

NATIONAL LABOR RELATIONS BOARD'S  
IMPROVEMENT PLAN  
UNDER EXECUTIVE ORDER 13392  
June 2006

**A.** Characterize overall nature of agency's FOIA operations (degree of detail optional), with optional reference to areas preliminarily considered for agency review. (Agencies may also describe any particular FOIA challenges that they face.)

The National Labor Relations Board (NLRB) is an independent Federal agency which administers and enforces the National Labor Relations Act, a law governing the relationship between unions, employees and employers in the private sector. The NLRB has two separate components: the five-member Board, a quasi-judicial body which conducts administrative proceedings and conducts union elections and certifies the results; and the Office of the General Counsel, which is responsible for the investigation and prosecution of unfair labor practices and the processing of representation case proceedings. In addition to its Washington, D.C. Headquarters Office, the NLRB has established 32 regional offices and a number of field offices. These offices are located in major cities in various States and Puerto Rico, and are under the supervision of the General Counsel.

The Agency processes various types of FOIA requests. Some of the most common are requests for documents in unfair labor practice or representation cases, internal memoranda from the Division of Advice and Operations Management, requests for copies of appeals, and requests for data contained in the Agency's Case Activity Tracking

System (CATS). Appeals from General Counsel FOIA determinations are processed by the Office of Appeals. The National Labor Relations Board (NLRB) consistently processes its FOIA requests in a timely and responsive manner. In Fiscal Year 2005, the Agency processed 4702 requests in a median of 9 days, substantially less than the 20-day time period required by the Statute. Of the 4702 requests, 43 were processed by the Office of the Executive Secretary; 505 were processed by the FOIA Officer for the General Counsel at Headquarters; and 4154 were completed by our 32 Regional Offices. (Annual FOIA Report, 2005).

**B. List all areas selected for review**

The Agency conducted a comprehensive review of its FOIA operations, including case processing and case tracking. A committee of senior-level officials was formed to review Agency FOIA operations and to make suggestions for improvement. This review included a survey of Agency personnel in each of the offices involved in FOIA processing to obtain additional input on methods and difficulties encountered in handling FOIA requests. The Committee's recommendations identified several areas for further examination, and necessary clarification and improvement: 1. development of new and improving current methods for dealing with the public; 2. clarification of a category of publicly available materials called "frequently requested documents"; 3. improvement of our public website; 4. deployment of our FOIA case tracking system (FTS); 5. improvement of our FOIA processing, which would include early identification and prevention against the development

of a backlog; and 6. initiation of personnel training by workshops and written matter.

**C.** Narrative statement summarizing results of review:

Our review indicates that the Agency processes its FOIA requests in a timely and responsive manner, and that any backlog is minimal or non-existent and temporary. In the rare event that a request becomes untimely, contact is made with the requester, and the case is completed within the shortest possible time frame. Therefore, our review focused on the following areas: 1. Improved dealing with the public utilizing information posted on our FOIA web page. This would include improving the public's ability to obtain information about the FOIA; facilitating the public's understanding of the parameters of the Act; clarifying the procedures for filing a FOIA request; and, to the extent possible, simplifying those procedures. 2. Improving the Agency's ability to more efficiently process its FOIA requests. This includes providing training for Agency FOIA personnel; updating and clarifying the Agency's FOIA Manual (which is also available to the public); and deploying our new Agency-wide FOIA tracking system (**FTS**), which will maintain and organize data, develop reports, and make Agency-wide FOIA data available to FOIA personnel.

**D.** List all areas chosen as improvement areas for agency plan:

Based upon a thorough review of Agency FOIA practices and procedures, four areas were identified for improvement: insuring that our dealings with the public are customer-

friendly; redesigning the Agency's FOIA website; continuing development and then deploying the Agency's new advanced FOIA case tracking system; and updating the Agency's FOIA Manual and providing FOIA training to Agency personnel based on the Manual.

