

# Region 18 HOT DISH

VOLUME III, ISSUE II

JUNE 2010

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## A 75th Anniversary Story

by RD Marlin Osthus

During the spring and summer 1934, the City of Minneapolis was the scene of one of the most violent strikes in the United States during the Depression. Truck drivers hoping to be represented by Teamsters Local 574 initiated the strike, but it soon escalated into a war of business interests versus workers and their families (including unemployed workers). At the beginning of the strike, cruising pickets shut down most trucking operations in Minneapolis, which led to a number of shortages, including food. As a result large numbers of police were called upon to protect the movement of trucks. In the next 3-4 months the strike evolved



into a series of confrontations and demonstrations – at times involving tens of thousands of people. Not only were leading business leaders and police involved in the fray, but also the mayor of Minneapolis, national guardsmen, and Minnesota’s Governor Floyd Olson. Governor Olson struggled throughout the long strike to balance his sympathy for the strikers’ demands with his desire to keep the strike from getting out of control. One of the worst days of the strike occurred on July 20, 1934 (known as Bloody Friday) at North 3rd Street and 6th Avenue North, when police killed two strikers and injured scores of other strikers, sympathizers, and bystanders.

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## David Garza to head up Albuquerque office

The Des Moines Resident Office is set for some changes this summer. Current Resident Officer David Garza will be leaving Region 18 to head up the Resident Office in Albuquerque, New Mexico for Region 28.

David came to Des Moines in June 2001 after serving as a Field Attorney in Region 16 in Ft. Worth, Texas for six years. Having been born and raised in Texas, a state which

he continues to love dearly (Hook’em), working in Albuquerque will afford David closer proximity to the Lone Star state.

While in Des Moines, David met his wife Angela, and in 2008, they had their first child, Winona. Before they leave Des Moines, they will have had their second!

As Resident Officer in Des Moines, David not only ran the office and handled his

own case load, he also oversaw the Region’s Deferral Program and recruiting efforts. He capably ensured that Agency and Regional goals were met by the office.

David assures us that he will miss the State of Iowa, along with the friends and connections he has made here in Region 18, but wants to know if anyone “wants to buy a used snow blower?”

### HOT DISH EDITOR:

**Pamela Scott,**  
Supervisory Attorney

## Jennifer Hadsall named Des Moines Resident Officer

This summer, Field Examiner Jennifer Hadsall will become Region 18's fourth Resident Officer for Des Moines since the resident office was established in 1980. Jennifer will be taking the reins from David Garza, who has been appointed the Resident Officer for Albuquerque, New Mexico.

In taking the position, Jennifer is returning to her professional roots. Jennifer began her career with the Board as a Co-Op (Student

Field Examiner in the Des Moines Resident Office in January 2003. Not only did Jennifer impress the Region with her work while in Des Moines, she also impressed local resident Ryan Hadsall (whom she married in 2005). Daughter Leah was born in June 2007.

Jennifer grew up in Minneapolis and attended the University of Minnesota where she graduated *summa cum laude* in 2000. After completing her Masters in Human Resources and In-

dustrial Relations at the University of Minnesota's Carlson School of Management in August 2003, Jennifer joined the Minneapolis Regional Office as a Field Examiner. We are quite confident that Jennifer's strong work ethic and advanced knowledge of Board law and procedure will enhance the Resident Office's reputation for high quality investigations and prompt elections. We will miss her, but we wish her all the best in her new position.



**New Des Moines Resident Officer Jennifer Hadsall**

## R-Case Best Practices:

Arrive at stipulated election agreements (stip) early whenever possible. There has been an increase in instances of parties waiting until the 11<sup>th</sup> hour to reach an agreement. Late cancelled hearings or stips reached at the hearing before going on the record cost the agency (tax payers) between \$150 and \$975. In order to cancel a hearing, the Region needs a stip signed by all parties. You'll often hear an agent state that the Region need a stip reached by noon the day before the election in order to timely cancel the hearing. This is to allow ample time for the signed stip to be returned by all parties involved. In order to avoid hearing cancellation fees, we have to cancel in-town hearings (Minneapolis or Des Moines) by 3 p.m. the day before, and for out of town hearings (any location other than Minneapolis or Des Moines) the hearing must be cancelled by 2 p.m. the prior day.

