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June 2, 2011

Via UPS Next-Day Air

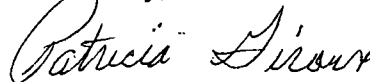
Mr. Henry Breiteneicher  
Associate Executive Secretary  
United States Government  
National Labor Relations Board  
1099 14<sup>th</sup> Street, N.W.  
Washington, D.C. 20570-0001

Re: Local 687, Michigan Regional Council of Carpenters  
(Convention & Show Services, Inc.)  
Case 7-CB-15293

Dear Mr. Breiteneicher:

Enclosed herewith please find Charging Party's Opposition to Informal Settlement Agreement, as well as Proof of Mailing same, in the above-entitled cause.

Yours truly,



Patricia A. Giroux  
Assistant to  
MICHAEL L. PITT

/pag  
Encl.

cc: Dennis Devaney w/Encl.  
Stephen Glasser w/Encl.  
Dennis Boren w/Encl.

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NLRB  
ORDER SECTION

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 7

LOCAL 687, MICHIGAN REGIONAL  
COUNCIL OF CARPENTERS  
(CONVENTION & SHOW SERVICES, INC.)

Respondent,

and

Case No. 7-CB-15293

MICHAEL JOHNSTON,

Charging Party.

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**CHARGING PARTY'S OPPOSITION TO INFORMAL SETTLEMENT AGREEMENT**

Charging Party Michael Johnston, by and through his attorneys, Pitt, McGehee, Palmer, Rivers & Golden, submits the following as his opposition to informal settlement agreement in this matter:

**INTRODUCTION AND BACKGROUND FACTS**

1. Charging party Michael Johnston ("Johnston") filed an original Charge on August 9, 2006, and an Amended Charge on September 28, 2006.
2. After the Regional Director of Region 7 issued the complaint against Respondent Local 687, the matter was tried before ALJ Paul Bogas.
3. On December 27, 2007, ALJ Bogas issued his Decision, finding that Respondent Local 687 violated Section 8(b)(1)(A) of the National Labor Relations Act when it discriminated against members who refrained from engaging in Local 687 sponsored picketing activities. (Exhibit 1, Decision, JD-80-07).
4. In addition to a Cease and Desist Order, ALJ Bogas ordered that the

Respondent “must make all discriminatees whole for any resulting loss of earnings and other benefits...” (Exhibit 1, Decision, JD-80-07).

5. On July 31, 2008, a two-member panel of the Board issued a Decision and Order affirming the ALJ’s rulings. (Exhibit 2, Decision and Order, *Local 687, Michigan Regional Council of Carpenters (Convention & Show Services, Inc.) and Michael Johnston*, 352 NLRB 119 (July 31, 2008)).

6. On September 20, 2010, the United States Court of Appeals for the District of Columbia Circuit vacated the Order of the Board and remanded the case for further proceedings by the Board.

7. The vacatur of the two-member Board decision was based on the holding of the United States Supreme Court in *New Process Steel, L.P. v. NLRB*, 130 S.Ct. 2635 (2010), that the Board is authorized to delegate its powers only to a group of three or more members.

7. On February 7, 2011, without Johnston’s knowledge or consent, the Regional Director for Region 7 and counsel for Local 687 entered into a settlement of all of Johnston’s claims, as well as the approximately 400 unnamed discriminatees in the amount of \$300,000.

8. On March 10, 2011, Johnston received a letter from the Regional Director which acknowledged that Johnston, after learning of the settlement, disagreed with its terms and purporting to explain the rationale for the opposed settlement. (Exhibit 3, March 10, 2011 Letter).

### **APPLICABLE LEGAL STANDARDS**

9. Although the Board encourages settlement of labor disputes, it has “no statutory obligation to defer to private settlement agreements; it may defer in its discretion.”

*NLRB v. International Brotherhood of Electrical Workers, Local Union 112, AFL-CIO*, 992 F.2d 990, 992 (9<sup>th</sup> Cir. 1993) (citing *Airport Parking Management v. N.L.R.B.*, 720 F.2d 610, 614 (9<sup>th</sup> Cir. 1983)).

10. “In exercising its discretion, the Board will refuse to be bound by any settlement agreement that is at odds with the Act or the Board’s policies.” *Id.* (citing *Independent Stave Co., Inc.*, 287 N.L.R.B. 740, 741 (1987)).

11. “In evaluating a settlement to assess whether the purposes and policies underlying the Act would be effectuated by the Board’s approving the agreement,

The Board will examine all the surrounding circumstances including, but not limited to (1) whether the charging party(ies), the respondent(s), and any of the individual discriminate(s) have agreed to be bound, and the position taken by the General Counsel regarding the settlement; (2) whether the settlement is reasonable in light of the nature of the violation alleged, the risks inherent in litigation, and the stage of the litigation, (3) whether there has been any fraud, coercion, or duress by any of the parties in reaching the settlement; and (4) whether the respondent has engaged in a history of violations of the Act or has breached previous settlement agreements resolving unfair labor practice disputes.

*Id.* at 992.

12. At this point in this case, it appears that the first two factors are relevant. Those factors are discussed in Charging Party’s argument in opposition to settlement agreement, below.

13. Finally, even though the Regional Director has discretion to enter into settlement agreements, such discretion is not unfettered. The Regional Director may not exercise such discretion in an arbitrary or capricious manner, or in a manner “**lacking in substantial evidentiary support.**” *Waverly-Cedar Falls Health Care Center, Inc. v. NLRB*, 933 F.2d 626, 629 (8<sup>th</sup> Cir. 1991) (emphasis added) (citing *NLRB v. Metal Container Corp.*, 660 F.2d 1309, 1313 (8<sup>th</sup> Cir. 1981) (applying standard in review of certification of collective

bargaining unit).

## **ARGUMENT IN OPPOSITION TO SETTLEMENT AGREEMENT**

### **A. The ALJ's Award of Full Make-Whole Relief, Including Backpay, Advanced the Policies of the Board and the Remedial Purposes of the Act**

14. In this case, the settlement agreement between the Regional Director and the Respondent, and opposed by Charging Party, is inconsistent with the purposes of the Act and the policies of the Board.

15. In negotiating and agreeing to the settlement, the Regional Director abused his discretion, acted in an arbitrary and capricious fashion, and reached a decision that lacked substantial evidentiary support.

16. The remedies ordered by ALJ Bogas properly advanced the policies of the Board and the purposes of the Act. In cases involving discrimination against union members in violation of the NLRA, "[t]he purpose of awarding a discriminate backpay is to restore him as nearly as possible to the situation he would have been in but for the illegal discrimination." *NLRB v. International Brotherhood of Electrical Workers, Local Union 112, AFL-CIO*, 992 F.2d 990, 992 (9<sup>th</sup> Cir. 1993) (citing *Phelps Dodge Corp. v. NLRB*, 313 U.S. 177, 194 (1941)).

17. In this case, upon finding that Respondent willfully discriminated against Charging Party and other members, ALJ Bogas ordered appropriate make-whole remedies, including backpay. The ALJ ordered that Respondent "[m]ake whole members for any loss of earnings and benefits they may have suffered, as a result of the Respondent's discrimination against them since February 9, 2006, in the manner set forth in the remedy section of this Decision." (Exhibit 1, Decision, p. 9). The remedy section of the ALJ's decision stated: "The Respondent, having discriminatorily denied job referrals to

members, must make all discriminates whole for any resulting loss of earnings and other benefits, computed on a quarterly basis, less any net interim earnings..." *Id.*

18. The remedies ordered by the ALJ, including full back pay, properly advanced the purposes of the Act and policies of the Board, particularly in light of the overwhelming evidence demonstrating that Respondent unlawfully *discriminated against* Charging Party and similarly-situated union members.

B. **The Opposed Settlement Is Contrary to and Undermines the Purposes of the Act and the Policies of the Board**

19. The settlement reached between the Regional Director and Respondent undermines the purposes of the Act and is contrary to the policies of the Board because the amount of the settlement (\$300,000) is woefully inadequate to make all discriminates whole for the loss of earnings and other benefits caused by Respondent's violation of the Act.

20. There are at least 400 discriminatees who suffered a significant loss of earnings and other benefits as a result of Respondent's unlawful discrimination against non-picketers, in violation of the discriminatees' Section 7 rights.

21. The General Counsel has acknowledged that "the monetary portion of the...settlement represents substantially less than a full monetary remedy[.]" Exhibit 4 (Joint Motion of General Counsel and Respondent to Remand Case to Process Informal Settlement Agreement, February 11, 2011, p. 3).

22. In a letter to Charging Party dated March 10, 2011, the Regional Director similarly acknowledged that "[t]his agency is aware that \$300,000 represents **much less** than all that is believed to be owed." Exhibit 3 (March 10, 2011 Letter from Regional Director to Charging Party, p. 1) (emphasis added).

23. Enforcement of the opposed settlement would result in woefully inadequate backpay awards to many, if not all, of the 400 discriminatees and would therefore be contrary to the well-founded policy of restoring discriminatees as nearly as possible to the situation they would have been in but for the illegal discrimination.

**C. The Opposed Settlement Should Be Rejected  
Based on All of the Surrounding Circumstances**

1. **Factor One: Charging Party Has Not Agreed to Be Bound, and the General Counsel Has Not Articulated a Compelling Position in Favor of the Opposed Settlement Agreement**

24. There is no dispute that Charging Party Michael Johnston has consistently and adamantly opposed the settlement agreement reached between the Regional Director and Respondent on the grounds that the monetary component of the settlement is not adequate to make whole the 400 or more members who suffered lost earnings and benefits as a result of Respondent's unlawful discrimination. The first factor of the totality of the circumstances analysis therefore requires rejection of the proposed settlement.

25. In response to Charging Party's objections and opposition, the General Counsel has failed to articulate a compelling case in favor of the opposed settlement agreement.

26. General Counsel has acknowledged that "the monetary portion of the...settlement represents **substantially less** than a full monetary remedy[.]" Exhibit 4 (Joint Motion of General Counsel and Respondent to Remand Case to Process Informal Settlement Agreement, February 11, 2011, p. 3) (emphasis added). Similarly, in a letter to Charging Party dated March 10, 2011, the Regional Director acknowledged that "[t]his agency is aware that \$300,000 represents **much less** than all that is believed to be owed." Exhibit 3 (March 10, 2011 Letter from Regional Director to Charging Party, p. 1) (emphasis



added).

27. In light of the acknowledged deficiency of the opposed monetary settlement, General Counsel and the Regional Director must come forward with some compelling and specific reasons as to why the proposed settlement agreement should be enforced despite Charging Party's clear opposition.

28. The justifications that have been offered are inadequate to enforce the settlement agreement over Charging Party's opposition. The only purported justifications for the opposed settlement, as set forth in the Regional Director's March 10, 2011 letter to Charging Party (Exhibit 3), are:

- a. "[T]he Union's agreement to pay \$300,000 appeared to be the most advantageous outcome, under the circumstances. As you are aware, the Board's Decision and Order was vacated on September 20, 2010, as a result of the United States Supreme Court's decision in ***New Process Steel, L.P. v. NLRB***, 130 S.Ct. 2635 (2010);" and
- b. "It should be noted that along with the monetary portion of the settlement, the Union entered into some other agreements that contribute to a full remedy of the alleged unfair labor practices in the instant case. They include the Union's reiteration of its rescission and the expungement from its written job referral procedures of the provisions that grant priority job referrals to members who engage in picketing sponsored or sanctioned by the Union, which had resulted in the withholding of referrals from members who refused to engage in picketing and other protected activity, and its further agreement that it would not reinstate these procedures or provisions. And the Union agreed to post in conspicuous places copies of the administrative law judge's notice at its office and hiring hall in Detroit, Michigan, for 60 consecutive days."

29. In his letter of March 10, 2011 to Charging Party, the Regional Director further asserted that the General Counsel's Joint Motion to Remand (Exhibit 4) "describes the rationale in support of the settlement[.]"

30. In turn, the only rationale set forth in the Joint Motion is that "[a]lthough the monetary portion of the...settlement represents substantially less than a full monetary

remedy, the Parties agree that it is a reasonable compromise, **in light of the unusual status of the instant case due to the vacatur of the two-member Board decision.**" (Exhibit 4, Joint Motion, ¶ 7) (emphasis added). The highlighted language refers to the Supreme Court's decision in *New Process Steel, L.P. v. NLRB*, 130 S.Ct. 2635 (2010), which means that the Joint Motion (Exhibit 4) does not set forth any additional rationale in support of the opposed settlement, but merely repeats the purported justifications set forth in the Regional Director's letter of March 10, 2011.

31. The justifications offered by the Regional Director and General Counsel in support of the opposed settlement are not compelling for the following reasons:

- a. The vacatur of the two-member Board decision does nothing to weaken the factual and legal merits of the case. **The ALJ's adjudication still stands and the discriminatees' claim is just as strong today as it was prior to the Supreme Court's decision in *New Process Steel*.**
- b. In fiscal year 2010, "[t]he Regional Offices won 91.0% of Board and Administrative Law Judge unfair labor practice and compliance decisions in whole or in part in [Fiscal Year] 2010." (Exhibit 5, NLRB General Counsel Summary of Operations, January 10, 2011).
- c. In the context of settlement evaluation and negotiation, the two-member Board decision is a persuasive point for purposes of evaluating the adequacy of the opposed settlement because two-members of the Board considered the full record of the case as well as the ALJ's decision and voted to affirm the decision and make-whole remedies awarded by the ALJ.

**2. Factor 2: The Settlement Is Not Reasonable In Light of the Nature of the Violation, The Risks Inherent In Litigation, and the Stage of the Litigation**

32. The evidence in support of the discriminatees' claim is very strong and there is very little risk in presenting this case to a three-member or full Board for review on the merits.

33. The undisputed evidence at trial established that "[t]he challenged job referral procedures explicitly discriminate against members who exercise their Section 7 rights to refrain from Respondent-sponsored picketing, and therefore those procedures violate Section 8(b)(1)(A)." (Exhibit 1, Decision, p. 5).

34. The ALJ's findings of fact on the issue of discrimination against non-picketing members are not disputed and are worth quoting in full for purposes of this Opposition to the Settlement Agreement:

Indeed, the evidence showed that the Respondent's preference for picketers has meant that the first 80 to 85 percent of referrals go to qualified picketers without any of the non-picketing members even being considered. This is true despite the fact that the picketers comprise only about 20 percent of the members awaiting referral. Obviously a referral procedure that has the effect of reserving the first 80 to 85 percent of job referrals for picketers will tend to coerce members' decisions about whether to engage in picketing. The procedure is discriminatory and falls outside a union's prerogatives in the operation of a nonexclusive hiring hall regardless of whether one casts the Respondent's subjective motivation as rewarding picketers or as punishing non-picketers.

(Exhibit 1, Decision, p. 5).

35. In response to this overwhelming evidence of discrimination, the Respondent argued before the ALJ "that discrimination in referrals at a nonexclusive hiring hall is only unlawful when it targets a specific individual, not a group of individuals." (Exhibit 1, Decision, p. 5).

36. The ALJ properly rejected this argument and noted that the Respondent's argument did not even create a close question of law on the issue of unlawful

discrimination: “The Respondent provides no authority to support this proposition, and I am not surprised. A union’s discrimination based on members’ exercise of their Section 7 rights is not made any more palatable by the fact that it punishes a large number of members, rather than a select few.” (Exhibit 1, Decision, p. 5).

37. The ALJ also relied on the strong evidence of *discrimination* in properly rejecting the Respondent’s contention that make-whole relief was not a proper remedy because the hiring hall was nonexclusive: “This argument is precluded by Board decisions stating that backpay is the proper remedy when a union unlawfully denies members referrals based on discriminatory reasons, even if the hiring hall is nonexclusive.” (Exhibit 1, Decision, p. 7, citing *Development Consultants*, 300 NLRB 479, 480 (1990); *Laborers Local 135 (Bechtel Corp.)*, 271 NLRB at 780).

38. With regard to remedy, ALJ Bogas properly rejected as “contrary to the facts” the Respondent’s contention “that an award of make-whole relief would be improper because the General Counsel ‘did not present any evidence that members were passed over for a referral,’ and a make whole remedy would be ‘purely speculative.’” (Exhibit 1, Decision, p. 7 (quoting Respondent’s Brief at 9.) The evidence in this case is “clear” that:

the unlawful preference for picketers meant that [Respondent] passed over qualified members...in order to grant priority to qualified picketers...given the unlawful preference for picketers, the Respondent awarded the first 80 to 85 percent of job referrals to picketers without even considering a single non-picketer. This was true despite the fact that the picketers were a minority—only 20 percent—of the members awaiting referrals. Thus the nexus between the unlawful preference and the denial of job referrals to non-pickers is anything but speculative.

(Exhibit 1, Decision, p. 7).

39. In light of this overwhelming evidence of unlawful *discrimination* in the operation of Respondent’s hiring hall, ALJ Bogas properly rejected the Respondent’s argument that there was no violation of the Act because it operated a *non-exclusive* hiring

hall. See Exhibit 1, Decision, p. 5p. 4 & n. 5 (citing *Teamsters Local 460 (Superior Asphalt)*, 300 NLRB 441 fn.1 (1990) and *Newspaper & Mail Deliverers (City & Suburban Delivery)* 332 NLRB at 870 fn. 1)). Accordingly, there is very little “inherent risk” of reversal on the merits on this issue if the case were presented to a three-member of full Board for review of ALJ Bogas’s decision on the merits.

40. The inherent risks of litigation/stage of litigation factor does not support the settlement. This is not a case where, for purposes of settlement review, the Board is “confronted only with *alleged* violations of the Act” (see, e.g., *Independent Stave Co., Inc.*, 287 N.L.R.B. No. 76 (December 16, 1987). On the contrary, this is a case where the discriminatees’ claim is supported by overwhelming evidence that convinced both ALJ Bogas and the two-member Board that the Respondent violated Section 8(b)(1)(A) of the Act and that make-whole relief was necessary to remedy the discriminatory denial of job referrals to members who exercised their Section 7 rights. (Exhibit 1, Decision, p. 9, citing *F.W. Woolworth Co.*, 90 NLRB 289 (1950)).

41. As discussed above, the Supreme Court’s decision in *New Process Steel*, and the resulting vacatur of the two-member Board decision, does not provide any substantive support or foundation for the decision to abandon this case in exchange for an inadequate financial settlement, for the following reasons:

- a. The evidence in support of the discriminatees’ case is very strong.
- b. The Respondent Union does not have a credible defense to the case.
- c. The case has already been tried and resolved in favor of the discriminates and the Board would not have to “reinvent the wheel” in order to present the same case, on the merits, to a three-member or full Board for review.
- d. The Regional Director and General Counsel have not articulated any specific

factual or legal bases in support of their assertions to Charging Party that the Supreme Court's decision undermines the legal or factual strength of the case, nor does it explain why this case would be jeopardized if it were presented to a three-member or full Board for review on the merits.

- e. The Regional Director and General Counsel have not explained with any specific factual or legal basis why the Supreme Court's decision in *New Process Steel* favors a settlement at such an inadequate financial amount for a large group of discriminatees who were injured by Respondent's unlawful actions.

42. Charging Party's opposition to the proposed settlement is well founded, in part, because the Respondent has sufficient liquid assets to furnish make-whole relief and the Regional Director apparently did not engage in any analysis of either the actual economic damages at issue for all discriminatees or of the Respondent's exposure and ability to satisfy a judgment and proper make-whole remedy.

43. In *NLRB v. International Brotherhood of Electrical Workers, Local Union 112, AFL-CIO*, 992 F.2d 990, 992 (9<sup>th</sup> Cir. 1993), the Court of Appeals for the Ninth Circuit held that the discriminatees "gave a legitimate reason for the withdrawal" of their approval of settlement because on "the evening of the first day of the hearing, they examined some Union financial statements, and concluded that the Union was in a far stronger financial position than it had represented during the settlement discussions." *Id.* at 993.

44. In this case, financial records available through the NLRB show that in 2010, the Respondent maintained sufficient assets to provide adequate make-whole relief to all discriminatees. (Exhibit 6, Form LM-2 Labor Organization Annual Report, p. 3).

45. In this case, the Regional Director did not estimate the value of the make whole remedy ordered and the union's ability to pay the award before agreeing to settle all

potential claims for \$300,000. The Regional Director's decision to settle the matter was arbitrary because it was not based on evidence.

46. The Charge in this matter was filed in August 2006. The damage period at issue is from February 2006 to March of 2007, or 13 months of wage loss for the discriminatees, including Charging Party. One discriminatee alone could have lost as much as \$60,000 to \$70,000 in that 13 month damage period. The parties have conservatively estimated that there are 400 discriminatees who suffered damages. Thus, even if the average loss is \$10,000, the total make whole remedy would be \$4 million.

47. Under all of the surrounding circumstances, it is not reasonable to settle this matter for a fraction of value of case if the Respondent is able to pay entire make whole remedy. Respondent has \$8m in liquid assets per the LMM reports (Johnston will supply these). The record is devoid of any indication of due diligence on the part of the Regional Director. Neither exposure nor ability to pay estimates were performed by the Regional Director prior to agreeing to settle the cases of all discriminatees \$300,000.

48. Reasonable steps to estimate the respondent's exposure could have been carried out quickly and economically. For instance, the potential pool of victims could have been sent questionnaires. Charging party has identified a number of beneficiaries of this illegal referral program. A sample of the earnings during the 13 month loss period of the favorites could have been compared with a sample of the earnings of those disfavored by the program. The Regional Director did not make any assessment of whether the Union could pay all or some of the entire make whole remedy without financially impairing the Union.

49. As part of his opposition to the proposed settlement, Charging Party has expressed a desire to be involved in the calculation of damages to be award and to assist

in indentifying those who are entitled to backpay awards. However, Charging Party has not been asked to assist in calculating damages or determining who should receive how much of the award. Moreover, it does not appear that the Regional Director has involved any other discriminatee or Union member in the calculation and distribution of settlement funds.

50. There are no safeguards in place to ensure that beneficiaries of the illegal union referral program are not improperly compensated or that the victims of the referral policy are not excluded from an award.

