



NLRB

National Labor Relations Board

Region 21



The Downtowner

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News from and about Region 21

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Regional Perspective

By James F. Small, Regional Director

This 75th Anniversary year has been exciting!

- For over 27 months, **Chairman Wilma Liebman** and **Member Peter Schaumber** acted as a two-member Board. During that time, they decided 595 cases. The constitutionality of cases decided by the two-member Board was heard by the Supreme Court in *New Process Steel, L.P. v. NLRB*, S. Ct. No. 08-1457. In March 2010, President Obama announced recess appointments for attorneys **Craig Becker** and **Mark Gaston Pierce**, bringing the Board's membership to four, with one vacancy remaining. The Supreme Court is now considering whether the two-member Board issue is moot.



- Region 21 remains fully engaged in outreach activities, participating in numerous labor and employment law conferences and other events. Region 21 experienced our own version of "March Madness". **Board Member Schaumber** and **General Counsel Ronald Meisburg** spoke at a dizzying number of conferences and events.
- Plans have been completed for the 28th Annual Labor Law Conference, co-sponsored by Regions 21 and 31, the Federal Mediation and Conciliation Service and the Orange County Labor and Employment Relations Association. This outstanding event will be held on July 28, 2010 in Anaheim. Plans are also underway for a jointly sponsored labor law conference in Las Vegas, NV in early December 2010. The first annual event is cosponsored by NLRB Regions 20, 21, 28, 31 and 32, the FMCS and multiple LERA chapters. Confirmed speakers included **Board Chair Liebman** and **FMCS Director George Cohen**. Save the Date information is available later in this issue. I hope you can attend one or both of these outstanding programs.

- During the first half of this year, nearly a half million dollars in backpay has been distributed to employees in cases resolved in Region 21. Elections were conducted among more than 5000 employees who voted for or against union representation. We remain dedicated to a vigorous enforcement of the Act.

- Be sure to watch Deputy General Counsel John Higgins' speech commemorating the NLRB's 75th Anniversary at: http://www.nlrb.gov/publications/history/75th_anniversary_video.a.spx.

On a personal note, I recently had the privilege to participate in the Office of Personnel Management's renowned Federal Executive Institute program.

The ongoing program, entitled "Leadership for a Democratic Society," brings together government executives from around our country and the world for a month-long immersion experience. After seeing the caliber of government leaders, and working closely with them, I have a renewed faith in the future of our democracy. I hope to share that enthusiasm with the team members of Region 21.



Los Angeles Regions Host “March Madness”

By Field Attorney Ami Silverman

Los Angeles Regions 21 and 31 hosted a variety of speakers and events during the month of March in their own version of “March Madness.”

Board Member Peter Schaumber began his road trip to Southern California on March 23, 2010, and gave a presentation to the San Diego LERA Chapter, which **San Diego RO Steven Sorensen** coordinated. **Member Schaumber** then traveled to Anaheim, where he addressed the annual meeting of the Center for Collaborative Solutions, which is cosponsored by NLRB Regions 21 and 31 in conjunction with a number of other public agencies. In addition to Member Schaumber’s excellent speech about the 75th Anniversary of the NLRA, Regional staff members also gave presentations, including **Supervisory Field Examiner Tirza Castellanos** (Region 21), **ARD Tom Chang** (Region 31), **Compliance Officer Hector Martinez** (Region 21), and **Attorney Robert MacKay**, (Region 21 San Diego) who discussed how to successfully bring cases before the Board. **DRA Mori Pam Ruben** (Region 31) also moderated a lively panel on NLRB recent developments. **Member Schaumber** ended his visit with a presentation to more than 600 attendees at a local law firm employment law conference, where he was accompanied by **RD James Small** (Region 21).

