OFFICE OF THE GENERAL COUNSEL
Division of Operations-Management

MEMORANDUM OM 93-27 April 5, 1993

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

FROM: William G. Stack, Associate General Counsel

SUBJECT: Showing of Interest in Representation Cases

On June 8, 1989, the Board issued a Ruling on Administrative Action and Order, which held that the requirement that the showing of interest be dated may be met by affidavit, either submitted as part of the showing of interest itself or timely filed thereafter. The Board also stated that Section 11028.5 of the Casehandling Manual should be revised to reflect its holding. See Dart Container Corporation, 294 NLRB 798 (1989) which was sent to the Regions by a Special Distribution dated June 12, 1989 (SD 89-13). Thereafter, on March 5, 1993, the Board issued a Decision on Review and Order in Metal Sales Manufacturing, 310 NLRB No. 92 (1993) (SD 93-12) finding that the case was governed by Dart Container Corporation, supra., and noting that through oversight, CHM Section 11028.5 had not yet been revised.

Please review the Board's decisions in these cases and correct your Casehandling Manual, if you have not done so already, by eliminating the last sentence in the first paragraph of Section 11028.5 and in its place substitute the following: "Independent proof of the date of signing may be established by affidavit, (e.g. Dart Container Corporation, 294 NLRB 798 (1989). See also, Metal Sales Manufacturing, 301 NLRB No. 92 (1993)."

Questions regarding this memorandum should be directed to your Assistant General Counsel.

W. G. S.