

Microsoft Outlook

From: BNA Highlights [bhighlig@bna.com]
Sent: Tuesday, May 03, 2011 11:28 PM
To: Solomon, Lafe E.
Subject: May 3 -- BNA, Inc. Daily Labor Report

E-mail not displaying correctly? View publication in your browser: <http://news.bna.com/dlIn>

[PUBLICATION HOME](#) [ABOUT](#) [CONTACT US](#)



Daily Labor
REPORT®

[LATEST NEWS](#) [BNA INSIGHTS](#)

[SEARCH FULL PUBLICATION](#)

Tuesday, May 3, 2011 • Number 85

LEADING THE NEWS

Whistleblowers

Ninth Circuit Rules SOX Does Not Protect Boeing Auditors' Disclosures to Newspaper

Two information technology auditors for Boeing Co. who were fired for providing internal company information and documents to a newspaper reporter cannot proceed with whistleblower claims under the Sarbanes-Oxley Act because the statute...

NEWS

Age Discrimination

Employee RIF'd at Age 57 Has Triable Claim Of Age Bias Under Missouri Law, Court Rules

A graphic artist terminated at age 57 during a reduction in force by his packaging company employer raised a triable age discrimination claim under Missouri state law even though he has no federal Age Discrimination in Employment Act claim,...

Employment

BLS Calls Recession 'Unique' in Severity Of Job Losses in Service-Providing Industries

Like other recessions since World War II, the recent downturn was marked by heavy job losses in manufacturing and other goods-producing industries, but the employment decline in service-providing industries during 2007-2009 was unprecedented...

Employment

Health Care Industry Served as 'Crutch' During Last Recession, BLS Review Finds

The health care industry stood out as one of the few areas in the economy that continued to add jobs during the 18-month recession from December 2007 until June 2009, according to an analysis by the Labor Department's Bureau of Labor Statistics....

NLRB New Filing Finder [Display Latest Filings](#)

View Recent Articles By:

[Agencies](#)
[States](#)
[Courts/Tribunals](#)
[Federal Statutes](#)
[Industries](#)
[Law Firms](#)
[Unions](#)
[Cases Reported](#)

Key Features:

[Analysis & Perspective](#)
[Special Reports](#)
[Also in the Courts](#)
[NLRB Summaries](#)
[Wage Trend Indicator](#)
[Calendar of Events](#)

Employment

Senate Republicans Release Proposal Aimed at Job Creation, Economic Recovery

Senate Republicans released May 3 a "jobs plan" devised to create private-sector growth and strengthen the economy by focusing on budget, tax, regulatory, workforce, trade, energy, and health care proposals....

ERISA

Administrator Only Required to Look at Plan In Denying Benefit Claim, Sixth Circuit Rules

The plan administrator for a transportation union's income protection program did not act arbitrarily and capriciously in violation of the Employee Retirement Income Security Act when it denied income replacement benefits to a plan...

Federal Employees

Agencies Challenged in Maintaining Morale Despite Negative Public Attitudes, Chiefs Say

Federal agency leaders face a challenge in maintaining the morale of their employees in the face of consistent negativity about the role and achievements of federal workers, the heads of five agencies said at a May 3 meeting....

First Amendment

Firefighter's E-Mail Protected Speech, Court Rules

A part-time fire department employee who drafted and sent an e-mail from home, during nonwork hours, in support of a political candidate who promised dramatic changes to the department engaged in First Amendment protected speech, and was...

Health Care

EBRI Reports Largest One-Year Drop In Employer-Provided Health Care in 2009

Since 2000, the portion of people younger than age 65 who have U.S. employer-provided health care coverage has decreased, but 2009 marked the largest one-year drop, according to a report published by the Employee Benefit Research Institute...

Labor Law

GM Workers in Ohio Sue Company, UAW, Seeking \$3 Million for Misclassification

CINCINNATI—Twenty-eight employees of the General Motors Lordstown, Ohio, assembly complex April 30 sued the automaker and the United Auto Workers, seeking more than \$3 million in compensation for alleged contract violations they...

Labor Law

Republican Senators Plan to Introduce Bill to Protect State Right-to-Work Laws

Two Republican senators intend to introduce May 4 legislation called the Right to Work Protection Act, which aims to strengthen existing protections in the National Labor Relations

Act of state right-to-work laws to ensure that state laws...

Manufacturing

USW Members Ratify Master Agreement With International Paper for 6,000 Workers

United Steelworkers members have ratified by a 76 percent majority a four-year master agreement with International Paper Co. covering some 6,000 workers at 15 U.S. manufacturing facilities, the union announced May 3....

