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Greetings! ¡Saludos!

This is the Region's first newsletter which we offer as a way to inform you about the Agency, the Region, and labor-related matters of interest. Our Regional Office is located in Tampa and we have two Resident Offices, one in Jacksonville and the other in Miami. Our geographic jurisdiction covers the State of Florida, excluding 12 counties in the panhandle region of the state. In addition, we cover 21 counties in Southern Georgia. In enforcing the National Labor Relations Act, we process petitions seeking secret-ballot elections that enable employees to vote on union representation. In addition, we investigate charges alleging that employers or labor organizations committed unfair labor practices as defined in Section 8(a) and (b) of the Act and prosecute those charges when appropriate. Charges and petitions may be filed by mail, in person, or by fax.

The Tampa Regional Office is staffed by six managers and supervisors, eleven Board Agents (six attorneys and five field examiners) and seven administrative support staff. The Jacksonville Resident Office is staffed by one supervisor and two Board Agents (field examiners). The Miami Resident Office is staffed by one supervisor, six Board Agents (five attorneys and one field examiner), and one administrative professional.

Region 12, as is the case in other Regions, strives to maintain the highest level of quality work, and to do so in a timely manner in accordance with Agency time goals. An unresolved labor dispute or question concerning representation serves no one's interest. Indeed, the Act exists for the very purpose of minimizing such issues and giving full effect to the employees' exercise of their statutory rights. The staff of Region 12 is pleased to assist those who seek our services and we assure our customers of quality and prompt casehandling in a professional and courteous manner.

Rochelle Kentov
Regional Director

SPEAKERS ARE AVAILABLE!

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, and labor relations association to describe the Act's protections, how the Region investigates and resolves unfair labor practice charges, processes representation petitions, or any other NLRB topic of interest. Examples of outreach include a mock election performed at an elementary school, an update on current case law to an industry association, and an introduction to the NLRA given to a local bar association.

To arrange for a speaker and to discuss possible topics, please do not hesitate to telephone Regional Outreach Coordinator Nick Ohanesian at 904-232-3768.

What are protected concerted activities?

The National Labor Relations Act (NLRA) protects employees' rights to engage in protected concerted activities with or without a union, which are usually group activities (two or more employees acting together) attempting to improve working conditions, such as wages and benefits. Some examples of such activities include:

- a) two or more employees addressing their employer about improving their working conditions and pay;
- b) one employee addressing the employer regarding group concerns about improving workplace conditions;
- c) two or more employees discussing pay or other work-related issues with each other.

The NLRA also protects any individual employee's right to form, join, or assist a union and to refrain from such activities.

Who is a Supervisor under the NLRA?

The Board interprets terms within the Act's definition of a "supervisor"

In *Oakwood Healthcare, Inc.*, 348 NLRB No. 37 (2006), the Board interpreted the terms "assign," "responsibly to direct" and "independent judgment," as those terms are used in Section 2(11) of the Act, where the term "supervisor" is defined.

Assign

"[D]esignating an employee to a place (such as location, department or wing), appointing an employee to a time (such as a shift or overtime period), or giving significant duties, i.e. tasks, to an employee."

Responsibly to direct

"If a person on the shop floor has 'men under him,' and if that person decides 'what job shall be undertaken next or who shall do it,' that person is a supervisor, provided the direction is both 'responsible'...and carried out with independent judgment."

For direction to be "responsible," the individual must be accountable, i.e. subject to adverse consequences for his or her decision.

Independent Judgment

"[A] judgment is not independent if it is dictated or controlled by detailed instructions, whether set forth in company policies or rules, the verbal instructions of a higher authority, or in the provisions of a collective bargaining agreement."

These definitions will now be applied by the Board to determine the super-

What does "right to work" mean?

"Right to work" laws are state laws that prohibit requiring employees to join a union or pay dues. Florida and Georgia are "right to work" states.

Information

If you have a job-related question or problem that you think might be covered by our Agency, please contact the Information Officer at the local [NLRB office](#) nearest you.

The Information Officer will answer your questions, direct you to another source of information, or assist you in filing a charge or petition.

Information Officers in Region 12 are available from 8:00 a.m. until 4:30 p.m. Monday through Friday, excluding federal holidays.

Wilma Liebman named Board Chairman

On January 20, 2009, President Barack Obama designated Wilma B. Liebman, a Member of the National Labor Relations Board, as Chairman. Chairman Liebman has served on the Board since November 14, 1997. First appointed by President Clinton, she is now serving her third term, which will expire on August 27, 2011.