**E.** For each improvement area provide Name (e.g. backlog reduction); and brief statement of improvements sought to be made:

1. Website - improvement

Improving and redesigning the Agency's website to make it more customer-friendly will require modifying and clarifying some topics, and adding and/or deleting others. For example, because the Agency currently maintains on its public website a category called "hot docs" that contains a variety of documents, including those that are frequently requested, we will establish a new category of documents for those that are frequently requested under FOIA, and name it "Frequently Requested Documents". The Agency's electronic reading room will be modified to include additional documents, such as: "A Citizens Guide to the FOIA", a DOJ pamphlet entitled "Your Right to Federal Records", a list of other agencies' FOIA websites, and the texts of the FOIA, Privacy Act, and Executive Order 13392. The existing contents of our reading room will be reviewed for retention or deletion. We will clarify the procedure for making a FOIA request, add information about the appeals process, explain the functions of the FOIA Service Center and the FOIA Liaison, and include information concerning how to contact those offices. Improvement and

redesign of the website is anticipated to be complete by December, 2006.

Finally, the Agency is in the process of developing for deployment on our website an electronic case information search (**ECIS**) system. **ECIS** is designed to provide access to publicly available information about pending and closed representation and unfair labor practice cases through the Internet. Members of the public will no longer have to make FOIA requests in order to obtain this information. Any user with Internet access will be able to search for information about a specific case, such as the date filed, the allegations involved, the disposition of the case, and whether the case was submitted to the Office of Appeals. If the user desired, s/he could then view all the publicly disclosable information about the case. Search results will be displayed in a printable format. The **ECIS** database is derived from all data fields contained in the Agency's internal Case Activity Tracking System (CATS) that the Agency has determined may be disclosed to the public under FOIA. **ECIS** will provide a link to the FOIA page on which the user can request copies of publicly available documents from the case file.

## 2. Case Tracking - development of advanced FOIA case-tracking system (**FTS**)

A second area for improvement is the development of an enhanced FOIA case-tracking system, which will permit greater coordination between Headquarters and the Regional Offices, and allow improved analysis and tracking of our FOIA requests. The new FOIA Tracking System (**FTS**) is

presently under development; it has the capacity to monitor and track Agency-wide data, which will assist timely FOIA processing, and allow the generation of more comprehensive reports. In particular, **FTS** will enable improved report functions including generation of elapsed time and over-age reports for pending FOIA cases, tracking of closed cases, pending cases, the case production of individual FOIA processors, necessary monthly reports, reports of fee payments for prior FOIA requests, and reports concerning cases that are appealed and the Office of Appeals determination. The **FTS's** advanced capabilities will improve the Agency's ability to monitor pending and closed cases Agency-wide, ensure the Agency's continued success in timely processing of FOIA requests, and greatly assist the production of the Annual FOIA Report. It is anticipated that the **FTS** will be deployed and staff trained by December, 2006.

### 3. FOIA Manual - updated and clarified

Updating and clarifying the NLRB's FOIA Manual was identified as a way to assist timely and accurate FOIA processing. Our FOIA Manual provides a practical guide to Regional and Headquarters personnel responsible for FOIA processing, and helps to insure that the Agency maintains uniformity in its FOIA product. The FOIA Manual issued in November, 1999, and we plan to review the entire Manual for both legal and policy updates. Among the areas to be reviewed are: assuring continued conformity to Court of Appeals' and Supreme Court law that has issued since 1999; reviewing the Manual in light of general privacy concerns; reviewing the discretionary disclosure section and the

Agency Document Index. In addition, in the six years since its production, feedback from the Regional Offices has highlighted those areas that may benefit from clarification, so that the Manual can continue to provide relevant guidance. The update will be completed and available to Agency personnel and the public by December, 2007.

#### 4. FOIA Training

Following the completion of the revision of our FOIA Manual, FOIA training will be provided for FOIA personnel based on the Manual. FOIA training is expected to be provided after December, 2007.

**F.** For the entire plan, group the improvement areas into the following time periods:

1. Areas anticipated to be completed by December 31, 2006.

Redesign of FOIA website

Upgrade of FOIA Case Tracking System (**FTS**) and Training Staff on System

2. Areas anticipated to be completed by December 31, 2007.

Update of Agency FOIA Manual

3. Areas anticipated to be completed after December 31, 2007.

FOIA training for Agency personnel