

OFFICE OF THE GENERAL COUNSEL  
Division of Operations-Management

MEMORANDUM OM 91-9

February 4, 1991

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

FROM: Joseph E. DeSio, Associate General Counsel

SUBJECT: Conservation of Travel Funds

As you know, we are currently experiencing a fiscal crisis which is severely impacting many aspects of our field operation. In order to minimize the adverse effects of this budget crisis, it is essential that we make every effort to conserve our fiscal resources while attempting to maintain insofar as possible our ability to adequately serve the public. As casehandling travel is one of the Agency's major expenditures, each Region must eliminate unnecessary travel wherever possible. In this regard, each Region should carefully review the travel cost reduction measures previously set forth in Memoranda 74-9, 75-1, 79-54, 81-56, 90-48 and unnumbered memorandum dated April 25, 1974.

Travel Coordination

As noted in Memorandum 81-56, each Regional Office should have a designated travel coordinator. The travel coordinator should bear the primary responsibility for both inter-Regional and intra-Regional coordination of all casehandling travel. The following is a summary of the many responsibilities and functions of travel coordinators which must be put into effect immediately.

1. Coordination and consolidation of travel itineraries through weekly meetings with team supervisors where cases and even portions of cases which can be reassigned, should be reassigned to eliminate duplication of travel.
2. Monitoring the intake of new cases so that telephonic assignments can be made to agents who are already in the field, where feasible. In such situations, the agent might be able to begin the investigation of the new case during the same trip so that an assessment could be made as to what the case entails.

3. Coordination of the travel of Board agents in situations where it is necessary for more than one agent to be in a single locale at the same time. For example, if feasible, more than one agent could share one automobile for travel to and from the locale. While at the locale, the Board agents without the car could stay in one location and have witnesses come to that site, or utilize public transportation, GSA cars or other transportation for their individual casehandling assignments (R and C).
4. Creating calendars of proposed field trips for investigations, elections and hearings. These calendars are posted and maintained centrally so that agents can consult the proposed itinerary of other agents before suggesting to the travel coordinator definite dates for appointments for parties and witnesses.
5. The regular review of the prospective itineraries of individual Board agents so as to avoid, where possible, the need for more than one field trip to complete an investigation.
6. Monitoring case filings in counties bordering other Regions for use in planning intra-Regional travel reduction. This procedure, which has been used effectively in the past, contemplates regular communication between Assistants to the Regional Directors on case assignments near Regional Office borders so that one Region can handle ad hoc matters for another Region and thus obviate the need for a trip by the assisted Region.
7. Review of the Federal Travel Directory to identify the lowest cost acceptable lodging facilities within the Regional boundaries and to disseminate such information to employees who travel in order to encourage them to reduce the average lodging portion of per diem claims.

The foregoing summary of responsibilities related to travel cost reduction is not meant to be an exhaustive list of responsibilities. If you have utilized your travel coordinator in other ways that have proved effective to reduce travel costs, please let your respective Assistant General Counsel know of such utilization so that we may share it with other Regions.

#### Location for Hearings (R and C)

To the maximum extent possible, each Region should make every effort to urge the parties to come into the Regional,

Subregional or Resident Office city for formal hearings involving matters occurring within or near a 75 mile radius of the office. A normal exception would occur in situations where the cost savings would be offset by the witness fees, travel and per diem cost for witnesses of the General Counsel. If the agreement of the parties cannot be obtained to hold the hearing in the Regional, Subregional or Resident Office city, the Region should make every effort to persuade the parties to hold the hearing in a mutually convenient city with a major airport which would permit the grouping of cases and would eliminate the need for Administrative Law Judges and Board agents to drive to distant hearing locations.

#### Unfair Labor Practice Investigations

The Regions should also make every attempt to persuade charging parties who live within or near a radius of 75 miles of an Agency field office to present themselves and their witnesses in such office. When a charging party is unable to present its evidence in the office, the charging party should be clearly advised that the investigation of the charge may be delayed in order for the Region to cluster the case with other cases in the same area and that the Region will, of course, investigate the case when it can be done most efficiently. In order to accomplish this in a uniform manner, the Region should enclose the attached "Notice" with the charging party's initial docketing letter serving the charge where the charging party is within or near a radius of 75 miles of an Agency field office. In similar situations, involving priority cases and cases involving emergency action, such as violence, the charging party should also be encouraged to present itself and its witnesses in the office. However, should the charging party be unable to do so, the investigation should not be delayed.

Although for reporting purposes the time targets remain in place, it goes without saying that any time delay in case processing attributable to the travel coordination measures set forth above constitutes extenuating circumstances in the consideration of performance at all levels.

#### Telephonic Affidavits

Telephonic affidavits may be obtained in the following circumstances in clearly no merit situations. When a charge is filed, the Board agent assigned to the case and his or her supervisor should make a preliminary assessment of the charge to determine if it is likely to be clearly nonmeritorious. If it appears that more than one or two affidavits will have to be taken, it is likely that the charge can not be considered clearly

nonmeritorious. When it is decided to begin the investigation telephonically, the Board agent assigned to the case should immediately contact the charging party to ascertain the substance of the charge, names of witnesses and a description of the evidence the charging party intends to present in support of the charge. Of course, the charging party should be encouraged to bring witnesses and evidence into the Regional, Subregional or Resident Office. However, if the charging party chooses not to bring its witnesses to the office, and the discussion indicates a clear no merit case, the Board agent will immediately commence a telephonic investigation and prepare an affidavit to be mailed to the charging party for signature. Although it is not necessary that the telephonic affidavit be notarized, the affidavit should conclude with the statement that the witness has read the statement and certified that it is true and correct to the best of his or her knowledge and belief.

As soon as it appears that the charge is not clearly nonmeritorious, the Board agent should cease investigating telephonically and continue the investigation by interviewing witnesses in person. Of course, whenever possible, during the remainder of the investigation, witnesses should be encouraged to come to the office.

Particularly, because telephonic investigations represent a significant change from our traditional practice, such investigations should be carefully supervised to ensure they are complete and so the supervisor can determine, if and when, the telephonic investigation should cease and the face-to-face taking of the affidavit should begin.

Telephonic investigations will not be conducted with charged party witnesses.

Please discuss this memorandum with your managers and supervisors and the procedures contained herein should also be brought to the attention of the local NLRBU representatives for consultation and, where appropriate, collective bargaining. Any suggestions and/or comments resulting from these discussions should be given your serious consideration and, if they warrant our attention, please contact your Assistant General Counsel.

J. E. D.

Attachment

cc: NLRBU

MEMORANDUM OM 91-9

# NOTICE

Due to the Agency's current budget restrictions, charging parties, such as yourself, who live within or near a radius of 75 miles of an Agency field office are requested to present themselves and their witnesses in that office. If you are unable to present your evidence in the office, the investigation of your charge may be delayed in order for the Region to cluster your case with other cases in the same geographical area. The Region will, of course, investigate your case when it can be done most efficiently.