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### Latest Developments

#### House Panel Clears Spending Bill That Would Give EEOC No Increase for FY 2012

*Posted July 13, 2011, 4:55 P.M. ET*

The House Appropriations Committee today approved a fiscal year 2012 Commerce, Justice, Science, and Related Agencies spending [bill](#) that would give the Equal Employment Opportunity Commission a \$366.5 million budget for the next fiscal year, the same as its current funding level.

By voice vote, the committee cleared an approximately \$50.6 billion omnibus measure (bill number not yet available) that covers the Justice Department, the Commerce Department, the National Science Foundation, NASA, and other miscellaneous federal agencies, including EEOC and the U.S. Commission on Civil Rights.

EEOC currently is operating on a \$366.5 million budget under a bill signed by President Obama in April that funds the federal government through Sept. 30, 2011, the end of fiscal 2011 (72 DLR A-16, 4/14/11). President Obama earlier this year proposed a \$385.5 million budget for EEOC for fiscal 2012, which would be an increase of about \$19 million from the agency's current funding level (30 DLR B-5, 2/14/11).

The civil rights commission would receive \$8 million for fiscal 2012 under the House committee's bill, a drop from its current funding level of approximately \$9.4 million. The president had requested \$9.4 million for the civil rights commission for fiscal 2012.

A full report will appear in the next issue of Daily Labor Report. Click [here](#) for the latest issue.

#### House Panel Presses NLRB for Documents, Calling Boeing Case Disclosures Incomplete

*Posted July 13, 2011, 3:15 P.M. ET*

Rep. Darrell Issa (R-Calif.), chairman of the House Oversight and Government Reform Committee, told National Labor Relations Board Acting General Counsel Lafe E. Solomon in a [July 12 letter](#) that Solomon has not satisfied committee requests for documents concerning an unfair labor practice complaint against Boeing Co., and warned that the committee will

consider the use of "compulsory process" if the documents are not turned over to the panel within two weeks.

Solomon has submitted some documentation to the panel, which last month held a hearing in South Carolina on the controversial Boeing case, but the acting general counsel has resisted giving the committee other case-related documents. He told Issa in a [June 29 letter](#) that premature disclosure of information not yet released in the administrative proceeding "could seriously compromise the litigation and result in an unfair advantage to one litigant over another."

Issa wrote that he appreciates Solomon's concern for the due process rights of litigants but disagrees with NLRB's assertion of various objections to disclosing documents related to the Boeing case. He set a July 26 deadline for NLRB to produce "the entirety of the documents requested" by the committee.

A full report will appear in the next issue of Daily Labor Report. Click [here](#) for the latest issue.

### **Claimants' Employment Status Under FLSA, State Law Is Jury Question, Court Rules**

*Posted July 13, 2011, 5:08 P.M. ET*

Whether three DirecTV Inc. satellite television technicians are employees or independent contractors under the Fair Labor Standards Act and Louisiana law is a jury question, the U.S. District Court for the Eastern District of Louisiana [has held](#) (Lang v. DirecTV Inc., E.D. La., No. 10-1085, 7/12/11).

The court July 12 denied the summary judgment motion of DirecTV and one of its home service providers, JP&D Digital Satellite Systems Inc., on the prospective FLSA collective action alleging minimum wage, overtime, retaliation, and recordkeeping violations brought by Christian Lang, Larry Tucker, and E. Dwayne Humphrey. The court also refused to grant summary judgment to the companies on the technicians' proposed class action for alleged violations of the Louisiana Wage Payment Act.

Responding to the companies' argument that the technicians were independent contractors not covered by the federal and state statutes, the court decided that genuine issues of material fact exist regarding the level of control that the companies exerted over the technicians, the extent to which the companies controlled the technicians' opportunities for profit, and the technicians' ability to exercise initiative in their work.

The opinion was signed by Judge Sarah S. Vance.

A full report will appear in the next issue of Daily Labor Report. Click [here](#) for the latest issue.

### **Global Unions File OECD Complaint Against Deutsche Telekom for 'Union Busting'**

*Posted July 13, 2011, 5:23 P.M. ET*

The Communications Workers of America, the UNI Global Union federation, and the German-based ver.di union have alleged that Deutsche Telekom AG, the parent company of T-Mobile USA, has violated the guidelines of the Organization for Economic Cooperation and Development through a campaign to undermine U.S. employees' efforts to join a union.

The [complaint](#) filed in Germany yesterday with the OECD alleges breaches of the OECD Guidelines for Multinational Enterprises by Deutsche Telekom through "management conduct designed to undermine and frustrate employees' efforts to choose union representation freely and to deny employees their rights to collective bargaining."

The unions urged OECD to resolve the issues and ensure the company allows all of its workers worldwide to participate in union activities. "We urge you to use your good offices to make Deutsche Telekom aware of its obligations under the OECD MNE Guidelines, encourage it to insist that its U.S. ... subsidiaries adhere to the same high level of corporate responsibility it exhibits in Germany, and urge it to reform their practices," the three union organizations requested in the complaint.

To resolve the T-Mobile situation, CWA, ver.di, and UNI proposed that the German contact point investigate the extent to which Deutsche Telekom has abridged the rights of the freedom of association and collective bargaining in the United States, and if Deutsche Telekom is been found to have abridged those rights, the contact point should issue a statement detailing the specific violations and require Deutsche Telekom to communicate to all U.S. workers regarding freedom of association, explaining their rights to choose union membership. The unions also called for Deutsche Telekom to sign a global agreement with UNI Global Union that guarantees labor rights for its workers worldwide.

Text of the complaint can be accessed at <http://op.bna.com/dlrcases.nsf/r?Open=shos-8jqsw4>.

A full report will appear in the next issue of Daily Labor Report. Click [here](#) for the latest issue.

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