

THE ChiRO UPDATE



NATIONAL LABOR
RELATIONS BOARD
REGION 13
CHICAGO
NEWSLETTER

INSIDE THIS ISSUE:

Board Scrutinizes Employer Handbook Policies	3
Labor Rights Week 2012	5
ARD Moran's Retirement and Other Staff Changes	6

NLRB DATA

(Nationwide):

CHARGES

FY2011	22,177
FY2010	23,523
FY2009	22,943
FY2008	22,497
FY2007	22,331

COMPLAINTS

FY2011	1,342 (6.1%)
FY2010	1,243 (5.3%)
FY2009	1,166 (5.1%)
FY2008	1,108 (4.9%)
FY2007	1,099 (4.9%)

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Full Cooperation Requested in NLRB Investigations

By Peter Sung Ohr, Regional Director

When an unfair labor practice charge is filed with the Region, the sole purpose of the investigation is to ascertain, analyze, and apply the relevant facts and law in order to arrive at the proper disposition of the case. As long time practitioners before the Board are well aware, the cornerstone of the Board's evidence gathering is through the taking of Board agent affidavits. Experience has shown that Board agent affidavits make for a high quality investigation, which in turn makes for a higher quality Regional determination.

When investigating unfair labor practice allegations, the Board agent acts as an impartial investigator, and throughout the investigation, it is the duty of the Board agent to assertively seek out all material evidence in the spirit of providing me with a complete picture of the events so as to permit an informed decision on the case.

Parties filing charges are responsible to fully cooperate with Board investigations. Full cooperation has long been defined as making material witnesses available for Board

(See "[Full Cooperation=Affidavits](#)," continued on page 8)

Board Finds Numerous ULPs by Chicago Bus Operator in Response to Organizing Campaign

By Jeanette Schrand, Field Attorney

On July 31, 2012, the National Labor Relations Board held that Latino Express Inc., a Chicago-area bus company, violated federal labor law by firing two employees and committing a host of other unfair labor practices during a union organizing campaign by Teamsters Local 777. The Board's decision largely affirmed an earlier ruling by Administrative Law Judge Michael A. Rosas, who found that, in addition to the illegal firings, the company unlawfully ordered employees to refrain from discussing wages and working conditions with each other, promised benefits to discourage union organizing, created the impression that employee union activity was being watched, and interrogated and threatened employees regarding their union activities. The Board also found that the company violated the Act by granting a wage increase to the employees after learning of the organizing drive. Despite the violations, and before the hearing on the charges, the Union prevailed in a secret ballot election.

(See "[Latino Express](#)," continued on page 9)

www.nlr.gov/region/chicago

Peter Sung Ohr Officially Installed as Regional Director

By Gail R. Moran, retired Assistant to the Regional Director

On August 24, 2012, Peter Ohr was installed as the Regional Director of Region 13 by United States District Court Judge Edmond Chang. Present for the ceremony were Peter's parents, Rhee and Sue Ohr, his wife Julie and their three children, the staff of Region 13, and other friends, relatives, and local practitioners. Visiting dignitaries included Board Chairman Mark Pearce, Acting Deputy General Counsel Celeste Mattina, Associate General Counsel Anne Purcell, and Regional Director Marta Figueroa from Region 24, Puerto Rico.



Regional Director Ohr and Board Chairman Mark Gaston Pearce

Prior to the ceremony, Peter was adorned by his Hawaiian-born wife with the ceremonial maile lei for the occasion. Placing of the delicate maile leaf lei over the head and around the shoulders of a person exemplifies the bestowing of honor and respect, and also the spirit of aloha.

After taking the oath, Regional Director Ohr made his remarks. He spoke eloquently about how his parents, immigrants from war-torn Korea, gave him a "life of purpose" and described how they came to the United States with nothing but worked long and hard to provide for their children and give them a better life. The parents' story was very moving.

Discussing the role of the Agency in the twenty-first century, Peter remarked that the NLRB's mission today is as important as it was 77 years ago and he spoke passionately about the importance of the fundamental right of association at the workplace. He related that right back to his parents, commenting, "When I think about my mother 30 years ago taking her lunch-break with her co-workers, I know that she is sitting with the other immigrant Korean-American employees, and I know they are talking about their children and families and the bills that they have to pay and how much their fingers hurt and how their feet ache, and how if they could receive that 10 cents an hour raise, it would make a big difference in their families' lives." He promised to vigorously enforce and protect this fundamental right and the other rights and obligations of the statute.

