



NLRB Region 7

Stephen M. Glasser
Regional Director



www.nlr.gov

Outreach

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McNamara Federal Building
Room 300, 477 Michigan Ave
Detroit, Michigan 48226

Grand Rapids Resident Office
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Grand Rapids, Michigan 49503

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— SAVE THE DATE —

THURSDAY, OCTOBER 16, 2008
THE BERNARD GOTTFRIED
MEMORIAL LABOR LAW SYMPOSIUM

WAYNE STATE UNIVERSITY LAW SCHOOL
SPENCER M. PARTRICH AUDITORIUM



Board Member Wilma Leibman and Detroit Regional Director Stephen Glasser will join practitioners to speak at the annual Bernard Gottfried Memorial Labor Law Symposium.

Topics include:

- *Dana Corporation* and voluntary recognition—protection or peril?
- *Register Guard*—a panel discussion of the impact of the Board's decision in employee use of e-mail and the boundaries of the law.
- *Toering Electric/Oil Capitol* and salts.
- **Protected concerted activity**—what is protected and what is concerted?

Registration forms will be mailed in August, but for more information contact Region 7, Group Supervisor Patrick Labadie at (313) 226-3213, or email, patrick.labadie@nlrb.gov

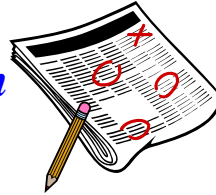


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Board Issues Decision on Search for Employment



On September 11, 2007, the Board issued its decision in *Grosvenor Orlando Associates, LTD d/b/a The Grosvenor Resort, and its general partners Grosvenor Properties Ltd., Donald E. Werby and Robert K. Werbe*, 350 NLRB No. 86. In this decision, the Board found “that reasonably diligent discriminatees should at least have begun searching for interim work at some time within the initial 2-week period” Thus, a discriminatee will lose backpay if there is more than a 2 week period after his/her termination, layoff or refused hire in which s/he does not engage in a search for work. However, even if the discriminatee fails to search for work during this 2 week period, the backpay period does not stop. If a discriminatee unreasonably delays an initial search, the Board will toll backpay until such time as a reasonably diligent search begins.

As a result of this decision, it is important to remember that if backpay and/or other reimbursement is due as part of the remedy for the unfair labor practice, for instance, an unlawful discharge or refusal to hire, the Board requires discriminatees to mitigate (offset) the backpay by beginning to look for another job in the same or similar line of work promptly. If a discriminatee is unable to establish that s/he actively sought to mitigate damages, s/he may face the risk of having whatever money is owed reduced.

Accordingly, discriminatees are urged to keep careful records of when and where they sought employment. Recently, the Region started to include with its docketing letter with certain charges a statement regarding *Grosvenor* and the need to look for interim employment and a form that allows discriminatees to record their search for employment.



GENERAL COUNSEL ANNOUNCES DISPLAY OF AMERICAN FLAGS AT ALL AGENCY-CONDUCTED ELECTIONS



On February 13, 2008, the Agency announced that the election process has been modified to incorporate the display of the American flag at all Agency- conducted representation elections. General Counsel Meisburg noted that the display of the flag at all elections will emphasize to all participants, employers, unions and most importantly voters, the solemnity of the occasion and the importance of the election process.

Field personnel conducting the elections will supply the flag and have been trained in flag etiquette.

The Region 7 Detroit office is located on the third floor of the Patrick V. McNamara Federal Building located at the corner of Michigan Ave. and Cass Ave. in downtown Detroit.

Visitors to the McNamara Building must enter the building from the Michigan Avenue entrance.

The Detroit office is open from 8:15 a.m. to 4:45 p.m. Monday through Friday.
Telephone (313) 226-3200
Fax (313) 226-2090

The Grand Rapids Resident Office handles cases on the west side of the lower peninsula of Michigan.

The Resident Office is located on the third floor of the building located at 82 Ionia, the corner of Ionia St. and Fountain St. in downtown Grand Rapids.

It is open from 8:15 a.m. to 4:45 p.m. Monday through Friday.
Telephone (616) 456-2679
Fax (616) 456-2596

The Resident Officer is Chet Byerly.

