NATIONAL LABOR RELATIONS BOARD
REGION 13
CHICAGO
NEWSLETTER

THE CHIRO UPDATE

VOLUME 1, ISSUE 1 JULY 2007

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NEED HELP?

The Region's Information Officer is available to answer any questions from 8:30a.m.-5:00p.m. each business day. Please call 312-353-7570.

From the Desk of the Regional Director

By Joseph Barker

Welcome to the inaugural edition of the NLRB Region 13 newsletter. Our intent is to better inform the public and those who use our services about case handling matters and other events in the Chicago Regional Office. We hope to make the activities of the Region more transparent and to provide practical tips on how to better utilize our services. This newsletter is also part of our Region's outreach efforts. The Agency is making a concerted effort to better publicize the services we provide to the public in addressing workplace issues covered by the National Labor Relations Act. As part of that effort, members of our staff have spoken to various professional groups, including labor organizations, have addressed students at high schools and colleges, and have attended various job fairs. I encourage members of the public to visit the "Request A Speaker" link at www.nlrb.gov or contact

Joseph Barker became Regional Director in Chicago on Sept. 5, 2006.

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Innovation in Neutrality Agreements

By Gail Moran, Assistant to the Regional Director

The Illinois Association of Health Care Facilities is a multi-employer bargaining association comprised of approximately 120 healthcare facilities. The Association and SEIU Local 4, a 9,000 person local union deemed the "largest nursing home union in Illinois," had a long-standing relationship and series of collective bargaining agreements covering bargaining units at various nursing homes throughout Chicagoland. In 2005, the Association and Local 4 were bargaining a successor collective bargaining agreement and negotiations took an unpleasant turn over a proposed neutrality agreement. Unfair labor practice charges were filed with the Region over bargaining conduct. While the Region sought the input of the NLRB Division of Advice in Washington DC on the legal issues involved, the parties had a breakthrough in their bargaining.

In April 2005, the parties resolved their differences and all unfair labor practice charges were withdrawn. The novel idea that emerged from the neutrality agreement discussions was a provision for Board-conducted elections if an

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Japan's Central Labor Relations Commission Visits

By Lisa Friedheim-Weis,
Field Attorney

Kazuo Sugeno speaks to Region 13 staff about labor law in Japan.

Have you ever wondered how other countries handle labor relations? In February 2007, the NLRB Chicago Regional Office had an opportunity to compare notes with delegates from its counterpart agency in Japan, the Central Labor Relations Commission. CLRC Chairman Kazuo Sugeno and Deputy Director General Akihiro Higashi visited Region 13 as part of their overall fact-finding mission to examine the operations of the NLRB and to discover possible methods of increasing the overall efficiency of the CLRC. The Region was honored to have Mr. Sugeno make a presentation to its staff, in which he addressed the history and nature of labor relations in Japan and discussed the major differences between the CLRC and the NLRB.

As Mr. Sugeno described, the CLRC is a national government body comprised of 45 total members, with 15 each representing the interests of labor, management, and the public. Beneath the CLRC are local government Prefecture Labor Relations Commissions, comparable to the NLRB's Regional Offices.

The CLRC and LRCs are responsible for adjudicating unfair labor practice complaints brought by unions against employers. When a ULP case begins in a local LRC, no public prosecutor equivalent to the NLRB General Counsel is involved. The ULP case follows a civil litigation model, with the union as the plaintiff and employer as the defendant. After a decision is reached by the local LRC, the public interest members of the CLRC act as an appeal body, similar to the Labor Board. The labor and management representatives on the CLRC do not participate in adjudicating ULP cases, but may assist in settling the cases prior to decision. In addition to ULP adjudication, the CLRC, unlike the Board, mediates and/or arbitrates labor management disputes. In this task, the labor and management members play a significant role.

Japan's labor statute contains two significant differences compared to the NLRA. First, unions cannot be charged with or commit unfair labor practices. Second, employers must recognize and bargain in good faith with a union irrespective of the number or percentage of employees the union represents. This "plural representation system" means that a union need not have the support of more than 50 percent of employees to become the bargaining representative and that multiple unions may represent employees at one employer.

Following Mr. Sugeno's presentation, the visiting dignitaries attended a lunch hosted by Regional Director Barker and learned of another significant distinction between the U.S. and Japan—the availability of authentic deep dish pizza here in Chicago!

The NLRB Chicago Regional Office is located on the 9th floor of the Rookery Building at the corner of LaSalle St. and Adams St. in the Chicago Loop .