Before joining the Board, Chairman Liebman served from 1994 to 1997 at the Federal Mediation and Conciliation Service, first as Special Assistant to the Director and then as Deputy Director. She began her legal career as an NLRB staff attorney in 1974, then served on the legal staff of two labor unions: the International Brotherhood of Teamsters (1980-1989) and the International Union of Bricklayers and Allied Craftsmen (1990-1993). A native of Philadelphia, Chairman Liebman holds a B.A. from Barnard College and a J.D. from the George Washington University Law Center.

In a statement, Chairman Liebman said:

“I am honored by President Obama’s designation to serve as Chairman, and I look forward to continuing my service on the Board with my colleague, Peter Schaumber, and ultimately with a full complement of Board Members. I wish to thank Member Schaumber for his own outstanding service as Chairman. His leadership and collegiality, coupled with the efforts of dedicated agency staff, have enabled the Board to operate productively this past year.”

“The Board’s work matters, just as it did when the National Labor Relations Act was passed in 1935. Democracy in the workplace is still basic to a democratic society, and collective bargaining is still basic to a fair economy. The statute we administer is the foundation of America’s commitment to human rights recognized around the world.”



Did you know?

Assuming that Chairman Liebman completes her third term she will have served longer than any other Board member in the Agency’s 70+ year history with two exceptions. The first is former Board Chairman John H. Fanning who served from December 20, 1957 to December 16, 1982. The second is Howard Jenkins Jr. who served from August 28, 1963 to August 27, 1983.

NLRB HELPING FCC PREPARE THE PUBLIC FOR TRANSITION TO DIGITAL TELEVISION

In an effort to aid the Federal Communications Commission (FCC) to educate the public regarding the conversion to digital television, the NLRB has agreed to display posters in its reception areas and place in reception areas information materials to the public regarding the national transition to digital television that is scheduled to take place on June 12, 2009.

On June 12, 2009, all full-power broadcast television stations in the United States will stop broadcasting on analog airwaves and begin broadcasting only in digital. Digital broadcasting will allow stations to offer improved picture and sound quality and additional channels. Find out more by visiting the DTV Website of the Federal Communications Commission at <http://www.dtv.gov>.



Region 12's Fashionista-In-Residence Calls it a Career

Doing anything for sixty years may seem like a lifetime to some, but to Mildred (Millie) R. Lucas, the Office Manager for the Jacksonville Resident Office, it was just time spent doing what made her happy. On March 30, 2007, after more than 60 years of making her happy, the United States Government lost one of its most dedicated civil servants to retirement. Millie has served as Office Manager for the Jacksonville, Florida Resident Office since November 4, 1968. In 1996, she was named support staff member of the year for her district. And as if nearly 40 years of service with the NLRB was not enough, Millie worked for over 20 years for other federal agencies in Jacksonville prior to coming to the NLRB. These other agencies included the Departments of Veterans Affairs, Commerce, Agriculture, and the Public Health Service.



The happiness Millie brought to the Jacksonville Resident Office was highly contagious. The joy she took in coming to work was something that rubbed off on the many professionals who had the privilege of working along side her. The public also frequently took notice. Many inquiries by the public at the Jacksonville Resident Office would start with, "How is Millie doing?" and invariably ended with, "Please give Millie my best."

In her well-deserved retirement, Millie looks forward to spending time doing volunteer work, shopping, and continuing to indulge in her love of fashion.

Former Regional Director Harold Boire Passes Away

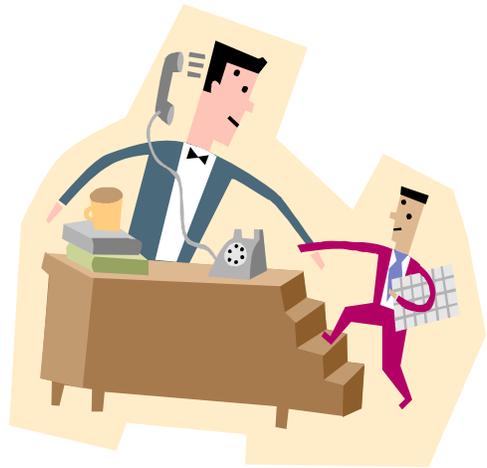
Harold A. Boire, who served as Regional Director in the National Labor Relations Board's Tampa, FL Regional Office (Region 12), from December 1956 until his retirement in February 1985, died on Wednesday, January 14, 2009. He was 94.

