OFFICE OF THE GENERAL COUNSEL

MEMORANDUM GC 13-01 **January 8, 2013**

TO: All Employees, Office of the General Counsel

FROM: Lafe E. Solomon, Acting General Counsel

SUBJECT: Summary of Operations (Fiscal Year 2012)

The Office of the General Counsel in the Field and Headquarters has concluded another successful fiscal year enforcing the National Labor Relations Act. The preliminary figures for FY 2012, set forth in the attached Summary of Operations, reflect another year of excellent casehandling performance.

Please accept my sincere respect and appreciation for the exemplary manner in which you carry out the mission of the Agency.

/s/
L.S.

Attachment

cc: NLRBU
NLRBPA

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Regional Offices
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SUMMARY OF OPERATIONS
FISCAL YEAR 2012

INTRODUCTION

This summary continues my practice of providing an annual overview of the operations of the Office of the General Counsel.

As the summary reflects, the record of performance achieved by the staffs of the Headquarters and Regional Offices of the General Counsel in Fiscal Year 2012 based on preliminary statistical reports was once again outstanding.

Of special note in FY 2012:

- 93.9% of all initial elections were conducted within 56 days of the filing of the petition.
- Initial elections in union representation elections were conducted in a median of 38 days from the filing of the petition.
- A 91.0% settlement rate was achieved in the Regional Offices in meritorious unfair labor practice cases.
- 97% of the 37 10(j) petitions litigated in federal district court resulted in a satisfactory settlement or substantial victory.
- The Regional Offices won 90.1% of Board and Administrative Law Judge unfair labor practice and compliance decisions in whole or in part in FY 2012.
- 94.5% of the 73 Board decisions under review by the US Courts of Appeals were enforced or affirmed in whole or in part.
- A total of $44,316,059 was recovered on behalf of employees as backpay or reimbursement of fees, dues, and fines. 1,241 employees were offered reinstatement.
- The Agency exceeded two of its three ambitious overarching goals and came close to achieving the third, closing 84.5% of all representation cases within 100 days (target 85.2%), 72.7% of all unfair labor practice cases within 120 days (target 72.0%), and 83.8% of all meritorious unfair labor practice cases within 365 days (target 80.3%). The target for each 2012 overarching goal was higher than in FY 2011 and the goal for the percentage of meritorious unfair labor practice cases closed within 365 days of the filing of the charge has been increased for FY 2013.

I extend my sincere appreciation to all staff members for their continued hard work and dedication to public service and for the cooperative manner in which they have responded to the priorities in casehandling. My thanks also to those who practice before us for the cooperation and assistance extended to us in our efforts to administer the Act effectively and efficiently.

/s/
Lafe Solomon
General Counsel

ORGANIZATION OF THE OFFICE OF THE GENERAL COUNSEL

The Office of the General Counsel is composed of eight major components. These components are responsible for the various casehandling, administrative and personnel functions of the office. The eight components are: the Division of Operations-Management and Regional Offices, the Division of Advice, the Division of Enforcement Litigation, the Division of Administration, the Office of Equal Employment Opportunity, the Office of Chief Financial Officer, the Office of Human Resources and the Office of Employee Development.

The Division of Operations-Management includes Headquarters and Regional Office staffs. The Headquarters staff has the responsibility on behalf of the General Counsel for the operations of the Regional, Subregional and Resident Offices, and the coordination of the casehandling of those offices with the Washington Divisions of the Office of the General Counsel and the Board.

Each Regional Office is headed by a Regional Director, who is responsible for the management of the office and any attached Subregional or Resident Offices and for the investigation and initial determination of the merits of unfair labor practice cases and representation cases. The Regional Director is also responsible for resolving, through settlement or litigation, the unfair labor practice charges found to warrant further proceedings, and for the conduct of representation elections.