Following the formal ceremony, the crowd returned for a reception at the Regional office. The decor was distinctly Korean, with some traditional sweet and savory Korean hors d'oeuvres, kim bap and duk, served up as well. To add even more cultural flavor to the event, a Chicago-based Korean organization provided a dancer who performed traditional dances during the reception. A fine time was had by all!



Chairman Pearce, with Deputy General Counsel Celeste Mattina, Presents RD Ohr With A Plaque Codifying His Installation as Regional Director

Board Scrutinizes Employer Handbook Policies

By Charles Muhl, Field Attorney

A flurry of recent Board decisions, including *Costco Wholesale Corp.*, 358 NLRB No. 106 (Sept. 7, 2012), *Heartland Catfish Co.*, 358 NLRB No. 125 (Sept. 11, 2012), and *Knauz BMW*, 358 NLRB No. 164 (Sept. 28, 2012), reiterate the need for practitioners to be mindful of the National Labor Relations Act when drafting employer workplace policies, including ones addressing employee use of social media, to insure that they do not unlawfully restrict employees' Section 7 rights. The NLRA's protections apply to both unionized and non-unionized employers over whom the NLRB has jurisdiction, or nearly the entirety of private sector employers.

An employer violates Section 8(a)(1) of the NLRA when it maintains a work rule that reasonably tends to chill employees in the exercise of protected Section 7 rights. *Lutheran Heritage Village*, 343 NLRB 646 (2004). When making that determination, the Board's first inquiry is to determine if the rule explicitly restricts Section 7 activity. If it does, the rule is unlawful. If it does not, the Board then examines whether (1) employees would reasonably construe the language to prohibit Section 7 activity; (2) the rule was promulgated in response to protected activity; or (3) the rule has been applied to restrict the exercise of Section 7 rights. The bulk of such cases, including the Board's recent decisions, involve the question of whether employees would construe a rule, on its face, to prohibit protected conduct.

In *Costco*, the Board concluded that company rules which restricted employees from discussing their terms and conditions of employment, sharing "confidential" information consisting of employees' contact information, and unauthorized posting or distributing material on employer property were unlawful. The Board also held that the maintenance of a rule which prohibited employees from posting statements that "damage the Company...or damage any person's reputation" likewise was unlawful. In finding that employees would reasonably construe the latter rule as prohibiting Section 7 activity, the Board noted that it clearly encompassed concerted communications

protesting the employer's treatment of its employees. In addition, the rule did not have accompanying language which would restrict its application. In contrast, the Board did find lawful a company rule which required employees to use "appropriate business decorum" when communicating with others.

In *Heartland Catfish*, the company's maintenance of a rule which prohibited employees from "bearing false witness" against the employer was unlawfully overbroad. In addition, rules which prohibited employees from "walking off the job" and "engaging or participating in any interruption of work" also were unlawful, as they reasonably would be construed by employees to prohibit participation in a protected strike. However, rules which prohibited employees from leaving the plant or their workstations without permission were lawful, as they only could be read to prohibit unauthorized leaves or breaks.

In *Knauz BMW*, the Board by a 2-1 vote concluded the following rule violated Section 8(a)(1):

Courtesy: Courtesy is the responsibility of every employee. Everyone is expected to be courteous, polite, and friendly to our customers, vendors and suppliers, as well as to their fellow employees. No one should be disrespectful or use profanity or any other language which injures the image or reputation of the Dealership.

The Board majority reasoned that the rule's broad prohibition on "disrespectful" conduct and "language which injures the image or reputation of the Dealership" encompassed protected activity, including employees' statements to coworkers, supervisors, or third parties that object to their working conditions and seek the support of others in improving them. The majority rejected the dissenting member's contention that the rule was simply a common sense behavioral guideline, finding that such a description may have applied to the first section of the rule but not the second sentence.

(See "[Employer Handbook Policies](#)," continued on page 4)

Employer Handbook Policies (cont.)

