

OFFICE OF THE GENERAL COUNSEL
Division of Operations-Management

MEMORANDUM OM 90-56

July 30, 1990

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

FROM : Joseph E. DeSio
Associate General Counsel

SUBJECT : Beck cases involving the Communications
Workers of America and/or its Locals

There are a number of cases pending in various Regional Offices involving alleged violations of the Act by the Communication Workers of America or its locals pursuant to the Supreme Court decision in CWA v. Beck, ___ US ___, 128 LRRM 2729 (1988). Counsel for the CWA in Washington has contacted us to express willingness to have nationwide settlement discussions concerning those cases deemed to have merit.

Because of the interrelated nature of issues which arise in CWA cases, and in order to avoid possible Hollywood Roosevelt or Jefferson Chemical problems, we believe that a nationwide approach is appropriate. Thus, the following procedure should be followed with respect to Beck cases in which a determination is made, either by the Region or by Advice or Appeals, that complaint is warranted against the CWA or any of its locals:

1. Pursuant to Agency policy, notify the Respondent's representative of the decision to issue complaint, and the allegations found to have merit. Point out that once complaint issues the case will become part of the nationwide settlement discussions. Do not enter into separate settlement discussions on the case. The Charging Party should be given the identical information and should be informed that its views will be solicited and considered prior to the acceptance of any settlement.
2. Issue a complaint, but without a notice of hearing. Please send a copy of the complaint to Veronica Clements, Regional Attorney, Region 20, San Francisco. Region 20 has one of the lead cases involving the CWA's national Beck policies and is coordinating settlement discussions with the CWA.

3. If you have already issued complaint and notice of hearing in a CWA Beck case, notify the parties of the foregoing and tell them of your intention to issue an order postponing that hearing indefinitely pending settlement discussions. Any ongoing settlement discussions should be suspended with notification to the parties that these discussions will now occur as part of nationwide settlement efforts.

Questions concerning this memorandum may be referred to Deputy to the Assistant General Counsel Dana L. Hesse at 254-9336.

J. E. D.