NLRB UPDATE

(OR, YOU KNOW IT’S BAD AT THE NLRB IF GURSKY IS DOING THE NLRB UPDATE)
The Agency

Peter Robb Appointed General Counsel

GC 18-02 (12/1/17)

Decisions will be based on existing law, regardless of his personal views.

GC will not offer views on existing cases unless required

“Significant legal issues” referred to Advice
Concerted activity – one employee/profanity *Pier 60*

Handbook rules - Miscimarra dissent in *William Beaumont*

Access to ER’s email system - *Purple Communications*

Intermittent strikes - *Quietflex*

Joint Employer – *Browning Ferris*

Successorship – “perfectly clear” doctrine

Duty to bargain discipline prior to 1st CBA – *Total Security Management*

Dues checkoff post-expiration
The Agency

RESCISSION OF GC GRIFFIN INITIATIVES

Misclassification of employees as 8(a)(1) - Velox

Extension of Weingarten to non-Union settings (overturn IBM)

McDonalds settlement – Franchisor liability

CONTINUATION OF OBAMA ERA POLICIES

10(j) enforcement

GC 15-03 – Immigration hold
Structural Agenda – Ideological or Financial?

- Reorganization of Regional Offices
- Case Processing - Offers of proof/evidence with ULP filing
- RD Authority to issue complaints: District Directors
- Case Processing Memo “Draft Summary of Suggestions”
McDonalds Settlement – Franchisor liability
Peter Robb is considering measures to “streamline” the NLRB that will only make it harder to remedy federal labor law violations.

Tell Peter Robb at tonight’s meeting these measures will undermine the NLRB and threaten its core mission to protect workplace rights.

or email him your thoughts
Peter.Robb@nlrb.gov

NLRC General Counsel Peter Robb is considering dramatic changes to the NLRB’s procedure and structure that could debilitate the Agency and make regional offices and staff obsolete by:

1. Taking decision-making authority away from local offices and centralizing decisions in Washington.¹
2. Making it more difficult for institutions and individuals to seek assistance from the Agency, by placing onerous requirements on those parties.²
3. Encouraging more dismissal of cases and weaker settlements.²

General Counsel Robb claims these suggestions are made to meet the budget and streamline the Agency’s case processing, but how they would do so are unclear. Rather, the changes under consideration could impede the Agency’s enforcement of federal labor law. By taking these ill-conceived proposals under consideration, General Counsel Robb has succeeded only in sowing fear that our jobs could be eliminated or redefined beyond recognition.


This message has been demographically approved by National Labor Relations Board Union Local 2 (Manhattan), Local 29 (Brooklyn), and the NLRB Professional Association (headquarters). Contact us: NLRI Local 2 President Michael Bill - michael.lbill@gmail.com NLRI Local 29 President No Calahan - nocalahan@gmail.com
The Board
Emmanuel (9/25/17) and Kaplan (8/10/17) join Board
Joint Employer Status - *BFI* and the *Hy-Brand* Debacle

- *Hy-Brand* reinstates “direct and immediate” “joint control” over essential employment terms
- Inspector General Report re: Recusal
Appropriate Bargaining Unit - PCC

Structural overrules Specialty Healthcare

- Inclusion of Additional Employees – Distinct Interest
- Macy’s “micro unit”
Work Rules – *Boeing*

Categories I, II and III replace “reasonably construed”
Standard
Proskauer Law Firm:

“More precedent correction can be expected in the coming months”
Request for Information regarding 2014 election Rules
Request for Briefs in *Velox* (misclassification is 8(a)(1))
Jurisdiction over charter schools
John F. Ring confirmed as Chair (4/11)
Our Secret Weapon
The Trump Effect

The Anne Frank Center USA
Inspiring Tolerance through the Legacy of Anne Frank

The Anne Frank Center USA, a partner to the Anne Frank House, was founded in 1977 by Otto Frank. Through a variety of innovative programs and exhibitions, the Center uses Anne Frank as a role model to inspire students, educators, and citizens to help build a world based on mutual respect.

www.annefrank.com
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The Trump Effect
U.S. Labor Board's Holocaust Commemoration Goes Awry

By Josh Eidelson

April 13, 2018, 3:23 PM EDT Updated on April 13, 2018, 9:41 PM EDT

•NLRB tells staff that it was ‘mistake’ to mention NY group
•Center has harshly criticized Trump for alleged bigotry
To acknowledge Holocaust Days of Remembrance this week, the National Labor Relations Board sent a mass email to its employees noting the date "to honor and remember" the victims. It also highlighted the work of several related nonprofits, including Washington’s Holocaust Memorial Museum, the Anne Frank House in Amsterdam, and the Anne Frank Center in New York. Two days later, the agency backtracked, saying the inclusion of the New York center had been a “mistake.”
"In spite of everything, I still believe that people are really good at heart."