These decisions followed on the heels of the Acting General Counsel issuing a detailed [memorandum \(OM 12-59\)](#) regarding his evaluation of the legality of numerous employer social media policies to give practitioners drafting guidance. The memo addressed handbook policies from several large U.S. corporations, including General Motors and Target. It also included, as a model sample, the social media policy from Wal-Mart.

The memorandum identifies certain categories of restrictions in social media policies that, depending on the language, often are found unlawful under the NLRA:

1. Prohibiting employees from disclosing “confidential” information, including their wages or other terms and conditions of employment (i.e. “don’t release confidential guest, team member, or company information”). Employees have a protected right under the NLRA to discuss their terms and conditions of employment with other workers and third parties.
2. Prohibiting social media posts that “harm” employers or involve “inflammatory” or “controversial” topics (i.e. avoid harming the image or integrity of the company and do not pick fights or discuss topics that are inflammatory or objectionable such as politics and religion). Employees have the right under the NLRA to engage in union activity, and posting about the potential unionization of the workforce could be a “controversial” or “inflammatory” topic.
3. Prohibiting the use of company logos or trademarks. Employees could engage in protected picketing with signs containing a company logo.
4. Requiring management approval before employees can post on social media sites or requiring employees to report other employees’ social media activity. Employees cannot be required to obtain supervisory approval before engaging in protected activity.
5. Restricting employee communication with outside parties (unions/third parties, media, government agencies, lawyers, and the public).

The memorandum also identifies certain categories of restrictions that, depending on the wording, have been found not to violate the Act by the AGC:

1. Prohibiting social media posts regarding the performance of the company’s products or services (i.e. the safety performance of systems or components of vehicles).
2. Prohibiting disclosure of privileged or proprietary information.
3. Prohibiting social media posts that would violate federal or state law (i.e. discrimination, harassment, retaliation).
4. Prohibiting posting in the name of the company or requiring management approval before doing so.
5. Requiring employees to state that postings are their own and do not represent the employer.

Finally, the Acting General Counsel also sought to clarify what practitioners need to do if they include a savings clause in any policy. In particular, the AGC concluded that the following savings clauses did not render lawful an otherwise overly-broad policy which infringed on employees’ Section 7 rights:

[The employer’s s]ocial media policy will be administered in compliance with applicable laws and regulations, including Section 7 of the NLRA.

This policy will not be construed or applied in a manner that improperly interferes with employee rights under the NLRA.

In so concluding, the AGC determined that savings clauses need to include specific examples of protected activities that are permitted, not just a catch-all reference to Section 7 activities.

As the Board and AGC cases make clear, the line between a lawful and unlawful policy often is a fine one dependent on the language and its overall context.

Region 13 Contributes to Labor Rights Week 2012

By Zulma Ocampo, Language Specialist

The 5th Annual Labor Rights Week in Chicago took place from August 27-31, 2012. The theme this year was "Promoting Labor Rights is Everyone's Responsibility." As in prior years, many Region 13 employees again contributed, including by explaining to employees their rights under the National Labor Relations Act.



*Far Left: Blanca Vargas, Public Service Administrator, Illinois Department of Human Rights.
Second from Right: Netie Lasko, Immigrant Assistance Program Coordinator, Illinois Attorney General.
Far Right: Elizabeth Galliano, Field Examiner, NLRB Region 13.*

The kickoff event for Labor Rights Week was a press conference at the Consulate General of Mexico in Chicago on August 14, 2012. Peter Sung Ohr, Regional Director of NLRB Region 13, was among the guest speakers. He stressed the importance of reaching out to the public as to what their rights are under the National Labor Relations Act and to continue an ongoing dialogue among the different groups participating in the Labor Rights Week community outreach endeavor. The other guest speakers present were: Eduardo Arnal, Consul General of Mexico; Ken Williams-Bennett, Regional Representative for Labor Secretary Hilda Solis; John Hendrickson, Regional Attorney of the U.S. EEOC Chicago District Office; Carl Rosen, President, United Electrical, Radio and Machines Workers of America Western Region; Miguel C. Keberlein Gutierrez, Supervisory Attorney, Immigrants and Workers' Rights Practice Group; and Martin Unzueta, Director, Chicago Community and Workers Rights.

