OFFICE OF THE GENERAL COUNSEL
Division of Operations-Management

MEMORANDUM OM 92-66 October 20, 1992

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

FROM: William G. Stack, Associate General Counsel

SUBJECT: Fiscal Year 1993 Budget Cost Control Policies

The difficult budget situation we are facing in Fiscal Year 1993 was described by General Counsel Hunter in his recent memorandum, dated October 8, 1992, to all field employees. This unfortunately means that we will be operating under many budgetary constraints throughout this fiscal year. It is essential that we implement, as soon and as effectively as possible, the cost-saving measures set out in this memorandum. Although these cost-saving measures have been discussed in previous memoranda, they are being reiterated herein to provide you with a self-contained document regarding these measures.

TRAVEL

Travel is one of the most significant nonpersonnel related cost areas. In fact, it is so important that it must be carefully monitored on a daily basis by the Region's travel coordinator. An effort must be made to plan case-related travel in such a way that assignments that otherwise would be accomplished by several trips may be combined into a single trip. The travel coordinator should identify those cities and locations within the Region where clustering of cases or multiple assignments are possible. Board agents in the planning of their work schedules should secure the approval of the travel coordinator prior to commencing a trip from the field office city. Travel vouchers should be timely filed and processed in accordance with the procedures set forth in APC 92-3 and the implementing MOU negotiated with the NLRBU.

The Regions should 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 more efficiently. In similar situations, involving priority or cases involving emergency situations, 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.

To the maximum extent possible, each Region should also 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 costs 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.

Additional savings may be accomplished by the scheduling of multiple hearing assignments for administrative law judges in coordination with the Division of Judges. In this regard, an extension of the trial calendar may be appropriate. However, because of the desirability of the speedy resolution of labor disputes, the trial calendar should not exceed six (6) months.

In order to further reduce travel, the Regions should ensure that telephonic investigations under the guidelines contained in GC Memorandum 81-56 and OM Memorandum 86-67, as more recently set forth in Memorandum OM 91-9, are being utilized to the fullest extent possible.

In order to provide notice of these policies in a uniform manner, the Region should enclose the attached "Notice" when a charge or petition is initially filed on any party.

Assignment of GSA cars should be made in the most cost effective manner consistent with our agreements with the NLRBU and local unions. Other modes of transportation should be authorized when less costly alternatives are not available in accordance with travel regulations.

Administrative travel needs to be reduced to a bare minimum. Invitations to speak to groups outside the field office city should be declined, unless expenses are to be reimbursed, consistent with Agency guidelines. Meetings with labor, management and educational groups should be limited to the field office city. Also, recruitment trips outside the field office city should not be made without first obtaining approval of your respective Assistant General Counsel.

In addition, in view of the current budget situation, only casehandling details that are absolutely necessary will be approved.

COMMUNICATIONS

To the maximum extent possible, all long-distance telephone calls should be made through the FTS network. If the FTS lines are busy, commercial long-distance calls should not be used except in an emergency. When it is necessary for a Board agent to call the Regional Office or any other number long distance, the call should be placed through an Agency issued telephone credit card rather than by using commercial long distance, if it is less expensive. Likewise, collect calls from parties or witnesses should not be routinely accepted or, if accepted, the duration of acceptance limited to obtaining the number from which the party is calling to enable the Board agent to immediately return the call via FTS.

Telegrams, mailgrams, express mail and courier services are to be utilized only when absolutely necessary and only upon approval of the Regional Director or his/her designee. Mailgrams are less costly than telegrams. Try to use FTS instead of a telegram whenever feasible and confirm the telephone conversation by regular mail. Careful planning should be exercised to avoid creating last minute situations which require the use of express mail or courier services. Where a fax is available, it is usually more economical than the above methods of communication.

We are currently reviewing the Regions' use of certified mail in an effort to reduce the cost of this expensive mode of communication. We will be conducting a survey of the Regions to get your ideas as to the situations where certified mail can be replaced with regular mail delivery. In the meantime, please closely monitor your Region to ensure that certified mail is used in only those situations that are required by Agency policy.

REPRODUCTION COSTS

Please make only the necessary number of copies of any material copied. Consideration should be given to limiting access to the copier to certain authorized individuals. However, keep in mind that any procedure devised for controlling access to the photocopying equipment should not impede the rights of the NLRRBU or bargaining unit employees to have access to such equipment in accordance with Article 20 Section 2(b) of the expired national Field Agreements.

SUPPLIES

Every effort must be made to avoid waste and the maintenance of large inventories. In this regard, the Office Manager or his/her designee should maintain some method of control over the distribution of supplies. In instances where supplies are not obtainable through local GSA services, an attempt should be made

to order the supplies through Washington headquarters which may be able to obtain the necessary supplies at a cost lower than may be obtained through outside sources within the Region.

