



# “KNOW YOUR RIGHTS”

*A publication to educate, inform, and assist  
the public concerning workplace issues*

*Issued by Region 19, Seattle, of the National Labor Relations Board  
Including Subregion 36, Portland, and  
the Anchorage Resident Office*

www.nlr.gov

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## **RONALD MEISBURG, NLRB GENERAL COUNSEL, TO SPEAK IN SEATTLE**

On March 20, 2007, NLRB General Counsel Ron Meisburg will be a featured speaker at the annual Collective Bargaining Conference sponsored by the NW Chapter of the Labor and Employment Relations Association (LERA).

The Conference is a two-day affair that begins on March 19 and is open to all with an interest in labor relations issues. This year the Conference is at the Washington State Convention Center in Seattle. There is still time to register. See [www.nwchapterlera.org](http://www.nwchapterlera.org) or call 206-553-0722.

(See Page 4 for further details)

## Did You Know . . . . .

### Workplace Rights under the National Labor Relations Act

Many people know that the National Labor Relations Board protects employee rights to join and support unions where they work. **But, many are not aware that the NLRA also protects other employee rights as well.** Under the NLRA, employees have the right to act together to raise workplace issues with their employer or to press for changes in wages or conditions. Such employee actions are known as protected concerted activities. Unlawful employer actions that are prohibited by the Act include:

- **Threatening, disciplining, terminating, or otherwise retaliating against an employee for having engaged in union or protected concerted activities.**
- **Prohibiting employees from discussing or sharing information about their wages or working conditions.**
- **Prohibiting employees from talking about workplace issues on their own time.**

The National Labor Relations Act also protects an employees’ right to not participate in unions or in other actions with employees. The Act does not require an Employer to grant any specific employee or union demand.

## How to File a Charge:

Anyone may file an unfair labor practice charge with the NLRB. To do so, they must submit a charge form to any local NLRB Office. The form must be completed to identify the parties to the charge as well as a brief statement of the basis for the charge. The charging party must also sign the charge.

Forms are available for download from the NLRB website. They may also be obtained from an NLRB office. NLRB offices have information officers available to discuss charges in person or by phone, to assist filling out charge forms, and to mail forms.

## When a Charge is Filed:

The NLRB Regional Office will investigate. The charging party is responsible for promptly presenting evidence in support of the charge. Usually evidence will consist of a sworn statement of key events.

The Region will ask the charged party to present a response to the charge, and will further investigate the charge to establish all facts.

After a full investigation, the Region will determine whether or not the charge had merit.

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## Geographic areas serviced by Region 19

NLRB cases are filed based upon the location of the involved employer. A specific NLRB office investigates and process cases once filed.

- **Region 19, Seattle** services all of Washington (with the exception of Clark County), as well as northern Idaho and the western part of Montana.
- **Subregion 36, Portland** services the entire state of Oregon, as well as Clark County in southwest Washington.
- **The Anchorage Resident Office** serves all of Alaska.

## Hotel Agrees to Distribute over \$120,000 and Reinstate Workers

A Washington hotel agreed to recognize and bargain with a union, and also to distribute over \$120,000 in back pay and lost pension and health benefits to a unit of 29 housekeepers, laundry workers, cooks, servers, and bell staff, in order to settle an unfair labor practice charge filed by a union representing the hotel's employees.

The hotel had recently been purchased and the union alleged the new owners failed to hire former employees because of their affiliation with the union, and failed to recognize and bargain with the union. After an extensive investigation, Region 19 issued a complaint finding the new owners had violated the National Labor Relations Act as alleged. The Region also sought authorization to pursue Section 10(j) injunctive relief.

Shortly before a hearing in the case, the hotel agreed to settle the allegations by recognizing and negotiating with the union, and distributing back wages and benefits to 29 employees for lost work. Additionally, the hotel agreed to reinstate nearly half of the workers who had been passed over for employment in the hotel's scaled-down operations, and to discharge those who had been hired for the disputed positions.

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### After the Region Makes a Determination

If the Region determines that a charge has no merit—that the charged party has not violated the Act—it will dismiss the charge, unless the charging party requests withdrawal. The charging party has the right to appeal a dismissal.

If the Region determines that a charge has merit—that the charged party has violated the Act—it will attempt to settle the case. Unless there is a settlement, it will pursue the charge to obtain a finding of a violation and an order directing the charged party to undertake remedial actions. The charged party has appeal rights, including a right to a hearing, with a final decision subject to appeal to a federal court.