In response to evolving patterns of case intake in its nationwide network of Regional Offices, the Acting General Counsel undertook a pilot program as to the restructuring of certain field offices during FY 2012. The pilot program was designed to allow the NLRB to take advantage of new technologies and create operational efficiencies while gathering information on internal management and case processing issues that might arise. The Regional Office restructuring pilot began with the merger of Regional Offices in Atlanta, Georgia (Region 10) and Winston-Salem, North Carolina (Region 11), with the Regional Director located in Atlanta. The pilot expanded to restructure the St. Louis, Missouri (Region 14) and Overland Park, Kansas (Region 17) Regional Offices, with the Regional Director located in St. Louis. Winston-Salem and Overland Park offices became Subregional Offices during the pilot. The pilot program also changed the jurisdiction of the Subregional office in Peoria, Illinois from the St. Louis Regional Office to the Regional Office in Indianapolis, Indiana (Region 25). The success of the pilot mergers led to further proposed restructuring. The Regional Office in Hartford, Connecticut (Region 34) was proposed to be a Subregion of the Boston, Massachusetts Regional Office (Region 1). The Regional Director for the merged Region would be located in Boston. The Regional Office in Memphis, Tennessee (Region 26) and the Resident Office in Little Rock, Arkansas would become a Subregion and Resident Office, respectively, of the New Orleans, Louisiana Regional Office (Region 15). The Regional Director would be located in New Orleans. Further, the Nashville Resident Office would move from the jurisdiction of Region 26 to become a Resident Office under the jurisdiction of Region 10 (Atlanta).

After soliciting input from the field managers, the NLRBU, Agency staff and external stakeholders, the Acting General Counsel recommended to the Board that the above-described restructuring be implemented. The Board formally approved the Acting General Counsel's field restructuring plan. The Board issued a Federal Register notice advising the public that the restructuring plan would be effective December 10, 2012.

Prior to the Regional Office restructuring, there were 32 Regional Offices, three Subregional Offices, and 16 Resident Offices. As a result of the consolidation, there are now 28 Regional Offices, seven Subregional Offices and 16 Resident Offices.

The Division of Advice has the function of rendering substantive legal advice to the General Counsel and to Regional Offices in cases presenting novel or complex issues, cases of national interest or cases which involve developing and changing areas of the law. The Division also processes requests for injunctive relief under Section 10(j) of the Act, litigates injunction cases in Federal appellate courts under Section 10(l) and 10(j), manages the General Counsel's Freedom of Information Act program and indexes and classifies Board and Court decisions under the Act.

The Division of Enforcement Litigation is responsible for the Agency's litigation in the United States Court of Appeals and the Supreme Court of the United States, as well as for contempt and miscellaneous litigation in Federal and State Courts.

The Office of Appeals is a major component of the Division of Enforcement Litigation. This office reviews appeals from Regional Directors' refusals to issue complaint in unfair labor practice cases and recommends proposed action to be taken thereon by the General Counsel. It also processes appeals from the Regional Directors' denial of requests for documents under the Freedom of Information Act.

The Division of Administration is under the general supervision of the General Counsel and has been delegated responsibility for the development, direction and coordination of administrative staff support functions for both the Board and the General Counsel.

The Office of Human Resources is currently reporting directly to the General Counsel. This office provides a full range of human resources management services and performs administrative services involving analysis, completion and dissemination of policies and procedures.

The Office of the Chief Financial Officer is under the general supervision of the General Counsel and has responsibility for the effective management and financial integrity of the Agency's programs, activities, and resources. This office is responsible for developing, implementing and monitoring Agency-wide policies and systems in the areas of budget administration, program analysis and evaluation, finance and accounting, internal controls, corporate financial systems, strategic planning, and acquisitions.

The Office of Equal Employment Opportunity is dedicated to providing timely professional assistance and advice to managers, supervisors, and employees with respect to understanding and promoting diversity in the workplace. Its mission includes providing assistance to all Agency employees to avoid or resolve discrimination and harassment complaints. The OEEO also appoints trains and manages the Agency's collateral duty EEO Counselors assigned in each Regional office and manages specific case assignments handled at the informal stage of the federal sector EEO process.

The Office of Employee Development reports directly to the General Counsel and is responsible for the training needs of Agency employees. It is the mission of the OED to develop an agency-wide approach to training, to assist managers in providing employees with needed development opportunities and to help managers and supervisors manage their own careers and obtain developmental opportunities.

