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MARTY'S SOAPBOX

On July 6, Board Chairman Wilma Liebman, noting that President Franklin Roosevelt signed the National Labor Relations Act on July 5, 1935, stated, "Both our country and our world have changed a great deal over the last eight decades, but the values reflected in the National Labor Relations Act — democracy in the workplace and fairness in the economy — are still vitally important." As readers of this newsletter are aware, this Agency serves the public interest and implements the declared policy of the United States to eliminate or investigate substantial interruptions to the free flow of commerce by providing peaceful and orderly processes protecting and regulating the rights of employees, employers and unions in their interactions with each other, a far cry from prior labor relations policies of criminal and civil conspiracy, injunction and violence. Thus, in fiscal year 2009, the NLRB conducted 1690 representation elections, received 22,941 charges of unfair labor practices, recovered more than $77 million in back pay and obtained reinstatement offers for more than 1500 discharged employees.

This 75th anniversary year concludes with a seminar to be held in Washington, DC, October 28 - 29, sponsored by the Board and Georgia Washington University Law School entitled, "The National Labor Relations Act: Its Legacy and its Future," at which distinguished labor and management practitioners, academics, Agency headquarters personnel and regional directors will be in attendance.

While 2010 marks the Board's 75th Anniversary, coincidentally, it also marks my 50th with it. For two-thirds of its existence, I have been privileged to perform the public service of helping to administer the nation's preeminent labor law and working with the dedicated and talented people who staff this agency. — *Regional Director Martin M. Arlook*

VETERAN NLRB ATTORNEY LAFE SOLOMON NAMED ACTING GENERAL COUNSEL

President Barack Obama has named veteran NLRB attorney Lafe Solomon to serve as Acting General Counsel, the top investigative and prosecutorial position in the agency. Mr. Solomon was appointed to the position under the Federal Vacancies Reform Act of 1998, and the designation was effective Monday, June 21, 2010.

Mr. Solomon earned a B.A. degree in Economics from Brown University and a J.D. from Tulane University. He began his agency career as a field examiner in Seattle in 1972 and directed the NLRB's Office of Representation Appeals for the past decade. Previously he served in various positions on the General Counsel and Board side of the agency, including as staff attorney to ten Board members (Don Zimmerman, Donald Dotson, Jerry Hunter, John Higgins, James Stephens, Mary Cracraft, John Raudabaugh, William Gould, Sarah Fox and Wilma Liebman).

Ronald Meisburg, the previous General Counsel, earlier announced his resignation, effective June 20, to join the law firm of Proskaeur Rose. His term was due to expire in August 2010.

Becker given recess appointment; Hayes, Pearce confirmed by Senate as Board members

On March 27, 2010, President Barack Obama announced the recess appointments of attorneys Craig Becker and Mark Gaston Pearce to fill two vacancies on the National Labor Relations Board.

Mr. Becker has served as Associate General Counsel to both the Service Employees International Union and the American Federation of Labor & Congress of Industrial Organizations. He graduated summa cum laude from Yale College in 1978 and received his J.D. in 1981 from Yale Law School where he was an Editor of the Yale Law Journal. For the past 27 years, he has practiced and taught labor law at UCLA School of Law, as well as University of Chicago and Georgetown Law Schools.

On June 22, 2010, the Senate unanimously confirmed Mark Gaston Pearce and Brian Hayes as members of the National Labor Relations Board. President Obama nominated both in July, 2009.

Mark Gaston Pearce was a founding partner in the Buffalo, New York law firm of Creighton, Pearce, Johnsen & Giroux, where he practiced union-side labor and employment law before state and federal courts and agencies. From 1979 to 1994, he was an attorney and District Trial Spe-

cialist for the NLRB in Buffalo, NY. He received his law degree from State University of New York and his undergraduate degree from Cornell University. The term of Mr. Pearce, who began serving a recess appointment in early April, will expire in August 2013.

Mr. Hayes, who recently served as the Republican Labor Policy Director for the U.S. Senate Committee on Health, Education, Labor and Pensions, will fill a term expiring in December 2012. Previously, Mr. Hayes was in private practice representing management clients in labor and employment law. He began his legal career as a clerk for the NLRB's Chief Administrative Law Judge and later served as counsel to the Board Chairman. He earned his undergraduate degree from Boston College and his law degree from Georgetown University Law Center.