HEARING COSTS

As you know, under the reporting contract, the Agency is required to pay a cancellation fee if the reporter is not notified by a certain time prior to the hearing. Accordingly, please continue to notify the reporting service immediately when you know that a hearing will be cancelled. Some Regions have successfully used the facsimile equipment to negotiate election agreements or stipulations of fact, thus saving significant travel and reporting expenses. Where the hearing involves the travel of an ALJ or subpoenaed witnesses every attempt should be made to notify them immediately to avoid their travel expenses.

Hearing rooms should not be rented until it has been determined that all other possible avenues have been exhausted to obtain free space from other government agencies. If it becomes necessary to rent space, the lowest cost room which would be acceptable should be obtained.

Outstanding manual instructions should be followed in developing a concise, but complete, record so as to keep transcript costs down. Efforts should be made to control representation case hearings so that irrelevant examination of witnesses or extended and unnecessary argument does not unduly lengthen the record. In addition, the hearing officer should carefully study the file before the hearing and identify those areas in which stipulations can be obtained. Prior to the hearing, the hearing officer should discuss with the parties what stipulations can be secured. The opportunity to obtain stipulations should also be explored prior to the hearing in C cases by counsel for the General Counsel. As with R cases, the chances of obtaining stipulations are enhanced by counsel for the General Counsel's close review of the case file in order to identify areas where stipulations are possible.

OVERTIME

Paid overtime must normally be approved in advance by your Assistant General Counsel. Regional management must continue to minimize the use of paid overtime. Those employees whose basic rate of pay is above GS-10 Step 10 may be denied overtime and may be granted compensatory time in lieu thereof.

SETTLEMENT PROGRAM

As we have frequently discussed at conferences and in previous memoranda, the amicable resolution of meritorious unfair labor practice cases is the most immediate and cost effective means of

resolving those cases. Because of the significance, scope and complexity of the settlement program, the settlement coordinator and all members of management must reintensify their efforts to become actively involved in the settlement process when the Board agent's efforts do not result in the settlement of a case.

INFORMATION OFFICER PROGRAM

Please review GC Memorandum 79-63 and GC Memorandum 80-21 to ensure that the requirements of the IO Program are being effectively carried out. The purpose and desired result of the IO Program is the avoidance of the expenditure of public funds on clearly nonmeritorious charges by keeping them out of the casehandling pipeline. For those offices which are not already doing so, a member of the management staff should be assigned to work closely with Information Officers on a continuing basis, and provide assistance to Information Officers where they have not been successful in discouraging the filing of clearly nonmeritorious charges or where IO issues are presented which require guidance.

ELECTION AGREEMENTS

Election agreements, as with settlements, eliminate the necessity of costly formal representation proceedings. Therefore, close supervision and involvement, if necessary, by the ARD and supervisors in the election agreement efforts of Board agents will help to ensure hearing costs are being kept to a minimum.

FINANCIAL MANAGEMENT

The close monitoring of our spending is essential to controlling and conserving funds. Now that we have accurate and reliable accounting reports, it is extremely important that they be thoroughly and conscientiously reviewed on a monthly basis and the necessary feedback and modifications related to the Finance Branch.

Although for reporting purposes the time targets remain in place, it goes without saying that these budget cost control policies, will where applicable, constitute extenuating circumstances in the consideration of performance at all levels.

The contents of this memo should be discussed immediately with all members of Regional management, thereafter with the local union officials and then discussed with all employees at a staff meeting.

The Regional Offices have always responded magnificently when called upon to achieve economies in all aspects of the field's

daily operations. We are confident that you and your staffs will continue to provide your fullest cooperation to reduce our operating costs and, at the same time, provide efficient and effective service to the public in administering the Act.

If you have any questions concerning this memorandum, please contact your Assistant General Counsel.

W. G. S.

Attachment

Distribution:
Regional - All Employees
NLRBU

NOTICE

Under our current budgetary situation, the Agency must implement measures to ensure that its resources are administered as efficiently as possible. These measures may have an impact on our case handling activities. Travel constitutes a very significant nonpersonnel related cost area and must be carefully coordinated within each Region. The Region will monitor all casehandling travel to ensure that it is being done in the most efficient manner. For instance, case-related travel may have be planned in such a way that assignments that would otherwise be accomplished by several trips may be combined into a single trip. Charging parties who are within or near a radius of 75 miles of an Agency field office will be requested to present themselves and their witnesses in that office. If such parties are unable to present their evidence in the office, the investigation of a charge may be delayed in order for the Region to schedule travel in that case with other cases in the same geographical area.

Additional savings may be accomplished by the scheduling of multiple hearing assignments for administrative law judges in coordination with the Division of Judges. The Region may urge 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. Absent such an agreement, the Region may seek to have the hearing held in a mutually convenient city with a major airport which would permit the grouping of cases and/or reduce Agency travel expenses.

Other specific measures have been implemented in order to reduce overall operating costs. While every effort will be made to process cases as expeditiously as possible, some of these necessary measures may have an impact on the time required to process a case. We appreciate your cooperation with the Agency's efforts to manage its resources in the most effective manner.