

OFFICE OF THE GENERAL COUNSEL

MEMORANDUM GC 10-01

December 1, 2009

TO: All Employees, Office of the General Counsel
FROM: Ronald Meisburg, General Counsel
SUBJECT: Summary of Operations (Fiscal Year 2009)

The Office of the General Counsel in the Field and Headquarters has concluded another successful fiscal year enforcing the National Labor Relations Act. As has been my practice and the practice of a number of General Counsels over the years, I am detailing our accomplishments in the attached Summary of Operations. The preliminary figures for FY 2009, together with the high quality of your work, indicate another banner year of casehandling performance. FY 2009 is a year of which we should all be proud.

As General Counsel, I often have spoken to you and to groups outside the Agency about the work we do and of the pride and honor I feel at having been given the opportunity to serve as General Counsel. I am constantly impressed by the professionalism with which you perform your duties and the quality of the service you provide to the public.

Please accept my sincere respect and appreciation for the exemplary manner in which you carry out the mission of the Agency year after year. You have my gratitude and, I am certain, the gratitude of the labor-relations community for a job well done.

/s/
R.M.

Attachment
Release to the Public

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Regional Offices
Washington-Special

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SUMMARY OF OPERATIONS FISCAL YEAR 2009

INTRODUCTION

This summary continues my practice of providing an annual overview of the operations of the Office of the General Counsel.

As the summary reflects, the record of performance achieved by the staffs of the Headquarters and Regional Offices of the General Counsel in Fiscal Year 2009 based on preliminary statistical reports, was once again outstanding.

Of special note in FY 2009:

- 95.5% of all initial elections were conducted within 56 days of the filing of the petition.
- Initial elections in union representation elections were conducted in a median of 37 days from the filing of the petition.
- A 95.2% settlement rate was achieved in the Regional Offices in meritorious unfair labor practice cases.
- The Regional Offices won 89.8% of Board and Administrative Law Judge unfair labor practice and compliance decisions in whole or in part in FY 2009.
- A total of \$77,611,322 was recovered on behalf of employees as backpay or reimbursement of fees, dues, and fines, with 1,549 employees offered reinstatement.
- The Agency surpassed all three of its ambitious overarching goals, closing 84.35% of all representation cases within 100 days (target 81%), 70.93% of all unfair labor practice cases within 120 days (target 68.5%), and 79.69% of all meritorious unfair labor practice cases within 365 days (target 75.5%). The target for each overarching goal was higher than in FY 2008 and has been increased for FY 2010.
- Agency representatives participated in over 575 outreach events during FY 2009.
- This record of performance was achieved with an average field professional staff of 807 employees, 14 less than the 821 employees in FY 2008.

I extend my sincere appreciation to all staff members for their continued hard work and dedication to public service and for the cooperative manner in which they have responded to the priorities in casehandling. My thanks also to those who practice before us for the cooperation and assistance extended to us in our efforts to administer the Act effectively and efficiently.

/s/

Ronald Meisburg
General Counsel

ORGANIZATION OF THE OFFICE OF THE GENERAL COUNSEL

The Office of the General Counsel is composed of six major components. These components are responsible for the various casehandling, administrative and personnel functions of the office. The six components are: the Division of Operations-Management and Regional Offices, the Division of Advice, the Division of Enforcement Litigation, the Division of Administration, the Office of Equal Employment Opportunity and the Office of Employee Development.

The Division of Operations-Management includes Headquarters and Regional Office staffs. The Headquarters staff has the responsibility on behalf of the General Counsel for the operations of the Regional, Subregional and Resident Offices, and the coordination of the casehandling of those offices with the Washington Divisions of the Office of the General Counsel and the Board.

There are 32 Regional Offices, three Subregional Offices and 17 Resident Offices. Each Regional Office is headed by a Regional Director who is responsible for the management of the office and any attached Subregional or Resident Offices and for the investigation and initial determination of the merits of unfair labor practice cases and representation cases. The Regional Director is also responsible for resolving through settlement or litigation the unfair labor practice charges found to warrant further proceedings, and for the conduct of representation elections.