When Mr. Hayes joined the Board, the NLRB was at full five-member strength for the first time since December 2007. The Board operated with only two members for 27 months until April 2010, as confirmation of nominees named by Presidents Bush and Obama were stalled. With the departure of Member Peter Schaumber in August, the Board reverted to four members.

The term of Member Peter C. Schaumber expired in late August of this year. Chairman Wilma Liebman's term will expire in August of 2011, while the recess appointment of Member Craig Becker is due to expire at the end of 2011.

REGIONAL PROMOTIONS

On July 19, former Supervisory Examiner **Terry Combs** and Senior Field Attorney **Lisa Y. Henderson** began their new assignments as Assistant to the Regional Director and Supervisory Attorney, respectively.

As was detailed in the last issue of our newsletter, Terry came to the Region in March 2010 from Region 9-Cincinnati. A Middletown, Ohio native, he has a degree in Sociology from Miami University in Oxford, Ohio and a Master of Arts in Labor-Employment Relations from the University of Cincinnati.

Lisa is a native of Wilson, North Carolina, and a graduate of the University of North Carolina-Chapel Hill, Harvard Law School and Columbia University. She began her Agency service in Region 4-Philadelphia in 1992.

We are also pleased to note that **Wanda Pate Jones**, formerly of Region 10, was named Regional Director of Region 27-Denver in May of this year.

Regional Attorney Mary Bulls' BULLY PULPIT

The Supreme Court of the United States issued its long-awaited decision in *New Process Steel, LP v. NLRB,* 130 S. Ct. 2635, 560 U.S.___ (2010), on June 17, 2010. This case came before the Court on appeal from the Seventh Circuit Court of Appeals, which ruled that the Board's decisions decided by two members, , reported at 353 NLRB No. 25 (2008) and 353 NLRB No. 13 (2008), constituted a valid quorum of a three-member group to which the Board had legitimately delegated its powers. On the same day the Seventh Circuit issued its decision, the Court of Appeals for the District of Columbia issued a decision reaching an opposite conclusion in *Laurel Baye Healthcare of Lake Lanier, Inc., v. NLRB*, 564 F.3d 469 (2009), a Region 10 case. The Supreme Court granted certiorari in these cases in order to resolve the conflict among the various courts of appeals.

The seminal events giving rise to the issue before the Supreme Court occurred in December 2007 when four Board members delegated all of its authority to a three-member group. Following the expiration of the recess appointment of one of these three members, the other two members remained as the only two members of the Board. The Board opined that its delegation of authority would permit these two members to exercise the powers of the Board because they would constitute a quorum of the three-member group. Over the subsequent 27-month period, the two-member Board, acting as a quorum, decided nearly 600 cases.

The petitioner in *New Process Steel* challenged two of these decisions, arguing that the two-member Board lacked authority to issue the Board orders. The question before the Supreme Court was whether, following the delegation of the Board's powers to a three-member group, two members may continue to exercise that delegated authority once the group's (and the Board's) membership falls to two. In its decision the Court reasoned that the delegation clause of Section 3(b) of the Act requires that the Board's delegated power be vested continuously in a group of three members, as this is the only way to harmonize and give meaningful effect to all of the provisions of Section 3(b). Second, the Court emphasized Congressional intent, noting that if Congress had intended to authorize two members alone to act for the Board on an ongoing basis, it could have said so in straightforward language. Rather, Congress required, that the Board delegate authority to no fewer than three members, and that it have three participating members to constitute a quorum. Finally, the Court recognized that its decision was consistent with the longstanding practice of the Board to reconstitute to a delegee group when one group member's term expired. The Court thus held that the delegation clause required that a delegee group maintain a membership of three in order to exercise the delegated authority of the Board. The judgment of the Seventh Circuit Court of Appeals was reversed, and the case was remanded for further proceedings consistent with the opinion.

