



Spring Edition  
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 Volume 6

# Region 10 PERSPECTIVE

An Outreach Publication Issued by Region 10, National Labor Relations Board, Atlanta, Georgia; our Birmingham, Alabama Resident Office; and Knoxville, Tennessee Resident Agent.

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## MARTY'S SOAPBOX

### Reflections on 50 Years of Agency Service



Last November, while attending a Regional Directors Conference at our Washington headquarters, I was presented with a handsome plaque “in recognition and deep appreciation for 50 years of dedicated service to the National Labor Relations Board.” It’s hard to believe that March 2010 marked fifty years since I entered the portals of Region 2 in Manhattan to begin my half-century career with this distinguished Agency. I have had many memorable experiences in three regional offices — Manhattan, Puerto Rico, Atlanta. These have ranged from conducting last or final-offer elections in dock strike situations during the “cooling-off period” mandated by the emergency provisions of the Taft-Hartley Act to serving as special counsel for the prosecution in federal court of several defendants for criminal contempt of a Board-obtained temporary restraining order.

It’s been a source of much satisfaction to me to be 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.

**RD MARTIN ARLOOK**

## ATLANTA ARD PROMOTED TO ST. LOUIS REGIONAL DIRECTOR POSITION

Effective February 28, the Board and General Counsel appointed Claude (Chip) Harrell, Assistant to the Regional Director Region 10-Atlanta, to fill the vacant Regional Director position in Region 14-Saint Louis. He succeeds the recently retired Ralph Tremain. Chip began his career as a field examiner in Region 9-Cincinnati in 1976 and was promoted to Supervisory Examiner in 1992. In 2003, he was selected to fill the Assistant to the Regional Director vacancy in Atlanta created by the retirement of Joe McMahon.

Commenting on his appointment, Chip says, "I am honored by my selection. My career has been blessed and shaped by serving with bright and talented coworkers, supervisors and managers. I'll miss my colleagues and friends here, but I look forward to establishing new relationships with the staffs in Saint Louis and Peoria. I hope my presence in Atlanta as ARD has been beneficial." Upon learning of Chip's appointment, Regional Director Arlook commented: "Chip Harrell was a truly outstanding ARD, and there is no doubt he'll be an equally outstanding Regional Director in Region 14. He'll be very much missed."

Chip and his wife, Margy, are saddened to have to pull up the roots they have put down in Atlanta. However, they are sure to return occasionally to visit as their son Stephen is an area planner for Kimberly-Clark in Atlanta. They will also miss Atlanta's weather, but note that their elder son Nathan, who is engaged to be married on September 11, lives in Chicago and has managed to survive there.



Chip and Margy Harrell during their recent vacation in Egypt.

**SIGNIFICANT RECENT CASES  
IN REGION TEN**

Pursuant to a charge filed June 8, 2009, by AFSCME Local 1644, the Regional Director issued a complaint against **Southside Medical Center, Inc.**, on August 3, 2009, alleging that the Employer had violated the National Labor Relations Act by discharging employee Amelia Kemp because it believed she had engaged in union and concerted protected activities. The essential issue in the case was whether Kemp, who had recently been promoted to a position bearing a supervisory title, nonetheless remained an employee protected by the Act or whether she was no longer protected by the Act because she had, in fact, been promoted to a supervisory position. The parties await the Administrative Law Judge’s decision in the case.

On July 29, 2009, the Regional Director approved a conditional withdrawal in **M&M Mars**, Case 10-CA-37861, pursuant to a charge filed by the Bakery Confectionery & Tobacco Workers Union alleging a Section 8(a)(1) and (3) discharge of an employee. During the course of the investigation, the Region issued investigative subpoenas duces tecum to interview certain alleged supervisors attributed with independent violations of Section 8(a)(1) to determine their supervisory status. After reviewing the evidence, the Region concluded that those individuals interviewed did not in fact possess any of Section 2(11) supervisory indicia. The Union and the Employer then entered into a non-Board settlement in which the alleged discriminatee waived reinstatement and was paid \$25,000 and given a neutral reference, and the Union withdrew the charge.