### Remedies for Violations

When there has been a violation, the Act does not impose fines or other direct penalties. Rather, it requires remedial action to correct the violation and its effects.

NLRB remedies require those who have violated the Act to cease the violation, to inform employees that they will respect their rights, to reinstate employees who have been unlawfully fired, and to pay compensation for lost earnings.

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### Careful!

### There are limits to the Act’s protections

The National Labor Relations Act protects employees who act together to raise workplace issues. Employees are **not protected** by the Act when they make complaints or demands for themselves alone.

The Act does **not protect** employees who engage in misconduct, even when the misconduct is intended to support concerted employee action. Threats, violence, or occupation of the employer’s premises are among actions generally considered to be misconduct warranting discipline.

The Act provides for backpay to compensate employees for losses resulting from unlawful conduct, but the Act does **not provide** for fines, punitive damages, or losses not directly resulting from lost employment.

The Act **does not require** an employer to grant employee demands.

### Some other protections and restrictions under the Act

- ✓ **The Act** also protects an employee’s right to join or support a union.
- ✓ **The Act** has procedures for determining by secret-ballot election whether a majority of employees in a workplace want a union to represent them in dealing with their employer over wages, hours, and working conditions.
- ✓ **The Act** requires an employer to recognize and bargain with the union where a majority of employees vote by secret ballot for union representation,
- ✓ **The Act** requires both unions and employers to bargain in good faith.
- ✓ **The Act** requires unions to represent all unit members fairly.
- ✓ **The Act** prohibits unions from picketing neutral employers in order to get them to cease doing business with other employers with whom the union has a labor dispute.

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## Learn More:

The NLRB’s internet website, [www.nlr.gov](http://www.nlr.gov), contains a great deal of additional information about the protections of the Act, Board policies and procedures, and how to contact the nearest office.

## Contacting Us:

There is always an information officer available at each of our offices to answer general inquiries or to discuss a specific workplace problem or question. The information officer can offer information about the Act and advice as to whether it appears to be appropriate to file an unfair labor practice charge. If filing a charge does appear to be appropriate, the information officer can assist in completing the charge form.

## Information officers may be reached in:

- **SEATTLE** at 206/220-6300
- **PORTLAND** at 503/326-3085
- **ANCHORAGE** at 907/271-5015

The NLRB may also be reached toll free by calling:

1-866-667-6572.

**Hablamos Español**

General Counsel Meisburg’s address, “*Perspectives and Priorities for 2007 from Washington D.C.*” will be presented to a Plenary Session on the second day of the LERA Conference at:  
**9:00 a.m., Tuesday March 20, 2007.**

## RONALD MEISBURG

### Biographical Information



Ronald Meisburg was nominated by President Bush to be General Counsel of the National Labor Relations Board in June, 2005. Mr. Meisburg’s nomination was confirmed by the Senate in August, 2006, for a four year term ending in August, 2010.

Mr. Meisburg also served as a member of the National Labor Relations Board under a recess appointment from President Bush in December, 2003. He served under the recess appointment until the Senate adjourned *sine die* in December, 2004.

Prior to his service with the Board, Mr. Meisburg was in the private practice of labor law for twenty-three years, most recently as a partner in the Washington, D.C. office of Ogletree, Deakins, Nash, Smoak & Stewart and, prior to that, Heenan, Althen & Roles. In private practice, Mr. Meisburg advised management clients with respect to issues arising under federal labor and employment law and labor agreements; served as labor counsel in complex business transactions; assisted clients in preparing and presenting arbitration cases; and represented clients in litigation before federal agencies and courts.

Prior to entering private practice in 1980, Mr. Meisburg was an appellate litigator in the Office of the Solicitor, U.S. Department of Labor, in Washington, D.C. In 1978 he was awarded the Secretary of Labor’s Distinguished Achievement Award.

## **Regional Speakers Available**

Professionals in each of the offices are available to make presentations before any group, such as the staff of a legal services clinic or a service agency, as well as those members of the public that they serve, to describe what the Act’s protections cover, how we investigate and resolve unfair labor practice charges, or any NLRB topic of interest.

To arrange for a speaker and to discuss possible topics, please don’t hesitate to telephone Regional Attorney Catherine Roth at 206/220-6311 in Seattle. You can also make a request for a speaker through a link on the NLRB’s Web site: [www.nlr.gov](http://www.nlr.gov).

*Richard L. Ahearn*  
Regional Director