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Sent: Monday, June 20, 2011 11:24 PM
To: Abruzzo, Jennifer
Subject: Jun. 20 -- BNA, Inc. Daily Labor Report

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Monday, June 20, 2011 • Number 118

LEADING THE NEWS

First Amendment

Free Speech Clause's 'Public Concern' Test Applies to Employees' Petition Clause Claims

Public employees who sue under the Civil Rights Act of 1871 (42 U.S.C. §1983) claiming retaliation in violation of the petition clause of the First Amendment to the U.S. Constitution must show that, as under the First Amendment's...

Labor Law

Justices Decline to Review Conviction Of UAW Official Charged With Conspiracy

The U.S. Supreme Court June 20 declined to review a federal appeals court decision upholding the conviction of a former United Auto Workers official on charges of conspiracy to violate labor laws and extort jobs from General Motors Corp. in...

Sex Discrimination

Justices Hand Wal-Mart a Big Victory, Reversing Sex Bias Class Certification

Reversing a federal appeals court decision certifying a massive sex discrimination class action against Wal-Mart Stores Inc., a divided U.S. Supreme Court June 20 ruled that the female plaintiffs failed to satisfy the requirements of Rule...

NEWS

Airlines

Frontier Pilots Approve Contract Extension That Includes Concessions, Equity Stake

DENVER—Members of the Frontier Airline Pilots Association ratified a new labor agreement June 17 that provides them with an equity stake in the flagging Denver airline but also came with deep concessions. ...

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Disabilities

Boss's Negative Comments About Employee With Dyslexia Fuel Rehabilitation Act Claims

A former Army employee with dyslexia can proceed with her claims under the Rehabilitation Act that she was fired because of her disability, the U.S. District Court for the Eastern District of California ruled June 1 (*McCoy v. Dep't of Army*,...

Discrimination

University Ordered to Pay \$364,500 for Bias Against Chinese-American Female Professor

BOSTON—The Massachusetts Commission Against Discrimination June 15 announced that it had taken the "unprecedented step" of ordering a public university to promote an associate professor and also to pay \$364,500...

Employment

Chamber Report Highlights Strategies States Use to Stay Competitive, Create Jobs

A report released June 20 by the U.S. Chamber of Commerce discusses specific strategies that all 50 states are using to remain competitive, restore jobs, and bolster economic growth. ...

Entertainment

SAG, AFTRA Members Meet To Map Out Details of Possible Merger

Members of the Screen Actors Guild and the American Federation of Television and Radio Artists held a weekend meeting to discuss details of a possible merger of the two entertainment unions, SAG and AFTRA announced June 19. ...

FLSA

Businesses Challenge Tip Credit Notice Rule, Claiming DOL Failed to Give Notice of Change

Business groups representing restaurants and other eating and drinking establishments filed a lawsuit June 16 in federal district court in Washington, D.C., alleging that the Labor Department recently implemented a final regulation making...

Labor Law

OLMS Proposes Rule to Expand Reporting Of Persuader Agreements on LM-10s and 20s

A proposed rule from the Labor Department's Office of Labor-Management Standards would revise the interpretation of "advice" to expand the requirements for reporting persuader agreements between employers and labor relations...

Manufacturing

General Electric Reaches Tentative Contracts With Unions That Represent 15,200 Workers

The International Union of Electrical Workers, an affiliate of the Communications Workers of America, and the United Electrical Workers June 19 reached tentative agreement with the General Electric Co. on four-year national contracts...

Mining

UMW Members Ratify Agreement With BCOA; Union to Take Same Pact to Other Operators

Members of the United Mine Workers have overwhelmingly ratified a new five and one-half year agreement with the Bituminous Coal Operators Association, the union announced late June 17....

Railroads

Smaller Freight Rail Unions Frown On Tentative Railroad Pact Reached by UTU

Following the release of details of a tentative collective bargaining agreement reached between the largest of the 13 unions representing freight railroad workers and the employers' bargaining team, the remaining unions June 16 announced...

