

OFFICE OF THE GENERAL COUNSEL
Division of Operations-Management

MEMORANDUM OM 20-16

September 17, 2020

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

FROM: Beth Tursell, Associate to the General Counsel

SUBJECT: Revisions to Representation Casehandling Manual

The National Labor Relation Board's *Casehandling Manual, Part 2, Representation Proceedings* has been updated.¹ The revision highlights² are set forth below:

- (1) Section 11008 – includes initial case procedure in light of the December 2019 Representation Case Amendments
- (2) Section 11012 – discusses pre-hearing conference call with parties
- (3) Sections 11018, 11019 – modifications to AFL-CIO Article XX and XXI procedures
- (4) Section 11020, 11030.2 – provides timing of provision of payroll list
- (5) Section 11022.1, 11023.5 – discusses satisfaction of showing of interest for petitions involving employer in healthcare industry
- (6) Sections 11082.3 through 11082.3(b) – involving setting of hearing date and Statement/Responsive Statement of Position due dates in light of 2019 Rules Amendments
- (7) Sections 11143 – discusses requests for postponement of hearing in light of 2019 Rules Amendments
- (8) Sections 11183 – discusses showing of interest checks on or near day of hearing
- (9) Section 11189(p) – discusses right to file post-hearing brief
- (10) Section 11217 – discusses Intervenor's responsibility to respond orally to issues raised by other parties
- (11) Sections 11228 – discusses requests to waive right to file request for review
- (12) Section 11244.1 – discusses pre-election briefing requirements

¹ These revisions are the efforts of RA Richard Heller, Region 4; ARD Elizabeth Kerwin, Region 7; RD Pat Nachand, Region 25; ARD Dan Nelson, Region 13; RD Peter Ohr, Region 13; ARD Kelly Selvidge, Region 27; Deputy to the AGC Laural Wagner, Operations-Management; and AGC Aaron Karsh, Operations-Management.

² In addition to the enumerated changes highlighted in this memorandum, the Representation Casehandling Manual also includes a large number of modifications to the timing of R case processing brought about by the December 2019 Representation Rule amendments.

- (13) Section 11274 – discusses request for review process
- (14) Section 11302.1(a), 11338.2(b), 11338.7 through 11338.8 – discusses impounding of ballots and challenge process upon filing a request for review
- (15) Section 11304.1 – discusses additions to election kit
- (16) Section 11306.6, 11335.4 – discusses mail ballot instructions to voters
- (17) Section 11312.1(h) – In mail ballot elections, request that one copy of the list be furnished in the form of mailing labels, deleted
- (18) Section 11318 – modifications to conduct of pre-election conference
- (19) Section 11326.2 – modifications to permitted activity during election
- (20) Section 11340.3 – modifications to procedure to clear challenged ballots
- (21) Section 11340.4, 11340.7 – discusses interpretation of dual-marked ballots
- (22) Section 11340.9 – discussed impoundment and segregation of challenged ballots upon filing of request for review
- (23) Section 11364.5 – modifications to description of request for review process in post-election Decision or Supplemental Decision
- (24) Section 11392.2(a)(2) – clarification of timeliness of filing objections
- (25) Section 11430 – discusses post-election briefing requirements

The above revisions are available for review in the Representation Casehandling Manual published on the Agency's website (www.nlr.gov).

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

/s/
B.T.

cc: NLRBU

Release to the Public