

INDEX

ABUSIVE BEHAVIOR	3S-1-3S-4
Abusive behavior during	3O-4 , 3R-5
Definition of	3S-1
Future relationship with party	3S-4
Roles and responsibilities of employees	3S-2
Steps an agent follows	3S-3
ADVICE	See Consultation, Advice and Clearance
AFFIDAVITS	3H-1-3H-10 , 3I-1-3I-3
Additional affidavits	3H-4
Confidentiality of	3N-2
Conflicting witness testimony	3H-2
Disclosure of	3N-2
Documents referred to in	3H-7
Elements of violation not known	3H-6
Essential factual elements	3H-4
Explanation of legal assertions	3H-6
Factual elements, chronological account of	3H-5
General rules pertaining to	3H-1 , 3H-2
Identification of witness	3H-5
Information about related matters	3H-6
Length and content of	3H-1
Multiple charges	3H-7 , 3H-8
No blank spaces	3H-7
No paraphrasing of document	3H-6
No statement re: copy provided	3H-7
Post-charge information	3H-6
Preparing the witness	3H-1
Quality characteristics of	3H-5-3H-7
Quotation marks, do not use	3H-6
Representation of witness when taking	3H-8-3H-10
Restatement of allegation	3H-5
Steps of taking in person	3H-3
Taken in person	3H-1 , 3H-2 , 3H-5-3H-10
Telephonic	3I-1-3I-3
Telephonic, criteria for taking of	3I-1
Telephonic, how to take	3I-2

Telephonic, remote witnesses	3I-2
Telephonic, unsigned/unreturned	3I-3
Theory of the case	3H-4
AGENDA	See Merit Determinations
ALTERNATIVE CASE PROCESSING PROCEDURE	3B-1-3B-5
Agent's role	3B-4
Confidentiality of--"Chinese Wall"	3B-6 , 3B-7
Criteria applied in determining whether to offer	3B-2-3B-4
Enforcement	3B-7
Ethics	5B-6 , 5B-7
Explanation of	3B-4-3B-7
General description of	3B-1
Interest-based problem-solving approach	3B-1
Notification of parent organization	3B-7
Objectives when using	3B-1
ALTERNATIVE DISPUTE RESOLUTION	1B-1-1B-8
Benefits of	1B-2
Consider using	2G-3
Criteria for providing services	1B-4-1B-6
Deciding whether to provide service	1B-7
Description of programs	1B-3
Impact on labor-management relationships	1B-2-1B-6
Initial contact with parties, reference to ADR tip sheet	2G-2
Initiation of services	1B-7
Notification of parent organization	1B-8
Opening letter, ADR tip sheet	2B-4
Preparation for investigation, consider providing	3A-3
Reviewing the charge, consider using	2D-2 , 2D-3
Services provided	1B-1 , 1B-2
Symptoms indicating assistance needed, examples of	1B-4
When services are provided, examples of	1B-4
AMENDING THE CHARGE	2H-1-2H-3
Additional allegation	2H-1
Charged party opportunity to respond to	2H-4
Clarification of charge	3L-2
Complaint conforms to	4I-1
Form 22	2H-3

Form 23	2H-3
Partial dismissals, opportunity to	4H-3
Proper parties charged	2H-1
Regional office assistance in	2H-3
Reviewing the charge, clarification	2D-2
Service requirements	2H-3
Situations requiring	2H-1
Time considerations	2H-2
Typographical error	2H-1
What is required	2H-3
Withdraw allegations	2H-3
APPEALS PROCESS	5C-1-5C-15
Advice memorandum	5C-14
Appeals review form	5C-7
Assignment of cases to ROs or OGC HQ	5C-4
Case file	5C-2
Case file analysis	5C-11-5C-13
Comments on appeal	5C-3
Completion of appeals review	5C-13
Denial of appeal	5C-9
Dismissing Region’s responsibilities	5C-2-5C-3
Disposition of the appeal	5C-8
Draft appeal determination letter	5C-9
Grounds for granting an appeal	5C-7-5C-9
HQ assignment	5C-4
Legal review of issues	5C-6
Modified form denial letter	5C-10
Notification of appeal rights	5C-1
Protocol for review	5C-6
Quality review of case file	5C-6
Quality standards for appeals case processing.....	5C-14-5C-15
Review is not de novo	5C-6
RO assignment criteria	5C-5
Selection of RO employees to process appeals	5C-5
Service of appeal determination	5C-14
Standard form denial letter	5C-9-5C-10
Telephone agenda	5C-7
Transmittal of investigative file	5C-2
Withdrawing dismissal letter	5C-3

