NATIONAL LABOR RELATIONS BOARD
REGION 13
CHICAGO
NEWSLETTER

THE ChiRO UPDATE

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LIEBMAN DESIGNATED NLRB CHAIRMAN

On Jan. 20, 2009, President Obama designated Wilma Liebman, a Board member since Nov. 1997, as NLRB Chairman. Member Liebman is serving her third term, set to expire on Aug. 27, 2011. The Board continues to operate with two members.

Region 13 Obtains $16.1 Million Settlement With Midwest Generation

On November 21, 2008, NLRB General Counsel Ronald Meisburg announced that Chief Administrative Law Judge Robert Giannasi approved a settlement agreement in excess of $16.1 million between the Board's Chicago Regional Office; Midwest Generation, EME, LLC, headquartered in Chicago; and the International Brotherhood of Electrical Workers (IBEW), Local 15.

This global settlement, negotiated by Region 13 Field Attorney Jeanette Schrand and Compliance Officer Thomas Porter, provided backpay and other remedies, including 401(k) contributions, to nearly 1,200 employees at 16 locations.

The settlement resolves allegations of unfair labor practices arising out of contract negotiations between Midwest Generation and IBEW Local 15 that began in 2001. Midwest Generation's predecessor, Commonwealth Edison, and the Union had a collective-bargaining relationship for over 50 years, but the 2001 negotiations between Midwest Generation and IBEW Local 15 became contentious. In late June 2001, the Union called a strike among the bargaining-unit employees which, at the time, included approximately 1,150 employees working at 7 fossil fuel generating stations and 9 peaking units throughout Illinois. Despite several months of bargaining after the strike began, the parties could not reach an agreement and in early September 2001 the Union made an unconditional offer to return to work without an agreement. The company rejected that offer and instead locked out all of its workers who were still on strike at the time IBEW Local 15 made the offer to return. In the face of the lockout, the Union ultimately accepted Midwest Generation's contract offer and the locked out employees returned to work nearly seven weeks later, under the terms of the new agreement which were less favorable to employees.

Immediately after the company instituted the lockout, IBEW Local 15 filed an unfair labor practice charge with Region 13 claiming that the lockout was unlawful. The case was submitted to the NLRB's Division of Advice and in March 2002, the Regional Director for Region 13 issued a complaint against Midwest Generation. The complaint alleged that the lockout unlawfully targeted employees based on their union activity because the company permitted employees to continue to work during the lockout if they had not struck, or if they had ceased to participate in the strike prior to the union's unconditional offer to return.

("Midwest Generation" continued on page 2)

Midwest Generation (*cont.*)

The case was transferred to the Board on a stipulated record in May 2002 and in September 2004, by a 2-1 panel vote, the Board found that Midwest Generation had not violated the Act as alleged. In October 2005, the U. S. Court of Appeals for the Seventh Circuit reversed the Board's decision and remanded the case back to the Board with instructions to find that the lockout violated Section 8(a)(1) and (3) of the Act because it unlawfully targeted employees based on their union activity. With respect to the remedy, the Seventh Circuit directed the Board to consider whether the lockout coerced the employees into accepting the contract offer, thereby voiding the agreement. In 2006, the Supreme Court denied certiorari. In March 2008, the Board accepted the Seventh Circuit's remand and ordered that the employees who were locked out be made whole for the period of the lockout. In addition, the Board remanded the case to an administrative law judge to consider the contract voiding issue. The case was complicated by the fact that in the interim, Midwest Generation and IBEW Local 15 had successfully negotiated a successor collective-bargaining agreement that replaced the contract which directly resulted from the 2001 negotiations.

Chief Judge Giannasi then initiated and oversaw extensive settlement talks that resulted in a global settlement of all issues related to the lockout, including the potential contract voiding issue. The parties worked cooperatively with the oversight of the Regional Office to calculate the losses that employees suffered as a direct result of the lockout. The parties ultimately agreed upon nearly $14 million in backpay and other damages, including 401(k) and other reimbursable losses, which has been disbursed to the effected employees. In addition, the Union agreed to accept $2.2 million dollars as a settlement for the contract voiding claim that was pending with the NLRB's Division of Judges. This money likewise was distributed among effected employees pursuant to the terms of the agreement approved by Chief Judge Giannasi.