General Counsel Ronald Meisburg arrived in Los Angeles the following week, and spoke to the Orange County chapter of LERA in Anaheim about his experiences as General Counsel. **Attorney Ami Silverman** (Region 21), the current president of OC LERA, had the honor of introducing him. The following day, **GC Meisburg** appeared on a panel moderated by **DRA Peter Tovar** (Region 21) at the annual Los Angeles County Bar



Association (LACBA) Labor and Employment Law Symposium in downtown Los Angeles to discuss the history and future of the NLRB. More than a dozen Regional staff members, including **Supervisory Attorney Anne White** (Region 31), who is on the LACBA Executive Board, attended the program, along with **RD James Small** (Region 21) and **RD James McDermott** (Region 31), who were introduced at the luncheon along with GC Meisburg.

The final event co-hosted by Regions 21 and 31 was the ever-popular “Coffee with the Board,” an informal and interactive get-together held at Region 21’s office in downtown Los Angeles. The program, coordinated by **ARD Bruce Hill** (Region 21), was attended by over 75 local practitioners, union representatives, and government officials. After a welcome from **RDs Small and McDermott**, **GC Meisburg** spoke about the Board and recent developments. The remainder of the morning was filled with presentations by Regional staff, including **Examiner John Hatem** (Region 21) and **ARD Tom Chang** (Region 31) who described VR procedures; **Attorney Ami Silverman** (Region 21) who offered pointers about non-Board settlement agreements; **Compliance Officer Hector Martinez** (Region 21) who addressed common compliance issues; and **ARD Bruce Hill** (Region 21), who closed with an explanation of the Board’s deferral criteria. Region 21 support staff, including **ARD Secretary Maria Fregoso**, **Staff Assistant Judy Saenz**, and **Language Clerk Neri Martinez**, arranged for the sumptuous repast, including a special NLRB 75th birthday cake.

Obviously the coordination and planning of so many programs in such a short time required the cooperation of many people from both Regions, and at times “brackets” would have been helpful to figure out who was where doing what. By partnering on these events, the Los Angeles Regions were able to reach out and educate hundreds of practitioners and members of the public about the workings of the Board. Regions 21 and 31 look forward to further successful collaborations, including the upcoming 28th annual OC LERA Labor and Employment Law Conference in July 2010, and a one-day conference in Las Vegas in December, 2010, cosponsored by Regions 20, 21, 28, 31, and 32.



On behalf of Regions 21 and 31, Director James Small greeted attendees at the 2010 Coffee with the Board.



L-R: Regional Director James McDermott (Region 31), General Counsel Ronald Meisburg, and Regional Director James Small (Region 21).

Summer School at Region 21 for Three Legal Interns and a Graduate Co-op

By Peter Tovar,
Deputy
Regional
Attorney



Since 1994, Region 21 has hosted some 34 summer legal interns. In addition, Region 21 regularly teams up with graduate programs throughout the United States for the NLRB's Graduate Cooperative Education Program. On May 24, the Region will welcome three new summer legal interns and one graduate education co-op student.

Our Co-op is Ms. Alaina K. Gibson, a graduate student at Indiana University of Pennsylvania (IUP), where she is a candidate for a degree in Master of Arts, Employment and Labor Relations. In May 2009, she obtained a Bachelor of Human Resource Management degree from Robert Morris University in Pennsylvania. In 2009, she was also awarded a Presidential Scholar Award.

While at Robert Morris University, Alaina played 4 years on the Robert Morris Colonials' Women's Volleyball team. She was a First Team District Academic All-American in 2007 and 2008, and was awarded the NEC Scholar Athlete of the Year award in 2008. Ms. Gibson's work will be supervised by Supervisory Examiner Tirza Castellanos.

Mr. Tony Davis has completed 2 years of law school at the University of San Diego. He obtained a Bachelor of Science degree from Portland State University in May 2007, in business management and human resources management. Prior to law school, he worked for some 8 years in human resources at United Parcel Service in Portland, Oregon. One summer he also worked as a production assistant for the Portland Professional Wrestling Association. During this summer's tenure at Region 21, his work will be supervised by Deputy Regional Attorney Neil Warheit.

