

OFFICE OF THE GENERAL COUNSEL
Division of Operations-Management

MEMORANDUM OM 12-39

DATE: March 19, 2012

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

From: Anne Purcell, Associate General Counsel

Subject: Regional Office Training on Revised Representation Case
Procedures

This memorandum is to inform you of training that should be conducted between April 16 and April 30 in Regional Offices to prepare Field personnel to implement changes in representation case processing. The changes are a result of some recent Board decisions and changes in the Board's Rules that become effective April 30, 2012.

The changes in the Board's Rules include: (1) stating that the purpose of a pre-election hearing is to determine if a question concerning representation exists; (2) ensuring that pre-election hearing officers can limit the presentation of evidence to that which supports a party's contentions and is relevant to the existence of a QCR; (3) giving pre-election hearing officers discretion to permit the filing of post-hearing briefs; (4) eliminating the parties' right to file a pre-election request for review and deferring that review until after the election; (5) removing the prohibition of scheduling elections sooner than 25 days after a decision and direction of election; (6) narrowing the circumstances under which a request for special permission to appeal to the Board will be granted; and (7) providing that all post-election hearing officer reports will be directed to the Regional Director and reviewed by the Regional Director on the filing of exceptions followed by a supplemental decision to the Board which is reviewable by a discretionary Request for Review.

To prepare the Field to implement these significant changes and others resulting from recent Board decisions, we are conducting a "train the trainer" conference at Headquarters from April 10 through 13, 2012. Two people from each Regional office and one person from each Subregion and our larger resident offices will attend the conference and then conduct training in their offices.

Although each Region can decide how and when to conduct its training, we expect that most Regions will choose to conduct two training sessions, perhaps one the week of April 16 and the other the week of April 23. The first training session will be a PowerPoint presentation that describes the changes in

the Rules and the changes in our documents. The second session will be a video dealing with the pre-election hearing and decision-writing process. Although the PowerPoint presentation and the video have not yet been finalized, we expect that the first training session will last an hour or less and the second session will likely last an hour and 15 minutes. All professionals should attend both training sessions. Because of the changes in forms and process, we strongly encourage support staff to attend the first session describing the changes. The training material, including the PowerPoint presentation and the video, will be provided to the attendees at the April 10 conference.

To ensure that as many Regional personnel as possible can attend the Regional training sessions to be held between April 16 and April 30, we ask that you schedule that training now. These two training sessions will count toward the training sessions Regions are asked to conduct each year.

Thank you in advance for your cooperation in this very important undertaking. If you have any questions about this memorandum or the representation case changes, please contact your AGC or Deputy.

/s/
A.P.

cc: NLRBU