ARRANGING ON-SITE INVESTIGATIONS [3E-1](#)-[3E-5](#)

 Management declines to make witness available [3E-5](#)

 Notification to agency [3E-2](#)

 Official time [3E-2](#)

 Official time, agent’s responsibilities with respect to [3E-4](#)

 Official time, special circumstances [3E-3](#), [3E-4](#)

 When to do, criteria [3E-1](#), [3E-2](#)

ASSIGNING THE CASE [2F-1](#), [2F-2](#)

 Examples of practices in [2F-1](#), [2F-2](#)

 Factors considered in [2F-1](#)

BACKPAY [5J-1](#)-[5J-5](#)

 Back Pay Act [5J-1](#)

 Backpay period [5J-1](#)

 Computation, in general [5J-2](#)

 Erroneous government payments, set-off [5J-4](#)

 Formal proceedings [5J-5](#)

 Interest on [5J-1](#)

 Leave [5J-3](#)

 Military service [5J-4](#)

 Outside earnings, set-off [5J-3](#), [5J-4](#)

 Outside interim earnings exceed backpay award [5J-5](#)

 Preparation of computation [5J-2](#)

 Severance pay, set-off [5J-4](#)

 Unemployment compensation [5J-4](#)

 Union dues [5J-5](#)

CASE FILE [2C-1](#)- [2C-7](#)

 Affidavits [2C-2](#)

 Agenda minute [2C-3](#)

 Case log [2C-1](#)

 Confirming letters [2C-2](#)

 Creation of [2C-1](#)

 Legal research [2C-4](#)

 Memos to the file [2C-3](#)

 Notes to the file [2C-3](#)

 Organization of [2C-4](#)- [2C-7](#)

 Pre-decisional report [2C-3](#)

 Side 1--official documents/correspondence [2C-5](#)

Side 2--Inter/intra-regional/OGC documents [2C-6](#)

Side 3--Charged party evidence, etc. [2C-6](#)

Side 4--Charged party witness statements [2C-7](#)

Side 5--Charged party evidence, etc. [2C-7](#)

Side 6--Charging party witness statements [2C-7](#)

Types of documents or materials in [2C-1](#)[2C-4](#)

CASE FILE ANALYSIS [5C-11](#), [5C-12](#)

CASE TRACKING [2B-3](#)

 Appeals case tracking [5C-3](#), [5C-14](#)

CHARGE [2A-1](#)[2A-5](#)

 Agent receives in field, docketing of [2B-3](#)

 Assigning a case number [2B-2](#)

 Certificate of service [2A-3](#)

 Clarification of [2B-2](#)

 Conforming with complaint [4I-1](#)

 Consideration of ADR program [2D-2](#), [2D-3](#)

 Contractual notification requirements [1A-3](#)

 Deficient, not docketed [2B-1](#)

 Docketing of [2B-1](#)[2B-4](#)

 Entry into case tracking [2B-3](#)

 Expeditious processing of [3C-4](#)

 Grievance bar [1A-3](#)

 How to file [2A-4](#)

 How to file, by fax [2A-4](#), [2A-5](#)

 Legal impediments [1A-3](#), [1A-4](#)

 Opening letter [2B-3](#), [2B-4](#)

 Related charges--FSIP [2I-1](#)

 Related charges--MSPB, Special Counsel, or DOL [2L-1](#)

 Related charges--negotiability appeals [2J-1](#)

 Related charges--representation petition [2K-1](#), [2K-2](#)

 Review of, after docketed [2D-1](#), [2D-2](#)

 Transfer among regions [2A-5](#), [2D-1](#), [2D-2](#), [5E-1](#), [5E-2](#)

 Untimely filed [1A-3](#)

 What to file [2A-3](#), [2A-4](#)

 When to file [2A-2](#)

 When to file, exceptions [2A-2](#), [2A-3](#)

 Where to file [2A-1](#)

