

**United States Government
National Labor Relations Board
OFFICE OF THE GENERAL COUNSEL**

Advice Memorandum

DATE: October 5, 2000

TO : Elizabeth Kinney, Regional Director
Region 13

FROM : Barry J. Kearney, Associate General Counsel
Division of Advice

SUBJECT: Chicago and Central States Joint Board, UNITE
(United Temps, Inc.)
Case 13-CC-2270

This case was submitted for advice on whether the Union's conduct, including handbilling at a neutral site while walking with a bedsheet sized banner reading "No More Sweatshops", violated Section 8(b)(4)(ii)(B).

We conclude, in agreement with the Region, that the Union's conduct was unlawful. First, the Union engaged in coercive conduct within Section 8(b)(4)(ii) in that (1) the handbillers and/or banner-carriers actually blocked driveway ingress and egress;¹ and (2) the bedsheet sized banner was not stationary but rather was ambulatory and thus tantamount to coercive picketing.² Second, the Union's conduct clearly evinced a secondary object in that (1) the accompanying handbills specifically requested the public to contact the neutral, Holiday Inn; and (2) the bedsheet sized banner did not clearly identify the primary, so that the approaching public could reasonably believe that this picket sign and other confrontational conduct was directed against the neutral, Holiday Inn.³

¹ Service and Maintenance Employees Local 399 (The William J. Burns International Detective Agency, Inc.), 136 NLRB 431, 436 (1962); Boxhorn's Big Muskego Gun Club, Inc. v. Electrical Workers Local 494, 798 F.2d 1016, 1024 (7th Cir. 1986) (handbillers' blocking driveway entrance to force cars to stop in order to distribute handbill violated Section 8(b)(4)(B)).

² See American Federation of Nurses, Local 535, SEIU (Kaiser Foundation Hospitals), 313 NLRB 1201, at note 1 (1994) (carrying signs and "milling around" found to be picketing); West Lawrence Care Center, 308 NLRB 1011, 1015 (1992) (walking while wearing signs deemed picketing).

³ See, e.g., Carpenters Local No. 639 (American Modulars Corp.), 203 NLRB 1112 (1973).

In sum, the Union's conduct coerced the neutral Holiday Inn in violation of Section 8(b)(4)(ii)(B).

B.J.K.