

Federal Reserve

**Monday
May 13, 1996**

Part LX

**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: Semiannual 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 rulemakings which are currently scheduled for consideration during the next 12 months or which have been issued as a final rule or withdrawn since the last regulatory agenda was published.

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

SUPPLEMENTARY INFORMATION: The Board identified seven rulemakings for

inclusion in the agenda. Three are under consideration and have not yet been published, one has been published as an ANPRM and an NPRM, and three have been published as NPRMs. Of the latter three rulemakings that have been published as NPRMs, one has recently been published as a Final Rule, and one has recently been withdrawn.

Dated, Washington, DC, March 19, 1996.

By direction of the Board.

John J. Toner,
Executive Secretary.

NATIONAL LABOR RELATIONS BOARD (NLRB)

Proposed Rule Stage

4394. 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	12/00/96	

Small Entities Affected: None

Government Levels Affected: None

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

RIN: 3142-AA00

4395. 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	12/00/96	

Small Entities Affected: None

Government Levels Affected: None

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

RIN: 3142-AA01

4396. 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 Period End	07/29/94	

Action	Date	FR Cite
NPRM	09/28/95	60 FR 50146
NPRM Comment Period End	11/27/95	
NPRM Comment Period Extended	03/15/96	61 FR 10709
NPRM Comment Period Extended to	04/12/96	

Small Entities Affected: None

Government Levels Affected: None

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

RIN: 3142-AA05

4397. • SUMMARY JUDGMENT PROCEDURES

Priority: Other

Legal Authority: 29 USC 156

CFR Citation: 29 CFR 102.24

Legal Deadline: None

Abstract: The Board is undergoing a review of its current summary judgment rules and procedures in order to streamline its procedures.

Timetable:

Action	Date	FR Cite
NPRM	12/00/96	

Small Entities Affected: None

Government Levels Affected: None

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

NLRB

Proposed Rule Stage

Phone: 202 273-1940

RIN: 3142-AA06

NATIONAL LABOR RELATIONS BOARD (NLRB)

Long-Term Actions

4398. 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	
Final Action	00/00/00	

Small Entities Affected: None**Government Levels Affected:** None

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

RIN: 3142-AA03

NATIONAL LABOR RELATIONS BOARD (NLRB)

Completed Actions

4399. 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). However, the Board recently decided, effective March 19, 1996, to withdraw the proposed rulemaking and to address the issues raised following the Beck decision on a case-by-case basis through its adjudicatory procedures.

Timetable:

Action	Date	FR Cite
NPRM	09/22/92	57 FR 43635
NPRM Comment Period End	10/22/92	
Withdrawn	03/19/96	61 FR 11167

Small Entities Affected: None**Government Levels Affected:** None

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

RIN: 3142-AA02**4400. 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 was recently implemented by the Board on a permanent basis effective March 1, 1996.

Timetable:

Action	Date	FR Cite
NPRM	09/08/94	59 FR 46375
NPRM Comment Period End	10/07/94	
Final Rule	12/22/94	59 FR 65942
Final Action - Implemented Experiment on Permanent Basis	02/23/96	61 FR 6940
Final Action Effective	03/01/96	

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: John J. Toner, Executive Secretary, National Labor Relations Board, 1099 14th Street NW., Suite 11600, Washington, DC 20570
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RIN: 3142-AA04

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