INTRODUCTION

PREFACE

I am pleased to introduce this revised edition of the National Labor Relations Board Casehandling Manual for Unfair Labor Practice Proceedings. Last revised in June 1989, this comprehensive revision is more accessible and useful, increasing its value as a resource for the Agency and the public. This edition incorporates straightforward language to clarify instruction concerning ULP case processing; expands the scope of guidance in many areas and reorganizes the material to facilitate its use. In addition, several new sections address existing casehandling procedures and recent developments and update existing sections to reflect current case law and General Counsel policies.

I anticipate that the guidelines set forth in this revision will enhance the quality of casehandling and assist the Agency in its mission to fairly and efficiently process and resolve unfair labor practice cases.

This revised manual was prepared by a field committee composed of Richard Ahearn, Regional Director in Region 9; Michael C. Joyce, Assistant to the Regional Director in Region 6; Rik Lineback, Regional Attorney in Region 25; and Mark Carissimi, Deputy Regional Attorney in Region 8. Ellen Farrell, Deputy Associate General Counsel, Division of Advice made a significant contribution to the Manual in several areas. Individuals in Special Litigation Branch, Contempt Litigation and Compliance Branch and Regional Offices also played important roles in this project. As Chairman of the Committee Richard Ahearn deserves special recognition for his leadership and coordination of the Committee's work. Christina Stadtlander, Assistant Office Manager, Region 9, rendered invaluable assistance to the Committee in preparing this revision. Assistant General Counsel Nelson Levin coordinated this substantial project for the Division of Operations-Management. In closing, I wish to thank all the individuals who contributed to revising this Manual.

Arthur Rosenfeld
General Counsel
September 2003

PURPOSE OF THE MANUAL

The Casehandling Manual is intended to provide procedural and operational guidance for the Agency's Regional Directors and their staffs when making decisions as to unfair labor practice and representation matters under the National Labor Relations Act. The Manual consists of three volumes: Part One—Unfair Labor Practice Proceedings; Part Two—Representation Proceedings; and Part Three—Compliance Proceedings.

This Manual has been prepared by the General Counsel for use by Agency personnel, pursuant to authority under Section 3(d) of the Act and as delegated by the Board. The Manual has been neither reviewed nor approved by the Board.

As to matters on which the Board has issued rulings, the Manual seeks to accurately describe and interpret Board law; while the Manual can thus be regarded as reflecting Board policies as of the date of its preparation, in the event of conflict, it is the Board's decisional law, not the Manual, that is controlling. Similarly, while the Manual reflects casehandling policies of the General Counsel as of the date of its preparation, such policies may be revised or amended from time-to-time.

The Manual is not a form of binding authority, and the procedures and policies set forth in the Manual do not constitute rulings or directives of the General Counsel or the Board. The Manual is also not intended to be a compendium of either substantive or procedural law, nor can it be a substitute for a knowledge of the law.

Although it is expected that the Agency's Regional Directors and their staffs will follow the Manual's guidelines in the handling of cases, it is also expected that in their exercise of professional judgment and discretion, there will be situations in which they will adapt these guidelines to circumstances. Thus, the guidelines are not intended to be and should not be viewed as binding procedural rules. Rather, they provide a framework for the application of the Board's decisional law and rules to the facts of the particular situations presented to the Regional Directors and their staffs, consistent with the purposes and policies of the Act.

MANUAL FORM

This Manual is available in printed form from the U.S. Government Printing Office (GPO) and in electronic form at the Agency's web site (www.nlrb.gov). (Agency employees also have access to the Manual on an Agency electronic Bulletin Board.) Periodic revisions to the Manual can only be obtained electronically through the Agency's website, not through the GPO.

MODIFICATIONS TO THE MANUAL

Modifications to the Manual will be announced through memoranda issued by the Division of Operations-Management. These memoranda are available to the public

through the Agency's publication "Weekly Summary of NLRB Cases." At the time of announcement, the electronic versions of the Manual maintained on the Agency's web site (www.nlrb.gov) and internal Bulletin Board will be revised in accord with the modifications. All memoranda announcing modifications will be retained for one year at the website and Bulletin Board UPDATE PAGE.

Printed versions of the Manual available in Agency libraries will be kept current. Printed compilations of modifications will be prepared annually. Printed copies of the Manual distributed following its original publication date will contain the original Manual as well as all annual compilations.

INSTRUCTIONS

The Casehandling Manual consists of three volumes: Part One—Unfair Labor Practice Proceedings; Part Two—Representation Proceedings; and Part Three— Compliance Proceedings. The Compliance Manual was revised in 1993. The Representation Casehandling Manual was revised in 1999.

This Unfair Labor Practice Casehandling Manual revision was issued in 2002. This revision has updated the Common to All Cases Sections 117000–11886, which appear in both the Unfair Labor Practice Casehandling Manual and the Representation Casehandling Manual. Accordingly, the Common to All Cases portion of the Representation Casehandling Manual must be replaced with the version contained in this revision.