I. General Information

The information set forth below reflects the work of the various casehandling Divisions during Fiscal Year 2012 based on preliminary statistical reports of case actions during the year.[1]

In addition to its excellent performance with respect to the interim goals under which the Office of the General Counsel has operated for over 45 years, I am pleased to report that the Agency exceeded two and nearly met its third overarching casehandling goals, closing:

- 84.5% of all representation cases within 100 days (target 85.2%)[2],
- 72.7% of all unfair labor practice cases within 120 days (target 72.0%), and
- 83.8% of all meritorious unfair labor practice cases within 365 days (target 80.3%).

II. Regional Offices

Case Intake

The NLRB's processes can be invoked only by the filing of an unfair labor practice charge or a representation petition by a member of the public. The Agency has no authority to initiate proceedings on its own.

Total case intake during FY 2012 was 24,275 compared to 25,004 cases in FY 2011, representing a 3.0% decrease in overall intake. While unfair labor practice case intake was 21,629, a 2.5% decrease from the FY 2011 intake of 22,175, total representation case intake was 2,646, a 6.5% decrease from the FY 2011 intake of 2,829.

Petitions filed in certification and decertification (RC, RD, and RM) cases decreased 5.7% from 2,634 in FY 2011 to 2,484 in FY 2012. There were 162 petitions filed in unit deauthorization, unit amendment and unit clarification (UD, AC and UC) cases filed in FY 2012.

Information Officer Inquiries

The Agency's Public Information Program continues to provide assistance to members of the public by answering questions posed, aiding them in filing charges and petitions with the Agency and by referring inquiries not covered by the NLRA to appropriate agencies or organizations. The Public Information Program is particularly beneficial to the public because of the information and assistance it provides. It also prevents a large number of non-meritorious charges from being filed with the Agency.

The Agency's 51 field offices received 119,992 public inquiries in FY 2012, a 3.5% increase from the 115,959 received during FY 2011. The public can contact the Agency through a toll-free telephone service designed to provide easy and cost-free access to information (1-866-667-NLRB). Callers to the toll-free number may listen to messages recorded in English and Spanish that provide a general description of the Agency's mission and connections to other government agencies or to Information Officers located in the Agency's

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[1] The Acting General Counsel announced in the FY 2011 Summary of Operations that total case intake was 24,990, that unfair labor practice intake was 22,177 and that total representation case intake was 2,813. Subsequent to the issuance of the Summary of Operations, those numbers were adjusted. Thus, the most accurate numbers are now reported in this summary.

[2] The Agency fell short of this goal by only 18 cases.

Regional Offices. In FY 2012, the toll-free telephone service received calls 37,323. In FY 2011, the toll-free telephone service received 32,133 calls.

In addition to traditional Pubic Information Program activities, the Agency has endeavored to increase awareness of the NLRA and our accessibility to the public through our revamped, user-friendly website at www.nlrb.gov.

Outreach

During FY 2012, the field offices engaged in over 450 outreach activities,[3] including periodic meetings with the ABA's local Practices and Procedures Committees, LERA events and numerous events involving the Agency's traditional stakeholders. In addition, the field offices engaged in events to reach out to the community at large in events, such as participation at the Hispanic Heritage celebration at the Farmer's Market in Buffalo, New York, the Department of Labor's Worker Rights Festival in Manhattan, Labor Rights Week in Chicago, and U.S. citizen naturalization ceremonies in Indianapolis. Agency representatives also appeared on local television and internet broadcasts. In FY 2011, field offices participated in approximately 630 outreach activities.

Unfair Labor Practice Cases

Settlements

The Agency's effectiveness and efficiency in administering the Act is greatly enhanced by its ability to obtain voluntary resolution of unfair labor practice cases, which, after investigation, are deemed worthy of prosecution. Over the years, the Agency has achieved an excellent settlement record due to the efforts of Agency staff and the cooperation of the Bar. In FY 2012, the Regions obtained 6,742 settlements of unfair labor practice cases, representing a settlement rate of 91.0% of total merit cases, compared to 6,246 settlements in FY 2011 and a rate of 93.0%. Over the last 10 years the settlement rate has ranged from between 91.0% and 99.5%.

Complaints

In FY 2012, the Regional Offices issued 1,314 complaints as compared to 1,342 in FY 2011. The median number of days from issuance of complaint to opening of the unfair labor practice hearing was 83 days in FY 2012, the same as the median experienced in FY 2011.

