

Federal Reserve

Tuesday
November 28, 1995

Part LXII

**National Labor
Relations Board**

Semiannual Regulatory Agenda

NATIONAL LABOR RELATIONS BOARD (NLRB)

NATIONAL LABOR RELATIONS BOARD

29 CFR Ch. I

Unified Agenda of Federal Regulations

AGENCY: National Labor Relations Board.

ACTION: Regulatory agenda.

SUMMARY: The National Labor Relations Board is publishing its semiannual

regulatory agenda pursuant to section 4(b) of Executive Order 12866. The agenda contains all regulations which are currently scheduled for review or development during the next 12 months.

FOR FURTHER INFORMATION CONTACT: John J. Toner, Acting Executive Secretary, National Labor Relations Board, 1099 14th Street NW., Suite 11600, Washington, DC 20570; telephone (202) 273-1940.

SUPPLEMENTARY INFORMATION: The Board identified six rulemakings for inclusion in the agenda. Two are under consideration and have not yet been published, one has been published as an ANPRM and an NPRM, two have been published as NPRMs, and one has been published as an NPRM and a Final Rule (on a 1-year experimental basis).

Dated, Washington, DC, October 19, 1995. By direction of the Board.

John J. Toner,
Acting Executive Secretary.

NATIONAL LABOR RELATIONS BOARD (NLRB)

Proposed Rule Stage

4726. MISCONDUCT RULES

Priority: Other Significant

Legal Authority: 29 USC 156

CFR Citation: 29 CFR 102.44

Legal Deadline: None

Abstract: The Board is currently reviewing its regulations governing misconduct by attorneys or other party representatives at hearings in order to determine whether to broaden the rules to cover misconduct outside of hearings and to establish certain procedures for processing allegations of misconduct.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/95 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John J. Toner, Acting Executive Secretary, National Labor Relations Board, 1099 14th Street NW., Suite 11600, Washington, DC 20570 Phone: 202 273-1940

RIN: 3142-AA00

4727. REPRESENTATION CASE PROCEDURES

Priority: Other Significant

Legal Authority: 29 USC 156

CFR Citation: 29 CFR 102.60 et seq

Legal Deadline: None

Abstract: The Board is undergoing a review of its current representation case rules in order to eliminate any that are antiquated and to streamline its procedures so as to minimize litigation and enhance the possibility of stipulated election agreements.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/95 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John J. Toner, Acting Executive Secretary, National Labor Relations Board, 1099 14th Street NW., Suite 11600, Washington, DC 20570 Phone: 202 273-1940

RIN: 3142-AA01

4728. APPROPRIATENESS OF REQUESTED SINGLE LOCATION BARGAINING UNITS IN REPRESENTATION CASES

Priority: Other Significant

Legal Authority: 29 USC 156

CFR Citation: 29 CFR 103

Legal Deadline: None

Abstract: The Board published an advance notice of proposed rulemaking and a notice of proposed rulemaking on the issue of the appropriateness of requested single location bargaining units in representation cases. The Board is seeking to promulgate a rule or rules to limit to the extent possible the necessity to adjudicate the appropriateness of petitioned-for single facility units in each case.

Timetable:

| Action | Date | FR Cite |
|---------------|----------|-------------|
| ANPRM | 06/02/94 | 59 FR 28501 |
| ANPRM Comment | 07/29/94 | |
| Period End | | |
| NPRM | 09/28/95 | 60 FR 50146 |
| NPRM Comment | 11/27/95 | |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John J. Toner, Acting Executive Secretary, National Labor Relations Board, 1099 14th Street NW., Suite 11600, Washington, DC 20570 Phone: 202 273-1940

RIN: 3142-AA05

NATIONAL LABOR RELATIONS BOARD (NLRB)

Final Rule Stage

4729. MODIFICATIONS TO ROLE OF NLRB ALJS INCLUDING: USE OF ALJS AS SETTLEMENT JUDGES; DISCRETION OF ALJS TO DISPENSE WITH BRIEFS, HEAR ORAL ARGUMENT IN LIEU OF BRIEFS, AND ISSUE BENCH DECISIONS

Priority: Other Significant

Legal Authority: 29 USC 156

CFR Citation: 29 CFR 102.35; 29 CFR 102.42; 29 CFR 102.45

Legal Deadline: None

Abstract: As part of its ongoing review of ways to expedite its unfair labor practice proceedings, the Board

modified its rules, on a one-year experimental basis, to permit the assignment of Administrative Law Judges to serve as settlement judges, and to give its ALJs the discretion, in appropriate cases, to dispense with post-hearing briefs or proposed findings and conclusions, to hear oral argument, and to issue bench decisions. The rule changes became effective February 1, 1995, and will expire on January 31, 1996, absent renewal by the Board.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 09/08/94 | 59 FR 46375 |

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM Comment Period End | 10/07/94 | 59 FR 46375 |
| Final Rule | 12/22/94 | 59 FR 65942 |
| Final Action | 01/00/96 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John J. Toner, Acting Executive Secretary, National Labor Relations Board, 1099 14th Street NW., Suite 11600, Washington, DC 20570
Phone: 202 273-1940

RIN: 3142-AA04

NATIONAL LABOR RELATIONS BOARD (NLRB)

Long-Term Actions

4730. NOTICE OF PROPOSED RULEMAKING AND NOTICE OF ORAL ARGUMENT

Priority: Other Significant

Legal Authority: 29 USC 156

CFR Citation: 29 CFR 103.40; 29 CFR 103.41; 29 CFR 103.42; 29 CFR 103.43

Legal Deadline: None

Abstract: The Board published a notice of proposed rulemaking and notice of oral argument in order to address the statutory duties of labor organizations under the Supreme Court's decision in *Communications Workers v. Beck*, 487 U.S. 735 (1988).

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 09/22/92 | 57 FR 43635 |
| NPRM Comment Period End | 10/22/92 | 57 FR 43635 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John J. Toner, Acting Executive Secretary, National Labor Relations Board, 1099 14th Street NW., Suite 11600, Washington, DC 20570
Phone: 202 273-1940

RIN: 3142-AA02

4731. CODIFICATION OF STANDARDIZED REMEDIAL PROVISIONS IN BOARD DECISIONS REGARDING OFFERS OF REINSTATEMENT, MAKE-WHOLE REMEDIES, COMPUTATION OF INTEREST, AND POSTING OF NOTICES

Priority: Other Significant

Legal Authority: 29 USC 156

CFR Citation: 29 CFR 103.101; 29 CFR 103.102; 29 CFR 103.103; 29 CFR 103.104

Legal Deadline: None

Abstract: The Board issued a notice of proposed rulemaking to require that interest on backpay and other monetary awards in unfair labor practice

proceedings be compounded daily in order to compensate discriminatees for the delay in receiving their wages, and to promote prompt payment of legal obligations. The notice also proposed to amend the Board's rules to incorporate certain remedial provisions frequently appearing in Board decisions.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|------------|
| NPRM | 03/05/92 | 57 FR 7897 |
| NPRM Comment Period End | 04/30/92 | 57 FR 7897 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John J. Toner, Acting Executive Secretary, National Labor Relations Board, 1099 14th Street NW., Suite 11600, Washington, DC 20570
Phone: 202 273-1940

RIN: 3142-AA03

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