Democracy at Work

NLRB Region 9

Fall 2011 Volume 3, Issue 1

Board Decisions, Comings and Goings

Chairman Wilma Liebman, who has served on the Board for 14 years, under 3 presidents, completed her third term at midnight on August 27. She was the third longest serving member in the Board's 76-year history. Liebman was first appointed to the Board in 1997 by President Bill Clinton, was reappointed by President George W. Bush in 2002 and 2006, and was designated Chairman by President Barack Obama in January 2009. The day before she completed her final term, Liebman participated in the issuance of several noteworthy decisions.

Wilma B. Liebman

The White House has designated Member Mark Gaston Pearce to be Board Chairman upon Liebman's departure.

Mark Gaston Pearce

In *Lamons Gasket Company,* 357 NLRB No. 72 (2011), issued on August 26, the Board overruled *Dana Corp*., 351 NLRB 434 (2007). The *Dana* decision had changed a forty year practice by instituting a 45-day "window period" after voluntary recognition during which employees, or rival unions, could file a decertification petition; *Dana* also required the employer to post a notice to employees advising them of that right. With its recent decision in *Lamons Gasket*, the Board returned to its previous "recognition bar" rule, set forth in *Keller Plastics Eastern, Inc.*, 157 NLRB 583 (1966), under which an employer's voluntary recognition of a union, based on a showing of majority support, bars any challenge to the union's representative status for a reasonable period of time, in order to give the new bargaining relationship a chance to succeed.

Also on August 26, the Board issued *UGL-UNICCO Service Company*, 357 NLRB No. 76 (2011), in which it overruled *MV Transportation*, 337 NLRB 770 (2002). *MV Transportation* created an immediate window period after a sale or merger for the union's status to be challenged by 30 percent of employees, the new employer, or a rival union. The *MV Transportation* decision had, in turn, reversed *St. Elizabeth Manor, Inc.*, 329 NLRB 341 (1999), under which the new bargaining relationship between the incumbent union and the new em-

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From the Desk of...

Laura E. Atkinson,

Assistant to the Regional Director

As Assistant to the Regional Director, one of my responsibilities is overseeing the processing of representation petitions filed with our office. Here in Region 9, we process petitions a little bit differently than some of the other Regional offices in that we have a representation case team dedicated to investigating petitions filed with our office. Currently, there are two agents assigned to the R Case Team. Their efforts to quickly process the petitions filed with our office by working closely with the parties to resolve the issues presented in each case have enabled the Region to expeditiously and efficiently allow employees the opportunity to freely choose whether they wish to be represented by a union for purposes of bargaining collectively with their employer.

We have processed 120 petitions during this fiscal year (October 2010 through September 30, 2011). These petitions included 41 petitions filed by unions seeking an election in order to be certified as the collective-bargaining representative of a particular group of employees, 18 petitions filed by individuals seeking an election to determine whether employees in a particular bargaining unit wish to continue to be represented by the union, and 45 petitions filed by employers seeking an election to determine whether certain of their employees desire union representation. Our office has conducted 96 elections so far this year. Most of these elections, some 94 percent in fact, have been conducted under the terms of election agreements entered into by the parties and approved by the Regional Director in a median of 39 days from the date the petition was filed.

One of our office's biggest challenges came in January 2011 when we processed 44 petitions filed by several hospitals and long-term care centers affiliated with Mercy Healthcare Partners. The petitions were all filed on the same day and we conducted simultaneous elections in each case 14 days later to determine whether employees in each bargaining unit wished to be represented by the Service Employees International Union. By working closely with the parties prior to the actual filing of the petitions, we were able to prepare and have representatives of the parties sign Consent Election Agreements for the elections and provide the election eligibility lists of eligible voters to the Union on the afternoon of the day the petitions were filed. Our clerical staff was then able to prepare the election notices and ballots for each of the 44 bargaining units as the rest of the staff prepared to conduct the elections.