Merit Factor

The percentage of unfair labor practice cases in which a Regional Director determines that formal proceedings are warranted is called the merit factor. In FY 2012, the merit factor was 36.5%, comparable to the merit factor of 37.0% in FY 2011. Since 1980, the merit factor has fluctuated between 32% and 40%.

Litigation Results

The Regional Offices won 90.1% of Board and Administrative Law Judge decisions in whole or in part in FY 2012, which is slightly higher than the 87.0% rate experienced in FY 2011. Over the last 10 years, the percentage of wins, in whole or in part, has ranged between 78% and 91%.

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[3] Field outreach activities are underreported for FY 2012 due to technical issues with the Agency's outreach tracking mechanism.

Remedies

The Regional Offices recovered $44,316,059 on behalf of employees as backpay or reimbursement of fees, dues, and fines in FY 2012, compared to $60,514,922 in FY 2011. In FY 2012, a total of 1,241 employees were offered reinstatement, compared to 1,644 in FY 2011.

Section 10(l) Activity

The Regional Offices filed five petitions for 10(l) injunctions with the district courts in FY 2012. One petition for 10(l) injunctive relief was filed in FY 2011.

Representation cases

Elections

The Regions conducted 1,611 initial representation elections in FY 2012, of which 90.0% were held pursuant to agreement of the parties, compared to 1,423 initial elections and an 89.0% election agreement rate for FY 2011. Actual performance continues to exceed our goal, which is to conduct 85% of elections pursuant to voluntary election agreements.

In FY 2012, the median time to proceed to an election from the filing of a petition was 38 median days, the same rate achieved in FY 2011, and well below our target median of 42 days.

93.9% of all initial representation elections were conducted within 56 days of the filing of the petition in FY 2012, compared to 91.7% in FY 2011, and above our target of 90%.

In FY 2012, post-election objections and/or challenges were filed requiring the conduct of an investigative hearing in 42 cases. Decisions or Supplemental Reports issued in those cases in 73 median days. Post-election objections and/or challenges that could be resolved without a hearing were filed in 13 cases. Decisions or Supplemental Reports in those cases issued in 43 median days. In FY 2011, 45 cases involved post-election objections and/or challenges that required the conduct of an investigative hearing. Decisions or Supplemental Reports issued in those cases in 62 median days. Post-election objections and/or challenges that could be resolved without a hearing were filed in 70 cases. Decisions or Supplemental Reports in those cases issued in 21 median days. The goal in hearing cases is 80 median days and in non-hearing cases 32 median days.

Regional Director Decisions

In FY 2012, Regional Directors issued 169 pre-election decisions in contested representation cases after hearing in a median of 34 days, well below our target median of 45 days. In FY 2011 Regional Directors issued 203 pre-election decisions in a median time of 33 days.

III. Division of Enforcement Litigation

Appellate and Supreme Court Litigation Branch

In FY 2012, the Appellate and Supreme Court Litigation Branch received 110 enforcement and review cases and disposed of 118. Regional Offices referred 32 cases for court enforcement, and private parties filed petitions to review the Board's order in the remaining 78 cases. In FY 2011, the total intake of enforcement and review cases was 130

cases and dispositions totaled 153, including 21 enforcement and review cases that were dismissed or remanded by courts of appeals in light of the Supreme Court's *New Process* decision. Oral arguments were presented in 50 cases in FY 2012, compared with 25 cases in FY 2011. The Board filed no petitions for rehearing in FY 2012, the same as in 2011. The Branch filed two responses to rehearing petitions filed against the Agency in FY 2012, as opposed to none in FY 2011. The Branch also handled 46 summary enforcement cases and 19 consent cases in FY 2012; in FY 2011, the Branch handled 39 summary enforcement cases and 16 consent cases.

The median time for filing applications for enforcement was 21 days in FY 2012, compared with 6 days in FY 2011, and well within our goal of 30 days. The briefing schedule in appellate cases is set by the Courts and in FY 2012, the median time for both enforcement and review cases from receipt of cases to filing of briefs was 165 days, compared to 176 days in FY 2011.

