

Overview

For all cases filed on or after October 1, 2012, per Memorandum OM 12-80 (NxGen), the electronic file in NxGen is the official Agency file. That Memorandum specifies that the only documents to be retained in hard copy are: (1) original affidavits; (2) authorization cards in *Gissel* cases; and (3) documents where it is suspected or alleged that forgery has been involved.

From October 1, 2012, through present, while the Joint Labor-Management Regional NxGen committee gathered and considered information from staff members in this Region, from contacts in other Regions, and from the Division of Operations-Management, the administrative staff has been creating paper files consistent with previous protocols. Effective today, there will be a number of changes to our protocols.

1. No Paper Files

Effective today, there will be no paper files created for new cases. Case files for cases filed after today will exist *only* electronically. We will designate a cabinet in the file room as the repository for all affidavits.

a. Cabinet for Original Affidavits

Original affidavits will be maintained alphabetically by year. Once a Board affidavit is finalized, the Board Agent will have it scanned into NxGen; whoever scans the affidavit finalize the document as “filed” and “read only,” and then tender the original affidavit to Litigation Support Assistant Sydonie Graham for filing. An inbox specifically designated for affidavits is located at Doni’s workstation. Affidavits taken by a Resident Agents or Agents in the Resident Office should be forwarded promptly after they are scanned via inter-office mail to the Regional Office – Attention Litigation Support Assistant Doni Graham. The staff member who accomplishes the scanning is responsible for forwarding the original affidavit to the Litigation Support Assistant. Affidavits will be maintained alphabetically by year in a designated locked vertical cabinet in the Regional Office’s supply room. An .xls log has been established on the H:/ drive as an index of all original affidavits maintained in the cabinet. That spreadsheet may be viewed at the following location: H:\r05com\NxGen\Affidavits-Spreadsheet. Affidavits will be removed only for purposes of having originals available to produce at ULP trials. When they are removed for these purposes the trial attorney will make a request to Litigation Support Assistant Doni Graham or – in her absence – to one of the designated back-ups. The Litigation Support Assistant or designated backup will secure the original affidavits for the trial attorney from the cabinet, place an “out” card in the cabinet, and record this information on the .xls spreadsheet. The back-ups for Litigation Support Assistant Doni Graham are Kathy Davis and Michelle Logan.

b. Have Parties and Witnesses Retain their Original Documents

Where parties or witnesses submit original documents that are not going to be retained under OM 12-80, the Board Agent should have those documents scanned into NxGen, and should **return the original documents** to the party or witness. Remind the party or witness to retain the original.

c. Board Agents May Retain Paper Documents

Where parties or witnesses submit paper documents, Board Agents may keep the paper documents for ease of review without need for re-printing; they may make notes on the documents. They are not required to do so.

d. Board Agents Must Keep Contact Logs and NxGen Uploading Current

Board Agents must promptly upload documents and frequently update their contact logs. This is particularly critical where Agents anticipate being away from the office for travel or leave.

e. Notification of New Cases

The ARD will continue to give supervisors two copies of charges and petitions when they are filed. These will not have case numbers on them. The supervisor will give one copy to the Board Agent. If the Board Agent is out of the office and the supervisor deems it urgent that the Board Agent have notice of the new case filing, the supervisor will make arrangements to accomplish such notification. Delivery of an undocketed copy of the charge or petition, any additional notification the supervisor decides to make, and a new case being added to the Board Agent’s NxGen home screen, will be the **only notification Board Agents receive as to assignment to newly filed cases.**

f. Litigation Hold Protocols NOT Affected

For any cases designated as litigation hold cases, all documents, no matter how insignificant, must be retained in both paper and electronic form. Normal document retention policies are suspended once a case is designated as “Litigation Hold.” At that point, any documents still in existence must be preserved. The paper and electronic Litigation Hold repositories are where to place these documents.