The elections involved 18 polling locations, most with multiple polling sessions over the course of the day, at hospitals and long term care facilities in Cincinnati, Springfield and Urbana, Ohio for some 8000 eligible voters. Virtually all of Region 9's staff was involved in conducting the elections, including 27 Board agents and 6 clerical employees in addition to 4 agents from Region 25 in Indianapolis, Indiana who conducted the elections in Urbana. The ballot counts were then conducted the following day at each polling location. Employees in four of the units voted for union representation. No objections to the election or to conduct affecting the results of the election were filed by either party. The Region then issued appropriate Certifications of Representative for the units that chose to be represented by the Union and Certifications of Results for the remaining units in a timely fashion.

We recognize that the choice of whether to be represented by a union is one of the most momentous decisions that an employee will make about the terms and conditions of his employment and one that will affect all aspects of his working life. As a result, we accord great importance to the conduct of elections. We are very cognizant of the impact this has on the employees, the employer and the union and endeavor to serve the public interests by handling these matters professionally in a manner that ensures a fair and free outcome that truly reflects the desires of the employees.

Acting General Counsel and ALJs Deal with Facebook Issues

Acting General Counsel Lafe Solomon issued a report recently (OM Memo 11-74, August 18, 2011) concerning developments arising in the context of today's social media, including Facebook, YouTube, and Twitter. Many Regions, including Region 9, have issued complaints in cases involving allegations of employer interference with employees' rights to engage in protected concerted activity through such social media sites, and a few administrative law judges have already issued decisions in such cases, grappling with the application of traditional legal standards in these non-traditional settings.

Some cases that have been considered involve employees who have been discharged for posting comments on Facebook that involve complaints about their workplace, supervisors or coworkers. The Division of Advice has authorized complaints in many such cases, including one recently decided by Administrative Law Judge Arthur Amchan. In *Hispanics United of Buffalo, Inc.,* (JD-55-11, September 2, 2011) Judge Amchan found that 5 employees were unlawfully discharged by their employer for posting comments about another employees' criticism of their job performance. The judge noted that whether the comments "took place on Facebook or 'around the water cooler', the result would be the same," and applied traditional case law concerning protected concerted activity.

Another case in which the Division of Advice authorized complaint, *Karl Knauz Motors, Inc., d/b/a Knauz BMW,* (JD(NY)-37-11, September 28, 2011) led to a mixed result. Administrative Law Judge Joel Biblowitz found that the employer implemented an overbroad rule that prohibited employees from "being disrespectful," from speaking with the press or giving unauthorized interviews concerning anything related to their employment; however, the judge found that the employer did not unlawfully discharge an employee for his Facebook postings. The employee had posted photos on his Facebook page about an accident that occurred at the employer's dealership involving a vehicle being driven into a pond, and made sarcastic comments about those involved in the accident. The judge noted that this posting bore no relationship to employees' terms and conditions of employment, and credited the employer's testimony that it was the posting of this photo, and not other postings that were related to working conditions, that led to the employee's discharge.

The Board has not yet decided any of these social media cases, but it is clear that such issues will be brought before the Board in the near future.

Final Rule To Require Posting of NLRA Rights

The National Labor Relations Board issued a Final Rule on August 25, that will require employers to notify employees of their rights under the National Labor Relations Act (NLRA). The rule was published in the Federal Register on August 30, and was originally scheduled to take affect on November 14, 2011. However, in order to allow for "enhanced education and outreach to employers," the effective date has been postponed to January 31, 2012. The Board stated that it believes that many employees are unaware of their rights under the NLRA and a posting requirement may increase awareness among employees of their rights and promote statutory compliance by employers and unions. Similar postings of workplace rights are required under other federal workplace laws.

The notice states that employees have the right to act together to improve wages and working conditions, to form, join and assist a union, to bargain collectively with their employer, and to refrain from any of these activities. It provides examples of unlawful employer and union conduct and instructs employees how to contact the NLRB with questions or complaints.

Private-sector employers (including labor organizations) whose workplaces fall under the National Labor Relations Act will be required to post the employee rights notice where other workplace notices are typically posted. Also, employers who customarily post notices to employees regarding personnel rules or policies on an internet or intranet site will be required to post the Board's notice on those sites.