 Who may file [2A-1](#)

Withdrawal of See [Withdrawal of Charge](#)
[Withdrawal of Charge After Non-Merit Determination](#)
[Withdrawal of Charge Before Merit Determination](#)

Wrong form, not deficient [2B-1](#)

CHARGED PARTY, DUTY OF [3P-1](#), [3P-2](#)

 Cooperation [3P-1](#)

 Investigatory subpoena, use of [3P-2](#)

CHARGING PARTY, DUTY OF [3O-1](#)-[3O-5](#)

 Case processing techniques [3O-4](#), [3O-5](#)

 Conduct inhibits [3O-4](#)

 Continuous filing of a block of charges at once [3O-3](#)

 Cooperation [3O-1](#)-[3O-2](#)

 Cooperation, dismissal delayed to submit evidence [3O-3](#)

 Cooperation, dismissals for lack of [3O-1](#)

 No response to request to clarify charge [3O-1](#)

CLEARANCE See [Consultation, Advice and Clearance](#)

COMPLAINT [4I-1](#)-[4I-4](#)

 ALJ issuance of order [4I-3](#)

 Allegations [4I-2](#)

 Drafting of [4I-1](#)

 Drafting of agent’s role in [4I-1](#)

 Issuance of [4I-1](#)

 Regulatory requirements of [4I-1](#)-[4I-2](#)

 Service of [4I-3](#)

 Transmittal memorandum [4I-3](#), [4I-4](#)

COMPLIANCE [5G-1](#)- [5G-10](#)

 Affirmative provisions other than backpay [5G-3](#)

 Allegations of noncompliance, investigations of [5G-4](#)

 Closing a case [5G-4](#), [5G-5](#)

 Contact with respondent [5G-5](#)

 Contempt proceedings [5G-9](#)

 Effectuating compliance [5G-1](#), [5G-2](#)

 Enforcement proceedings [5G-8](#)

 Order to negotiate [5G-3](#)

 Postings [5G-2](#), [5G-3](#)

 Rescission order [5G-3](#)

Regional action after referral to the Authority	5G-6
Reinstatement order	5G-3
RO responsibilities	5G-1
Suspension of compliance efforts	5G-2
CONFIDENTIALITY	See Affidavits
	Alternative Case Processing Procedure
	Confirming Letters
	Sworn Questionnaires
	Freedom of Information Act
CONFIRMING LETTERS	
Case file	2C-2
Charged party	3L-3
Charging party witness, when used	3L-1
Clarification of charge	2D-2, 2G-2, 3H-4, 3L-2
Clarification of charge, no response	3O-1
Confidentiality of	3N-2
Contents of	3L-2
Cooperation, lack of	3O-2
Disclosure of	3N-2
Non-party witnesses	3L-4, 3L-5
Untimely filed charge	4H-1
Withdraw allegations	2H-3
CONSULTATION, ADVICE AND CLEARANCE	4C-1-4C-3
Advice, contents of memorandum requesting	4C-2
Advice, when requested	4C-1
Clearance	4C-2, 4C-3
Consultation	4C-1
COOPERATION	See Charged Party, Duty of
	Charging Party, Duty of
	Confirming Letters
CUSTOMER STANDARDS	5A-1, 5A-2
Implementation of	5A-2
Quality standards	5A-2
DISMISSAL LETTERS	4H-1-4H-4
Bases for dismissal of charge	4H-1

Partial dismissals	4H-3
Prosecutorial discretion	4H-3
Quality letter, criteria for	4H-2
Revocation of	4H-3
Revocation of, new evidence	4H-3
Revocation of, submission of withdrawal request	4H-3
Service of	4H-4
Withdrawal of	5C-3
DOL	2L-1
Charges that relate to cases before	2L-1
Liaison with	2L-2
Request for case file information	2L-2
E-MAIL	
Appeal determination, service not permitted by	5C-13
Charge, may not file by	2A-4
Communication with parties, use of	2C-3 , 2G-1
Complaint, service not permitted by	4I-3
Confirmation of on-site visit	3E-2
Draft appeal determination submitted by	5C-12
Dismissal letters, cannot serve by	4H-4
Evidence as attachment to	3G-1
Notice of related charges	2D-1
Pre-Charge assistance	1A-1 , 1A-4
Request for advice	4C-2
Settlement agreements, postings	4G-3
Sharing of questionnaires by	3J-3
Telephonic affidavit	3I-2
Withdrawal of charge, cannot confirm by	4A-4 , 4E-3
ETHICS	5B-1 - 5B-7
Affidavits, release of	5B-6
Alternative case processing procedure	5B-7
Confidential sources	5B-6
E.O. 12674	5B-1
E.O. 12731	5B-1
Fair and equitable treatment of parties	5B-2
Gifts from outside sources	5B-2 , 5B-3
Impartiality in performing official duties	5B-3 , 5B-4
Misuse of position	5B-4 , 5B-5