> ***"I am very pleased that this lengthy litigation has been resolved through a spirit of cooperation. This settlement closes a difficult chapter in the parties' history and will hopefully lead to continuously improving labor relations in the coming years."***
>
> **General Counsel Ronald Meisburg's Comments on the Settlement**

PROTECTING WORKPLACE DEMOCRACY

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NLRB Begins Movement to Electronic Case Files

By Neelam Kundra, Field Attorney

As any long-term Region 13 employee will be more than happy to wax philosophical about, there was a time when Board Agents had to take witness affidavits by hand with pens dipped in ink. Fortunately, computers have eased considerably, although not entirely eliminated, that process for many years. Now, the Agency is moving full speed ahead with the next step in the technological advancement of case processing through its deployment of the Next Generation Case Management System ("NxGen") of electronic case files.

The overarching concept behind NxGen is simple and straightforward: All documents in a case file will be saved as electronic files by the NLRB, either after a party submits a document in electronic format or after the Agency scans a document submitted in hard copy into an electronic file. Once the electronic case file is complete, Regions will be able to upload the files into an "e-Room" that provides access to all documents to appropriate NLRB offices in Washington D.C., including the Division of Advice or Office of Appeals. This will eliminate the time, effort, and cost of mailing files from the Region to these offices. Any Agency viewer of an electronic case file will be able to run text searches of documents in the case file, and see what happened to the case at all stages of its processing in any NLRB office.

From the Board agent's perspective, the electronic case file will remove the need to transport sometimes bulky files and voluminous documents when working in the field, because the electronic case file will allow Board agents, Regional Managers, and other authorized reviewers to gain access to important case information and documents from any location. This measure ultimately will enable the Agency to increase the telecommuting and work at home opportunities for employees as well.

Both Region 9 (Cincinnati) and Region 10 (Birmingham) participated in a pilot program for NxGen and have gone to fully implemented electronic case file systems. Preparations are underway for the incremental deployment of NxGen to other Regions. A critical first step in that process is a standardized naming convention system for storing electronic documents, which is now being used nationwide. While there is not yet a requirement for Regions to scan documents into the electronic case file, Regions are required to store those documents that they have created or that they have received in electronic form. After the implementation of new scanning software and equipment takes place, Regions will be scanning hard copy documents into the electronic case file.

What does this mean for parties and practitioners with cases at the NLRB? The most important step to take immediately is to get in the practice of submitting position statements, collective bargaining agreements, and other documentary evidence in electronic form to Region 13. Such documents can be e-filed through the NLRB's website at www.nlrb.gov. The preferred document format is PDF.

PRACTITIONERS: REGISTER WITH "MY NLRB"

The NLRB website at www.nlrb.gov enables practitioners to e-file certain documents with the Division of Judges, the General Counsel's Office of Appeals, and all Regional Offices, as well as obtain the latest case status information for Regional Office cases and docket sheets, party motions, brief filings, and ALJ decisions in cases pending before the Board. To register, go to the "E-Gov" heading on the NLRB homepage, click on "My NLRB," and create a user profile. Users can sign up to be served electronically with Board and ALJ decisions in pending cases and have access to all NLRB and ALJ decisions posted on a daily docket sheet.

E-FILING CHANGES

As of Jan. 30, 2009, any e-filed document can be served on another party via e-mail, in addition to traditional methods. As of Feb. 19, 2009, the deadline for e-filing a document was changed to midnight in the time zone of the receiving office. See OM 09-30 and 09-34.

Statistical Measures Show Strong NLRB Performance

By Elizabeth Galliano, Field Examiner

A review of the NLRB statistics for fiscal year 2008 (from October 1-September 30) shows an increase in case handling, a continued high success rate for litigation, and a reduction of the backlog of cases at the Board level. The total case intake (ULP and representation cases) for the NLRB in FY 2008 was 25,901, representing a 1.7 percent increase from FY 2007.

