

**OFFICE OF THE GENERAL COUNSEL**  
**Division of Operations-Management**

**MEMORANDUM GC 25-10**

**August 7, 2025**

**TO:** All Regional Directors, Officers-in-Charge  
and Resident Officers

**FROM:** William B. Cowen, Acting General Counsel

**SUBJECT:** Guidance for Deferring Unfair Labor Practice Cases

This memorandum provides revised guidance for deferring unfair labor practice cases.<sup>1</sup> As discussed below, Regions are instructed to defer appropriate unfair labor practice cases pursuant to *Dubo Manufacturing Corporation*, 142 NLRB 431 (1963). If the *Dubo* criteria are not met, Regions should alternatively consider whether the case is appropriate for deferral pursuant to *Collyer Insulated Wire*, 192 NLRB 837 (1971). Further, Regions will no longer contact parties on a quarterly basis to inquire about the status of the related grievance in deferred cases; instead, Charging Parties are obligated to provide a deferral status report to the Region on a biannual basis – March 15 and September 15.

**Dubo and Collyer Deferral**

As acknowledged by the Supreme Court in the *Steelworkers Trilogy*, the Act's statutory scheme is supported when parties to a collective-bargaining relationship avail themselves of their negotiated dispute resolution machinery to resolve their differences.<sup>2</sup> Deferring unfair labor practice charges to the parties' grievance procedure gives credence to their contract and fosters stability in labor relations.<sup>3</sup> Deferral not only upholds the Act's statutory scheme, but it also allows for the judicious use of Agency resources. At a time when we face decreasing staffing levels and a steady case intake, it is imperative that we maximize and streamline our deferral program to avoid protracted investigation and litigation of disputes that can be (and often are) resolved through the negotiated contractual grievance machinery.

Accordingly, in all investigations, Regions are instructed to first consider whether the charge allegations are appropriate for deferral pursuant to the criteria set forth in *Dubo Manufacturing Corporation*.<sup>4</sup> *Dubo* deferral allows for a broad reach in the types of cases

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<sup>1</sup> This memorandum supersedes the guidance found in OM 12-43 (Additional Guidance Concerning *Collyer* Deferral in Cases Involving 8(a)(3) or 8(a)(1) Discriminatees) and OM 13-35 (*Collyer* and *Dubo* Deferral Review) which are both rescinded.

<sup>2</sup> See *Steelworkers v. American Mfg. Co.*, 363 U.S. 564, 566 (1960); *Steelworkers v. Warrior & Gulf Navigation Co.*, 363 U.S. 574, 581 (1960); and *Steelworkers v. Enterprise Wheel & Car Corp.*, 363 U.S. 593, 596 (1960).

<sup>3</sup> *Id.*

<sup>4</sup> Section 10118.1 of the ULP Case Handling manual will be revised to reflect this change.

that can be deferred, as it only requires that: 1) the charge allegations be facially proper and timely; and 2) the initial evidence demonstrate that there is a reasonable chance that the parties can either resolve the dispute or, at the very least, set it to rest, using their contractual grievance-arbitration procedure. If the charge meets these criteria, the Region will promptly *Dubo* defer, and its decision cannot be appealed. If *Dubo* deferral is inappropriate, the Region will determine whether deferral is appropriate under *Collyer Insulated Wire*, 192 NLRB 837 (1971), and follow existing practices. The Region's decision to *Collyer* defer can be appealed.

### **Charging Party's Post-Deferral Status Reports**

Deferral contemplates that parties will process the related grievance pursuant to the timeline set forth in their grievance-arbitration procedure. Historically, Regions have conducted quarterly status checks inquiring about the status of the grievance. With limited staffing and resources, quarterly status checks are an administrative burden that Regions can no longer bear.

Effective immediately, Regions will no longer conduct quarterly status checks.<sup>5</sup> Instead, Charging Parties must e-file deferral status reports twice a year – March 15 and September 15 – updating the Region on the status of the related grievance; failure to do so may result in their charge being dismissed for lack of cooperation. In all pending deferred cases, Regions will issue a letter to Charging Parties notifying them of this new requirement. All Charging Parties must submit their first biannual report to the Region by September 15, 2025. The deferral status report can be found on [www.nlrb.gov](http://www.nlrb.gov) under fillable forms or by clicking [here](#).

W.B.C.

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<sup>5</sup> Section 10118.2 of the ULP Case Handling Manual will be revised to reflect this new procedure.