Purloined documents [5B-5](#)

Standards of ethical conduct [5B-1](#) [5B-4](#)

Subpoenas issued to OGC employees [5B-6](#)

EVIDENCE [3F-1](#) [3F-6](#)

 Best method of obtaining [3F-2](#)

 Disclosure of [3N-1](#), [3N-2](#)

 Documentary and testimonial, choosing between [3F-3](#)

 Documentary, case file requirements [3G-1](#)

 Documentary, definition of [3G-1](#)

 Improperly obtained [3M-2](#)

 Information and, difference between [3F-1](#), [3F-2](#)

 Internet [3G-2](#)

 Public and non-public [3N-1](#), [3N-2](#)

 Relevance and weight, assessing [3F-4](#), [3F-5](#)

 Scope of investigations, party opportunity to present evidence [3D-5](#)

FREEDOM OF INFORMATION ACT [2C-4](#), [4I-4](#), [5C-2](#), [5C-12](#)

FSIP [2I-1](#)

 ULP allegations concern a negotiation impasse [2I-1](#)

GEOGRAPHIC JURISDICTION REVIEW [5F-1](#)

 Changes in regional jurisdictions [5F-2](#)

 Goals of [5F-1](#)

 Implementation of [5F-1](#)

GRIEVANCE BAR [1A-3](#), [3D-3](#), [3F-3](#), [4A-1](#), [4H-2](#), [5C-10](#)

INITIAL CONTACT WITH PARTIES [2G-1](#) [2G-3](#)

 ADR program, consider using [2G-3](#)

 Clarification of charge [2G-2](#)

 Matters discussed [2G-1](#), [2G-3](#)

INJUNCTIONS [2E-1](#) [2E-13](#)

 After relief obtained, litigation of ULP complaint [2E-13](#)

 All Charges reviewed for determination whether to seek [2E-1](#)

 Authority’s action on request for [2E-12](#)

 Case law [2E-2](#)

 District Court relief [2E-13](#)

Expedited investigation	2E-6 , 2E-8
Implementation	2E-4 , 2E-5
Merits determination and appropriateness of	2E-9
Processing of request for	2E-9 , 2E-12
Statutory provision--§ 7123(d)	2E-1 , 2E-2
Submission of request to OGC	2E-9 , 2E-12
Whether to seek, factors considered	2E-2 - 2E-4
INTERVIEWS, NO AFFIDAVITS TAKEN	3L-1 - 3L-3 , 3L-5
Charged party representatives	3L-3
Confirming letters	3L-1 , 3L-2
Memorandum to the file	3L-1
Non-party witnesses	3L-4 , 3L-5
Oral presentation of facts	3L-3
INVESTIGATION	3A-1
Abusive behavior during	3S-1
Arranging on-site	See Arranging On-Site Investigations
Developing investigative plan	3A-1
Prosecutorial discretion	3A-1
Quality standards for	See Quality Standards for Investigations
Scope of	See Scope of Investigations
Steps to prepare for	3A-2
Written investigative plan, factors considered	3A-2
INVESTIGATORY SUBPOENAS	3K-1 - 3K-4
Enforcement proceedings	3K-4
Last chance to cooperate before issuance of	3K-3
Memorandum requesting issuance of	3K-3
Process	3K-2
Revocation of	3K-3
Revocation of, procedural requirements	3K-4
Revocation of, standards applied	3K-4
Service of	3K-3
When to request issuance of	3K-1 , 3K-2
MERIT DETERMINATIONS	4D-1 - 4D-6
Agenda	4D-3
Credibility determinations	4D-4
Decision-making alternatives	4D-3
Documenting decision in case file	4D-1