For the foregoing reasons, Charging Party Michael Johnston, by and through his attorneys, Michael L. Pitt and Kevin Carlson, respectfully requests that opposed informal settlement be rejected and that the Board should order the Regional Director to negotiate a settlement reflecting an evidence-based make-whole remedy or proceed to fully adjudicate the matter so that an evidence-based make-whole remedy can be fashioned by an Administrative Law Judge based on the proven violation of the Act, the damages suffered by the discriminatees and the totality of the surrounding circumstances.

Respectfully Submitted,

PITT, McGEHEE, PALMER,  
RIVERS & GOLDEN, P.C.



By:

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MICHAEL L. PITT P-24429  
KEVIN M. CARLSON P-67704  
Attorneys for Charging Party  
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DATED: June 2, 2011



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ORDER SECTION

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 7

LOCAL 687, MICHIGAN REGIONAL  
COUNCIL OF CARPENTERS  
(CONVENTION & SHOW SERVICES, INC.)

Respondent,

and

Case No. 7-CB-15293

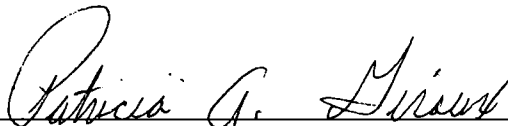
MICHAEL JOHNSTON,

Charging Party.

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**PROOF OF SERVICE**

I, Patricia A. Giroux, of the Law Firm of Pitt, McGehee, Palmer, Rivers & Golden, say that on June 2, 2011, I served a true copy of **Charging Party's Opposition to Informal Settlement Agreement** upon all counsel of record by placing copies in the U.S mail, via UPS next-day delivery, properly addressed, with postage fully prepaid thereon and then deposited in a UPS mailbox located in Royal Oak, Michigan.



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Patricia A. Giroux, Notary Public  
Wayne County, acting in Oakland County, MI  
My Commission Expires: 6/30/2012

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ORDER SECTION

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
DIVISION OF JUDGES

LOCAL 687, MICHIGAN REGIONAL  
COUNCIL OF CARPENTERS  
(CONVENTION & SHOW SERVICES, INC.)

and

Case No. 7-CB-15293

MICHAEL JOHNSTON, An Individual

*Judith A. Champa, Esq.*  
for the General Counsel,  
*Jeffrey D. Wilson, Esq., and*  
*Dennis M. Devaney, Esq.*  
(Strobl & Sharp, P.C.)  
Bloomfield Hills, Michigan, and  
*Nicholas R. Nahat, Esq.*  
(Novara Tesija & McGuire, P.L.L.C.)  
Southfield, Michigan,  
for Respondent.

DECISION

Statement of the Case

PAUL BOGAS, Administrative Law Judge. This case was tried in Detroit, Michigan, on October 22, 2007. Michael Johnston, an individual, filed the original charge on August 9, 2006, and an amended charge on September 28, 2006. The Regional Director of Region 7 of the National Labor Relations Board (the Board) issued the complaint and notice of hearing on February 9, 2007. The complaint alleges that Local 687, Michigan Regional Council of Carpenters (the Respondent) violated Section 8(b)(1)(A) of the National Labor Relations Act (the Act) in the operation of its nonexclusive hiring hall by maintaining written referral procedures that discriminate against members who refrain from engaging in Respondent-sponsored picketing and other protected activity. The Respondent filed a timely answer in which it denied having committed any of the violations alleged in the complaint.

On the entire record, including my observation of the demeanor of the witnesses, and after considering the briefs filed by the General Counsel and the Respondent, I make the following findings of fact and conclusions of law.

## Findings of Fact

## I. Jurisdiction

5 Convention & Show Services, Inc., a corporation, is an exposition contractor with a place  
of business in Detroit, Michigan. It annually derives gross revenues in excess of \$500,000 and  
purchases and receives at its Michigan facility, goods and supplies valued in excess of \$50,000  
10 directly from points outside the State of Michigan. The Respondent admits, and I find, that  
Convention & Show Services is an employer engaged in commerce within the meaning of  
Section 2(2), (6), and (7) of the Act.

The Respondent admits and I find that it is a labor organization within the meaning of  
Section 2(5) of the Act.

## 15 II. Alleged Unfair Labor Practices

## A. Respondent's Referral Procedures

20 The Respondent is a labor organization with an office and place of business in Detroit,  
Michigan. It operates a hiring hall from which it refers out-of-work members to contracting  
employers, including Convention & Show Services, Inc. The contracts between the Respondent  
and those employers provide that the Respondent is a nonexclusive source of referrals –  
meaning that the Respondent's members may seek jobs with, and potentially be hired by, any  
25 employer without being referred by the Respondent. The Respondent, and its membership,  
acted in 1996 and again in April 2007, to ratify and maintain written procedures that govern  
these referrals. Under those procedures, an out-of-work member who wants to be referred by  
the Respondent registers by completing and submitting a card. The Respondent numbers  
those cards consecutively, in the order they are received, and places them in the "out-of-work  
30 box." When an employer asks the Respondent to refer an individual or individuals, the  
Respondent will generally begin by offering the referral to the qualified individual with the lowest  
number in the out-of-work box, and then will proceed to the qualified individual with the next  
lowest number, and so on, until the number of workers requested by the employer has been  
reached. Members who work a specified number of hours after submitting a card are no longer  
35 considered to be out-of-work and their cards are removed from the box. If such individuals want  
to be referred in the future, they must re-register and obtain a new out-of-work number.

The written referral procedures create a few significant exceptions to the general  
procedure of offering referrals to qualified members in the order that their cards entered the out-  
of-work box. The complaint alleges that two of the exceptions are unlawful. The challenged  
40 exceptions modify the consecutive referral procedures based on a member's participation in, or  
refusal to participate in, Respondent-sponsored picketing and other protected activity. Those  
exceptions state as follows:

45 Paragraph 4(c). Refusal to participate in organized activities such as picketing,  
hand billing, etc. will also qualify for removal [from the out-of-work box].

50 Paragraph 7. Except for referrals under agreements which establish that the  
Local Union is to be the exclusive source of employment, the out-of-work box  
shall be used to call individuals for picket duty and individuals who are serving as  
pickets shall be granted first preference on referrals to available employment in  
the order that they are in the out-of-work box.

The Respondent maintained and enforced paragraph 7 starting no later than February 9, 2006. On about March 1, 2007, after the complaint in this case issued, the Respondent ceased enforcement of paragraph 7. The Respondent has not enforced the other challenged provision -- paragraph 4(c) -- for at least the past 5 years, and the record does not show that that paragraph was ever enforced. However, the Respondent has not removed either of the challenged provisions from the written procedures. In the past, copies of the written procedures were posted at the referral hall and those written procedures are currently available in the Detroit office of the Michigan Regional Council of Carpenters (MRCC), the Respondent's governing body.<sup>1</sup> There are 10 other locals operating under the auspices of the MRCC, and all of those locals have ratified the referral procedures.

For over 5 years, Nick McCreary, an agent of the Respondent,<sup>2</sup> has been the person with responsibility for operating the Respondent's out-of-work referral system. McCreary, the only witness in this case, credibly testified about the operation of that system. He stated that, on average, there are about 500 individuals with cards in the out-of-work box,<sup>3</sup> of whom about 100 are picketers. The cards of members who engage in Respondent-sponsored picketing are moved to the front of the out-of-work box. When an employer asks the Respondent to refer potential employees, McCreary begins by offering the referrals to qualified picketers with cards in the out-of-work box, without regard to whether there is a qualified non-picketer who has been out-of-work longer and holds the next referral number.<sup>4</sup> The Respondent only extends referral offers to the non-picketers if there are not enough qualified picketers to satisfy the employer's request. In most cases, all of the persons referred by the Respondent are picketers. According to McCreary, approximately 80 to 85 percent of the time the Respondent finds enough persons to refer from among the qualified picketers and does not reach the non-picketers with cards in the out-of-work box. Although paragraph 7 of the referral procedure states that picketing employees "shall be granted first preference on referrals to available employment in the order that they are in the out-of-work box," McCreary testified that, in practice, the Respondent refers individuals who have been engaging in a great deal of picketing over picketers who would have priority based on their referral numbers, but who have not picketed as much. Once a picketer obtains work using the picketing preference, the preference is extinguished, and the next time the individual seeks a job referral, he or she must engage in picketing again in order to obtain a preference. During McCreary's tenure operating the referral system he has never exhausted the cards in the out-of-work box, meaning that there have always been more members waiting for referrals than there have been available referrals.

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<sup>1</sup> Other, unchallenged, portions of the referral rules provide that the Respondent may offer referrals without regard to numerical order when placing a union steward or when an employer makes a written request for a particular individual. There was also testimony that some employers supply the Respondent with "do not hire lists," and that the Respondent will not refer an individual to an employer who has placed that individual on such a list, regardless of whether that individual is the next qualified member in the out-of-work box.

<sup>2</sup> In the answer to the complaint, the Respondent admitted that McCreary was its agent within the meaning of Section 2(13) of the Act.

<sup>3</sup> McCreary testified that the number varies over time. At the time of trial, the number of cards in the out-of-work box had swelled to about 700, but at other times the number of cards has dropped to as low as 200.

<sup>4</sup> McCreary makes these offers by phone. Approximately 70 percent of the time that he calls someone to offer a referral, that individual is not present and does not return the call in time to obtain the referral. This failed-contact rate is the same for picketers and non-picketers.

Contracting employers have the right to refuse employment to persons referred by the Respondent. However, approximately 90 percent of the time the employers hire the referred individuals and retain them for the full term of the project. Even when a contracting employer refuses employment to a referred individual, that employer is required to pay the rejected individual for 2 hours work.

### B. The Complaint

The complaint alleges that, since about February 9, 2006, the Respondent has violated Section 8(b)(1)(A) of the Act in the operation of its nonexclusive hiring hall by maintaining written employment referral procedures that grant priority to its members who engage in Respondent-sponsored picketing, and withhold referrals from its members who refuse to engage in such picketing, for the purpose of encouraging members to engage in protected activities on behalf of the Respondent and to discourage members from exercising their Section 7 right to refrain from engaging in such activities.

### III. Analysis and Discussion

The Board has held that a union violates Section 8(b)(1)(A) of the Act in the operation of a nonexclusive hiring hall when it discriminatorily denies referrals to members because those members have engaged in activities protected by Section 7 of the Act. *Carpenters Local 370 (Eastern Contractors Assn.)*, 332 NLRB 174 (2000); *Newspaper & Mail Deliverers (City & Suburban Delivery)*, 332 NLRB 870, 870 fn.1 (2000); *Carpenters Local 626 (Strawbridge & Clothier)*, 310 NLRB 500, 500 fn. 2 (1993), enfd. 16 F.3d 404 (3d Cir. 1993) (Table); *Laborers Local 135 (Bechtel Corp.)*, 271 NLRB 777, 780 (1984), enfd. 782 F.2d 1030 (3d Cir. 1986) (Table). Such discrimination is unlawfully coercive in the context of nonexclusive hiring halls, despite the fact that the coercion is greater when the discriminating union is party to an exclusive hiring arrangement. *Chauffeur's Union Local 923, Teamsters (Yellow Cab Co.)*, 172 NLRB 2137, 2138 (1968).<sup>5</sup> The protections provided by Section 7 extend not only to a member's decision to participate in union activities, but also to a member's decision to refrain from union activities, including union-sponsored picketing. *Service Employees District 1199 (Staten Island University Hospital)*, 339 NLRB 1059, 1060-61 (2003); *District 65, Distributive Workers (Blume Associates, Inc.)* 214 NLRB 1059 (1974); see also *Service Employees Local 87 (Able Building Maintenance Co.)*, 349 NLRB No. 40, slip op. at 5 (2007) ("An essential element of any violation of Section 8(b)(1) is restraint or coercion in the exercise of a Section 7 right; i.e., the right to form, join, or assist a labor organization, or to refrain from such activity.").

<sup>5</sup> The Respondent cites *Teamsters Local 460 (Superior Asphalt)*, 300 NLRB 441 (1990), for the proposition that "absent an exclusive hiring hall arrangement, a union's failure to operate its hiring hall in accordance with objective criteria is not a violation of the Act" since "a union operating a nonexclusive hiring procedure lacks the power to put jobs out of the reach of workers." Respondent's Brief at 6. Although in that case the Board held that a union has no duty of fair representation in the nonexclusive hiring hall setting, the Board explicitly stated that *discrimination* in referrals at a nonexclusive hall is still a violation of Section 8(b)(1)(A). 300 NLRB at 441 fn.1 (A union operating a nonexclusive hiring hall violates Section 8(b)(1)(A) when it "denies a member a referral in retaliation for the employees' participation in protected activity."); see also *Newspaper & Mail Deliverers (City & Suburban Delivery)*, 332 NLRB at 870 fn.1 (even though union has no duty of fair representation in the operation of a nonexclusive referral system, the union violates Section 8(b)(1)(A) when it refuses to refer individuals in retaliation for their protected activity ).

5 The record establishes that the Respondent ratified and maintained written procedures stating that individuals who refuse to engage "in organized activities such as picketing, hand billing, etc.," qualify for removal from consideration for job referrals and that individuals who do participate in Respondent-sponsored picketing will be granted first preference for receiving job referrals. For a number of years, the Respondent gave effect to the preference for picketers, and only ceased to do so after the Board issued the complaint in this case. The challenged job referral procedures explicitly discriminate against members who exercise their Section 7 rights to refrain from Respondent-sponsored picketing, and therefore those procedures violate Section 8(b)(1)(A).

10 The Respondent offers a number of arguments for why this discrimination based on participation in picketing activity should not be considered a violation of the Act. First, it argues that the cases holding that discrimination in referrals from nonexclusive hiring halls violate the Act are inapplicable here because those cases involve discrimination against a particular  
15 dissident union member, whereas this case involves the grant of a preference to a group of individuals. According to the Respondent, the first of those situations is of a "completely different character" from the second. The Respondent contends that absent discrimination targeting a particular individual, the manner of referral by unions has not been regulated by the Board in the context of nonexclusive hiring halls. Respondent's Brief at 6-7. The Respondent  
20 has not shown that this distinction is recognized by the Board or the Courts and, in my view, the distinction is not a meaningful one. By referring picketers who would not have received the referrals except for the preference, the Respondent is denying referrals to qualified non-picketers who have been waiting longer and thus possess lower referral numbers. To put it another way, when the Respondent is parceling out a limited number of job referrals to a larger  
25 number of members, it cannot reward some for engaging in picketing activity without punishing others for exercising their Section 7 rights to refrain from such activity. Indeed, the evidence showed that the Respondent's preference for picketers has meant that the first 80 to 85 percent of referrals go to qualified picketers without any of the non-picketing members even being considered. This is true despite the fact that the picketers comprise only about 20 percent of  
30 the members awaiting referral. Obviously a referral procedure that has the effect of reserving the first 80 to 85 percent of job referrals for picketers will tend to coerce members' decisions about whether to engage in picketing. The procedure is discriminatory and falls outside a union's prerogatives in the operation of a nonexclusive hiring hall regardless of whether one casts the Respondent's subjective motivation as rewarding picketers or as punishing non-picketers. See *Service Employees Local 1107 (Sunrise Hospital)*, 347 NLRB No. 6, slip op. at 3  
35 (2006) citing *Boilermakers Local 686 (Boiler Tube)*, 267 NLRB 1056, 1057 (1983) (Where a union interferes with a member's Section 7 right to refrain from union activity, Section 8(b)(1)(A) does not require a showing of motivation or intent to establish a violation.).

40 I reject the Respondent's suggestion that discrimination in referrals at a nonexclusive hiring hall is only unlawful when it targets a specific individual, not a group of individuals. The Respondent provides no authority to support this proposition, and I am not surprised. A union's discrimination based on members' exercise of their Section 7 rights is not made any more palatable by the fact that it punishes a large number of members, rather than a select few.  
45 Moreover, the condemnation of such discrimination in the distribution of job opportunities has not been limited to instances when the Section 7 activity involved a member's intra-union dissidence or political activity, but rather has extended to circumstances in which the refusal to refer is based on legitimate union interests. See, e.g., *Newspaper & Mail Deliverers (City &*

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## Remedy

5 Much of the briefing in this case concerns the question of whether make whole relief –  
 and in particular backpay -- is an appropriate remedy. The complaint seeks the conventional  
 make whole remedy, but the Respondent contends that such a remedy is not available. First,  
 the Respondent argues that backpay may not be awarded because the general counsel only  
 alleges a violation of Section 8(b)(1)(A), not Section 8(b)(2). This argument is contrary to  
 10 controlling Board precedent, which holds that backpay is an appropriate remedy for violations of  
 Section 8(b)(1)(A). *Development Consultants*, 300 NLRB 479, 480 (1990); *Laborers Local 135*  
*(Bechtel Corp.)*, 271 NLRB at 780.<sup>7</sup> Similarly, the Respondent argues that make whole relief is  
 not available given that the hiring hall was nonexclusive and therefore the discriminatory  
 preference in referrals did not mean that members were “prohibited from going directly to the  
 15 contractors themselves.” This argument is precluded by Board decisions stating that backpay is  
 the proper remedy when a union unlawfully denies members referrals based on discriminatory  
 reasons, even if the hiring hall is nonexclusive. *Id.* The opportunities that discriminatees had to  
 find employment without the assistance of the Respondent may be addressed when interim  
 earnings and mitigation efforts are considered in a compliance proceeding.

20 The Respondent also contends that an award of make-whole relief would be improper  
 because the General Counsel “did not present any evidence that members were passed over  
 for a referral,” and a make whole remedy would be “purely speculative.” Respondent’s Brief at  
 9. This contention is contrary to the facts. McCreary’s testimony made clear that the unlawful  
 preference for picketers meant that he passed over qualified members who had been registered  
 25 in the out-of-work system longer, and had lower referral numbers, in order to grant priority to  
 qualified picketers. The evidence showed that, given the unlawful preference for picketers, the  
 Respondent awarded the first 80 to 85 percent of job referrals to picketers without even  
 considering a single non-picketer. This was true despite the fact that the picketers were a  
 minority – only 20 percent -- of the members awaiting referrals. Thus the nexus between the  
 30 unlawful preference and the denial of job referrals to non-picketers is anything but speculative.  
 It is true that the record does not identify specific non-picketers to whom the referrals were  
 discriminatorily denied. However, the Board has held that in cases involving a union’s unlawful  
 failure to refer members it is appropriate to defer to compliance the question of who is in the  
 class of victims. *Electrical Workers Local 48 (Oregon-Columbia Chapter of NECA)*, 342 NLRB  
 35 101, 109 (2004); *Electrical Workers Local 724 (Albany Electrical Contractors Assn.)*, 327 NLRB  
 730 (1999); *Electrical Workers IBEW Local 6 (San Francisco Electrical Contractors)*, 318 NLRB  
 109, 142-43 (1995), *enfd.* 139 F.3d 906 (9th Cir. 1998) (Table).

40 The Respondent also argues that an order for make whole relief would be unduly  
 speculative because contracting employers were not required to hire the persons who the  
 Respondent referred. This argument is specious. The contracting employers were required to

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45 <sup>7</sup> The Respondent suggests that the General Counsel is improperly attempting an “end run  
 around” the established proof requirements by alleging a violation of Section 8(b)(1)(A), rather  
 than Section 8(b)(2). Respondent’s Brief at 9. However, the Board has stated that Section  
 8(b)(1)(A) – not Section 8(b)(2) -- is the appropriate provision for consideration of allegations of  
 union discrimination in the operation of a hiring hall where, as here, the hiring hall is  
 nonexclusive. *Carpenters Local 626*, 310 NLRB at 500; *Development Consultants*, 300 NLRB  
 50 at 480. A union violates Section 8(b)(2) when it discriminates in the operation of an exclusive  
 hiring hall or when it causes an employer to discriminate against employees. *Id.* Thus the  
 General Counsel and the complaint invoke the appropriate provision.

pay each referred member for a minimum of 2 hours work, regardless of whether the employer chose to hire that individual or not. Thus non-picketers who were discriminatorily denied referrals lost, at a minimum, the 2 hours pay that would have been guaranteed to them had they been referred by the Respondent. Moreover, since the contracting employers hired 90 percent of those referred by the Respondent, the losses suffered by persons who were discriminatorily denied referrals was generally much greater than the 2-hour minimum. Given the evidence presented in this case, I conclude that the Respondent's contention that the loss of earnings resulting from the discrimination was unduly speculative is without merit.

The Respondent relies on the decision of the United States Supreme Court in *Sure-Tan*, 467 U.S. 883 (1983), to support its argument that the Board's conventional make-whole remedy is too speculative in this case. That reliance is misplaced. The remedy that was invalidated in *Sure-Tan* set a minimum backpay entitlement in lieu of the calculation of discriminatees' actual losses. The General Counsel is not seeking such an remedy here, but rather requests the conventional remedy under which backpay will only be provided for actual losses that are calculated in a subsequent compliance proceeding. In *Sure-Tan*, the Court not only did not preclude the conventional remedy as too speculative, but explicitly approved of it. 467 U.S. at 902 ("We generally approve . . . the conventional remedy of reinstatement with backpay, leaving until the compliance proceedings more specific calculation as to the amounts of backpay, if any, due these employees."). The Respondent's citation to the Board's decision in *Page Litho*, 313 NLRB 960 (1994) is similarly unpersuasive. In that case, the respondent was an employer that violated Section 8(a)(5) by unilaterally ceasing to provide a union with notification of job openings. The General Counsel sought backpay and the Board denied the request based on the absence of discrimination, the nonexclusive nature of the hiring arrangement, and the fact that the employer was not required to hire individuals referred by the union. The Board explicitly distinguished cases, such as the instant one, in which backpay is appropriate because a union discriminated in the operation of its nonexclusive hiring hall. *Id.* at 962, discussing *Development Consultants*, *supra*. In the instant case, not only was the denial of referrals discriminatory, but when a discriminatee was denied such a referral he or she lost at least the guaranteed minimum 2 hours pay. Thus the decisions, such as *Development Consultants*, 300 NLRB at 480, and *Laborers Local 135 (Bechtel Corp.)*, 271 NLRB at 780, which provide that backpay is an appropriate remedy for a union's unlawful discrimination in the operation of a nonexclusive hiring hall, are controlling here, not *Page Litho*.

