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From: BNA Highlights [bhighlig@bna.com]
Sent: Friday, January 21, 2011 11:55 PM
To: Jablonski, Colleen G.
Subject: Jan. 21 -- BNA, Inc. Daily Labor Report

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Friday, January 21, 2011 • Number 14

LEADING THE NEWS

Unions

Union Membership Dropped in 2010, As Key Industries Shed Jobs, BLS Says

The share of wage and salary workers who belong to a labor union declined in 2010 to new low of 11.9 percent from 12.3 percent the prior year, according to figures released Jan. 21 by the Labor Department's Bureau of Labor Statistics. ...

NEWS

Administration

Obama Creates New Jobs Council To Put U.S. Economy Into 'Overdrive'

President Obama Jan. 21 said he is creating a new Council on Jobs and Competitiveness headed by Jeffrey Immelt, chairman and chief executive officer of GE, with the goal of speeding up the nation's economic recovery....

Airlines

Bankruptcy Judge in New York Confirms Mesa Air's Third Plan of Reorganization

The U.S. Bankruptcy Court for the Southern District of New York Jan. 20 issued an order confirming airline holding company Mesa Air Group Inc.'s third amended joint plan of reorganization (In re Mesa Air Grp. Inc., Bankr. S.D.N.Y., No....

Congress

Rep. Miller Announces Ranking Members For Committee on Education and Workforce

Rep. George Miller (D-Calif.), ranking member of the House Committee on Education and the Workforce, Jan. 20 announced ranking member assignments for the subcommittees....

Domestic Partners

Federal Judge OKs DOMA, Tax Challenge

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By Gay Couples Seeking State LTC Insurance

A federal judge in California Jan. 18 rejected the government's attempt to stop a state employee's lawsuit challenging the constitutionality of the Defense of Marriage Act (DOMA) and a tax provision, both of which interfere with...

ERISA

Court Gives Final Nod to \$7M Settlement Ending 'Stock-Drop' Case Against IndyMac

An employer "stock-drop" lawsuit against IndyMac Bank FSB filed in the midst of the subprime mortgage crisis ended in a \$7 million settlement approved Jan. 19 by the U.S. District Court for the Central District of California (In re...

ERISA

Lower Court Properly Tossed Claim Alleging Misrepresentation About Repayment Program

A federal district court did not err when it rejected a former employee's claim that his employer negligently misrepresented that the employee would be reimbursed for his Social Security and Medicare contributions under a certain benefit...

Federal Employees

Airport Screener Election Tentatively Set For March 9 Through April 19, Union Says

Approximately 40,000 nonsupervisory federal airport screeners with the Transportation Security Administration will have the opportunity to vote in a union representation election during a six-week period tentatively scheduled for...

Federal Employees

Republicans Seek Five-Year Pay Freeze, 15 Percent Cut in Federal Workforce

Republican lawmakers Jan. 20 called for a five-year pay freeze for federal executive branch employees and for cutting the federal workforce through attrition by 15 percent compared to its level at the end of fiscal year 2010, requiring federal...

Health Care Employees

NLRB Sets Hearing on NUHW Objections To Kaiser Election Among 45,000 Employees

A National Labor Relations Board regional director has scheduled a hearing for Feb. 7 to consider 30 objections filed by the National Union of Healthcare Workers to an election it lost last fall among some 43,000 workers at Kaiser Permanente...

International Labor

Sodexo Worker Conditions in Five Countries Criticized in Civil, Human Rights Report

The employment conditions of Sodexo workers in five countries reveal a disregard by the company for its employees' human rights and dignity, according to a report released Jan. 19 by a nonprofit foreign policy advocacy organization....

NLRB

NLRB Names Resident Officer for Grand Rapids

Thomas M. Good has been appointed resident officer of the National Labor Relations Board's resident office in Grand Rapids, Mich., the agency announced Jan. 18. The resident office reports to the Detroit Region 7 office headed by Regional...

NLRB

Solomon Will Recommend 'New Framework' For NLRB Deferral to Arbitration Procedures

National Labor Relations Board Acting General Counsel Lafe Solomon announced Jan. 20 that he will urge the board to adopt a new approach for determining whether to defer to arbitration decisions and grievance settlements in unfair labor practice...