The filing of petitions for elections increased 2.3 percent, while petitions for deauthorization, unit clarification and unit amendment elections (UD, UC, AC) decreased 11.9 percent from FY 2007. Parties made 419 requests for *Dana* notification in FY 2008. Looking more closely at the election numbers, 91.8 percent of all initial representation elections were held as a result of agreement between the parties (Stipulated Election Agreement or Consent Agreement) and the median time from the filing of the petition to an election was 38 days. Including all initial representation petitions, 95.1 percent of all elections were held within 56 days of the filing of the petition.

With respect to the filing of unfair labor practice charges, FY 2008 saw a 1.6 percent increase in the filing of charges. Of the unfair labor practice charges that were filed in FY 2008, 36.1 percent were found to have merit. The Regional Office Settlement rate of merit charges was 96.8 percent, within the range of the past 10 years from 91.5 to 99.5 percent. Of the unfair labor practice charges that were presented to an ALJ for a decision, 90.8 percent were won either in whole or in part by the Regional Offices. The U.S. Courts of Appeals decided 72 enforcement and review cases involving the NLRB in FY 2008, with 88.9 percent of those cases resulting in the enforcement of a Board order in whole or in part.

Turning to the personnel in the agency, there has been very limited hiring agency wide from FY 2002 through FY 2008. Despite the limited hiring, the field offices have contained their inventory of pending cases and, for the 6th year in a row, the Board's inventory of pending cases has declined. General Counsel Meisburg and the staff of Region 13 would like to thank the labor community as a whole for their cooperation during the past fiscal year.

Union Membership, Election Win Rate Both Increase

By Charles Muhl, Field Attorney

The Bureau of Labor Statistics (BLS) recently reported that the total union membership rate increased in 2008 to 12.4 percent of private and public sector employees, up from the 12.1 percent rate of 2007. The number of workers belonging to a union increased by 428,000 to a total of 16.1 million in 2008. Twenty five years ago, the union membership rate was 20.1 percent and the total number of union workers was 17.7 million.

The BLS data showed that government workers were more likely to be union members (36.8 percent) than private sector workers (7.6 percent), although both rates increased in 2008. In addition, over half of the 16.1 union members live in six states: California (2.7 million), New York (2.0 million), Illinois (900,000), Pennsylvania (800,000), Michigan (800,000), and Ohio (700,000).

Full-time employees who were union members had median usual weekly earnings of $886 in 2008, compared to $691 for those not represented by unions.

A second study of NLRB data by the Bureau of National Affairs (BNA) concluded that unions substantially increased the percentage of representation elections won during the first half of 2008, when compared to the same time period in 2007. According to BNA, unions won 518 of 776 private sector elections, or 66.8 percent, in the first half of 2008, compared to 454 of 776 elections, or 58.5 percent, in the first half of 2007. The BNA analysis also showed that the number of workers organized by unions in these elections increased from 28,441 to 35,960 in the first half of 2008 compared to the 2007 time period.

Unions also increased their win rate in decertification elections, from 34.4 percent to 48.6 percent in the first half of 2008, with a similar number of elections held.

Finally, the BNA analysis found that the most active unions in representation elections during the first half of 2008 were the Teamsters (organized 6,519 employees), SEIU (5,596), and Machinists (1,015). Those numbers do not reflect any organizing conducted by the unions through voluntary recognition.

Employees Choose the Scope of Their Bargaining Unit

By Gail Moran, Assistant to the Regional Director

In July 2008, the Committee for Fair and Equal Representation, an independent guard union, filed a petition seeking an election among the approximately 500 employees employed by AKAL Security in the states of Illinois, Indiana, Wisconsin and Minnesota. In investigating the petition, the Board agent determined that the bargaining unit was already represented by the International Union, Security, Police and Fire Professionals of America (SPFPA). However, the representation took the form of each statewide unit being covered under a separate collective bargaining agreement between the employer and SPFPA.

Curiously, the contracts with SPFPA contained effective dates of April 1, 2005 through September 30, 2007, making the rival petition appear timely as no successor agreement had been executed. But upon further review it was disclosed that the contact cover pages contained effective dates of "2005 – 2008", and each agreement contained an Appendix with a wage reopener on October 1, 2006 and October 1, 2007, the day *after* the effective dates set forth in the contracts.

