

NEWS Briefs

NEW DECISION ON R-G EMAIL CASE?

Union advocates and businesses alike are awaiting a decision from the National Labor Relations Board (NLRB) on a case called *Roundy's Inc.*, wondering if it will overturn the controversial 2007 Bush-era decision in *The Register-Guard v. NLRB*, which found an employer could restrict employee use of its computer systems for union solicitation purposes, even though it allowed employees to use it for other personal, non-business purposes.

Then-proofreader and employee union president Suzi Prozanski was disciplined for using her *R-G* email account to encourage coworkers to wear green to support the union and march in the Eugene Celebration parade as part of the union's entry.

The current NLRB board chair, Wilma Liebman dissented with the board's decision, writing, "NLRB has become the 'Rip Van Winkle' of administrative agencies ... Only a board that has been asleep for the past 20 years could fail to recognize that email has revolutionized communication both within and outside the workplace."

In 2009 the decision was partially reversed by the D.C. Circuit Court. Evidence showed that the *R-G* allowed email messages such as baby announcements, party invitations, invitations for poker games and requests for volunteers its annual United Way campaign. The NLRB accepted the *R-G's* argument that it allowed some personal use of email but that it didn't allow solicitation to support a group or organization. The court disagreed and said the *R-G's* policy enforcement was discriminatory.

Last November, the NLRB announced that it is reconsidering the legal standard to "determine whether an employer has violated the National Labor Relations Act by denying nonemployee union agents access to its premises while allowing other individuals, groups and/or organizations to use its premises for various activities."

The Roundy's grocery store chain had asked police to remove union members who were distributing flyers criticizing Roundy's

use of nonunion construction labor. But the stores allowed others to flyer in the same area.

Bob Bussel of UO's Labor Education and Research Center (LERC), says the *R-G* case has become a "labor cause célèbre." He says the NLRB "ruled initially that there was a basic property rights issue," where others, like Liebman see the email issue as more nuanced.

The NLRB asked for amicus briefs looking into the question of: "What

bearing, if any, does *Register-Guard* have on the board's standard for finding unlawful discrimination in nonemployee access cases?"

NLRB Acting General Counsel Lafe Solomon filed a brief saying *Register-Guard* "adopted an inappropriate analysis and should be overruled."

Because the *R-G* case created limits on employee use of an employer's email system to solicit support for a union, union

WOLVES IN THE HOUSE

After years of public and stakeholder input, Oregon put its Wolf Conservation and Management Plan into place in 2005. Then the Oregon Department of Fish and Wildlife began a five-year review of the plan with input from groups including sheep growers and hunters that finished in 2010. Now conservationists say the plan, and Oregon's 23 confirmed gray wolves, are under attack from bills in the Legislature that would reduce the predators' protections.

Native gray wolves were killed off in Oregon by the 1920s, but wolves have made their way back from a pack that was reintroduced to Yellowstone National Park in 1995. The Oregon Cattlemen's Association, which sponsored the wolf bills in the Legislature, calls the wolves "Canadian gray wolves." The OCA says in its talking points that the "federal government should shoulder the burden of protecting life, property and livelihood" but short of that, the cattlemen argue that the Oregon bills are needed to give ranchers tools to fight the predators.

The House Committee on Agriculture and Natural Resources heard testimony on the five bills concerning wolves on March 30 and April 5. Josh Laughlin of Cascadia Wildlands, which was involved in the wolf plan process, testified at the March 30 hearing in general support of HB 3013 and HB 3560, bills that would give ranchers compensation for livestock killed by wolves. But the group has caveats to its support, such as that wolf kills should be confirmed by ODFW, and hunting dogs injured or killed by wolves should not be compensated for, given the risky nature of the activity.

Laughlin points out that in January 2010 there were 1.2 million cows in Oregon, but only 14 wolves. In 2005 over 60,000 cattle died from reasons such as digestive problems. Since wolves began to reenter Oregon in 1999, Laughlin says less than 40 cows have been killed by the predators.

He says that the wolf plan already calls for compensation, and the compensation bills merely parallel the plan. Cascadia Wildlands and other conservation groups would want to be in on the discussion process if they were to support the bills, he says. The groups also advocate funding to encourage ranchers to get flagged electric fences to ward off the wolves.

Three other bills that have been brought up in the House give more cause for alarm, according to Laughlin. He says the bills "diminish the protections for recovering gray wolves." HB 3561 would reduce the number of breeding pairs to only four in Oregon before delisting them from the state Endangered Species Act, which Laughlin says undermines the stakeholder created wolf plan. HB 3562 would allow for the killing of a wolf if it attacks a human, but Laughlin says that is already allowed under the wolf plan. He calls 3562 "the Little Red Riding Hood and Three Little Pigs" bill and says it was introduced to "try to whip up fear" and play off the falsehoods that have surrounded wolves for centuries. He says only two people have been killed by wolves in North America in the last 100 years.

The final bill, HB 3563 allows people to kill wolves without a permit or cause if they venture within 500 feet of a house or if they chase, harass, wound or bite livestock, pets or working or sporting dogs. This bill, Laughlin says, makes poaching laws unenforceable and undermines the wolf plan. "We should encourage wolf recovery," he says, "not legislatively work to reduce protections for the species." — *Camilla Mortensen*



Wolf from Oregon's Wenaha pack. This wolf was later killed by a poacher.

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