

**OFFICE OF THE GENERAL COUNSEL
Division of Operations-Management**

MEMORANDUM OM 20-06

January 16, 2020

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

FROM: Beth Tursell, Associate to the General Counsel

SUBJECT: Outreach, Speaking Engagements, and Recruiting Activities

This memorandum will describe three types of important non-casehandling interactions Field Office staff have in communicating about the Agency with the public, and it will relay guidelines and protocols for each type.

A. Outreach to Promote a Broader Awareness of the Act

[Memorandum OM 06-66, Outreach to Promote a Broader Awareness of the Act](#) introduced an initiative for proactive communication with citizen and community groups to educate those who may not be aware of the Act, including those just entering the work force. Those efforts continue to be an important Agency function and have been reinforced by the Agency's information-rich public website. The objective of such activities is communicating with the public about the Agency's existence, how individuals can file charges or petitions, and where more information about the Agency is available. We contemplate that Board Agents, as well as supervisors, managers, and Regional Directors may engage in these activities, with approval from the Regional Director or designee. Budget permitting, the Agency allocates funds for transportation to these events, which is administered by Deputy Assistant General Counsel David Kelly. Requests for funding (including an estimate of the total cost) to cover Outreach activity expenses should be submitted to Deputy Assistant General Counsel Kelly with as much advance notice as possible.

B. Speaking Engagements

In addition to the initiative for Agency representatives to convey general information about the Agency's existence and basic mission through Outreach, various organizations occasionally invite the Agency to furnish speakers to audiences who already have some familiarity with the Act and the Agency to discuss points of NLRB procedures and substantive case law. Examples include presentations or panels organized by state and national bar associations, law firm presentations, union presentations and training for managers or union officers. Such speaking engagements, which may include preparing or participating in a panel discussion, or moderating one, are also a part of the Agency's public service and communication with its stakeholders.

While prior memoranda have not differentiated between presentations to citizen and community groups unfamiliar with the Act and presentations to organizations familiar with the Act when discussing "Outreach," for the sake of clarity, this memorandum will use "Outreach" only to describe circumstances where it is expected the audience has very limited – if any – familiarity with the NLRB, or where the NLRB staff member is merely attending an event or staffing an information table, rather than speaking or moderating a discussion.

Generally, supervisors, managers, and Regional Directors, rather than non-supervisory employees, should represent field offices in speaking engagements other than basic presentations to groups unfamiliar with the Agency.¹ It is the responsibility of the supervisory and managerial team to promote the Agency's mission by such engagements. Supervisors have greater access to a variety of legal and case-handling issues. This greater access is important in providing accurate information when, as often is the case, participants raise unexpected questions before, during or after a presentation. Therefore, non-supervisory staff should decline any speaking invitations involving more than a basic presentation of the structure of the Act and Board procedures to persons unfamiliar with the Act.

Also, the General Counsel has a policy that speakers should only accept engagements where the sponsoring organization has offered to pay for air or rail transportation and lodging costs in order to limit the burden on the Agency's budget.² The Agency may, however, pay M&IE and/or smaller transportation expenses, if the organization has not offered to pay these. Requests for approval of such funding should be submitted to Deputy Assistant General Counsel David Kelly in advance. Where an organization has tendered an offer to pay, the potential speaker or attendee should remit NLRB form 5745 for approval by Deputy Associate to the General Counsel John Doyle, and the Agency's Designated Agency Ethics Official.

For local or area conferences or speaking events, Regional Directors may approve requests for themselves, and for their managers and supervisors to speak. Requests for non-supervisory employees to speak must be submitted by the Regional Director or designee to Deputy Associate to the General Counsel, John Doyle. For speaking engagements involving conferences or events of national scope, approval to speak, prepare for or participate or moderate a panel must be from Deputy General Counsel Alice Stock. Requests for approval should be submitted to Deputy Associate to the General Counsel John Doyle, for routing to Deputy General Counsel Stock.

C. Recruitment Activities

The Agency maintains a robust and effective recruitment program to attract well-qualified candidates. Attendance at recruitment events or job fairs at colleges, law schools, or organizations whose members may be interested in careers with the Agency raises the Agency's profile to those who may become part of the applicant pool for open positions. Board Agents, supervisors, and managers may attend recruitment events with approval from their Regional Director or designee. Requests for approval for travel costs to attend recruitment activities should be submitted to Deputy Assistant General Counsel David Kelly in advance.

If you have any questions regarding this memorandum, please contact your AGC or Deputy in Operations-Management.

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¹ By contrast, non-supervisory employees may receive permission to attend such events as non-speakers.

² Under no circumstances should Agency staff solicit any outside organization to offer to pay transportation, lodging, or other costs.