Given the ambiguity in the term of the contracts, the parties stipulated that there was no bar to the petition and a hearing was held to determine the scope of the unit. The Petitioner claimed that the 4-state unit was appropriate, and SPFPA contended that the recent history of collective bargaining was in separate statewide units and should remain so, making the petitioned-for unit inappropriate.

Record evidence revealed that the employer provided security guard services to private and public employers, including the Department of Homeland Security, at federal facilities in the states of Illinois, Indiana, Minnesota and Wisconsin. The 4-state area was divided into two districts headed by a project manager. District 1 included Indiana and Illinois; District 2 included Minnesota and Wisconsin. These districts were supervised by one Captain for each state, and subordinate Lieutenants and Sergeants.

All of the security guards who worked for AKAL performed the same functions regardless of where they were employed. With the exception of wages, most of the terms and conditions of employment were the same for all the security guards regardless of where they were employed, including identical language in the collective bargaining agreements. There was no history of transfer or interchange among the four statewide units and each had its own seniority-based systems. The security guards were essentially restricted to the state in which they were employed due to State licensing requirements. Labor relations disputes were handled by Captains at step one, Project Managers at step two, and at the corporate level for step 3, including all decisions relating to discipline.

In analyzing these facts, it appeared that there were two choices for the scope of the unit: 1) a single unit consisting of all security guards in the 4-state area employed by the Employer; or 2) the existing four separate statewide units.

Some factors argued for an overall unit: identical terms and conditions of employment; geographic cohesiveness of the four states; the uniformity of job classifications and functions; and centralized control of labor relations. Others argued for separate units: history of collective bargaining, self-contained units with no interchange, restricted seniority, separate licensing requirements, and local supervision.

The Regional Director concluded that either unit was appropriate (neither was inappropriate), and as in the case of *Amax Coal, 243 NLRB 57 (1979),* the employees could self-select by separate self-determination elections whether they wanted separate representation by SPFPA, the Intervenor, or representation in an overall 4-state unit by the Committee for Fair and Equal Representation, the Petitioner. If the Petitioner

("Choosing Scope," continued on page 8)

The Importance of Being Earnest

By Thomas B. "Earnest" Porter, Compliance Officer

Earnest: (adj.) done in a deeply serious way;
(n.) a small advance payment

The recent splash caused by the $16.1 million settlement of *Midwest Generation* overshadowed other significant settlement activities in cases previously appearing in "The ChiRO Update." *Midwest* took seven arduous years of litigation and was resolved through compromise between the Respondent and the Charging Party. In contrast, two other recent cases of a smaller scale wound to a rapid close (subject to continued compliance) as a result of the Region's proactive efforts to evaluate potential gross backpay liability and to obtain updated interim earnings information from discriminatees. These efforts fulfill our objective to pursue settlement as early as possible.

In both *Industrial Hard Chrome, Ltd., Bar Technologies LLC, Fluid Power Manufacturing* (13-CA-43487; 352 NLRB No. 47) (herein "IHC") and *Howard Orloff Imports, Inc.* (13-CA-44188; JD–34–08 (Sandron)) (herein "HOI"), the parties were able to work through outstanding compliance issues and come to closure without further litigation. The common thread of both IHC and HOI is that in both instances, the potential for continued litigation loomed large. However, the Respondents each reached that point where a cool-headed cost/benefit analysis controlled the decision-making process. Once that tipping point is reached and respondents demonstrate an earnest willingness to fully cooperate in a compliance investigation, the Region may turn its resources away from litigation and focus on the determination of requirements for compliance.

These cases highlight efficiencies developed as a result of those practices. Resolution is only feasible because the Region earnestly pursues and reviews information from all sources necessary to facilitate a respondent's compliance with an outstanding order. Where backpay may be included in the remedy, investigating board agents inform discriminatees of their obligation to search for and obtain interim employment, as well as to report interim earnings from that employment. Agents and support staff, like the extremely capable Sarah McGill, Compliance Assistant, regularly reach out to respondents to elicit information necessary to evaluate potential gross backpay liability.