The General Counsel urges that the Board's "current practice of awarding only simple interest on backpay and other monetary awards be replaced with the practice of compounding interest." General Counsel's Brief at 24. The Board has considered, and rejected, this argument for a change in its practice. See *Rogers Corp.*, 344 NLRB 504 (2005), citing *Commercial Erectors, Inc.*, 342 NLRB 940 fn. 1 (2004) and *Accurate Wire Harness*, 335 NLRB 1096 fn.1 (2001), *enfd.* 86 Fed. Appx. 815 (6th Cir. 2003). If the General Counsel's argument in favor of compounding interest has merits, those merits are for the Board to consider, not me. I am bound to follow Board precedent on the subject. See *Hebert Industrial Insulation Corp.*, 312 NLRB 602, 608 (1993). *Lumber & Mill Employers Assn.*, 265 NLRB 199 fn. 2 (1982), *enfd.* 736 F.2d 507 (9th Cir. 1984), *cert. denied* 469 U.S. 934 (1984); *Los Angeles New Hospital*, 244 NLRB 960, 962 fn. 4 (1979), *enfd.* 640 F.2d 1017 (9th Cir. 1981).

Having found that the Respondent violated the Act as alleged in the complaint, I find that it must be ordered to cease and desist and to take certain affirmative action designed to effectuate the policies of the Act. Having found that paragraphs 4(c) and 7 of the Respondent's written out-of-work referral procedures unlawfully discriminate against members on the basis of their Section 7 activity, those paragraphs must be rescinded and stricken from the Respondent's written referral procedures. The Respondent must also refrain from maintaining or enforcing

those provisions or in any other way considering a member's participation in picketing activity sponsored by the Respondent when distributing job referrals to members. The Respondent, having discriminatorily denied job referrals to members, must make all discriminatees whole for any resulting loss of earnings and other benefits, computed on a quarterly basis, less any net interim earnings, as prescribed in *F. W. Woolworth Co.*, 90 NLRB 289 (1950), plus interest as computed in *New Horizons for the Retarded*, 283 NLRB 1173 (1987).

On these findings of fact and conclusions of law and on the entire record, I issue the following recommended Order.<sup>8</sup>

### ORDER

The Respondent, Local 687, Michigan Regional Council of Carpenters, its officers, agents, and representatives, shall

1. Cease and desist from

(a) Maintaining, enforcing, and/or giving effect to written job referral procedures that grant priority or preference to members who engage in picketing that is sponsored or sanctioned by the Respondent, and which withhold referrals from members who refuse to engage in picketing and other protected activity.

(b) Giving any consideration to members' participation in, or failure to participate in, Respondent-sponsored or sanctioned picketing when offering job referrals to members.

(c) In any like or related manner restraining or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act.

(a) Rescind, and strike from its written job referral procedures, the provisions that grant priority job referrals to members who engage in picketing sponsored or sanctioned by the Respondent, and which withhold referrals from members who refuse to engage in picketing and other protected activity.

(b) Make whole members for any loss of earnings and benefits they may have suffered, as a result of the Respondent's discrimination against them since February 9, 2006, in the manner set forth in the remedy section of this Decision.

(c) Preserve and, within 14 days of a request, or such additional time as the Regional Director may allow for good cause shown, provide at a reasonable place designated by the Board or its agents, all hiring hall records, all documentation regarding the Respondent's referral of members for employment, all documentation regarding compensation and employment

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<sup>8</sup> If no exceptions are filed as provided by Sec. 102.46 of the Board's Rules and Regulations, the findings, conclusions, and recommended Order shall, as provided in Sec. 102.48 of the Rules, be adopted by the Board and all objections to them shall be deemed waived for all purposes.

5 obtained by members, all documents reporting or recording the participation of members in Respondent-sponsored picketing, all referral cards, and any other documents, including an electronic copy of such records if stored in electronic form, necessary to identify those who suffered loss of employment because of the violations found herein and/or to analyze the amount of backpay due under the terms of this Order.

10 (d) Within 14 days after service by the Region, post at its union office and hiring hall in Detroit, Michigan, copies of the attached notice marked "Appendix."<sup>9</sup> Copies of the notice, on forms provided by the Regional Director for Region 7, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to members or applicants for referral are customarily posted. Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced, or covered by any other material.

15 (e) Within 21 days after service by the Region, file with the Regional Director a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

20 Dated, Washington, D.C. December 27, 2007

25 PAUL BOGAS  
Administrative Law Judge

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50 <sup>9</sup> If this Order is enforced by a Judgment of the United States Court of Appeals, the words in the notice reading "POSTED BY ORDER OF THE NATIONAL LABOR RELATIONS BOARD" shall read "POSTED PURSUANT TO A JUDGMENT OF THE UNITED STATES COURT OF APPEALS ENFORCING AN ORDER OF THE NATIONAL LABOR RELATIONS BOARD."

APPENDIX

NOTICE TO MEMBERS

Posted by Order of the  
National Labor Relations Board  
An Agency of the United States Government

The National Labor Relations Board has found that we violated Federal labor law and has ordered us to post and obey this Notice.

FEDERAL LAW GIVES YOU THE RIGHT TO

Form, join, or assist a union  
Choose representatives to bargain on your behalf with your employer  
Act together with other employees for your benefit and protection  
Choose not to engage in any of these protected activities

WE WILL NOT maintain, enforce, or give effect to job referral procedures that give priority or preference to members who engage in picketing that we sponsor or sanction, and which withhold referrals from members who refuse to engage in picketing and other protected activity.

WE WILL NOT give any consideration to whether you have participated in, or refrained from participation in, picketing that we sponsored or sanctioned when offering job referrals to members.

WE WILL NOT in any like or related manner restrain or coerce you in the exercise of the rights guaranteed you by Section 7 of the Act.

WE WILL rescind, and strike from our written job referral procedures, provisions that grant priority job referrals to members who engage in picketing that we sponsor or sanction, and which withhold referrals from members who refuse to engage in picketing and other protected activity.

WE WILL make you whole for any loss of earnings and benefits that you may have suffered as a result of our discrimination since February 9, 2006, with interest.

\_\_\_\_\_  
Local 687, Michigan Regional Council of Carpenters

Dated \_\_\_\_\_ By \_\_\_\_\_  
(Representative) (Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. It conducts secret-ballot elections to determine whether employees want union representation and it investigates and remedies unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below. You may also obtain information from the Board's website: [www.nlr.gov](http://www.nlr.gov).

477 Michigan Avenue, Federal Building, Room 300

Detroit, Michigan 48226-2569

Hours: 8:15 a.m. to 4:45 p.m.

313-226-3200.

**THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE**

THIS NOTICE MUST REMAIN POSTED FOR 60 CONSECUTIVE DAYS FROM THE DATE OF POSTING AND MUST NOT BE ALTERED, DEFACED, OR COVERED BY ANY OTHER MATERIAL. ANY QUESTIONS CONCERNING THIS NOTICE OR COMPLIANCE WITH ITS PROVISIONS MAY BE DIRECTED TO THE ABOVE REGIONAL OFFICE'S COMPLIANCE OFFICER, 313-226-3244.

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**Local 687, Michigan Regional Council of Carpenters  
(Convention & Show Services, Inc.) and Michael  
Johnston. Case 7-CB-15293**

July 31, 2008

**DECISION AND ORDER**

BY CHAIRMAN SCHAUMBER AND MEMBER LIEBMAN

On December 27, 2007, Administrative Law Judge Paul Bogas issued the attached decision. The Respondent filed exceptions and a supporting brief, and the General Counsel filed an answering brief. The General Counsel also filed a cross-exception and supporting brief, and the Respondent filed an answering brief.

The National Labor Relations Board<sup>1</sup> has considered the decision and the record in light of the exceptions and briefs, and has decided to affirm the judge's rulings, findings, and conclusions and to adopt the recommended Order.<sup>2</sup>

**ORDER**

The National Labor Relations Board adopts the recommended Order of the administrative law judge and orders that the Respondent, Local 687, Michigan Regional Council of Carpenters, Detroit, Michigan, its officers, agents, and representatives shall take the action set forth in the Order.

*Judith A. Champa, Esq.*, for the General Counsel.  
*Jeffrey D. Wilson, Esq.* and *Dennis M. Devaney, Esq.* (*Strobl & Sharp, P.C.*), of Bloomfield Hills, Michigan, and *Nicholas R. Nahat, Esq.* (*Novara Tesija & McGuire, P.L.L.C.*), of Southfield, Michigan, for the Respondent.

**DECISION**

**STATEMENT OF THE CASE**

PAUL BOGAS, Administrative Law Judge. This case was tried in Detroit, Michigan, on October 22, 2007. Michael Johnston, an individual, filed the original charge on August 9, 2006, and an amended charge on September 28, 2006. The Regional Director of Region 7 of the National Labor Relations Board (the Board) issued the complaint and notice of hearing

<sup>1</sup> Effective midnight December 28, 2007, Members Liebman, Schaumber, Kirsanow, and Walsh delegated to Members Liebman, Schaumber, and Kirsanow, as a three-member group, all of the Board's powers in anticipation of the expiration of the terms of Members Kirsanow and Walsh on December 31, 2007. Pursuant to this delegation, Chairman Schaumber and Member Liebman constitute a quorum of the three-member group. As a quorum, they have the authority to issue decisions and orders in unfair labor practice and representation cases. See Sec. 3 (b) of the Act.

<sup>2</sup> The General Counsel urges that the Board's "current practice of awarding only simple interest on backpay and other monetary awards be replaced with the practice of compounding interest." Having duly considered the matter, we are not prepared at this time to deviate from our current practice of assessing simple interest. *Tech Valley Printing, Inc.*, 352 NLRB No. 81 fn. 5 (2008), citing *Rogers Corp.*, 344 NLRB 504 (2005).

on February 9, 2007. The complaint alleges that Local 687, Michigan Regional Council of Carpenters (the Respondent) violated Section 8(b)(1)(A) of the National Labor Relations Act (the Act) in the operation of its nonexclusive hiring hall by maintaining written referral procedures that discriminate against members who refrain from engaging in Respondent-sponsored picketing and other protected activity. The Respondent filed a timely answer in which it denied having committed any of the violations alleged in the complaint.

On the entire record, including my observation of the demeanor of the witnesses, and after considering the briefs filed by the General Counsel and the Respondent, I make the following findings of fact and conclusions of law

**FINDINGS OF FACT**

**I. JURISDICTION**

Convention & Show Services, Inc., a corporation, is an ex-position contractor with a place of business in Detroit, Michigan. It annually derives gross revenues in excess of \$50,000 and purchases and receives at its Michigan facility, goods and supplies valued in excess of \$50,000 directly from points outside the State of Michigan. The Respondent admits, and I find, that Convention & Show Services is an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

The Respondent admits and I find that it is a labor organization within the meaning of Section 2(5) of the Act.

**II. ALLEGED UNFAIR LABOR PRACTICES**

**A. Respondent's Referral Procedures**

The Respondent is a labor organization with an office and place of business in Detroit, Michigan. It operates a hiring hall from which it refers out-of-work members to contracting employers, including Convention & Show Services, Inc. The contracts between the Respondent and those employers provide that the Respondent is a nonexclusive source of referrals—meaning that the Respondent's members may seek jobs with, and potentially be hired by, any employer without being referred by the Respondent. The Respondent, and its membership, acted in 1996, and again in April 2007, to ratify and maintain written procedures that govern these referrals. Under those procedures, an out-of-work member who wants to be referred by the Respondent registers by completing and submitting a card. The Respondent numbers those cards consecutively, in the order they are received, and places them in the "out-of-work box." When an employer asks the Respondent to refer an individual or individuals, the Respondent will generally begin by offering the referral to the qualified individual with the lowest number in the out-of-work box, and then will proceed to the qualified individual with the next lowest number, and so on, until the number of workers requested by the employer has been reached. Members who work a specified number of hours after submitting a card are no longer considered to be out-of-work and their cards are removed from the box. If such individuals want to be referred in the future, they must reregister and obtain a new out-of-work number.

The written referral procedures create a few significant exceptions to the general procedure of offering referrals to quali-



fied members in the order that their cards entered the out-of-work box. The complaint alleges that two of the exceptions are unlawful. The challenged exceptions modify the consecutive referral procedures based on a member's participation in, or refusal to participate in, Respondent-sponsored picketing and other protected activity. Those exceptions state as follows:

Paragraph 4(c). Refusal to participate in organized activities such as picketing, hand billing, etc. will also qualify for removal [from the out-of-work box].

Paragraph 7. Except for referrals under agreements which establish that the Local Union is to be the exclusive source of employment, the out-of-work box shall be used to call individuals for picket duty and individuals who are serving as pickets shall be granted first preference on referrals to available employment in the order that they are in the out-of-work box.

The Respondent maintained and enforced paragraph 7 starting no later than February 9, 2006. On about March 1, 2007, after the complaint in this case issued, the Respondent ceased enforcement of paragraph 7. The Respondent has not enforced the other challenged provision—paragraph 4(c)—for at least the past 5 years, and the record does not show that that paragraph was ever enforced. However, the Respondent has not removed either of the challenged provisions from the written procedures. In the past, copies of the written procedures were posted at the referral hall and those written procedures are currently available in the Detroit office of the Michigan Regional Council of Carpenters (MRCC), the Respondent's governing body.<sup>1</sup> There are 10 other locals operating under the auspices of the MRCC, and all of those locals have ratified the referral procedures.

For over 5 years, Nick McCreary, an agent of the Respondent,<sup>2</sup> has been the person with responsibility for operating the Respondent's out-of-work referral system. McCreary, the only witness in this case, credibly testified about the operation of that system. He stated that, on average, there are about 500 individuals with cards in the out-of-work box,<sup>3</sup> of whom about 100 are picketers. The cards of members who engage in Respondent-sponsored picketing are moved to the front of the out-of-work box. When an employer asks the Respondent to refer potential employees, McCreary begins by offering the referrals to qualified picketers with cards in the out-of-work box, without regard to whether there is a qualified nonpicketer who has

<sup>1</sup> Other, unchallenged, portions of the referral rules provide that the Respondent may offer referrals without regard to numerical order when placing a union steward or when an employer makes a written request for a particular individual. There was also testimony that some employers supply the Respondent with "do not hire lists," and that the Respondent will not refer an individual to an employer who has placed that individual on such a list, regardless of whether that individual is the next qualified member in the out-of-work box.

<sup>2</sup> In the answer to the complaint, the Respondent admitted that McCreary was its agent within the meaning of Section 2(13) of the Act.

<sup>3</sup> McCreary testified that the number varies over time. At the time of trial, the number of cards in the out-of-work box had swelled to about 700, but at other times the number of cards has dropped to as low as 200.

been out-of-work longer and holds the next referral number.<sup>4</sup> The Respondent only extends referral offers to the non-picketers if there are not enough qualified picketers to satisfy the employer's request. In most cases, all of the persons referred by the Respondent are picketers. According to McCreary, approximately 80 to 85 percent of the time the Respondent finds enough persons to refer from among the qualified picketers and does not reach the nonpicketers with cards in the out-of-work box. Although paragraph 7 of the referral procedure states that picketing employees "shall be granted first preference on referrals to available employment in the order that they are in the out-of-work box," McCreary testified that, in practice, the Respondent refers individuals who have been engaging in a great deal of picketing over picketers who would have priority based on their referral numbers, but who have not picketed as much. Once a picketer obtains work using the picketing preference, the preference is extinguished, and the next time the individual seeks a job referral, he or she must engage in picketing again in order to obtain a preference. During McCreary's tenure operating the referral system he has never exhausted the cards in the out-of-work box, meaning that there have always been more members waiting for referrals than there have been available referrals.

Contracting employers have the right to refuse employment to persons referred by the Respondent. However, approximately 90 percent of the time the employers hire the referred individuals and retain them for the full term of the project. Even when a contracting employer refuses employment to a referred individual, that employer is required to pay the rejected individual for 2 hours work.

#### B. The Complaint

The complaint alleges that, since about February 9, 2006, the Respondent has violated Section 8(b)(1)(A) of the Act in the operation of its nonexclusive hiring hall by maintaining written employment referral procedures that grant priority to its members who engage in Respondent-sponsored picketing, and withhold referrals from its members who refuse to engage in such picketing, for the purpose of encouraging members to engage in protected activities on behalf of the Respondent and to discourage members from exercising their Section 7 right to refrain from engaging in such activities.

#### III. ANALYSIS AND DISCUSSION

The Board has held that a union violates Section 8(b)(1)(A) of the Act in the operation of a nonexclusive hiring hall when it discriminatorily denies referrals to members because those members have engaged in activities protected by Section 7 of the Act. *Carpenters Local 370 (Eastern Contractors Assn.)*, 332 NLRB 174 (2000); *Newspaper & Mail Deliverers (City & Suburban Delivery)*, 332 NLRB 870, 870 fn. 1 (2000); *Carpenters Local 626 (Strawbridge & Clothier)*, 310 NLRB 500, 500 fn. 2 (1993), *enfd. mem.* 16 F.3d 404 (3d Cir. 1993); *Laborers Local 135 (Bechtel Corp.)*, 271 NLRB 777, 780 (1984), *enfd.*

<sup>4</sup> McCreary makes these offers by phone. Approximately 70 percent of the time that he calls someone to offer a referral, that individual is not present and does not return the call in time to obtain the referral. This failed-contact rate is the same for picketers and nonpicketers.

782 F.2d 1030 (3d Cir. 1986) (Table). Such discrimination is unlawfully coercive in the context of nonexclusive hiring halls, despite the fact that the coercion is greater when the discriminating union is party to an exclusive hiring arrangement. *Teamsters Local 923 (Yellow Cab Co.)*, 172 NLRB 2137, 2138 (1968).<sup>5</sup> The protections provided by Section 7 extend not only to a member's decision to participate in union activities, but also to a member's decision to refrain from union activities, including union-sponsored picketing. *Service Employees District 1199 (Staten Island University Hospital)*, 339 NLRB 1059, 1060–1061 (2003); *District 65, Distributive Workers (Blume Associates, Inc.)*, 214 NLRB 1059 (1974); see also *Service Employees Local 87 (Able Building Maintenance Co.)*, 349 NLRB 408, 412 (2007) (“An essential element of any violation of Section 8(b)(1) is restraint or coercion in the exercise of a Section 7 right; i.e., the right to form, join, or assist a labor organization, or to refrain from such activity.”).

The record establishes that the Respondent ratified and maintained written procedures stating that individuals who refuse to engage “in organized activities such as picketing, hand billing, etc.,” qualify for removal from consideration for job referrals and that individuals who do participate in Respondent-sponsored picketing will be granted first preference for receiving job referrals. For a number of years, the Respondent gave effect to the preference for picketers, and only ceased to do so after the Board issued the complaint in this case. The challenged job referral procedures explicitly discriminate against members who exercise their Section 7 rights to refrain from Respondent-sponsored picketing, and therefore those procedures violate Section 8(b)(1)(A).

The Respondent offers a number of arguments for why this discrimination based on participation in picketing activity should not be considered a violation of the Act. First, it argues that the cases holding that discrimination in referrals from nonexclusive hiring halls violate the Act are inapplicable here because those cases involve discrimination against a particular dissident union member, whereas this case involves the grant of a preference to a group of individuals. According to the Respondent, the first of those situations is of a “completely different character” from the second. The Respondent contends that absent discrimination targeting a particular individual, the manner of referral by unions has not been regulated by the

<sup>5</sup> The Respondent cites *Teamsters Local 460 (Superior Asphalt)*, 300 NLRB 441 (1990), for the proposition that “absent an exclusive hiring hall arrangement, a union's failure to operate its hiring hall in accordance with objective criteria is not a violation of the Act” since “a union operating a nonexclusive hiring procedure lacks the power to put jobs out of the reach of workers.” R. Br. at 6. Although in that case the Board held that a union has no duty of fair representation in the nonexclusive hiring hall setting, the Board explicitly stated that *discrimination* in referrals at a nonexclusive hall is still a violation of Sec 8(b)(1)(A). 300 NLRB at 441 fn. 1 (A union operating a nonexclusive hiring hall violates Sec 8(b)(1)(A) when it “denies a member a referral in retaliation for the employees' participation in protected activity.”), see also *Newspaper & Mail Deliverers (City & Suburban Delivery)*, 332 NLRB at 870 fn. 1 (even though union has no duty of fair representation in the operation of a nonexclusive referral system, the union violates Sec. 8(b)(1)(A) when it refuses to refer individuals in retaliation for their protected activity).

Board in the context of nonexclusive hiring halls. (R. Br. at 6–7.) The Respondent has not shown that this distinction is recognized by the Board or the Courts and, in my view, the distinction is not a meaningful one. By referring picketers who would not have received the referrals except for the preference, the Respondent is denying referrals to qualified nonpicketers who have been waiting longer and thus possess lower referral numbers. To put it another way, when the Respondent is parceling out a limited number of job referrals to a larger number of members, it cannot reward some for engaging in picketing activity without punishing others for exercising their Section 7 rights to refrain from such activity. Indeed, the evidence showed that the Respondent's preference for picketers has meant that the first 80 to 85 percent of referrals go to qualified picketers without any of the nonpicketing members even being considered. This is true despite the fact that the picketers comprise only about 20 percent of the members awaiting referral. Obviously a referral procedure that has the effect of reserving the first 80 to 85 percent of job referrals for picketers will tend to coerce members' decisions about whether to engage in picketing. The procedure is discriminatory and falls outside a union's prerogatives in the operation of a nonexclusive hiring hall regardless of whether one casts the Respondent's subjective motivation as rewarding picketers or as punishing nonpicketers. See *Service Employees Local 1107 (Sunrise Hospital)*, 347 NLRB 63, 65 (2006), citing *Boilermakers Local 686 (Boiler Tube)*, 267 NLRB 1056, 1057 (1983) (Where a union interferes with a member's Section 7 right to refrain from union activity, Section 8(b)(1)(A) does not require a showing of motivation or intent to establish a violation.).