Mr. Brandon Henderson has completed his 1st year of law school at UCLA School of Law. In December 2008, he was awarded a Bachelor of Science, cum laude, in Business Administration from the University of Nevada, Las Vegas. From 2000 to 2006, Brandon served with the United States Navy as an electronics technician/inventory database administrator. His last

appointment with the Navy had him stationed in San Diego, California. DRA Peter Tovar will supervise Mr. Henderson's work during the summer.

Mr. Matthew Dougherty expects to graduate in 2011 from the JD/MBA program at the University of San Diego School of Law/School of Business Administration. In 2003, Matthew attained a Bachelor of Arts degree in History from Washington and Lee University in Lexington, Virginia. From 2003 to 2007, Mr. Dougherty served with the United States Marines, based initially in Okinawa, Japan; and then at Camp Pendleton, California. Mr. Dougherty's work during the summer will be supervised by DRA Peter Tovar.

During the summer, the students will experience a variety of work. They will investigate unfair labor practice charges; assist in conducting representation elections; and they will provide support and research to the professional staff of Region 21 in the processing and litigation of unfair labor practice cases. Region 21 is fortunate to host these talented students who will undoubtedly successfully obtain their school degrees and continue into various aspects of our society with some experience and exposure to the work of the National Labor Relations Board.



General Counsel Ronald Meisburg addressed a packed house of labor and management practitioners, at the Coffee with the Board meeting at Region 21 on April 1, 2010.

Board Bits: Test Your NLRB I.Q.



1. *Who was Region 21's very first Regional Director? How about the 13th Regional Director? Who is he or she?*
2. *What U.S. Senator became a member of the Board?*

Answers on Page 6.

WWW.NLRB.GOV

By Bruce Hill, Assistant to the Regional Director

The WEB has become a reliable research source. In this regard, the Board's WEB site can be a useful tool. The WEB site has a "search" function which permits retrieval of information about Board cases, Advice Memoranda, and Operations-Management Memos (OM) that are made public. To find OMs, go to "Research" on the home page, click on it to get a drop-down menu and "memos" will appear. Click on that link and another drop-down menu will appear for Advice Memos, General Counsel Memos, and Operations-Management Memos. Click on anyone of the three to get instructions and a listing of the memos.

Information is available on the WEB site about *New Process Steel*, the case



before the Supreme Court on the issue of the constitutionality of the two-member Board. Go to "What's New" on the right hand side of the page, click on the link and scroll down. The topic is labeled as "Supreme Court/New Process Steel." Background

information is also available as you scroll down.

While visiting www.nlr.gov, take some time and link up with the Board's 75th Anniversary site and take the trivia test.

NLRB
National Labor Relations Board

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Wednesday, May 12, 2010

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75 YEARS!

→ More from the NLRB on Twitter

My NLRB
Welcome to My NLRB - where you can interact with the NLRB online.
Go to My NLRB
or registered users sign in:
User Name
Password

→ I am new to this Website
→ Can the NLRB help me?
→ Questions & Answers
→ Site tour (video)
→ What is the National Labor Relations Act?
→ How do I file a charge against an employer or union?
→ How do I file a petition to start or remove a union?

→ I am a labor professional
→ Board Decisions
→ ALJ Decisions
→ GC, OM & Advice Memos
→ Appellate Court Branch Briefs and Motions
→ Rules & Regulations
→ ULP Casehandling Manual
→ R Casehandling Manual

NLRB Releases Informative Elections Video

The NLRB has produced a 19-minute video to inform the public, including employers, unions, and potential voters, about the NLRB's election processes and procedures. The video uses narrators and actors in vignettes to chronologically depict an organizing campaign, from the filing of a petition through post-election procedures, as well as general information about what may be unlawful during an organizing campaign. We have copies of the DVD for distribution to employers, employer associations, labor organizations, and other entities who request it by contacting Region 21. The Agency has also posted the video on its website. To see the streaming video, visit: http://www.nlr.gov/Workplace_Rights/Conducting_an_Election.aspx



Assistant to the Regional Director Bruce Hill was one of the presenters at the April 1, 2010 Coffee with the Board meeting. ARD Hill talked about the Board's deferral policy for certain unfair labor practice charges.