On February 1, 2010, the Regional Director approved a settlement agreement in **Five Points Temporaries, L.L.C. d/b/a Five Points Staffing**, Cases 10-CA-37824 and 10-CA-37831. Pursuant to charges filed in April 2009, the Region filed an administrative complaint on November 27, 2009, alleging that the Employer had violated the Act by discharging two employees because it believed they had engaged in union and concerted protected activities. Hearing was scheduled to commence on February 8, 2010. The settlement resulted in the posting of a Notice to Employees, and back pay of \$30,000 to Amy Russo Cochran and \$16,640 to Monique Sales, plus compound interest for both. The payments will be made in installments over eight months, and the settlement provides for the entry of default judgment against the Employer if it does not comply with the payment schedule.

On November 27, 2009, the Regional Director approved a settlement agreement in **Security Consultants Group, Inc.**, Cases 10-CA-37998, 10-CA-38015, and 10-CA-38026. Pursuant to charges filed in August 2009, the Region determined that an administrative complaint was warranted alleging that the employer had violated the Act by threatening retaliation for Union activities, interrogating employees regarding their Union activities, creating an impression that it was engaged in surveillance of Union activities, and issuing disciplines and suspensions to employees Detrise Kelley and Joslyn Brown because of their Union activities. The settlement resulted in the employer rescinding the disciplines and suspension, posting a Notice to Employees, and paying back pay to Joslyn Brown in the amount of \$1,750.00 plus compound interest and to Detrise Kelley in the amount of \$420 plus compound interest. The agreement provides for the issuance of an administrative complaint and entry of default judgment against the Employer if it violates the terms of the settlement.

## SIGNIFICANT RECENT CASES IN REGION TEN

On January 21, 2010, the Regional Director closed cases against **Southern Nuclear Operating Company-Georgia, Southern Nuclear Operating Company-Alabama, Alabama Power Company, Georgia Power Company, Mississippi Power Company, and Gulf Power Company** pursuant to a global non-Board settlement of charges on verge of trial.

Several locals and system councils of the International Brotherhood of Electrical Workers filed these charges in early 2007. After successful proceedings before the Board on the Region's issuance of investigative subpoenas and subsequent consideration in the Division of Advice, the Region issued complaints in 2009 alleging that the Employers violated Section 8(a)(5) of the Act by unilaterally changing the Employee Saving Plan ("ESP") and Employee Stock Ownership Plan ("ESOP") benefits. In light of the Employers' prior history of violations the Act in similar circumstances (see *Georgia Power Company*, 325 NLRB 420 (1998), enfd. mem.176 F.3d 494 (11th Cir. 1999), cert. denied 528 U.S. 1061 (1999); *Mississippi Power Company*, 332 NLRB 530 (2000), 284 F.3d 605 (5<sup>th</sup> Cir. 2002); *Southern Nuclear Operating Company, Alabama Power Company, Savannah Power & Electric, and Gulf Power Company*, 348 NLRB 1344 (2006), 524 F.3d 1350 (D.C. Cir. 2008)), the Region sought a broad cease-and-desist order and special remedies affecting the Notice to Employees.

The global settlement provides that the Employers will conduct annual meetings with the Unions during which the Employers will advise the Unions of any proposed changes to the ESP and provide an opportunity to bargain. In addition, the Employers will provide the Unions with written notice of any proposed changes to ESP benefits. Finally, the agreement provides that the Employers will disseminate a jointly drafted announcement regarding the settlement to the approximately 10,000 affected employees via e-mail, print newsletters, and publication on Employer web-sites.