OFCCP

OFCCP Directive Provides Guidance On Jurisdiction Over Health Care Providers

The Labor Department's Office of Federal Contract Compliance Programs provided "comprehensive guidance" for determining whether a health care provider or insurer falls within OFCCP's jurisdiction as a federal contractor...

Pensions

Fund Can't Disregard Asset Transfer Contract When Seeking Employer's Withdrawal Liability

A multiemployer pension fund seeking to collect about \$486,000 in withdrawal liability and interest from an employer cannot disregard an asset restructuring agreement that the fund argues was intended to evade the employer's withdrawal...

Racketeering

Broad Organized Crime Sweep Includes Charges of Mob Ties to LIUNA, ILA Locals

NEW YORK—A broad law enforcement sweep against dozens of defendants with alleged ties to organized crime in the New York City area includes charges of mob family corruption of locals of the Laborers' International Union and the...

Safety & Health

Data From Pilot National Emphasis Program Reveals Increase in Violations, OSHA Says

The latest data from the pilot national emphasis program on recordkeeping instituted by the Labor Department's Occupational Safety and Health Administration show a higher noncompliance rate than was found in September 2010, agency...

Safety & Health

Michaels Says States, Localities May Assist In Criminal Prosecutions of Safety Violations

State and local prosecutors may be asked to pursue criminal charges against those who violate worker safety laws, the head of the Occupational Safety and Health Administration said Jan. 18....

Sexual Harassment

Jury Issues \$1.26 Million Verdict for EEOC

In Sexual Harassment Suit Against Grocery

A federal district court jury in upstate New York Jan. 20 returned a \$1.26 million verdict for the Equal Employment Opportunity Commission in a suit alleging that an Oswego, N.Y., grocery store permitted its general manager to sexually harass...

Unions

Unions Sue South Carolina Governor, Labor Agency Head, Over Anti-Union Stance

ATLANTA—The International Association of Machinists and the South Carolina AFL-CIO Jan. 21 filed a lawsuit in federal court alleging that Gov. Nikki Haley (R) is violating federal labor law by vowing to use state resources to defeat...

Women

Various Issues Affecting Women to Emerge In New Congressional Session, Speakers Say

The employment outlook for women, along with their access to job training programs, will be crucial issues for lawmakers to deal with in the new congressional session which just began, a panel of speakers said Jan. 21. ...

Workforce Reductions

Boeing to Eliminate 1,100 Jobs As Production of C-17 Aircraft Winds Down

Boeing Co. Jan. 20 announced that it will eliminate some 1,100 jobs as part of a previously announced plan to slow production of its C-17 military aircraft to 10 per year, down from 15....

TRENDS

Privacy Rights

Connecticut, Vermont Join Roster of States Aiming to Curb Credit Report Use for Jobs

Continuing the trend by state lawmakers to restrict the ability of employers to use consumer credit reports in hiring and other employment decisions, Connecticut and Vermont recently have joined the growing roster of state legislatures...

Privacy Rights

Legislation to Restrict Employer Use Of Credit Reports Reintroduced in House

Joining what so far has been a state-led trend to restrict use of consumer credit reports for employment purposes, Rep. Steve Cohen (D-Tenn.) Jan. 19 reintroduced a bill (H.R. 321) that would amend the Fair Credit Reporting Act to rein in what...

TEXT

Data on 2010 Union Membership, Representation of Workers Released Jan. 21 by Labor Department's Bureau of Labor Statistics

BNA INSIGHTS

DOL Alliance With Plaintiffs Lawyers Will Lead to More FLSA, FMLA Litigation

Each new year brings change to in-house corporate counsel, and 2011 will be no different. The Wage and Hour Division of the Department of Labor has gotten creative in an effort to refer its overflow work to the private plaintiffs' bar. The...

2011 LABOR OUTLOOK

LABOR DEPARTMENT

ETA Focuses on Expanding Capacity of Community Colleges, Crafting WIA Update

Assistant Labor Secretary for Employment and Training Jane Oates told BNA Jan. 6 that the project in 2011 that most excites her is the Trade Adjustment Assistance Community College Training grants program. ...

