

Memorandum GC 15-02, Attachment 2.c

The Region has investigated the charge filed against [name of Charged Party] alleging it violated the National Labor Relations Act. As explained below, I have decided to defer further processing of the charge.

Decision to Defer: The investigation disclosed that the principal issues in this case are the subject of a grievance filed pursuant to the grievance/arbitration procedures established by the collective-bargaining agreement between the Employer and . Accordingly, I have concluded that deferral of those issues to the grievance/arbitration process is warranted since it appears there is a substantial likelihood that this process will resolve the issues raised by the charge. See *Dubo Manufacturing Corporation*, 142 NLRB 431 (1963).

Monitoring the Dispute: Approximately every 90 days, the Regional Office will ask the parties about the status of this dispute to determine if the dispute has been resolved and if continued deferral is appropriate. However, at any time a party may present evidence and request resumed processing of the charge.

Notice to Arbitrator Form: If the grievance is submitted to an arbitrator, please sign and submit to the arbitrator the enclosed "Notice to Arbitrator" form to ensure that the Region receives a copy of an arbitration award when the arbitrator sends the award to the parties.

Review of Arbitrator's Award or Settlement: If the grievance is arbitrated or settled, the Charging Party may ask the Board to review the arbitrator's award or settlement. The request must be in writing and addressed to me. If the request concerns an arbitrator's award, the request should analyze whether the arbitration process was fair and regular, whether the unfair labor practice allegations in the charge were considered by the arbitrator, and whether the award is consistent with the Act. Further guidance on this review is provided in *Spielberg Manufacturing Company*, 112 NLRB 1080 (1955) and *Olin Corp.*, 268 NLRB 573 (1984). If the request concerns a grievance settlement, see *Alpha Beta*, 273 NLRB 1546 (1985). These Board decisions are available on our website, www.nlr.gov.

Change in Standards if Parties Agree to Submit Statutory Issue to Arbitrator: If during the processing of the grievance the parties agree to authorize the arbitrator to decide the statutory issue, please advise me in writing.