REGION 13 CHICAGO

PROTECTING WORKPLACE DEMOCRACY

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MEET THE NEW REGIONAL ATTORNEY, ARLY EGGERTSEN

Let me introduce myself to the readers of the Region's first newsletter. I am Arly Eggertsen, the new Regional Attorney in town. If you have not had any dealings with the Region recently, you may not be aware that Harvey Roth retired. He was Regional Attorney for Region 13 for over 26 years, the only RA with whom many of the parties and their representatives did business. While I am new to the Regional Attorney position, I am no "spring chicken" to the work of the Agency and the Region, having worked here for 34 years. While that seems to be a very long time, I did have some work experience before starting my career with the Board, working as an apprentice baker and delivering "mud" to oil field drilling rigs in eastern Utah.

While I am learning the proper protocol for scheduling trials with the Administrative Law Judges and dealing with headquarters, I intend to follow the practices of Harvey Roth as much as possible in dealing with parties and their representatives on legal matters. However, I want to inform you of some changes that are occurring on an Agency-wide basis.

First, the Agency has expanded its e-filing initiative, making it much easier to file a broader range of documents with the Region, the General Counsel's Office of Appeals, the Division of Administrative Law Judges, and the Executive Secretary of the Board. Formal documents, such as complaints, issued by the Region contain instructions for e-filing appropriate responses. To e-file documents or to learn more about e-filing with the Agency, go to the Agency's website at www.nlrb.gov and click on the E-Filing tab at the top of the home page.

RECENT CHANGES TO NLRB LITIGATION PROCESSING:

1. **Expanded e-filing which enables parties to more easily file documents with all Agency branches**

2. **Shortened time period between issuance of an unfair labor practice complaint by Region 13 and the scheduled hearing date before an Administrative Law Judge**

This is Year 34 for Arly Eggertsen in the Chicago Regional Office.

Second, the time between the issuance of complaint and the scheduled hearing date in unfair labor practice trials is shorter than it has been in the past. Presently, a hearing date on an unfair labor practice complaint is typically scheduled for a date two months or less from the date of the complaint's issuance. If a party or its representative to an unfair labor practice complaint has a significant conflict with a scheduled hearing date, it is important to request any rescheduling in writing to the Region as soon as possible to facilitate any accommodation to such a request. Prior to submitting your request, you should contact the other parties to a proceeding to obtain their positions, and then set forth in your submission the available dates (not too distant in the future) to which the hearing can be rescheduled and the grounds for requesting the rescheduling.

The Region's unfair labor practice trial calendar has been somewhat busier than usual. Since the beginning of the Agency's fiscal year on October 1, 2006, seven unfair labor practice cases have been tried before Administrative Law Judges in Chicago. In addition, the Region is involved in a Section 10(j) injunction proceeding, and has sought and obtained enforcement of subpoenas in U.S. District Court on several matters. Presently, the Region has twelve unfair labor practice cases scheduled for hearing in April, May, and June, 2007. Three of these trials involve successor refusal to recognize and bargain allegations, one involves surface bargaining allegations, and one involves allegations under Section 8(e) of the Act regarding provisions in a collective bargaining agreement between the involved union and a large number of employers.

INVESTIGATION & LITIGATION UPDATE

REGION 13

1. ***Industrial Hard Chrome:*** **Region seeks Section 10(j) injuctive relief for employees terminated following work stoppage**

2. ***Aquirre Building Maintenance:*** **Region pursues complaint against employer for reporting workers to Dept. of Homeland Security due to their union activity**

Industrial Hard Chrome and United Steelworkers of America

By Elizabeth Cortez, Field Attorney, and Richard Kelliher-Paz, Deputy Regional Attorney

On July 7, 2006, the United Steelworkers of America union filed a charge alleging violations of Sections 8(a)(1), (3) and (5) of the Act by employer Industrial Hard Chrome. The allegations were based on an incident which occurred on June 27, 2006 at a plant of the Employer, which also affected employees at its neighboring Bar Technologies facility. On August 18, 2006, the Regional Director issued a complaint against the Employer and also submitted the case to the Board's Division of Advice with a recommendation that the Region be permitted to file a Section 10(j) petition seeking interim reinstatement of employees that the complaint alleged had been unlawfully terminated.

From October 10th through October 13, 2006, a hearing was conducted before Administrative Law Judge George Aleman. The Judge found that on June 27, the employees heard a supervisor call one of their co-workers a crybaby and then heard him make repeated intimidating and demeaning statements to this employee. When the berated employee attempted to leave the area by walking toward his machine to resume working, the supervisor blocked his path and bumped the employee with his chest. The supervisor then told the employee to go home. The supervisor, who allegedly has had a history of mistreating employees, turned his anger on the entire group of second shift employees, stating that he could fire any "buey" (a highly offensive Mexican term) he wanted to. The employees took offense to the supervisor's use of the word "buey" and his repeated mistreatment of the employees. They collectively decided to walk out to a picnic area immediately outside of the facility until they could talk to somebody in management about their supervisor's behavior.