At the kickoff event, NLRB Region 13 employees Elizabeth

Galliano, Field Examiner, and Zulma Ocampo, Language Specialist, provided labor rights information and printed materials in English and in Spanish to the attendees. In addition to the NLRB presence, representatives from different community and advocacy organizations, as well as other state and federal agencies were in the audience. From the Spanish language media, Univision, Telemundo and Azteca America were present to provide television coverage for their evening local news broadcasts.

During Labor Rights week itself, participants included staff from the Consulate General of Mexico, labor organizations, worker rights organizations, state agencies, federal agencies, and labor law attorneys. Region 13 was represented by the following Board agents, all of whom speak Spanish: Ed Castillo, Attorney, Elizabeth Galliano, Field Examiner, Elizabeth Cortez, Attorney, Maria Guerrero, Field Examiner, Cristina Ortega, Attorney, and Zulma Ocampo, Language Specialist. Ms. Galliano also participated in an event at the Consulate General of Guatemala in Chicago.

Labor Rights Week took place for the first time at the Consulate General of Mexico in Chicago in 2008. In 2009, it was held in 10 Mexican Consulates in the U.S. Since 2010, it has been held at all the consulates of Mexico in the U.S. The event typically takes place around the week before Labor Day.



Zulma Ocampo, Language Specialist, and Ed Castillo, Attorney, NLRB Region 13.

Region 13 Staffing Update

By Paul Prokop, Supervisory Field Examiner

Gail Moran retired December 31, 2012, after almost 27 years with the Agency. Gail has been the Assistant to the Regional Director in Region 13 since March 2, 1999. She started her career in the Detroit regional office as a cooperative education student in February 1986, while completing her Masters Degree in Labor and Industrial Relations from Michigan State University. She was hired as a Field Examiner by the Hartford Regional office in February 1987, and worked there until she was promoted to a Supervisory Examiner position in the New Orleans Regional office in September 1995. She worked in New Orleans for two years and was promoted to the position of the first Assistant to the General Counsel for Labor Relations in May 1997, representing the Agency with its employee unions. In March 1999, she was appointed by General Counsel Feinstein as the ARD in the Chicago office. In her retirement, Gail plans to remain in the Oak Park area and continue her active involvement in local civic organizations such as the Oak Park Plan Commission, the League of Women Voters, the Oak Park Area Gay and Lesbian Association, and the non-partisan political group, the Village Manager Association. Gail enjoys cycling and other outdoor activities, and plans to pursue those activities during the winter months in more hospitable climates.

Dan Nelson succeeded Gail as the Assistant to the Regional Director on January 2, 2013. A native of Pittsburgh, Pennsylvania, Dan received his Bachelor of Arts degree in Economics from Syracuse University in 1994, and received his Masters of Arts in Labor and Industrial Relations from the University of Illinois at Champaign-Urbana. He worked for the Service Employees International Union for two years before joining the Agency in 1999. Dan started his NLRB career in the Region 13 office as a Field Examiner and was promoted to Supervisory Examiner in 2007. Dan is an avid baseball and Steelers fan and enjoys playing recreational sports and spending time with his wife and kids.

Christina Hill joined Region 13 as a field attorney in September 2011. Prior to her joining our office, she worked in Region 30 (Milwaukee) from August 2007 until September 2011, and she worked as an intern in Region 18 (Minneapolis) in Spring 2006 while a law student. She

holds a B.A. and MPPA from Mississippi State University and received her JD from Hamline University School of Law, where she served as the Editor-in-Chief for the Hamline Journal of Public Law and Policy. She is married and resides in the Southwest suburbs. In her spare time, she also loves spending time with her family and baking.

Renee D. McKinney, Field Attorney, joined the Region in August 2011, transferring from the Agency's Appellate and Supreme Court Litigation Branch in Washington, D.C. Renee joined the Agency in 2008 as an Honors Attorney in the Office of the General Counsel and served six-month rotations in Advice, Appellate Court, Appeals, and Region 5 (Baltimore) during her two-year Honors Attorney stint. A Detroit, Michigan native, Renee's transfer to Region 13 was in some ways a return home to Chicago, where she lived for almost a decade and attended law school at IIT Chicago-Kent College of Law. Although she was an evening student who worked full time during law school, at Chicago-Kent Renee completed the Labor and Employment Law certificate program, was on the Moot Court team, and was a student editor for the Employee Rights and Employment Policy Journal. Since joining Region 13 last year, Renee has gained valuable R-case, trial, and settlement experience and been admitted to practice in the Northern District of Illinois.