The Board will provide copies of the Notice on request at no cost to an employer. These may be obtained by contacting the NLRB at its headquarters or its regional, sub-regional, or resident offices, and it may also be downloaded from the NLRB website www.nlrb.gov.

Board Chairman Wilma B. Liebman and Members Mark Gaston Pearce and Craig Becker approved the final rule, with Member Brian Hayes dissenting. A fact sheet with further information about the rule is available at http://www.nlrb.gov/news-media/fact-sheets/final-rule-notification-employee-rights.

Region 9 News Roundup

Board Decisions...

● In *Salon/Spa At Boro, Inc.,* 356 NLRB No. 69 (December 30, 2010), the Board affirmed the ALJ's decision that Respondent violated Section 8(a)(1) of the Act by coercively interrogating, threatening and discharging 2 employees because of their protected concerted activities.

● In *Laborers' District Council of Ohio, Local 265 (AMS Construction, Inc.),* 356 NLRB No. 57 (December 28, 2010), the Board decided a jurisdictional dispute involving Laborers' Local 265's claim of certain work being performed by employees represented by Operating Engineers Local 18. The work was awarded to employees represented by the Laborers.

● In *DaNite Holdings, Ltd. d/b/a DaNite Sign Company,* 356 NLRB No. 124 (March 31, 2011), the Board affirmed the ALJ's decision that Respondent violated Section 8(a)(1), (2) and (5) of the Act by promulgating a rule against discussing wages, bypassing the unions – Sheet Metal Workers Local Union No. 24 and IBEW Local 683 -- and dealing directly with employees, dealing with an employee group that it formed and dominated, and withdrawing recognition from the unions and refusing to bargain with the unions concerning employees' terms and conditions of employment.

● In *BLSI, LLC,* 357 NLRB No. 7 (July 5, 2011), the Board granted the Acting General Counsel's Motion for Default Judgment. Respondent failed to file an answer to the complaint alleging that it unlawfully refused to bargain with Operating Engineers Local 18.

ALJ Decisions...

● In *DHL Express, Inc.,* JD-41-11 (July 21, 2011), ALJ Bruce Rosenstein found that Respondent violated Section 8(a)(1) of the Act by prohibiting employees from distributing union literature in a hallway area near Respondent's offices and cafeteria.

● In *K-VA-T Food Stores, Inc. d/b/a Food City,* JD-38-11 (July 11, 2011), ALJ Paul Bogas found that Respondent promulgated an unlawful rule during an organizing campaign, unlawfully disciplined employees pursuant to the rule, disciplined employees and assigned them more onerous working conditions because of their union activities, and discharged three employees because of their union activities, in violation of Sections 8(a)(1) and (3) of the Act. The Board authorized 10(j) relief in this matter, and the Region's petition is pending in District Court. (See article, p. 7)

● In *Dynamic Energy, Inc. and M & P Services, Inc., A Single Employer,* JD-45-11 (August 10, 2011), ALJ David Goldman found that Respondents committed numerous unfair labor practices, including coercively interrogating employees, soliciting employees to sign a decertification petition, promising employees better wages and benefits if they supported a decertification petition, and discharging 6 employees because of their union activities. The Judge further found that the severity of Respondent's unfair labor practices made a fair election unlikely and recommended the granting of a *Gissel* bargaining order based on the Union's card majority. The Region also filed a 10(j) petition in this matter, and on June 30, 2011, District Court Judge Berger granted the petition in part, requiring Respondent to offer interim reinstatement to the 6 alleged discriminatees.

● In *Center City International Trucks, Inc.,* JD-52-11 (September 2, 2011), Administrative Law Judge Ira Sandron held that Respondent violated Sections 8(a)(1) and (3) of the Act by discharging an employee and issuing a written reprimand to another employee because of their union activities; violated Section 8(a)(1) and (5) of the Act by making unilateral changes in health insurance benefits and in its practice of re-employing mechanics who re-aquire their CDLs, by failing to timely provide the union with requested information, and by engaging in surface bargaining; and violated Section 8(a)(1) of the Act by threatening employees with discipline because of their membership on the union's negotiating committee.