The charge in **PetSmart, Inc.**, 10-CA-37732, was filed on February 11, 2009 by Charging Party Chelsea Harris, an individual. The charge alleges the Employer violated the Act by discharging Harris for engaging in union and concerted protected activities. A non-Board Settlement agreement was reached resulting in a monetary payment to Harris totaling \$13, 500, less applicable taxes and withholdings, as well as a neutral employment reference. The settlement was reviewed and deemed in compliance with OM 07-27. On March 23, 2009, Harris orally withdrew the charge in this matter. On March 31, 2009, the Regional Director approved the Non-Board settlement.

On August 28, 2009, an administrative law judge issued a decision in **Mastec of North America, Inc.** finding violations with respect to all Section 8(a)(1) and 8(a)(3) allegations of the complaint, including the discharge of two Union supporters, the reprimand of a third, and extensive interrogation, promises and threats made before and after the Union won a representation election held among technicians at Mastec's Kingsport, Tennessee location. (The Employer's objections to the election are currently pending before the Board.) Following issuance of the ALJ's Decision, parties entered into a settlement agreement that required the posting of a notice, cleared the discriminatees' records, and provided \$53,452.24 in back pay. The settlement also included a Proclivity Clause stating that the settlement could be used in future proceedings to show animus and to show proclivity to violate the Act for purposes of determining an appropriate remedy.

## *DISPELLING THE MYTH*

**Myth: Only employees involved in Union Activities are covered by the Act.**

**Reality: The Act also protects employees involved in Protected Concerted Activities.**

Okay, so, what are Protected Concerted Activities? In general, an employee's activity is "concerted" if it is engaged in with, or on the authority of, other employees, and not solely by and on behalf of the employee himself. An employee does not forfeit the protection of the Act unless his misconduct is "so violent" or "of such character as to render the employee unfit for further service."

- a) **Two or more employees addressing their employer about improving their working conditions and pay;**
- b) **One employee speaking to his/her employer on behalf of him/herself and one or more co-workers about improving workplace conditions;**
- c) **Two or more employees discussing pay or other work-related issues with each other.**

In the past year, Region 10 has had several protected concerted activity cases in which it obtained remedies for alleged violations of the Act. These include:

- ◆ **National Credit Systems**, Case 10-CA-37711, in which the Regional Director found merit to allegations that the Employer retaliated against the Charging Party because she complained with other employees to management about the way the Employer covered case assignments during employee absences. Prior to issuance of complaint, the Employer agreed in a non-Board settlement to pay the Charging Party ninety-five percent of the back pay owed to her in exchange for a waiver of reinstatement. The Regional Director approved the non-board settlement, and the Charging Party withdrew the charge.
- ◆ **CSS Healthcare Services**, Case 10-CA-37628, in which an administrative law judge issued a decision on September 29, 2009, finding that the Respondent unlawfully discharged Victoria Torley in violation of Section 8(a)(1). Torley had participated in a series of meetings with others about working conditions, then had advised the company that she was a whistleblower, that the employees constituted a collective bargaining unit, and that any retaliation by the company would have consequences. Torley was fired a week later. The Respondent filed exceptions to the administrative law judge's decision with the Board and, on January 29, 2010, the Board affirmed the judge's decision. On February 9, 2010, Respondent filed a Petition for Review of the Board's decision with the 11<sup>th</sup> Circuit.

**Excerpt from *Facebook Fears: Labor Law And Social Networking*  
by John W. Polley, Anne P. Zorn and Jennifer Haskin Will**

Many employers already know that it is unlawful to spy on employees who are engaged in union organizing activity. As unions start to use social networking sites like Facebook to organize workers, employers must be aware that the same "brick and mortar" rules that prohibit spying on union activity will also be applied in some circumstances to spying on internet-based union organizing activity.

Unions and workers are now using social media applications such as Facebook to unionize. These social media groups are easy to set up, and the sponsoring union or employee can allow anyone to view who belongs to the group and other information posted on the site. The creator can also restrict access to "members" of the group.

