

34 **Hearing Officer's Report:** (Not for use in an election objections case, see HOG 36 of this Guide).

34.1 **Purpose:** The purpose of the Hearing Officer's report is to give a summary of the issue(s) involved, the pertinent evidence presented with respect to such issue(s), any unusual or significant procedural problems affecting the proceedings, information concerning submission of briefs, and the motions on which the Regional Director rules. No recommendations are included in the report although the Hearing Officer notes the issues and recommendations for which s/he was given discretion to make.

34.2 **Submission:** The Hearing Officer's report is submitted to the Regional Director, placed in the case file and provided to the reviewer of the record as soon as possible after the closing of the hearing.

34.3 **Preparation of the Hearing Officer's Report:** Preparation of the report is based upon the events which occurred at the hearing. Notwithstanding the fact that a hearing involves extensive evidence and/or novel or complex issues, submission cannot be delayed for the purpose of checking the transcript and exhibits in the preparation of the report.

34.4 **Contents of Report:** Figure 34.4 sets forth the format of the Hearing Officer's Report. A draft of the report is located at n:\figures\H34_4.wpd. In completing the items in the report, the following details are noted:

- a) Item 1(c)--Pleadings and Parties: Enter the name of each party as stated on the record. If amended, the name is shown as amended. Note the date(s) of the hearing and its location.
- b) Item 2--Issue(s): Summarize the matters that were in issue at the hearing and the pertinent evidence presented with respect to each issue. Any issue litigated other than those listed is checked under the heading "Other" and discussed in item 8.
- c) Item 3 --Procedure: Discuss any unusual or significant procedural problems affecting the proceeding and/or any rulings made about which the Hearing Officer is in doubt.
- d) Item 4 --Bars to election: Include an affirmative statement concerning whether there were any bars to a petition for an election.

- e) Item 5--Showing of Interest: In addition to checking the first entry; i.e., that the completed FLRA Form 52, and any amendment(s), are attached to the report, each of the remaining three (3) items are completed by entering either a checkmark or NA (Not Applicable). Any party's showing of interest is examined to determine its adequacy in relation to any or all of the remaining three items, if relevant to the particular hearing. The adequacy or inadequacy of the showing of interest is indicated, of course, by striking out or underscoring the word "(not)."

Example 1: if the activity contends that a unit different from that sought is appropriate and examination reveals that the showing of interest is adequate, the second item is checked, the word "(not)" stricken and the arithmetic details set forth.

Example 2: where the inclusion of seasonal and part-time employees is in issue, the petitioner contending that these employees should be excluded, the last item reflects whether or not petitioner's showing of interest is adequate in the event that these categories are included in the unit by the Regional Director and the arithmetic details set forth.

In each instance, the showing of interest for any intervenor(s) is also reflected.

- f) Item 6--Stipulations: List the stipulations.
- g) Item 7--Recommendations made on the record: Review the instructions given by the Regional Director concerning making recommendations on the record. Note the issue and the recommendation made.
- h) Item 8--Other issues or problems: Summarize relevant facts regarding any issue(s) or problem(s) not covered under any of the above paragraphs; e.g., status of labor organization.
- i) Item 9--Briefs: State whether the parties intend to file briefs and the due date established for filing any brief(s).
- j) Item 10--Reporter's estimate of transcript pages: Insert the number of estimated pages.