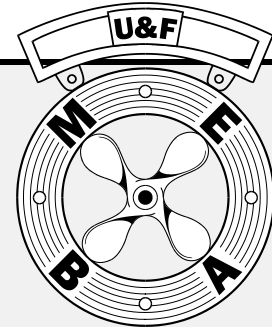


LEGISLATIVE UPDATE

OCTOBER 2018



NLRB Directs Offices to Target Labor Unions

A directive issued by the National Labor Relations Board orders its field offices to step up prosecutions against labor unions for behavior previously viewed as “harmless error” but now termed “negligent.” NLRB Memorandum ICG 18-09 directs field offices to pursue charges against labor unions for behavior such as perceived carelessness or inadequate communication to a worker pursuing a grievance against an employer.

The NLRB admitted that this is a departure from the way the Board has traditionally interpreted duty of fair representation law.

This continues a string of NLRB directives designed to weigh down labor unions with burdensome regulations and weaken their hand. The Directive can be viewed online at <http://src.bna.com/BS3>

DOJ Seeks Re-Establishment of Anti-Labor Executive Orders

The Justice Department has appealed a recent court decision which struck down egregious anti-labor provisions in three Executive Orders that had been issued in late May. President Trump’s Executive Orders were aimed at removing important union rights of federal employees at the workplace.

In her late August decision, U.S. District Judge Ketanji Brown Jackson noted that the President exceeded his authority with the issuance of the three Executive Orders which, she said, would “eviscerate the right to bargain collectively as envisioned in the Federal Service Labor-Management Relations Statute (FSLMRS).”

One of the Executive Orders watered down grievance procedures and eased the way for agencies to fire workers instead of disciplinary measures. Another Order targeted collective bargaining agreements to give the Government the upper hand against unions negotiating contracts. A third Order curtailed “official time” which allows labor unions to represent union and non-union bargaining unit members in disciplinary actions and other matters.

M.E.B.A. was part of the coalition that successfully challenged the Executive Orders and led to Judge Jackson’s decision that the Orders violated statutory law. That ruling halted the implementation of the Executive Orders which had already begun.

Now the Government will try to overturn that ruling and reinstitute the anti-labor Orders. Their appeal will be heard by the U.S. Court of Appeals for the D.C. Circuit.