In FY 2012, the United States Courts of Appeals ruled on Board decisions in 73 enforcement and review cases. Of those cases, 94.5% were enforced or affirmed in whole or in part (84.9% were won in full, 5.5% were won in part/lost in part, 4.1% were won in part/remanded in part), 4.1% were remanded entirely, and 1.4% were lost in full. In FY 2011, courts of appeals decided 32 enforcement and review cases involving the Board. Of those FY 2011 cases, 87.5% were enforced or affirmed in whole or in part, (84.4% were won in full, 3.1% were won in part/remanded in part), 6.25% were remanded entirely, and 6.25% were lost in full.

In FY 2012, the Supreme Court granted no private party petitions for certiorari in Board cases, and denied private-party petitions in five cases. In FY 2011, the Supreme Court granted two private party petitions for certiorari. In each of those cases, the Court concurrently granted the petition for certiorari, vacated the judgment of the court of appeals, and remanded to the lower court.

In FY 2012, the Board filed two responses to petitions for certiorari filed by private parties. Waivers of responses to private parties' petitions for certiorari were filed in two cases in FY 2012. No responses to private parties' petitions for certiorari were filed in FY 2011. The Board filed no petitions for certiorari in the Supreme Court in FY 2012 or FY 2011.

Special Ethics Counsel

The Office of Special Ethics Counsel provides ethics guidance to Agency staff. In FY 2012, Special Ethics Counsel received 271 new cases concerning contacts with represented persons or other ethics issues during Board proceedings, compared to 251 cases in FY 2011. Special Ethics Counsel closed 271 ethics cases in FY 2012, compared to 248 in FY 2011. These cases were handled in a median response time of one day. In addition, in FY 2012 Special Ethics Counsel conducted 35 training programs for regional and headquarters employees, compared to 16 in FY 2011.

Contempt Litigation and Compliance Branch

In FY 2012, 293 cases were referred to the Contempt Litigation and Compliance Branch for consideration for contempt or other appropriate action to achieve compliance with the Act, compared to 266 cases in FY 2011. Of the 164 contempt or other formal submissions received

in FY 2012, voluntary compliance was achieved in 55 cases without the necessity of filing a contempt petition or other initiating papers, and 21 other cases settled after the filing of a formal pleading in court, but before trial. In 64 other cases, it was determined that contempt or other proceedings were not warranted. The remaining 24 cases received during FY 2012 were still active as of the end of the fiscal year. In FY 2011, voluntary compliance was achieved in 28 of the 110 formal submissions without the necessity of filing a contempt petition or other initiating papers, and 27 cases were settled after the filing of formal pleadings in court, but before trial. In 32 other cases, it was determined that contempt or other proceedings were not warranted. The remaining 23 cases received during FY 2011 were still active as of the end of that fiscal year.

Ten civil contempt or equivalent adjudications were awarded in favor of the Board in FY 2012 (including one assessing fines), compared to nine in FY 2011. During FY 2012, the Contempt Litigation and Compliance Branch also obtained 22 other court orders in aid of compliance, compared to 20 in FY 2011. During FY 2012, the Branch collected $1,081,937 in backpay or other compensatory damages, while recouping $99,047 in court costs and attorneys' fees incurred in contempt litigation. In FY 2011, the Branch collected $2,902,713 in backpay or other compensatory damages, while recouping $10,052 in court costs and attorneys' fees incurred in contempt litigation. In FY 2012, the Branch also conducted 189 asset/entity database investigations, pursuant to requests from the Regions or other Agency offices, as compared to 169 in FY 2011.

Office of Appeals

In FY 2012, the Office of Appeals received 1,892 appeals from Regional Directors' refusals to issue complaint, an almost 4.0 % decrease from the 1,970 appeals received in FY 2011. In FY 2012, the Office processed 1927 appeals, a 5.5% decrease over the 2,040 appeals decided in FY 2011. The rate of reversal of Regional Directors' dismissals was 0.7%, lower than the 1% reversal rate in FY 2011.

Median time to process all appeals in FY 2011 was 26 days, three days less than the 29 days it took in FY 2011. Median time to process 13 sustained appeals was 54 days, 34 days less than the 88 days in FY 2011 necessary to process 23 sustained appeals. The goal for processing all appeals is 45 median days and for processing sustained appeals is 90 median days.

In FY 2012, the Office of Appeals received 32 appeals under the Freedom of Information Act, about half of the 63 appeals received in FY 2011. The Office closed 53 FOIA appeals in FY 2012, in contrast to the 44 FOIA appeals closed in FY 2011, an increase of 20%.

