

OFFICE OF THE GENERAL COUNSEL

MEMORANDUM GC 25-03

January 6, 2025

TO: All Regional Directors, Officers-in-Charge,
and Resident Officers

FROM: Jennifer A. Abruzzo, General Counsel

SUBJECT: New Processes for More Efficient, Effective, Accessible and Transparent
Casehandling

Over the last several years, a surge of unfair labor practice charges and petitions, along with insufficient resources has created a strain on NLRB staff. Stakeholders across the Agency, including the Division of Operations-Management, Regional managers and supervisors, and employees represented by the NLRBU and NLRBPA have worked tirelessly to process these cases. They have also worked together to innovate and make recommendations on how to change our processes so that we can be more efficient and effective in reaching case resolutions, more transparent with respect to case status and more timely in public access to case documents. The below reflects changes, which we have implemented and those updates which will occur in the near future.

The following changes to casehandling processes have already been implemented:

- (1) Board agents are issuing introductory letters to charging parties requesting evidence, documents, a list of witnesses, and a timeline of facts prior to the Board agent taking affidavits or conducting interviews, as well as notifying Charging Parties that failure to timely provide evidence may result in dismissal of their charge.
- (2) Regional offices are issuing written questionnaires to charging parties in cases involving matters such as information requests, duty of fair representation, Section 8(a)(2) allegations, unilateral changes, bad faith bargaining, potential deferrals to grievance-arbitration machinery, among others.
- (3) Board agents are taking advantage of improved technology and taking affidavits and interviews on videoconference, particularly for non-local affiants, allowing for exceptions when a Region determines that taking in-person evidence is necessary.
- (4) Board agents are generally using interview notes in lieu of affidavits for corroborative witnesses, unless the Region determines there is a need for affidavit testimony.
- (5) Regions are screening charges and dismissing, absent withdrawal, charges that clearly lack merit or fall outside the NLRB's jurisdiction.
- (6) Regions are engaging in early contact with charged parties to educate them about the National Labor Relations Act and to try to seek resolution between parties prior to or early in the investigation.

- (7) Trial attorneys, in consultation with their Regional management, are more frequently seeking to make closing arguments in lieu of post-hearing briefs, requesting that ALJs issue Bench Decisions in appropriate cases, and using “Letter Briefs” in lieu of the more traditional brief.

Upcoming changes will also expand the accessibility of case documents on the NLRB’s case docket pages. Expanding access to NLRB case documents promotes transparency and the integrity of Board processes. It is responsive to requests from public stakeholders to have prompt access through our website for additional up-to-date information about specific cases. Further, expanding public access to these documents will reduce the resources needed by the Agency to respond to requests for information that get directed to our Regional Offices and to the FOIA Branch.

In expanding access to NLRB case documents, it is critical that we protect the personally identifiable information (PII) of our individual charging parties, witnesses, petitioners, and others. Protecting private information makes our processes more accessible to individuals who may fear that engaging with the Agency could result in retaliation or other harms.

These changes will advance both the goals of expanded access to NLRB documents and protection of PII and include the following:

- (1) NLRB case captions will not include the names of individual charging parties or individual petitioners. Instead, Regional Directors will use “Charging Party, an Individual” or “Petitioner, an Individual” when creating case captions. If there is more than one Charging Party or Petitioner in a case, they will be numbered (e.g., Charging Party 1, an Individual, etc.).¹
- (2) Every NLRB public case docket site will have information as to scheduled hearing dates. Individuals may contact the NLRB’s Regional Office for additional information about NLRB hearings occurring in that Region.
- (3) Additional documents/information will be made available on NLRB public case docket sites, such as: Regional Director Orders; Dismissal, Deferral, and Appeal Letters; Compliance Communication; Legal Representative Email Addresses; Approvals of Disclaimers of Interest; Subpoena Enforcement Documents; Notice Postings; and Certifications of Posting. These documents will generally either be drafted so as not to include PII or will have such information redacted.

I am very appreciative of the many Agency staff members who have contributed to these efforts. I believe they will greatly assist the Agency in its ability to maximize its resources, increase transparency, be more accessible, protect the integrity of our processes, and effectuate our mission.

/s/
J.A.A.

¹ While the case caption will use this nomenclature, the body of the complaint and other case documents will continue to include names as necessary.