Once the employees gathered outside of the facility, one of the employees, who is also a member of the Union's bargaining committee, used his cell phone to call the employees' union representative to inform him of the situation. The union representative agreed to immediately drive to the plant to attempt to resolve the matter. Thereafter, the employee called the Geneva Police Department to report the battery committed inside the plant by the supervisor. The same employee went to seek the support of other bargaining unit employees who were working at the Bar Technologies facility in the adjacent building. After learning of the latest incident involving this supervisor and considering his record of repeated abusive behavior towards employees, the Bar Technologies employees decided to leave work to join their co-workers in solidarity. Shortly thereafter, managers arrived at the plant and ordered the employees back to work. The Administrative Law Judge found that the managers were not interested in investigating or resolving the situation. They instead threatened to fire the employees if they continued their work stoppage. In fact, the managers immediately fired two employees who were members of the bargaining committee, after the employees informed the managers that they had contacted their Union representative and wanted them to meet with the representative to try to resolve the problems with the supervisor. When the managers fired the employees, they told them that they did not have a union. The managers then told the police, who had arrived at the facility, that the employees were all fired because they were refusing to go back to work, and that they should be removed from the property.

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INVESTIGATION & LITIGATION UPDATE

Aguirre Building Maintenance and SEIU Local 1

By Christina Lopez, Field Attorney

The National Labor Relations Act applies to any individual who falls under the definition of "employee," undocumented workers included. The Supreme Court in Sure Tan Inc. v. NLRB, 467 U.S. 883 (1984), held that undocumented workers are employees under Section 2(3) of the Act. The Immigration Reform and Control Act (IRCA), passed in 1986, imposes sanctions on employers who knowingly employ undocumented workers and may result in the arrest and deportation of such workers for being unauthorized to work in the United States. The U.S. Department of Homeland Security, Immigration and Customs Enforcement (ICE) office, is responsible for enforcing the IRCA. Because the NLRA protects undocumented workers who are employed here but the IRCA may punish such workers, the statutes can operate at cross purposes in the same case. This type of complex situation was demonstrated by a recent unfair labor practice charge filed by Local 1 of the Service Employees International Union on October 31, 2006.

INTERTWINED STATUTES: THE IMMIGRATION REFORM AND CONTROL ACT AND THE NATIONAL LABOR RELATIONS ACT

The IRCA permits the arrest and deportation of undocumented workers if they work in the U.S. without proper work authorization. However, the NLRA protects such workers from discrimination by an employer due to the their union or protected, concerted activity. Unlawful discrimination includes when an employer reports undocumented workers to Immigration and Customs Enforcement in response to their union activity.

The Union's charge alleged that Aguirre Building Maintenance discriminated against employees in violation of Section 8(a)(3). The underlying dispute arose when the Employer terminated certain employees after the City of Chicago requested a photo ID and background check for any Aguirre employee who worked in security sensitive locations. Following the terminations, SEIU Local 1 filed a grievance and proceeded to arbitration. Arbitrating the dispute was prolonged because the Employer refused to arbitrate, which the Union compelled through a lawsuit.

The arbitrator ordered that Aguirre give five terminated employees the opportunity to present proof of documentation acceptable to the City of Chicago and, if they did so, to permit those employees to return to work. Rather than doing so, the employer refused to abide by the arbitrator's decision. Instead, Aguirre contacted ICE regarding the employees' legal status to work and reside in the U.S. Shortly thereafter, ICE inspected Aguirre's I-9 (Employment Eligibility Verification) forms. ICE ultimately issued a report finding that 28 of Aguirre's employees were unauthorized to work in the U.S. and later arrested 12 of those employees, including the original grievants. Following ICE's report, Aguirre fired 23 of the employees.

The Regional Director issued a complaint against Aguirre alleging that its refusal to comply with the arbitration award and its contacting of ICE to initiate an investigation of its employees constituted unlawful retaliation against the employees for engaging in union activities, including the Union's pursuit of the grievances on their behalf. As part of the complaint, Regional Director Barker sought several special remedies from Aguirre. The ICE proceedings were suspended pending resolution of the NLRB complaint.

On April 30, 2007, the Regional Director approved a settlement of the case consisting of traditional remedies as well as a novel remedy of attorney's fees. As a result of the alleged conduct, the Union had secured the assistance of an immigration attorney to assist the impacted employees in obtaining valid work permits. Pursuant to the settlement, the employer was required to reimburse the Union for the fees accumulated through such representation.

From the Desk of the Regional Director (cont.)

JOSEPH BARKER'S WORK HISTORY

1977: Law Clerk, Honorable Justice James L. Ryan, Michigan Supreme Court

1979: Field Attorney, NLRB Region 7 Detroit

1986: Supervisory Attorney, Region 7

1993: Deputy Regional Attorney, Region 7

2003: Regional Attorney, Region 7

2006: Regional Director, Region 13

our office directly to request speakers to address any group interested in learning more about our Agency and protections afforded under the National Labor Relations Act.