ACTING GC SOLOMON STREAMLINES FEDERAL INJUNCTION PROCESS

On September 30, NLRB Acting General Counsel Lafe Solomon announced an initiative to strengthen and streamline the Agency's response to charges filed when employees are fired in the midst of a union organizing campaign. Going forward, in all cases found meritorious the General Counsel's office will consider seeking a federal injunction that would compel an employer to offer reinstatement to the fired workers pending litigation of the underlying unfair labor practice case. In addition, new timelines and procedures have been created to speed up the process.

"Firing an employee in the middle of a union organizing campaign can quickly destroy the campaign by creating a climate of fear in the workplace. Clearly, it can also have a devastating effect on the employee's life. We need to ensure that the statutory rights of unlawfully fired employees are restored in real time," said Acting General Counsel Solomon in making the announcement. "These cases go to the very essence of our enforcement responsibilities."

Under Section 10(j), which was added to the National Labor Relations Act as part of a set of reforms in 1947, the Agency is authorized to seek preliminary injunctions from federal courts to protect victims of unfair labor practices pending litigation. The new initiative streamlines the process from beginning to end to ensure more timely court filings. Regional Directors are required to immediately investigate allegations of unlawful firings in organizing cases and, if merit is found, to submit them to the General Counsel's office with a short memo, ideally within a week of their findings. Under NLRB processes, the General Counsel must obtain authorization from the Board before seeking a 10(j) injunction.

The NLRB began posting case names and status updates for all 10(j) injunction cases authorized by the Board on its website, www.nlrb.gov, on October 5.

Update on Alabama Postal Service Information Request Cases

As the result of a pattern of violations and pursuant to Operations Memos 03-18 (Revised) and 10-47, meritorious 8(a)(5) information charges filed against United States Postal Service in the Alabama District are subject to increased formality in subsequent remedies of meritorious charges. (Several districts in Georgia are also subject to increased formality.)

In that District, USPS can no longer simply provide requested information to the Union within 14 calendar days of a charge being filed and expect that the Region will approve the Union's subsequent withdrawal request. OM 10-47 directs that, where "the particular PO facility repeatedly ignores information requests until a [ULP] charge is filed and only then provides the requested information within the 14 calendar day guideline … in such instances an adjusted [withdrawal] should not be routinely processed."

On March 25, 2010, a steward for National Association of Letter Carriers Branch 106 filed twenty-seven 8(a)(5) charges alleging failure to provide information at the Auburn, Alabama post office. Eleven of the charges were found to be meritorious. USPS immediately agreed to resolve the cases by entering into a Formal Settlement Agreement providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals. The Board issued its Order approving the settlement on August 10, and, on August 26, the matter was filed with the Eleventh Circuit Court of Appeals for enforcement pursuant to the terms of the settlement. The Region anticipates that the Circuit will soon issue its order enforcing the settlement.

These cases are not the first Alabama postal information cases to be resolved by a Formal Settlement. Case 10-CA-38097(P), which arose in Jacksonville, Alabama, was resolved with a Formal Settlement on January 20, 2010. The then-two-member Board approved that Settlement by Order dated March 20, 2010, and on March 22, the Agency submitted its Application for Enforcement of that Order in the Eleventh Circuit Court of Appeals.

New Process Steel, L.P. v. NLRB effectively invalidated the Board's order in the Jacksonville case. On June 25, the Agency filed a Motion for Remand asking the Eleventh Circuit Court of Appeals to return the case to the Board for reconsideration by a fully-staffed Board. The Eleventh Circuit issued its Order granting the Board's motion on August 24.

Meanwhile, two of several new information cases filed on July 19 against the Jacksonville USPS have resulted in a merit determination. These cases are currently under review by NLRB Region 8 (which coordinates USPS information request cases), and USPS has requested that the cases be consolidated with the Jacksonville case on remand before the Board.

Allison McQueeney, Regional Director Martin Arlook, Regional Attorney Mary Bulls, and Tony Diaz Tushman

REGIONAL OFFICE WELCOMES INTERNS

Antony Diaz Tushman, Dartmouth '07 and a third-year at Emory University School of Law, and Allison E. McQueeney, a sophomore at Cornell University's School of Industrial and Labor Relations, worked as interns in the Atlanta office this summer. Allison and Tony reported that their summer work allowed them to see the many responsibilities of a Board agent and the role the Board plays in labor law today. The interns researched topics to assist field attorneys, analyzed position statements, and assisted with the conduct of elections and in investigations. Both reported gaining invaluable experience in Region 10. As Allison said, "This summer allowed me to put into action what I learn everyday at school and see how it applies in the real world. My work with the Board has solidified my interest in the field of labor relations, and I am excited to learn even more about it in the coming years."

