

NLRB Orders Bilingual "Shaming"

June 27, 2012 | [Labor And Employment](#)

On June 25, 2012, the NLRB overruled an ALJ's rejection of a requested "shaming" order and required that the CEO of a California employer read its order aloud to company employees in both Spanish and English.

In *Marquez Brothers Enterprises*, [found here](#), the ALJ found that the employer committed multiple unfair labor practices, but concluded that "there is nothing extraordinary about the unfair labor practices committed" and thus did not address the General Counsel's request for an order requiring a remedial notice to be read to employees. Instead the ALJ ordered the more common posting of a notice. The Board, however, disagreed with the ALJ and found that the violations found by the ALJ (including veiled threats, the termination of two pro-union employees, and "an orchestrated effort to coerce all the employees whom it believed had signed union authorization cards into sending revocation letters to the union") were "sufficiently serious and widespread" in their impact to make a notice-reading requirement appropriate in that case. Accordingly, the Board ordered that a remedial notice "be read aloud to the Respondent's employees by the Respondent's chief executive officer or, at the Respondent's option, by a Board agent in that officer's presence" in English and Spanish.

While such an order by the Board is not unheard of, its adoption by the Board is a relatively recent phenomenon. It is notable in this case because the ALJ had concluded the ULPs were not extraordinary. The lone Republican on the current Board, Member Hayes, wrote in his dissent while he concurred in the findings that the conduct violated the Act, he would not have "impose[d] the extraordinary requirement of a public reading to remedy them."

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