

OFFICE OF GENERAL COUNSEL
Division of Operations-Management

MEMORANDUM OM 16-05

December 11, 2015

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

From: Anne Purcell, Associate General Counsel

Subject: Field Examiner Interns

The purpose of this memorandum is to announce the creation of a program for the recruitment of unpaid Field Examiner interns, encourage Regions to participate in this program, and provide additional guidance on the employment, development, appraisal and exiting of Field Examiner interns.

Recruitment

Over the last several years, the number of Field Examiners employed by the Agency has declined markedly from 367 during FY 2005 to 264 during FY 2015. A Field Examiner Committee was formed, in part, to address this decline¹. Among the initiatives the Committee has undertaken is the utilization of the Feds for Vets Program as a recruitment source and the creation of an eight-week training program for new employees ([ICG 15-12](#)). While these two initiatives have been valuable, the number of Examiners will likely continue to decline if we do not reinvigorate our recruitment efforts and increase our pool of qualified applicants. We would like to mirror the success we've had with the longstanding unpaid legal intern program and initiate a similar program for the recruitment and training of unpaid Field Examiner interns. A [webpage](#) has been added to the Agency's website to advertise unpaid Field Examiner internships. Currently, Regions 4, 5, 6, 9, 10, 13, 14, 15, 21, 22, 28 and Subregion 17 have expressed interest in participating in the program. If you would like your Region to be listed among the offices interested in employing unpaid interns for the upcoming winter/spring semester, please inform DAGCs Joan Sullivan or Peter Margolies by Friday, December 18.

The Committee will be reaching out to educational institutions that have expressed an interest in providing their students with an opportunity to work at the NLRB. Since it is likely that we will be more successful in recruiting talented students if their schools provide academic credit for their work, Regions are encouraged to develop relationships with local colleges and universities at both the undergraduate and graduate levels to

¹ Members of the Committee are: Chip Harrell, Regional Director, Region 10, Ofelia Gonzalez, ARD, Region 16, Tirza Castellanos, SFX, Region 31, Jessica Gibson, FX, SR 30, Ethan Ray, FX, Region 7, Dustin Norwood, Human Resources Development Specialists, OED, Peter Margolies, Joan Sullivan and Dolores Boda, DAGC, Operations, and Beth Tursell, Deputy to the Associate General Counsel, Operations.

explore recruitment opportunities and whether the provision of such credit can be arranged. The Committee has developed a [flyer](#) that Regions may put to use in their recruitment efforts. To deepen the pool of potential applicants, and because many of the Agency's successful Examiners were not the product of ILR programs, Regions are encouraged to think "outside the ILR box" and consider students whose majors have enabled them to develop the writing, analytical and communication skills necessary to succeed as Examiners.

Unpaid interns normally work for a semester on a part time or full time basis, consistent with their availability and the operating needs of the office. Interns may be undergraduate or graduate students. In order for unpaid interns to be considered for a position, the following documents must be submitted to Human Resource Specialist Sydney Blount at smsvp@nrlb.gov: resume, cover letter setting forth the office(s) the individual would like to be considered, the individual's transcript, and a brief writing sample. Once the documents are submitted, HR will forward the documents to the Office Manager(s) appropriate Region(s).

Onboarding Unpaid Interns

For an unpaid intern to work at the Agency, the student, his or her educational institution and the Region are required to sign a [Volunteer Service Agreement](#). This document will be obtained after the unpaid intern has been selected to work in the Region. This form, along with a [Documentation of Service Form](#), an [OF 306](#) and the student's resume should be submitted to Human Resource Specialist Sydney Blount at smsvp@nrlb.gov. All required forms have been posted on the [Field Examiner Recruitment SharePoint site](#). All volunteers must be cleared by HR and the Agency's security branch. All offer letters will be issued by OHR.

Although an unpaid intern's service is not creditable for leave accrual or any other employee benefits, it can be considered when rating applicants for competitive positions. Thus, participating schools, particularly those which award scholastic or service credit pursuant to time served as an intern, often require the Agency to certify the period of time the student performed services. Therefore, intern service must be documented on an SF-50.

Training and Supervising Unpaid Interns

The Agency has developed an 8 week training program, described in [ICG 15-12](#) and [posted in Sharepoint](#) that Regions may use in conjunction with the training programs outlined in OM 15-35, Bridge Program for the Position of Field Examiner [Attachment 1](#), and with programs posted on the [Compliance Training](#), the [Summer Intern Program](#) and [OED](#) Insider pages. For assistance in tailoring the training to best fit the needs of your Region, please contact HR Specialist (Development) Dustin Norwood in the Office of Employee Development.

The work of unpaid interns must be closely supervised to ensure that it is in conformance with all outstanding instructions. This includes rules obligating them not to disclose NLRB information without supervisory authorization, as well as those contained in the casehandling manuals, Rules and Regulations, and Standards of Conduct for Government Employees.

Since unpaid interns are not employed by the NLRB, they are not entitled to travel expenses incurred as a result of work performed away from the Headquarters and Field Offices. While the Federal Travel Regulations allow agencies to pay for an individual serving without pay as a "invitational traveler," the Comptroller General has found that this is limited to persons regarded as experts, consultants, witnesses, attendants, other advisors and aides, and when those individuals have been called away from their homes at the request of an agency to perform a direct service for the government. See 60 Comp.Gen. at 458-59. Unpaid student interns are also not entitled to transportation expenses, per diem or subsistence. Unpaid student interns are not authorized to drive GSA vehicles while working at the NLRB. However, they may travel in a GSA vehicle as a passenger with another Board agent driving the vehicle. In the event a volunteer student intern is injured while traveling as a passenger in a GSA vehicle, a Board agent's personal vehicle or their vehicle while on official duty time the intern may be entitled to Federal Employee Compensation Act (FECA) benefits as a result of their injury. FECA benefits may also be available if the intern was injured while taking public transportation or walking to the location of the investigation or election.

Appraising Unpaid Interns

To assist managers in assessing the qualifications of unpaid interns for permanent employment, an appraisal should be prepared for each unpaid intern following the conclusion of his or her employment. The narrative need not be as lengthy as the appraisals for our permanent employees, but it should be sufficient so that any review of an individual's file would indicate how the individual performed and whether the Region recommends the individual for permanent employment. This appraisal should be uploaded in the Appraisal eRoom within thirty (30) days after the completion of the internship. Appraisals should be uploaded into the folder for "Pathways and Unpaid Interns". To upload them, please complete the database by clicking on the "new entry" tab and fill in the appropriate information. Once that is done, click on the student's name to bring up the database entry for that individual and upload the appraisals using the "add file" tab. When you have finished, notify your Assistant General Counsel or Deputy and HR by sending an alert through the eRoom.

Exiting Procedures

When unpaid interns are departing the Agency, proper exiting procedures must be followed and relevant portions of [Form 4197 Certification for Release of Final Salary Check and Separation](#) must be completed. In addition an SF-52 indicating "termination" should be forwarded to HR along with a time and attendance report indicating the number of hours per week the student worked.

We are excited about this new program and encourage you to participate. If you have questions regarding any the above, please contact your AGC or Deputy.

/s/
A.P.