Since coming to Region 13 in September, I have had the privilege of meeting many practitioners and I have taken the opportunity to share my view of the role of our Region in enforcing the Act. I have also shared with many of you some of the changes in case handling procedures that have been implemented since my arrival in the Region as part of my effort to improve service to the public. With the recent creation of a Regional Practice and Procedure Committee, we hope to create a forum for feedback from our constituency regarding the Region's case handling activities. While I do not expect that we can always reach a consensus on the Region's use of certain practices, I do believe it is important that we have frank discussions on the reasons why we do what we do.

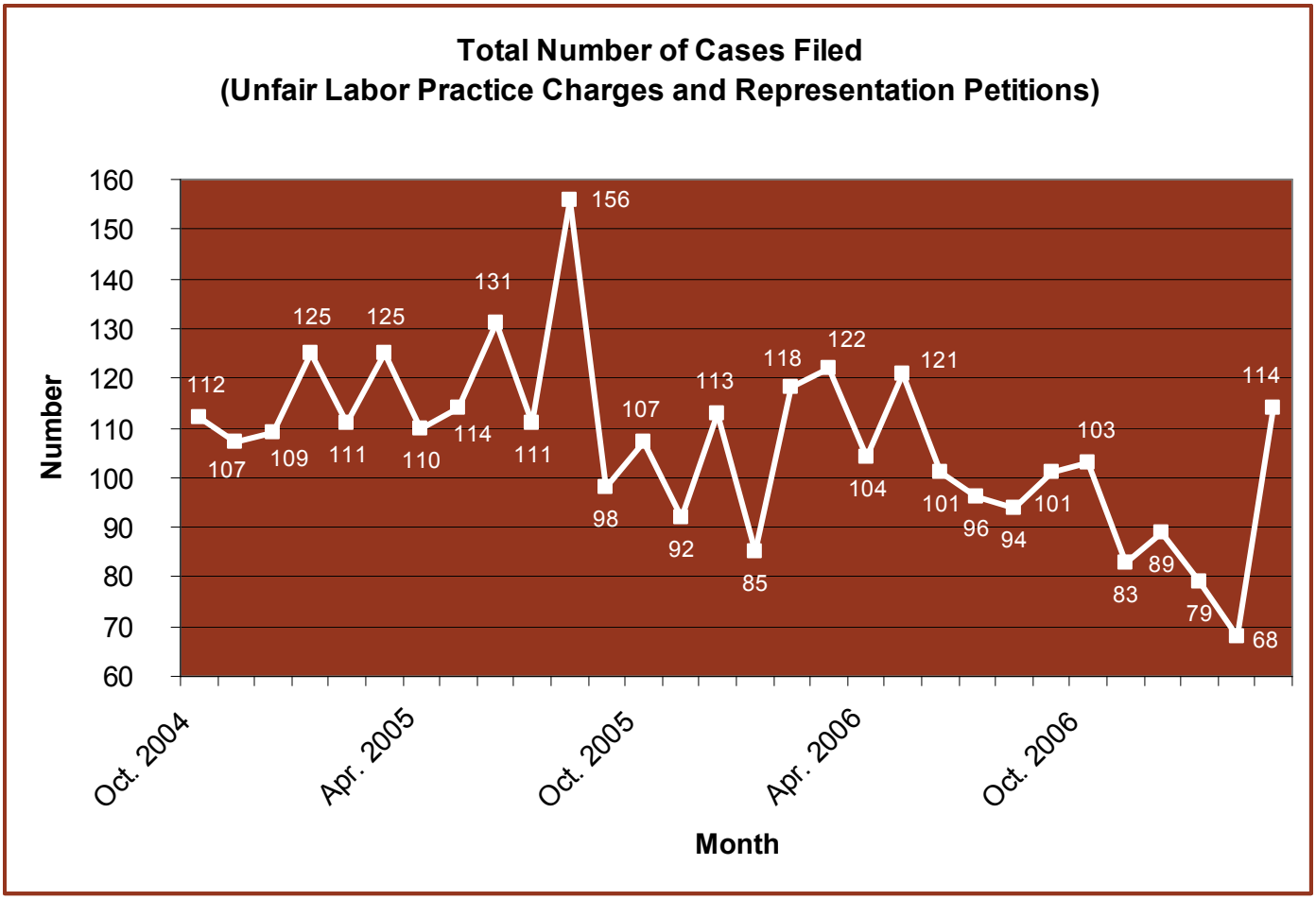
Briefly, some of the initiatives that I have embarked on in carrying out directives from the General Counsel and in fulfilling the mission of the Agency include more aggressive consideration of preliminary injunctive relief, especially in situations involving a newly certified union or dealing with initial organizing activities. Although we recently experienced a set back in federal district court in our efforts to obtain a preliminary injunction to require the reinstatement of allegedly unlawfully discharged employees (which is discussed elsewhere in this newsletter), I am not dissuaded as to the importance of seeking injunctive relief in the scheme of providing effective remedies under the Act.

