

OFFICE OF THE GENERAL COUNSEL
DIVISION OF OPERATIONS-MANAGEMENT

MEMORANDUM OM 03-92

June 27, 2003

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

FROM: Richard A. Siegel, Associate General Counsel

SUBJECT: Collyer Deferral Survey, Part 2

OM 02-93 was issued on September 11, 2002 implementing the General Counsel's initiative to dramatically reduce the number of cases deferred for 5 years or more under the Board's Collyer policy. The memorandum directed Regions to survey their inventory of 5-year old or older deferrals and request information from the parties concerning the status of the cases. Sample "show cause" letters were appended to the OM memorandum requesting the parties to explain why continued deferral of the charges was appropriate.

Consistent with our expectation, the Charging Parties in many of the long-deferred cases either had resolved their disputes or were no longer interested in pursuing them and withdrew the charges when requested to do so. In a smaller number of cases, Charging Parties had not sought to press the grievances forward, as required as a condition of the original deferral action. As to those cases, dismissal was appropriate and was effected.

As the result of your efforts, approximately 600 charges were withdrawn or dismissed. You are to be congratulated for your success in this important program effort. Approximately 384 cases, which had been deferred 5 or more years, remained at the conclusion of the initial survey because the parties requested continued deferral status.

Because of your successful efforts, the General Counsel has decided to proceed with a second survey of cases, those that have been in deferral status for 3 years or more, or will be so within the next 3 months. Regions should conduct surveys of these cases, including the 384 cases remaining from the first survey, consistent with the procedures and temporal framework set forth in OM 02-93. Thus, the survey should begin within 30 days of the date of this memorandum and conclude with a report of your results to DAGC Gary Muffley by October 24, 2003.

If you have any questions regarding this memorandum, please contact your AGC or Deputy or the undersigned. Thank you for your continued efforts to accomplish this important General Counsel initiative.

R.A.S.

cc: NLRBU

