicate with voice, video, and data from all locations including the office, at home, and on the road.

The FY 2017 funding request will be used to replace aging and expensive to maintain video conferencing equipment in the Regional Offices. The new equipment will be similar to Skype for Business room systems deployed in Headquarters, and will provide improved collaboration services at a significantly reduced cost.

Combined with the investments in NxGen, Office 365, infrastructure consolidation, and the widespread deployment of laptops, this new communications platform will increase the mobility, efficiency, and timeliness of work products and staff productivity, and support the Agency's increased telework efforts. After the initial investments for network and end-user equipment, the Agency expects total network services costs to be in line with the current separate allocations for data, voice, and video networks, and expects the enhanced services to demonstrably improve both mission and administrative efficiencies.

IX. ATTACHMENTS

Attachment 1 - Amounts Available for Obligation

Amounts Available for Obligation

(Dollars in Thousands)

	FY 2015 ACTUAL	FY 2016 ENACTED	FY 2017 REQUEST
Appropriation	\$274,224	\$274,224	\$274,695
Total Estimated Obligations	\$274,224	\$274,224	\$274,695

Attachment 2 - Budget Authority by Object Class

Budget Authority by Object Class (Dollars in Millions)

	FY 2015 ACTUAL	FY 2016 ENACTED	FY 2017 REQUEST
Personnel Compensation	165	167	168
Personnel Benefits	49	50	50
Sub-Total Personnel Compensation	214	217	218
Travel and Transportation of Persons	3.8	4.0	3.9
Rental Payments to GSA	26.4	24.9	26.8
Printing and Publications	.2	.2	.2
Communications, Utilities, and Miscellaneous Charges	3.8	4	4
Other Services from non-Federal Sources	24.5	22.3	20.0
Supplies and Materials	.4	.8	.8
Equipment and Furniture	1	1	1
Judgments and EEO Settlements	.07	0	0
Sub-Total Direct Budget Authority	60.2	57.2	56.7
TOTAL BUDGET AUTHORITY	274.2	274.2	274.7

Attachment 3 - Major Workload and Output Data

	FY 2015 ACTUAL	FY 2016 ESTIMATE	FY 2017 ESTIMATE
1. Regional Offices			
Unfair Labor Practice (ULP) Cases	20,199	20,475	20,475
Complaints Issued	1,272	1,800	1,800
Representation Cases	2,822	2,825	2,825
Regional Directors Decisions			
Pre-Election Decisions	197	200	200
Post-Election Decisions	36	70	70
Elections Conducted	1,804	1,800	1,800
2. Administrative Law Judges			
Hearings Closed	191	208	218
Decisions Issued	202	201	211
3. Board Adjudication			
Contested Board ULP Decisions Issued	316	347	365
Contested Representation Election Decisions Issued	78	75	77
4. General Counsel - Washington			
Advice Cases	453	460	470
Appeals Cases	1,586	1,550	1,570
Enforcement Briefs Filed	92	90	95
Enforcement Cases Dropped or Settled	46	50	55
Enforcement Consent/Summary	51	55	60

Attachment 4 - Data Act Compliance Plan

Digital Accountability and Transparency Act (DATA) Implementation Plan

Purpose

As required by the Office of Management of Budget (OMB) Memorandum M-15-12, the National Labor Relations Board (NLRB) drafted a Digital Accountability and Transparency Act of 2014 (DATA Act) Implementation Plan in order to increase transparency of federal spending as required the DATA Act and Federal Funding Accountability and Transparency Act (FFATA).

The current NLRB compliance is achieved through the Acquisition Directorate inputting contract and Interagency Agreements (IAAs) directly into FPDS-NG. The number of contracts and IAAs are less than 50, which has made this a manageable workload for the staff.

Since the NLRB is currently being serviced by the Department of Interior's Interior Business Center (IBC), the IBC has already identified 47 of the required reportable data elements that will be provided to report from those systems. The remaining elements are being analyzed to be derived from combining information already captured and compiled for reporting.

- I. **Timeline:** The NLRB has already taken steps to identify the data information needed to be captured for reporting. The FY 2017 Congressional Justification was restructured to five major Program Activities. The unique award ID has been identified as the Oracle Financial system generated Purchase Order number. The NLRB already submits object class and program activity data from the Oracle financial system to OMB and has done this since FY 2013.
- II. **Estimate:** Office of the Chief Financial Officer (OCFO) incurred staff time to evaluate the data elements and participated in teleconference calls with DOI IBC and other small government agencies to understand their method of analysis to provide the required data elements.
- III. **The NLRB has already invested in utilizing a contract writing module in the Oracle Financial system suite which will be fully functional in August 2016. This Contract Lifecycle Module (CLM) will enable an automated flat file to be loaded into the DATA Act system. The rough order of magnitude would be \$200,000 payroll dollars.**
- IV. **Narrative:** There are no competing priorities that will affect the implementation of the DATA Act requirements. The benefit to the NLRB from this requirement is the restructuring of the Program Activities that will allow the Agency to better allocate resources based on historical cost analysis.