I reject the Respondent's suggestion that discrimination in referrals at a nonexclusive hiring hall is only unlawful when it targets a specific individual, not a group of individuals. The Respondent provides no authority to support this proposition, and I am not surprised. A union's discrimination based on members' exercise of their Section 7 rights is not made any more palatable by the fact that it punishes a large number of members, rather than a select few. Moreover, the condemnation of such discrimination in the distribution of job opportunities has not been limited to instances when the Section 7 activity involved a member's intraunion dissidence or political activity, but rather has extended to circumstances in which the refusal to refer is based on legitimate union interests. See, e.g., *Newspaper & Mail Deliverers (City & Suburban Delivery)*, 332 NLRB 870, 870 fn. 1 and 876 (assuming referral system is nonexclusive, union violates Section 8(b)(1)(A) by refusing to recommend members for employment because those members refrained from participation in a strike).<sup>6</sup>

The Respondent argues that one of the two referral provisions at issue—paragraph 4(c)—can be interpreted to apply to activities not covered by Section 7 and, in any case, has not

<sup>6</sup> As the General Counsel recognizes, in the context of “conduct that the union can regulate internally in furtherance of legitimate union interests” discrimination may be permissible if it does not “affect[ ] members' employment opportunities based on Section 7 considerations.” GC Br. at 14. The Respondent's discrimination in the distribution of employment referrals, however, affects members' employment opportunities.

been enforced. As set forth above, paragraph 4(c) states that an individual qualifies for removal from the out-of-work referral system if he or she “refus[es] to participate in organized activities such as picketing, hand billing, etc.” The Respondent contends that this provision can apply to Respondent-organized activities, such as charitable events, which do not implicate Section 7 rights. Even assuming that the provision can be interpreted to reach some unprotected activity, that would not change the fact that it explicitly reaches other activity, such as refusal to participate in picketing, which is undoubtedly protected by Section 7. Such coercion is unlawful regardless of whether the provision also has lawful applications. The Respondent’s defense that it did not enforce paragraph 4(c), is also not viable. The mere existence of a rule that improperly discriminates on the basis of a member’s protected activity has a chilling effect on the exercise of Section 7 rights, and violates Section 8(b)(1)(A) regardless of whether the provision has ever been enforced. *Awrey Bakeries*, 335 NLRB 138, 139–140 (2001), *enfd.* 59 Fed. Appx. 690 (6th Cir. 2003); *Engineers & Scientists Guild (Lockheed-California)*, 268 NLRB 311 (1983).

In its brief, the Respondent also contends that the challenged referral policies were implemented by the MRCC, and applied by MRCC business representative McCreary, not by the Respondent (identified in the complaint as “Local 687, MRCC”). Accordingly, it argues, no violation by the Respondent has been established. I conclude that this defense is precluded by the answer to the complaint, in which the Respondent admitted that it “maintained” the challenged referral procedures in “the operation of its nonexclusive hiring hall,” and that McCreary was its agent within the meaning of Section 2(13) of the Act. The Respondent never moved to amend its answer in either of those two respects. Moreover, the evidence showed that, in fact, the Respondent acted to accept and maintain the unlawful referral rules on two occasions, most recently in April 2007. Thus, whatever the involvement of the MRCC as a discrete entity, the Respondent itself adopted and maintained the unlawful referral procedures that its agent, McCreary, enforced at its hiring hall.

#### CONCLUSIONS OF LAW

1. The Employer is engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.
2. The Respondent is a labor organization within the meaning of Section 2(5) of the Act.
3. Since February 9, 2006, the Respondent violated Section 8(b)(1)(A) of the Act in the operation of its nonexclusive hiring hall by maintaining written referral procedures that discriminate against members who refrain from engaging in Respondent-sponsored picketing and other protected activities.

#### REMEDY

Much of the briefing in this case concerns the question of whether make-whole relief—and in particular backpay—is an appropriate remedy. The complaint seeks the conventional make-whole remedy, but the Respondent contends that such a remedy is not available. First, the Respondent argues that backpay may not be awarded because the General Counsel only alleges a violation of Section 8(b)(1)(A), not Section 8(b)(2). This argument is contrary to controlling Board precedent,

which holds that backpay is an appropriate remedy for violations of Section 8(b)(1)(A). *Development Consultants*, 300 NLRB 479, 480 (1990); *Laborers Local 135 (Bechtel Corp.)*, 271 NLRB at 780.<sup>7</sup> Similarly, the Respondent argues that make-whole relief is not available given that the hiring hall was nonexclusive and therefore the discriminatory preference in referrals did not mean that members were “prohibited from going directly to the contractors themselves.” This argument is precluded by Board decisions stating that backpay is the proper remedy when a union unlawfully denies members referrals based on discriminatory reasons, even if the hiring hall is non-exclusive. *Id.* The opportunities that discriminatees had to find employment without the assistance of the Respondent may be addressed when interim earnings and mitigation efforts are considered in a compliance proceeding.

The Respondent also contends that an award of make-whole relief would be improper because the General Counsel “did not present any evidence that members were passed over for a referral,” and a make-whole remedy would be “purely speculative.” (R. Br. at 9.) This contention is contrary to the facts. McCreary’s testimony made clear that the unlawful preference for picketers meant that he passed over qualified members who had been registered in the out-of-work system longer, and had lower referral numbers, in order to grant priority to qualified picketers. The evidence showed that, given the unlawful preference for picketers, the Respondent awarded the first 80 to 85 percent of job referrals to picketers without even considering a single nonpicketer. This was true despite the fact that the picketers were a minority—only 20 percent—of the members awaiting referrals. Thus the nexus between the unlawful preference and the denial of job referrals to nonpicketers is anything but speculative. It is true that the record does not identify specific nonpicketers to whom the referrals were discriminatorily denied. However, the Board has held that in cases involving a union’s unlawful failure to refer members it is appropriate to defer to compliance the question of who is in the class of victims. *Electrical Workers Local 48 (Oregon-Columbia Chapter of NECA)*, 342 NLRB 101, 109 (2004); *Electrical Workers Local 724 (Albany Electrical Contractors)*, 327 NLRB 730 (1999); *Electrical Workers Local 6 (San Francisco Electrical Contractors)*, 318 NLRB 109, 142–143 (1995), *enfd. mem.* 139 F.3d 906 (9th Cir. 1998).

The Respondent also argues that an order for make-whole relief would be unduly speculative because contracting employers were not required to hire the persons who the Respondent referred. This argument is specious. The contracting employers

<sup>7</sup> The Respondent suggests that the General Counsel is improperly attempting an “end run around” the established proof requirements by alleging a violation of Sec. 8(b)(1)(A), rather than Sec. 8(b)(2). R. Br. at 9. However, the Board has stated that Sec. 8(b)(1)(A)—not Sec. 8(b)(2)—is the appropriate provision for consideration of allegations of union discrimination in the operation of a hiring hall where, as here, the hiring hall is nonexclusive. *Carpenters Local 626*, 310 NLRB at 500; *Development Consultants*, 300 NLRB at 480. A union violates Sec. 8(b)(2) when it discriminates in the operation of an exclusive hiring hall or when it causes an employer to discriminate against employees. *Id.* Thus, the General Counsel and the complaint invoke the appropriate provision.

were required to pay each referred member for a minimum of 2 hours work, regardless of whether the employer chose to hire that individual or not. Thus nonpicketers who were discriminatorily denied referrals lost, at a minimum, the 2-hours pay that would have been guaranteed to them had they been referred by the Respondent. Moreover, since the contracting employers hired 90 percent of those referred by the Respondent, the losses suffered by persons who were discriminatorily denied referrals was generally much greater than the 2-hour minimum. Given the evidence presented in this case, I conclude that the Respondent's contention that the loss of earnings resulting from the discrimination was unduly speculative is without merit.

The Respondent relies on the decision of the United States Supreme Court in *Sure-Tan*, 467 U.S. 883 (1983), to support its argument that the Board's conventional make-whole remedy is too speculative in this case. That reliance is misplaced. The remedy that was invalidated in *Sure-Tan* set a minimum backpay entitlement in lieu of the calculation of discriminatees' actual losses. The General Counsel is not seeking such a remedy here, but rather requests the conventional remedy under which backpay will only be provided for actual losses that are calculated in a subsequent compliance proceeding. In *Sure-Tan*, the Court not only did not preclude the conventional remedy as too speculative, but explicitly approved of it. 467 U.S. at 902 ("We generally approve . . . the conventional remedy of reinstatement with backpay, leaving until the compliance proceedings more specific calculation as to the amounts of backpay, if any, due these employees."). The Respondent's citation to the Board's decision in *Page Litho*, 313 NLRB 960 (1994), is similarly unpersuasive. In that case, the respondent was an employer that violated Section 8(a)(5) by unilaterally ceasing to provide a union with notification of job openings. The General Counsel sought backpay and the Board denied the request based on the absence of discrimination, the nonexclusive nature of the hiring arrangement, and the fact that the employer was not required to hire individuals referred by the union. The Board explicitly distinguished cases, such as the instant one, in which backpay is appropriate because a union discriminated in the operation of its nonexclusive hiring hall. *Id.* at 962, discussing *Development Consultants*, *supra*. In the instant case, not only was the denial of referrals discriminatory, but when a discriminatee was denied such a referral he or she lost at least the guaranteed minimum 2-hours pay. Thus the decisions, such as *Development Consultants*, 300 NLRB at 480, and *Laborers Local 135 (Bechtel Corp.)*, 271 NLRB at 780, which provide that backpay is an appropriate remedy for a union's unlawful discrimination in the operation of a nonexclusive hiring hall, are controlling here, not *Page Litho*.

The General Counsel urges that the Board's "current practice of awarding only simple interest on backpay and other monetary awards be replaced with the practice of compounding interest." (GC Br. at 24.) The Board has considered, and rejected, this argument for a change in its practice. See *Rogers Corp.*, 344 NLRB 504 (2005), citing *Commercial Erectors, Inc.*, 342 NLRB 940 fn. 1 (2004), and *Accurate Wire Harness*, 335 NLRB 1096 fn. 1 (2001), *enfd.* 86 Fed. Appx. 815 (6th Cir. 2003). If the General Counsel's argument in favor of compounding interest has merits, those merits are for the Board to

consider, not me. I am bound to follow Board precedent on the subject. See *Hebert Industrial Insulation Corp.*, 312 NLRB 602, 608 (1993). *Lumber & Mill Employers Assn.*, 265 NLRB 199 fn. 2 (1982), *enfd.* 736 F.2d 507 (9th Cir. 1984), *cert. denied* 469 U.S. 934 (1984); *Los Angeles New Hospital*, 244 NLRB 960, 962 fn. 4 (1979), *enfd.* 640 F.2d 1017 (9th Cir. 1981).

Having found that the Respondent violated the Act as alleged in the complaint, I find that it must be ordered to cease and desist and to take certain affirmative action designed to effectuate the policies of the Act. Having found that paragraphs 4(c) and 7 of the Respondent's written out-of-work referral procedures unlawfully discriminate against members on the basis of their Section 7 activity, those paragraphs must be rescinded and stricken from the Respondent's written referral procedures. The Respondent must also refrain from maintaining or enforcing those provisions or in any other way considering a member's participation in picketing activity sponsored by the Respondent when distributing job referrals to members. The Respondent, having discriminatorily denied job referrals to members, must make all discriminatees whole for any resulting loss of earnings and other benefits, computed on a quarterly basis, less any net interim earnings, as prescribed in *F. W. Woolworth Co.*, 90 NLRB 289 (1950), plus interest as computed in *New Horizons for the Retarded*, 283 NLRB 1173 (1987).

On these findings of fact and conclusions of law and on the entire record, I issue the following recommended<sup>8</sup>

#### ORDER

The Respondent, Local 687, Michigan Regional Council of Carpenters, Detroit, Michigan, its officers, agents, and representatives, shall

1. Cease and desist from
  - (a) Maintaining, enforcing, and/or giving effect to written job referral procedures that grant priority or preference to members who engage in picketing that is sponsored or sanctioned by the Respondent, and which withhold referrals from members who refuse to engage in picketing and other protected activity.
  - (b) Giving any consideration to members' participation in, or failure to participate in, Respondent-sponsored or sanctioned picketing when offering job referrals to members.
  - (c) In any like or related manner restraining or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.
2. Take the following affirmative action necessary to effectuate the policies of the Act.
  - (a) Rescind, and strike from its written job referral procedures, the provisions that grant priority job referrals to members who engage in picketing sponsored or sanctioned by the Respondent, and which withhold referrals from members who refuse to engage in picketing and other protected activity.

<sup>8</sup> If no exceptions are filed as provided by Sec. 102.46 of the Board's Rules and Regulations, the findings, conclusions, and recommended Order shall, as provided in Sec. 102.48 of the Rules, be adopted by the Board and all objections to them shall be deemed waived for all purposes.

(b) Make whole members for any loss of earnings and benefits they may have suffered, as a result of the Respondent's discrimination against them since February 9, 2006, in the manner set forth in the remedy section of this decision.

(c) Preserve and, within 14 days of a request, or such additional time as the Regional Director may allow for good cause shown, provide at a reasonable place designated by the Board or its agents, all hiring hall records, all documentation regarding the Respondent's referral of members for employment, all documentation regarding compensation and employment obtained by members, all documents reporting or recording the participation of members in Respondent-sponsored picketing, all referral cards, and any other documents, including an electronic copy of such records if stored in electronic form, necessary to identify those who suffered loss of employment because of the violations found herein and/or to analyze the amount of backpay due under the terms of this Order.

(d) Within 14 days after service by the Region, post at its union office and hiring hall in Detroit, Michigan, copies of the attached notice marked "Appendix."<sup>9</sup> Copies of the notice, on forms provided by the Regional Director for Region 7, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to members or applicants for referral are customarily posted. Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced, or covered by any other material.

(e) Within 21 days after service by the Region, file with the Regional Director a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

APPENDIX  
NOTICE TO MEMBERS

<sup>9</sup> If this Order is enforced by a judgment of a United States court of appeals, the words in the notice reading "Posted by Order of the National Labor Relations Board" shall read "Posted Pursuant to a Judgment of the United States Court of Appeals Enforcing an Order of the National Labor Relations Board."

POSTED BY ORDER OF THE  
NATIONAL LABOR RELATIONS BOARD  
An Agency of the United States Government

The National Labor Relations Board has found that we violated Federal labor law and has ordered us to post and obey this notice.

FEDERAL LAW GIVES YOU THE RIGHT TO

Form, join, or assist a union

Choose representatives to bargain on your behalf with your employer

Act together with other employees for your benefit and protection

Choose not to engage in any of these protected activities.

WE WILL NOT maintain, enforce, or give effect to job referral procedures that give priority or preference to members who engage in picketing that we sponsor or sanction, and which withhold referrals from members who refuse to engage in picketing and other protected activity.

WE WILL NOT give any consideration to whether you have participated in, or refrained from participation in, picketing that we sponsored or sanctioned when offering job referrals to members.

WE WILL NOT in any like or related manner restrain or coerce you in the exercise of the rights guaranteed you by Section 7 of the Act.

WE WILL rescind, and strike from our written job referral procedures, provisions that grant priority job referrals to members who engage in picketing that we sponsor or sanction, and which withhold referrals from members who refuse to engage in picketing and other protected activity.

WE WILL make you whole for any loss of earnings and benefits that you may have suffered as a result of our discrimination since February 9, 2006, with interest.

LOCAL 687, MICHIGAN REGIONAL COUNCIL OF  
CARPENTERS



United States Government  
**NATIONAL LABOR RELATIONS BOARD**  
Region 7  
477 Michigan Avenue – Room 300  
Detroit, MI 48226-2569

Telephone (313) 226-3200  
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March 10, 2011

Michael Johnston  
7903 William  
Taylor MI 48180

RE: LOCAL 687, MICHIGAN REGIONAL  
COUNCIL OF CARPENTERS  
(Convention & Show Services, Inc.)  
Case 7-CB-15293

Dear Mr. Johnston:

On December 27, 2007, Administrative Law Judge Paul Bogas issued a Decision and Recommended Order in the above case. On July 31, 2008, a two-member panel of the Board issued its Decision and Order, reported at 352 NLRB 1016, adopting the findings and conclusions of the administrative law judge. In relevant part, the Board found that the Union violated Section 8(b)(1)(A) of the Act by maintaining written job referral procedures that discriminate against members who refrain from engaging in Union-sponsored picketing and other protected activities.

Settlement negotiations led to the resolution of the instant case in which the Union agreed to pay a total of \$300,000. This was to be done by a payment of \$150,000 being submitted to the Board's Region 7 office in Detroit, Michigan, on February 7, 2011, the date that the Settlement Agreement was executed, and by the Union paying \$75,000 within six months after that and the remaining \$75,000 within one year after the execution of the Settlement Agreement.

This agency is aware that \$300,000 represents much less than all that is believed to be owed. Notwithstanding this, the Union's agreement to pay \$300,000 appeared to be the most advantageous outcome, under the circumstances. As you are aware, the Board's Decision and Order was vacated on September 20, 2010, as a result of the United States Supreme Court's decision in *New Process Steel, L.P. v. NLRB*, 130 S.Ct. 2635 (2010).

It should be noted that along with the monetary portion of the settlement, the Union entered into some other agreements that contribute to a full remedy of the alleged unfair labor practices in the instant case. They include the Union's reiteration of its rescission and the expungement from its written job referral procedures of the provisions that grant priority job referrals to members who engage in picketing sponsored or sanctioned by the Union, which had resulted in the withholding of referrals from members who refused to engage in picketing and other protected activity, and its further agreement that it would not reinstate these procedures or

provisions. And the Union agreed to post in conspicuous places copies of the administrative law judge's notice at its office and hiring hall in Detroit, Michigan, for 60 consecutive days.

You have made it clear that, as is your right, you disagree with the decision to accept the \$300,000 settlement. Notwithstanding, a conformed copy of the executed Settlement Agreement is enclosed with this letter. **Should you reconsider your position, please sign and date the conformed copy of the Settlement Agreement at the bottom, just beneath my conformed signature and date, and return it to the Detroit Regional Office in the enclosed self-addressed, franked envelope.**

Also enclosed with this letter, and directly related to the settlement, is a copy of the "Joint Motion of Counsel for the Acting General Counsel and Respondent [the Union] to Remand Case 7-CB-15293 to the Regional Director of Region Seven to Process an Informal Settlement." It describes the rationale in support of the settlement and requests that the instant case be remanded to me in order to process the informal settlement.

If you continue to disagree with the decision to accept the settlement and the rationale for doing so, you have the right to file an opposition to the settlement with the National Labor Relations Board. If you wish to file an opposition, please note the following:

***Means of Filing:*** An opposition to the settlement may be filed by mail or by delivery service. To do so, **address the opposition to the Office of the Executive Secretary, National Labor Relations Board, 1099 14<sup>th</sup> Street, N.W., Washington, D.C. 20570-0001.** A copy of the opposition should also be sent to me.

***Opposition Due Date and Time:*** The opposition to the settlement is due on **March 24, 2011**. If you mail the opposition or send it by a delivery service, it must be received by the Office of the Executive Secretary, National Labor Relations Board, Washington, D.C., by the close of business at **5:00 p.m. Eastern Time** or be postmarked or given to the delivery service no later than **March 23, 2011**.

***Extension of Time to File Opposition:*** Upon good cause shown, the Office of the Executive Secretary may grant you an extension of time to file the opposition to the settlement. A request for an extension of time may be filed by fax, by mail, or by delivery service. The fax number is (202) 273-4283. A request for an extension of time to file an opposition **must be received on or before the original opposition due date**. A request for an extension of time that is mailed or given to the delivery service and is postmarked or delivered to the service before the opposition due date but received after the opposition due date will be rejected as untimely. A copy of any request for extension of time should be sent to me.

**Opposition Contents:** You are encouraged to submit a complete statement setting forth the facts and the reasons why you believe the decision to accept the parties' settlement is incorrect.

**Confidentiality/Privilege:** Please be advised that we cannot accept any limitations on the use of any opposition statement or evidence in support thereof provided to the Agency. Thus, any claim of confidentiality or privilege cannot be honored, except as provided by the FOIA, 5 U.S.C. 552, and any opposition statement may be subject to discretionary disclosure to a party upon request during the processing of the appeal. In the event the opposition is sustained, any statement or material submitted may be subject to introduction as evidence at any hearing that may be held before an administrative law judge. Because we are required by the Federal Records Act to keep copies of documents used in our case handling for some period of years after a case closes, we may be required by the FOIA to disclose such records upon request, absent some applicable exemption such as those that protect confidential sources, commercial/financial information or personal privacy interests (e.g., FOIA Exemptions 4, 6, 7(C) and 7(D), 5 U.S.C. Sec. 552(b)(4), (6), (7)(C), and (7)(D)). Accordingly, we will not honor any requests to place limitations on our use of opposition statements or supporting evidence beyond those prescribed by the foregoing laws, regulations, and policies.

**Notice to Other Parties of Opposition:** You should notify the other party(ies) to the case that an opposition has been filed. Therefore, at the time it is sent to the Office of the Executive Secretary, also please send a note announcing your opposition to the Settlement Agreement to all parties whose names and addresses are set forth in this letter.

Very truly yours,

Stephen M. Glasser  
Regional Director

SMG/mdb

Enclosures

cc:

Office of the Executive Secretary

Dennis M. Devaney, Esq. (without other enclosures)  
Devaney Jacob Wilson, PLLC  
3001 West Big Beaver Rd., Ste. 624  
Troy, MI 48084



UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
WASHINGTON, D.C.

LOCAL 687, MICHIGAN REGIONAL  
COUNCIL OF CARPENTERS  
(CONVENTION & SHOW SERVICES, INC.)