If a union or some unhappy employees created a website as part of an effort to unionize your company's workers, would it be lawful for you to look at the site to see what employees are griping about? Unfortunately, the answer is not entirely clear at this point. There simply is not much case law. But there is some case law that at least suggests what the answers are likely to be.

We do know that it is unlawful for an employer to eavesdrop on private conversations between employees and their union representatives. See e.g., *NLRB v. Unbelievable, Inc.* 71 F.3d 1434 (9th Cir. 1995). And, further, at least one labor case, albeit a case arising under the Railway Labor Act (RLA), *Konop v. Hawaiian Airlines, Inc.*, 302 F.3d 868, 872 (9th Cir. 2002), indicates that an employer's unauthorized "eavesdropping" on an employee-maintained website that encouraged the employee's coworkers to seek representation by a more aggressive union is also unlawful. In that case, the Ninth Circuit applied principles developed under the National Labor Relations Act and stated that, "There is no dispute that employee Konop's website publication would ordinarily constitute protected union organizing activity...." Further, absent a legitimate justification, employers are generally prohibited from engaging in surveillance of union organizing activities. The reason for this general proscription is that employer surveillance "tends to create fear among employees of future reprisal" and, thus, "chills an employee's freedom to exercise his rights under federal labor law..." We see no principled distinction between the employer's eavesdropping in *Unbelievable* and employer Hawaiian's access of Konop's secure web site. *Konop* at 884.

It seems likely to us that the NLRB will follow the rule in *Konop* and hold that an employer's unauthorized access of a secure websites promoting its employees' unionization efforts will constitute unlawful surveillance.

Similarly, we believe that the NLRB will hold that an employer's suggestion to its employees that it has accessed such a web site, even if it has not, violates the National Labor Relations Act because it gives employees the impression that their union activity is being monitored. What is less clear is how the NLRB will deal with an employer surfing the web to view a pro-union union website that targets the employer but is not secure and is generally open to the public. It can be argued that employees who openly join or become members of such a website are no more worried about the employer knowing of their pro-union sympathies than employees who handbill in front of the employer's place of business. Cf. *Roadway Package Systems*, 302 NLRB 961 (1991) ("[W]here, as here, employees are conducting their activities openly on or near company premises, open observation of such activities by an employer is not unlawful."). While employees who publicly join "open" websites are not physically parading on company premises, they are making themselves virtually as visible by joining a website that advertises its purpose by stating the employer's name.

Although NLRB precedent and existing case law provide some guidance for employers who monitor employee use of social media, these issues are far from settled. Employers who monitor employee use of social media for any reason, whether related to union activity or otherwise, should be mindful of the numerous labor and employment laws that may apply to their conduct.

*The content of this article is intended to provide a general guide to the subject matter. The advice of specialists should be sought about your specific circumstances.*

## REGION OBSERVES BLACK HISTORY MONTH

Region 10's commemoration of National African American History Month featured an oral presentation by Atlanta historian Charles Henry Atkinson. Remarkably, before his father's death, Mr. Atkinson was unaware that his father John Loyd Atkinson Sr. was a member of the illustrious Tuskegee Airmen. The Airmen were trained at Tuskegee Army Air Field in Tuskegee, Alabama, from 1941 through 1946, a time when the United States military was racially segregated. Mr. Atkinson first learned of his father's military history when he traveled



with his children to Crawfordville, Georgia, to visit his father's burial site. Through Lt. Col. Charles W. Dryden's book, *A-Train: Memoirs of a Tuskegee Airman*, Mr. Atkinson learned more of his father's esteemed service as a member of this celebrated group of brave pilots. When asked why his parents never spoke of his father's military service, Mr. Atkinson stated that the racism and bigotry the pilots experienced overseas and at home so embittered his father that he never wanted to talk about the challenges and honor of serving as a Tuskegee Airman. Mr. Atkinson's quest for knowledge about his father's military

service has led him to embark upon a journey to conduct more research about his family history, which he hopes will result in the publication of a book.

