

# IN MEMORIAM

**LARRY KENNEY**, former president of the Washington State Labor Council, passed away May 14 at his home in Seattle after a long illness. He was surrounded by his wife, former Rep. Phyllis Gutiérrez Kenney, and his children. He was 82.



After retiring from the WSLC, Kenney served on the Washington State Board of Tax Appeals from 1993-99 and on the executive board of Energy Northwest since 2000.

"Larry Kenney's work and life made a difference to the labor movement whether it was through strengthening the workers' compensation system, running the first minimum wage initiative in 1988, which included farm workers and tipped employees, or reminding us of the importance of the judicial system on working peoples' lives. I will miss Larry Kenney. He will be missed," said WSLC President Jeff Johnson.

A longtime member of the Pacific Northwest Newspaper Guild, Kenney previously served on Gov. Booth Gardner's Council of Economic Advisors, the Governor's Commission on Accountability and Efficiency in State Government, the Economic Development Alliance of Washington, and many other boards, commissions and civic organizations.

He was a member of the American Institute of Certified Public Accountants and the Washington Society of Certified Public Accountants.

Kenney is survived by his wife, Phyllis; two children, Karen Brooks and Brian Kenney; eight stepchildren; 21 grandchildren, and nine great-grandchildren.

A public memorial service was held June 1 in Seattle.

**JAMES NESBIT SWANBECK**, a 48-year member of Plumbers and Fitters Local 290, passed away April 14, four days shy of his 85th birthday.

Swanbeck was born April 18, 1928, in Prince Albert, Saskatchewan, Canada. He grew up in Vancouver, B.C., and after high school enlisted in the Royal Canadian Navy.

He married Lillian Honey on Oct. 20, 1950, in Edmonton, Alberta, Canada. They moved to Portland in 1965. She preceded him in death in 2008.

"My father would always say the two best things he did in his life was to marry my mother and to join the union," said his daughter, Susan Gibson.

Swanbeck is survived by his daughter, and two grandchildren.

**LAWRENCE KENNEY** was born May 15, 1930, in Chicago. Kenney was raised in the Bremerton area, where he graduated from Bremerton High School in 1947. He worked for 17 years as a newspaper and job shop printer. He was an activist in the International Typographical Union. He served a six-year apprenticeship at the San Francisco Chronicle and worked at The Seattle Times and The Seattle Post-Intelligencer. While working at the P-I, Kenney attended the University of Washington, where he earned his degree in economics. After graduation, he worked as a certified public accountant.

Kenney was hired by the Washington State Labor Council, AFL-CIO, in 1969 to serve as research director. He was elected secretary-treasurer in 1980, serving with then-President Marvin Williams. In 1986, Kenney was elected WSLC president, a position he held until 1993.

In June of 1986, Kenney and the WSLC voted to use the Labor Press as a source of communication for its affiliated local unions and trade councils. WSLC published a one- or two-page newsletter once a month in the Labor Press. The action resulted in a name-change for the newspaper — from Oregon Labor Press to Oregon/Washington Labor Press — to reflect the broader coverage. In 1987 the name was changed again to Northwest Labor Press.

# 'Like' this: Workers' rights get an update in the age of social media

By **DON McINTOSH**  
Associate Editor

Once upon a time, complaining about work might have gotten you sympathy or advice. In the era of Facebook, it can get you fired. Employers all across the country are disciplining and firing workers for things they say — outside of work and on their own time — on websites like Facebook, Twitter and Youtube.

But as employers increasingly try to police employees' after-hours speech online, state legislatures and the National Labor Relations Board (NLRB) are stepping up to draw the line about what's protected. Seven states have passed laws barring companies from asking employees or job applicants for their social network passwords, with Oregon the latest to do so.

And in the last year, the NLRB has targeted companies for "over-broad" social media policies that violate the National Labor Relations Act. That law guarantees workers rights to unionize — or even just take "concerted activity" for the purpose of "mutual aid or protection."

The NLRB's foray into social media began with Dawnmarie Souza, an emergency medical technician in New Haven, Connecticut, who was refused union representation during a Nov. 8, 2009, interrogation. Souza went home and posted derogatory comments on her Facebook timeline about her supervisor — referring to him as a "17," ambulance code for a psychiatric patient, and calling him several other names. Her co-workers responded.

Souza's employer, American Medical Response (AMR), then fired her for violating its internet posting policy, which forbade "defamatory comments when discussing the company or the employee's superiors, co-workers and/or competitors."

Her union, Teamsters Local 443, filed a charge with the NLRB. The agency investigated, and determined that she was fired illegally, and also, that AMR's policy was unlawfully over-broad, because employees would reasonably believe that it prohibited rights that are guaranteed under the National Labor Relations Act. As part of a legal settlement, AMR agreed to revise its policy.

It was the NLRB's first social media case. The agency soon had its hands full with employer policy manuals.

• At Target, an employee handbook barred workers from releasing "confidential information" on social media, or anywhere else. "Watch what you say," the manual commanded. "Don't have conversations regarding confidential information in the break room or in any other open area." "Never share confidential information with



communications with media and government agencies.

In each case, NLRB found that workers would reasonably interpret the policies as prohibiting them from discussing and disclosing their own and co-workers wages and working conditions — and the agency ordered the policies removed. Many of the policies can be made legal, however, if they make clear that they don't bar workers from discussing wages and working conditions with co-workers.

The NLRB has been trying to get word out to employers about what's legal. The rules, outlined in a 2012 agency memo, don't give workers a blanket legal protection to say whatever they want about an employer.

Social media comments are not protected if they are mere griping, as opposed to "group action." Nor are complaints protected if they aren't related to working conditions, or if they're specifically aimed at other than co-workers.

A crime reporter at The Arizona Daily Star was fired, for example, after he tweeted disrespectful comments about homicide. NLRB officials found the dismissal legal, saying the posts were individual, not concerted activity — and weren't about working conditions.

Similarly, after a fire services company fired an employee for criticizing the company on the Facebook page of her U.S. senator, the NLRB found "no evidence of concerted activity" because the employee was acting alone, and wasn't using the post to reach out to co-workers.

It might be legal to fire someone for a post that said, "our customer service sucks." But if the post said, "our customer service sucks because of poor wages and understaffing," that could be protected, because it could be interpreted as an opening to concerted activity.

The agency looks at it case by case. And cases keep coming.

## NW Oregon Labor Council awards dinner June 8

The Northwest Oregon Labor Council will host the 16th annual Labor Appreciation and Recognition Night Saturday, June 8, at Milwaukie Elks Lodge, 13121 SE McLoughlin Blvd. Dinner tickets are \$20 per person. Raffle tickets also will be sold for \$1 each or seven for \$5.

The dinner and awards ceremony serves as a fundraiser for Labor's Community Service Agency.

For more information, call 503-235-9444.

### LEGAL PROBLEMS?

\$17 a month coverage includes:

- ❖ Unlimited toll-free phone consultation with attorneys.
- ❖ A comprehensive will with yearly updates.
- ❖ Representation for traffic tickets, accidents, criminal, and civil suits.
- ❖ Coverage on IRS tax audits.
- ❖ Divorce, bankruptcy, child custody, and much more.\*

THESE LEGAL SERVICES ARE PROVIDED BY THE VERY BEST LAW FIRMS IN OREGON & WASHINGTON.  
\* Some services not 100% covered

For more information, call toll-free  
**(888) 252-7930**

[www.legalshield.com/info/randallnix](http://www.legalshield.com/info/randallnix)

### Low Prices!



Mon-Fri 9-6, Sat 9:30-5:30, Sun 12-6