FIR	4D-2
Pre-complaint bilateral settlement agreements	4D-6
Pre-complaint unilateral settlement agreements	4D-5
Presentation of case to RD	4D-1 - 4D-3
Weighing of the evidence	4D-4
When a case is ready for	4D-1
 MSPB	 2L-1
Charges that relate to cases before	2L-2
Liaison with	2L-2
Request for case file information	2L-2
 NEGOTIABILITY APPEALS	 2J-1
Check the charge form 22	2J-1
Notify OGC headquarters	2J-1
 NONCOMPLIANCE WITH INFORMAL SETTLEMENT AGREEMENT ...	 5H-1 - 5H-2
Allegation not substantiated	5H-2
Allegation substantiated	5H-2
Scope of investigation of charge	5H-2
 NONCOMPLIANCE WITH NEGOTIABILITY DECISIONS AND ORDERS .	 5I-1 - 5I-3
Investigation of allegations	5I-1
Processing charges alleging	5I-2 , 5I-3
 OFFICE OF SPECIAL COUNSELSee Special Counsel
 OFFICIAL TIME	
Agent's responsibilities with respect to	3E-4
Arranging for witnesses during investigation	3E-2 - 3E-4
Complete questionnaire	3E-3
Duty of charged party with respect to	3P-1
Review telephone affidavit	3E-3
Shift changes	3E-3 , 3E-4
Special circumstances	3E-3 , 3E-4
 OPENING LETTER	 2B-3 , 2B-4
 PARITY	 5D-1
Office of the General Counsel	
ULPCHM	I-11

Goals of	5D-1
How implemented	5D-1
PRE-CHARGE ASSISTANCE	1A-1-1A-4
Charge is untimely	1A-3
Collecting and Organizing	1A-2
Confirmation of	1A-4
Contractual notification requirements	1A-3
Documentation of	1A-4
Drafting the Charge	1A-2
E-mail and Pre-Charge Assistance	1A-4
Grievance bar	1A-3
Legal Impediments	1A-3
Technical Assistance	1A-1
PROSECUTORIAL DISCRETION	4F-1-4F-4
After merits of charge fully investigated	4F-4
Changed circumstances	4F-3
Criteria for exercising	4F-1-4F-4
Cure	4F-3
Dismissal letters	4H-2, 4H-3
During an investigation	4F-4
Goal of exercising	4F-1
Harm to bargaining relationship	4F-2
Harm to employees	4F-2
Investigative plan	3A-1
Nature of violation	4F-2
Pattern of conduct	4F-3
Precedent	4F-4
Remedy	4F-3
Scope of investigations	3D-2, 3D-5
Telephonic affidavit	3I-1
PSIWOC	4B-1, 4B-2
Enforcement of	4B-2
Recording of	4B-2
PURLOINED EVIDENCE	3M-1-3M-4
Authority precedent	3M-3
Consequences of providing	3M-1
Criteria for determining whether to accept	3M-1
Ethics	5B-5, 5B-6

NLRB/Court precedent	3M-3
Potential consequences of providing	3M-1
Received in the field	3M-2
Received in the mail	3M-3
Region notified of	3M-2
Review of	3M-2
QUALITY STANDARDS FOR INVESTIGATIONS	3C-1-3C-5
Appeals, quality review	5C-6
Appeals, quality standards	5C-14
Applicable to all investigations	3C-2
Best evidence obtained	3C-2
Case file contains all relevant evidence	2C-1 , 3C-3
Charges processed expeditiously	3C-4
Evidence is relevant	3C-3
Explanation of	3C-2
Implementation of	3C-4
List of	3C-1
Objectives of	3C-1
Participants treated fairly and equitably	3C-3
REPRESENTATION PETITION	
Defer processing charge	2K-2
Non-merit determination of charge unblocks	2K-1
Receipt of charge that raises representation issue	2K-2
ULP charges that “block”	2K-1
RESOLVING DISPUTES DURING INVESTIGATIONS	3Q-1-3Q-4
Criteria and principles	3Q-2
Guidelines when assisting parties	3Q-1 , 3Q-2
Interest-based problem-solving approach	3Q-3
REVOCAION	
Dismissal	4H-3
Investigatory subpoena	3K-3
SAFETY DURING INVESTIGATIONS	3R-1-3R-5 , 3S-2
Assault	3R-1
Changes in party relationship due to incident	3R-5 , 3S-4
Employee roles and responsibilities	3R-3 , 3S-2
Intimidating or harassing behavior	3R-2