The Division of Advice has the function of rendering substantive legal advice to the General Counsel and to Regional Offices in cases presenting novel or complex issues, cases of national interest or cases which involve developing and changing areas of the law. The Division also processes requests for injunctive relief under Section 10(j) of the Act, litigates injunction cases in Federal appellate courts under Section 10(l) and 10(j), manages the General Counsel's Freedom of Information Act program and indexes and classifies Board and Court decisions under the Act.

The Division of Enforcement Litigation is responsible for the Agency's litigation in the United States Court of Appeals and the Supreme Court of the United States as well as for contempt and miscellaneous litigation in Federal and State Courts.

The Office of Appeals is a major component of the Division of Enforcement Litigation. This office reviews appeals from Regional Directors' refusals to issue complaint in unfair labor practice cases and recommends proposed action to be taken thereon by the General Counsel. It also processes appeals from the Regional Directors' denial of requests for documents under the Freedom of Information Act.

The Division of Administration is under the general supervision of the General Counsel and has been delegated responsibility for the development, direction and coordination of administrative staff support functions for both the Board and the General Counsel.

The Office of Equal Employment Opportunity is dedicated to providing timely professional assistance and advice to managers, supervisors, and employees with respect to understanding and promoting diversity in the workplace. Its mission includes providing assistance to all Agency employees to avoid or resolve discrimination and

harassment complaints. The OEEA also appoints trains and manages the Agency's collateral duty EEO Counselors assigned in each Regional office and manages specific case assignments handled at the informal stage of the federal sector EEO process.

The Office of Employee Development is responsible for the training needs of Agency employees. It is the mission of the OED to develop an agency-wide approach to training, to assist managers in providing employees with needed development opportunities and to help managers and supervisors manage their own careers and obtain developmental opportunities.

I. General Information

The information set forth below reflects the work of the various casehandling Divisions during Fiscal Year 2009 based on preliminary statistical reports of case actions during the year.¹

During the last quarter of FY 2007, the Agency implemented three overarching casehandling goals. These goals complement the interim goals under which the Office of the General Counsel has operated for over 45 years. I am pleased to report that the Agency surpassed all three of its overarching goals, closing:

- 84.35% of all representation cases within 100 days (target 81%),
- 70.93% of all unfair labor practice cases within 120 days (target 68.5%), and
- 79.69% of all meritorious unfair labor practice cases within 365 days (target 75.5%).

II. Regional Offices

Case Intake

The NLRB's processes can be invoked only by the filing of an unfair labor practice charge or a representation petition by a member of the public. The Agency has no authority to initiate proceedings on its own.

Total case intake during FY 2009 was stable at 25,853, compared to 25,901 cases in FY 2008, representing only a 0.2% decrease in overall intake. While unfair labor practice case intake was 22,941, a 1.96% increase from the FY 2008 intake of 22,501, total representation case intake was 2,912 a 14.4% decrease from the FY 2008 intake of 3400.

Petitions filed in certification and decertification (RC, RD, and RM) cases decreased 14.6% from 3,158 in FY 2008 to 2,696 in FY 2009. Petitions filed in unit deauthorization, unit amendment and unit clarification (UD, AC and UC) cases also decreased by 11.8% from the previous year's intake with the filing of 216 petitions in FY 2009 compared to 245 filed in FY 2008.

¹ Our experience is that despite the preliminary nature of these reports, the final statistics vary only slightly.

There were 3,570 situations pending at the end of FY 2008. At the end of FY 2009, that number increased to 4,113.

In Dana Corp., 351 NLRB No. 28 (September 29, 2007), the Board modified its recognition-bar doctrine, holding that an employer's voluntary recognition of a labor organization does not bar a decertification or rival union petition that is filed within 45 days of unit employees' receiving notice of the voluntary recognition. The Board crafted a new procedure for providing unit employees with notice of a voluntary recognition sufficient to trigger the 45-day period.