In 1950, after his service in the military, John Atkinson was instrumental in establishing George Washington Carver State Park on the banks of Lake Allatoona, where he also served as the first black superintendent of a state park in Georgia. The park has since been assimilated into Red Top Mountain State Park.

In the 1930's, Mr. Atkinson's father inadvertently built a home for his family in a white neighborhood in Atlanta. Because the area excluded blacks, the family had to seek judicial relief before they were allowed to move into their home. Early on October 12, 1958, the day Atlanta's Temple was dynamited by white supremacists, a bomb was hurled at the Atkinson family's home, shattering the windows, but injuring no one. (As an aside, Regional staff was surprised to learn that RD Martin Arlook, who was stationed at Fort McPherson in Atlanta in the late '50s, attended the trial of one of the accused bombers and was stunned by the defendant's virulent anti-Semitism. RD Arlook was even more shocked by the defendant's acquittal.)

Special Emphasis Coordinator Elaine Robinson-Fraction, with able assistance from Field Examiner Richard Harrison, organized the Region's 2010 Black History Month program, which was followed by refreshments and a meet-and-greet with Mr. Atkinson.

## Introducing Supervisory Examiner Terry Combs



On March 15, 2010, Terry D. Combs began his new assignment in Region 10 as a Supervisory Examiner. Terry's appointment fills a vacancy created by the retirement of SX Diane B. Williams. Terry joins us from the NLRB's office in Region 9, Cincinnati, Ohio.

Terry was born and raised in Middletown, Ohio, and obtained an undergraduate degree in Sociology from Miami University in Oxford, Ohio. After serving in the U.S. Coast Guard in Washington DC and Tampa, Florida, Terry returned to Ohio where he was employed in manufacturing. During that time he held a variety of local union positions with the United Paperworkers International Union. While working full-time in a paper mill, Terry received a Master of Arts Degree in Labor Employment Relations from the University of Cincinnati in 1995. In 1997, Terry joined the Agency as a Field Examiner in Region 25, Indianapolis, Indiana. In 2000, he transferred to Region 9 where, coincidentally, his first supervisor was Region 10's recently departed ARD Chip Harrell. Terry is known for his high productivity and passion for the enforcement of the National Labor Relations Act. A little known fact, however, is that Terry is also a kidney donor.

Away from work, Terry and his wife Patricia enjoy taking care of their shelter dogs (beagles and terriers.) Some of his other interests include being an avid amateur American Revolutionary War buff. (His favorite historical figure is Nathanael Greene.) In pursuit of that passion, he regularly makes excursions to colonial-era historical sites and battlefields such as Williamsburg and Yorktown, Virginia. He also makes frequent trips to Charleston, South Carolina, where he and Patricia plan to reside one day. Terry is enthusiastic about his new role in Region 10, and is also excited to have relocated to one of the original 13 colonies — especially one with a warmer climate!

Region 10 is pleased to welcome Terry to Atlanta!

On February 25, 2010, Regional Director Martin Arlook and Acting Supervisory Attorney Lisa Henderson addressed a workshop for new stewards at a local Communication Workers of America hall. Marty provided an overview of the history of the Act and structure of the Agency, and Lisa guided participants through an introduction to the most common unfair labor practice charges and the steps of an investigation. See page 12 of *Perspective* for details on arranging speakers for your members or staff.

## Region Steps Up for Haitian Relief

Mindful of our good fortune, and in keeping with our tradition of giving to the annual Combined Federal Campaign and in recent food drives, Region 10 encouraged its staffers to give generously to the Haitian Earthquake relief effort. In response, employees directly donated more than \$1000 to agencies such as Partners in Health, the American Red Cross, CARE, Doctors Without Borders, and the Haiti Earthquake Relief Fund, American Jewish Joint Distribution Committee.