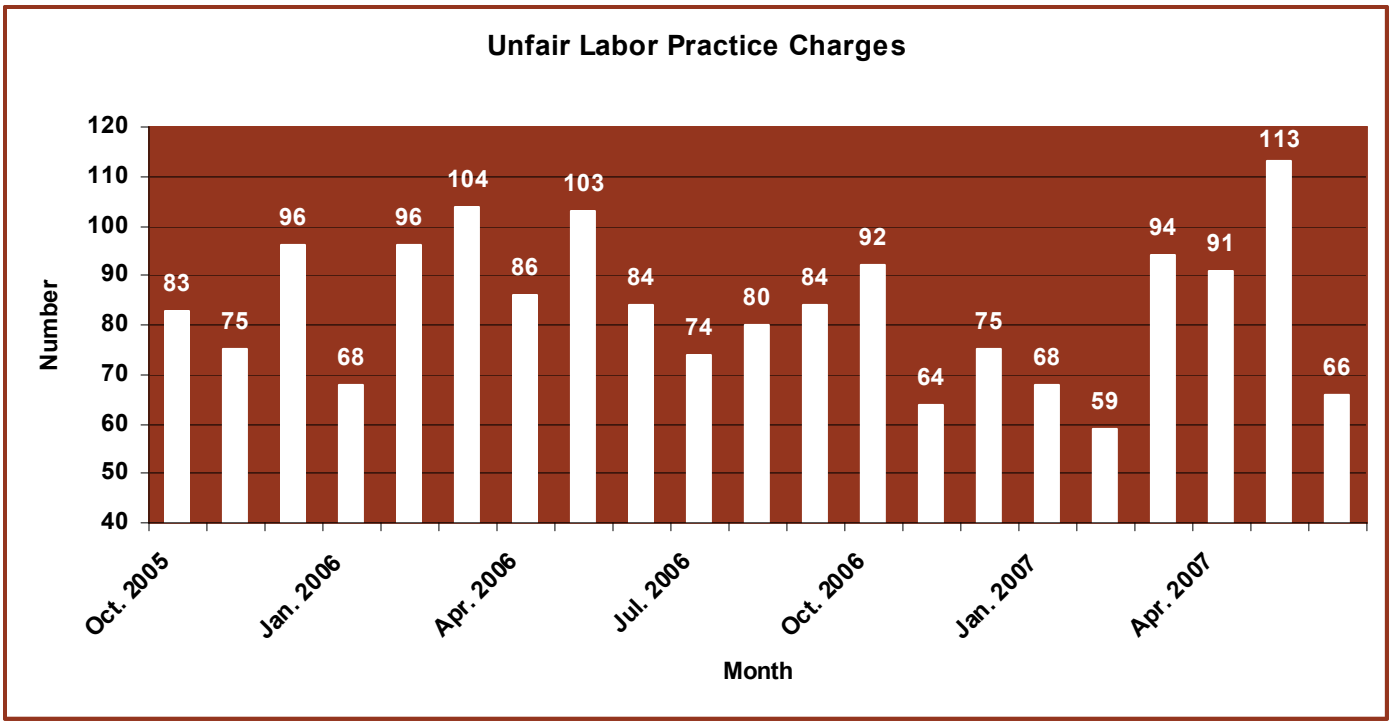
"I do believe it is important that we have frank discussions on the reasons why we do what we do."

Recently, the Region has more readily issued investigative subpoenas to parties and independent witnesses in appropriate circumstances when they possess information vital to a determination on the merits of a charge. This is part of my effort to convince parties of the importance of their cooperation during our investigation of unfair labor practice charges. I can make the "right" decision in a case only if I am fully informed of all the pertinent facts. It is in no one's best interest if a party or individual withholds vital information that may otherwise result in needless litigation or the overturning of my decision to dismiss a case on appeal. Sworn affidavit testimony is the most convincing means of providing such information, but I have advised agents that I am not averse to allowing parties to submit evidence in whatever form they feel comfortable. As part of that process, I have asked agents to be as precise as possible in asking for information in response to particular concerns we have in a case, without compromising witness confidentiality. In this manner, I can guarantee to all parties that they have received full consideration of their position as to the merits of a charge.

I look forward to sharing further initiatives and case handling practices in future issues of this newsletter.

REGION 13 STATISTICS





Neutrality Agreements (cont.)

What is a neutrality agreement?

A neutrality agreement is a contract between an employer and union in which the employer agrees to remain neutral if the union attempts to organize the employer's employees.

