

**National Labor Relations Board**

**§ 101.1**

§§ 100.571–100.599 [Reserved]

**PART 101—STATEMENTS OF PROCEDURES**

**Subpart A—General Statement**

Sec.

101.1 General statement.

**Subpart B—Unfair Labor Practice Cases Under Section 10 (a) to (i) of the Act and Telegraph Merger Act Cases**

101.2 Initiation of unfair labor practice cases.

101.3 [Reserved]

101.4 Investigation of charges.

101.5 Withdrawal of charges.

101.6 Dismissal of charges and appeals to the General Counsel.

101.7 Settlements.

101.8 Complaints.

101.9 Settlement after issuance of complaint.

101.10 Hearings.

101.11 Administrative law judge's decision.

101.12 Board decision and order.

101.13 Compliance with Board decision and order.

101.14 Judicial review of Board decision and order.

101.15 Compliance with court judgment.

101.16 Backpay proceedings.

**Subpart C—Representation Cases Under Section 9(c) of the Act and Petitions for Clarification of Bargaining Units and for Amendment of Certifications Under Section 9(b) of the Act**

101.17 Initiation of representation cases and petitions for clarification and amendment.

101.18 Investigation of petition.

101.19 Consent adjustments before formal hearing.

101.20 Formal hearing.

101.21 Procedure after hearing.

**Subpart D—Unfair Labor Practice and Representation Cases Under Sections 8(b)(7) and 9(c) of the Act**

101.22 Initiation and investigation of a case under section 8(b)(7).

101.23 Initiation and investigation of a petition in connection with a case under section 8(b)(7).

101.24 Final disposition of a charge which has been held pending investigation of the petition.

101.25 Appeal from the dismissal of a petition, or from the refusal to process it under the expedited procedure.

**Subpart E—Referendum Cases Under Section 9(e) (1) and (2) of the Act**

101.26 Initiation of rescission of authority cases.

101.27 Investigation of petition; withdrawals and dismissals.

101.28 Consent agreements providing for election.

101.29 Procedure respecting election conducted without hearing.

101.30 Formal hearing and procedure respecting election conducted after hearing.

**Subpart F—Jurisdictional Dispute Cases Under Section 10(k) of the Act**

101.31 Initiation of proceedings to hear and determine jurisdictional disputes under section 10(k).

101.32 Investigation of charges; withdrawal of charges; dismissal of charges and appeals to Board.

101.33 Initiation of formal action; settlement.

101.34 Hearing.

101.35 Procedure before the Board.

101.36 Compliance with determination; further proceedings.

**Subpart G—Procedure Under Section 10 (j) and (l) of the Act**

101.37 Application for temporary relief or restraining orders.

101.38 Change of circumstances.

**Subpart H—Advisory Opinions and Declaratory Orders Regarding Board Jurisdiction**

101.39 Initiation of advisory opinion case.

101.40 Proceedings following the filing of the petition.

101.41 Informal procedures for obtaining opinions on jurisdictional questions.

101.42 Procedures for obtaining declaratory orders of the Board.

101.43 Proceedings following the filing of the petition.

AUTHORITY: Sec. 6 of the National Labor Relations Act, as amended (29 U.S.C. 151, 156), and sec. 552(a) of the Administrative Procedure Act (5 U.S.C. 552(a)). Section 101.14 also issued under sec. 2112(a)(1) of Pub. L. 100-236, 28 U.S.C. 2112(a)(1).

SOURCE: 52 FR 23968, June 26, 1987, unless otherwise noted.

**Subpart A—General Statement**

**§ 101.1 General statement.**

The following statements of the general course and method by which the

## § 101.2

29 CFR Ch. I (7–1–06 Edition)

Board's functions are channeled and determined are issued and published pursuant to 5 U.S.C. 552(a)(1)(B).

### **Subpart B—Unfair Labor Practice Cases Under Section 10 (a) to (i) of the Act and Telegraph Merger Act Cases**

#### **§ 101.2 Initiation of unfair labor practice cases.**

The investigation of an alleged violation of the National Labor Relations Act is initiated by the filing of a charge, which must be in writing and signed, and must either be notarized or must contain a declaration by the person signing it, under the penalties of the Criminal Code, that its contents are true and correct to the best of the persons' knowledge and belief. The charge is filed with the Regional Director for the Region in which the alleged violations have occurred or are occurring. A blank form for filing such charge is supplied by the Regional Office upon request. The charge contains the name and address of the person against whom the charge is made and a statement of the facts constituting the alleged unfair labor practices.

#### **§ 101.3 [Reserved]**

#### **§ 101.4 Investigation of charges.**

When the charge is received in the Regional Office it is filed, docketed, and assigned a case number. The Regional Director may cause a copy of the charge to be served on the person against whom the charge is made, but timely service of a copy of the charge within the meaning of the proviso to section 10(b) of the Act is the exclusive responsibility of the charging party and not of the Regional Director. The Regional Director requests the person filing the charge to submit promptly evidence in its support. As part of the investigation hereinafter mentioned, the person against whom the charge is filed, hereinafter called the respondent, is asked to submit a statement of position in respect to the allegations. The case is assigned for investigation to a member of the field staff, who interviews representatives of the parties and other persons who have knowledge as to the charge, as is deemed nec-

essary. In the investigation and in all other stages of the proceedings, charges alleging violations of section 8(b)(4) (A), (B), and (C), charges alleging violations of section 8(b)(4)(D) in which it is deemed appropriate to seek injunctive relief under section 10(1) of the Act, and charges alleging violations of section 8(b)(7) or 8(e) are given priority over all other cases in the office in which they are pending except cases of like character; and charges alleging violations of sections 8(a)(3) or 8(b)(2) are given priority over all other cases except cases of like character and cases under section 10(1) of the Act. The Regional Director may exercise discretion to dispense with any portion of the investigation described in this section as appears necessary in consideration of such factors as the amount of time necessary to complete a full investigation, the nature of the proceeding, and the public interest. After investigation, the case may be disposed of through informal methods such as withdrawal, dismissal, or settlement; or the case may necessitate formal methods of disposition. Some of the informal methods of handling unfair labor practice cases will be stated first.

#### **§ 101.5 Withdrawal of charges.**

If investigation reveals that there has been no violation of the National Labor Relations Act or the evidence is insufficient to substantiate the charge, the Regional Director recommends withdrawal of the charge by the person who filed. Withdrawal may also be requested on the initiative of the complainant. If the complainant accepts the recommendation of the Regional Director or requests withdrawal, the respondent is immediately notified of the withdrawal of the charge.

#### **§ 101.6 Dismissal of charges and appeals to the General Counsel.**

If the complainant refuses to withdraw the charge as recommended, the Regional Director dismisses the charge. The Regional Director thereupon informs the parties of this section, together with a simple statement of the grounds therefor, and the complainant's right of appeal to the General Counsel in Washington, DC, within 14 days. If the complainant appeals to