The Agency received 482 requests for Dana notification during FY 2009. In seven of these matters, a petition for certification (RC) was filed after notices to employees were posted. In 27 of these matters, a petition for decertification (RD) was filed after the notices were posted.

Regional Professional Staff

The average professional staff handling the workload in the Regional Offices decreased during FY 2009 to 807 employees as compared to 821 in FY 2008. Beginning in FY 2002 and continuing through FY 2009, the Agency engaged in limited hiring due to delays in the enactment of our final budget and the decline in case intake.

Outreach Activities

The Agency's field representatives participated in over 575 outreach events during FY 2009, exceeding their total of 525 events in FY 2008. A number of these events addressed several hundreds of people, including the Teen Leadership Summit in Baltimore, Maryland; "From Haymarket to the NLRA" presentation in Anchorage, Alaska; the Plaza Las Americas Mall joint outreach activity in Puerto Rico; discussions about the Act, the Agency and recent case developments on radio talk shows; and public service announcements in publications.

The majority of events for FY2009 continued to include traditional outreach activities that were directed at local communities, bar associations, labor organizations, employer/management organizations, government organizations, and educational institutions such as law schools, undergraduate universities and high schools. The Agency also continues to receive requests for speakers through the Speakers Bureau located on the Agency's website.

During FY 2009, two-thirds of the Regions published newsletters within their individual communities. All newsletters are posted on the Agency's website at http://www.nlr.gov/about_us/regional_news/regional_newsletters.aspx.

Information Officer Inquiries

The Agency's Public Information Program continues to provide assistance to members of the public by answering questions posed, aiding them in filing charges and petitions with the Agency and by referring inquiries not covered by the NLRA to appropriate agencies or organizations.

The Agency's 51 field offices received 124,389 public inquiries in FY 2009, a 19.2% decrease from the 154,028 received during FY 2008. The public can contact the Agency through a toll-free telephone service designed to provide easy and cost-free access to information (1-866-667-NLRB). Callers to the toll-free number may listen to messages recorded in English and Spanish that provide a general description of the Agency's mission and connections to other government agencies or to Information Officers located in the Agency's Regional Offices. In FY 2009, the toll-free telephone service received 50,336 calls, of which 20,051 were connected to Regional Offices for further assistance. In FY 2008, the toll-free telephone service received 53,077 calls, of which 20,364 were for further assistance by the Regions.

Our Public Information Program is particularly beneficial to the public because of the information and assistance it provides. It also prevents a large number of non-meritorious charges from being filed with the Agency.

The rate of charge acceptance (percent of inquiries from the public in which the contact results in an unfair labor practice charge being filed) was approximately 7.6% in FY 2009, as compared to 4.6% experienced in FY 2008. Since the inception of the Public Information Program in 1978, the Agency charge acceptance rate has declined from 9.2%.

In addition to traditional Public Information Program activities, the Agency has endeavored to increase our accessibility to the public through our website www.nlr.gov. In FY 2009, the NLRB's website attracted 2.4 million visitors with 9.4 million page views. Members of the public conducted 52,633 research sessions on the Agency's "Questions and Answers" page, obtaining 66,233 answers through the electronic search system. Agency personnel provided 1,617 direct email responses to specific inquiries from the public. These electronic research sessions may account for much, if not all, of the decrease in the number of public inquiries and may have influenced the rate of charge acceptance.

Electronic Access

In February 2009, the NLRB instituted changes to its e-Filing Program that are meant to simplify and encourage electronic filing by the public: This project was selected as a finalist in the prestigious 2009 Excellence.Gov Awards Program, which recognizes best practices in the Federal Government's management and use of information technology and those programs which have achieved exceptional results in supporting the government's mission and serving citizens.

Since the NLRB began its e-Filing program in November 2006, 12,753 documents have been filed with the Agency and 87 Board Decisions have been e-issued since the pilot e-Issuance project began in August 2008. In 2009, further enhancements to the e-Issuance/e-Service pilot project were implemented when the NLRB began issuing ALJ decisions electronically in April, and users can now submit a variety of forms online such as an electronic notice of appearance.