What is a card check agreement?

A card check agreement, which typically accompanies a neutrality agreement, involves an employer agreeing to recognize a union as the bargaining representative if a majority of employees sign authorization cards, without any NLRB–conducted, secret-ballot election.

The Board currently is considering the legality and permissible scope of neutrality and card check agreements in *Dana Corp. and Autoworkers (UAW) International, 7-CA-46965 and 7-CB-14083.*

employer-member declined to recognize the Union pursuant to a card check.

Historically, the Union had represented a number of job classifications at the Employer-members' various facilities, but other classifications remained unrepresented. Under the provisions of the Agreement, the Union could request recognition for unrepresented employees, and unless the parties agreed to forego an election in favor of a card check, the Union would file a petition with the NLRB seeking a self-determination election. Similarly, if a new employer with an ownership interest common to an Association member was acquired and its employees were unrepresented, Local 4 could seek recognition after giving the requisite notice of its organizing drive and, if the employer declined, file a representation petition with the NLRB. The Agreement specified that any election under the Agreement would occur within 14 days or as soon thereafter as practicable. Because the historical bargaining units and residual unit classifications were defined in the parties' agreement, they could quickly enter into stipulated election agreements for either *Armour-Globe* self-determination elections or a standard representation election.

Because the NLRB process was so specifically implicated in the parties Agreement, the Association and the Union solicited a meeting with the Region to address procedures whereby these expedited elections could be accommodated. The Region and the parties had a productive meeting, and agreed upon and implemented the following procedures in processing the expedited election petitions:

> ***Pursuant to the agreement between the Association and SEIU Local 4, the median time to an election following the filing of a petition has been reduced to 25 days.***

- The Union would provide advance notice of the filing of a petition to the Region and the Employer-member (or counsel)
- Only one expedited election petition would be filed with the Region at a time
- The Union and Employer-member would have details for the election worked out in advance of the filing of the petition
- The Employer-member would immediately provide the Region with an *Excelsior* list
- The Region would designate a team of two agents to exclusively handle the petitions
- The Region would make every effort to meet the 14-day election target

Since that meeting in May 2005, the Region and the parties have successfully processed over 30 petitions arising under this agreement. While there were a few hiccups in implementing the procedures, in large part they seem to have worked to the satisfaction of all parties. All cases have been processed pursuant to Stipulated Election Agreements and the median time to election has been 25 days. About 19 percent of the cases result in post election objections or challenges but most are resolved short of litigation. There have been few unfair labor practices arising from the organizing drives culminating in expedited election petitions. Our congratulations go out to the parties for their innovation and contribution to stability in collective bargaining relationships!

NEWS YOU CAN USE:

How to Properly File an Unfair Labor Practice Charge

1. **USE THE PROPER CHARGE FORM.**
   The NLRB form for charges against employers can be obtained at http://www.nlrb.gov/nlrb/shared_files/forms/nlrbform501.pdf. The NLRB form for charges against unions can be obtained at http://www.nlrb.gov/nlrb/shared_files/forms/nlrbform508.pdf.

2. **INCLUDE THE FOLLOWING INFORMATION:**
   - The full name, address, and telephone number of the person or party filing the charge and the person or party against whom the charge is being filed.
   - For a charge filed by a union, the national/international union of which the union is an affiliate or constituent unit.
   - A clear and concise statement of the claimed unfair labor practice (ULP).

   The charge need only provide a brief statement setting forth the ULP and the names of any people who have been terminated, disciplined, or otherwise unlawfully discriminated against for their union or protected, concerted activity. Do NOT include a long narrative of what occurred or any specific facts that support the charge. Do NOT include the names of potential witnesses who can support the charge allegations. The Board Agent assigned to investigate the charge will obtain the specific facts and names of potential witnesses during the investigation of the charge.

3. **DO NOT ATTACH ANY ADDITIONAL DOCUMENTS TO THE CHARGE FORM.**
   Charges filed with the Regional Office are public records and can be viewed by any person upon request, even while a case is pending. If a charge contains attachments, those documents also become public records. In the past, attachments to charges have frequently contained specific documentary evidence or facts which the Regional Office and the party filing the charge do not have an obligation to disclose during an investigation. The only manner in which to avoid this is to not include the attachments to the charge when the charge is filed. Instead, submit any documentary evidence along with but not attached or referred to in the charge, or submit documentary evidence to the Board Agent after the charge has been assigned for investigation.

4. **FILE ONE COPY OF THE CHARGE BY MAIL OR OFFICE VISIT.**
   Only one original of a charge need be filed. However, if you submit a charge by facsimile to the Chicago Regional Office, you must thereafter mail the original charge to the office for our case file.