Respondent

and

CASE 7-CB-15293

MICHAEL JOHNSTON, An Individual

Charging Party

**JOINT MOTION OF COUNSEL FOR THE ACTING GENERAL COUNSEL AND  
RESPONDENT TO REMAND CASE 7-CB-15293 TO THE REGIONAL  
DIRECTOR OF REGION SEVEN TO PROCESS AN INFORMAL  
SETTLEMENT AGREEMENT**

Now come Counsel for the Acting General Counsel and Respondent (collectively, “the Parties”), pursuant to Sections 102.47 and 102.51 of the Rules and Regulations of the National Labor Relations Board, who file this Joint Motion to Remand Case to the Regional Director of Region Seven (“the Regional Director”), and pursuant to the Parties reaching an informal Board settlement, state as follows:

1. Administrative Law Judge Paul Bogas (“the ALJ”) issued his Decision in the instant case on October 22, 2007. The ALJ found that Respondent violated Section 8(b)(1)(A) of the Act by maintaining written job referral procedures that discriminate against members who refrained from engaging in Respondent-sponsored picketing and other protected activities.

2. On July 31, 2008, the two-member Board issued a Decision and Order in the instant case, reported at 352 NLRB 1016, affirming the ALJ's rulings, findings, and conclusions, and adopting his recommended Order.

3. On September 20, 2010, the United States Court of Appeals for the District of Columbia Circuit ("the Court") issued an order granting Respondent's petition for review, denying the Board's cross-application for enforcement, vacating the decision, and remanding the instant case for further proceedings before the Board.

4. On February 7, 2011, the Parties entered into and executed a settlement agreement as to the instant case. The settlement agreement entails, inter alia, Respondent paying \$300,000 to settle all monetary claims arising from the case. This includes a first payment of \$150,000, which was received in the Board's Region Seven office on February 7, 2011. Respondent is to make a second payment of \$75,000 within six months of the date of execution of the settlement agreement, and it is to make a third and final payment of \$75,000 within one year of the date of execution of the settlement agreement. Should Respondent fail to make a payment within 21 days of receipt of notice by the Regional Director of a failure to make a scheduled payment, the total amount of backpay, less any amounts paid, plus an interest penalty will become immediately due and payable.

5. Respondent agreed in the settlement agreement that the Regional Director will identify the discriminatees who will receive backpay and will compute the amount of backpay each discriminatee will receive. Respondent also agreed not to dispute or oppose the Regional Director's determination of the identities of the backpay recipients

or the amount of backpay they will receive. Respondent further agreed to post in conspicuous places copies of the ALJ's notice at its office and hiring hall in Detroit, Michigan, for 60 consecutive days.

6. Respondent previously rescinded and expunged from its written job referral procedures the provisions that grant priority job referrals to members who engage in picketing sponsored or sanctioned by Respondent which had resulted in the withholding of referrals from members who refused to engage in such picketing and other protected activity, and, further, had agreed that it would not reinstate such procedures or provisions.

7. Although the monetary portion of the above-noted settlement represents substantially less than a full monetary remedy, the Parties agree that it is a reasonable compromise, in light of the unusual status of the instant case due to the vacatur of the two-member Board decision.

8. In light of the settlement, which satisfactorily addresses all of the outstanding issues involved in an appropriate remedy of the alleged unfair labor practices, it is agreed that further formal proceedings are not necessary to effectuate the purposes of the Act. Accordingly,

For the above reasons, Counsel for the Acting General Counsel and the

Respondent respectfully request that the Board remand Case 7-CB-15293 to the Regional Director for further processing consistent with the Rules and Regulations of the Board.

Respectfully submitted this 11th day of February, 2011.

/s/ Dennis R. Boren

Dennis R. Boren  
Counsel for the Acting General Counsel  
National Labor Relations Board  
Region Seven  
Patrick V. McNamara Federal Building  
477 Michigan Avenue – Room 300  
Detroit, Michigan 48226

/s/ Dennis M. Devaney

Local 687, Michigan Regional Council of  
Carpenters, by its Counsel, Dennis M. Devaney

OFFICE OF THE GENERAL COUNSEL

MEMORANDUM GC 11-03

January 10, 2011

TO: All Employees, Office of the General Counsel  
FROM: Lafe E. Solomon, Acting General Counsel  
SUBJECT: Summary of Operations (Fiscal Year 2010)

The Office of the General Counsel in the Field and Headquarters has concluded another successful fiscal year enforcing the National Labor Relations Act. The preliminary figures for FY 2010, set forth in the attached Summary of Operations, reflect another year of excellent casehandling performance.

Please accept my sincere respect and appreciation for the exemplary manner in which you carry out the mission of the Agency.

/s/  
L.S.

Attachment

cc: NLRBU  
NLRBPA

Distribution:  
Regional Offices  
Washington-Special  
Release to the Public

MEMORANDUM GC 11-03

**SUMMARY OF OPERATIONS  
FISCAL YEAR 2009**

**INTRODUCTION**

In keeping with the practice of former General Counsels, I am providing an overview of the operations of the Office of the General Counsel in the just concluded fiscal year.

As the summary reflects, the record of performance achieved by the staffs of the Headquarters and Regional Offices of the General Counsel in Fiscal Year 2010 based on preliminary statistical reports, was once again outstanding.

Of special note in FY 2010:

- 95.1% of all initial elections were conducted within 56 days of the filing of the petition.
- Initial elections in union representation elections were conducted in a median of 38 days from the filing of the petition.
- A 95.8% settlement rate was achieved in the Regional Offices in meritorious unfair labor practice cases.
- The Regional Offices won 91.0% of Board and Administrative Law Judge unfair labor practice and compliance decisions in whole or in part in FY 2010.
- A total of \$86,557,684 was recovered on behalf of employees as backpay or reimbursement of fees, dues, and fines, with 2,250 employees offered reinstatement.
- The Agency surpassed all three of its ambitious overarching goals, closing 86.3% of all representation cases within 100 days (target 85%), 73.3% of all unfair labor practice cases within 120 days (target 71%), and 84.6% of all meritorious unfair labor practice cases within 365 days (target 80%). The target for each overarching goal was higher than in FY 2009 and is scheduled to be increased in fiscal years 2011 and 2012.
- Agency representatives participated in over 630 outreach events during FY 2010.

I extend my sincere appreciation to all staff members for their continued hard work and dedication to public service and for the cooperative manner in which they have responded to the priorities in casehandling. My thanks also to those who practice before us for the cooperation and assistance extended to us in our efforts to administer the Act effectively and efficiently.

/s/

Lafe Solomon  
Acting General Counsel

## ORGANIZATION OF THE OFFICE OF THE GENERAL COUNSEL

The Office of the General Counsel is composed of six major components. These components are responsible for the various casehandling, administrative and personnel functions of the office. The six components are: the Division of Operations-Management and Regional Offices, the Division of Advice, the Division of Enforcement Litigation, the Division of Administration, the Office of Equal Employment Opportunity and the Office of Employee Development.

The Division of Operations-Management includes Headquarters and Regional Office staffs. The Headquarters staff has the responsibility on behalf of the General Counsel for the operations of the Regional, Subregional and Resident Offices, and the coordination of the casehandling of those offices with the Washington Divisions of the Office of the General Counsel and the Board.

There are 32 Regional Offices, three Subregional Offices and 16 Resident Offices. Each Regional Office is headed by a Regional Director who is responsible for the management of the office and any attached Subregional or Resident Offices and for the investigation and initial determination of the merits of unfair labor practice cases and representation cases. The Regional Director is also responsible for resolving through settlement or litigation the unfair labor practice charges found to warrant further proceedings, and for the conduct of representation elections.

The Division of Enforcement Litigation is responsible for the Agency's litigation in the United States Court of Appeals and the Supreme Court of the United States as well as for contempt and miscellaneous litigation in Federal and State Courts.

The Office of Appeals is a major component of the Division of Enforcement Litigation. This office reviews appeals from Regional Directors' refusals to issue complaint in unfair labor practice cases and recommends proposed action to be taken thereon by the General Counsel. It also processes appeals from the Regional Directors' denial of requests for documents under the Freedom of Information Act.

The Division of Advice has the function of rendering substantive legal advice to the General Counsel and to Regional Offices in cases presenting novel or complex issues, cases of national interest or cases which involve developing and changing areas of the law. The Division also processes requests for injunctive relief under Section 10(j) of the Act, litigates injunction cases in Federal appellate courts under Section 10(l) and 10(j), manages the General Counsel's Freedom of Information Act program and indexes and classifies Board and Court decisions under the Act.

The Division of Administration is under the general supervision of the General Counsel and has been delegated responsibility for the development, direction and coordination of administrative staff support functions for both the Board and the General Counsel.

The Office of Equal Employment Opportunity is dedicated to providing timely professional assistance and advice to managers, supervisors, and employees with respect to understanding and promoting diversity in the workplace. Its mission includes providing assistance to all Agency employees to avoid or resolve discrimination and harassment complaints. The OEEO also appoints, trains and manages the Agency's collateral duty EEO Counselors assigned in each Regional office and manages specific case assignments handled at the informal stage of the federal sector EEO process.

The Office of Employee Development reports directly to the General Counsel and is responsible for the training needs of Agency employees. It is the mission of the OED to develop

an agency-wide approach to training, to assist managers in providing employees with needed development opportunities and to help managers and supervisors manage their own careers and obtain developmental opportunities.

## I. General Information

The information set forth below reflects the work of the various casehandling Divisions during Fiscal Year 2010 based on preliminary statistical reports of case actions during the year.<sup>1</sup>

During the last quarter of FY 2007, the Agency implemented three overarching casehandling goals. These goals complement the interim goals under which the Office of the General Counsel has operated for over 45 years. I am pleased to report that the Agency surpassed all three of its overarching goals, closing:

- 86.3% of all representation cases within 100 days (target 85%),
- 73.3% of all unfair labor practice cases within 120 days (target 71.2%), and
- 84.6% of all meritorious unfair labor practice cases within 365 days (target 80%).

## II. Regional Offices

### Case Intake

The NLRB's processes can be invoked only by the filing of an unfair labor practice charge or a representation petition by a member of the public. The Agency has no authority to initiate proceedings on its own.

Total case intake during FY 2010 was 26,585, compared to 25,413 cases in FY 2009, representing a 4.6% increase in overall intake. Unfair labor practice case intake was 23,381, a 3.8% increase from the FY 2009 intake of 22,501. Total representation case intake was 3,204, a 10% increase from the FY 2009 intake of 2,912.

Petitions filed in certification and decertification (RC, RD, and RM) cases increased 10.1% from 2,696 in FY 2009 to 2,969 in FY 2010. Petitions filed in unit deauthorization, unit amendment and unit clarification (UD, AC and UC) cases decreased by 4.0% from the previous year's intake with the filing of 235 petitions in FY 2010 compared to 245 filed in FY 2009.

There were 4,137 situations<sup>2</sup> pending at the end of FY 2009. At the end of FY 2010, that number decreased to 4,063.

In *Dana Corp.*, 351 NLRB No. 28 (September 29, 2007), the Board modified its recognition-bar doctrine, holding that an employer's voluntary recognition of a labor organization does not bar a decertification or rival union petition that is filed within 45 days of unit employees' receiving notice of the voluntary recognition. The Board crafted a new procedure for providing unit employees with notice of a voluntary recognition sufficient to trigger the 45-day period.

For FY 2010, the Agency received 254 requests for Dana notices. In two instances a petition for certification (RC) was filed after notices to employees were posted. In eleven of these matters, a petition for decertification (RD) was filed after the notices were posted. Seven

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<sup>1</sup> Our experience is that despite the preliminary nature of these reports, the final statistics vary only slightly.

<sup>2</sup> A situation is one or more unfair labor practice cases involving the same facts or related facts. These cases are processed as a single unit of work.



elections were conducted pursuant to these petitions, with the recognized union prevailing in four. Four petitions were withdrawn or dismissed.<sup>3</sup>

### Outreach Activities

The Agency's field representatives participated in over 630 outreach events during FY 2010, exceeding their total of 575 events in FY 2009. The events reported in FY 2010 included outreach activities that involved local community groups, bar associations, labor organizations, employer/management organizations, government organizations, and educational institutions. A number of these events, such as Detroit's NAACP Freedom Weekend; Minnesota Human Rights Day; Cleveland's Noble-Monroe Counties' Community Economic Adjustment Program; Los Angeles' Collective Bargaining Project for Low Income Students; Indianapolis' Fiesta and Black Expo festival; participation on radio talk shows and press conferences; videotaped presentations; and public service announcements in publications have reached several thousands of people.

In addition to those mentioned above, some significant outreach events in which Agency representatives participated included: educating attorneys at a New York Urban Justice Center for a Korean workers group; making a presentation to employees of Hispanic United, a nonprofit organization that assists Buffalo's Hispanic community; conducting a question and answer session on Protected Concerted Activity, Investigations and Remedies to Baltimore's Legal Aid Bureau's Low Wage Workers Task Force; addressing workers at Atlanta's Literacy Volunteers of America; conducting a training session at Boston's Chelsea Collaborative involving Spanish speaking community members in training to become leaders in labor, housing, benefits, immigration and family matters; discussing NLRB law and procedure at Long Island's Workplace Project for Latino immigrant workers; discussions about protected concerted and union activities with workers and managers at specific businesses, at workers' rights centers and with community advocacy groups; and overviews of the Agency and the Act to elected officials, attorneys, professionals, federal and state agencies, mediators, human resource professionals, union stewards, educators and students.

During FY 2010, 19 Regional Offices published and disseminated newsletters within their individual communities, targeted to the specific interests of constituents in their geographic areas. These newsletters are posed on the Agency's Web site under "About Us" at [http://www.nlr.gov/about\\_us/regional\\_news/regional\\_newsletters.aspx](http://www.nlr.gov/about_us/regional_news/regional_newsletters.aspx).

### Information Officer Inquiries

The Agency's Public Information Program continues to provide assistance to members of the public by answering questions posed, aiding them in filing charges and petitions with the Agency and by referring inquiries not covered by the NLRA to appropriate agencies or organizations. The Public Information Program is particularly beneficial to the public because of the information and assistance it provides. It also prevents a large number of non-meritorious charges from being filed with the Agency.

The Agency's 51 field offices received 116,223 public inquiries in FY 2010, a 6.6% decrease from the 124,389 received during FY 2009. The public can contact the Agency through a toll-free telephone service designed to provide easy and cost-free access to information (1-866-667-NLRB). Callers to the toll-free number may listen to messages recorded

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<sup>3</sup> On August 31, 2010 the Board invited the parties and the public to file briefs addressing the issues raised in several pending cases, including whether the Board should modify or overrule *Dana*.

in English and Spanish that provide a general description of the Agency's mission and connections to other government agencies or to Information Officers located in the Agency's Regional Offices. In FY 2010, the toll-free telephone service received 27,129 calls, 18,749 of which were connected to Regional Offices for further assistance. In FY 2009, the toll-free telephone service received 50,336 calls, of which 20,364 were forwarded for further assistance by the Regions.

The rate of charge acceptance (percent of inquiries from the public in which the contact results in an unfair labor practice charge being filed) was approximately 7.9% in FY 2010, as compared to 7.6% experienced in FY 2009. Since the inception of the Public Information Program in 1978, the Agency charge acceptance rate has declined from 9.2%.

In addition to traditional Public Information Program activities, the Agency has endeavored to increase our accessibility to the public through our website [www.nlrb.gov](http://www.nlrb.gov). In FY 2010, the NLRB's website attracted 2.8 million visitors with 9.3 million page views. It is the increased content and growing popularity of the Agency's Webpage that may account for the decline in the number of inquiries the Regions have received in the last several years.

### Unfair Labor Practice Cases

#### Settlements

The Agency's effectiveness and efficiency in administering the Act is greatly enhanced by its ability to obtain voluntary resolution of unfair labor practice cases, which, after investigation, are deemed worthy of prosecution. (See merit factor, below.) Over the years, the Agency has achieved an excellent settlement record due to the efforts of Agency staff and the cooperation of the Bar. In FY 2010, the Regions obtained 7,246 settlements of unfair labor practice cases, representing a rate of 95.8% of total merit cases, compared to 7,175 settlements in FY 2009 and a rate of 95.2%. Over the last 10 years the settlement rate has ranged from between 91.5% and 99.5%.

#### Complaints

In FY 2010 the Regional Offices issued 1,243 complaints as compared to 1,166 in FY 2009. The median time to issue complaints was 101 days in FY 2010, a slight increase over the median of 100 days experienced in FY 2009. The median number of days from issuance of complaint to opening of the unfair labor practice hearing was 87 days in FY 2010, compared to a median of 75 days in FY 2009.

#### Merit Factor

The percentage of unfair labor practice cases in which a Regional Director determines that formal proceedings are warranted is called the merit factor. In FY 2010 the merit factor was 35.6%, slightly lower than the merit factor of 36.2% in FY 2009. Since 1980, the merit factor has fluctuated between 32% and 40%.

#### Litigation Results

The Regional Offices won 91.0% of Board and Administrative Law Judge decisions in whole or in part in FY 2009, which is slightly above the 89.8% rate experienced in FY 2009. Over the last 10 years, the percentage of wins, in whole or in part, has ranged between 78% and 91%.

#### Remedies

The Regional Offices recovered \$86,557,684 on behalf of employees as backpay or reimbursement of fees, dues, and fines in FY 2010, compared to \$77,611,322 in FY 2009. In FY 2010, a total of 2,250 employees were offered reinstatement, compared to 1,549 in FY 2009.

#### Section 10(l) Activity

The Regional Offices filed one petition for a 10(l) injunction with the appropriate district courts in FY 2010, compared to four filed in FY 2009.

#### Representation cases

##### Elections

The Regions conducted 1,790 initial representation elections in FY 2010, of which 92.1% were held pursuant to agreement of the parties, compared to 1,690 initial elections and a 91.9% election agreement rate for FY 2009. Actual performance thus continues to exceed our goal, which is to conduct 85% of elections pursuant to voluntary election agreements.

In FY 2010, the median time to proceed to an election from the filing of a petition was 38 days, one day more than the 37 median days achieved in FY 2009, and well below our target median of 42 days.

Most critically, 95.1% of all initial representation elections were conducted within 56 days of the filing of the petition in FY 2010, compared to 95.5% in FY 2009, and above our target of 90%.

In 56 cases post-election objections and/or challenges were filed requiring the conduct of an investigative hearing. Decisions or Supplemental Reports issued in those cases in 70 median days. Post-election objections and/or challenges that could be resolved without a hearing were filed in 32 cases. Decisions or Supplemental Reports in those cases issued in 22 median days. The goal in hearing cases is 80 median days and in non-hearing cases 32 median days.

##### Regional Director Decisions

In FY 2010, Regional Directors issued 185 pre-election decisions in contested representation cases after hearing in a median of 37 days, well below the allowable median of 45 days. In FY 2009 Regional Directors issued 151 pre-election decisions in a median time of 34 days.

### **III. Division of Enforcement Litigation**

#### Appellate and Supreme Court Litigation Branch

In FY 2010, the Appellate and Supreme Court Litigation Branch received 109 cases and disposed of 143. Regional Offices referred 62 cases for court enforcement, and private parties filed petitions to review the Board's order in the remaining 47 cases. In FY 2009, the total intake of enforcement and review cases was 99 cases and dispositions totaled 91. Oral arguments were presented in 22 cases in FY 2010, compared with 61 cases in FY 2009. That decrease in the number of arguments was largely attributable to some courts of appeals having stayed consideration of cases in which two-member Board orders were under review, and to the subsequent removal of all pending two-member Board cases from the courts of appeals in the aftermath of the Supreme Court's June 17 decision in *New Process Steel*, which held that the two-member Board lacked authority to issue decisions. The Board filed no petitions for rehearing in FY 2010, compared to 3 in 2009. The Branch also handled 38 summary

enforcement cases and 17 consent cases in FY 2010; in FY 2009, the Branch handled 27 summary enforcement cases and 14 consent cases.

The median time for filing applications for enforcement was 5 days in FY 2010, compared with 16 days in FY 2009, and well within our goal of 30 days. The briefing schedule in appellate cases is set by the Courts and in FY 2010 the median time for both enforcement and review cases from receipt of cases to filing of briefs was 137 days, compared to 161 days in FY 2009.

In FY 2010, the United States Courts of Appeals ruled on Board decisions in 16 enforcement and review cases. In 100% of those cases the Board's order was enforced or affirmed in full. Another 72 enforcement and review cases were dismissed or remanded by courts of appeals in FY 2010 in light of the Supreme Court's New Process decision holding that the two-member Board had lacked authority to issue decisions. In FY 2009, courts of appeals decided 61 enforcement and review cases involving the Board. Of those cases, 88.5% were enforced or affirmed in whole or in part, 78.7% were won in full, 6.6% were remanded entirely, and 4.9% were lost in full.

In FY 2010, the Supreme Court granted three private party petitions for certiorari. In one of those cases, the Court ruled against the Board in a decision issued later in the year. In each of the other two cases, the Court concurrently granted the petition for certiorari, vacated the judgment of the court of appeals, and remanded to the lower court. In addition, the Court denied one petition for certiorari filed by the Board. In FY 2009, the Court denied one private party petition for certiorari, granted none, and neither ruled on any petitions filed by the Board nor decided any cases in which the Board participated.

Responses to private parties' petitions for certiorari were filed in six cases in FY 2010; in FY 2009, four responses were filed, and a waiver of response was filed in one case. In FY 2010, the Board filed no petitions for certiorari in the Supreme Court; it filed one petition for certiorari in 2009.

#### Special Ethics Counsel

The Office of Special Ethics Counsel provides ethics guidance to Agency staff. In FY 2010, Special Ethics Counsel received 242 new cases concerning contacts with represented persons or other ethics issues during Board proceedings, compared to 176 cases in FY 2009. Special Ethics Counsel closed 239 ethics cases in FY 2010, compared to 175 in FY 2009. These cases were handled in a median response time of one day. In addition, in FY 2010 Special Ethics Counsel once again conducted 12 training programs for regional and headquarters employees.

#### Contempt Litigation and Compliance Branch

In FY 2010, 281 cases were referred to the Contempt Litigation and Compliance Branch for consideration for contempt or other appropriate action to achieve compliance with the Act, compared to 282 cases in FY 2009. Of the 140 contempt or other formal submissions, voluntary compliance was achieved in 32 cases during the fiscal year, without the necessity of filing a contempt petition or other initiating papers, and 28 other cases settled after the filing of a formal pleading in court, but before trial. In 60 other cases, it was determined that contempt or other proceedings were not warranted. In FY 2009, voluntary compliance was achieved in 46 of the 110 formal submissions without the necessity of filing a contempt petition or other initiating papers, and 16 cases were settled after the filing of formal pleadings in court, but before trial. In 40 other cases, it was determined that contempt or other proceedings were not warranted.