The new "My NLRB" feature of the site now provides users with a web interface to various databases with case information and links to documents associated with selected cases. Users may register to be recognized by the system when they enter

their user ID and password, which will make the e-Filing process easier by automatically filling in certain information required on the online filing forms. The system also can save searches and retain preferences for registered users.

Unfair Labor Practice Cases

Settlements

The Agency's effectiveness and efficiency in administering the Act is greatly enhanced by its ability to obtain voluntary resolution of unfair labor practice cases, which, after investigation, are deemed worthy of prosecution. (See merit factor, below.) Over the years, the Agency has achieved an excellent settlement record due to the efforts of Agency staff and the cooperation of the Bar. In FY 2009, the Regions obtained 7,175 settlements of unfair labor practice cases, representing a rate of 95.2% of total merit cases, compared to 7,246 settlements in FY 2008 and a rate of 96.8%. Over the last 10 years the settlement rate has ranged from between 91.5% and 99.5%.

Complaints

In FY 2009 the Regional Offices issued 1,166 complaints as compared to 1,149 in FY 2008. The median time to issue complaints was 100 days in FY 2009, a slight increase over the median of 98 days experienced in FY 2008. The median number of days from issuance of complaint to opening of the unfair labor practice hearing was 75 days in FY 2009, compared to a median of 86 days in FY 2008.

Merit Factor

The percentage of unfair labor practice cases in which a Regional Director determines that formal proceedings are warranted is called the merit factor. In FY 2009 the merit factor was 36.2%, roughly the same as the merit factor of 36.1% in FY 2008. Since 1980, the merit factor has fluctuated between 32% and 40%.

Litigation Results

The Regional Offices won 89.8% of Board and Administrative Law Judge decisions in whole or in part in FY 2008, which is slightly below the 90.8% rate experienced in FY 2008. Over the last 10 years, the percentage of wins, in whole or in part, has ranged between 78% and 90.8%.

Remedies

The Regional Offices recovered \$77,611,322 on behalf of employees as backpay or reimbursement of fees, dues, and fines in FY 2009, compared to \$70,001,594 in FY 2008. In FY 2009, a total of 1,549 employees were offered reinstatement, compared to 1,564 in FY 2008.²

Section 10(l) Activity

The Regional Offices filed four petitions for 10(l) injunctions with the appropriate district courts in FY 2009, compared to three filed in FY 2008. One petition was granted in part, two were settled and the fourth was withdrawn.

² Remedies secured may vary from year-to-year because occasional cases involve extraordinarily large amounts of money or large numbers of employees.

Representation cases

Elections

The Regions conducted 1,690 initial representation elections in FY 2009, of which 91.9% were held pursuant to agreement of the parties, compared to 2,085 initial elections and a 91.8% election agreement rate for FY 2008. Actual performance thus continues to exceed our goal, which is to conduct 85% of elections pursuant to voluntary election agreements.

In FY 2009, the median time to proceed to an election from the filing of a petition was 37 days, one day less than the 38 median days achieved in FY 2008, and below our target median of 42 days.

Most critically, 95.5% of all initial representation elections were conducted within 56 days of the filing of the petition in FY 2009, compared to 95.1% in FY 2008, and above our target of 90%.

In 54 cases post-election objections and/or challenges were filed requiring the conduct of an investigative hearing and decisions or Supplemental Reports issued in these cases in 70 median days. Post-election objections and/or challenges that could be resolved without a hearing were filed 70 cases. Decisions or Supplemental Reports in those cases issued in 23 median days. The performance goal in hearing cases is 80 median days and in non-hearing cases 32 median days.

Regional Director Decisions

In FY 2009, Regional Directors issued 151 pre-election decisions in contested representation cases after hearing in a median of 34 days, well below our target median of 45 days. In FY 2008 Regional Directors issued 169 pre-election decisions in a median time of 36 days.