Outreach newsletter
technical assistance:

Richard F. Czubaj

**PERSONNEL
CHANGES AT
REGION 7**

Region 7's staff bid a fond farewell to husband and wife Deputy Regional Attorneys **Richard Whiteman** and **Ellen Rosenthal** who retired in January, 2008. Rick started with the Agency in 1973 as a field examiner and later converted to a field attorney. Ellen started with the Agency as a field attorney in 1976. The couple was married in 1987.

Supervisory attorneys **Amy Roemer** and **Erik Karmol** were promoted to Deputy Regional Attorneys on April 10, 2008. Field attorneys **Andrew MacEachern** and **Gary Saltzgeber** were promoted to supervisory attorneys on April 28, 2008.



**NLRB NOTICE OF
PROPOSED RULE MAKING**

On February 26, 2008, the Board posted a notice of proposed rule making to adopt a rule that would authorize a petition for a prompt NLRB election to be jointly filed by a labor organization and an employer. The proposal to the Board's rules and regulations would create a new voluntary procedure whereby a labor organization and employer could jointly file a petition for certification consenting to an election. The petition would provide for the date the parties have agreed to conduct an election, and the place and hours for the election. The petition would also provide for the description of the bargaining unit, the payroll period of eligibility to vote in the election, and the full names and addressees of employees eligible to vote in the election.

No showing of interest (evidence of union support) is required to be filed with the petition. If the petition appears to be appropriate and not contrary to any statutory provision, the Regional Director will advise the parties of his/her approval of their request for an election. Also, within three days the Regional Director will send to the employer official NLRB notices informing employees of the joint petition being filed and the date time and place for the election. These notices must be posted by the employer. In addition, the employer will have to post the Board's official Notice of Election in conspicuous places at least three (3) full working days prior to 12:01 a.m. of the day of the election. Any motions to intervene must be filed within 14 days from the docketing of the petition. Unfair labor practice charges will not block the election or cause the ballots to be impounded, but will be handled in conjunction with any post-election proceedings. All election and post-election matters will be resolved with finality by the Regional Director.

The Board accepted comments on the proposed rule until March 27, 2008.



WE WANT TO HEAR FROM YOU!



The Region would like to know if this newsletter is helpful and informative. We would also like to know if there are certain topics, issues, Board decisions, or Regional practices that you would like to see addressed or discussed in future editions. If so, please contact Group Supervisor Patrick Labadie at (313) 226-3213 or by e-mail at patrick.labadie@nlrb.gov and let him know. Your feedback will be greatly appreciated and carefully considered.

***REGIONAL DIRECTOR GLASSER SPEAKS TO
POSTAL MANAGEMENT AND UNION OFFICIALS***

On June 10, 2008, Regional Director Stephen Glasser and Group Supervisor Patrick Labadie met with Postal Officials at the Main Postal facility on Fort Street in Detroit to discuss employer obligations under Section 8(a)(5) of the Act. Postal officials had requested that Regional personnel meet with Postal officials to discuss with them the obligations that accrue to employers when they are presented with information requests.

On June 17, Regional Director Glasser and Patrick Labadie gave a presentation to a group of union representatives in the construction industry at the Great Lakes Regional Training Center at Washtenaw Community College. At the meeting, Regional Director Glasser spoke regarding unfair labor practices and the evidence that is needed to establish a violation of the Act. The presentation led to some spirited discussion and questions from the audience regarding the Act and its administration.

***BOARD MEMBER PETER C. SCHAUMBER
DESIGNATED NLRB CHAIRMAN***

On March 18, 2008, the White House announced that President Bush would designate Peter C. Schaumber as Chairman of the National Labor Relations Board. Member Schaumber is currently serving his second term as a Board Member. He was confirmed by the Senate for a second term expiring on August 27, 2010. Currently the Board is made up of two members, Chairman Schaumber, a Republican, and Wilma Leibman, a Democrat.

Members Liebman and Schaumber, as a quorum of three, will issue decisions and orders in unfair labor practice cases and representation cases. The Board used this practice in 2005 to issue decisions as a two-member quorum.

The temporary delegation to two members will be revoked when the Board returns to three members. The Board took the above action pursuant to Section 3(b) of the Act, which permits the temporary delegation of authority by the Board.



***SPEAKERS
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 NLRB topic of interest.

To arrange for a speaker and to discuss possible topics, please do not hesitate to telephone Regional Outreach Coordinator Patrick Labadie at (313) 226-3213.