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Region 9 News Roundup

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Regional Director Decisions...

● *Dayton Heidelberg Distributing Co.,* 9-RC-18318, October 1, 2010. The Regional Director found that the unit requested by the Union, comprised solely of drivers, was not appropriate, and directed an election in a unit including drivers and warehouse employees.

● *Eagle Creek Mining, LLC,* Case 9-RC-18325, November 8, 2010. The Regional Director found that the unit requested by the Union, comprised of the Employer's production and maintenance employees at the "No. 3" mine, was appropriate, and that the clerk, parts runner and mechanics should be excluded from the unit.

● *Enclosure Suppliers, LLC,* Case 9-RC-18327, December 16, 2010. The Regional Director found that the petitioned-for unit was appropriate, notwithstanding the Employer's claim that employees of its two 'sister' corporations must be included in the unit.

● *Kentucky American Water,* Case 9-UC-496, January 14, 2011. The Regional Director granted the Employer's petition to clarify the existing bargaining unit by finding that certain employees should not be accreted into the unit because they do not share an "overwhelming" community of interest with the existing unit.

● *Miami Valley Hospital,* Case 9-RC-18352, April 25, 2011. The Regional Director found that the unit requested by the Union, comprised solely of guards at the Employer's main campus, was inappropriate, and directed an election in a unit including main campus and south campus guards. The Regional Director also found that the sergeants were not shown to be supervisors and should be included in the unit.

● *DHP Incorporated, d/b/a Questcare EMS,* Case 9-RC-18353, May 12, 2011. The Regional Director found that a unit including paramedics and EMTs must also include lifters, dispatchers, mechanics and office clerical employees.

● *Hearthside Food Solutions, LLC,* Case 9-RC-18351, May 5, 2011. The Regional Director found that 23 "leads", who the Employer claimed were supervisors within the meaning of Section 2(11) of the Act, had no supervisory authority and should be included in the bargaining unit.

Electronic ULP Notice Posting

In *Picini Flooring*, 356 NLRB No. 9 (October 22, 2010), the Board amended its current posting language in remedial notices to encompass and require electronic distribution by email, intranet, internet, or by any other electronic communication if the respondent customarily communicates with its employees or members by any of those means.

As an administrative agency, the Board has discretion to establish rules and remedies to protect and advance employee rights within the limitations imposed by the Act. The Board's standard remedial posting provision requires a respondent to post a notice for 60 days "in conspicuous places including all places where notices to employees [members] are customarily posted." Id. The modified provision directly follows the standard provision and states in pertinent part, "In addition to physical posting of paper notices, notices shall be distributed electronically, such as by email, posting on an intranet or an internet site, or other electronic means, if the Respondent customarily communicates with its employees [members] by such means." Id. The Board amended the standard provision in remedial notices as a result of the increased reliance on electronic communication within the workplace to reflect the contemporary transition of communication technology. This policy applies to all respondents, whether the respondent is an employer or union, and will be applied retroactively in all pending cases in whatever stage, absent any "manifest injustice." Id.

The Board determined that questions as to whether an electronic notice is appropriate or unduly burdensome on the respondent, or any other issues regarding electronic notices, will be resolved in the compliance stage of the proceeding. Furthermore, the burden of establishing whether electronic posting should be required is on the respondent because it has knowledge, access and possession of relevant information and corroborating evidence regarding communication within its business.

New Election Rules: PROPOSED

September 6th marked the end of a period for public comment on the National Labor Relations Board's proposal to change some of its procedures for considering and processing representation cases under the federal labor law. The filings of several national organizations showed there are substantial disagreements over the substance of the proposed rule and the rule-making procedure used by the NLRB.