More Board Bits: Test Your NLRB I.Q.



3. *Has any General Counsel served 2 complete full terms?*
4. *Where can you go to learn more about the 75th anniversary of the NLRB?*
5. *The last one of these cases was labeled as "21-CG-25" and was filed in 2008. What is a CG case?*

Answers on Page 8.

FOIA - Freedom of Information Act

The Freedom of Information Act (FOIA), as amended by the "Openness Promotes Effectiveness in our National Government Act of 2007" is a law providing public access to U.S. government records. Upon written request, agencies of the United States government are required to disclose requested records, unless they can be lawfully withheld from disclosure under one of nine specific exemptions in the FOIA. The Region's FOIA officer, ARD Bruce Hill, reviews FOIA requests to ensure that they include:

- ◆ 1) the request must be in writing;
- ◆ 2) the request is directed to the office where the records are located;
- ◆ 3) the request contains a return mailing address for the requester;
- ◆ 4) a detailed description of the records sought, so that the Region understands what documents are sought; and
- ◆ 5) a statement assuming financial responsibility for the necessary costs associated with the request. (The request for records shall not be deemed received for purposes of the applicable time limit for response until a written assumption of financial liability is received.)

For additional information regarding the Agency's FOIA policy please see Section 102.117 of the Board's Rules and Regulations and/or the Agency's FOIA manual both of which are available on the Agency's website under the Publications tab. Also, feel free to contact ARD Bruce Hill at (213) 894-5210 with any questions or concerns.

Ronald Meisburg's Years of Service

Ronald Meisburg was nominated by President Bush in July, 2005, to be General Counsel of the National Labor Relations Board. In January, 2006, Mr. Meisburg received a recess appointment from the President to serve as General Counsel until the Senate adjourned sine die in 2007. Mr. Meisburg was confirmed by the Senate in August, 2006, for a term that expires in August, 2010.

Prior to his service as General Counsel, in December, 2003, Mr. Meisburg was nominated by President Bush to be a Member of the National Labor Relations Board, and served as a Member under a recess appointment from President Bush from January, 2004, until the Senate adjourned sine die in December, 2004.

Mr. Meisburg is one of only four individuals to have served as both a Board Member and as the General Counsel, and the only person to have received Presidential nominations for both offices. At the end of his term Mr. Meisburg will become the third longest serving General Counsel in the history of the NLRB.

Before coming to the NLRB, Mr. Meisburg engaged in the private practice of law as a partner in the Washington, D.C. office of Ogletree, Deakins, Nash, Smoak & Stewart and, prior to that, Heenan, Althen & Roles. Prior to entering private practice in 1980, Mr. Meisburg spent six years as a litigator in the Office of the Solicitor, U.S. Department of Labor, in Washington, D.C., in the Division of Employee Benefits and the Division of Mine Safety and Health. Mr. Meisburg has received many public and private commendations for his distinguished service.



Ronald Meisburg

Significant Elections

The Director's Decision to conduct elections in three units of employees at Kaiser Permanente facilities in Southern California was upheld by the Board. The National Union of Healthcare Workers (NUHW) was certified to represent over 2000 employees. The elections are part of the ongoing campaign between the NUHW and the Service Employees International Union/United Healthcare Workers-West (SEIU-UHW) to represent thousands of healthcare workers throughout California. Additional elections are pending or scheduled here in Region 21 and other parts of California.

The first certification that the NUHW received was on October 6, 2009 in Hospital Housekeeping Systems, Ltd., Case 21-RC-21126.



