

OFFICE OF THE GENERAL COUNSEL

MEMORANDUM 73-52

July 30, 1973

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

FROM: Peter G. Nash, General Counsel

SUBJECT: Collyer Deferral of Charges Filed by
Individual Employees

The current Collyer case handling guidelines 1/ pertaining to charges filed by individual employees could, we have learned, disadvantage individual employees who are not represented by counsel or assisted by a bargaining representative in connection with the charge. This memorandum is to clarify the current instructions so as to dispel this possibility.

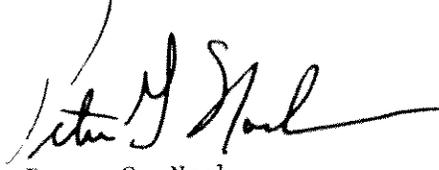
Under the current instructions, the Region is not to solicit the position or attitude of the charging employee as to his willingness to be bound by arbitration of the dispute underlying the charge. 2/ A charging employee advised by counsel or an incumbent union would usually be made aware that expressing to the Region his refusal to be bound by arbitration will preclude deferral of his charge. An individual employee acting without representative assistance may, however, remain unaware of the effect his rejection of arbitration would have.

To assure that individual charging parties, whether or not assisted by an informed representative, are fully informed of existing deferral policy, Regional personnel in following the Revised Guidelines should advise individual charging parties of their full rights. Thus, an individual charging party should be advised that if he specifically objects to arbitration of his case and if he does not otherwise act inconsistent with that objection (e.g., he does not file or maintain on file, or act in support of, a grievance to resolve the dispute),

1/ Arbitration Deferral Policy Under Collyer - Revised Guidelines, released May 10, 1973.

2/ Circumstances Relevant to Deferral Under Collyer, Section III, Paragraph 2; and Procedures for Administrative Deferral, Section 1(A)(2), in the third paragraph; and the last paragraph of note 57.

his charge will not be deferred administratively for arbitration. However, he should also be advised that the Board may well decide at some later date to defer in such cases even though the individual charging party refuses to be bound by arbitration. 3/



Peter G. Nash

3/ See note 57 of the Revised Guidelines and particularly McLean Trucking Co., 202 NLRB No. 102, note 5.

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