The stated goals of the proposed rules changes are to reduce unnecessary litigation, streamline pre- and post-election procedures, and facilitate the use of electronic communications and document filing. The proposed rule changes do not regulate how election campaigns are run by unions or employers, where or how elections are conducted, what bargaining units are appropriate, or any of the other substantive election issues that the Board regulates. Nor do they establish inflexible time deadlines or mandate that elections be conducted a set number of days after the filing of a petition. Highlights include:

- Election petitions, election notices, voters' lists, and other documents could be filed and delivered electronically.
- Pre-election hearings would be scheduled to begin 7 days after a hearing notice is served (absent special circumstances) and post-election hearings would occur 14 days after the tally of ballots.
- Parties would be required to state their positions and the issues presented no later than the start of the hearings, and any issues not raised would be waived; voter-eligibility issues involving less than 20 percent of the bargaining unit would be deferred until after the election.
- The non-petitioning party would be required to produce a preliminary voter list, including names, work locations, shift, and classification by the opening of the pre-election hearing.
- The current pre-election Request for Review procedure would be eliminated; all Regional Director rulings would be subject to only a single, post-election request for review.
- The Board would have the discretion to deny review of post-election rulings, leaving those rulings to the Regional Directors, whose decisions would be final in most cases.
- Employers would be required to include employees' telephone numbers and email addresses on Excelsior lists which would be due 2 working days after the issuance of the Direction of Election, instead of the current 7 days, and would be required to be produced in electronic form, if possible.

Links to various related documents can be found on the Board's website, including the proposed rules changes, Member Hayes' dissent, Chairman Liebman's statement, a fact sheet, and transcripts of the two days of public meetings. These links can be accessed by clicking on "Rules and Regulations" under the "Publications" tab and then clicking on "Notice of Proposed Rulemaking."

NLRB: New Website Launched

The NLRB launched a new agency website that is more flexible, timely, easy to navigate, and useful to a variety of audiences. The redesign and re-imagined site, at www.nlrb.gov, builds on an overarching effort toward greater transparency and efficiency at the NLRB. Highlights of the new site include:

> More case information is available quicker than ever before. All Board decisions are now posted to the site at the time they are issued, rather than after a one-day holding period. The Board is also now posting unpublished decisions, which do not appear in the official bound volumes of Board decisions.

> The website showcases a new case-management system that has been coming online at the agency for more than a year and will be deployed to all regional offices by the end of this fiscal year. The new single system replaces 13 separate case tracking systems, and will allow for seamless searches that cover the entire life of a case.

> For the first time, each of the agency's 32 regional offices, including Cincinnati, will have its own page on the website. An interactive map shows regional boundaries and allows visitors to quickly locate each regional office. One click away is a page for each region that list top officials and features newsletters, news releases and local cases and decisions.

> A data section tracks NLRB activity by numbers. This section launches with eight charts and tables covering a variety of indicators, from charges filed to back pay collected.

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Section 10(j) Injunctive Relief Sought:

K-VA-T Food Stores, Inc., d/b/a Food City

Soon after the Retail, Wholesale, and Department Store Union, UFCW began an organizing campaign at the Employer's Louisa, Kentucky stores, three employees, who were also known supporters of the organizing drive, were terminated. The Union filed an unfair labor practice charge and the Region determined that the Employer disciplined and discharged these three employees for engaging in activities protected under Section 7 of the Act. The Administrative Law Judge found the Counsel for the General Counsel met her burden to establish that the Employer knew the employees were engaged in protected activity and that the Employer had the requisite discriminatory motive in disciplining and discharging the employees.

Indicia of that unlawful motivation included the fact that the Employer promulgated and posted a new rule after the organizing campaign began, restricting employees from making brief visits to the break room during working hours. The Administrative Law Judge noted that employees made frequent on-the-clock stops to the break room before the organizing campaign, that management was aware of these stops, and that no employee had been disciplined prior to the start of the union campaign. The Administrative Law Judge ultimately held that this new rule was an unlawful attempt by the Employer to interfere with and discourage union activity; although two employees who were not known Union supporters were also issued verbal warnings pursuant to this new rule, these disciplinary actions were taken in a conscious effort to make the expanded enforcement appear "fair," and were similarly unlawful.