Tips for reaching stips early:

- 1) Identify for the Board Agent any unit or logistical issues right away;
- 2) Make yourself available even when you're on the road (i.e. cell phone) for updates and discussion;

- 3) Have open communication with the board agent about what your concerns are with any proposed unit. Our agents may have legal authority (i.e. cases on point) that would be useful and may also have creative solutions to address the concern; and
- 4) If you are willing to agree to a term proposed by the other party but are holding out to see if they drop the issue, don't wait to show your hand until the last minute (i.e. noon the day before the hearing).

On a similar note, a best practice is to identify challenges before the day of the election whenever possible. Informing the Region of challenges you intend to make prior to the day of the election allows the parties to investigate the validity of the challenge and share information that may resolve the challenges. This is true for both Union and Employer challenges (for example, challenges based on supervisory status, insufficient work hours, terminations, etc.).

The staff of Region 18 would appreciate your cooperation in adopting these best practices when dealing with representation cases.



### Tips for reaching stips early

# “What happens to my case NOW?” (part one in a series)

We are often asked about what happens after the Regional Director has made a determination in a case. The chart below depicts some of the possible post-decision scenarios. And of course the agent assigned will always be available to go through the possibilities with the parties.

Statistics show that most cases fall toward the right side of the chart, that is, no merit is found to the allegations. The investigating agent will give the Charging Party the option of either withdrawing the charge or

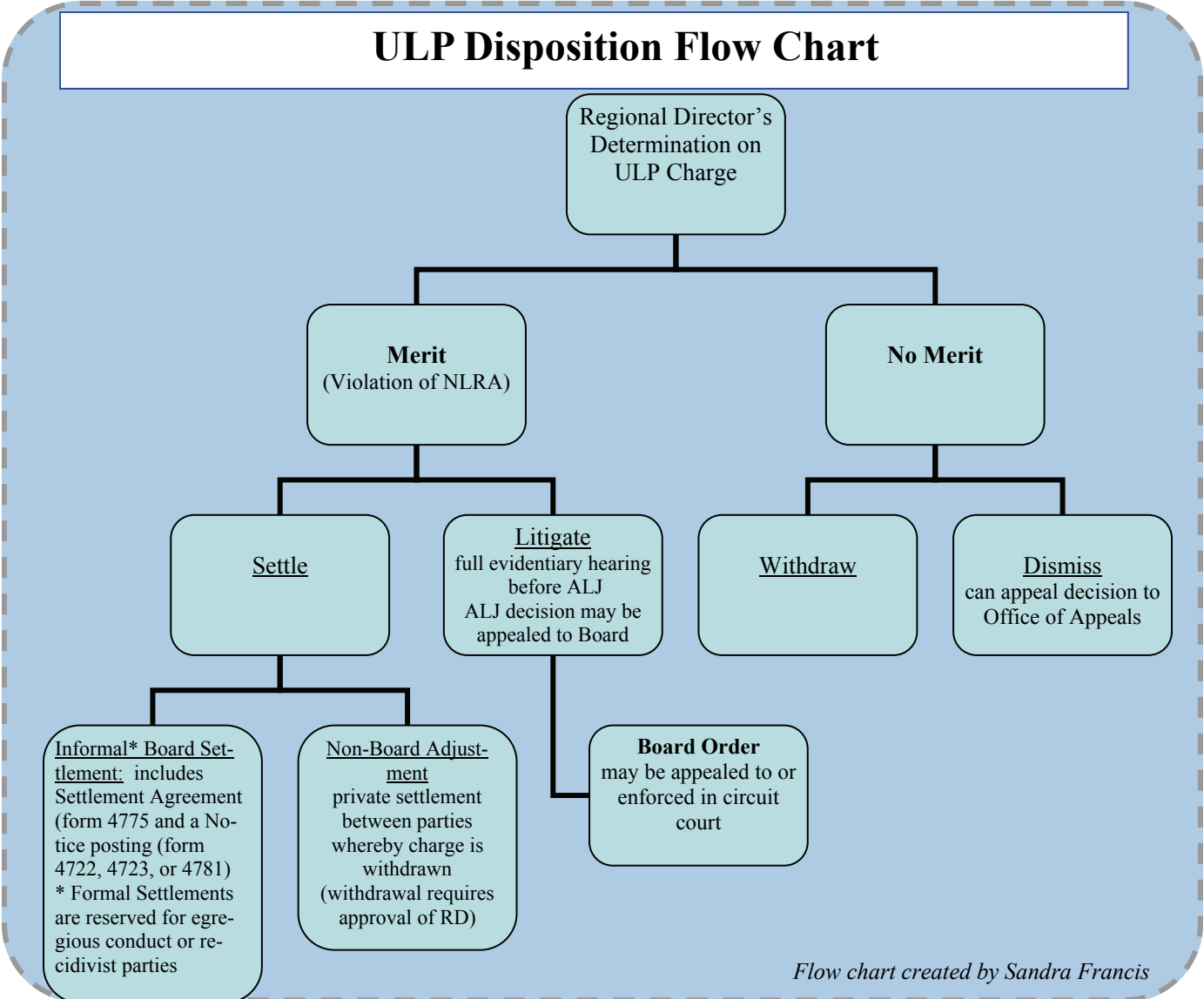
having the Region dismiss it. (At this stage, the Charged Party has not been informed of the Region’s decision.) If the Charging Party withdraws, both parties are sent a letter notifying them of that fact, and the Charged Party will not be informed as to whether a decision was made by the Region or the Charging Party withdrew for some other reason.