IHC began with a bang in June of 2006 with authorization of 10(j) proceedings. A second charge quickly followed. After a favorable finding by the 7th Circuit granting the petition for temporary injunctive relief, IHC extended conditional offers of reinstatement. Many of the discriminatees returned to work by July of 2007. IHC began to comply with requests for documentation needed to calculate backpay and the request that it issue revised *unconditional* offers of reinstatement which allowed for the eventual tolling of further backpay liability. A comprehensive calculation of backpay ensued. Field Attorneys Elizabeth Cortez and Helen Gutierrez took to the field with the Compliance Officer (CO) to obtain extensive interim earnings evidence and helped to resolve many compliance issues. The CO met with counsel and the Respondent to address questions and concerns. Over the intervening months, IHC and the Region worked through the outstanding compliance issues which permitted the withdrawal of enforcement proceedings in October, 2008. The settlement, valued at nearly $500,000, included 100 percent of the calculated backpay and 401(k) fund contributions owed.

The *Howard Orloff* matter does not appear in the bound volumes, but nonetheless bears mentioning. On receipt of the ALJ decision, a respondent is faced with the choice of either filing exceptions to the Board or complying with the ALJ's recommended order. Counsel for *Howard Orloff*, being aware of the Region's compliance practices, contacted the CO to arrange to provide backpay records while the CO elicited interim earnings information. As in IHC, earnest contact by Counsel for the General Counsel with the discriminatees to obtain accurate updated interim earnings information facilitated rapid compliance. Detailed information of interim earnings obtained by Field Attorney Elizabeth Cortez along with a thorough review of the gross backpay information voluntarily submitted by Respondent and recalculation completed by the CO allowed the Region to determine the liability to be just over $40,000 for two discriminatees.

Howard Orloff was a particularly rare case in that full compliance was achieved through settlement stipulation

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Agency Policies on ULP Investigations & Witness Cooperation

By Gail R. Moran, Assistant to the Regional Director

At times, questions arise regarding the extent to which Charging Parties or their witnesses must cooperate with Board Agents who are investigating their cases. This article discusses Regional and Agency policies related to investigation of unfair labor practice charges, including the extent of cooperation due from Charged Parties and their witnesses. This article also addresses the situation of potential witnesses who are undocumented and reluctant to cooperate in a Regional investigation.

In any NLRB investigation, there are responsibilities that attach to the investigating agent, and to witnesses in the case. Board agents are responsible for identifying the theory of the case, developing and executing an investigative strategy, and then analyzing and applying the relevant facts and law in order to arrive at and effectuate the Regional Director's disposition of the case. Throughout the investigation, Board agents are charged with assertively seeking out all material evidence to give the Regional Director a complete picture of events so that he or she can make an informed decision on the merits of the case. The investigation focuses on the Charging Party and its witnesses, but may also include other offered witnesses if, in the Board Agent's determination, such witnesses may supply material evidence. It is the responsibility of the Board Agent to take the steps necessary to ascertain the truth of allegations of a charge and to exhaust all promising leads, whether in the control of the Charging Party or not.

Conversely, there are responsibilities placed upon the Charging Party and its witnesses. For example, a Charging Party or its witness must generally identify to the Board Agent the conduct claimed to be a violation of the statute, and meet with the Board agent at a reasonable time and place to convey this information. The place can be at the offices of the NLRB or at remote location mutually convenient and safe for the witness and the Board agent. The Charging Party or witness must also fully cooperate in providing an affidavit taken by a Board agent. Since the affidavit is the cornerstone of the Region's investigation, this is a critical area where witnesses of the Charging Party must comply or risk the charge being dismissed for lack of cooperation. Charging Parties or their witnesses must also provide all relevant documents in their possession (originals are preferred), and comply with any other reasonable requests of the Board Agent necessary to complete the investigation. If a Charging Party has tried diligently but cannot produce a witness who has material evidence, the Board Agent should independently contact that witness with the Charging Party's assistance, where possible.

This later circumstance of reluctant but necessary and often valuable witnesses arises with individuals who do not possess valid documents to work legally within the United States. Undocumented workers are statutory "employees" under the National Labor Relations Act, and enjoy the right to be protected from unfair labor practices and to vote in NLRB elections regardless of their immigration status. *Hoffman Plastics, Inc. v. NLRB, 122 S. Ct. 1275 (1999); Sure-Tan, Inc. v. NLRB, 467 U.S. 883, 892 (1984).* While the Court's decision in *Hoffman Plastics* severely circumscribed certain remedial provisions of the Act as they relate to undocumented workers (e.g. they may not be entitled to reinstatement or back pay if unlawfully discharged), there are still other sanctions under the Act available.

