

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

MEMORANDUM OM 08-56(CH)

May 29, 2008

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

FROM: Richard A. Siegel, 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) Guidance regarding cases involving Oil Capitol Sheet Metal, Inc. issues. (Sections 10504.2, 10530.3, 10536.2, 10648.4, 10660.3, 10664.2, Appendix 1).

(2) Guidance regarding cases involving court enforced instatement orders where respondent has not offered instatement. (Section 10532.2)

(3) Guidance regarding validity of reinstatement offer. (Section 10534.2).

(4) Guidance regarding use of comparable employees to calculate gross backpay. (Section 10540.3).

(5) A new section captioned Construction Industry Cases, has been added which provides guidance regarding calculating backpay for discriminatees working in the construction industry. (Section 10542.9)

(6) Guidance regarding obtaining medical information from doctors or other regulated entities. (Section 10544.2, Appendix 23).

(7) Guidance regarding self-employment. (Section 10552.3).

(8) Guidance regarding whether workers compensation benefits are deductible as interim earnings. (Section 105541).

¹ These revisions are the efforts of RD Al Blyer, Region 29, RA Dick Simon, Region 25, Compliance Officer Charlene Donovan, Region 16, Attorney Dan Collopy, Contempt Litigation and Compliance Branch, and DAGC Beth Tursell, Division of Operations-Management

- (9) Guidance regarding compensation received for salting activities. (Section 10552.6).
- (10) Guidance regarding mitigation issues and loss of interim employment. (Sections 10558.1, 10558.3, 10558.4, 10660.6).
- (11) Retitling Section 10584 to Extinguishment of Backpay Entitlement for Discriminatees missing after a 1 Year Period or Who Are Uncooperative.
- (12) Guidance regarding remedy for discriminatees who were subpoenaed to testify at the hearing and did not appear. (Section 10584).
- (13) Guidance regarding e-mail address for enforcement submissions. (Section 10608).
- (14) Retitling Section 10628 to Noncompliance Assertions Relating to Reinstatement/Instatement and guidance provided regarding noncompliance assertions.
- (15) Guidance provided regarding litigation holds upon submission of recommendation to institute contempt proceedings. (Section 10632.1).
- (16) Guidance regarding appropriateness of compliance proceedings. (Section 10646.1).
- (17) Guidance regarding burdens of proof at a compliance hearing. (Sections 10648.4, 10660.4).
- (18) Guidance regarding filing of motions for partial summary judgment after issuance of a compliance specification. (Section 10652.2).
- (19) Guidance regarding testimony of discriminatees regarding gross backpay computations. (Section 10660.3).
- (20) Retitling Section 10660.4 to Testimony of Discriminatees Concerning Search for Work and Expenses.
- (21) Guidance regarding cases involving St. George Warehouse issues. (Section 10660.4).
- (22) Guidance regarding use of social security reports to calculate backpay. (Section 10660.5).
- (23) Guidance regarding other entities that may be responsible for remedying unfair labor practices. (Section 10682.3).

(24) Removal of requirement to provide copy of Closed Case Report to Case Records. (Sections 10704.8, 10706.2, 10706.4).

Several page breaks have also been inserted in the manual to facilitate reprinting future revisions. The above revisions are available on the Agency's website (www.nlr.gov) as well as on the Agency's intranet for viewing and, if a hard copy of the revisions is preferred, for printing.

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

/s/
R.A.S.

cc: NLRBU
Release to the Public

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