5. **IF YOU ARE APPROACHING THE SIX-MONTH DEADLINE FOR THE FILING OF A CHARGE, SERVE THE CHARGE YOURSELF AFTER FILING IT WITH THE REGIONAL OFFICE.**
   The National Labor Relations Act requires that a person or party filing an unfair labor practice charge must file and serve the charge within 6 months of the date on which the unlawful act occurred. The Chicago Regional Office serves charges as a courtesy. However, if you are filing a charge and are approaching the 6-month deadline, you must insure that the charge is served upon the person or party who is being charged, either the employer or union. This can be done by delivering a copy of the charge to the charged party's regular place of business; by sending the charge via registered, certified, or regular mail to the charged party; or by using a private delivery service to deliver the charge to the charged party. Although the Regional Office's policy is to mail charges that have been filed to the charged party, the Regional Director does not have responsibility to make sure the charged party is timely and properly served.

6. **CALL THE INFORMATION OFFICER ON DUTY AT THE CHICAGO REGIONAL OFFICE (312-353-7570).**
   On each business day from 8:30a.m. to 5:00p.m., the Regional Office has an Information Officer on duty to answer any questions you might have regarding the filing of a charge. Although parties may file a charge without such assistance, having a conversation with the Information Officer prior to filing a charge will result in avoiding any unnecessary mistakes or delays caused by an improper filing of the charge. You may file your charge by visiting the Information Officer and having the Information Officer draft a charge form for you at the Chicago Regional Office. If necessary, a

Regional Outreach Offers Presentations to Employers and Unions

NLRB "REQUEST A SPEAKER" FUNCTION: http://www.nlrb.gov/about_us/speakers.aspx

The NLRB's Outreach Program helps to educate the citizens we serve and provides needed services to those who rely upon the NLRB to enforce the statute. To do this, the NLRB maintains a centralized Speakers' Bureau to handle requests for NLRB representatives to make presentations that explain what we do. NLRB representatives are available at no cost to speak at and participate in meetings and conferences with a variety of organizations, including but not limited to:

- **Employee and employer groups,**
- **Professional associations,**
- **Local, state and federal agencies,**
- **Worker advocacy groups,**
- **Student groups/ Schools,**
- **Non-profit entities,**
- **Elected officials,**
- **Veterans' groups, and**
- **Community organizations.**

By Dan Nelson,
Field Examiner

Shortly after assuming the position of General Counsel at the NLRB, Ronald Meisburg advised all field offices that one of his top priorities was to enhance outreach efforts to promote broader public awareness of the National Labor Relations Act. One of the methods for doing so was to provide a "Request a Speaker" function on the NLRB website, which permits any employer or union to schedule a presentation from a Region 13 employee on any topic related to the work of the NLRB.

For example, in January 2007, Region 13 Field Examiners Chris Lee and Dan Nelson explained the NLRB's process for representation petitions to an auditorium of Chicago-area Teamster representatives. Using the "Request a Speaker" function, the Teamsters organizing department asked for a presentation on the Region's fundamental procedures for the filing and processing of petitions. Many in the audience had limited experience and familiarity with the Board's processes, although some had voted in an NLRB secret-ballot election.

Trying to explain all aspects of the Board's representation case process from start to finish in an hour and a half was rather challenging. However, the length of the presentation could not be extended due to the Chicago Bears' impending appearance in the NFC Championship game. Thus, Chris and Dan provided the attendees with a basic overview of the representation process from the beginning—obtaining a showing of interest and filing a petition – to end – certification if the union wins the election. Providing examples and personal experiences in processing petitions through to elections added a more practical element to the presentation that helped the audience understand the process better. The audience was also very interested in learning how the NLRB process compares to card check and neutrality agreements. The issue was briefly discussed, noting that the NLRB will always favor Board-conducted elections and also acknowledging that issues raised by card check and neutrality agreements are currently under review by the Board.

A question and answer session followed the presentation where attendees asked about employee and employer rights during organizing campaigns. Not surprisingly, this segment of the presentation generated a lot of questions including, "What guarantees can the NLRB provide employees during an organizing campaign?" and "Can a boss force employees to attend meetings to discuss the union on work time?" The questions focused on the common concerns that confront employees during organizing campaigns, and the answers appeared to address longstanding uncertainties that these representatives have been faced with several times in the past.

The multiple inquiries about card check and neutrality agreements during the presentation suggested that the representatives were generally apprehensive of the NLRB election process. However, after the presentation, the attendees appeared more receptive to organizing through a secret-ballot election. This outreach presentation successfully educated the attendees on an NLRB process that may have been foreign to them.

If you are interested in having a presentation regarding any NLRB-related topic, please contact the Region's Outreach Coordinators, Charles Muhl or Paul Prokop, by calling 312-353-7570.

Industrial Hard Chrome (cont.)