Seven civil contempt or equivalent adjudications were awarded in favor of the Board in FY 2010 (including one ordering a writ of body attachment), compared to 4 in FY 2009. During FY 2010, the Contempt Litigation and Compliance Branch also obtained 29 other court orders in aid of compliance, the same number obtained in FY 2009. During FY 2010, the Branch collected \$2,015,805 in backpay or other compensatory damages, while recouping \$34,144 in court costs and attorneys' fees incurred in contempt litigation. In FY 2009, the Branch collected \$4,585,089 in backpay or other compensatory damages, while recouping \$35,445 in court costs and attorneys' fees incurred in contempt litigation. In FY 2010, the Branch also conducted 171 asset/entity database investigations, pursuant to requests from the Regions or other Agency offices, as compared to 144 in FY 2009.

#### Office of Appeals

In FY 2010, the Office of Appeals received 2,146 appeals from Regional Directors' refusals to issue complaint, a nearly 5% increase over the 2,046 appeals received in FY 2009. In FY 2010, the Office processed 2,036 appeals, also nearly a 5% increase from the 1,944 appeals decided in FY 2009. The Office closed 95% of its intake; the goal is to close at least 90%. The rate of reversal of Regional Directors' dismissals was 1.4%, almost the same as the 1.5% reversal rate in FY 2009.

Median time to process all appeals in FY 2010 was 34 days, a decrease by 2 days from the time it took in FY 2009, when the median was 36 days. Median time to process 30 sustained appeals was 71 days, 19 fewer days than the 90 days in FY 2009 necessary to process 29 sustained appeals. The goal for processing all appeals is 45 median days and for processing sustained appeals is 90 median days.

In FY 2010, the Office of Appeals received 24 appeals under the Freedom of Information Act; in FY 2009, the Office had received 23 appeals. The Office of Appeals closed 25 appeals in FY 2010, in contrast to the 22 FOIA appeals closed in FY 2009, an increase of 13%.

#### Special Litigation Branch

In FY 2010, the Special Litigation Branch experienced an intake of 95 cases and closed 97 cases. This compares with an intake of 77 cases and closing of 76 in FY 2009. In both years, the Branch settled or resolved most issues upon advice being given to a Regional or Headquarters Board Office.

In FY 2010, the Branch also filed 47 briefs: 16 appellate court briefs, 17 district court briefs, and 14 bankruptcy court briefs. This compares to FY 2009 when the Branch filed 24 briefs, 8 to the appellate courts, 10 to the district courts, and 6 to bankruptcy courts. The Branch sent 17 memos to the Board and Regional offices in FY 2010, compared to 13 in FY 2009.

In FY 2010, the Branch participated in 6 oral arguments and received 24 decisions (all wins): nine in appellate courts, 13 in district courts, and 2 in bankruptcy courts. This compares with FY 2009, when the Branch participated in 6 oral arguments and received 13 decisions (all wins), 7 in appellate courts, 5 in district courts, 3 in bankruptcy courts, and 1 in state court.

#### **IV. Division of Advice**

##### Regional Advice Branch

During FY 2010, the Division of Advice processed its cases in a median of 18 days, as compared to 16 days in FY 2009. Also, during FY 2010, the Division received 590 cases and closed 604 cases, compared to 597 cases received and 609 cases closed in FY 2009. The median age of cases pending at the end of FY 2010 was 23 days, as compared to 24 days in FY 2009.

##### Injunction Litigation Branch

In FY 2010, the Injunction Litigation Branch received 66 cases from Regional Offices to consider for discretionary injunctive relief under Section 10(j) of the Act, as compared to 85 cases received in FY 2009. During this fiscal year, the Board's December 2007 delegation of Section 10(j) authority to the General Counsel continued until April 5, 2010, and consequently, the General Counsel and the Board together authorized 28 cases during FY 2010 as compared to 30 that the General Counsel authorized in FY 2009. Regional Offices filed 10(j) petitions in 23 cases, the same number as last fiscal year. The "success rate", i.e., the percentage of authorized Section 10(j) cases in which the Agency achieved either a satisfactory settlement or substantial victory in litigation was 100% at the end of FY 2010, compared to 81% at the end of FY 2009.

In addition to requests for Section 10(j) authorization, the Injunction Litigation Branch handled 134 other cases during FY 2010, compared to 118 such cases in FY 2009. These cases involved litigation advice to Regions for their litigation of Section 10(j) and 10(l) cases, first contract bargaining cases submitted under Memoranda GC 06-05, 07-08, and 08-09, appeals from district court decisions in Section 10(j) or 10(l) cases, and contempt of district court decrees. The Branch handled 6 appeals that were pending at the beginning of the fiscal year and 6 appeals that were filed during FY 2010, compared to 6 appeals that were pending at the beginning of FY 2009 and 6 appeals that were filed during FY 2009. Of the 12 appellate cases in FY 2010, the Branch satisfactorily resolved 3 appeals before decision, won 1 appeal, lost 1 appeal, and had 7 appeals pending at the end of FY 2010. This compares to 12 appeals in FY 2009, in which the Branch satisfactorily resolved 2 appeals before decision, won 4 appeals in whole or substantial part, lost none, and had 6 appeals pending at the end of FY 2009. The Branch handled 2 requests for contempt proceedings in FY 2010, compared to no requests in FY 2009.

#### **V. Division of Administration**

The Division of Administration, comprising seven branches, provided services to the NLRB related to Acquisitions Management, Budget, Facilities and Property, Finance, Human Resources, Library and Administrative Services, and Security.

Acquisitions Management: The newest branch was established at the end of FY 2009 to focus on managing contracting and procurement. In spite of the government-wide challenge of staffing a contracting function, the new branch achieved outstanding results. While keeping on top of the daily demand for contract and procurement actions, they sponsored agency-wide training on purchase card processes and began to implement internal controls to strengthen

financial management. The feedback received from Agency customers has been universally positive.

Continuity of Operations (COOP): A new position, COOP Manager, was filled, and the agency engaged fully in the national continuity exercise simulation. The scores assigned by FEMA reflected significant gains. The COOP Manager updated the Continuity of Operations Plan to meet evolving guidance from FEMA and visited four regional offices, in four different parts of the country, to assess their needs for continuity of operations planning and to construct, with their input, a template which can be adapted to the particular needs of each region.

HR Challenges: The Agency was in recovery mode during FY 2010 after a period of several years of lean budgets. This manifested itself most visibly in the area of recruitment and hiring. Not only is there a lag in hiring to fill long vacant positions across the Agency, but there is also a dire need to staff the Human Resources Branch that provides the services related to hiring, payroll, benefits, performance management, discipline, reporting, and personnel policy. Human Resources Specialists are in great demand government-wide, and there is a shortage of qualified and experienced applicants. Retention has thus become an additional challenge as agencies vie for the same pool of specialists.

Security: A new chief of security assumed his duties after a hiatus of nearly a year since the departure of the previous chief. The new head of the Security Branch immediately visited four regional offices, undertook a review of personnel and physical security policies, and took steps to acquire systems to improve processes.

Library Modernization: As a result of the FY 2009 recommendations to modernize the library, there was a significant outreach effort to the field to market reference and other services, resulting in more visibility for the electronic and personal research services offered by the Library's staff. The vision of the committee on Advancing Information Services is being realized.

Sustainability: In FY 2010, the NLRB was an active participant in the federal response to Executive Order 13514, "Federal Leadership in Environmental, Energy, and Economic Performance." The efforts of the NLRB Green Team, representing the field and headquarters from May 2009 – January 2010, were instrumental in establishing a plan and reduction targets.

SES Certification: The Office of Personnel Management, in concurrence with the Office of Management and Budget (OMB), awarded FULL certification to the Senior Executive Service (SES) performance appraisal system from October 1, 2010, to September 30, 2012.

## **VI. Office of Equal Employment Opportunity (OEEO)**

The Office of Equal Employment Opportunity (OEEO) handled fourteen complaints of alleged discrimination filed during FY 2010. At the beginning of the fiscal year, there were four cases pending investigation. At the end of FY 2010, there were six cases pending investigation. The median number of days that cases were pending under investigation was 141 days in FY 2010, as compared to 109 days in FY 2009. In FY 2010, the OEEO issued final Agency decisions in two complaints and achieved settlements in two formal complaints. At the close of FY 2010, there were three cases pending hearing at the EEOC, two cases on appeal to the EEOC's Office of Federal Operations, and no cases pending in the United States District Court.

The OEEO also provided annual refresher training for each of the 33 Regional office counselors, biannual Agency-wide No FEAR Act training required for all Agency employees, and EEO training for new managers and supervisors. In addition, the OEEO sponsored special emphasis observances in headquarters and field offices in furtherance of its mission of creating and maintaining an environment free of hostility that values diversity.

## **VII. Office of Employee Development (OED)**

The Agency's Office of Employee Development (OED) has initiated and developed numbers of programs to ensure ongoing development for the managers, supervisors, professionals, and support staff in our 51 field offices as well as in Headquarters. Included among these programs is a comprehensive legal writing training program tailored to the work of the Agency and a cutting edge program to develop and publish Professional Development Modules on labor law topics for office leaders in the field and Headquarters to present to professionals.

In partnership with the Division of Operations Management, OED continued to issue Instructor Guides on the proper execution of the National Labor Relations Act's provisions. The 35 professional development modules developed to date include instructor notes for the core presentation on the particular training topic, an exercise or other practice activity, plus checklists and resource materials for the participants' use. All modules are made available on the Agency's internal website. The substantive material is first developed by field and Headquarters managers, reviewed by technical experts at Headquarters, and then prepared for publication by OED staff. The Agency also continued its mentoring program for all new employees and for employees new to their positions. Field and Headquarters presentations to summer interns and law clerks were recorded and placed on the Agency's internal website to provide all employees access to these presentations at their work stations.

The Agency's comprehensive Legal Writing program has provided instructor led writing and editing training in Headquarters by members of the Georgetown Legal Writing Academy and individual coaching for writers and editors. Previously, for Field employees, OED provided facilitator led training using a videotaped Legal Writing Program by an Emory University professor that was developed to meet the Agency's particular needs. Most recently OED recorded a panel of the Agency's Chief and Associate Chief Administrative Law Judges providing advice on how to enhance legal writing and trial skills. This last program was made available to the Agency's attorneys on the Agency's intranet.

The Agency provides a variety of training opportunities to all staff. For example, the Agency's Field Division provides weekly "Training Tuesday" video and internet conference training conducted by subject matter experts on information technology topics, substantive issues, and administrative topics. At least forty-eight of these sessions were conducted in FY 2010. The Agency also published videos of Headquarters presentations for just-in-time use by all Agency employees at their desktops on a variety of topics ranging from Legal Issues to Special Emphasis Programs. In FY 2010, the Agency was also able to provide training conferences on trial advocacy training, advanced trial advocacy training, compliance, senior field professional employee training, headquarters manager training, and field office management team training. OED located speakers and provided equipment support for all of these conferences.



The Agency continues to employ the NLRB Management Development Program (MDP), a flexible program designed to ensure that the Agency has well-qualified candidates for future managerial vacancies. OED continued to offer a variety of management training including: training for new supervisors; attendance at external private vendor seminars, OPM's Management Development Centers and Federal Executive Institute seminars; on-line training from Harvard and Ninth House; and a 360 degree assessment/executive coaching program and assisted with conferences for Regional Directors (RD's) and for Office and Assistant Office Managers and RD Secretaries. Business skills training was provided to support staff through Element K online training and additional training was presented to address common employee needs such as email etiquette, mentoring for new employees, EEO/Diversity, and retirement. Video-conferencing and on-line technology was used to deliver training nationwide to all employees.

June 1, 2011 [DOL Home](#) > [OLMS](#) > [Public Disclosure Home](#) > [Search Criteria](#) > [Select Report](#) > Detail

### Union Detail

540-444  
 CARPENTERS IND LEADERSHIP COUNCIL MICHIGAN REGIONAL #4085

3800 WOODWARD AVE STE 1200  
 DETROIT, MI 48201

[Show National Headquarters](#)

Below lists all reports filed for this union. Scroll down to see a list of available attachments (including constitution and bylaws filed for that organization)

Select All	Date Received	Filing Type	Fiscal Year	Total Assets	Total Liabilities	Total Receipts	Total Disbursements	Total Membership
<input type="checkbox"/>	Sep 28, 2010	LM-2	<a href="#">2010 Report</a>	\$5,414,050	\$182,384	\$14,402,599	\$13,466,432	14,880
<input type="checkbox"/>	Sep 24, 2009	LM-2	<a href="#">2009 Report</a>	\$4,685,432	\$149,762	\$18,959,942	\$21,459,890	16,074
<input type="checkbox"/>	Oct 02, 2008	LM-2	<a href="#">2008 Report</a>	\$7,364,020	\$290,178	\$23,012,292	\$23,265,785	17,036
<input type="checkbox"/>	Sep 28, 2007	LM-2	<a href="#">2007 Report</a>	\$7,665,611	\$165,768	\$23,312,323	\$22,872,815	17,402
<input type="checkbox"/>	Sep 22, 2006	LM-2	<a href="#">2006 Report</a>	\$7,260,218	\$199,659	\$23,189,791	\$21,004,682	17,665
<input type="checkbox"/>	Sep 28, 2005	LM-2	<a href="#">2005 Report</a>	\$4,900,511	\$194,903	\$23,904,853	\$22,452,906	18,583
<input type="checkbox"/>	Sep 28, 2004	LM-2	<a href="#">2004 Report</a>	\$3,557,254	\$1,816,286	\$21,057,253	\$21,877,568	19,216
<input type="checkbox"/>	Oct 02, 2003	LM-2	<a href="#">2003 Report</a>	\$4,455,942	\$746,782	\$24,558,990	\$23,828,713	20,277
<input type="checkbox"/>	Oct 10, 2002	LM-2	<a href="#">2002 Report</a>	\$5,706,971	\$784,002	\$21,967,887	\$22,258,481	20,907
<input type="checkbox"/>	Aug 25, 2003	LM-2	<a href="#">2002 Report</a>	\$5,706,971	\$784,002	\$21,967,887	\$22,258,481	20,907
<input type="checkbox"/>	Oct 09, 2001	LM-2	<a href="#">2001 Report</a>	\$9,317,065	\$776,988	\$20,300,597	\$21,594,364	20,932
<input type="checkbox"/>	Sep 29, 2000	LM-2	<a href="#">2000 Report</a>	\$10,787,600	\$538,910	\$23,381,220	\$22,967,150	20,812

### Attachments

Document Type	Filing Year	Received Date	File Name
ADDITIONAL INFORMATION - ITEM 69	2010	2010-09-28 16:18:39.0	<a href="#">MRCC Property Holding 06-30-10 Financial Statements.pdf</a>
ADDITIONAL INFORMATION - ITEM 69	2010	2010-09-28 16:18:39.0	<a href="#">MRCC Building 06-30-10 Financial Statements.pdf</a>
ADDITIONAL INFORMATION - ITEM 69	2010	2010-09-28 16:18:39.0	<a href="#">MRCC Holding 0610 Financial Statements.pdf</a>
AUDIT	2010	2010-09-28 16:18:39.0	<a href="#">MRCC 06-30-10 Financial Statements.pdf</a>
Constitution, Bylaws and Other Attachments	2010	2010-09-28 16:18:39.0	<a href="#">Bylaws 71409.pdf</a>
Constitution, Bylaws and Other Attachments	2009	2009-09-24 14:09:58.0	<a href="#">Michigan Regional Council of Carpenters 06-30-09 Financial Statement.pdf</a>
Constitution, Bylaws and Other Attachments	2009	2009-09-24 14:09:58.0	<a href="#">MRCC Properties Holding Company, LLC 06-30-09 Financial Statements.pdf</a>
Constitution, Bylaws and Other Attachments	2009	2009-09-24 14:09:58.0	<a href="#">MRCC Holding Company, LLC 06-30-09 Financial Statements.pdf</a>
Constitution, Bylaws and Other Attachments	2009	2009-09-24 14:09:58.0	<a href="#">MRCC Building Company, LLC 06-30-09 Financial Statements.pdf</a>
Constitution, Bylaws and Other Attachments	2008	2008-10-02 12:13:38.0	<a href="#">MRCC 06-30-08 Financial Statements.pdf</a>
Constitution, Bylaws and Other Attachments	2008	2008-10-02 12:13:38.0	<a href="#">MRCC Prop Hold 06-30-08 Fin Stmt.pdf</a>
Constitution, Bylaws and Other Attachments	2008	2008-10-02 12:13:38.0	<a href="#">MRCC Building Co 06-30-08 Financial Statements.pdf</a>
Constitution, Bylaws and Other Attachments	2008	2008-10-02 12:13:38.0	<a href="#">MRCC Holding 06-30-08 Financial Statement.pdf</a>
REPORT ATTACHMENT	2006	2006-09-22 14:18:21.0	<a href="#">LM-2 Financial Statements attachment.pdf</a>
REPORT ATTACHMENT	2006	2006-09-22 14:11:34.0	<a href="#">LM-2 Financial Statements attachment.pdf</a>
REPORT ATTACHMENT	2005	2005-09-28 12:00:54.0	<a href="#">17980-Documnet.pdf</a>

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The Save Checked Items Button allows you to select the unions you wish to view in any of the reports. You can also add more unions to your search by returning to the search screen after checking and saving items. The Clear All Items button allows you to start a new search.

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U.S. Department of Labor | Frances Perkins Building, 200 Constitution Ave., NW, Washington, DC 20210  
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Return

U.S. Department of Labor  
 Employment Standards  
 Administration  
 Office of Labor-Management  
 Standards  
 Washington, DC 20210

**FORM LM-2 LABOR ORGANIZATION  
 ANNUAL REPORT**

Form Approved  
 Office of Management and  
 Budget  
 No. 1215-0188  
 Expires: 09-11-2011

**MUST BE USED BY LABOR ORGANIZATIONS WITH \$250,000 OR  
 MORE IN TOTAL ANNUAL RECEIPTS AND LABOR ORGANIZATIONS  
 IN TRUSTEESHIP**

This report is mandatory under P.L. 86-257, as amended. Failure to comply may result in criminal prosecution, fines, or civil penalties as provided by 29 U.S.C. 439 or 440.

READ THE INSTRUCTIONS CAREFULLY BEFORE PREPARING THIS REPORT.			
For Official Use Only	1. FILE NUMBER  540-444	2. PERIOD COVERED From 07/01/2009 Through 06/30/2010	3. (a) AMENDED - Is this an amended report: No (b) HARDSHIP - Filed under the hardship procedures: No (c) TERMINAL - This is a terminal report: No
4. AFFILIATION OR ORGANIZATION NAME CARPENTERS IND		8. MAILING ADDRESS (Type or print in capital letters)	
5. DESIGNATION (Local, Lodge, etc.) LEADERSHIP COUNCIL		6. DESIGNATION NBR	
7. UNIT NAME (if any) MICHIGAN REGIONAL #4085		First Name MICHAEL	
9 Are your organization's records kept at its mailing address? Yes		Last Name JACKSON	
		P.O Box - Building and Room Number	
		Number and Street 3800 WOODWARD AVE STE 1200	
		City DETROIT	
		State MI	ZIP Code + 4 48201

Each of the undersigned, duly authorized officers of the above labor organization, declares, under penalty of perjury and other applicable penalties of law, that all of the information submitted in this report (including information contained in any accompanying documents) has been examined by the signatory and is, to the best of the undersigned individual's knowledge and belief, true, correct and complete (See Section V on penalties in the instructions.)