## Saying "So Long" to Diane

On January 2, 2010, Region 10 bid farewell to Supervisory Examiner Diane B. Williams. During her 38-plus years with the agency, Diane either investigated, supervised, effectuated compliance in or otherwise worked on virtually every major case in the Region, including *Crown Cork and Seal*, *McClain Industries*, *American Signature/Quebecor*, *U. S. Ecology*, *Dynatron Bondo*, *Waldinger*, *Great Lakes Chemical*, *OMC*, *TNS*, *Nuclear Fuel Services*, *Contractor Services*, *Southern Pride Catfish*, *J. P. Stevens*, and *Cannon Mills*. As an agent, she obtained one of the Region's first and only formal settlement agreement involving a labor organization and took pride in the fact that she never had an overage case or a case remanded for further investigation. Known for many years as the representation case specialist, Diane secured innumerable stipulated election agreements, at times handling 25 to 30 R-cases a month when organizing was at its height. While she served as Compliance Officer, she ensured the payment of literally millions of dollars to hundreds of discriminatees and, as a hands-on supervisor, Diane secured numerous informal and non-Board settlement agreements. Indeed, on her last day at work, she processed three adjusted withdrawals.



At her farewell party, Diane was recognized as a tireless individual who used her considerable expertise and ability to work with all parties toward responsibly effectuating the purpose of the Act. As one attorney at the party noted, she was the "consummate civil servant." Certainly, the Region will miss this vital and vocal member of its management team.

As for retirement, Diane says she highly recommends it, particularly while one is energetic and enthusiastic. The first three weeks of her retirement she was focused on arrangements for the wedding of her oldest daughter. However, Diane also volunteers with literacy and ESOL programs and is part of an after-school enrichment program for children living in government-subsidized housing. Diane has joined four reading groups and is a charter member of her neighborhood's recently formed garden club. She is part of a walking/hiking group and a volunteer usher at many entertainment/theatre venues in metro Atlanta. She hopes to travel more extensively and to take classes in all her areas of interest. Diane notes, "The key, I think, is to embrace 'retirement' as the next phase of life, to remain intellectually and physically active, and to pursue continuing interests and develop new ones. So far it's been a blast!"

## ELLEN HAMPTON, MOST SENIOR FIELD ATTORNEY IN REGION, RETIRES

On March 3, 2010, Region 10 waved good-bye to Senior Field Attorney Ellen Hampton after nearly 37 years of dedicated service to the National Labor Relations Board. Ellen began her service in 1973 as a Field Examiner in the Atlanta Regional Office, coming to the office with a master's degree in political science but no law school experience. She attended law school at night, was admitted to the Georgia bar in 1982, and converted to field attorney. Prior to the expansion of the Birmingham resident office and the employment of agents working in the Knoxville, Tennessee area, Ellen spent the majority of her time handling cases in east Tennessee and north Alabama. In more recent years, the majority of her cases have been in Georgia, with the notable exceptions of recent work in the Kingsport, Tennessee area and, before that, travel outside the Region as lead attorney in a multi-state plant closing case. Now, in retirement, her immediate plans are to enjoy the beautiful Georgia spring and the many birds that come to feeders on her deck. Her longer range plans include the usual suspects: travel and enjoyment of her grandchildren.

# Birmingham Bits

C. Douglas Marshall, Resident Officer



- On February 23, 2010, the Resident Office again sent a representative to the Cumberland School of Law’s Public Interest Career Fair to join other government agencies, non-profit organizations, military JAG Corps representatives, and volunteer lawyer programs to present the law students with alternatives to private sector practice. Cumberland is committed to exposing their students to clerking, summer positions and careers in a wide variety of public interest organizations. As he has for the last four or five years, Field Attorney Greg Powell represented the office at the career fair.
- As a result of our 2010 Combined Federal Campaign giving, the Birmingham Resident Office received a trophy from United Way for Top Mini-Agency [1-10 employees] in Central Alabama. Greg Powell again served as office chairman for the campaign, and the Resident Office raised \$6316.00. We had 100% participation with donations averaging just over \$700 per person. This is Birmingham’s second consecutive first-place finish, but the true satisfaction is in being able to target our giving to the causes each of us finds most important.