The Administrative Law Judge has recommended issuance of an order that the Employer rescind the rule that it unlawfully promulgated, cease and desist from disciplining, discharging or assigning additional duties to employees because of their support of a labor organization, and reinstate and make whole the three discriminatees discharged because of their union activities. Interestingly, the Administrative Law Judge found that individual agreements between the Employer and the discriminatees, in which neither the Union nor the General Counsel played any role, did not preclude a make-whole remedy to include backpay and reinstatement. The Employer filed exceptions after the favorable Administrative Law Judge decision was issued and the matter is still pending before the Board.

Before the administrative hearing was held, the Region petitioned the Eastern District of Kentucky seeking interim reinstatement of these three employees under Section 10(j) of the Act. Briefs and the record of the Administrative Law Judge's proceedings have been filed and accepted. The Region awaits a ruling by the District Court as to the necessity of a hearing on whether injunctive relief is "just and proper."

Board Orders Compound Interest for Back Pay

In *Kentucky River Medical Center*, 356 NLRB No. 8 (October 22, 2010), the Board adopted a policy in which interest on back pay awards will be compounded on a daily basis, rather than the previous practice of using simple interest.

It is anticipated that daily compounding will lead to more fully compensatory interest awards and thus come closest to achieving the make-whole Board remedies ordered to correct violations of the Act. Further, daily compounding conforms to commercial practice and is used under both the Internal Revenue Code and the Back Pay Act. The Board, in *Rome Electrical Systems, Inc.,* 356 NLRB No.38, fn.2 (November 24, 2010), held that daily compounding would not apply to cases that were already in the compliance stage on the date *Kentucky River* issued (October 22).

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ployer was held to be protected for a reasonable period of time from any challenge to the union's representative status. The decision in *UGL-UNICCO* returns the Board to the "successor bar" doctrine of *St. Elizabeth Manor*.

In both *Lamons Gasket* and *UGL-UNICCO,* the Board for the first time defined a "reasonable period of time." In the case of voluntary recognition, the period of protection will range from six months to one year, depending on the circumstances. In a successorship, the relationship will be protected for only six months if the new employer adheres to the existing contract, and for up to a year if the new employer imposes new terms and conditions of employment when it commences operations.

In another decision finalized on August 26, the Board adopted a new approach for determining what constitutes an appropriate bargaining unit in non-acute health care facilities (acute care hospitals are covered by the Board's Health Care Rule) and clarified the criteria used to determine whether a proposed bargaining unit is inappropriate because it excludes certain employees. In *Speciality Healthcare and Rehabilitation Center of Mobile,* 357 NLRB No. 83 (2011), the Board found that Certified Nursing Assistants (CNAs) at a nursing home may comprise an appropriate unit without including all other nonprofessional employees. It overrules *Park Manor Care Center,* 305 NLRB 872 (1991), which had adopted a special test for bargaining unit determinations in nursing homes, rehabilitation centers, and other non-acute health care facilities. Employees at such facilities will now be subject to the same "community of interest" standard that the Board has traditionally applied at other workplaces. So, where an employer argues that a proposed bargaining unit inappropriately excludes certain employees, the employer will be required to prove that the excluded employees share "an overwhelming community of interest" with employees in the proposed unit.

The Board also recently revisited the issue of whether a union may lawfully require Beck objectors to renew their objections annually. In *Machinists Local Lodge 2777 (L-3 Communications),* 355 NLRB 174 (2010), the Board had held that the Union violated Section 8(b)(1)(A) by requiring a Beck objector to file yearly renewals, but noted that it was not creating a *per se* rule. In *United Auto Workers Local 376 (Colt's Manufacturing), 356 NLRB No. 164 (2011)*, the Board did not find a violation when a Union required Beck objections be renewed every year.

