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Labor Relations Bulletin

FROM THE NATIONAL ELECTRICAL CONTRACTORS ASSOCIATION

NLRB Acting General Counsel Issues New Guidance for Deferring ULP's

On August 7, 2025, NLRB Acting General Counsel William B. Cowen released [GC Memorandum 25-09](#), revising procedures for deferring unfair labor practice (ULP) charges to grievance and arbitration mechanisms embedded in collective bargaining agreements (CBAs).

Key Changes and Rationale

- **Emphasis on contract-based resolution:** Cowen pointed to the Supreme Court's observations in the "Steelworkers Trilogy" (1. [Steelworkers v. American Mfg. Co.](#), 363 U.S. 564 (1950)), (2. [Steelworkers v. Warrior & Gulf Navigation Co.](#), 363 U.S. 574, 581 (1960)), (3. [Steelworkers v. Enterprise Wheel & Car Corp.](#), 363 U.S. 593, 596 (1960))), that collectively bargained grievance systems strengthen the statutory framework of the National Labor Relations Act (NLRA), honoring negotiated dispute mechanisms and promoting labor-relations stability.
- **Resource Allocation:** Given limited agency resources, the memo urges Regions to assess deferral options early in the investigation, first via the *Dubo Manufacturing Corp.* standard, and if inapplicable, then *Collyer Insulated Wire* deferral.

Additional information can be found on Collyer and Dubo deferrals under the "[Deferral Under the Collyer Doctrine](#)" NECA Labor Relations Alert.

Reporting Requirements Modified

Previously, the agency checked in quarterly on the grievance status of filed cases. Under the new memo, charging parties must instead submit formal deferral status reports twice annually, by March 15 and September 15. The Deferral Status Report can be found by [clicking this link here](#).

Practical Takeaways

- Employers and Chapters should ensure that local parties closely follow their grievance procedures, given the likely increase in ULP deferrals if agreed upon procedures are followed.
- NLRB Regional offices will now prioritize administrative efficiency and contractual resolution over parallel processes. Expect quicker decisions on deferral viability.
- There is a clear shift toward centralizing responsibility for updates with the charging parties, reducing the administrative burden on regional investigators.

GC Memo 25-09 marks a calculated pivot in NLRB Policy. It reinforces the agency's respect for the grievance and arbitration process in local CBA's and directs its investigative focus towards contract-based dispute resolution.

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