Jason Patterson joined Region 13 as a field attorney in July 2011 following a brief stint in Region 9, Cincinnati. Jason is a native of the Chicagoland area. As a 2010 joint degree graduate of the College of Law and School of Labor and Employment Relations at the University of Illinois, Jason was thrilled to accept the position with the Board. His first year and a half has been marked with interesting investigations and challenging trial work, and Jason looks forward to future challenges and success. In his spare time, Jason maintains his passion for jazz music and regularly performs as a percussionist at various events.

Anna Cobb began work as a field examiner on December 17, following a six-month co-op stint at Region 13. Anna is in the process of finishing a Masters in Public Administration degree program at the University of Illinois at Chicago. Anna earned her BA in Art and Art History, along with a K-12 teacher certification and a minor in Spanish, from the University of Iowa. She

(See "[Staff Update](#)," continued on page 8)

REGION 13 OUTREACH ACTIVITIES

By Dan Nelson, Assistant to the Regional Director

Region 13 continues to actively reach out to all types of organizations to conduct presentations about the NLRB, including legal and procedural developments.

On May 8, 2012, Field Examiner Jay Greenhill presented to a graduate class at Webster University where he described the functions of the Agency and explained the administration and enforcement of the National Labor Relations Act.

On August 16, Field Attorney Jeanette Schrand, Field Examiner Drew Hampton and Co-Op Nicole Kreisberg presented to a group of employees at ARISE Chicago and described the functions of the Agency with a focus on protected concerted activity.

In late August, Regional Director Peter Sung Ohr and several Region 13 Attorneys, Examiners and Administrative Professionals participated in the [Labor Rights Week](#) at the Mexican and Guatemalan Consulates, where they explained the mission and functions of the NLRB and raised community awareness of labor law.

On September 4, Field Attorney Renee McKinney participated in an information session at Chicago-Kent College of Law and described the Agency's recruiting and hiring process for attorneys.

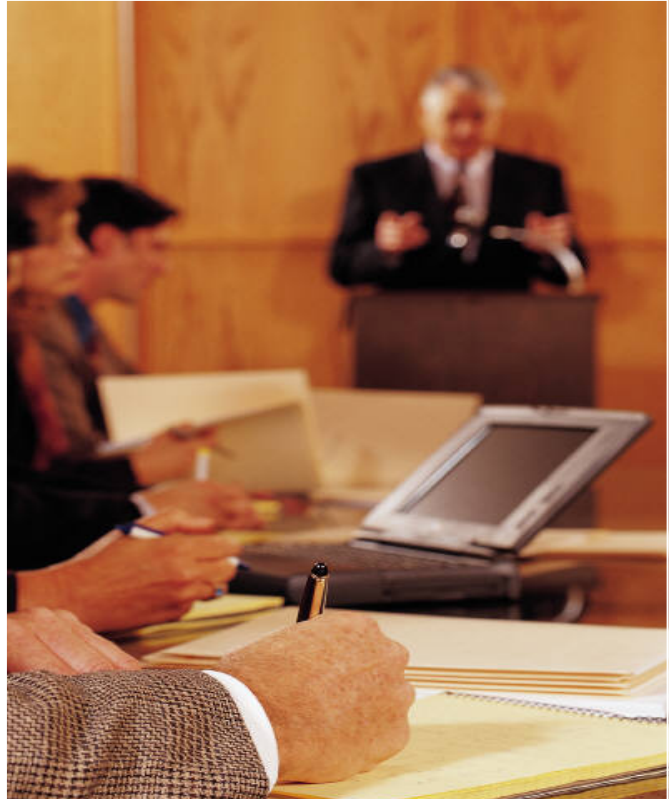
On September 18, Field Attorney Charles Muhl participated on a panel concerning social media policies at the Columbus (Ohio) Bar Association's Masters Series on Employment Law.