III. Division of Enforcement Litigation

Appellate and Supreme Court Litigation Branch

In FY 2009, the Appellate and Supreme Court Litigation Branch received 99 cases and disposed of 91. Private parties filed petitions to review the Board's order in 67 of the 99 cases, and the Regional Offices referred the remaining 32 cases for court enforcement. In FY 2008, the total intake of enforcement and review cases was 103 cases and dispositions totaled 105. Oral arguments were presented in 61 cases in FY 2009, compared with 66 cases in FY 2008. The Board filed 3 petitions for rehearing in FY 2009, compared to none in 2008. The Branch filed no responses to petitions filed against the Agency in FY 2009, as opposed to 2 in FY 2008. The Branch also handled 27 summary enforcement cases and 14 consent cases in FY 2009; in FY 2008, the Branch handled 32 summary enforcement cases and 19 consent cases.

The median time for filing applications for enforcement was 16 days in FY 2009, compared with 24 days in FY 2008, and well within our goal of 30 days. The briefing schedule in appellate cases is set by the Courts and in FY 2009, the median time for

both enforcement and review cases from receipt of cases to filing of briefs was 169 days, compared to 176 days in FY 2008.

In FY 2009, the United States Courts of Appeals decided 61 enforcement and review cases involving the Board, compared with 72 in FY 2008. Of these cases, 88.5% were enforced in whole or in part in FY 2009, and 78.7% were won in full, compared with success rates in whole or in part and in whole in FY 2008 of 88.9% and 80.6%, respectively. In FY 2009, 6.6% of enforcement and review cases were remanded entirely, compared with 4.2 % in FY 2008. Also in FY 2009, 4.9% of cases were lost in full; in FY 2008, 6.9% of cases were lost in full.

The Supreme Court did not decide any cases in which the Board participated in FY 2009. In FY 2008, the Supreme Court upheld the Board's position in one case in which the Board filed an amicus brief. Responses to private parties' petitions for certiorari were filed in four cases in FY 2009; in one case, a waiver of response was filed. In FY 2008, two responses were filed, and waivers of responses were filed in three cases. In FY 2009, the Board filed one petition for certiorari in the Supreme Court; it did not file any petitions for certiorari in 2008.

In FY 2009, the Court denied one private party petition for certiorari and granted none. In FY 2008, the Court denied six private party petitions for certiorari and granted none.

Special Litigation Branch

In FY 2009, the Special Litigation Branch experienced an intake of 77 cases and closed 76 cases. This compares with an intake of 83 cases and the closing of 71 in FY 2008. In both years, Special Litigation settled or resolved most issues upon advice being given to a Regional Office. In contrast with last year, ethics cases are being reported separately (see below).

In FY 2009, the Branch also filed 24 briefs: eight appellate court briefs, ten district court briefs, and six bankruptcy court briefs. This compares to FY 2008 when the Branch filed 34 briefs, 11 to the appellate courts, 16 to the district courts, five to bankruptcy courts and two to state courts. The Branch sent 13 memos to the Board and Regional offices in FY 2009, compared to 18 in FY 2008.

In FY 2009, the Branch participated in six oral arguments and received 13 decisions, as follows: seven in appellate courts (all wins), five in district courts (four wins; one loss), and one in bankruptcy court (a win). This compares with FY 2008 when the Branch participated in five oral arguments and received 18 decisions, as follows: nine in appellate courts (all wins), five in district courts (all wins), three in bankruptcy courts (all wins), and one in state court (a win).

Special Ethics Counsel

The Office of Special Ethics Counsel provides ethics guidance to Agency staff. In FY 2009, Special Ethics Counsel received 176 new cases concerning contacts with represented persons or other ethics issues during Board proceedings, compared to 150 cases in FY 2008. Special Ethics Counsel closed 175 ethics cases in FY 2009, compared to 155 in FY 2008. These cases were handled in a median response time of one day. In addition, in FY 2009 Special Ethics Counsel conducted 12 training programs for regional and headquarters employees.

