

- 31 POSTHEARING MATTERS:** This section concerns posthearing procedures prior to issuance of the Decision and Order. For a discussion about Decision and Orders, see [CHM 53](#).
- 31.1 Contents of the record:** The hearing record considered by the Regional Director differs from that considered by the Authority if the posthearing Decision and Order is appealed. The record considered by the Regional Director consists of the transcript, formal exhibits, party exhibits, including any motions and responses thereto, and the parties' briefs and the Hearing Officer's Report. The Court Reporting Service forwards the transcript and exhibits directly to the Regional Director. The parties submit their briefs directly to the Regional Director and the Hearing Officer submits his/her Report (discussed in [HOG 34](#)) directly to the Regional Director. **The Regional Director considers the entire record and the Hearing Officer's report when making his/her decision on the merits of the case.**
- See § 2422.30(e) and [CHM 54.1.2](#) for contents of the record that is transferred to the Authority upon the filing of an application for review.
- 31.2 Regional agenda meeting:** After the close of a hearing, and before making a decision on issues raised in the representation hearing, the Regional Director conducts an agenda to discuss the procedural and substantive issues, the facts on the record, positions of the parties, motions, rulings by the Hearing Officer, any alternative positions offered by the parties and to make a preliminary decision on the case.
- 31.3 Requests for additional time to file briefs:** Section 2422.20(d) requires that an original and two copies of a brief must be filed with the Regional Director within thirty (30) days from the close of the hearing. Requests for additional time to file a brief must be submitted in writing and received by the Regional Director no later than five days before the date the brief is due. The requesting party includes the positions of the other parties in the request. Regional Directors have discretion in granting additional time for submitting briefs. Considerations include:
- a. complexity of the issues;
 - b. length of the record;
 - c. number of parties involved;
 - d. age of the case;

- e. impact of any delay on the affected employees;
- f. number of related unfair labor practice or other representation cases pending resolution of the instant case; and
- g. significance or precedential nature of the case.

31.4 Assignment of personnel to draft the Decision and Order: Regional Directors have three options when assigning personnel to draft the Decision and Order:

- a. The Hearing Officer drafts the decision;
- b. The decision is assigned to another professional within the region; or
- c. The case is transferred to a different region for the purpose of deciding, drafting and issuing the Decision and Order.

31.5 Posthearing motions: Motions filed after the close of the hearing, but prior to the issuance of the Decision and Order, are submitted to the Regional Director. The party filing the motion states succinctly the order or relief sought and the reasons for the motion. A copy of the motion is served on all other parties. [see § 2422.19(d), and [HOG 16.2](#)]. The regulations require that any response to a posthearing motion must be filed with the Regional Director within five (5) days after service of the motion. The Regional Director may rule on posthearing motions, either by Order or as part of the Decision and Order.

31.6 Correcting the transcript: As stated in [HOG 32.15](#), since the decision and further proceedings are based on the record, it is important that the record is accurate. The Hearing Officer listens carefully to the record and initiates efforts to correct or clarify material errors. Corrections may be made by stipulation or by motion inserted in the record as it is still in session.

Following the close of the hearing, the parties may file with the Regional Director motions to correct the transcript [§ 2422.19(d)]. Copies of motions to correct the transcript must be served upon the other parties and proof of such service furnished to the Regional Office. The purpose of correcting the transcript is to correct mistakes made by the reporter in taking or transcribing the record and not to afford the parties an opportunity to add new matter to the record or to correct errors of omission or commission made by any of the

parties during the hearing. The Regional Director may rule on the motions separately or as part of his/her Decision and Order.

- 31.7 Election agreements obtained after the close of a hearing:** When an election agreement is reached after a hearing is closed, the Regional Director reviews the Election Agreement to ensure that any unit claimed to be appropriate meets the appropriate unit criteria as set forth in 5 U.S.C. 7112(a)(1). Approval of the Election Agreement constitutes withdrawal of the Notice of Hearing ([CHM 28.33](#)). See [CHM 28](#) for a discussion of election agreements.
- 31.8 Regional Director's Decision and Order after the close of the hearing:** Upon the close of the hearing and after receipt of any briefs that are filed, the Regional Director issues a Decision and Order in accordance with § 2422.30. The Decision and Order is written in the same format as Authority decisions for similar type cases. Every Decision and Order describes fully the parties' rights to file an application for review with the Authority and the filing requirements for those applications [§§ 2422.30(d) and 2422.31].
- 31.9 Regional Director's Decision and Order in § 2422.16(c)(1) matters:** A Decision and Order involving a petition for an election is an absolute requirement whenever there are issues regarding unit appropriateness.

NOTE: [CHM 53](#) describes the purposes, contents and formats of all Decisions and Orders issued pursuant to §§ 2422.16(c)(1) and 2422.30.