Potentially threatening situations, definition of [3R-1](#)

Reporting of incident [3R-3](#), [3R-4](#), [3S-2](#)

Reporting of incident to OIG [3R-3](#)

Reporting of incident, information contained in [3R-5](#)

Reporting of non-threatening incident [3R-5](#)

Stalking [3R-2](#)

Steps to follow if confronted by threatening behavior . [3R-3](#), [3R-4](#),
[3S-3](#)

Threat [3R-2](#)

Workplace violence [3R-1](#)

SCOPE OF INVESTIGATIONS [3D-1](#)-[3D-5](#)

Agent’s role once investigation concluded [3D-2](#)

Appeals, quality review [5C-6](#)

Case law supports [3D-3](#)

Criteria for determining [3D-1](#)

Elements of violation met [3D-4](#)

Explanation of criteria [3D-2](#)-[3D-5](#)

Jurisdiction [3D-3](#)

Party opportunity to present evidence [3D-5](#)

Policy concerning [3D-1](#)

Prosecutorial discretion [3D-2](#), [3D-5](#)

Solicitation of withdrawal [3D-2](#), [3D-5](#)

Sufficient facts [3D-2](#)

When RD may conclude investigation [3D-2](#)

SETTLEMENTS [4G-1](#)-[4G-6](#)

Criteria for RD approval of [4G-4](#)

Enforcement of [4G-6](#)

Examples of creative remedies [4G-2](#)

Formal settlement agreement [4G-5](#)

General goal of [4G-1](#)

Implementation of [4G-2](#)

Noncompliance [See Noncompliance with Informal Settlement](#)

Specific goals of [4G-1](#)

SOLICITATION OF WITHDRAWAL [See Withdrawal of Charge](#)
[Withdrawal of Charge After Non-Merit Determination](#)
[Withdrawal of Charge Before Merit Determination](#)

SPECIAL COUNSEL [2L-1](#)

Charges that relate to cases before [2L-1](#), [2L-2](#)
 Liaison with [2L-2](#)
 Request for case file information [2L-2](#)

SUBPOENAS See [Investigatory Subpoenas](#)

SWORN QUESTIONNAIRES [3J-1-3J-3](#)
 Confidentiality of [3N-2](#)
 Disclosure of [3N-2](#)
 Quality characteristics of [3J-2](#)
 When to use [3J-1](#), [3J-2](#)

TELEPHONIC AFFIDAVITS See [Affidavits](#)

TRANSFERRING CASES [5E-1](#), [5E-2](#)
 Goals of transfer policy [5E-1](#)
 Implementation of [5E-1](#)

TRANSMITTAL MEMORANDUM [4I-3](#), [4I-4](#)

WITHDRAWAL OF CHARGE
 Noncompliance with informal settlement agreement [5H-2](#)
 Noncompliance with negotiability order [5I-2](#)
 Solicitation of, RD disagrees with [3D-6](#)

WITHDRAWAL OF CHARGE AFTER NON-MERIT DETERMINATION .. [4E-1](#)-
[4E-6](#)
 Case file documentation of party contacts [4E-6](#)
 Charging party unavailable after decision made [4E-5](#)
 Disclosure of decision to charged party [4E-5](#), [4E-6](#)
 Explanation of non-merit decision [4E-2](#), [4E-3](#)
 Extension of time to submit request to [4E-3](#)
 How to request to [4E-3](#)
 How to request to, extension of time [4E-4](#)
 Solicitation of [4E-1](#)

WITHDRAWAL OF CHARGE BEFORE MERIT DETERMINATION . [4A-1-4A-4](#),
[4B-1](#), [4B-2](#)
 Agent’s solicitation based on weight of evidence [4A-3](#)
 Charging party does not submit withdrawal request [4A-4](#)
 Charging party submits withdrawal request [4A-4](#)
 Partial withdrawal [4B-2](#)
 PSIWOC [4B-1](#)