Retail Stores

Workers at Long Island Target Store Reject UFCW Representation as Charges Filed

Workers at a Target Corp. retail store in Valley Stream, N.Y., June 17 voted 137-95 to reject representation by the United Food and Commercial Workers, a National Labor Relations Board official told BNA June 20. ...

Safety & Health

Dole, Foreign Agricultural Workers Reach Tentative Settlement on Pesticide Exposure

LOS ANGELES—Dole Food Co. Inc. has agreed to settle pesticide exposure claims filed by more than 5,000 agricultural workers in Nicaragua, Costa Rica, and Honduras, an attorney representing the plaintiffs told BNA June 17 (Abarca v....

Safety & Health

MSHA Issues Final Rule for Rock Dust To Reduce Likelihood of Coal Mine Explosions

Operators of underground bituminous coal mines must ensure that rock dust contains higher concentrations of incombustible material as a way to reduce the likelihood of mine explosions, the Labor Department's Mine Safety and Health...

Trade

Greenspan Questions Jobs Focus In Trade Policy, Kirk Stresses Benefits

Former Federal Reserve Chairman Alan Greenspan June 17 questioned the focus on employment in trade policy at a roundtable discussion while U.S. Trade Representative Ron Kirk stressed the importance of trade-related job creation to make...

Unemployment Insurance

DOL Gives \$48.7 Million to Assess UI Recipients

The Labor Department will provide \$48.7 million in funding for 37 states and the District of Columbia to implement re-employment and eligibility assessments for beneficiaries of unemployment insurance, DOL announced June 20....

Unfair Labor Practices

Board Allows Limited Boeing Case Role To South Carolina Workers Who Filed Motion

The National Labor Relations Board ruled June 20 that three workers from Boeing Co.'s South Carolina aircraft plant should be allowed a limited opportunity to participate in the unfair labor practice case in which Acting General Counsel...

Whistleblowers

City Worker's Whistleblower Claim Not Ripe for Dismissal, District Court Decides

A senior contract specialist for the city of Washington, D.C., who was selected for a reduction in force after he made multiple complaints about fraudulent and wasteful government contracts, may proceed with his claim under the District of...

Work Stoppages

UNITE HERE Conducts One-Day Strike At Hyatt Regency Chicago Over Stalled Talks

UNITE HERE Local 1 June 20 began a one-day strike at the Hyatt Regency Chicago in protest over stalled collective bargaining for renewal of a labor contract that expired 20 months ago and against outsourced work and alleged dangerous working...

SPECIAL REPORT

Hiring

Using Social Media During Hiring Process Seen Exposing Employers to Bias Claims

While social media tools such as Twitter, Facebook, and LinkedIn allow employers to access vast amounts of information about job applicants, hiring managers who even casually use these tools to gather information about a prospective employee...

CONFERENCE REPORT

Immigration

Attorneys Outline Specific Issues Facing Small Employers in the Immigration Context

SAN DIEGO—Small businesses are likely to be inexperienced in the complexities of hiring immigrant workers, and attorneys should be prepared to help them navigate the process, speakers said June 17 at the American Immigration Lawyers...

Immigration

Attorneys Say L-1B and B-1 Visa Issues Among 'Hottest' in Business Immigration Law

SAN DIEGO—Several visa concerns—including the processing of L-1B visas and the use of B-1 visas in lieu of H-1B visas—top the list of "hottest" issues in business immigration law, speakers said June 16 at the American...

TEXT

Supreme Court Denies Review in Three Labor, Employment Cases June 20, 2011

Following are summaries of the three labor and employment law cases denied Supreme Court review June 20, 2011....

U.S. Supreme Court Decision in *Duryea v. Guarnieri*

U.S. Supreme Court Decision in *Wal-Mart Stores Inc. v. Duke*s

CONFERENCE CALENDAR

Calendar of Events

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