

OSHA Agrees To Refer Untimely Charges To The NLRB

May 23, 2014 | [National Labor Relations Board, Labor And Employment](#)



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The NLRB has entered into a cooperation agreement with OSHA whereby OSHA will refer untimely whistleblower claims to NLRB for potential processing as unfair labor practice charges. The announcement came via a May 21, 2014, memorandum from the NLRB to its Regional Directors describing the cooperation agreement. OSHA whistleblower complaints are subject to a 30 day statute of limitations. NLRB charges are subject to a longer, six month limitations period. OSHA estimates “complainants either decline to file charges or their charges are dismissed because they were filed outside of the 30-day period . . . in 300 to 600 cases each year.” The NLRB believes some of those cases could also raise claims that constitute potential unfair labor practices under NLRB jurisdiction, such as “instances of employer retaliation for group complaints concerning unsafe working conditions.” Pursuant to the cooperation agreement, OSHA will notify all complainants who file an untimely whistleblower charge of their right to file a charge with the NLRB. The NLRB will also provide talking points to OSHA agents to help them steer complainants to the NLRB. A copy of the NLRB’s announcement memo can be found [here](#).

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