Board Rules in Bannering Cases

The National Labor Relations Board has ruled that a union practice of displaying large stationary banners at a secondary employer's business is not coercive and thus does not violate U.S. labor law. The August 27 decision covers three Arizona cases in which union carpenters held 16-foot-long banners near establishments — two medical centers and a restaurant — to protest work being performed for the owners of the establishments by construction contractors that the union claimed paid substandard wages and benefits. Two banners declared "SHAME" while a third urged customers not to eat at the restaurant.

The National Labor Relations Act prohibits conduct found to "threaten, coerce, or restrain" a secondary employer not directly involved in a primary labor dispute if the object of that conduct is to cause the secondary to cease doing business with the primary employer. Under existing precedent, picketing that seeks a consumer boycott of a secondary is coercive and therefore unlawful, whereas stationary handbilling with that same object is not and is therefore protected speech. The question before the Board was where stationary bannering falls on that continuum. The Board majority — Chairman Wilma Liebman and Members Craig Becker and Mark Pearce — found that the bannering was similar to handbilling and, therefore, not coercive. Members Peter Schaumber and Brian Hayes dissented. The text of the decision is available at www.nlrb.gov.

Pursuant to New Horizons for the Retarded, 283 NLRB 1173 (1987), the rate used to calculate interest on back pay and other monetary remedies provided for in Board Orders is to be based upon the "short-term Federal rate," i.e., the rate assessed by the Internal Revenue Service on the underpayment of taxes. The rate assessed for the first quarter of Fiscal Year 2011, October 1 to December 30, 2010, will remain unchanged at 4 percent.

REGIONAL REP ADDRESSES GATHERING OF BUSINESS LEADERS

On October 6, at the invitation of Steve Warren of Constangy Brooks & Smith, Supervisory Attorney Lisa Henderson addressed members of the Chattanooga Manufacturers Association at their monthly breakfast meeting. Ms. Henderson touched on several topics of interest to the Association, including the Board's processes, Section 10(j), the Board's recent bannering decision, and protected, concerted activity.

Founded in 1902, CMA was the first local manufacturers association in the United States. CMA describes itself as "the independent, assertive advocate for manufacturers in the Chattanooga Region" and, among other things, provides ongoing training and development opportunities to assist its membership in acquiring information and technology necessary for compliance with complex legal and regulatory requirements.

NLRA Rights Poster For Federal Contractors

The final rule detailing the poster that federal contractors and subcontractors must post to inform their employees of their rights under the National Labor Relations Act was published in the May 20 issue of the *Federal Register*.

Federal contractors and subcontractors will be required to post at their workplaces a prescribed notice listing employees' rights under the NLRA, which governs the right of employees to form unions, to engage in specified protected concerted activity with or without a union, and to refrain from all such activity.

The previous version, known as the Beck poster, required federal contractors to post workplace notices informing their employees of their right not to join a union under *Communications Workers of America v. Beck*, 487 U.S. 735 (1988). President Obama's Executive Order 13496 rescinded that poster and provided the text of a clause that would require specified types of federal contractors to conspicuously post a notice informing their employees of their rights under federal labor laws.

The poster measures 11 inches by 17 inches and is designed to be downloaded from the Department of Labor's Office of Labor Management Standards' website onto one 11-inch by 17-inch sheet of paper or onto two sheets of standard-size 8 1/2-inch by 11-inch paper, which could be taped together to form one 11 inch by 17 inch poster. Online postings of the notice should provide links to the DOL's website.

The Office of Federal Contract Compliance Programs will enforce the posting of the poster and the inclusion in federal contracts of language explaining the requirement. It joins posters notifying employees of their rights under many statutes, including minimum wage laws, equal employment opportunity laws, job safety and health laws, and the Uniformed Services Employment and Reemployment Rights Act.