NAFTA

EPI Study Says U.S. Trade Deficit With Mexico Led to 682,900 U.S. Jobs Lost

The U.S. trade deficit with Mexico has led to the loss or displacement of 682,900 U.S. jobs from 1994, when the North American Free Trade Agreement went into effect, through 2010, according to an Economic Policy Institute (EPI) briefing paper...

NLRB

GOP Senators Blast NLRB Boeing Complaint, Call for Acting General Counsel's Explanation

Ten Republican senators told National Labor Relations Board Acting General Counsel Lafe E. Solomon May 3 that they "strongly disagree" with his decision to issue an unfair labor practice complaint alleging that Boeing Co. illegally...

Privacy Rights

Criminal Background Checking Presents Employers With Competing Legal Interests

"Ask 10 people what they think about criminal background checks and you will get 10 very different answers," a management lawyer told BNA in a recent interview. ...

Representation Elections

NLRB Rejects Union Suggestion for Change Of Policy Favoring Vote on Employer Premises

The National Labor Relations Board April 29 rejected suggestions from the Service Employees International Union and an SEIU local that the board revisit its long-standing presumption that representation elections should be conducted...

Safety & Health

Amputation Lands Firm in Severe Violator Program

Compco Industries, a Columbiana, Ohio-based metal stamping company, faces penalties of \$158,900 in connection with an August 2009 incident in which a worker's finger was amputated, the Labor Department's Occupational Safety...

Safety & Health

MSHA Cites Violations at Massey's Randolph Mine

The Labor Department's Mine Safety and Health Administration issued 20 withdrawal orders and five citations to the Randolph Mine in Boone County, W.Va., owned by Massey Energy and operated by Inman Energy, during an April 29 inspection,...

Safety & Health

Workers Over 55 Most Prone to Fall Injuries, Suffer Fewer Overexertion, Contact Mishaps

When workers age 55 and older are injured on the job, recovery, especially from falls, usually takes longer, but those workers are less likely than younger workers to injure themselves by overexertion or being struck by machinery, according...

Service Contract Act

DOL Recovers \$2.9 Million in Back Pay For 500 Stanley Associates Contract Workers

The Labor Department has recovered nearly \$2.9 million in back wages for more than 500 clerical employees of Stanley Associates Inc. and several subcontractors at various locations in St. Albans and Essex Junction, Vt., DOL announced May...

Trucking

Teamsters Support Bill to Limit Truck Weight As Part of Overall Safety Efforts, Hoffa Says

The International Brotherhood of Teamsters "strongly supports" a recently introduced piece of legislation that would prevent the maximum allowable weight limit of trucks on U.S. highways from being raised, saying the bill would...

ALSO IN THE COURTS

Also in the Courts: A Roundup of Recent Labor and Employment Rulings

SPECIAL REPORT

Representation Elections

Number of NLRB Elections Held in 2010 Increased Substantially From Previous Year

The number of resolved representation elections conducted by the National Labor Relations Board in 2010 increased substantially from the previous year, according to NLRB data analyzed by BNA PLUS, BNA's research division....

HILL WATCH

Listing

ECONOMIC NEWS

Employment

Employment Rose in Third Quarter of 2010, As Business Job Creation Exceeded Cuts

Job creation at nonfarm businesses exceeded job losses in the third quarter of 2010 for the second consecutive quarter, but

the net employment gain was smaller than that of the prior three months, the Labor Department's Bureau of Labor...

LEGISLATION

Legislation

Many Pro-Employee Bills Expected To Stall in Face of Republican Opposition

Various pieces of legislation aimed at strengthening employee rights are not expected to advance in Congress this year as Republican lawmakers maintain firm control over the House and Democratic lawmakers cling to the majority in the Senate,...

This e-mail is part of your subscription to Daily Labor Report® (ISSN 1522-5968), which is published on the Web daily by The Bureau of National Affairs, Inc., 1801 S. Bell Street, Arlington, VA 22202.

To change your e-mail preferences, click on the "Sign-Up For or Modify E-Mail Preferences" under the Getting Started heading on your product's [home page](#).

Request a [FREE Web trial](#). For subscription information, customer assistance and other inquiries, contact your local BNA Representative or call BNA Customer Relations at 800-372-1033, Mon. - Fri. 8:30 am - 7:00 pm (ET), excluding most federal holidays.

[Copyright](#) (c) 2011 by The Bureau of National Affairs, Inc., 1801 S. Bell Street, Arlington, VA 22202. Use of this service is subject to the [terms and conditions of the license agreement](#) with BNA. Unauthorized access or distribution is prohibited.