

Attachment 1 to Memorandum GC 15-02

[address to all parties]

Greetings:

On [insert date] the subject charge was deferred to the parties' grievance/arbitration procedures. On December 15, 2014, the Board issued its decision in *Babcock & Wilcox Construction Co.*, 361 NLRB No. 132 (2014), which altered the standards the Board will use going forward in assessing whether to defer to grievance settlements, arbitration awards, and the grievance-arbitration procedure. In this case, if the parties have explicitly agreed that the statutory issue will be considered by the arbitrator or the parties have a clause in their collective bargaining agreement to that effect, the new deferral standards enunciated in *Babcock & Wilcox* will apply. Absent that exception, the Board will use the existing standards described by *Spielberg Manufacturing Company*, 112 NLRB 1080 (1955) and *Olin Corp.*, 268 NLRB 573 (1984) (arbitration awards) and *Alpha Beta*, 273 NLRB 1546 (1985) (grievance settlements),

On February 10, 2015, the Agency's General Counsel issued a guideline memorandum instructing Regions on how to apply these new standards going forward. That guideline memorandum is available online from our Agency's web-site at [www.nlr.gov](http://www.nlr.gov), or may be accessed from a mobile device with a QR code scanning app, by scanning the following code:



If you wish to have a hard copy of the guideline memorandum mailed to you, please contact this office.

The subject charge remains in deferred status and no action is required from you at this time. The purpose of this letter is keep you informed regarding these developments, which may impact this office's processing of your case at a later time. Please contact [insert name, contact number, and e-mail address of agent assigned to the case or Region's designated point person for such inquiries] if you have questions.

Very truly yours,

/s/ Regional Director