

OFFICE OF THE GENERAL COUNSEL

MEMORANDUM GC 26-01

December 23, 2025

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

FROM: William B. Cowen, Acting General Counsel

SUBJECT: New Agency Wide Docketing Protocol

The large influx of cases filed during the 43-day Government shutdown further exacerbated the existing backlog of cases and decreasing staffing levels in Regional Offices that have resulted in the necessity for the Agency to modify the procedure for processing and assigning all charges filed after October 1, 2025.

I am confident that these procedures will provide much needed relief to Regional Office employees while allowing the Agency to efficiently and effectively process cases.

Evidence to be provided by Charging Parties within two weeks of docketing

The initial docketing letter will advise Charging Parties that within two weeks of the filing of the charge, the Charging Party will need to e-file¹ the following information:

- A chronological outline or timeline of the relevant sequence of events and exchanges (verbal and in person communications) related to the charge allegations. Include the names and titles of any involved Union and/or Employer representatives;
- Relevant documentation related to the allegations in the charge as well as supporting communications and documents such as letters, e-mails, text messages, phone records, etc.; and
- A list of the witnesses you intend to present, their contact information (e-mail and phone) and a brief summary of each witness's testimony.²

¹ Charging Parties should select Evidence as the type of document and Charging Party as the party type when e-filing.

² Regions may also include a questionnaire seeking additional information.

Regions have the option to substitute questionnaire(s) for the first bullet point.

To ensure that the Charging Party has sufficient time to respond, the docketing letter will also be sent as an attachment to an email to the Charging Party. The docketing letter will include the email address of a newly created shared Regional email box and the telephone number of an Agency employee for any questions that the Charging Party may have about this initial submission of evidence.

The Charging Party's failure to provide the evidence requested above or otherwise respond to the docketing letter by the due date may result in dismissal of the charge for lack of cooperation.

Assignment of Charge to a Board Agent

All charges, except for statutory priority³ charges or charges that are related to existing cases, will not initially be assigned to a Board agent. Instead, the charge will be placed on a list monitored by Agency staff to await the initial submission of evidence by the Charging Party. Once that evidence is submitted and evaluated, the Region will determine if it is appropriate for assignment or dismissal.

Once the Charging Party has submitted evidence, and it is determined that the case needs to be assigned to a Board Agent for investigation, the charge will not be assigned until there is a Board Agent who has sufficient capacity to allow them to timely investigate the charge. If there is no Board Agent with sufficient capacity, the charge will remain on the unassigned case list until there is a Board Agent with capacity.

Any questions regarding the implementation of this memorandum should be directed to your AGC/DAGC in Operations.

W. B. C.

³ As defined in NLRB Casehandling Manual (Part 1) Unfair Labor Practice Proceedings Sec. 10200.