Save the Dates

July 28, 2010

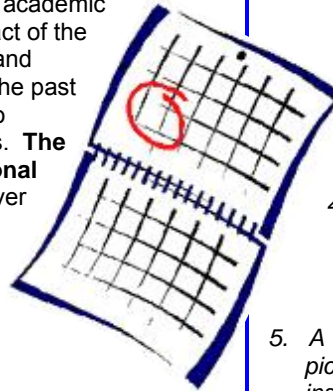
28th Annual Orange County Labor and Employment Law Conference

Anaheim, California

Keynote Speaker

NLRB Chairman Wilma Liebman

NLRB Regions 21 and 31, in conjunction with OC LERA (Orange County Labor and Employment Relations Association, formerly OCIRRA) and FMCS (Federal Mediation and Conciliation Service) proudly present the 28th Annual Labor and Employment Law Conference. This informative program is designed to provide information about the NLRB and its decisions and procedures, as well as up-to-date information on current employment law issues, and will be useful to attorneys representing labor or management, union officials, human resources personnel, arbitrators, mediators, students, and members of the academic community. Come hear our experts explain the impact of the new healthcare reform legislation on the workplace, and discuss the labor and employment developments in the past year, predict what may lie ahead, and suggest how to prepare yourself, your clients, and your organizations. **The Honorable Wilma Liebman, Chairman of the National Labor Relations Board in Washington DC** will deliver a special luncheon address commemorating the 75th Anniversary of the National Labor Relations Act. MCLE credits are available. For more information, call or e-mail OC LERA President Ami Silverman at (213) 894-5223 or ami.silverman@NLRB.gov.



December 2, 2010

Western States Labor and Employment Law Conference

Las Vegas, Nevada

Presented by

NLRB Regions 20, 21, 28, 31, and 32

and

Federal Mediation and Conciliation Services

In conjunction with

Arizona LERA ♦ San Diego LERA ♦ San Francisco LERA
and Orange County LERA

Keynote Speakers

NLRB Chairman Wilma Liebman and FMCS Director George H. Cohen

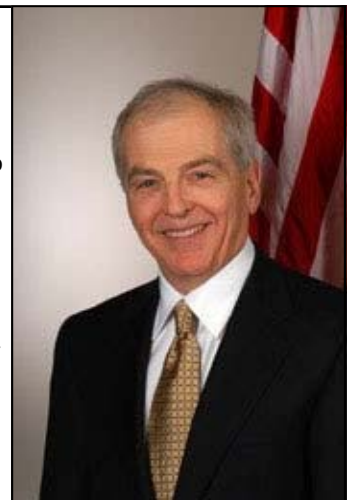
Don't miss this inaugural conference of the Western States Labor and Employment Law Conference at the beautiful Golden Nugget Hotel and Casino in Las Vegas, Nevada! An exciting program of prominent speakers and timely topics is being developed, and keynote speakers will include **The Honorable Wilma Liebman, Chairman of the National Labor Relations Board**, and **George H. Cohen, Director, Federal Mediation and Conciliation Service**. For more information or to be placed on the mailing list, call or e-mail Ami Silverman at (213) 894-5223 or ami.silverman@NLRB.gov.



Answers to Board Bits

1. Region 21's 1st Director was Towne J. Nylander (1936 - 1938) and its 13th Director is James F. Small (2007 to present).
2. The U.S. Senator, turned Board member, was Senator Abe Murdock from Utah (1947 - 1957).
3. Arnold Ordman served two complete terms as General Counsel (1963 - 1971).
4. Learn about 75 years of NLRB history at: <http://www.nlr.gov/75th/index.html>.
5. A "CG" case is a charge alleging that a union is picketing, or has picketed, a health care institution without 10-day advance notice being given to the employer.

Board Member Peter C. Schaumber visited Southern California in March. While here, he addressed the San Diego Labor & Employment Relations Association at a luncheon meeting, spoke at the Center for Collaborative Solutions (CCS) 21st Annual Labor Management Conference, and gave a talk at a private law firm labor conference.



Contributors to this issue:

- James Small
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