26. SIGNED: Richard G Davis Date: Sep 28, 2010 Contact Info: 313-832-3887	PRESIDENT 27. SIGNED: Mike J Jacskon Date: Sep 28, 2010 Contact Info: 313-832-3887
TREASURER	

Form LM-2 (Revised 2003)

**ITEMS 10 THROUGH 21**

FILE NUMBER: 540-444

- 10. During the reporting period did the labor organization create or participate in the administration of a trust or a fund or organization, as defined in the instructions, which provides benefits for members or beneficiaries? Yes
- 11. During the reporting period did the labor organization have a Political Action Committee (PAC) fund? Yes
- 12. During the reporting period did the labor organization have an audit or review of its books and records by an outside accountant or by a parent body auditor/representative? Yes
- 13. During the reporting period did the labor organization discover any loss or shortage of funds or other assets? (Answer "Yes" even if there has been repayment or recovery.) No
- 14. What is the maximum amount recoverable under the labor organization's fidelity bond for a loss caused by any officer, employee or agent of the labor organization who handled union funds? \$500,000
- 15. During the reporting period did the labor organization acquire or dispose of any assets in a manner other than purchase or sale? Yes
- 16. Were any of the labor organization's assets pledged as security or encumbered in any way at the end of the reporting period? Yes
- 17. Did the labor organization have any contingent liabilities at the end of the reporting period? No
- 18. During the reporting period did the labor organization have any changes in its constitution or bylaws, other than rates of dues and fees, or in practices/procedures listed in the instructions? Yes
- 19. What is the date of the labor organization's next regular election of officers? 08/2013

20. How many members did the labor organization have at the end of the reporting period? 14,880

21. What are the labor organization's rates of dues and fees?

Rates of Dues and Fees					
Dues/Fees	Amount		Unit	Minimum	Maximum
(a) Regular Dues/Fees	\$20.00	per	Month	\$6.00	\$20.00
(b) Working Dues/Fees	4%	per	Base Wage	N/A	N/A
(c) Initiation Fees	\$300.00	per	Person	\$50.00 Residential	\$300.00 Commercial
(d) Transfer Fees	N/A	per	N/A	N/A	N/A
(e) Work Permits	\$90.00	per	Person	\$90.00	\$90.00

**STATEMENT A - ASSETS AND LIABILITIES**

FILE NUMBER: 540-444

ASSETS	ASSETS	Schedule	Start of Reporting	End of Reporting Period
		Number	Period (A)	(B)
	22. Cash		\$1,798,855	\$2,735,021
	23. Accounts Receivable	1	\$0	\$0
	24. Loans Receivable	2	\$0	\$0
	25. U.S. Treasury Securities		\$0	\$0
	26. Investments	5	\$2,545,909	\$2,444,251
	27. Fixed Assets	6	\$280,148	\$234,778
	28. Other Assets	7	\$60,520	\$0
	<b>29. TOTAL ASSETS</b>		<b>\$4,685,432</b>	<b>\$5,414,050</b>

LIABILITIES	LIABILITIES	Schedule	Start of Reporting	End of Reporting Period
		Number	Period (A)	(B)
	30. Accounts Payable	8	\$127,889	\$120,483
	31. Loans Payable	9	\$0	\$50,895
	32. Mortgages Payable		\$0	\$0
	33. Other Liabilities	10	\$21,873	\$11,006
	<b>34. TOTAL LIABILITIES</b>		<b>\$149,762</b>	<b>\$182,384</b>

<b>35. NET ASSETS</b>		<b>\$4,535,670</b>	<b>\$5,231,666</b>
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Form LM-2 (Revised 2003)

**STATEMENT B - RECEIPTS AND DISBURSEMENTS**

FILE NUMBER: 540-444

CASH RECEIPTS		SCH	AMOUNT	CASH DISBURSEMENTS		SCH	AMOUNT
36. Dues and Agency Fees			\$13,642,758	50. Representational Activities	15		\$3,544,230
37. Per Capita Tax			\$0	51. Political Activities and Lobbying	16		\$6,525
38. Fees, Fines, Assessments, Work Permits			\$77,884	52. Contributions, Gifts, and Grants	17		\$49,711
39. Sale of Supplies			\$0	53. General Overhead	18		\$3,183,633
40. Interest			\$1,649	54. Union Administration	19		\$551,591
41. Dividends			\$0	55. Benefits	20		\$3,350,399
42. Rents			\$0	56. Per Capita Tax			\$1,523,632
43. Sale of Investments and Fixed Assets	3		\$0	57. Strike Benefits			\$20,973
44. Loans Obtained	9		\$58,165	58. Fees, Fines, Assessments, etc.			\$0
45. Repayments of Loans Made	2		\$0	59. Supplies for Resale			\$0
46. On Behalf of Affiliates for Transmittal to Them			\$0	60. Purchase of Investments and Fixed Assets	4		\$773,646
47. From Members for Disbursement on Their Behalf			\$0	61. Loans Made	2		\$0
48. Other Receipts	14		\$622,143	62. Repayment of Loans Obtained	9		\$7,270
<b>49. TOTAL RECEIPTS</b>			<b>\$14,402,599</b>	63. To Affiliates of Funds Collected on Their Behalf			\$0
				64. On Behalf of Individual Members			
				65. Direct Taxes			\$439,788
				66. Subtotal			\$13,451,398
				67. Withholding Taxes and Payroll Deductions			
				67a. Total Withheld		\$1,740,563	
				67b. Less Total Disbursed		\$1,755,597	
				67c. Total Withheld But Not Disbursed			-\$15,034
				<b>68. TOTAL DISBURSEMENTS</b>			<b>\$13,466,432</b>

Form LM-2 (Revised 2003)

**SCHEDULE 1 - ACCOUNTS RECEIVABLE AGING SCHEDULE**

FILE NUMBER: 540-444

Entity or Individual Name (A)	Total Account Receivable (B)	90-180 Days Past Due (C)	180+ Days Past Due (D)	Liquidated Account Receivable (E)
Totals from all other accounts receivable				
<b>TOTALS</b> (Column (B) Total will be automatically entered in Item 23, Column (B))	\$0	\$0	\$0	\$0

Form LM-2 (Revised 2003)



**SCHEDULE 2 - LOANS RECEIVABLE**

FILE NUMBER: 540-444

List below loans to officers, employees, or members which at any time during the reporting period exceeded \$250 and list all loans to business enterprises regardless of amount. (A)	Loans Outstanding at Start of Period (B)	Loans Made During Period (C)	Cash (D)(1)	Other Than Cash (D)(2)	Loans Outstanding at End of Period (E)
Total of loans not listed above					
<b>Total of all lines</b>	\$0	\$0	\$0	\$0	\$0
Totals will be automatically entered in...	Item 24 Column (A)	Item 61	Item 45	Item 69 with Explanation	Item 24 Column (B)

Form LM-2 (Revised 2003)

**SCHEDULE 3 - SALE OF INVESTMENTS AND FIXED ASSETS**

FILE NUMBER: 540-444

Description (if land or buildings give location) (A)	Cost (B)	Book Value (C)	Gross Sales Price (D)	Amount Received (E)
<b>Total of all lines</b>	\$0	\$0	\$0	\$0
			14. Less Reinvestments	\$0
(Net Sales total will automatically entered in Item 43)			<b>15. Net Sales</b>	\$0

Form LM-2 (Revised 2003)

**SCHEDULE 4 - PURCHASE OF INVESTMENTS AND FIXED ASSETS**

FILE NUMBER: 540-444

Description (if land or buildings, give location) (A)	Cost (B)	Book Value (C)	Cash Paid (D)
Investment in MRCC Building Co., LLC	\$678,000	\$678,000	\$678,000
Leasehold Improvements	\$18,640	\$18,640	\$18,640
Automobiles	\$68,665	\$68,665	\$68,665
Computers & Software	\$4,172	\$4,172	\$4,172
Furniture	\$4,169	\$4,169	\$4,169
Total of all lines	\$773,646	\$773,646	\$773,646
		14. Less Reinvestments	\$0
(Net Purchases total will automatically entered in Item 60)		<b>15. Net Purchases</b>	\$773,646

Form LM-2 (Revised 2003)

**SCHEDULE 5 - INVESTMENTS**

FILE NUMBER: 540-444

Description (A)	Amount (B)
<b>Marketable Securities</b>	
1. Total Cost	
2. Total Book Value	
3. List each marketable security which has a book value over \$5000 and exceeds 5% of Line 2.	
<b>Other Investments</b>	
4. Total Cost	\$2,444,251
5. Total Book Value	\$2,444,251
6. List each other investment which has a book value over \$5000, of Line 5. Also list each Trust which is an investment.	
■ MRCC Building Co., LLC	\$2,081,777
■ MRCC Properties Holding Co., LLC	\$356,795
■ MRCC Holding Co., LLC	\$5,679
<b>7. Total of Lines 2 and 5</b> (Total will be automatically entered in Item 26, Column(B))	<b>\$2,444,251</b>

Form LM-2 (Revised 2003)

**SCHEDULE 6 - FIXED ASSETS**

FILE NUMBER: 540-444

Description (A)	Cost or Other Basis (B)	Total Depreciation or Amount Expensed (C)	Book Value (D)	Value (E)
1. Land (give location)	\$0		\$0	\$0
3. Buildings (give location)	\$0	\$0	\$0	\$0
5. Automobiles and Other Vehicles	\$90,696	\$32,990	\$57,706	\$57,706
6. Office Furniture and Equipment	\$529,535	\$508,844	\$20,691	\$20,691
7. Other Fixed Assets	\$1,343,145	\$1,186,764	\$156,381	\$156,381
<b>8. Totals of Lines 1 through 7</b> (Column(D) Total will be automatically entered in Item 27, Column(B))	\$1,963,376	\$1,728,598	\$234,778	\$234,778

Form LM-2 (Revised 2003)

**SCHEDULE 7 - OTHER ASSETS**

FILE NUMBER: 540-444

Description (A)	Book Value (B)
<b>Total Other Assets</b> (Total will be automatically entered in Item 28, Column(B))	\$0

Form LM-2 (Revised 2003)

**SCHEDULE 8 - ACCOUNTS PAYABLE AGING SCHEDULE**

FILE NUMBER: 540-444

Entity or Individual Name (A)	Total Account Payable (B)	90-180 Days Past Due (C)	180+ Days Past Due (D)	Liquidated Account (E)
United Brotherhood of Carpenters & Joiners	\$120,483	\$0	\$0	\$0
Total from all other accounts payable	\$0	\$0	\$0	\$0
<b>Total Accounts Payable</b> (Column(B) Total will be automatically entered in Item 30, Column(D))	\$120,483	\$0	\$0	\$0

Form LM-2 (Revised 2003)

**SCHEDULE 9 - LOANS PAYABLE**

FILE NUMBER: 540-444

Source of Loans Payable at Any Time During the Reporting Period (A)	Loans Owed at Start of Period (B)	Loans Obtained During Period (C)	Repayment During Period Cash (D)(1)	Repayment During Period Other Than Cash (D)(1)	Loans Owed at End of Period (E)
GMAC	\$0	\$58,165	\$7,270	\$0	\$50,895
<b>Total Loans Payable</b>	<b>\$0</b>	<b>\$58,165</b>	<b>\$7,270</b>	<b>\$0</b>	<b>\$50,895</b>
Totals will be automatically entered in ..	Item 31 Column (C)	Item 44	Item 62	Item 69 with Explanation	Item 31 Column (D)

Form LM-2 (Revised 2003)



**SCHEDULE 10 - OTHER LIABILITIES**

FILE NUMBER: 540-444

Description (A)	Amount at End of Period (B)
Employee Withholdings	\$11,006
<b>Total Other Liabilities</b> (Total will be automatically entered in Item 33, Column(D))	<b>\$11,006</b>

Form LM-2 (Revised 2003)

**SCHEDULE 11 - ALL OFFICERS AND DISBURSEMENTS TO OFFICERS**

FILE NUMBER: 540-444

(A) Name	(B) Title	(C) Status	(D) Gross Salary Disbursements (before any deductions)	(E) Allowances Disbursed	(F) Disbursements for Official Business	(G) Other Disbursements not reported in (D) thru (F)	(H) TOTAL			
A MICHAEL J JACKSON B EXECUTIVE SECRETARY / TRE C N			\$168,663	\$1,750	\$1,480	\$49,531	\$221,424			
I	Schedule 15 Representational Activities	57 %	Schedule 16 Political Activities and Lobbying	1 %	Schedule 17 Contributions	1 %	Schedule 18 General Overhead	25 %	Schedule 19 Administration	16 %
A RICHARD G DAVIS B PRESIDENT C N			\$100,721	\$1,850	\$880	\$23,559	\$127,010			
I	Schedule 15 Representational Activities	43 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	1 %	Schedule 18 General Overhead	29 %	Schedule 19 Administration	27 %
A TYLER S MCCASTLE B VICE PRESIDENT C N			\$87,245	\$7,400	\$1,158	\$265	\$96,068			
I	Schedule 15 Representational Activities	90 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	5 %	Schedule 19 Administration	5 %
A BART W NICKERSON B TRUSTEE C C			\$73,012	\$7,050	\$1,000	\$990	\$82,052			
I	Schedule 15 Representational Activities	97 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	1 %	Schedule 18 General Overhead	0 %	Schedule 19 Administration	2 %
A BRIAN L KERRIGAN B TRUSTEE C C			\$67,968	\$5,850	\$0	\$227	\$74,045			
I	Schedule 15 Representational Activities	49 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	21 %	Schedule 19 Administration	30 %
A VICTOR A WALTER B TRUSTEE C C			\$92,590	\$2,200	\$1,000	\$1,215	\$97,005			
I	Schedule 15		Schedule 16 Political		Schedule 17		Schedule 18		Schedule 19	

I	Representational Activities	76 %	Activities and Lobbying	0 %	Contributions	0 %	General Overhead	13 %	Administration	11 %
A	CHARLES S JACKSON									
B	COMMITTEE MEMBER									
C				\$89,150	\$8,250		\$1,000		\$12,617	\$111,017
I	Schedule 15 Representational Activities	38 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	5 %	Schedule 18 General Overhead	30 %	Schedule 19 Administration	27 %
A	CHAD A MILLER									
B	COMMITTEE MEMBER									
C				\$71,292	\$6,950		\$0		\$2,065	\$80,307
I	Schedule 15 Representational Activities	73 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	14 %	Schedule 19 Administration	13 %
A	FRANK P BENSON									
B	WARDEN									
C				\$95,466	\$5,950		\$724		\$1,388	\$103,528
I	Schedule 15 Representational Activities	44 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	39 %	Schedule 19 Administration	17 %
A	PETER J HARVATIN									
B	CONDUCTORE									
C				\$73,924	\$9,500		\$1,000		\$2,716	\$87,140
I	Schedule 15 Representational Activities	76 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	13 %	Schedule 19 Administration	11 %
A	DOUGLAS C BUCKLER									
B	EX. SECRETARY / TREASURER									
C				\$32,829	\$1,750		\$360		\$6,178	\$41,117
I	Schedule 15 Representational Activities	15 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	65 %	Schedule 19 Administration	20 %
A	TIMOTHY J KELLEY									
B	PRESIDENT									
C				\$18,053	\$1,750		\$360		\$5,295	\$25,458
I	Schedule 15 Representational Activities	80 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	0 %	Schedule 19 Administration	20 %
A	DAVID MILLER									
B	TRUSTEE									
C				\$17,270	\$1,750		\$0		\$441	\$19,461

	Schedule 15 Representational Activities	25 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	38 %	Schedule 19 Administration	37 %
A B C	ROBERT O'NEILL TRUSTEE P			\$15,543	\$1,750		\$0		\$406	\$17,699
	Schedule 15 Representational Activities	88 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	10 %	Schedule 19 Administration	2 %
A B C	KENNETH STEWART TRUSTEE P			\$57,839	\$11,900		\$0		\$5,805	\$75,544
	Schedule 15 Representational Activities	80 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	10 %	Schedule 19 Administration	10 %
<b>Total Officer Disbursements</b>				\$1,061,565	\$75,650		\$8,962		\$112,698	\$1,258,875
<b>Less Deductions</b>										
<b>Net Disbursements</b>										\$1,258,875

Form LM-2 (Revised 2003)

**SCHEDULE 12 - DISBURSEMENTS TO EMPLOYEES**

FILE NUMBER: 540-444

	(A) Name	(B) Title	(C) Other Payer	(D) Gross Salary Disbursements (before any deductions)	(E) Allowances Disbursed	(F) Disbursements for Official Business	(G) Other Disbursements not reported in (D) thru (F)	(H) TOTAL		
A B C	GREGORY D ABBOTT	BUSINESS REPRESENTATIVE		\$82,745	\$6,300	\$0	\$64	\$89,109		
I	Schedule 15 Representational Activities	94 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	0 %	Schedule 19 Administration	6 %
A B C	JAMAL AL ORGANIZER			\$70,227	\$3,750	\$0	\$0	\$73,977		
I	Schedule 15 Representational Activities	85 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	10 %	Schedule 19 Administration	5 %
A B C	TRACY BASSONETTI	CLERICAL		\$53,057	\$0	\$0	\$50	\$53,107		
I	Schedule 15 Representational Activities	0 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	100 %	Schedule 19 Administration	0 %
A B C	DARIN BAYDOUN	ORGANIZER		\$51,876	\$3,850	\$1,306	\$1,020	\$58,052		
I	Schedule 15 Representational Activities	100 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	0 %	Schedule 19 Administration	0 %
A B C	MARK W BEEVER	BUSINESS REPRESENTATIVE		\$10,617	\$1,750	\$0	\$0	\$12,367		
I	Schedule 15 Representational Activities	100 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	0 %	Schedule 19 Administration	0 %
A B C	KELSEY BENSON	CLERICAL		\$29,418	\$0	\$0	\$50	\$29,468		
I	Schedule 15 Representational Activities	0 %	Schedule 16 Political Activities and	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	100 %	Schedule 19 Administration	0 %

		Lobbying								
A										
B	DIANE M BROWN		\$35,036		\$0		\$0		\$50	
C	CLERICAL								\$35,086	
I	Schedule 15 Representational Activities	0 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	100 %	Schedule 19 Administration	0 %
A										
B	JEFFREY B BUCKLER		\$54,751		\$3,900		\$0		\$1,497	
C	ORGANIZER								\$60,148	
I	Schedule 15 Representational Activities	100 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	0 %	Schedule 19 Administration	0 %
A										
B	SHANNON M BUCKLER		\$11,407		\$0		\$0		\$0	
C	CLERICAL								\$11,407	
I	Schedule 15 Representational Activities	0 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	100 %	Schedule 19 Administration	0 %
A										
B	BRYAN DAVIS		\$57,611		\$4,250		\$0		\$931	
C	ORGANIZER								\$62,792	
I	Schedule 15 Representational Activities	100 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	0 %	Schedule 19 Administration	0 %
A										
B	CAROLYN DAVIS		\$56,505		\$250		\$0		\$50	
C	CLERICAL								\$56,805	
I	Schedule 15 Representational Activities	0 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	100 %	Schedule 19 Administration	0 %
A										
B	ERIC DORN		\$51,876		\$2,100		\$464		\$751	
C	ORGANIZER								\$55,191	
I	Schedule 15 Representational Activities	100 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	0 %	Schedule 19 Administration	0 %
A										
B	TRAVIS FAIRBANKS		\$71,994		\$6,500		\$568		\$869	
C	BUSINESS REPRESENTATIVE								\$79,931	
I	Schedule 15		Schedule 16				Schedule 18		--	

I	Representational Activities	86 %	Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	General Overhead	6 %	Schedule 19 Administration	8 %
A										
B	ROBERT A FEATHERSTON BUSINESS REPRESENTATIVE			\$69,997	\$5,300	\$1,000	\$0	\$76,297		
C										
I	Schedule 15 Representational Activities	95 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	0 %	Schedule 19 Administration	5 %
A										
B	DANIEL FERQUERON ORGANIZER			\$70,227	\$1,200	\$509	\$1,387	\$73,323		
C										
I	Schedule 15 Representational Activities	98 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	1 %	Schedule 18 General Overhead	1 %	Schedule 19 Administration	0 %
A										
B	CYNTHIA GILMER CLERICAL			\$60,229	\$0	\$0	\$50	\$60,279		
C										
I	Schedule 15 Representational Activities	0 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	100 %	Schedule 19 Administration	0 %
A										
B	EDWARD E GLASS BUSINESS REPRESENTATIVE			\$69,210	\$3,800	\$580	\$64	\$73,654		
C										
I	Schedule 15 Representational Activities	54 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	37 %	Schedule 19 Administration	9 %
A										
B	WILLIAM D GOBLE BUSINESS REPRESENTATIVE			\$66,589	\$7,350	\$0	\$0	\$73,939		
C										
I	Schedule 15 Representational Activities	98 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	0 %	Schedule 19 Administration	2 %
A										
B	WARDEN M HALL BUSINESS REPRESENTATIVE			\$78,569	\$5,950	\$1,306	\$0	\$85,825		
C										
I	Schedule 15 Representational Activities	76 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	21 %	Schedule 19 Administration	3 %
A										
B	ROBERT S HORNER BUSINESS REPRESENTATIVE			\$9,931	\$1,800	\$0	\$0	\$11,731		
C										

	Schedule 15 Representational Activities		Schedule 16 Political Activities and Lobbying		Schedule 17 Contributions		Schedule 18 General Overhead		Schedule 19 Administration		
I		84 %		0 %		0 %		14 %		2 %	
A											
B	GARY L ISHAM BUSINESS REPRESENTATIVE			\$63,482	\$3,800	\$1,000	\$63	\$68,345			
C											
I		76 %		0 %		0 %		19 %		5 %	
A											
B	SUSAN L JANTSCHAK ORGANIZER			\$65,212	\$3,750	\$1,000	\$0	\$69,962			
C											
I		87 %		0 %		0 %		13 %		0 %	
A											
B	VERNA JOHNSON MAINTENANCE			\$16,896	\$0	\$0	\$50	\$16,946			
C											
I		0 %		0 %		0 %		100 %		0 %	
A											
B	KEVIN J KLINGER BUSINESS REPRESENTATIVE			\$65,042	\$6,550	\$946	\$1,109	\$73,647			
C											
I		87 %		0 %		3 %		0 %		10 %	
A											
B	JANE M KORNTVED CLERICAL			\$17,875	\$0	\$0	\$0	\$17,875			
C											
I		0 %		0 %		0 %		100 %		0 %	
A											
B	JAMES F KREKLAU, JR. BUSINESS REPRESENTATIVE			\$11,797	\$0	\$0	\$0	\$11,797			
C											
I		100 %		0 %		0 %		0 %		0 %	
A											
B	PATRICK M LINDSTROM BUSINESS REPRESENTATIVE			\$68,162	\$6,800	\$1,000	\$63	\$76,025			
C											



C										
I	Schedule 15 Representational Activities	97 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	0 %	Schedule 19 Administration	3 %
A	JOHN LOMBARDI BUSINESS REPRESENTATIVE		\$68,162	\$3,800	\$0	\$0	\$71,962			
C										
I	Schedule 15 Representational Activities	75 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	20 %	Schedule 19 Administration	5 %
A	SCOTT LOWES DIRECTOR		\$80,744	\$5,550	\$1,435	\$0	\$87,729			
C										
I	Schedule 15 Representational Activities	76 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	2 %	Schedule 18 General Overhead	14 %	Schedule 19 Administration	8 %
A	THOMAS D LUTZ BUSINESS REPRESENTATIVE		\$68,162	\$7,950	\$645	\$837	\$77,594			
C										
I	Schedule 15 Representational Activities	82 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	9 %	Schedule 19 Administration	9 %
A	JUSTIN B MABRY BUSINESS REPRESENTATIVE		\$68,162	\$3,800	\$1,000	\$0	\$72,962			
C										
I	Schedule 15 Representational Activities	83 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	10 %	Schedule 19 Administration	7 %
A	DARRELL MACIAG BUSINESS REPRESENTATIVE		\$10,987	\$1,800	\$0	\$0	\$12,787			
C										
I	Schedule 15 Representational Activities	70 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	10 %	Schedule 19 Administration	20 %
A	ROBERT A MAKOWSKI BUSINESS REPRESENTATIVE		\$71,840	\$5,550	\$933	\$0	\$78,323			
C										
I	Schedule 15 Representational Activities	90 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	5 %	Schedule 19 Administration	5 %
A	RONALD MARACLE ORGANIZER		\$51,876	\$1,800	\$0	\$529	\$54,205			