On October 16, Field Attorneys Charles Muhl and Jason Patterson discussed the latest NLRB legal developments before attorneys in the labor and employment practice of a Chicago-area law firm.

On October 24, Field Attorney Charles Muhl spoke about employer handbook policies and the NLRA on a panel at the Employee Relations Interest Group Program of the Human Resources Management Association of Chicago.

On October 25, Field Examiner Liz Galliano presented to a Labor and Employment Seminar for Human Resource Managers in Chicago on general labor law issues, including protected concerted activities and social media.

On November 3, Field Attorney Charles Muhl participated on a panel concerning the NLRA's Impact on Non-Union Employers at the American Bar Association's Labor and Employment Law Conference in Atlanta.



Need an NLRB Speaker?

If you are a business, union, law firm, community group, university, high school, or other organization and are interested in having a presentation regarding any NLRB-related topic, please call the Region's Outreach Coordinators, Chris Lee or Catherine Schlabowske, at 312-353-7570.

Full Cooperation=Affidavits

agent sworn affidavits. If the charging party fails to promptly cooperate, the charge may be dismissed. What constitutes full cooperation for the charged party is the same.

While many charged parties provide witnesses for affidavit sessions, others do not. Rather, many charged parties rely on submitting position statements. While position statements are reviewed and taken into consideration, they do not constitute full cooperation.

It has been the Region's experience that evidence can be gathered more efficiently by the Board agent through affidavit sessions, rather than a long chain of correspondence with the charged party in an attempt to clarify points through multiple position statements. Board agents will continue to contact the charged party early in the investigation, which experience has shown leads to prompt resolution of charges. Thus, prompt determination of a nonmeritorious charge ends the dispute in a cost effective and efficient manner, without the need for a protracted investigation. On the other hand, prompt determination of a meritorious charge provides an opportunity for a timely remedy before resolution becomes more costly or difficult.

Board agents relay to the charged party the basic contentions that have been advanced by the charging party with regard to all violations alleged. For example, when the charging party's evidence points to a prima facie 8(a)(1) violation involving threats of discharge, the Board agent normally would disclose such information as the general nature of the conduct (e.g., threat of discharge), the general locale, the identity of the supervisor involved, and the date of the conduct. However, the degree of disclosure will be commensurate with the level of cooperation anticipated from the charged party. Regardless of the level of cooperation, the Board agent will avoid providing details that would likely disclose the identity of the witnesses.

I strongly encourage all parties to fully cooperate with the Region's investigation. The Region's Board agents will continue to emphasize the need for Board agent affidavits, and I am confident that all parties will find the investigation of the unfair labor practice cases to be fair and efficient.

Region 13 Staff Update (CONT.)

previously worked in schools and for nonprofit organizations in Boulder, CO and Oakland, CA. She first became interested in labor relations while working in youth development as a supervisor in Oakland at a time when she and her fellow employees had their health benefits taken away. Additionally, while she was a graduate employee at UIC, Anna was a department steward and active in the Graduate Employees Union. Anna is fortunate to have this opportunity at the NLRB to learn more about workers' rights and the labor law enforcement process. On a personal note, Anna enjoys playing soccer and hiking.

Nicole Kreisberg was a Co-Op with Region 13 from June 18 until September 28, 2012. Nicole is a graduate student at the University of Chicago, where she is completing her Master's degree in Social Policy. Prior to that, she worked in the Dominican Republic and Haiti, visiting sugar cane plantation workers and learning about recent organizing efforts there. Nicole earned an undergraduate degree in Anthropology and Latin American studies from the University of Texas at Austin. **Ryan Thoma** worked as a Legal Extern for Region 13 from September to December 2012. Ryan has a BA in philosophy and political science from Union College in Schenectady, NY. He is currently a third-year student at IIT Chicago-Kent College of Law and is enrolled in the school's Labor and Employment Law Certificate Program. During law school, Ryan also worked as a law clerk at Asher, Gittler & D'Alba Ltd. He also is working as a Student Editor for the Illinois Public Employee Relations Report, serving as Vice-President of the Labor and Employment Law Society, and acting as Chicago-Kent's student representative to the College of Labor and Employment Lawyers.