If the Charged Party decides not to withdraw, he or she may elect to receive either a short-form or a long-form dismissal letter. The short-form

letter states merely that the Region determined the charge was non-meritorious, without giving the reasons. The long-form letter, by contrast, gives an explanation of what the investigation revealed and why the Region’s decision was not to proceed to complaint. With either form of letter, a copy will be sent to the Charged Party.

In the next issue of HOT DISH, part two of this series will explore the left side of this chart, that is, merit findings and tips for settling cases.

## ULP Disposition Flow Chart



*Flow chart created by Sandra Francis*

The 1934 strike exposed, and ultimately resolved, two impairments to the peaceful resolution of labor issues. The first impairment was local, unique to Minneapolis, and known as the Citizens' Alliance. The Citizens' Alliance was an organization created by Minneapolis business leaders to block union organizing, and it played a key role in coordinating the response by both business and local government to the 1934 strike, as well as strikes preceding 1934. In fact, with the assistance of the Citizens' Alliance, Minneapolis marketed itself as the "open shop capital" of the world.

Ultimately the strike broke the Citizens' Alliance, and Minneapolis became known as a union town. However, a key reason that the strike succeeded was an apparent threat by President Franklin Roosevelt to Minneapolis bankers, who provided key leadership for the Citizens' Alliance. President Roosevelt threatened bankers that he would order the Reconstruction Finance Corporation to cease supplying money to the banks, and of course in 1934 during the Depression, banks were dependent on the federal government to keep solvent.

More importantly, the 1934 Minneapolis strike (as well as violent strikes in other parts of the country) exposed the ineffectiveness of the National Industrial Recovery Act (NIRA) in resolving labor disputes. Not only was the board created by the Act largely powerless, but also workers and unions were increasingly relying on their own organizational and fighting capacities rather than seeking assistance under the NIRA. As a result,

In the fall of 1935, Senator Robert Wagner began revising the existing law. In February 1935, Wagner introduced the National Labor Relations Act in the Senate.

On July 5, 1935, President Roosevelt signed the National Labor Relations Act into law, stating that the law was "an act of both common justice and economic advance." With the Act, a new independent agency called the National Labor Relations Board was created to enforce employee rights to form and join unions, and to require employers to bargain collectively with unions selected by a majority of employees in an appropriate bargaining unit. With President Roosevelt's signature on July 5, 1935, a new national labor policy was created.

Thus, July 5, 2010 is the 75th Anniversary of the passage of the National Labor Relations Act. The Agency is celebrating its 75th Anniversary in a variety of ways. You can access information about the various celebrations and about some of the history of the Agency and our country's labor relations at "Click here for the 75th Anniversary Website" at [www.nlrb.gov](http://www.nlrb.gov).



## Scenes from the Minneapolis strike



Flag erected at spot where Henry Ness was killed on July 20, 1934



Men swinging bats and sticks during clash between striking truckers and citizen's army



Police intervene in clash between striking truckers and citizen's army