

Now Read It Like You Mean It

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The National Labor Relations Board, which has been advocating the use of employer's email systems and intranet sites to distribute final Board orders and notices, has recently returned to an older remedy to punish employers that violate the National Labor Relations Act (NLRA).

In *Jason Lopez's Planet Earth Landscape*, 358 NLRB 46, the Board in late May held, by its all to common 2-1 split, that the employer had violated the NLRA by laying off two union supporters and organizers in a proposed unit of 15 employees.

The Board ordered that the two employees be reinstated and that the employer give the union notice and an opportunity to bargain before implementing any layoffs. The employees were also awarded back pay (with the Board's new and draconian remedy of interest compounded daily).

However, the interesting portion of the Board's ruling was its order that the NLRB's notice of violation of the Act not only be posted at the plant, but that it be read...aloud...by the company president or by a Board Agent in the owner's presence. (Makes one think of Headmistress Dolores Umbridge standing over Harry Potter while he repeatedly wrote with a blood quill, "I must not tell lies.")

The Board concluded that the company's violations of the Act were "sufficiently serious and widespread that the reading of the Notice was necessary to enable employees to exercise their Section VII rights free of coercion." Because the owner, according to the Board, personally committed these unfair labor practices and created an atmosphere of intimidation, the Board said that "this remedy would ensure employees that he acknowledges their rights and will not interfere with the exercise of those rights in the future."

The Board has recently applied a similar punishment in *Carwash on Sunset* in 2010, *Homer D. Bronson Co.* in 2007, and *Concrete Form Walls* in 2006.