In light of the *Hoffman Plastics* decision, it is clear that an employee's immigration status may become relevant in an investigation. However, the Board does not conduct an immigration investigation into any employee's status and Regions have no obligation to investigate an employee's immigration status unless a Charged Party or Respondent establishes the existence of a *substantial immigration issue*, such as whether the employee would be entitled to reinstatement to their employment. An employee that a Charged Party wants to present as a witness to corroborate the testimony of other witnesses, or give testimony about alleged unlawful statements, is unlikely to have a Respondent raise their immigration status. Moreover, the NLRB does not breach the confidentiality of its witnesses' identities unless there is litigation that would require the individual to provide testimony in an administrative or Court proceeding.

Regions are instructed to begin their investigations with the presumption that employees and employers alike have conformed to the law. Accordingly, witnesses who are

("Witness Cooperation" continued on page 8)

Special Remedies Imposed Against Employer That Nips Nascent Union Campaign In The Bud

By Lisa Friedheim-Weis, Field Attorney

Region 13 was recently successful in securing special remedies against an Employer that had threatened its employees so harshly about their union organizing activities with Automobile Mechanics Local 701 that the main employee organizer abandoned the effort the very next day. Upon hearing that the majority of the employees had attended a union meeting the day before and were planning on signing union authorization cards, top managers at *Libertyville Toyota*, 13-CA-44853, immediately paraded the suspected main employee organizers into their offices in full view of the rest of the employees and then made numerous threats of discharge and shutdown, as well as statements of futility in selecting a union.

In the face of this swift and relentless barrage of threats, the main organizer contacted the Union the very next day to call things off. Thus, within 72 hours, the budding union campaign had gone from a promising start to being dead in its tracks. Therefore, the Region determined that the only way to recapture the initial enthusiasm for the organizing effort, to dissipate the fear evident amongst the employees, and to give the union a chance to even the now-tainted playing field, was to seek special remedies.

While preparing for trial, Board attorneys Lisa Friedheim-Weis and Neelam Kundra were able to secure the following special remedies in reaching a settlement with the Charged Party: allowing the union to have physical access to the employer's premises once per month for six months in order to post a union flyer on the employee bulletin boards; having the employer provide lists of all current unit employees' names, phone numbers, and addresses upon settlement, after three months' time, and after six months' time; and directing the offending managers to read the Board Notice aloud to all unit employees on both shifts.

Region 13 intends to continue to seek special remedies against offending employers and unions in applicable cases.

Earnest *(cont.)*

shortly after issuance of the ALJ decision. Earnest, scrupulous compliance with the affirmative provisions of the recommended order as set forth in the compliance settlement (Notice Posting; Expungement; Offers of Reinstatement) allowed the Board to order that the matter be remanded to the Regional Director for compliance with the settlement stipulation on October 15, 2008. While these cases are not as flashy as a multi-million dollar jackpot, they are a tribute to the improvements implemented at the Regional level and the unheralded, earnest efforts of the agents of the Board to obtain meaningful remedies quickly.

Choosing Scope (*cont.*)

prevailed in each unit, that would represent the desires of the employees to be represented in an overall unit.

The Region conducted self-determination elections by mail in each of the statewide units, with both the Petitioner and Intervenor on the ballot. The ballots were then counted separately in each voting group. The result? The employees selected representation by the Petitioner in units in Illinois and Indiana, and representation by the incumbent union Intervenor in Minnesota and Wisconsin. Although the Intervenor initially filed objections to conduct of the election in the units where it did not prevail, it eventually withdrew those objections are each of the labor organizations were certified in their respective separate units in November 2008. We have not heard from either of them – yet.

Witness Cooperation (*cont.*)

reluctant to present themselves to the NLRB out of fear about their immigration status should be counseled that the NLRB has no interest in their immigration status, and will not on its own initiate an investigation into their status. Nor does the NLRB interact with the Department of Homeland Security, Immigration Control and Enforcement (ICE) if it inadvertently learns of an employee's undocumented work status.

