

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

THE GUARD PUBLISHING COMPANY,
d/b/a THE REGISTER-GUARD

and

EUGENE NEWSPAPER GUILD,
CWA LOCAL 37194

Cases 36-CA-8743-1
36-CA-8849-1
36-CA-8789-1
36-CA-8842-1

NOTICE OF ORAL ARGUMENT AND INVITATION TO FILE BRIEFS

PLEASE TAKE NOTICE that, pursuant to the authority vested in the National Labor Relations Board under the National Labor Relations Act, as amended, oral argument will be held before the National Labor Relations Board at 9:30 a.m. on Tuesday, March 27, 2007, at the Board's Headquarters, Margaret A. Browning Hearing Room (Rm. 11000), 1099 14th Street, N.W., Washington, D.C. 20570.

The Board is especially interested in answers to the questions set forth below. The parties and interested amici are invited to file pre-argument briefs addressing them and/or other relevant matters.

1. Do employees have a right to use their employer's e-mail system (or other computer-based communication systems) to communicate with other employees about union or other concerted, protected matters? If so, what restrictions, if any, may an employer place on those communications? If not, does an employer nevertheless violate the Act if it permits non-job-related e-mails but not those related to union or other concerted, protected matters?
2. Should the Board apply traditional rules regarding solicitation and/or distribution to employees' use of their employer's e-mail system? If so, how should those rules be applied? If not, what standard should be applied?
3. If employees have a right to use their employer's e-mail system, may an employer nevertheless prohibit e-mail access to its employees by non-employees? If employees have a right to use their employer's e-mail system, to what extent may an employer monitor that use to prevent unauthorized use?
4. In answering the foregoing questions, of what relevance is the location of the employee's workplace? For example, should the Board take account of whether the employee works at home or at some location other than a facility maintained by the employer?

5. Is employees' use of their employer's e-mail system a mandatory subject of bargaining? Assuming that employees have a Section 7 right to use their employer's e-mail system, to what extent is that right waivable by their bargaining representative?

6. How common are employer policies regulating the use of employer e-mail systems? What are the most common provisions of such policies? Have any such policies been agreed to in collective bargaining? If so, what are their most significant provisions and what, if any, problems have arisen under them?

7. Are there any technological issues concerning e-mail or other computer-based communication systems that the Board should consider in answering the foregoing questions?

Briefs must be filed with the Board's Executive Secretary by close of business in Washington, D.C. on or before February 9, 2007. No extensions will be granted. Briefs are limited to 50 pages and must include a certificate of service showing service on the parties, whose names and addresses are attached.¹ Briefs of amici should include a request to participate at oral argument, if desired, on a separate page preceding the certificate of service. Parties only may file responsive briefs, limited to 10 pages, which will be due on or before February 23, 2007. No extensions will be granted. All briefs will be posted on the Board's website, www.nlrb.gov, as they are received.

Time limitations may preclude granting all requests by amici to participate at oral argument. Prior to argument, the Board will notify all parties and amici of its decisions regarding their participation and the time allotted to each.

By direction of the Board:

Dated at Washington, D.C., January 10, 2007.

Lester A. Heltzer
Executive Secretary

Attachment

¹ Briefs may be filed electronically through the Board's website, www.nlrb.gov, in person, or by mail or commercial courier. If the brief is not electronically filed, a CD-ROM, preferably in PDF format, containing the brief must be submitted with it. The CD-ROM must be labeled with the case name, lead docket number, and the name of the organization or individual on whose behalf the brief is submitted. Instructions and requirements for electronic filing are set forth on the Board's website.

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