Contempt Litigation and Compliance Branch

In FY 2009, 282 cases were referred to the Contempt Litigation and Compliance Branch for consideration for contempt or other appropriate action to achieve compliance with the Act, compared to 277 cases in FY 2008. Of the 110 contempt or other formal submissions, voluntary compliance was achieved in 46 cases during the fiscal year, without the necessity of filing a contempt petition or other initiating papers, and 16 other cases settled after the filing of a formal pleading in court, but before trial.

In 40 other cases, it was determined that contempt or other proceedings were not warranted. In FY 2008, voluntary compliance was achieved in 48 of the 135 formal submissions without the necessity of filing a contempt petition or other initiating papers, and 32 cases were settled after the filing of formal pleadings in court, but before trial. In 46 other cases, it was determined that contempt or other proceedings were not warranted.

Four civil contempt or equivalent adjudications were awarded in favor of the Board in FY 2009 (including one assessing fines), compared to 15 in FY 2008. During FY 2009, the Contempt Litigation and Compliance Branch also obtained 29 other court orders in aid of compliance, compared to 23 in FY 2008. During FY 2009, the Branch collected \$4,585,089 in backpay or other compensatory damages, while recouping \$35,445 in court costs and attorneys' fees incurred in contempt litigation. In FY 2008, the Branch collected \$5,443,592 in backpay or other compensatory damages, while recouping \$6,096 in court costs and attorneys' fees incurred in contempt litigation. In FY 2009, the Branch also conducted 144 asset/entity database investigations, pursuant to requests from the Regions, as compared to 96 in FY 2008.

Office of Appeals

In FY 2009, the Office of Appeals received 2,045 appeals from Regional Directors' refusals to issue complaints, a 3% decrease from the 2,108 appeals received in FY 2008. In FY 2009, the office disposed of 1,945 appeals, a 5% decrease from the 2,048 cases decided in FY 2008. The Office closed 95% of intake; the goal is to close at least 90%. The rate of reversal of Regional Directors' dismissals was 1.5%, an increase from the 0.9%, in FY 2008.

Median time to process appeals in FY 2009 was 36 days; 18 days more than the time it took in FY 2008, when the median was 18 days. Median time to process 29 sustained appeals was 90 days in FY 2009, 12 days more than the 78 days in FY 2008 necessary to process 18 sustained appeals. The goal for processing appeals is 45 median days and for processing sustained appeals is 90 median days.

In FY 2009, the Office of Appeals also received 23 appeals under the Freedom of Information Act and closed 22, a 28% decrease from the 32 appeals received under the Freedom of Information Act in FY 2008 with 33 appeals closed.

IV. Division of Advice

Regional Advice Branch

During FY 2009, the Division of Advice processed its cases in a median of 16 days, as compared to 20 days in FY 2008. Also, during FY 2009, the Division received 597 cases and closed 609 cases, compared to 667 cases received and 667 cases closed in FY 2008. The median age of cases pending at the end of FY 2009 was 14 days, as compared to 25 days in FY 2008.

Injunction Litigation Branch

In FY 2009, the Injunction Litigation Branch received 85 cases from Regional Offices to consider for discretionary injunctive relief under Section 10(j) of the Act, as compared to 82 cases received in FY 2008. During this fiscal year, the Board's December 2008 delegation of Section 10(j) authority to the General Counsel continued, and consequently, the General Counsel authorized 30 cases during FY 2009 as compared to 24 that he authorized and four that the Board authorized in FY 2008. Regional Offices filed 10(j) petitions in 23 cases. The "success rate", i.e., the percentage of authorized Section 10(j) cases in which the Agency achieved either a satisfactory settlement or substantial victory in litigation was 81% at the end of FY 2009, compared to 84% at the end of FY 2008.