Doug Marshall congratulates P. Linn McCarty on 30 years of Agency service.

### RECENT REGION 10 RECIPIENTS OF GOVERNMENT SERVICE AWARDS:

<b>Regional Director Martin M. Arlook</b>	<b>50 years</b>
<b>Field Examiner Richard W. Harrison</b>	<b>35 years</b>
<b>Field Examiner P. Linn McCarty</b>	<b>30 years</b>
<b>Asst. Office Manager Marsha L. Phillips</b>	<b>30 years</b>
<b>Receptionist Mitchell S. Steven</b>	<b>30 years</b>
<b>Compliance Asst. Shawn Watkins-Carroll</b>	<b>25 years</b>
<b>Field Attorney Carla L. Wiley</b>	<b>15 years</b>

**For four consecutive Fridays in February and March, 2010, management and staff attorneys of the Atlanta Regional Office served as practice judges for three Mercer University law students preparing for the 2010 Robert F. Wagner National Labor & Employment Law Moot Court Competition in New York City. Good luck, Mercer Team!**

The Agency has made a number of revisions to the Unfair Labor Practice Casehandling Manual. Significant modifications include:

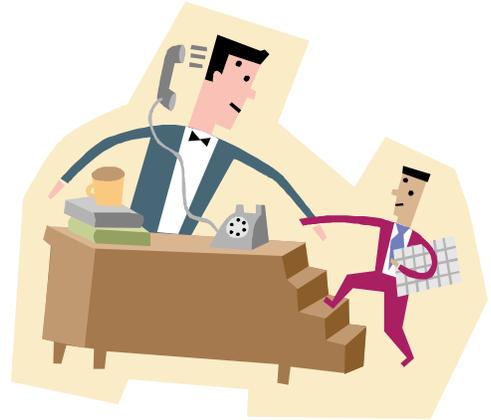
- \* New section on guidance regarding investigations involving bilingual or non-English-speaking witnesses. (Section 10061.2)
- \* Guidance regarding procedures when there is attorney misconduct in Agency proceedings. (Section 10070)
- \* Guidance regarding ensuring that all court filings comply with federal rules protecting personal identification information. (Sections 10242, 10244, 10310.5 and 11798.1)
- \* Guidance regarding filing Answers to Complaints either as paper documents or electronically. (Sections 10268.2 and 10280)
- \* Guidance regarding processing of representation petitions that are blocked by unfair labor practice charges that are otherwise appropriate for deferral. (Section 11731.3)
- \* Clarification of guidance regarding filing and service of paper and electronically filed documents. (Sections 11840, 11841, and 11846.4)

The revised sections are now available on the Agency’s website, [www.nlr.gov](http://www.nlr.gov).

## Filing Charges or Petitions

Unfair labor practice and petition forms are available for download from the NLRB Website at [www.nlr.gov](http://www.nlr.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.nlr.gov](http://www.nlr.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

**Greetings!** With this issue, I will be taking editing reins for *Region 10 Perspective* from Chip Harrell. The Region hopes to continue to make this newsletter a valuable resource to the labor and management community and, to do so, we need your help! To that end, we always encourage your questions, suggestions, comments and feedback. Please feel free to contact me at [Lisa.Henderson@nlrb.gov](mailto:Lisa.Henderson@nlrb.gov) or 404-331-2889.

Thank you!  
 Lisa Y. Henderson, Senior 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](mailto:NLRBRegion10@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](mailto:Jason.Hardman@nlrb.gov) or (404) 331-2888.

*April 2010 Issue Contributors:*

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