On October 10, 2006 the Board gave approval, under Section 10(j) of the Act, for a petition to be filed in Federal District Court seeking injunctive relief against Industrial Hard Chrome and its affiliates which would result in the immediate reinstatement of the 20 discharged employees pending the outcome of the Board's administrative proceedings. On January 8, 2007, a hearing was held before District Court Judge Virginia Kendall on the Board's Section 10(j) petition. On January 18, 2007, Judge Kendall dismissed the petition based in large part on her determination that the Regional Director had no likelihood of success on the merits of the case. However, later events have raised strong questions concerning whether this determination was proper. Specifically, on February 27, 2007, the Administrative Law Judge issued a decision finding that Industrial Hard Chrome violated Section 8(a)(1) and (5) of the Act by telling employees that they did not have a union representative, threatening employees with discharge, engaging in unlawful surveillance to intimidate employees, terminating the employees who had engaged in the protected work stoppage, and unilaterally implementing changes in their terms and conditions of employment. Judge Aleman noted in his decision he disagreed with Judge Kendall, and that, based on the facts in the case, current Board law supported finding that the Act had been violated in the manner alleged.

The General Counsel has appealed the District Court's dismissal of the 10(j) petition to the 7th Circuit. The General Counsel is relying on Judge Aleman's decision to support its appeal and it is arguing that the District Court failed to take into account well-established Board law with respect to what constitutes protected concerted activity for purposes of proving the likelihood of success in the administrative proceeding.

On June 14, 2007, the 7th Circuit granted the Board's motion for a temporary injunction pending the outcome of the appeal. The Court ordered Industrial Hard Chrome to offer reinstatement to 20 employees who had been discharged. The employees must be offered reinstatement to their former jobs at their prior wage rates, hours, and other terms and conditions of employment, pending the outcome of the Board's appeal.

Region Participates in LERA Seminar on Handling ULPs Before the NLRB

On June 7, 2007, the Chicago Chapter of the Labor and Employment Relations Association and NLRB Region 13 presented a professional development workshop on how an unfair labor practice case is investigated and litigated before the Labor Board. The half-day seminar was held at the John Marshall Law School in Chicago.

The seminar was comprised of modules addressing each stage of an unfair labor practice case. Each module was presented by a panel of labor law practitioners, including staff members from Region 13, an attorney who represented management, and an attorney who represented unions. The seminar began with a module on the investigation and processing of unfair labor practice charges presented by Field Examiner Dan Nelson. The second module dealing with ULP complaints and hearings was presented by Regional Director Joseph Barker and Field Attorney Charles Muhl. Field Attorney Hyeyoung Bang-Thompson and Field Examiner Kate Gianopulos gave the third module on settlement of ULP complaints. The seminar concluded with a module on the processing of cases where a party requests and the Region seeks Section 10(j) injunctive relief. The panel for that module included Field Attorneys Dawn Blume and Elizabeth Cortez. In all of the modules, Regional staff provided some insights on the internal operations of the Region when processing ULP cases which may not be widely known to outside practitioners. The management and union-side panelists shared experiences and advice on how to best bring or defend a ULP charge on behalf of their clients.

Approximately 50 people attended the seminar and many of the attendees gave it positive reviews. As a result, LERA and the Region are considering a future workshop dedicated to the processing of representation petitions before the NLRB.

CHICAGO LABOR HISTORY: May Day

Commemorating the Haymarket Square Riot of 1886

Throughout the world, May 1 marks International Workers' Day, or May Day, during which workers and their unions celebrate the contributions and achievements of employees. Although the United States celebrates its Labor Day in September, May Day here commemorates a watershed event in the domestic labor movement that took place right in the middle of what is now downtown Chicago—the Haymarket Square Riot of 1886. The Riot grew out of worker protests on May 1, 1886 in support of an 8-hour workday. A large demonstration was called for on May 4, and a number of speakers, including labor activists Albert Parsons and August Spies, spoke to a large crowd of workers from an open wagon along Des Plaines Avenue. As the rally was ending, police arrived on the scene and sought to have it dispersed. As they did so, an unknown party threw a bomb which exploded and killed one of the police officers. In response, the officers began firing their guns into the crowd, killing four people. Eight people, including Mr. Parsons and Mr. Spies, were charged with the murder of the officer. Although testimony at their trial indicated that none of the eight had thrown the bomb, the prosecution argued that the group acted as co-conspirators because they incited the party who actually threw the bomb. A jury found all eight guilty and sentenced seven of the eight to death. Ultimately, five of the eight died and the remaining three were sent to prison. In 1894, the remaining living defendants were pardoned and released. In September 2004, a sculpture of the open wagon was erected on the Haymarket Square site. In addition, the Haymarket Martyrs' Monument is located at the Forest Home Cemetery in Forest Park, IL.

The Haymarket Memorial at the intersection of Des Plaines Ave. and Randolph St. in Chicago

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