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Thursday, June 23, 2011 • Number 121

LEADING THE NEWS

Negligence

Supreme Court 5-4 Finds FELA Injury Claims Do Not Require Showing of 'Proximate Cause'

The U.S. Supreme Court June 23 held 5-4 that the Federal Employers' Liability Act, which renders railroads liable for worker injuries or deaths resulting "in whole or in part" from employer negligence, does not require an injured...

NEWS

Airlines

FAA Training Rule Comment Period Extended

The Federal Aviation Administration has extended the public comment period on proposed rules designed to overhaul training of airline pilots, flight attendants, and dispatchers, according to a notice published June 23 in the Federal Register...

Arbitration

Arbitrator Orders RNs in New York Hospitals To Begin Making Premium Contributions

More than 14,500 registered nurses represented by the New York State Nurses Association at 40 hospitals and nursing homes in the New York City area will be required to begin making premium contributions for their health insurance, under an...

Civil Rights

One-Stop Center Job Ads Should Not Exclude Applicants with Criminal Records, NELP Says

Labor Department one-stop centers in three states have posted job advertisements that discriminate against job applicants with criminal backgrounds in violation of the Workforce Investment Act and Title VI of the 1964 Civil Rights Act,...

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ERISA

Company and Its Owner Found Liable For Failing to Pay Benefit Contributions

An elevator company and its owner are liable for failing to pay employee benefit contributions to several multiemployer funds as required by the terms of a collective bargaining agreement, the U.S. District Court for the Eastern District...

ERISA

Ninth Circuit Rules ERISA Benefit Actions Not Limited Against Plan and Administrators

Entities other than an Employee Retirement Income Security Act plan or plan administrator may be sued in ERISA benefit actions under the law's civil enforcement provision, the U.S. Court of Appeals for the Ninth Circuit, sitting en banc,...

Federal Employees

AFGE Wins Runoff Election to Represent 43,000 Federal Airport Screeners at TSA

Approximately 43,000 federal airport screeners employed by the Transportation Security Administration will be represented by the American Federation of Government Employees, based on the results of a runoff election announced by the...

Immigration

E-Verify Provision of Immigration Law Upheld by Oklahoma's Supreme Court

AUSTIN, Texas—A provision in a 2007 Oklahoma immigration law requiring use of E-Verify, the federal employment verification system, does not violate the state constitution, the Oklahoma Supreme Court ruled June 14 (Thomas v. Henry,...

Immigration

House Judiciary Committee Advances Bill To Reauthorize Nurse Guestworker Program

The House Judiciary Committee June 23 approved a bill (H.R. 1933) to reauthorize for three years the H-1C temporary visa program for foreign nurses who work in areas with professional shortages....

Immigration

Louisiana Gov. Jindal Signs E-Verify Requirement Bill

HOUSTON—Louisiana Gov. Bobby Jindal (R) June 23 signed legislation (H.B. 646) into law requiring employers to verify citizenship and employment eligibility, and setting civil penalties or suspending licenses or permits of businesses...

Manufacturing

IUE, UE Conference Boards Recommend Ratification of Tentative Contract With GE

The conference boards of the United Electrical, Radio and Machine Workers of America and the International Union of Electronic Workers, an affiliate of the Communications Workers of America, have voted to endorse tentative four-year national...

NLRA

Judge Bars Chicago Convention Centers From Imposing Controversial Work Rules

CHICAGO—Union-represented carpenters, decorators, and electricians working in Chicago convention venues will perform their duties without the labor directive imposed by Illinois last year, following a federal judge's ruling...

OFCCP

OFCCP Rescinds Scheduling Letters in Midwest

The Labor Department's Office of Federal Contract Compliance Programs has rescinded 860 scheduling letters sent June 3 to federal contractors within the agency's Midwest region, a DOL spokesman June 22 told BNA....

Pregnancy Discrimination

Pregnant Cop Forced to Take Leave Can Pursue PDA, Retaliation Claims

A female police officer in Texas who was placed on involuntary medical leave and then terminated while pregnant can proceed with pregnancy discrimination and retaliation claims under Title VII of the 1964 Civil Rights Act, but cannot proceed...

Retail Stores

RWDSU Members Ratify Macy's Contract, Raising Hourly Wages \$3.05 in New York

Members of Retail, Wholesale and Department Store Union Local 1-S have voted by a 10-1 ratio of members voting to ratify a new five-year collective bargaining agreement with Macy's covering some 4,000 workers at four Macy's department...

State Laws

Michigan Residents' Complaint Targets Law Empowering Unelected Emergency Managers

A recently enacted Michigan law permitting the state's governor to appoint emergency managers to replace the governments of municipalities in dire financial straits violates the Michigan Constitution, according to a lawsuit filed...

Unfair Labor Practices

ALJ Grants NLRB's Petition To Revoke Boeing's Document Subpoena

SEATTLE—An administrative law judge June 23 rejected an attempt by Boeing Co. attorneys to turn the tables on National Labor Relations Board attorneys by seeking through subpoena a wide range of documents that would reveal the identity...

Unfair Labor Practices

Court Enforces NLRB Back Pay Order, Finding Adequate Mitigation of Damages

Ruling in a case that has spanned more than a decade, the U.S. Court of Appeals for the Third Circuit June 23 enforced a National Labor Relations Board back pay order in favor of two New Jersey warehouse company employees fired in 1999 (NLRB

v. St....

Women

**Bill Would Create Program to Advance
Low-Income Women Into Higher-Wage Jobs**

Legislation (bill numbers not available) that would create a \$100 million federal grant program to help recruit and retain low-income women in high-demand, high-wage occupations was introduced June 23 in the House and the Senate....

ALSO IN THE COURTS

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

ECONOMIC NEWS

Unemployment Insurance

**First-Time UI Claims Increase 9,000
To 429,000 in Latest Week, ETA Reports**

The number of jobless workers filing individual unemployment insurance claims increased by 9,000 in the week ended June 18, following a decrease of 10,000 the preceding week, as revised, according to seasonally adjusted figures released...

TEXT

**NLRB's Weekly Summary of Cases, Dated June 13-17,
2011**

**U.S. Supreme Court Decision in CSX Transportation Inc.
v. McBride**

BNA INSIGHTS

**EEOC Moves Toward Guidance Addressing Leave
As a Reasonable Accommodation Under the ADA**

Recently, the Equal Employment Opportunity Commission held a public meeting on the topic of reasonable accommodations and leaves of absence under the Americans with Disabilities Act, with the expectation of issuing written guidance on...

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