2. Changes to Document Routing Procedures

a. E-mail Routings

The Region will use e-mail chains to approve stips, settlement agreements, issuance of complaints, withdrawals, dismissals, and deferrals. The following identifies the appropriate links in the respective chains:

i. Stips

Board Agent-Supervisor-ARD-RD-Election Assistant

The Election Assistant then will upload the e-mail chain approving into NxGen as: EMI.case-number.**chain approving stip**

ii. Pre-Complaint Settlement

Board Agent-Supervisor-ARD-RD-Compliance Officer/Compliance Assistant

The last e-mail in the chain is to both the Compliance Officer and the Compliance Assistant. The Compliance Assistant will upload the chain e-mail as: EMI.case-number.**chain approving settlement**

iii. Post-Complaint Settlement

Board Agent-Supervisor-RA-RD-Secretary to the RA-Compliance Officer/Compliance Assistant

The last e-mail in the chain is to both the Compliance Officer and the Compliance Assistant. The Compliance Assistant will upload the chain e-mail as: EMI.case-number.**chain approving settlement**

iv. Issuance of Complaint

Board Agent-Supervisor-Secretary to the RA (cc to RA)-RA-RD-Secretary to the RA

The last e-mail in the chain will be uploaded by the Secretary to the RA as: EMI.case-number.**chain approving complaint**

v. Full Withdrawals (except post-complaint adjusted withdrawals)

Board Agent-Supervisor-ARD-Secretary to the RD-Office Manager-typing pool (include “proofed by” designation in e-mail)-Secretary to the RD-RD-typing pool member

The last e-mail in the chain will be uploaded by the typist as: EMI.case-number.**chain approving withdrawal**

vi. Post-complaint adjusted withdrawals

Board Agent-Supervisor-Secretary to the RA-RA-RD-Secretary to the RD

The Secretary to the RD will upload the chain e-mail as: EMI.case-number.**chain approving post-complaint adjusted wd**

vii. Dismissals (full or partial), Deferrals, and Partial Withdrawals

Board Agent-Supervisor-ARD-Office Manager- typing pool (include “proofed by” designation in e-mail)-Secretary to the RD-RD-typing pool member

The last e-mail in the chain will be uploaded by the typist as: EMI.case-number.**chain approving**

(as the case may be)

SF dismissal

LF dismissal

merit dismissal

deferral

partial withdrawal

Template e-mails will be made available.

There will not be changes to routing protocols not addressed. For example there are not changes to the procedures for getting authorization to send out a settlement proposal, or regarding issuance of RD decisions in Representation cases.

3. Encourage E-Filing

When parties call asking for the Region’s fax number, before giving the number, encourage parties to e-file. Explain that their fax will be scanned and then shredded and that e-filing minimizes the chance for error. Then provide the fax number.

4. Review Scanning before Finalizing Documents

As we rely on the NxGen file as the official (and only) file, it is essential to ensure that all documents are uploaded correctly. Upon scanning documents placed in the scan box, administrative staff should review the documents in NxGen to check that all pages were scanned, and are legible. The Board Agent ultimately has responsibility for ensuring the accuracy of documents in the NxGen case file, whether the Board Agent scanned the document himself/herself or used the scan box.

5. Use of Electronic Signatures

The Regional Director and all Board Agents are authorized to use the “/s/” symbol followed by a typewritten name and/or the Adobe digital signature function as their official signature on all case-handling matters.

6. New e-filing gatekeeper program

Problems:

1. There is no notification to Board Agent regarding e-filings in their cases.
2. Supervisors and managers are advised by notification e-mail, but these are sent regarding many documents and are not targeted to the particular team.
3. The notification e-mails do not provide links to the documents, nor attach the documents.
4. We do not have any current system for re-naming documents or moving them to the appropriate action upon e-filing.

Solution:

1. Upon selection of a new Case Processing Assistant (posting closed last week) the Case Processing Assistant will take over responsibility for reviewing e-filed documents.
2. The Case Processing Assistant and assigned backups will receive training regarding accepting e-filings, including following the steps set forth below.
3. There will be a number of documents commonly filed in investigations, to include NOAs, QUEs, PSTs, and DEVs that the Case Processing Assistant and backups will receive instructions regarding. The protocol for these documents will be:
 - a. Ascertain the agent and supervisor for the case
 - b. Open and view the document
 - c. Forward the document using the “send by e-mail” option in Adobe to the agent, supervisor, ARD, and RD, using a standard e-mail greeting/introduction that will be posted on the H:/ drive and furnished to the Case Processing Assistant and backups
 - d. move the document to the investigation action or other appropriate folder
4. There will be certain other commonly filed documents, to include ANSs, and EXCs, where the Case Processing Assistant or backup will follow the same protocol but with a different list of those to send it to (ANSs, for example, will be WRG, AWP, MAG, and the attorney and supe; EXCs will go WRG, SLS, the election specialist, the agent, and the supe, etc.)
5. For any other documents, not within the “safe harbor” identified in number 3 or 4 as common documents with pre-determined routing protocols, the Case Processing Assistant or designated backup will send an e-mail to the RD, the ARD, and DRA Doyle stating “e-filing to be reviewed by manager” and identifying the document. Thereafter, either the RD, the ARD, or DRA Doyle will review the document and provide instructions to the Case Processing Assistant or appropriate backup.