REGION OVERSEES COCA-COLA REPRESENTATION ELECTION

On October 7, the National Labor Relations Board conducted elections in two units at three Coca-Cola Enterprise, Inc. bottling plants in Atlanta, College Park and Marietta, Georgia, to determine whether more than 300 hourly workers wished to be represented by the International Brotherhood of Teamsters, Local 728.

The Teamsters filed the election petition with Region 10 on April 30. The election agreement reached on August 23, 2010 provided that all bulk drivers, forklift drivers, production line workers, checkers, order builders, general laborers, shipping clerks, inventory control assistants, inventory control planners, quality assurance techs, and maintenance employees employed by Coca-Cola at its College Park and Marietta facilities were eligible to vote. A separate election took place on the same day among employees at Coca-Cola's "West Hub" facility in Atlanta, which included forklift drivers, general laborer lead warehouse and inventory control assistants.

Ballots were counted and tallies issued to the parties detailing the results. The Union did not receive a majority of valid votes cast in either election. However, as of the publication date of this newsletter, Certifications of Results have not yet issued in either election.

REGION 10 REAPS BENEFITS OF REEMPLOYED ANNUITANT LEGISLATION

When Supervisory Examiner Diane B. Williams bid farewell at her retirement party to colleagues and labor/management practitioners in Region 10, she had no idea she would soon be working with them anew. After 38 and a half years with the agency, Ms. Williams was ready to move into the next phase of her life. However, a confluence of circumstances led Regional Director Martin Arlook to make her an offer she could not refuse. In January 2010, shortly after Ms. Williams' retirement became effective, Region 10 Assistant to the Regional Director Chip Harrell was named Regional Director in Region 14. Harrell's absence and the promotion of a new Supervisory Examiner to replace Ms. Williams created a need in Region 10 for someone to fill in as temporary ARD as well as to train the new supervisor. RD Arlook had read of recently passed legislation allowing annuitants who had been retired more than three months to be rehired for up to 13 weeks without any affect on their civil service retirement. Realizing the potential benefit to the Region, RD Arlook consulted with Assistant General Counsel Jim Paulsen about the possibility of rehiring Ms. Williams. "Given her supervisory experience, her credentials as an R-case expert and former compliance officer, and the fact that she regularly had served as Acting ARD, Diane seemed ideal to come back and fill in as ARD as well as train her replacement," noted Director Arlook. Paulsen agreed.

The authority for rehiring Ms. Williams came from H. R. 2647, the National Defense Authorization Act for Fiscal Year 2010 (P.L. 111-84), which President Barack Obama signed on October 28, 2009. Title XI and XIX of P. L. 111-84 contain provisions that affect the Civil Service Retirement System (CSRS) as well as the Federal Employees' Retirement System (FERS). Specifically, P.L. 11-84 allows federal agencies to appoint individuals receiving annuities under CSRS or FERS to positions within the federal government without reducing the individual's salary by the amount of the annuity.

Although initially reluctant to leave the life she had started as a retiree, Ms. Williams was persuaded that it would be of great benefit to all if she would return for a relatively short stint as a "mission critical" appointment. Accordingly, in April, Ms. Williams returned as the agency's first reemployed annuitant under the new legislation. She remained in the position until July, when Terry Combs assumed the ARD duties. Director Arlook observes that this situation was a "win/win" for all concerned and demonstrates that such legislation can be a boon to any office needing personnel with specific expertise for a discrete period of time. As for the "reemployed annuitant" Ms. Williams commented, "I'm glad to have had this opportunity to serve as acting ARD and as a mentor/trainer. While it has been rewarding returning to the office in this capacity on a short term basis, the experience has also given me a renewed impetus to approach retirement as an exciting opportunity for appreciating life in new ways."

KEEPING CURRENT WITH THE NLRB

The Office of Public Affairs offers a new feature that can help you stay up-to-date on Agency activities. You can now sign up for e-mail delivery of the Weekly Summary of Cases, which summarizes all Board decisions and lists Administrative Law Judge and (soon) Appellate Court decisions from the previous week, with links to the decisions themselves. The summaries will go straight to your inbox as soon as they are posted to the website, which is usually on Tuesdays.

You can also sign up for e-mail delivery of all press releases issued by the Office, which highlight cases in the Regions, including significant settlements, complaints and injunctions. These releases now go out to about 4,000 subscribers, including journalists, academics, attorneys, union officials, and the general public.