In *Machinists*, the Board found a violation because the union provided only a single 30-day period each calendar year during which an employee could file a Beck objection. If an objector failed to file their objection within that month they had to pay full dues for the following 11 months until that window reopened. The Board found that this was too much of a burden on the employee. In *UAW Local 376*, however, employees could submit an objection at any time, and therefore only risked up to a month of dues being charged as opposed to the 11 months in *Machinists* if they missed their yearly renewal date. In addition, the union mailed out several notices to employees throughout the year telling them when their objection was set to expire, how to file a new objection, and what their contribution rates would be should they continue or elect to object. The Board held that this created only a minimal burden and was not violative of the Act.

And lastly, the Board again addressed the issue of whether undocumented workers can be awarded backpay. In 2002, the Supreme Court established, in *Hoffman Plastics Compounds, Inc. v. NLRB,* 535 U.S. 137 (2002), that an undocumented employee was barred from receiving backpay if they were in violation of the Immigration Reform and Control Act (IRCA). In that case, the employee violated the IRCA, and despite

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New website launched…

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More interactive charts and tables will be added throughout the year.

> Improved navigation will make it far easier for visitors to find their way, and new pages explain the NLRB processes and functions in accessible language. At the same time, all the case-handling manuals, memos and forms found on the old website with continue to be available on the new site.

The new website is a reflection of former Chairman Wilma Liebman's advocacy for a more open and engaged agency. Other recent developments to that end include increased use of press releases to describe activities in Washington and the regions, a subscription service that allows users to choose email delivery of press releases, decisions and memos, and active Facebook and Twitter accounts.

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concerted activity, was not eligible for backpay because he had presented fraudulent documents to the employer. In *Mezonos Maven Bakery,* 357 NLRB No. 47 (2011) the Board dealt with the issue of whether an undocumented worker can be awarded backpay where the Employer either failed to ask for proper identification and authorization papers, asked for them and took no action when they were not produced, or accepted forms of ID that were blatantly unacceptable (i.e. foreign military papers) under law. The Board, on review, held that the awarding of backpay "to an undocumented alien who has never been legally authorized to work in the United Sates" is "foreclosed by federal immigration policy, as expressed by Congress in [IRCA]." Despite the fact that the employees were found to have been terminated in violation of the Act, they were precluded from backpay because of their undocumented status.

Comments or Questions?

In addition to the topics we may choose to feature, we would like to invite your comments and suggestions concerning specific items of interest, regional policies, practices, or procedures that you would like to see discussed, or whether you would prefer a Spanish version, an electronic format or to be deleted from our mailing list altogether. We can make it happen and your comments would be greatly appreciated. Please contact Deputy Regional Attorney Deborah Jacobson at deborah.jacobson@nlrb.gov or by phone at 513-684-3651

SPEAKERS AVAILABLE!

Need a speaker for a training conference or class instruction? The Agency actively promotes increased knowledge and understanding of the National Labor Relations Act through the vigorous promotion of its Outreach Program. The Outreach Program offers experienced Board Agents to employers, labor organizations and learning institutions for presentations and training regarding the Board's mission, organization, structure and function. Presentations have included mock representation elections, exposure to the Board's hearing processes and instruction tailored fit to a party's particular issue/need. Recent Outreach Educational Program engagements included programs designed for the International Brotherhood of Electrical Workers, the American Federation of Federal, State, County and Municipal Employees, the University of Kentucky School of Law, and Northern Kentucky University. If you have an interest in the Outreach Program, please contact Assistant Regional Director Laura E. Atkinson at (513) 684-3625 or laura.atkinson@nlrb.gov.

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WE ARE AT YOUR SERVICE

For assistance in filing a charge or a petition, call the Regional Office at (860) 240-3522 and ask for the information officer. The information officer will discuss the situation and assist you in filling out a charge or petition. Information is available during office hours, Monday to Friday, 8:30 a.m. to 5:00 p.m., or at www.nlrb.gov

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La oficial de información discutirá su situación y le ayudará si desee

Someter una carga o petición. Información esta dispuesta a usted

mientras las horas de servicio - lunes a viernes, 8:30 a.m. to 5:00 p.m, o www.nlrb.gov

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