Steps for Accepting and Routing e-filed documents:

1. Check that the document was filed with the proper **office**
2. Check that the document was filed in the correct **case**
3. Check that the document is attributed to the correct **party**
4. Check that the document appears to be **complete**
5. Check if the document is a **duplicate** (already in the system because it was faxed, emailed, etc.)
6. If it appears that the document is filed with the correct office, in the correct case, by a party, the document is complete, and it is not a duplicate, proceed with accepting as explained below
 - **If document does not meet the criteria above, send an email to the RD, the ARD, DRA Doyle, and Litigation Support Assistant Graham with subject line “e-filing, potential reject” attaching the document; await guidance**
7. Check if the document is one on the “safe harbor” list
8. If it is a “safe harbor” document, send a notification e-mail attaching the document, then proceed to step 9 (if is **NOT** a “safe harbor” document then send e-mail to RD, ARD, and DRA Doyle and await instructions)
9. If the case was filed on or before September 30, 2012, then print the document, affix a green dot, if the case was filed on or after October 1, 2012, the document does not need to be printed
10. Toggle “accept/reject” to “accept”
11. In the document screen, click “reviewed”
12. Change the documents action to the appropriate action (see “safe harbor” chart)
13. Change the document’s status to “filed”
14. Left click the “REVIEWED” button.
15. If you have printed the document, then right click the “REVIEWED” button, select “print preview” and print the e-filing cover page print; then staple that e-filing information sheet to the print out of the document, and place in the Secretary to the RD’s inbox
16. Go into the General Action. If there are no documents in the General Action, then delete that action. Important – do **NOT** try to delete an action if there are documents in it

Points to keep in mind:

1. Difference between an answer and a position statement
2. There is never an “employer” party in a CA, CB, CC, or CP case; the property party designation for any sort of “C” case would be either Charging Party, Charged Party/Respondent, or “Involved Party.”
3. Know what each of the safe harbor documents looks like
4. Once you change status to “filed,” you cannot change the action – do the action change before promoting status to “filed”
5. If you have promoted to “filed” and then realize you have more to do, you can demote it to “pending review”

“Safe Harbor” Documents -- documents commonly filed in investigations:

Type	e-mail goes to	Action to put it in	name to give
QUE	agent, supervisor, ARD, and RD number.commerce questionnaire	investigation	QUE.case-
DEV	agent, supervisor, ARD, and RD of party dev date	investigation	DEV.case-number. name
PST	agent, supervisor, ARD, and RD of party pst date	investigation	PST.case-number. name
NOA	agent, supervisor, ARD, and RD name of rep for name of party on NOA’s, copy either Waynetta Mitchell (if a C case) or Vivian Brown (if an R case) on the e-mail	investigation	NOA.case-number. last
ANS	agent, supervisor, RA, secretary to RA, and RD to specify what it is answering	complaint	ANS.case-number.answer
EXC	agent, supervisor, ARD, RD, and election assistant number.Excelsior List	investigation	EXC.case-

EXCEPTION - If there is a compliance action in the case, or if anything in the position statement or answer indicates that compliance is implicated, copy the compliance officer and compliance assistant on the e-mail

EXCEPTION 2 - If there is already a reasonable description of the document in the name, DO NOT CHANGE IT. The information on naming is for situations where the documents have a name like “scan057256”

Language for the e-mail on “safe harbor” documents:

Subject line: “e-filed document”

Body of e-mail: “The attached e-filed document is being accepted and placed into the **name of action** action.”

For any other documents, attach them to an e-mail addressed to the RD, the ARD, and DRA Doyle with the following message in the e-mail:

Subject line: “e-filed document, GUIDANCE NEEDED”

Body: “The attached e-filed document has been received but not yet accepted. Please provide guidance on how to proceed.”

Examples of some documents where you will need further instructions are: BRF, PRV, MOT, MPP, TRA, EXH

If there is a mass filing (5 or more), you will not need to e-mail them all, modify the e-mail to say that has been a mass e-filing and other e-filed documents can be viewed in NxGen