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Wednesday, June 29, 2011 • Number 125

### LEADING THE NEWS

#### *Supreme Court*

##### **Senate Panel Discusses Wal-Mart Case As Part of High Court's 'Pro-Business' Tilt**

A Senate Democratic leader June 29 decried the U.S. Supreme Court's recent decisions in Wal-Mart Stores Inc. v. Dukes and AT&T Mobility LLC v. Concepcion as the latest examples of a pro-business court intent on denying individual...

### NEWS

#### *AFL-CIO*

##### **Podhorzer Named AFL-CIO Political Director**

Michael Podhorzer, the acting political director of the AFL-CIO, has been named to direct the federation's political program, AFL-CIO President Richard Trumka announced June 28....

#### *Agriculture*

##### **California Governor Vetoes Bill Giving Farmworkers Card Check Option**

SACRAMENTO, Calif.—As dozens of farmworkers held a vigil outside his office, Gov. Jerry Brown (D) vetoed a bill (S.B. 104) an hour before his midnight deadline June 28 that would have given them the option of using a card check election...

#### *Airlines*

##### **Flight Attendants at United Continental Pick AFA Over IAM as Post-Merger Union**

Flight attendants at United Continental Holdings Inc. have chosen the Association of Flight Attendants-Communications Workers of America over the International Association of Machinists to represent them in collective bargaining,...

#### *Discrimination*

##### **No Retaliation Claim for Worker Who Witnessed Sex in the Closet**

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The retaliation complaint of a former grounds worker, who alleged he was subjected to sexual harassment when he witnessed a supervisor having sex with another employee in a supply closet and was fired after he complained about the incident,...

#### *Employment*

##### **Former President Clinton, AFL-CIO Announce Job Creation Partnership**

CHICAGO—President Bill Clinton, together with the leadership of the AFL-CIO, announced a major job creation initiative June 29 that will invest assets from union pension funds into national infrastructure projects, facilitate...

#### *Equal Pay Act*

##### **New Orleans Anesthesiologist Can Keep Pay Offered as Bonus for Post-Katrina Extra Work**

A federal appeals court June 28 affirmed a judgment awarding an anesthesiologist Equal Pay Act (EPA) damages after finding that a hospital failed to prove that it had acceptable reasons for paying a male physician, but not the plaintiff, a bonus...

#### *FMLA*

##### **Durbin, Maloney Offer Bill to Allow Workers To Take Leave for Same-Sex Spouse, Others**

Assistant Senate Majority Leader Richard Durbin (D-Ill.) and Rep. Carolyn Maloney (D-N.Y.) recently introduced legislation (H.R. 2364) that would allow employees to take unpaid leave to care for a same-sex spouse or partner, parent-in-law,...

#### *Government Contracts*

##### **DOD Final Rule Extends Prohibition On Mandatory Arbitration of Title VII Claims**

The Defense Department June 29 issued a final rule extending an existing restriction on the use of mandatory arbitration agreements for contracts in excess of \$1 million (76 Fed. Reg. 38,047)....

#### *Government Contracts*

##### **Rule Would Ensure Contractor Employees Are Aware of Definition of 'Sexual Assault'**

The Defense Department June 29 issued a final rule to amend the Defense Federal Acquisition Regulation Supplement to ensure contractor employees accompanying U.S. Armed Forces are made aware of the department's definition of sexual...

#### *Health Care Employees*

##### **Kaleida, Three Unions Reach Agreement On Contract for 8,000 Workers in Buffalo**

Kaleida Health Care and three unions June 28 reached tentative agreement on a new two-year master contract for some 8,000 workers at five hospitals and other facilities in Buffalo, N.Y., just hours before a strike authorization vote was scheduled...

#### *Hiring*

##### **June Help-Wanted Ads Decline by 99,700**

### **To Nearly 4.4 Million, Conference Board Says**

The number of online help-wanted ads declined in June by 99,700, or about 2.2 percent, to nearly 4.4 million, the Conference Board said June 29....

### *Immigration*

#### **Obama Calls for Immigration Overhaul, Does Not Support Stand-Alone E-Verify Bill**

President Obama June 29 reiterated his support for a comprehensive immigration bill and made clear that he does not support stand-alone E-Verify legislation....