He was born May 21, 1914, the son of the late Charles and Eva Boire of Mooers, N.Y. After graduating from Mooers High School in 1933, he went on to earn a Bachelor of Science, Bachelor of Law, and Master of Law degrees. After his honorable discharge from the U. S. Coast Guard during World War II, he was employed for five years as executive secretary to a Florida Congressman in the U. S. House of Representatives. Mr. Boire began his federal career with the NLRB in Washington, DC in 1947 as a legal examiner. In March 1955, he transferred to the Office of Appeals and was promoted to Chief of that office in November of that year; in March 1956, he became an Assistant General Counsel in the Division of Advice; and in December 1956, Mr. Boire was promoted to Regional Director in Region 12, where he remained until his retirement.

Special Thanks

The Region would like to thank Field Attorney Marinelly Maldonado of the Miami Resident Office for her monumental efforts to get this newsletter started and her substantial written contributions to it and Law Clerk Justin Sorrell for editorial and technical assistance.

Filing Charges or Petitions



Unfair labor practice and petition forms are available for download from the NLRB Website at 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 through any of the Board offices in person or by phone. Our information officers can provide information as to which forms to use, how they should be completed, and discuss generally unfair labor practice and representation issues.

NEWS FLASH: ELECTRONIC CASE FILES

The agency is in the process of converting from its existing Case Automated Tracking System, affectionately known as CATS, to a next generation case records system which we are calling NxGen. Among the most significant changes to be included with NxGen is an eventual shift from our current paper-based case file system to one that maintains case files electronically. Once fully implemented, all case documents will be uploaded into NxGen.

Recently the Agency instructed those regions not involved in the NxGen pilot program to begin preparing for the changeover from CATS to NxGen and to an electronic file system by utilizing a standardized naming format for all documents. Regions were also instructed to begin creating and maintaining separate electronic case files in addition to the existing paper files.

Creating and maintaining electronic case files can involve substantial time in scanning and converting documents into searchable text. Accordingly, the Agency is encouraging parties to file documents with regions electronically whenever they are able to do so in lieu of filing paper documents. Documents submitted electronically can be uploaded into the electronic case files directly and do not need to be converted separately to make them searchable. In most cases, hard or paper copies do not have to be filed.

For information regarding which documents can be filed electronically, look under the “e-filing” tab on the NLRB’s website.

E-Filing with the NLRB

Last year, the National Security Archive recognized the NLRB's website, www.nlr.gov, as one of the five best websites out of 158 federal government sites. The National Security Archive (NSA) is a nongovernmental research institute and library located at George Washington University. The other four outstanding websites were those of the Department of Justice, the Department of Education, the Federal Trade Commission, and the National Aeronautics and Space Administration.

NSA noted that the NLRB site contains a wealth of information and has an "excellent navigation scheme." The site allows users to transact business online with the Agency. Examples of important enhancements include: (1) "My NLRB," a feature using portal technology that allows users that e-file documents to establish their own accounts in order for the system to automatically fill in data fields on e-filing forms; and (2) an expanded e-filing program for filing documents electronically with the Regional, Subregional, and Resident Offices, the General Counsel's Office of Appeals, and the Division of Judges. Most documents to be filed in a Regional Office can be filed at this site. For more information go to www.nlr.gov.

Parties are encouraged to file the following documents electronically:

- Position Statements
- Notices of Appearance
- Requests for an Extension of Time for Filing Documents Due to be Filed with a Regional Director or Hearing Officer
- Requests for Postponement of a Hearing Due to be filed with a Regional Director or Hearing Officer
- Excelsior Lists
- Observer Designations
- Requests to Proceed
- Withdrawal Requests
- Disclaimers of Interest
- Election Objections and Evidence in Support, Representation Case Briefs to the Regional Director/Hearing Officer
- Documents Addressed to Administrative Law Judges and to be served on Counsel for the General Counsel
- Unfair Labor Practice Exceptions and Briefs to the Board to be served on Counsel for the General Counsel
- Answers to Complaints or Compliance Specifications
- Motions for Summary Judgment and responses to such motions to be filed with the Regional Director or Counsel for the General Counsel
- Petitions to Revoke Subpoenas and responses to such petitions to be filed with the Regional Director or Counsel for the General Counsel.

ELECTRONIC FILINGS MUST BE TIMELY— Please note that date-sensitive electronic filings must be submitted so that transmission through the Agency's website is accomplished by 11:59 p.m. on the day the documents in question are due. Unless notification on the Agency's website informs users that the Agency's E-filing system is officially determined to be in technical failure, a failure to timely file or serve a document will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some reason.

DOCUMENTS WHICH ARE NOT ACCEPTED ELECTRONICALLY (CHARGES AND PETITIONS) MAY BE FAXED TO 813-228-2874 (Tampa), 305-536-5320 (Miami), or 904-232-3146