Special Litigation Branch

In FY 2012, the Special Litigation Branch (SLB) experienced an intake of 63 cases and closed 66 cases. This compares with an intake of 95 cases and closing of 97 in FY 2011. In both years, the Branch settled or resolved most issues upon advice being given to a Regional Office or Headquarters Board Office.

In FY 2012, SLB filed 69 briefs: 13 appellate court briefs, 56 district court briefs, and zero bankruptcy court briefs. This compares to FY 2011 when SLB filed 47 briefs, 16 to the appellate courts, 17 to the district courts, and 14 to bankruptcy courts. SLB sent nine memos to the Board and Regional offices in FY 2012, compared to 17 in FY 2011.

In FY 2012, SLB participated in eight oral arguments and received 13 decisions (three losses): two in appellate courts, 11 in district courts, and zero in bankruptcy courts. This compares with FY 2011, when SLB participated in six oral arguments and received 24 decisions (all wins): nine in appellate courts, 13 in district courts, two in bankruptcy courts.

IV. Division of Advice

Regional Advice Branch

During FY 2012, the Division of Advice processed its cases in a median of 20 days, as compared to 16 days in FY 2011. Also, during FY 2012, the Division received 595 cases and closed 595 cases, compared to 686 cases received and 654 cases closed in FY 2011. The median age of cases pending at the end of FY 2012 was 31 days, as compared to 37.5 days in FY 2011.

Injunction Litigation Branch

In FY 2012, the Injunction Litigation Branch received 155 cases from Regional Offices to consider for discretionary injunctive relief under Section 10(j) of the Act, as compared to 154 cases received in FY 2011. During this fiscal year, the Board authorized 58 cases as compared to 59 cases that were authorized in FY 2011. Regional Offices filed Section 10(j) petitions in federal district court in 37 cases, compared to 45 petitions filed in FY 2011. The “success rate”, i.e., the percentage of authorized Section 10(j) cases in which the Agency achieved either a satisfactory settlement or substantial victory in litigation, was 97% at the end of FY 2012, compared to 93% for cases authorized in FY 2011.

In addition to requests for Section 10(j) authorization, the Injunction Litigation Branch handled 106 other cases during FY 2012, compared to 150 such cases in FY 2011. These cases involved litigation advice to Regions for their litigation of Section 10(j) and 10(l) cases, first contract bargaining cases submitted under Memoranda GC 06-05, 07-08, and 08-09, appeal considerations and appeals from district court decisions in Section 10(j) or 10(l) cases, and contempt of district court decrees. The Branch handled eight appeals that were pending at the beginning of the fiscal year and 13 appeals that were filed during FY 2012, compared to seven appeals that were pending at the beginning of FY 2011 and eight appeals that were filed during FY 2011. Of the 21 appellate cases in FY 2012, the Branch satisfactorily resolved seven appeals before decision, won two appeals in whole or part, lost one appeal, and had 11 appeals pending at the end of FY 2012. This compares to 15 appeals in FY 2011, in which the Branch satisfactorily resolved one appeal before decision, won five appeals, lost one appeal, and had eight appeals pending at the end of FY 2011. The Branch handled five requests for contempt proceedings in FY 2012, compared to three requests in FY 2011.

VI. Office of Equal Employment Opportunity (OEEO)

The Office of Equal Employment Opportunity (OEEO) processed 15 formal complaints of alleged discrimination filed during FY 2012. At the beginning of the fiscal year, there were six cases pending investigation. At the end of FY 2012, there were four cases pending investigation. The median number of days that cases were pending under investigation was 97 days in FY 2012, as compared to 124 days in FY 2011. In FY 2012, the OEEO issued Final Agency Decisions in four formal complaints and achieved settlements in four formal complaints.

At the close of FY 2012, there were three cases pending hearing at the EEOC, two cases on appeal to the EEOC's Office of Federal Operations, and no cases pending in the United States District Court.

