

OFFICE OF THE GENERAL COUNSEL
Division of Operations-Management

MEMORANDUM OM 15-41

September 8, 2015

TO: Regional Directors, Officers-in-Charge, Resident Officers,
Compliance Supervisors and Compliance Officers

FROM: Anne Purcell, Associate General Counsel

SUBJECT: Revisions to the Compliance Casehandling Manual

The Compliance Casehandling Manual has been updated.¹ The revision highlights are set forth below:

- (1) All references to Contempt Litigation and Compliance Branch (CLCB) have been changed to Contempt, Compliance and Special Litigation Branch (CCSLB).
- (2) All references to *Latino Express, Inc.*, 359 NLRB No. 44 (2012), have been changed to *Don Chavas, LLC d/b/a Tortillas Don Chavas*, 361 NLRB No. 10 (2014).
- (3) Guidance on considering the broad scope of remedial issues in drafting the complaint and throughout the litigation until the issuance of the Board's order. (Sections 10508.1 and 10600)
- (4) Guidance on state and local government investigative resources. (Section 10508.6)
- (5) Guidance on Notice postings for respondent labor organizations. (Section 10518.4)
- (6) Guidance on monitoring and enforcing Notice postings using digital photos. (Sections 10518.7 and 10518.8)
- (7) Guidance on use of HIPAA Checklist for obtaining medical records. (Section 10544.2)
- (8) Guidance on payroll deductions for retirement benefits paid directly to discriminatees. (Section 10544.3)

- (9) Guidance on including additional commuting time and mileage costs as reimbursable expenses of interim employment. (Section 10555)
- (10) Guidance on withholdings for front pay. (Sections 10576.2, 10578.1, 10578.2, and 10592.8)
- (11) Guidance on need to obtain Social Security numbers of deceased discriminatees' beneficiaries and IRS withholding requirements dependent on when backpay is paid. (Section 10576.7)
- (12) Guidance on handling excessive withholdings by Respondents from backpay payments. (Section 10578.2)
- (13) Guidance on transmitting checks to the Finance Branch. (Sections 10580.2, 10580.3, and 10580.4)
- (14) Guidance on requesting disbursement of backpay by the Finance Branch. (Section 10582.1)
- (15) Guidance on closing escrow accounts. (Section 10588)
- (16) Guidance on specifying the steps necessary to finalize a backpay calculation when backpay is not liquidated in a settlement agreement. (Section 10592.5)
- (17) Guidance on submitting cases for enforcement. (Section 10606.5)
- (18) Guidance on using HIPAA Checklist when issuing Section 11 subpoenas. (Section 10618.1)
- (19) Guidance on use of SM-CCSLM-Submissions for contempt submissions. (Section 10632.1 and 10632.4)
- (20) The list of the division of bankruptcy responsibility between Contempt Litigation and Compliance Branch and Special Litigation Branch has been removed. (Section 10670.2)
- (21) Guidance on monitoring the progress of a Bankruptcy case. (Section 10670.3(b))
- (22) Guidance on handling competing priority claims in collection proceedings. (Section 10678.3)
- (23) Guidance on timely securing compliance with Board orders and Court judgments. (Sections 10692.2 and 10692.3)
- (24) The list of offensive and defensive bankruptcy issues was removed to reflect the merger of CLCB and Special Litigation. (Section 10702)

(25)All references to the Closed Case Report have been removed.

(26)Authorization or Clearance, Submission, Notification, or Consult Situations for CLCB and Special Litigation have been merged. (Section 10704.2)

(27)Added HIPAA Checklist. (Appendix 23(a))

If you have any questions regarding this memorandum, please contact your Deputy, AGC or the undersigned.

/s/
AP

cc: NLRBU

¹ These revisions are the efforts of RD Joe Frankl, Region 20, OIC Michael Cass, Subregion 34, Compliance Officer Jenny Dunn, Subregion 11, Supervisory Attorney Helene Lerner, Contempt, Compliance and Special Litigation Branch, and DAGC Dan Collopy and Deputy Associate General Counsel Beth Tursell, Compliance Unit, Division of Operations-Management.