If you need further information about the Agency or the Region's policies on investigations and witness cooperation, please contact us at 312-353-7570.

RECENT REGION 13 OUTREACH ACTIVITIES

By Dan Nelson, Field Examiner Supervisor

The NLRB's Outreach Program helps to educate the citizens we serve and provides needed services to those who rely upon the NLRB to enforce the statute. Regional Staff are ready and willing to make presentations to employers, unions, community organizations, and any other group interested in learning about the NLRB. A sample of the Region's recent 2008 outreach activities follows.

On July 22nd, attorney Lisa Friedheim-Weis moderated a federal employee luncheon kicking off the Federal Attorneys Pro Bono Program in Chicago. This presentation outlined the various pro bono opportunities available to federal employees and included presentations by five organizations that explained the opportunities they offered. Several Region 13 employees attended including RD Joe Barker, who was introduced and endorsed the program.

On September 25th, attorney Richard Andrews presented to a labor law class at Northern Illinois University. The presentation by an Agency attorney to a class of labor law students provides a valuable and practical learning experience for the students.

On October 17th, RD Joe Barker attended a Institute for Law and the Workplace conference, "Back to the Future: The Workplace in the Year 2025", where several practitioners participated in discussions on the future of the workplace. This conference allowed labor and management attorneys to focus on common, evolving issues in the workplace.

On October 28th, attorney Charles Muhl and examiner Elizabeth Galliano spent a day at Warren Township High School's Career Fair where they had an opportunity to engage and educate students about the Agency. About 700 students attended this event, where many of the students learned about the mission of the Agency.

On December 1st, examiner Chris Lee made a presentation to a labor relations class at the Keller School of Management at Devry University in Oakbrook, discussing protected concerted activity, *Weingarten* rights, *Hoffman Plastics* issues and representation case processing.

On December 2nd, examiner Elizabeth Galliano presented to a class of business students at the University of Phoenix in Schaumburg. The presentation gave a broad overview of the Act with a focus on employee Section 7 rights, employee organizing and representation case processing.

On December 9th, the Chicago chapter of the Labor and Employment Relations Association hosted a reception for practitioners and members of the labor community. Several Region 13 representatives attended this gathering, where they discussed current conditions of labor relations and potential new developments following the election of Barack Obama as President.

If you are interested in having a presentation regarding any NLRB-related topic, please contact the Region's Outreach Coordinators, Charles Muhl or Paul Prokop, by calling 312-353-7570.

NLRB Concerned About Employees' TVs

Our sister federal agency, the Federal Communications Commission (FCC), requested that we remind all of our constituents—employees, employers, unions, and practitioners—about the transition of over-the-air television stations from broadcasting in both analog and digital format to solely in digital format. This transition will be implemented by stations no later than June 12, 2009. Thus, if your television acquires its picture the old-fashioned way, with a rooftop antenna or rabbit ears, you MUST take action prior to that deadline to insure you still can view any of the myriad of television programs aired on local broadcast stations. (In Chicago, these stations include WBBM CBS 2, WCIU The U 26, WFLD Fox 32, WGN CW 9, WLS ABC 7, WMAQ NBC 5, WPWR My 50, and WTTW PBS 11.) This does not apply to parties who receive local broadcast channels through a cable or satellite TV operator.

The change to digital only broadcasts was mandated by federal law, with a goal of freeing up analog airwaves for the use of police, fire, and emergency rescue communications. The change also will allow broadcasters to offer programming with better picture and sound quality, as well as to offer more programming choices. Finally, the change allows for advanced wireless services for consumers.

The options for getting your analog TV ready for the digital transition are as follows:

1. Connect your analog TV to a digital-to-analog converter box. These boxes are available in stores and cost from $40 to $70. The U.S. government is offering two $40 coupons per household to help defray the cost. Visit www.dtv2009.gov or call 1-888-388-2009 for coupons. Based on some Region 13 employees' experiences, please note that these coupons DO have expiration dates.

2. Buy a digital television (a TV with a built-in digital tuner). This is not to be confused with a High Definition TV (HDTV), which is NOT necessary to watching digital television.

3. Subscribe to a paid TV service, such as cable or satellite.

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