### *Job Training*

#### **DOL Awards \$84 Million in Farmworker Jobs Grants**

The Labor Department has awarded \$83,941,360 in grants through the National Farmworker Jobs Program to provide career training and housing assistance to migrant and seasonal farmworkers, DOL announced June 29....

### *NAFTA*

#### **DOT Not Expected to Make Wholesale Changes to Mexico Trucking Proposal**

The Transportation Department will clarify and tweak some matters in its planned cross-border trucking pilot program with Mexico but does not anticipate "wholesale changes" to what was proposed, a DOT official said June 29....

### *New Publications*

#### **BNA Books Publishes Pregnancy Discrimination Act Volume**

A detailed examination of the Pregnancy Discrimination Act and issues arising under it is found in The Pregnancy Discrimination Act: A Guide for Plaintiff Employment Lawyers, published by BNA Books....

### *NLRA*

#### **Bill Proposes Eliminating NLRB Jurisdiction Over Tribal-Owned Concerns on Indian Lands**

Rep. Kristi Noem (R-N.D.) offered legislation (H.R. 2335) June 23 that would amend the National Labor Relations Act to exclude tribal-owned enterprises on Indian lands from the definition of an "employer" under the federal labor...

### *NLRB*

#### **NLRB Official Siegel Retires After 37 Years**

National Labor Relations Board Associate General Counsel Richard A. Siegel is retiring after 37 years with the board, and he will be replaced by Anne G. Purcell, a 37-year veteran of the agency, Acting General Counsel Lafe E. Solomon announced...

### *Pensions*

#### **Conflicting Rules for Multiple Employer Plans Add Uncertainty to the Market, Attorney Says**

The Internal Revenue Service and the Labor Department generally have not coordinated their rules for multiple employer plans, resulting in a regulatory disconnect that could discourage

the adoption of MEPS by small employers, a benefits...

#### *Safety & Health*

##### **Jury Acquits Two Companies in 2007 Deaths Of Workers at Colorado Hydroelectric Plant**

DENVER—A federal jury June 28 found two companies not guilty of criminal violations of occupational safety and health laws in the 2007 deaths of five workers in a fire at a Georgetown, Colo., hydroelectric plant (United States v. Xcel...

#### *Safety & Health*

##### **MSHA Officials Reveal Massey Kept Two Sets Of Safety Records for Upper Big Branch Mine**

Massey Energy Co. kept two sets of records on safety hazards at its Upper Big Branch mine, where 29 miners died in April 2010, top officials of the Labor Department's Mine Safety and Health Administration revealed at a June 29 briefing...

#### *Unfair Labor Practices*

##### **President Obama Comments on Boeing Case: Firms Free to Relocate, Must Follow the Law**

President Barack Obama commented briefly on the highly publicized National Labor Relations Board complaint against Boeing Co. in a White House press conference June 29....

## **SPECIAL REPORT**

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#### *Safety & Health*

##### **Comments on Musculoskeletal Disorder Recordkeeping Proposal Show Deep Divisions**

Business interests, labor groups, and public interest advocates are deeply divided over how the Labor Department's Occupational Safety and Health Administration should proceed with its proposed recordkeeping rule and whether it...

## **CONVENTION REPORT**

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#### *Teamsters*

##### **Card-Check Agreement Covering Clerks At UPS Freight Announced at IBT Meeting**

LAS VEGAS—The International Brotherhood of Teamsters June 28 announced at its 28th international convention that it had reached a voluntary card check agreement with UPS Freight, allowing the union to gather signatures of clerks...

#### *Teamsters*

##### **Teamsters Delegates Approve Resolutions On Political Action Committee, Elections**

LAS VEGAS—Delegates to the convention of the International Brotherhood of Teamsters June 29 approved two resolutions related to the union's political activities, including a resolution supporting, among other things, the...

## ECONOMIC NEWS

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### *Collective Bargaining*

#### **Review of 2011 Bargaining Data Shows Average First-Year Wage Hike of 1.4 Percent**

An analysis of collective bargaining data compiled by BNA through June 27 for all settlements showed that the average first-year wage increase was 1.4 percent, compared with 1.6 percent in the comparable period of 2010. The median first-year...

#### **Major Settlements Reported to Date in 2011**

## TEXT

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### **NLRB's Weekly Summary of Cases, Dated June 20-24, 2011**

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