LATINO EXPRESS (CONT.)

In a supplemental decision in the same case issued December 18, 2012, the Board concluded that two additional remedies requested by the NLRB's General Counsel now will be routinely granted in connection with backpay awards. First, employers will be required to submit appropriate documentation to the Social Security Administration so that when backpay is paid, it will be allocated to the appropriate calendar quarters. Second, employer must reimburse a discriminatee for any excess Federal and State income taxes the discriminatee may owe in receiving a lump-sum backpay award covering more than one year. The Board previously severed these remedial issues and invited briefs from the parties and from any other interested entities. The NLRB's General Counsel filed a brief arguing that both remedies were appropriate and necessary to make discriminatees whole. Amicus briefs were filed by the Service Employees International Union, the AFL-CIO, and a joint brief by the Casa de Proyecto Libertad, The Community Justice Project, Legal Aid of NorthWest Texas, and The National Employment Law Project. All three briefs urged the Board to adopt both of the remedial changes. Latino Express filed a reply brief in which the company contended that the tax consequences of unemployment benefits should also be considered because failure to do so would result in a windfall to discriminatees. However, in its brief, Latino Express also essentially conceded that the Social Security Administration notification remedy was appropriate.

The underlying ULP charges were filed in early 2011 by the two fired drivers and Teamsters Local 777 at the NLRB Chicago Regional Office. The Region investigated the charges and issued a consolidated complaint alleging the violations in March 2011. While that case was pending before the Board, attorneys in the Region won a temporary injunction in federal district court and Latino Express was ordered to, among other things, offer immediate reinstatement to the two fired drivers and post a copy of the court's order in both Spanish and English at its facility.

The company failed to comply with the district court's order and, after a day-long evidentiary hearing, was found in contempt on July 2, 2012. The district court then issued



an order requiring, among other things, new offers of reinstatement to both employees, backpay to the employees starting on April 30, 2012, payment to the NLRB for its attorney's fees and costs investigating and prosecuting the contempt matter, and threatened fines against the company and the owner if the company failed to comply with the contempt order.

On July 31, 2012, the NLRB Chicago Regional Office issued a new complaint alleging that Latino Express bargained in bad faith for a first contract with Teamsters Local 777 over a 10-month period beginning in June 2011, and later unlawfully withdrew recognition from the Union as the bargaining representative of the company's drivers. The hearing in that case began on October 9, 2012 before an Administrative Law Judge and will resume once certain procedural matters are resolved.

NLRB Attorney Jeanette Schrand litigated the Board and district court wins in the first Latino Express case. NLRB attorney Charles Muhl investigated and is litigating the bad faith bargaining charges. Deputy Regional Attorney Paul Hitterman supervised all of the Latino Express cases.

NLRB News Release Archives Now Available Back to 1935

The NLRB recently posted to the Agency's website a "[News Release Archives](#)," which contains all Agency news releases dating back to 1935. Although not entirely legible, the second oldest news release posted is dated October 16, 1935, and announces that "L.W." has been appointed the Regional Director of Region 13. He was appointed after serving at the "Resettlement Administration," a federal government agency created in response to the Great Depression as part of President Franklin Roosevelt's New Deal. The Administration relocated individuals, many of them struggling farmers, to model communities planned by the federal government and operated for less than two years. The appointment of "L.W." occurred slightly more than three months after the Wagner Act was signed by President Roosevelt.

According to the news release, Region 13 was a bit different back in 1935. The geographic area the Region covered was more expansive than today, including numerous counties in Illinois, Indiana, and Iowa. In addition, the Region's office was located at 20 North Wacker Drive. However, the news release makes clear that the work of the Region was very much the same: "Under the Wagner-Connery Act, signed by President Roosevelt July 5, the National Labor Relations Board is made responsible that the collective bargaining rights of workers are guarded against restraint and interference by their employers. [NOTE: The law at that time did not contain protection against unfair labor practices by unions.] It will be a part of [the Director's] duties to receive charges of unfair labor practices as specified in the Wagner Act and to make an investigation of the facts. Upon this investigation will depend whether the facts warrant a formal hearing on evidence in the case."



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