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Daily Labor REPORT®



**Latest Developments**

### NLRB Complaint Challenges Boeing 'Transfer' of Dreamliner Work to South Carolina Facility

*Posted April 21, 2011, 1:23 P.M. ET*

The National Labor Relations Board's acting general counsel April 20 issued an unfair labor practice complaint alleging that Boeing Co. illegally transferred some of its airliner production and related supply operations to South Carolina because Washington state employees represented by the International Association of Machinists have in the past engaged in lawful strikes over contract disputes with the company (Boeing Co., NLRB, No. 19-CA-32431, complaint issued 4/20/11).

Calling the company's actions illegally motivated and "inherently destructive" of employee rights under the National Labor Relations Act, Acting General Counsel Lafe E. Solomon said he will seek an administrative order requiring the company to add a second line for assembly of its 787 Dreamliner plane in Washington, utilizing supply lines maintained by IAM-represented workers in the Seattle area and Oregon.

Boeing immediately said it will vigorously contest the complaint, which Executive Vice President and General Counsel J. Michael Luttig April 20 called "legally frivolous" and " a radical departure from both NLRB and Supreme Court precedent."

Sen. Jim DeMint (R-S.C.) charged the action was "nothing more than a political favor for the unions who are supporting President Obama's re-election campaign."

But IAM Vice President Rich Michalski said April 20 that under the NLRA "it's clearly illegal to threaten or penalize workers who engage in concerted activity."

A full report will appear in the next issue of Daily Labor Report. Click here for the latest issue.

### Firm Settles for $2.6 Million Class Suit Alleging Unlawful Background Checks

*Posted April 21, 2011, 12:55 P.M. ET*

The freight services company Vitran Express Inc. has settled for $2.6 million a nationwide

class action alleging that the company failed to comply with the Fair Credit Reporting Act while conducting criminal and other background checks on job applicants, according to a proposed settlement filed April 19 in a federal district court in Ohio (Hall v. Vitran Express Inc., N.D. Ohio, No. 1:09-cv-00800, proposed settlement filed 4/19/11).

Under a stipulation of settlement given preliminary approval by Judge Dan Aaron Polster of the U.S. District Court for the Northern District of Ohio, individuals who applied for jobs with Vitran between April 7, 2004, and March 13, 2009, would be eligible to receive payments ranging from $550 to $1,930 each because of the company's alleged failure to comply with the FCRA's notice and disclosure requirements while using criminal records and other credit reports to make hiring decisions.

Thomas Hall, the named plaintiff in the lawsuit filed in April 2009, would receive a $10,000 incentive payment in addition to any other monetary settlement for which he is eligible for his efforts in pressing the class action, according to the proposed settlement. The agreement also provides that class counsel can apply for attorneys' fees not to exceed 30 percent of the $2.6 million settlement fund and that Vitran will not oppose their application. Class counsel will send notice to potential class members, who can opt out of the litigation or file objections within deadlines set in the proposed settlement.

The district court has scheduled a fairness hearing for Aug. 31, and the settlement will not take effect until after the court hears any objections from class members and grants its final approval.

A full report will appear in the next issue of Daily Labor Report. Click here for the latest issue.

### IAM Members at AK Steel Ratify Contract Covering 1,700 at Ohio Steel Mill

*Posted April 21, 2011, 5:31 P.M. ET*

Members of the International Association of Machinists employed at an AK Steel Corp. facility in Middletown, Ohio, voted to ratify a collective bargaining agreement covering some 1,700 workers that provides for wage increases and keeps many other provisions of the prior contract in place, a union official told BNA.

Scott Rich, president of IAM Local Lodge 1943 in Middletown, said the previous contract was set to expire in September, and that the new agreement largely is an extension of the previous agreement. Negotiations, he said, were not contentious in this bargaining round, especially when compared to the previous contract, the ratification of which in early 2007 brought an end to a nearly 13-month lockout.

Members ratified the latest agreement April 19 by a "three-to-one margin," Rich said. The new agreement provides that workers receive a lump sum payment of $1,500 payable upon ratification, as well as 50-cent per hour increases in 2011 and 2012.

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