B										
C										
I	Schedule 15 Representational Activities	100 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	0 %	Schedule 19 Administration	0 %
A										
B										
C										
I	Schedule 15 Representational Activities	80 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	10 %	Schedule 19 Administration	10 %
A										
B										
C										
I	Schedule 15 Representational Activities	0 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	100 %	Schedule 19 Administration	0 %
A										
B										
C										
I	Schedule 15 Representational Activities	100 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	0 %	Schedule 19 Administration	0 %
A										
B										
C										
I	Schedule 15 Representational Activities	95 %	Schedule 16 Political Activities and Lobbying	5 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	0 %	Schedule 19 Administration	0 %
A										
B										
C										
I	Schedule 15 Representational Activities	0 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	97 %	Schedule 19 Administration	3 %
A										
B										
C										
I	Schedule 15 Representational Activities	0 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	100 %	Schedule 19 Administration	0 %
A										
B										
C										
	JAY S MATTHEWS ORGANIZER			\$68,973	\$6,650	\$817	\$0	\$76,440		
	ELIZABETH E MCCAUSTLE CLERICAL			\$18,599	\$0	\$0	\$0	\$18,599		
	TODD MCCAUSTLE BUSINESS REPRESENTATIVE			\$74,704	\$7,550	\$1,447	\$2,335	\$86,036		
	NICHOLAS C MCCREARY BUSINESS REPRESENTATIVE			\$72,618	\$6,300	\$1,000	\$6,294	\$86,212		
	JUDITH K MEEKER CLERICAL			\$41,081	\$0	\$0	\$50	\$41,131		
	COLLEEN F MOREAU CLERICAL			\$13,580	\$1,750	\$0	\$50	\$15,380		

A										
B	MARY F MOREAU CLERICAL		\$10,795	\$0	\$0	\$0	\$10,795			
C										
I	Schedule 15 Representational Activities	0 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	100 %	Schedule 19 Administration	0 %
A										
B	EDWARD L MUSSER BUSINESS REPRESENTATIVE		\$71,981	\$4,300	\$1,000	\$64	\$77,345			
C										
I	Schedule 15 Representational Activities	90 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	0 %	Schedule 19 Administration	10 %
A										
B	DAMIEN NELSON BUSINESS REPRESENTATIVE		\$71,709	\$5,000	\$0	\$0	\$76,709			
C										
I	Schedule 15 Representational Activities	100 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	0 %	Schedule 19 Administration	0 %
A										
B	JONATHAN NYHUS BUSINESS REPRESENTATIVE		\$71,709	\$5,600	\$0	\$64	\$77,373			
C										
I	Schedule 15 Representational Activities	98 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	0 %	Schedule 19 Administration	2 %
A										
B	MICHAEL PARRETT BUSINESS REPRESENTATIVE		\$70,023	\$6,050	\$917	\$3,026	\$80,016			
C										
I	Schedule 15 Representational Activities	89 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	1 %	Schedule 19 Administration	10 %
A										
B	DAVID PEHRSON ORGANIZER		\$61,765	\$8,500	\$513	\$2,695	\$73,473			
C										
I	Schedule 15 Representational Activities	86 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	5 %	Schedule 18 General Overhead	7 %	Schedule 19 Administration	2 %
A										
B	FELICIA D PREVITI CLERICAL		\$42,861	\$0	\$0	\$50	\$42,911			
C										
I	Schedule 15 Representational Activities	0 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	100 %	Schedule 19 Administration	0 %

Activities		Lobbying			Overhead					
A										
B	KELLY J RALEIGH BUSINESS REPRESENTATIVE		\$75,682	\$400	\$0	\$85	\$76,167			
C										
I	Schedule 15 Representational Activities	90 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	10 %	Schedule 19 Administration	0 %
A										
B	MILFORD R REYNOLDS BUSINESS REPRESENTATIVE		\$72,121	\$2,800	\$0	\$1,529	\$76,450			
C										
I	Schedule 15 Representational Activities	37 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	32 %	Schedule 19 Administration	31 %
A										
B	PETER REUTER DIRECTOR		\$66,351	\$2,850	\$0	\$4,165	\$73,366			
C										
I	Schedule 15 Representational Activities	43 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	21 %	Schedule 19 Administration	36 %
A										
B	TIMOTHY D ROBERTSON BUSINESS REPRESENTATIVE		\$58,211	\$3,650	\$0	\$771	\$62,632			
C										
I	Schedule 15 Representational Activities	58 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	23 %	Schedule 19 Administration	19 %
A										
B	RACHEL ROYER CLERICAL		\$18,848	\$0	\$0	\$50	\$18,898			
C										
I	Schedule 15 Representational Activities	0 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	100 %	Schedule 19 Administration	0 %
A										
B	JOHN B SKURYA BUSINESS REPRESENTATIVE		\$76,873	\$4,150	\$690	\$64	\$81,777			
C										
I	Schedule 15 Representational Activities	90 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	0 %	Schedule 19 Administration	10 %
A										
B	GLENN SMITH CONTROLLER		\$73,703	\$15,050	\$0	\$4,513	\$93,266			
C										
	Schedule 15		Schedule 16			Schedule 18				

	Representational Activities	0 %	Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	General Overhead	100 %	Schedule 19 Administration	0 %
A										
B	TONEY STEWART									
C	DIRECTOR									
				\$80,730	\$5,550		\$0		\$64	\$86,344
	Schedule 15 Representational Activities	80 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	10 %	Schedule 19 Administration	10 %
A										
B	JEFFREY D TAYLOR									
C	ORGANIZER									
				\$66,267	\$7,800		\$1,324		\$1,225	\$76,616
	Schedule 15 Representational Activities	84 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	1 %	Schedule 18 General Overhead	8 %	Schedule 19 Administration	7 %
A										
B	LEON TURNWALD									
C	BUSINESS REPRESENTATIVE									
				\$63,470	\$5,800		\$1,000		\$329	\$70,599
	Schedule 15 Representational Activities	58 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	31 %	Schedule 19 Administration	11 %
A										
B	CARRIE WENDT									
C	CLERICAL									
				\$46,944	\$0		\$0		\$50	\$46,994
	Schedule 15 Representational Activities	0 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	100 %	Schedule 19 Administration	0 %
A										
B	RICHARD WILLIAMSON									
C	BUSINESS REPRESENTATIVE									
				\$68,925	\$5,950		\$864		\$64	\$75,803
	Schedule 15 Representational Activities	90 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	5 %	Schedule 19 Administration	5 %
A										
B	LAURA WILLIS									
C	MAINTENANCE									
				\$20,538	\$0		\$0		\$50	\$20,588
	Schedule 15 Representational Activities	0 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	100 %	Schedule 19 Administration	0 %
A										
B	DAIVE ZAJAC									
C	BUSINESS REPRESENTATIVE									
				\$66,851	\$3,750		\$690		\$0	\$71,291

Schedule 15 Representational Activities	80 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	10 %	Schedule 19 Administration	10 %
TOTALS RECEIVED BY EMPLOYEES MAKING LESS THAN \$10000			\$47,135	\$67,350	\$0	\$14,026	\$128,511		
Schedule 15 Representational Activities	61 %	Schedule 16 Political Activities and Lobbying	0 %	Schedule 17 Contributions	0 %	Schedule 18 General Overhead	26 %	Schedule 19 Administration	13 %
<b>Total Employee Disbursements</b>			\$3,383,318	\$286,000	\$23,954	\$51,097	\$3,744,369		
<b>Less Deductions</b>									
<b>Net Disbursements</b>							\$3,744,369		

Form LM-2 (Revised 2003)

**SCHEDULE 13 - MEMBERSHIP STATUS**

FILE NUMBER: 540-444

Category of Membership (A)	Number (B)	Voting Eligibility (C)
Local #100	505	Yes
Local # 202	286	Yes
Local #525	755	Yes
Local #687	6,916	Yes
Local # 706	1,091	Yes
Local #1004	853	Yes
Local # 1045	1,087	Yes
Local # 1234	556	Yes
Local #1510	715	Yes
Local 1102	2,116	Yes
Members	14,880	
Agency Fee Payers*		
<b>Total Members/Fee Payers</b>	<b>14,880</b>	
*Agency Fee Payers are not considered members of the labor organization.		

Form LM-2 (Revised 2003)

## DETAILED SUMMARY PAGE - SCHEDULES 14 THROUGH 19

FILE NUMBER: 540-444

SCHEDULE 14 OTHER RECEIPTS	
1. Named Payer Itemized Receipts	\$595,111
2. Named Payer Non-itemized Receipts	\$1,605
3. All Other Receipts	\$25,427
<b>4. Total Receipts</b>	<b>\$622,143</b>

SCHEDULE 17 CONTRIBUTIONS, GIFTS & GRANTS	
1. Named Payee Itemized Disbursements	\$5,000
2. Named Payee Non-itemized Disbursements	\$0
3. To Officers	\$9,856
4. To Employees	\$9,137
5. All Other Disbursements	\$25,718
<b>6. Total Disbursements</b>	<b>\$49,711</b>

SCHEDULE 15 REPRESENTATIONAL ACTIVITIES	
1. Named Payee Itemized Disbursements	\$23,909
2. Named Payee Non-itemized Disbursements	\$7,279
3. To Officers	\$776,880
4. To Employees	\$2,638,460
5. All Other Disbursements	\$97,702
<b>6. Total Disbursements</b>	<b>\$3,544,230</b>

SCHEDULE 18 GENERAL OVERHEAD	
1. Named Payee Itemized Disbursements	\$1,140,599
2. Named Payee Non-itemized Disbursements	\$639,308
3. To Officers	\$264,849
4. To Employees	\$872,835
5. All Other Disbursements	\$266,042
<b>6. Total Disbursements</b>	<b>\$3,183,633</b>

SCHEDULE 16 POLITICAL ACTIVITIES AND LOBBYING	
1. Named Payee Itemized Disbursements	\$0
2. Named Payee Non-itemized Disbursements	\$0
3. To Officers	\$2,214
4. To Employees	\$4,311
5. All Other Disbursements	
<b>6. Total Disbursements</b>	<b>\$6,525</b>

SCHEDULE 19 UNION ADMINISTRATION	
1. Named Payee Itemized Disbursements	\$57,440
2. Named Payee Non-itemized Disbursements	\$29,192
3. To Officers	\$205,074
4. To Employees	\$219,624
5. All Other Disbursements	\$40,261
<b>6. Total Disbursements</b>	<b>\$551,591</b>

Form LM-2 (Revised 2003)



**SCHEDULE 14 - OTHER RECEIPTS**

FILE NUMBER: 540-444

Name and Address (A)	Purpose (C)	Date (D)	Amount (E)
DETROIT AREA LMPT  1401 FARROW DRIVE FERNDALE MI 48220	REIMBURSEMENT FOR KNIFE ORDER	03/05/2010	\$15,000
	Total Itemized Transactions		\$15,000
	Total Non-Itemized Transactions		\$0
	<b>Total of All Transactions</b>		\$15,000
Type or Classification (B)	REIMBURSEMENT		
DOUGLAS C BUCKLER  14667 HANOVER ROAD HANOVER MI 49241	CSV OF LIFE INSURANCE POLICY	06/22/2010	\$9,852
	Total Itemized Transactions		\$9,852
	Total Non-Itemized Transactions		\$0
	<b>Total of All Transactions</b>		\$9,852
Type or Classification (B)	INSURANCE REFUND		
FOX SPORTS  26555 EVERGREEN ROAD, SUITE SOUTHFIELD MI 48076	ADVERTISING REFUND	07/09/2009	\$60,520
	Total Itemized Transactions		\$60,520
	Total Non-Itemized Transactions		\$0
	<b>Total of All Transactions</b>		\$60,520
Type or Classification (B)	ADVERTISING REFUND		
United Brotherhood of Carpenters and Joiners of Am  655 North Central Ave Glendale CA 91203	UBC Grant	07/24/2009	\$150,000
	UBC Grant	10/09/2009	\$150,000
	Reimbursement	10/21/2009	\$18,016
	Reimbursement	11/07/2009	\$14,364
	Reimbursement	12/15/2009	\$24,115
	Reimbursement	01/20/2010	\$37,515
	Reimbursement	04/06/2010	\$78,229
	Reimbursement	09/02/2009	\$19,600
	Reimbursement	09/29/2009	\$17,900
	Total Itemized Transactions		\$509,739
	Total Non-Itemized Transactions		\$1,605
	<b>Total of All Transactions</b>		\$511,344
Type or Classification (B)	Grant & Reimbursement		

Form LM-2 (Revised 2003)

**SCHEDULE 15 - REPRESENTATIONAL ACTIVITIES**

FILE NUMBER: 540-444

Name and Address (A)	Purpose (C)	Date (D)	Amount (E)
Elections Unlimited  22500 Metro Pkwy, Ste 200 Clinton Township MI 48035	Election Services	08/01/2009	\$23,909
	Total Itemized Transactions		\$23,909
	Total Non-Itemized Transactions		
	<b>Total of All Transactions</b>		\$23,909
Type or Classification (B)			
Officer Elections			
Name and Address (A)	Purpose (C)	Date (D)	Amount (E)
Millwrights Local 1102  23401 Mound Road Warren MI 48091	Total Itemized Transactions		
	Total Non-Itemized Transactions		\$7,279
	<b>Total of All Transactions</b>		\$7,279
Type or Classification (B)			
Meeting Expense			

Form LM-2 (Revised 2003)

**SCHEDULE 16 - POLITICAL ACTIVITIES AND LOBBYING**

FILE NUMBER 540-444

There was no data found for this schedule.

**SCHEDULE 17 - CONTRIBUTIONS, GIFTS & GRANTS**

FILE NUMBER: 540-444

Name and Address (A)	Purpose (C)	Date (D)	Amount (E)
CITY YEAR DETROIT  1 FORD PLACE 1F DETROIT MI 48202	ADVERTISING	02/08/2010	\$5,000
Type or Classification (B)	Total Itemized Transactions		\$5,000
ADVERTISING	Total Non-Itemized Transactions		\$0
	<b>Total of All Transactions</b>		<b>\$5,000</b>

Form LM-2 (Revised 2003)

**SCHEDULE 18 - GENERAL OVERHEAD**

FILE NUMBER. 540-444

Name and Address (A)	Purpose (C)	Date (D)	Amount (E)	
ALLIED COMMUNICATIONS 17600 NORTHLAND PARK COURT SOUTHFIELD MI 48075	Total Itemized Transactions			
	Total Non-Itemized Transactions		\$5,360	
	<b>Total of All Transactions</b>		\$5,360	
	Type or Classification (B)	REPAIRS		
AT & T 8100 AURORA IL 60507-8100	Total Itemized Transactions			
	Total Non-Itemized Transactions		\$44,381	
	<b>Total of All Transactions</b>		\$44,381	
	Type or Classification (B)	TELEPHONE & INTERNET		
BENESYS 700 TOWER DRIVE, SUITE 300 TROY MI 48098-2835	Total Itemized Transactions			
	Total Non-Itemized Transactions		\$59,735	
	<b>Total of All Transactions</b>		\$59,735	
	Type or Classification (B)	COMPUTER SERVICE		
BULTYNCK & CO., P.L.L.C. 15985 CANAL ROAD CLINTON TOWNSHIP MI 48038	06/30/2009 AUDIT	08/06/2009	\$16,445	
	06/30/2009 AUDIT	09/11/2009	\$18,500	
	09/30/09 REVIEW	10/12/2009	\$5,900	
	09/30/09 REVIEW	11/06/2009	\$9,750	
	ACCOUNTING	02/08/2010	\$9,125	
	Type or Classification (B)	03/31/10 REVIEW	05/11/2010	\$10,050
	ACCOUNTING	ACCOUNTING	06/10/2010	\$7,625
		Total Itemized Transactions		\$77,395
		Total Non-Itemized Transactions		\$28,120
	<b>Total of All Transactions</b>		\$105,515	
	CANNON FINANCIAL SERVICES INC 14904 COLLECTIONS CENTER CHICAGO IL 60693	Total Itemized Transactions		
Total Non-Itemized Transactions		\$33,290		
<b>Total of All Transactions</b>		\$33,290		

Type or Classification (B)			
COPIER			
Name and Address (A)	Purpose (C)	Date (D)	Amount (E)
CAVALIER TELEPHONE 9001111  LOUISVILLE KY 40290-1111	Total Itemized Transactions		
	Total Non-Itemized Transactions		\$22,026
	<b>Total of All Transactions</b>		\$22,026
Type or Classification (B)			
TELEPHONE			
Name and Address (A)	Purpose (C)	Date (D)	Amount (E)
CONSUMERS ENERGY  LANSING MI 48937-0001	Total Itemized Transactions		
	Total Non-Itemized Transactions		\$15,605
	<b>Total of All Transactions</b>		\$15,605
Type or Classification (B)			
GAS			
Name and Address (A)	Purpose (C)	Date (D)	Amount (E)
CUSTOM PROMOTIONS INC  17520 W 12 MILE RD, STE 200 SOUTHFIELD MI 48076	Total Itemized Transactions		
	Total Non-Itemized Transactions		\$8,624
	<b>Total of All Transactions</b>		\$8,624
Type or Classification (B)			
PROMOTIONAL ITEMS			
Name and Address (A)	Purpose (C)	Date (D)	Amount (E)
DELL MARKETING 643561  PITTSBURGH PA 15264-3561	Total Itemized Transactions		
	Total Non-Itemized Transactions		\$30,103
	<b>Total of All Transactions</b>		\$30,103
Type or Classification (B)			
COMPUTER LEASE			
Name and Address (A)	Purpose (C)	Date (D)	Amount (E)
DEVANEY JACOB WILSON PLLC  3001 W BIG BEAVER, STE 624 TROY MI 48084	LEGAL FEES	04/01/2010	\$5,175
	LEGAL FEES	04/15/2010	\$10,618
	LEGAL FEES	05/17/2010	\$11,243
	Total Itemized Transactions		\$27,036
	Total Non-Itemized Transactions		\$3,681
	<b>Total of All Transactions</b>		\$30,717
Type or Classification (B)			
LEGAL FEES			

Name and Address (A)	Purpose (C)	Date (D)	Amount (E)
DTE ENERGY 1 ENERGY PLAZA DETROIT MI 48226	Total Itemized Transactions		
	Total Non-Itemized Transactions		\$17,537
	<b>Total of All Transactions</b>		\$17,537
	Type or Classification (B)	ELECTRIC	
GE CAPITAL 642444 PITTSBURGH PA 15264-2444	Total Itemized Transactions		
	Total Non-Itemized Transactions		\$19,331
	<b>Total of All Transactions</b>		\$19,331
	Type or Classification (B)	EQUIPMENT RENTAL	
GLOBAL TELECOM SOLUTIONS 806216 ST. CLAIR SHORES MI 48080-6216	Total Itemized Transactions		
	Total Non-Itemized Transactions		\$7,200
	<b>Total of All Transactions</b>		\$7,200
	Type or Classification (B)	PHONE CONSULTANT	
GMAC 9001948 LOUISVILLE KY 40290-1948	Total Itemized Transactions		
	Total Non-Itemized Transactions		\$10,093
	<b>Total of All Transactions</b>		\$10,093
	Type or Classification (B)	AUTO LEASE	
GREAT AMERICAN INSURANCE CO 89400 CLEVELAND OH 44101-6400	INSURANCE	09/11/2009	\$17,399
	INSURANCE	10/12/2009	\$36,513
	Total Itemized Transactions		\$53,912
	Total Non-Itemized Transactions		\$0
	<b>Total of All Transactions</b>		\$53,912
	Type or Classification (B)	INSURANCE	
Name and Address (A)	Purpose (C)	Date (D)	Amount (E)

HOME DEPOT CREDIT SERVICES 9055  DES MOINES IA 50368-9055	Total Itemized Transactions		
	Total Non-Itemized Transactions		\$13,208
	<b>Total of All Transactions</b>		<b>\$13,208</b>
Type or Classification (B)	REPAIRS		
Name and Address (A)	Purpose (C)	Date (D)	Amount (E)
IMAGAMERICA  42704 MOUND ROAD STERLING HEIGHTS MI 48314	Total Itemized Transactions		
	Total Non-Itemized Transactions		\$8,350
	<b>Total of All Transactions</b>		<b>\$8,350</b>
Type or Classification (B)	PROMOTIONAL ITEMS		
Name and Address (A)	Purpose (C)	Date (D)	Amount (E)
KONICA MINOLTA DANKA IMAGING  4388 COLLECTIONS CENTER DR CHICAGO IL 60693	Total Itemized Transactions		
	Total Non-Itemized Transactions		\$6,550
	<b>Total of All Transactions</b>		<b>\$6,550</b>
Type or Classification (B)	COPIER RENTAL		
Name and Address (A)	Purpose (C)	Date (D)	Amount (E)
L-K-L PACKING INC  2920 PIOPELLE DETROIT MI 48207	Total Itemized Transactions		
	Total Non-Itemized Transactions		\$5,106
	<b>Total of All Transactions</b>		<b>\$5,106</b>
Type or Classification (B)	THANKSGIVING / CHRISTMAS GIFTS		
Name and Address (A)	Purpose (C)	Date (D)	Amount (E)
MAYOR DAVE BING INAUGURAL COMMITTEE  2660 E JEFFERSON DETROIT MI 48207	PREMIUM INAUGURAL PACKET	01/21/2010	\$5,000
	Total Itemized Transactions		\$5,000
	Total Non-Itemized Transactions		\$0
	<b>Total of All Transactions</b>		<b>\$5,000</b>
Type or Classification (B)	ADVERTISING		
Name and Address (A)	Purpose (C)	Date (D)	Amount (E)

MCNISH GROUP INC. 26622 WOODWARD AVE, STE 200 ROYAL OAK MI 48067	INSURANCE	08/01/2009	\$11,848
	Total Itemized Transactions		\$11,848
	Total Non-Itemized Transactions		\$761
	<b>Total of All Transactions</b>		<b>\$12,609</b>
Type or Classification (B)			
INSURANCE			



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