In addition to requests for Section 10(j) authorization, the Injunction Litigation Branch handled 118 other cases during FY 2009, compared to 174 such cases in FY 2008. These cases involved litigation advice to Regions for their litigation of 10(j) and 10(l) cases, first contract bargaining cases submitted under Memoranda GC 06-05, 07-08, and 08-09, appeals from district court decisions in 10(j) or 10(l) cases, and contempt of district court decrees. The Branch handled six appeals that were pending at the beginning of the fiscal year and six appeals that were filed during FY 2009, compared to one appeal that was pending at the beginning of FY 2008 and eight appeals that were filed during FY 2008. Of these 12 appellate cases in FY 2009, the Branch satisfactorily resolved two appeals before decision, won four appeals in whole or substantial part, lost none, and had six appeals pending at the end of FY 2009. This compares to nine appeals in FY 2008, in which the Branch satisfactorily resolved four appeals before decision, and had five appeals pending at the end of FY 2008. The Branch handled no

new requests for contempt proceedings in FY 2009, compared to two requests in FY 2008.

V. Office of Equal Employment Opportunity (OEEEO)

The Office of Equal Employment Opportunity (OEEEO) handled five formal complaints of alleged discrimination filed during FY 2009. At the beginning of the fiscal year, there were seven formal cases pending investigation. At the end of FY 2009, only one case was under investigation. The median number of days that cases were pending under investigation was 109 days in FY 2009, as compared to 124 days in FY 2008. In FY 2009, the OEEEO issued final Agency decisions in five formal complaints and achieved settlements in three formal complaints. At the close of FY 2009, there were two formal cases pending hearing at the EEOC, and no case pending in the United States District Court.

The OEEEO also provided annual refresher training for each of the 33 Regional office counselors, biannual Agency-wide No FEAR Act training required for all Agency employees, and EEO training for new managers and supervisors. In addition, the OEEEO sponsored special emphasis observances in headquarters and field offices in furtherance of its mission of creating and maintaining an environment free of hostility that values diversity.

VI. Office of Employee Development (OED)

The Agency's Office of Employee Development (OED) has initiated and developed numbers of programs to ensure ongoing development for the managers, supervisors, professionals, and support staff in our 51 field offices as well as in Headquarters. Included among these programs is a comprehensive legal writing training program tailored to the work of the Agency and a cutting edge program to develop and publish Professional Development Modules on labor law topics for office leaders in the field and Headquarters to present to professionals.

The 34 Professional Development Modules developed to date include instructor notes for the core presentation on the particular training topic, an exercise or other practice activity, plus checklists and resource materials for the participants' use. All modules are made available on the Agency's internal website. The substantive material is first developed by field and Headquarters managers, reviewed by technical experts at Headquarters, and then prepared for publication by OED staff. The Agency also continued its mentoring program for all new employees and for employees new to their positions and recorded Field and Headquarters presentations to Summer Interns and Law Clerks so summer and permanent employees will have access to all of these presentations at their work stations.

The Agency's comprehensive Legal Writing program has provided instructor led writing and editing training in Headquarters by members of the Georgetown Legal Writing Academy and individual coaching for writers and editors. Previously, for Field

employees, OED provided facilitator led training using a videotaped Legal Writing Program by an Emory University professor that was developed to meet the Agency's particular needs.

The Agency continues to employ the NLRB Management Development Program, (MDP), a flexible program designed to ensure that the Agency has well-qualified candidates for future managerial vacancies. All new supervisors have been assigned a mentor for a minimum of one year and also complete management readings and a CD ROM version of Ken Blanchard's "Situational Leadership" training. Experienced supervisors, managers, and executives are required to complete a minimum of two management developmental activities annually. They can select from a number of development opportunities, such as external seminars, videoconferences, 360 degree feedback and internet/CD ROM-based training.

The Agency provides a variety of training opportunities to all staff. For example, the Agency's Field Division provides weekly "Training Tuesday" video and internet conference training conducted by subject matter experts on information technology topics, substantive issues, and administrative topics. Forty-eight of these sessions were conducted in FY 2009. The Agency also published videos of Headquarters presentations for just-in-time use by all Agency employees at their desktops on a variety of topics ranging from Legal Issues to Special Emphasis Programs.

In FY 2009, the Agency held training conferences for Senior Agency Managers, first line field supervisors, and new employees.