MSHA Starts Using POV Process and Injunctions, Readies New Rules

If the first few weeks of this year are any indication, the Mine Safety and Health Administration in 2011 will continue its dogged, take-no-prisoners approach to enforcing mine safety and health laws. Already this year, the agency has prevailed...

OFCCP to Focus on Enforcement, Outreach, and 'Robust' Regulatory Agenda

The 2011 goals of the Labor Department's Office of Federal Contract Compliance Programs center on broadened enforcement of federal contractors' equal employment opportunity and affirmative action obligations, contractor outreach...

OLMS Encourages Electronic Filing, Considers Internet Elections for Officers

The Office of Labor-Management Standards in 2011 is concentrating on increasing efficiency and transparency, largely by implementing technological innovations, as it anticipates a high-volume year for election investigations. ...

OSHA's Activist Agenda Could Be Slowed by Revitalized Business Community

Plans by the Republican-led House to clamp down on regulatory policies it deems detrimental to job creation may force the Labor Department's Occupational Safety and Health Administration to temper its expectations for legislative...

Wage and Hour Division Forges Ahead While Awaiting Confirmation of Rodriguez

The most obvious change likely to occur at the Labor

Department's Wage and Hour Division this year will be the arrival of a new leader, a former prosecutor whose nomination signals the administration's commitment to tough enforcement...

NLRB

NLRB Has a Full Docket, Major Cases, and Plans for an Active Year

The National Labor Relations Board celebrated its 75th anniversary in 2010, and the agency spent much of the year dealing with the controversy over its issuance of nearly 600 unfair labor practice rulings and representation case decisions...

NMB

NMB Faces Busy Year With Increased Mediation, Representation Caseloads

The National Mediation Board in 2011 faces increased caseloads in mediation of collective bargaining and in representation election matters, as tough contract negotiations occur at major airlines and nationwide among the major freight...

CONGRESS

Congress Zeroing in on Job Creation, E-Verify Expansion, Health Care Overhaul

Congress has returned in 2011, with Republican lawmakers in control of the House and with more leverage in the Senate, with both parties emphasizing job creation, mulling an expansion of the E-Verify system, and considering mine safety improvements,...

EEOC

A Rebuilding Enforcement Agency Could Face Budget Hurdles

Following two years of budget increases that facilitated increased hiring and training of agency personnel and allowed some progress in slowing the growth of a large case backlog, the Equal Employment Opportunity Commission faces a budget...

BARGAINING

Impact of Health Care Overhaul Law Not Being Felt Yet in Collective Bargaining

Passage of the Patient Protection and Affordable Care Act (Pub. L. No. 111-148) last year has not had much of an impact so far on collective bargaining negotiations and is not expected to

have a major impact in the negotiations that are set to take...

Major Labor Agreements Expiring in 2011

Negotiations in the services sector, retail food, and communications will be in the news in the coming months. Among the contracts coming due this year are: • Several grocery chains in Southern California, including Ralphs, Albertsons,...

Slow Economic Improvements Expected to Temper Collective Bargaining Outcomes

Many important labor agreements that expire this year are expected to set the tone for bargaining well past 2011 as the economy slowly improves. The struggling economy, however, will make 2011 a tough year for workers....

UAW, Detroit Three Head into Bargaining After Industry Rebound

The United Auto Workers and the Detroit Three domestic auto manufacturers Chrysler Group LLC, Ford Motor Co., and General Motors Co. begin collective bargaining negotiations in summer 2011 to renegotiate their national master contracts...

SUPREME COURT

Supreme Court Justices Have 10 Employment-Related Cases on Docket

The U.S. Supreme Court Jan. 10 resumed its 2010-2011 term and currently has 10 employment-related cases on its docket, including a high-profile sex discrimination class action against Wal-Mart Stores Inc. that is among the term's most...

DHS

Enforcement Focus to Steer Immigration Legislation, Regulations in 2011

Immigration policy in 2011 is likely to center on enforcement measures because Republicans now control the House and the Obama administration is continuing to focus on the E-Verify program and worksite I-9 audits....

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