OEEO provided annual refresher training for each of the 35 Regional office counselors, and eight counselors assigned to Headquarters (three of whom are on the General Counsel side). OEEO developed and launched mandatory Agency-wide training in four critical areas, including Alternative Dispute Resolution, Reasonable Accommodation and (in collaboration with the Division of Operations Management and the Office of Employee Development), Diversity and Inclusion Training, and Training on Transgender and Gender Identity issues in the workplace. OEEO and Human Resources collaboratively developed the Agency's policy statement and Strategic Plan on Diversity and Inclusion. Additionally, the OEEO sponsored a variety of special emphasis observances at headquarters and in field offices in furtherance of its mission of creating and maintaining an inclusive environment that values diversity.

VII. Office of Human Resources (OHR)

Some substantial FY 2012 accomplishments for the Office of Human Resources (OHR) include: implementing the Pathways Program, transitioning to a new Government-wide SES appraisal system, ensuring complete and accurate eOPF information, and addressing contingency planning through retention register efforts. Further, OHR processed approximately 2500 personnel actions, posted approximately 150 job announcements, performed approximately 50 classification actions, processed 11 reasonable accommodation requests, and updated standard operating procedures, forms, policies and templates to promote efficient and consistent customer service.

VIII. Office of the Chief Financial Officer (OCFO)

The Office of the Chief Financial Officer (OCFO) was established in FY 2012. This new organization consolidates the budget, finance and acquisition functions thereby integrating and enhancing the Agency's financial management and internal controls. Some significant FY 2012 accomplishments include: an unqualified (clean) opinion on the Financial Statement Audit, implementation of a new financial management system (Oracle Financials) within the scheduled nine-month timeframe, conversion and validation of financial data from the prior financial system (Momentum) to the new Oracle Financials, improvements to internal controls related to inter-agency agreements and training purchases, and updates and amendments to the NLRB Strategic Plan.

IX. Office of Employee Development (OED)

The Agency's Office of Employee Development (OED) has initiated and developed a number of programs to ensure ongoing development for the managers, supervisors, professionals, and support staff in our field offices, as well as in Headquarters.

In partnership with the Division of Operations Management, OED continued to issue Instructor Guides on the proper execution of the National Labor Relations Act's provisions. The 38 professional development modules developed to date include instructor notes for the core presentation on the training topic, an activity for participants, plus checklists and resource materials for participants' use. All modules are made available on the Agency's intranet. The

substantive material is first developed by Field and Headquarters managers, reviewed by technical experts at Headquarters, and then prepared for publication by OED staff. The Agency also continued its mentoring program for all new employees and for employees new to their positions. Field and Headquarters presentations to summer interns and law clerks were recorded and placed on the Agency's intranet to provide all employees access to these presentations at their desktops. In partnership with the Division of Operations-Management, OED produced a 64-minute video on the implementation of the new elections rules and assisted in the preparation of materials for the Elections Rules Field Facilitators' conference.

The Agency provides a variety of training opportunities to all staff. For example, in FY 2012, OED provided 45 sessions of "Training Tuesdays," one hour video and internet conference training conducted by in-house and outside subject matter experts in information technology, substantive issues, and administrative topics. Forty-five of these sessions were conducted in FY 2012. Cumulative attendance at these sessions exceeded 2,037 employees. The Agency also published videos of Headquarters presentations for viewing by all Agency employees on their desktops on a variety of topics, ranging from legal issues to special emphasis programs. In FY 2012, the Agency was also able to provide training conferences for General Counsel Managers, Administrative Law Judges, Elections Rules Training facilitators and NxGen case management system experts ("NxPerts"). In addition, OED provide private coaching on legal writing to Headquarters' attorneys.

The Agency continues to deliver the NLRB Management Development Program (MDP), a flexible program designed to ensure that the Agency has well-qualified candidates for future managerial vacancies. OED also offered a 360 degree assessment/executive coaching program for experienced supervisors and managers; hosted workshops for Headquarters supervisors, managers and attorneys on how to give and receive constructive feedback and how to manage meetings effectively; and encouraged attendance at valuable executive development leadership seminars.

Business skills training was provided to professional administrative staff and additional training was developed to address common employee matters, such as email etiquette, EEO/Diversity, and retirement. OED continued the presentation of Diversity and Inclusion training to all Field Offices and assisted employees in navigating new Windows 7 software. Two certified OED employees began presenting interpersonal style instruments to Field and Headquarters employees to assist with more effective collaboration.