Finally, you can sign up for announcements of significant personnel changes, such as the naming of new Regional Directors.

You can choose to receive these notices as they issue or in a single e-mail once a week. To sign up, simply go to our website at www.nlrb.gov. Near the top of the page on the right, you will see a sign-up box that will take you through all the options.

Under the auspices of the annual Feds Feed Families campaign, the Atlanta Regional Office and Birmingham Resident Office conducted intra-office food drives in August 2010. Collecting on behalf of Atlanta Community Food Bank and Birmingham's United Way Community Food Bank, Region 10's staffers brought in 635 lbs. of food to assist needy families in Georgia and Alabama.

In June, Regional Attorney Mary L. Bulls, Supervisory Attorney Lisa Y. Henderson, and Senior Field Attorney Lauren Rich presented a panel on recent developments in Board law at the Georgia Labor-Management Conference held on Saint Simons Island, Georgia. The Region has gladly participated in the Conference for more than 15 years. According to Program Chair Phil LaPorte, the Region 10 workshop attracted the largest number of participants, and "information provided to labor and management participants on board procedures and recent cases was invaluable."

Bringing the NLRA to the Classroom

The Agency has been developing a number of programs to increase public awareness about the Act and the NLRB's processes. The latest of these efforts is a program designed to reach a group preparing to enter the workforce – teenagers.

On April 28, Field Examiner Belinda Bennett and Field Attorneys Katherine Chahrouri and John Doyle presented a program to seniors at Tarrant High School in Tarrant, Alabama. They explained the Agency's role in enforcing and administering the law that provides that employees have the right to form and join labor unions, the right to oppose unions, and the right to engage in concerted activities for mutual aid and protection.

Students participated in skits in which they portrayed employees. They learned how to identify unlawful conduct by both employers and union conduct and discussed the role our Agency plays in addressing such violations. The skits, discussion, and a PowerPoint presentation illustrated the difference between individual and concerted activity, the boundaries of employer conduct in response to union organizing campaigns, and the premise of a union's duty of fair representation. In addition, the Board agents distributed pamphlets on unfair labor practice cases and representation cases and an information sheet containing contact information for our Agency, the EEOC, the Department of Labor's Wage and Hour Division, and OSHA, with a brief description of the function of each of these agencies. Special thanks to Tarrant Guidance Counselor Terri Christian and Vice-Principal Jan Bowling for helping us set up the program.

The Region is planning to expand the program to reach more area high schools and vocational schools this academic year. If you have a group that would like an informative and fun-filled presentation, please contact Region 10's Outreach Coordinator, Jason Hardman, at jason.hardman@nlrb.gov or (404) 331-2896.

Birmingham Bits

C. Douglas Marshall, Resident Officer

- Deputy General Counsel John E. Higgins, Jr. visited the Resident Office on July 14. He spoke to staff about developments in Headquarters, then fielded an informal question-and-answer session. Higgins' first visit to Birmingham was scheduled in conjunction with his address to the Annual Joint meeting of the LERA and Huntsville Area Labor-Management Relations Council, held at NASA/Redstone Army Arsenal.

- In early June — just after the first of the oil spill tar balls were coming ashore — I conducted a workshop on behalf of the Resident Office at the annual Alabama Governor's Labor/Management Conference in Point Clear on Alabama's Gulf Coast.

- The last weekend of September, I made my yearly presentation to the state conference of the Alabama Chapter of LERA. I have been making presentations on behalf of the Birmingham Resident Office of the NLRB for the past 15 or so years, covering significant case developments in the preceding year.

RECENT REGION 10 RECIPIENTS OF GOVERNMENT SERVICE AWARDS

Secretary to Regional Director Nellie Lucas	**35 years**
Receptionist Mitchell Steven	**35 years**
Senior Field Attorney Frank Rox	**30 years**
Senior Field Attorney Katherine Chahrouri	**15 years**
Senior Field Attorney Kerstin Meyers	**15 years**
Case-Processing Assistant Yvonne Ayers	**10 years**

The Agency is pleased to announce the launch of **NLRB Mobile**, a web-based app designed for use with smartphones, including Blackberries, iPhones and iPads, Droids, and other web-enabled devices. The site is available at:

http://m.nlrb.gov/

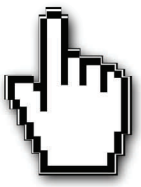
NLRB Mobile provides listings of recent cases, decisions, news, updates, case search, and other information about the work of the National Labor Relations Board.

