

## § 102.1

## 29 CFR Ch. I (7–1–25 Edition)

102.176 [Reserved]

### Subpart W—Misconduct by Attorneys or Party Representatives

102.177 Exclusion from hearings; Refusal of witness to answer questions; Misconduct by attorneys and party representatives before the Agency; Procedures for processing misconduct allegations.

### Subpart X—Special Procedures When the Board Lacks a Quorum

102.178 Normal operations should continue.  
102.179 Motions for default judgment, summary judgment, or dismissal referred to Chief Administrative Law Judge.  
102.180 Requests for special permission to appeal referred to Chief Administrative Law Judge.  
102.181 Administrative and procedural requests referred to Executive Secretary.  
102.182 Representation cases should be processed to certification.

AUTHORITY: 29 U.S.C. 151, 156. Section 102.117 also issued under 5 U.S.C. 552(a)(4)(A), and §102.119 also issued under 5 U.S.C. 552a(j) and (k). Sections 102.143 through 102.155 also issued under 5 U.S.C. 504(c)(1).

SOURCE: 24 FR 9102, Nov. 7, 1959, unless otherwise noted.

## Subpart A—Definitions

### § 102.1 Terms defined in Section 2 of the Act.

(a) *Definition of terms.* The terms *person*, *employer*, *employee*, *representative*, *labor organization*, *commerce*, *affecting commerce*, and *unfair labor practice* as used herein have the meanings set forth in Section 2 of the National Labor Relations Act, as amended by title I of the Labor Management Relations Act, 1947.

(b) *Act, Board, and Board agent.* The term *Act* means the National Labor Relations Act, as amended. The term *Board* means the National Labor Relations Board and must include any group of three or more Members designated pursuant to Section 3(b) of the Act. The term *Board agent* means any Member, agent, or agency of the Board, including its General Counsel.

(c) *General Counsel.* The term *General Counsel* means the General Counsel under Section 3(d) of the Act.

(d) *Region and Subregion.* The term *Region* means that part of the United States or any territory thereof fixed by

the Board as a particular Region. The term *Subregion* means that area within a Region fixed by the Board as a particular *Subregion*.

(e) *Regional Director, Officer-in-Charge, and Regional Attorney.* The term *Regional Director* means the agent designated by the Board as the Regional Director for a particular Region, and also includes any agent designated by the Board as Officer-in-Charge of a Subregional office, but the Officer-in-Charge must have only such powers, duties, and functions appertaining to Regional Directors as have been duly delegated to such Officer-in-Charge. The term *Regional Attorney* means the attorney designated as Regional Attorney for a particular Region.

(f) *Administrative Law Judge and Hearing Officer.* The term *Administrative Law Judge* means the agent of the Board conducting the hearing in an unfair labor practice proceeding. The term *Hearing Officer* means the agent of the Board conducting the hearing in a proceeding under Section 9 or in a dispute proceeding under Section 10(k) of the Act.

(g) *State.* The term *State* includes the District of Columbia and all States, territories, and possessions of the United States.

(h) *Party.* The term *party* means the Regional Director in whose Region the proceeding is pending and any person named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party, in any Board proceeding, including, without limitation, any person filing a charge or petition under the Act, any person named as Respondent, as employer, or as party to a contract in any proceeding under the Act, and any labor organization alleged to be dominated, assisted, or supported in violation of Section 8(a)(1) or 8(a)(2) of the Act; but nothing herein should be construed to prevent the Board or its designated agent from limiting any party to participate in the proceedings to the extent of the party's interest only.

(i) *Business day.* The term *business day* means days that Agency offices are open normal business operating hours, which is Monday through Friday, excluding Federal holidays. A list of Federal holidays can be found at

[www.opm.gov/policy-data-oversight/snow-dismissal-procedures/federal-holidays/](http://www.opm.gov/policy-data-oversight/snow-dismissal-procedures/federal-holidays/).

[82 FR 11751, Feb. 24, 2017, as amended at 84 FR 69588, Dec. 18, 2019]

### Subpart B—Service and Filings

SOURCE: 82 FR 11751, Feb. 24, 2017, unless otherwise noted.

#### § 102.2 Time requirements for filings with the Agency.

(a) Time computation. In computing any period of time prescribed or allowed by these Rules, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it does not fall on a business day, in which event the period runs until the next Agency business day. When the period of time prescribed or allowed is less than 7 days, only business days are included in the computation. Except as otherwise provided, in computing the period of time for filing a responsive document, the designated period begins to run on the date the preceding document was required to be received by the Agency, even if the preceding document was filed prior to that date.

(b) *Timeliness of filings.* If there is a time limit for the filing of a motion, brief, exception, request for extension of time, or other paper in any proceeding, such document must be received by the Board or the officer or agent designated to receive such matter on or before the last day of the time limit for such filing or the last day of any extension of time that may have been granted. Non E-Filed documents must be received before the official closing time of the receiving office (see [www.nlr.gov](http://www.nlr.gov) setting forth the official business hours of the Agency's several offices). E-Filed documents must be received by 11:59 p.m. of the time zone of the receiving office. In construing this section of the Rules, the Board will accept as timely filed any document which is postmarked on the day before (or earlier than) the due date; documents which are postmarked on or after the due date are untimely. "Postmarking" must include timely depositing the document with a deliv-

ery service that will provide a record showing that the document was given to the delivery service in sufficient time for delivery by the due date, but in no event later than the day before the due date. However, the following documents must be received on or before the last day for filing:

(1) Charges filed pursuant to Section 10(b) of the Act (see also § 102.14).

(2) Applications for awards and fees and other expenses under the Equal Access to Justice Act.

(3) Petitions to revoke subpoenas.

(4) Requests for extensions of time to file any document for which such an extension may be granted.

(c) *Extension of time to file.* Except as otherwise provided, a request for an extension of time to file a document must be filed no later than the date on which the document is due. Requests for extensions of time filed within 3 days of the due date must be grounded upon circumstances not reasonably foreseeable in advance. Requests for extension of time must be in writing and must be served simultaneously on the other parties. Parties are encouraged to seek agreement from the other parties for the extension, and to indicate the other parties' position in the extension of time request. An opposition to a request for an extension of time should be filed as soon as possible following receipt of the request.

(d) *Late-filed documents.* (1) The following documents may be filed within a reasonable time after the time prescribed by these Rules only upon good cause shown based on excusable neglect and when no undue prejudice would result:

(i) In unfair labor practice proceedings, motions, exceptions, answers to a complaint or a backpay specification, and briefs; and

(ii) In representation proceedings, exceptions, requests for review, motions, briefs, and any responses to any of these documents.

(2) A party seeking to file such documents beyond the time prescribed by these Rules must file, along with the document, a motion that states the grounds relied on for requesting permission to file untimely. The specific facts relied on to support the motion must be set forth in affidavit form and