You can also follow the National Labor Relations Board on Twitter @NLRB and via Facebook.

In addition to the revisions to the Unfair Labor Practice Casehandling Manual announced in the Spring 2010 issue of *Region 10 Perspective*, the National Labor Relations Board, via its Division of Judges, has issued a new revised edition of the NLRB Trial Bench Book. This edition replaces the version issued in 2000.

The 2010 edition offers guidance to the Board's administrative law judges on procedural and evidentiary issues that may arise during unfair labor practice trials and cites over 600 Board and Court cases and is of tremendous value to attorneys and other party representatives appearing before ALJs.

The Bench Book is available at http://www.nlrb.gov/Publications/Manuals/alj_bench_book.aspx.



Filing Charges or Petitions

Unfair labor practice and petition forms are available for download from the NLRB Website at www.nlrb.gov. Forms may also be obtained from any NLRB regional office.
Pre-filing assistance is available daily from 8:00 am to 4:30 pm in Atlanta (eastern time) and Birmingham (central time), in person or by phone. Our information officers can provide information about which forms to use and how they should be completed and can answer general unfair labor practice and representation questions. See page 12 for contact information.

To support the Agency's efforts to increase public awareness of the National Labor Relations Act and to enhance the "Speaker's Bureau" detailed on our website, www.nlrb.gov, the National Labor Relations Board has produced a digital video presentation in English and Spanish that dramatically portrays representation case processing.

The video is designed to inform potential voters, employers and unions about the role of the NLRB. Using narrators and actors in vignettes, the video chronologically depicts an organizing campaign, the filing of a petition, and an election. It also contains a general description of the pre-election hearing and post-election objection process, as well as a description of our Information Officer program and the various ways the Agency can be contacted.

Copies of the video on DVD are available through the Region 10 field office for distribution to interested employers, employer associations, labor organizations, chambers of commerce, congressional offices, other federal and state agencies, schools, legal aid organizations, immigrant advocacy groups, and other entities. It is also posted as streaming video on the Agency's website.

A NOTE FROM THE EDITOR

Region 10 Perspective **always encourages your questions, suggestions, comments and feedback. Please feel free to contact me at Lisa.Henderson@nlrb.gov or 404-331-2889.**

Thank you!
Lisa Y. Henderson, Supervisory Field Attorney

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The **National Labor Relations Board** is an independent federal agency created by Congress in 1935 to administer the National Labor Relations Act, the primary law governing relations between unions and employers in the private sector. The statute guarantees the right of employees to organize and to bargain collectively with their employers, and to engage in other protected concerted activity with or without a union, or to refrain from all such activity. The NLRA extends rights to most private sector employees, to their employers, and to unions/labor organizations. The NLRA protects workers who form, join, support or assist unions, and protects groups of workers (two or more employees) without a union who engage in protected concerted activities seeking to modify their wages or working conditions. The Act protects non-union and union employees against employer and union discrimination based on union-related activities or other protected concerted activities.

Employees wishing to pursue workplace organization issues or allegations of unfair labor practices may seek assistance from the nearest regional NLRB office. Employers and unions who wish to pursue allegations of unfair labor practices may do the same. The Agency has 51 regional, sub-regional, or resident offices to serve the public.

Please let us know if you'd like to be added to or deleted from our newsletter mailing list. If you would like to receive future copies of Perspective by email, please notify us at NLRBRegion10@nlrb.gov.

We're on the Web!
www.nlrb.gov

NLRB Speakers are Available for Your Group

Members of the Region's staff are available to make presentations before any employer or union group, classroom group, legal services clinic or service agency, or labor relations association to describe the Act's protections, how the Region investigates and resolves unfair labor practice charges, how it processes representation petitions, or any NLRB topic of interest.

To arrange for a speaker and to discuss possible topics, please do not hesitate to contact Regional Outreach Coordinator Jason Hardman at Jason.Hardman@nlrb.gov or (404) 331-2888.

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